

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING

Petitioner,

v.

FGCC Case No.: 2023-039433

BRIANNA LUBIN,

Respondent.

_____ /

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission (“Commission”) at a duly-noticed public meeting on April 3, 2024, for final agency action pursuant to sections 120.569 and 120.57(2), Florida Statutes. After a complete review of the records in this matter, the Commission makes the following findings of fact and conclusions of law:

1. An Administrative Complaint was filed in this case on August 17, 2023, alleging that Respondent was subject to exclusion from all licensed pari-mutuel wagering facilities and all facilities of a slot machine licensee in the state of Florida. A copy of the Administrative Complaint is attached hereto as Exhibit “1” and incorporated by reference.

2. The Administrative Complaint, Election of Rights form, an Explanation of Rights, and a cover letter were served on Respondent via certified mail.

3. The Election of Rights form, Explanation of Rights, and cover letter informed Respondent that a written response to the Complaint, including the right to request a hearing, was due within 21 days of actual service of the Complaints. *See* § 120.569(1), Fla. Stat., and Fla. Admin. Code R. 28-106.111.

4. On or about October 24, 2023, the Division received an Election of Rights form from Respondent requesting an informal hearing in accordance with the provisions of section 120.569 and 120.57(2), Florida Statutes. A copy of the Election of Rights is attached hereto as Exhibit “2” and incorporated by reference.

5. At the informal hearing, held January 4, 2024, Respondent indicated that she did not oppose the Commission excluding her from all licensed pari-mutuel wagering facilities and facilities of a slot machine licensee in the state of Florida and the Commission’s Counsel moved for the designated Hearing Officer to relinquish jurisdiction to the Commission so that a Final Order could be issued.

6. On March 28, 2024, the designated Hearing Officer granted counsel’s Motion to Relinquish Jurisdiction. A copy of the Unopposed Motion to Relinquish is attached hereto as Exhibit “3” and incorporated by reference.

7. Respondent has waived her right to request a hearing in which there is a disputed issue of material fact.

Having considered the Administrative Complaint and Respondent's waiver of her right to request a hearing, and being otherwise fully advised in the premises, it is hereby

ORDERED and ADJUDGED:

1. The allegations of fact and the conclusions of law set forth in the Administrative Complaint are adopted in their entirety herein.

2. Respondent is hereby **PERMANENTLY EXCLUDED** from all pari-mutuel facilities and all facilities of a slot machine licensee within the state of Florida.

This Final Order shall take effect upon being filed with the Clerk of the Commission.

DONE AND ORDERED this 19th day of April, 2024.

FLORIDA GAMING CONTROL COMMISSION



CLERK OF THE COMMISSION

On Behalf of

Julie Brown, Vice-Chair

John D' Aquila, Commissioner

Charles Drago, Commissioner

Tina Repp, Acting Commissioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of April, 2024, a true and correct copy of this Final Order has been sent via USPS mail to:

Brianna Lubin
829 NE 1st Avenue
Pompano Beach, FL 33060



CLERK OF THE COMMISSION
Florida Gaming Control Commission

CC: Ebonie Lanier

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION
DIVISION OF PARI-MUTUEL WAGERING

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

v.

FGCC Case No.: 2023-039433

BRIANNA LUBIN,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Brianna Rubin (“Respondent”), and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering, slot machines, and cardroom operations pursuant to chapters 550, 551, and 849, Florida Statutes.
2. At all times material hereto, Respondent’s address was reported as 829 Northeast 1st Avenue, Pompano Beach, Florida 33060.
3. At all times material hereto, Harrah’s Pompano Park Casino was a facility operated by a permit holder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the State of Florida.
4. On or about June 29, 2023, Respondent was an employee of Myron’s Deli located at Harrah’s Pompano Park Casino.
5. On or about July 10, 2023, Respondent was permanently excluded from Harrah’s Pompano Park Casino.

6. Respondent was permanently excluded for the reasons alleged in Exhibit 1.
7. Section 550.0251(6), Florida Statutes, provides in relevant part:

In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the commission may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state.

(Emphasis supplied).

8. Section 551.112, Florida Statutes, provides:

In addition to the power to exclude certain persons from any facility of a slot machine licensee in this state, the commission may exclude any person from any facility of a slot machine licensee in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state or who has been excluded from any facility of a slot machine licensee or gaming facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over the gaming in such other state. This section does not abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.

(Emphasis supplied).

9. Based on the foregoing, Respondent is subject to exclusion from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the State of Florida under sections 550.0251(6) and 551.112, Florida Statutes based on her exclusion from Harrah's Pompano Park Casino on or about July 10, 2023.

WHEREFORE, Petitioner respectfully requests the Florida Gaming Control Commission enter an Order excluding Respondent from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the State of Florida, along with any other remedy provided by chapters 550 and 551, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for FGCC Case Number 2023-039433 is signed this 17th day of August 2023.

/s/Emily A. Alvarado

Emily A. Alvarado
Deputy Chief Attorney
Florida Bar Number: 1025200
Florida Gaming Control Commission
Office of the General Counsel
4070 Esplanade Way
Tallahassee, Florida 32399-2202
Telephone: (850) 794-8066
Facsimile: (850) 921-1311
Primary: Emily.Alvarado@flgaming.gov
Secondary: Ebonie.Lanier@flgaming.gov

NOTICE OF RIGHTS TO REQUEST A HEARING

Pursuant to sections 120.569 and 120.57, Florida Statutes, you have the right to request a hearing to challenge the charges contained in this Administrative Complaint. If you choose to request a hearing, you will have the right to be represented by counsel, or other qualified representative, to present evidence and argument, to call and cross-examine witnesses, and to have subpoenas and subpoenas duces tecum issued on your behalf.

Any request for an administrative proceeding to challenge or contest the charges contained in this Administrative Complaint must conform to rule 28-106.2015, Florida Administrative Code. Pursuant to rule 28-106.111, Florida Administrative Code, you must request a hearing within 21 days from receipt of this Notice, or you will waive your right to request a hearing.

Mediation under section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

Legal: 08/14/23
31 Days

[FAQ](#) | [Help](#) | [Sign Out](#)

VR Home	Inbox	Entity	Application	License	Cash	Exam	Inspection	Enforcement	Report
Complaint Search Update	Change Mass Status Update	Recording License Type Public Case Info	Delete Complaint	Mass Activity Update	Mass Discipline				

Domain **10 - Division of Pari-Mutuel Wagering**

Logged in as: nmelvai

[VR Home](#) > [Complaint Search](#) > **Maintain Complaint**

Lic Type	1098 - Unlicensed Complaints	Status	90 Closed	Status Date	08/11/2023
Complaint #	2023039433	Case Type	CMP - Complaint	Disposition	Disposition Date
Docket#	Respondent LUBIN, BRIANNA	Responsible	bjones - JONES, BRADFORD	Private Case	

Complaint	Respondent	Complainant	Add'l Info
Source	INTN - Internal	Security Level	1
Form	INTR - Internal	Priority	
Class'n	OTHR - Other	Complexity	R - Regular
Security	STND - Standard	Incident	06/29/2023
Region	SR - Southern Region	Received	07/14/2023
Reference	F.S.S. 550.0251		
Entered	07/14/2023	Entered By	nmelvai
Summary	<p>430---{PPI, INC }HARRAHS POMPANO PARK---- (F.S.S. 550.0251)--- On June 29, 2023, Pompano Casino Deli Cashier Brianna Lubin was observed by Surveillance personnel voiding food service transactions and pocketing the money of those transactions. She was terminated from her position and Permanently excluded from the facility after their investigation.</p>		
Updated	08/14/2023 11:00:02	By	nmelvai

Parties

Activities

Allegations

Discipline

Violations

Compliance

Related

Disposition

Inspection

Costs

Time Tracking

Attachments

Work Notes

31 Days	<input type="button" value="Change"/>	<input type="button" value="Save"/>	<input type="button" value="OK"/>	<input type="button" value="Cancel"/>	<input type="button" value="Back"/>
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[Get Adobe Reader.](#)


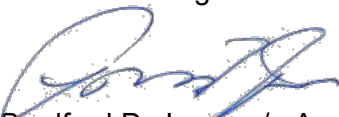
Exhibit 1

Louis Trombetta, Executive Director

Ron DeSantis, Governor

OFFICE OF INVESTIGATIONS

INVESTIGATIVE REPORT

Office: PMW	Region: SOUTHERN	Date of Complaint: July 14, 2023	Case Number: 2023 03 9433
Respondent: LUBIN, BRIANNA 829 NE 1 ST AVENUE POMPANO BEACH, FLORIDA 33060		Complainant: DIVISION OF PARI-MUTUEL WAGERING OFFICE OF INVESTIGATIONS 1400 W. COMMERCIAL BLVD. SUITE 165 FT. LAUDERDALE, FLORIDA 33309 TEL. - 954-202-3900	
License # and Type: N/A	Profession: Cashier	Report Date: July 18, 2023	
Period of Investigation: July 10, 2023, through July 18, 2023		Type of Report: Final	
Alleged Violation: 550.0251 Powers and duties of the Florida Gaming Control Commission – (6) In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the commission may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state. The commission may authorize any person who has been ejected or excluded from pari-mutuel facilities in this state or another state to attend the pari-mutuel facilities in this state upon a finding that the attendance of such person at pari-mutuel facilities would not be adverse to the public interest or to the integrity of the sport or industry; however, this subsection shall not be construed to abrogate the common-law right of a pari-mutuel permitholder to exclude absolutely a patron in this state.			
Synopsis: On June 29, 2023, at approximately 10:21 P.M., Harrah's Pompano Park Casino Myron's Express Cashier Briana LUBIN was observed by Harrah's Surveillance Department personnel taking a patron's order, collecting the payment, serving the patron, and placing the monies into the register only to later retrieve the funds for her personal gain. LUBIN was permanently excluded from Harrah's after an internal investigation.			
Related Case(s): 2023 03 9465			
Investigator / Date  William Smith / July 18, 2023		Investigator Supervisor / Date Julio Minaya / July 26, 2023	
Chief of Investigations / Date  Bradford D. Jones / August 11, 2023			

CONTINUATION

On Monday July 10, 2023, during a routine visit to Harrah's Pompano Park Casino (PPI), I was informed by Compliance Officer John Keenan that a Cashier / Waitstaff employee at Myron's Deli by the name of Briana **LUBIN** was discovered stealing money during her shift.

LUBIN in the course of her duties did not access the gaming area and as such is not a PMW licensee. She does however service employees and patrons of the casino. Myron's Deli has an express area utilized for take-out orders. This is where **LUBIN** was working at the time of the theft. According to PPI Surveillance Report #IN20230079732, the Surveillance Department conducted an audit of June 29, 2023, and discovered a transaction in which **LUBIN** took an order from a patron, and collected the money but did not process the transaction in the casino's InforGenisis¹ system. This incident was also documented on recorded surveillance video. A copy of the PPI Surveillance Report and a copy of the related surveillance video was taken as evidence and stored at the Ft. Lauderdale Investigations Office (**Exhibits #1 & 2**). A subsequent independent review of the above video footage conducted by this Investigator confirmed the activity documented in the Surveillance Report.

As documented in the video and Surveillance Report, the method **LUBIN** used to commit the theft was by taking a patron's order, collecting the payment, serving the patron and placing the monies into the register which she would later retrieve for her personal gain.

As a result of her actions, LUBIN has been permanently excluded from Harrah's Pompano Beach Casino (**Exhibit #3**).

Case Status: Case closed by Investigations and forwarded to Legal for review and the possible addition of **LUBIN's** name to the Statewide Exclusion List.

¹ *Cash register accounting system.*

CONTINUATION

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Incident File # :	IN20230079732	Record Creation Details	
Date/Time Occurred:	6/29/2023 12:30:00 PM	Department:	Surveillance
Day of Week Occurred:	Thursday	Owner:	800767519
Date/Time Created:	7/ 5/2023 8:35:50 AM	Operator ID:	800767519
Date/Time Closed:		Operator Name:	
Closed By:		Personnel ID:	

Location of Incident:

Property: Harrah's Pompano Beach
 Location: 14 Restaurant
 Sublocation: Myron's Deli

Details of Incident:

Daily Log #: IN20230079732
 Incident Type: ~Review/Observation
 Specific: Employee
 Category: Food & Beverage
 Incident Status: Open
 Synopsis: **General Investigation Brianna Lubin**
 Checklist:
 Narrative:

Created On	Created By	Modified On	Modified By
7/ 5/2023 8:35:53 AM	800767519	7/ 5/2023 8:35:53 AM	800767519

The following is a General Investigation Report of Myron's Express Cashier Brianna Lubin on the night of 06/29/2023. This investigation was conducted after completing an audit of Lubin's workday. Lubin completed transactions were reviewed, and the following was discovered.

1) 06/29/2023 Check #61098 occurred at 22:42 hours, shows that Durand collected payment of \$18.00 for three Giant Cookies, voided the items, and collected payment. She then saved the check. At 23:32 hours, Lubin conducted a Pickup check transaction and added a Nova Salmon Dinner totaling \$29.43 for a second patron. Durand then closed out the check in the amount of \$29.43.

2) 06/29/2023 at 22:21 hours, Lubin was approached by a patron and a requested a pastry. Lubin served the patron and collected payment. Lubin did not process the transaction in InfoGenesis. Lubin then secured the money in the register.

At this time, this investigation remains open pending further review.

Executive Brief:

EXHIBIT # 1
PAGE # 1

Reporting Party:

Supervisor:

EXHIBIT # 1
PAGE # 2

Reporting Party:

Supervisor:



State of Florida
 Department of Business and Professional Regulation
 Division of Pari-Mutuel Wagering
 Investigations Section

PROPERTY RECEIPT

Complaint # 2023039433 Date 7/18/23 Lab # _____

Item No.	Quantity	Description
1	1	DVD Lubin, Brianna
		Theft Harrah's

I hereby acknowledge that the above list represents all property taken from my possession and that I have received a copy of this receipt.

 Signature

I hereby acknowledge that the above list represents all property impounded by me in the official performance of duty as Investigator for the Division of Pari-Mutuel Wagering.

[Signature]

 Signature - Impounding Investigator

RETURNED PROPERTY RECEIPT

I hereby acknowledge the return to me, by the Division of Pari-Mutuel Wagering, the above listed property.

..... Signature _____ Date _____
 Received by: _____ Date: _____
 Received by: _____ Date: _____
 Received by: _____ Date: _____

Copies for: File, Transmittal, Laboratory, Property Receipt
 Form DBPR 11-75 (Revised 01/04)

EXHIBIT # 2
 PAGE # 1

Harrah's Pompano Beach Casino

Video Release and Chain of Custody


Coverage Date: 06/29/2023 **Surveillance Video Released:** IN79732

Coverage Description: Myron's Transactions

Authorized By: Miguel Gonzalez

All video listed on this Release and Chain of Custody Receipt, is proprietary to Harrah's Pompano Beach Casino. The video presented is in original and unedited format and may not be duplicated in any manner. The date and time stamp on the video is an accurate representation of when the events took place. All video must be returned to Harrah's Pompano Beach Casino Surveillance Department upon completion of legal proceedings.

Chain of Custody

Released By:  _____
Click here to enter text.

Date: 7/18/23

Released To:  _____
Click here to enter text.

Date: 7/18/23

William J. Smith FGCC

Re-Released By: _____

Date: _____

Re-Released To: _____

Date: _____

Returned By: _____

Date: _____

Returned To: _____

Date: _____

Re-Returned By: _____

Date: _____

Re-Returned To: _____

Date: _____

Harrah's POMPANO BEACH

NOTICE OF EXCLUSION

To: Brianna Lubin

Date of Birth: 

SSN: _____ DL#: _____ DL State: _____ DL expire: _____

Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Gender: Female

You have been excluded for a specific period of time per the Management of Harrah's Pompano Beach.

On this 10 day of July, 2023, you are hereby ordered to leave the property of Harrah's Pompano Beach. You are further advised that you are not to enter or remain at any time on property. Prior written consent must be obtained from the General Manager in order to be allowed back onto the property.

Your removal and denial of access complies with state applicable laws and is not founded on race, creed, color or national origin.

You are further advised that if in the future you knowingly enter or retain in or upon the grounds or facilities of Harrah's Pompano Beach, you will be considered a trespasser and may be subject to arrest.

Reason for Exclusion: Management Decision

Address: 829 NE 1th AVE Incident Report Number: _____

Pompano Beach FL 33060 Caesars Rewards #: _____

Length of Exclusion:

30 Days

90 Days


1 Year

3 Years

Permanent

Other: _____

Acknowledged by: _____
(Customer Signature)

Issued by:  800 753524

Witness:  (U)748492

EXHIBIT # 3
PAGE # 1

STATE OF FLORIDA
 FLORIDA GAMING CONTROL COMMISSION

ELECTION OF RIGHTS

FGCC v. BRIANNA LUBIN

CASE NO.: 2023-039433

PLEASE CHECK ONLY ONE OF THE THREE OPTIONS.

Option (1) I do not dispute the allegations of material fact in the Administrative Complaint. I wish to submit oral and written evidence in mitigation at a hearing pursuant to Section 120.57(2), Florida Statutes (“informal hearing”) and that this oral and written evidence be considered before any penalty and fines are imposed.

Option (2) I do dispute the allegations of material fact in the Administrative Complaint. This is a petition for a hearing involving disputed material facts pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, (“formal hearing”) before an Administrative Law Judge of the Division of Administrative Hearings. I specifically dispute the following paragraphs in the Administrative Complaint (attach extra pages or write on the back if needed):

In addition to the above election for formal hearing, if you wish to enter into settlement negotiations, check the box below:

Section 120.569(2)(a), Florida Statutes, requires the Department to send this case to the Division of Administrative Hearings (DOAH) for a formal hearing within 15 days after receiving your Election of Rights. I am interested in settling this case and waive the 15-day requirement in order to enter into settlement negotiations with the Department.

Option (3) I do not dispute the allegations of material fact in the Administrative Complaint and waive my right to any form of hearing. I request that a Final Order imposing a penalty and fines be entered in this case. The Final Order will be placed on the next available Florida Gaming Control Commission Meeting. Respondent is not required to attend, but may check the Florida Gaming Control Commission website at www.fgcc.fl.gov for the meeting materials, agenda, and contact information.

THIS IS A LEGALLY BINDING DOCUMENT. SEEK LEGAL ADVICE BEFORE SIGNING IF YOU DO NOT FULLY UNDERSTAND THE TERMS.

Brianna Lubin
 PRINTED NAME

 ATTORNEY OR QUALIFIED REPRESENTATIVE

829 NE 11th Ave, Apt #2
 Street Address

 Street Address (where service shall be made)

Pompano Beach FL 33060
 City State Zip

 City State Zip

(754) 271-5926
 Telephone Number Facsimile Number (if any)

 Telephone Number Facsimile Number (if any)

BeautifullyB94@gmail.com
 E-mail

 E-mail

B. Lubin
 SIGNATURE

THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE COMMISSION WITHIN 21 DAYS AND SENT TO:

Office of the General Counsel
 Florida Gaming Control Commission
 4070 Esplanade Way Ste. 250
Attention: Ebonie N. Lanier, Administrative Assistant III
 Telephone: (850) 794-8072 Fax: (850) 921-1311
 Email: Ebonie.Lanier@flgaming.gov

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION
DIVISION OF PARI-MUTUEL WAGERING

FILED	
FLORIDA GAMING CONTROL COMMISSION	
Date:	4/01/2024
File Number:	_____
BY: MELBA L. APELLANIZ CLERK OF THE COMMISSION	

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

v.

FGCC Case No.: 2023-039433

BRIANNA LUBIN

Respondent.

ORDER GRANTING UNOPPOSED MOTION TO RELINQUISH JURISDICTION

THIS MATTER came before Elizabeth K. Stinson, designated Hearing Officer for the Florida Gaming Control Commission (“Commission”), on January 4, 2024, in Tallahassee, Florida, in accordance with the provisions of sections 120.569 and 120.57(2), Florida Statutes, for consideration of the Commission's Administrative Complaint filed against Brianna Lubin (“Respondent”), in FGCC Case Number 2023-039433 (“Administrative Complaint”).

At the hearing on January 4, 2024, Respondent testified that she was “okay with being excluded,” and did not oppose the Commission excluding Respondent from all licensed pari-mutuel wagering facilities and facilities of a slot machine licensee in the state of Florida.

At that time, Emily A. Alvarado, Deputy Chief Attorney for the Commission, made an unopposed motion for the undersigned to relinquish jurisdiction to the Commission so that a Final Order Pursuant to Request from Respondent could be issued excluding Respondent from all licensed pari-mutuel wagering facilities and all facilities of a slot machine licensee in the State of Florida.

It is therefore ORDERED that:

1. The Unopposed Motion to Relinquish Jurisdiction is granted.
2. Jurisdiction will revert back to the Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Commission”) for the Commission to enter a Final Order.

DONE AND ORDERED this 28th day of March, 2024, in Tallahassee, Leon County Florida.



Elizabeth K. Stinson
Florida Gaming Control Commission

CERTIFICATE OF SERVICE

I hereby certify this 28th day of March 2024 that a true copy of the foregoing “Order Granting Unopposed Motion to Relinquish Jurisdiction” has been furnished via email to:

Emily Alvarado
Emily.Alvarado@flgaming.gov
Counsel for Petitioner

Joseph Klein
Joseph.Klein@flgaming.gov
Counsel for Petitioner

Brianna Lubin
BeautifullyB94@gmail.com
Respondent



Elizabeth K. Stinson
Florida Gaming Control Commission