

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING

Petitioner,

v.

FGCC Case No.: 2023-040862

ARSENIO CUE,

Respondent.

_____ /

FINAL ORDER

This matter appeared before the Florida Gaming Control 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 record 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 January 10, 2024, alleging that Respondent is subject to exclusion from all licensed pari-mutuel facilities and all facilities of a slot machine licensee in the state of Florida pursuant to sections 550.0251(6) and 551.112, Florida Statutes. A copy of the Administrative Complaint is attached hereto, marked as Exhibit A, and incorporated herein.

2. Petitioner served Respondent with the Administrative Complaint and an Election of Rights form via Certified Mail. Enclosed with these documents was correspondence notifying Respondent that he had no more than 21 days from the date of service to file a written response in order to preserve his right to request a hearing in this matter. *See* § 120.569(1), Fla. Stat., and Fla. Admin. Code R. 28-106.111.

3. On or about January 23, 2024, Respondent returned the Election of Rights form and selected Option (3), which states that Respondent does not dispute the allegations of material fact in the Administrative Complaint, waives his right to any form of hearing, and requests that a Final Order be entered in the case. A copy of the Election of Rights form is attached hereto, marked as Exhibit B, and incorporated herein.

4. Respondent has waived his 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 his 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 9th 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, Commissioner


NOTICE OF RIGHT TO APPEAL

Any party to this proceeding has the right to seek its judicial review under section 120.68, Florida Statutes, by the filing of an original notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Commission, 4070 Esplanade Way, Tallahassee, Florida 32399-2202 (email: clerk@flgaming.gov), and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate Florida district court of appeal. The notice of appeal must be filed (received) by the Clerk of the Commission within thirty (30) days after the date this Order is filed with the Clerk of the Commission.

CERTIFICATE OF SERVICE

I hereby certify this 9th day of April, 2024, that a true copy of the foregoing has been furnished by U.S. mail to:

Arsenio Cue
6680 West Second Court Apt. 405
Hialeah, FL 33012
arseniocue@bellsouth.net



CLERK OF THE COMMISSION
Florida Gaming Control Commission

CC: Ebonie Lanier