

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.: 2023-043905

YENISET DE LA CARIDAD ACEVEDO,

Respondent.

_____ /

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on December 6, 2023, 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 October 10, 2023, 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 and alleging a violation of section 849.086(14)(a), Florida Statutes and rule 75-11.005(4), Florida Administrative Code. 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 mail service on October 13, 2023. Proof of service is attached hereto as Exhibit "2" and incorporated by reference.

3. Petitioner informed Respondent that the failure to file a timely response to the Administrative Complaint would be deemed a waiver of the right to a hearing.

4. Respondent has not filed a timely response to the Administrative Complaint. Respondent has not submitted any evidence or made any allegations that would support the application of the doctrine of equitable tolling.

Having considered the Administrative Complaint, the service of the Administrative Complaint with Election of Rights form, Explanation of Rights, and cover letter on Respondent along with Respondent's failure to respond, and being otherwise fully advised in the premises, it is hereby

ORDERED and ADJUDGED:

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

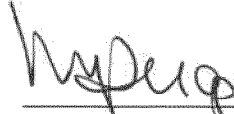
2. Respondent is hereby **PERMANENTLY EXCLUDED** from all pari-mutuel facilities and all facilities of a slot machine licensee within the State of Florida

3. Respondent's Cardroom Employee Occupational License number 10991118 is hereby **REVOKED**.

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

DONE AND ORDERED this 6th day of DECEMBER, 2023.

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

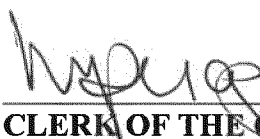
NOTICE OF RIGHT TO APPEAL

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 (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 that on this 6th day of NOVEMBER, 2023, a true and correct copy of this Final Order has been sent via U.S. Mail to:

Yeniset De La Caridad Acevedo
106 Marshall Avenue
Lake Placid, Florida 33852



CLERK OF THE COMMISSION
Florida Gaming Control Commission

CC: Ebonie Lanier

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

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FGCC Case No.: 2023-043905

YENISET DE LA CARIDAD ACEVEDO,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

1. The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Yeniset De La Caridad Acevedo (“Respondent”), and alleges:

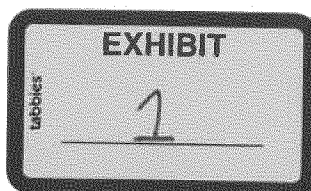
2. Petitioner is the state agency charged with regulating pari-mutuel wagering, slot machines, and cardroom operations pursuant to chapters 550, 551, and 849, Florida Statutes.

3. At all times material hereto, Respondent held a Cardroom Employee Occupational License, number 10991118, issued pursuant to section 849.086(6), Florida Statutes.

4. At all times material hereto, Hialeah Park was a facility operated by a permit holder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the state of Florida pursuant to chapters 550, 551, and 849, Florida Statutes.

5. Respondent was employed as a poker dealer at Hialeah Park.

6. On or about August 2, 2023, Respondent was observed stealing chips in the amount of \$49.00 from the players pot during multiple live poker games.



7. On August 4, 2023, Respondent was terminated from her employment as a poker dealer at Hialeah Park.

COUNT I

8. Petitioner realleges and incorporates the allegations contained within paragraphs one through seven as though fully set forth herein.

9. Rule 75-11.005(4), Florida Administrative Code, provides, in pertinent part, that “[n]o person shall, either directly or indirectly (a) [e]mploy or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator.”

10. Section 849.086(14)(a), Florida Statutes, provides that:

The commission may deny a license or the renewal thereof, or may suspend or revoke any license, when the applicant has: violated or failed to comply with the provisions of this section or any rules adopted pursuant thereto; knowingly caused, aided, abetted, or conspired with another to cause any person to violate this section or any rules adopted pursuant thereto; or obtained a license or permit by fraud, misrepresentation, or concealment; or if the holder of such license or permit is no longer eligible under this section.

11. Based on the foregoing, Respondent violated rule 75-11.005(4), Florida Administrative Code, by employing a device, scheme, or artifice to defraud the participants of games and is therefore subject to suspension or revocation of her occupational license.

COUNT II

12. Petitioner realleges and incorporates the allegations contained within paragraphs one through seven as though fully set forth herein.

13. 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).

14. 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).

15. 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 based on her termination for theft from Hialeah Park on August 2, 2023.

WHEREFORE, Petitioner respectfully requests the Florida Gaming Control Commission enter an Order revoking or suspending Respondent's Occupational License and 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, 551, and 849 Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for FGCC Case Number 2023-043905 is signed this 10th day of October 2023.

/s/Emily A. Alvarado

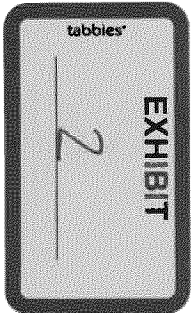
Emily A. Alvarado
Deputy Chief Attorney
Florida Bar Number: 1025200
Florida Gaming Control Commission
Office of the General Counsel
Division of Pari-Mutuel Wagering
4070 Esplanade Way, Suite 250
Tallahassee, Florida 32399-2202
Telephone: (850) 794-8066
Facsimile: (850) 536-8709
Primary: Emily.Alvarado@flagaming.gov
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.



U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER 9414 7118 9956 2016 2780 37	FEES	
RETURN RECEIPT TRACKING NUMBER 9490 9118 9956 2016 2780 79	Postage per piece	\$1.590
	Certified Fee	\$4.350
	Return Receipt Fee	\$3.550
	Total Postage & Fees:	\$9.490

ARTICLE ADDRESS TO:

AC - 2023043905 - PMW
Yeniset De La Caridad Acevedo
106 Marshall Ave
Lake Placid FL 33852-8194

Postmark
Here

10/11/23

Tracking Number:

Remove X

9414711899562016276037

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 1:21 pm on October 13, 2023 in LAKE PLACID, FL 33852.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Delivered

Delivered, Left with Individual

LAKE PLACID, FL 33852

October 13, 2023, 1:21 pm

[See All Tracking History](#)

Feedback

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus[®]



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

SENDER: COMPLETE THIS SECTION

COMP. ETE THIS SECTION ON DELIVERY

- Ensure items 1, 2, and 3 are completed.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature: (Addressee or Agent)

B. Received By: (Printed Name)

C. Date of Delivery

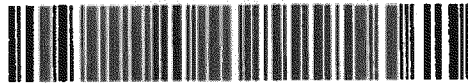
YENISET ACEVEDO

10-13-23

1. Article Addressed to:

AC - 2023043905 - PMW
Yeniset De La Caridad Acevedo
106 Marshall Ave
Lake Placid FL 33852-8194

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



9490 9118 9956 2016 2760 79

2. Article Number (Transfer from service label)

9414 7118 9956 2016 2760 37

3. Service Type

Certified Mail®

FLORIDA MAILING
CONTROL DIVISION

2023 OCT 31 AM 10:55

RECEIVED