

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

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

v.

FGCC Case No.: 2023-048277

CLEMONTE GERMALE SCOTT,

Respondent.

_____ /

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on January 11, 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 October 11, 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 under sections 550.0251(6) and 551.112, Florida Statutes. 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 on November 3, 2023. Proof of service is attached hereto as Exhibit "2" and incorporated by reference.

3. The Election of Rights form, Explanation of Rights, and cover letter informed Respondent that a written response to the Administrative Complaint, including the right to request

a hearing, was due within 21 days of actual service of the Administrative Complaint. *See* § 120.569(1), Fla. Stat., and Fla. Admin. Code. R. 28-106.111.

4. 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.

5. 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:

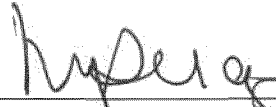
6. The allegations of fact and the conclusions of law in the Administrative Complaint are adopted in their entirety herein.

7. 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 11th day of JANUARY, 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

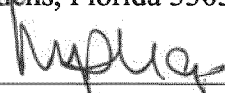
NOTICE OF RIGHT TO APPEAL

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 (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 11th day of JANUARY, 2024, a true and correct copy of this Final Order has been sent via U.S. Mail to:

Clemonte Germale Scott
4461 Northwest 173rd Drive
Miami Gardens, Florida 33055



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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DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

v.

FGCC Case No.: 2023-048277

CLEMONTE GERMALE SCOTT,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Clemonete Germales Scott (“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 2700 West Pensacola Street, Apt 2311 Tallahassee, Florida 32304.
3. At all times material hereto, Big Easy Casino was a facility operated by a permitholder 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.
4. On or about August 19, 2023, Respondent was a patron of Big Easy Casino.
5. On or about August 20, 2023, Respondent was issued a lifetime trespass from Big Easy Casino.
6. Respondent was issued a lifetime trespass 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 his lifetime trespass from Big Easy Casino on or about August 20, 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 2023-048277 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.

FAQ | Help | Sign Out

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

Domain 10 - Division of Pari-Mutuel Wagering

Logged in as: cstubbs1

VR Home > Complaint Search > Maintain Complaint

Lic Type	1098 - Unlicensed Complaints	Status	90 Closed	Status Date	09/25/2023
Complaint #	2023048277	Case Type	CMP - Complaint	Disposition	Disposition Date
Docket#	Respondent	SCOTT, CLEMONTE GERMALE	Responsible	bjones - JONES, BRADFORD	Private Case

Complaint	Respondent	Complainant	Add'l Info
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Source	OTHR - Other	Security Level	1	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Activities	
Form	INTR - Internal	Priority		<input checked="" type="checkbox"/> Allegations	<input type="checkbox"/> Discipline	
Class'n	IV-E - Other	Complexity	R - Regular	<input type="checkbox"/> Violations	<input type="checkbox"/> Compliance	
Security	STND - Standard	Incident	08/19/2023	<input type="checkbox"/> Related	<input checked="" type="checkbox"/> Disposition	
Region	SR - Southern Region	Received	08/25/2023	<input type="checkbox"/> Inspection		
Reference	61D-11.005	Entered By	nmelval	<input type="checkbox"/> Costs		
Entered	08/25/2023			<input type="checkbox"/> Time Tracking	Auto Assign	
Summary	144---Federal Highway Acquisition Holding (Big Easy Casino)---[61D-11.005(4)]---SCOTT in two instances stole a \$100 Black chip from Players in a live Poker game. The action has been reviewed and verified on Surveillance Video. SCOTT has been Lifetime Excluded from the Big Easy Casino. He should be considered for Statewide Exclusion.				<input type="checkbox"/> Attachments	History
Updated	09/25/2023 14:51:27	By	cstubbs1	<input type="checkbox"/> Work Notes	Print Report	

Change	Save	OK	Cancel	Back
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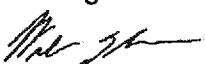

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Louis Trombetta, Executive Director

Ron DeSantis, Governor

OFFICE OF INVESTIGATIONS

INVESTIGATIVE REPORT

Office: PMW	Region: SOUTHERN	Date of Complaint: AUGUST 25, 2023	Case Number: 2023 04 8277
Respondent: SCOTT, CLEMONTE GERMALE 2700 WEST PENSECOLA ST. APT. #2311 TALLAHASSEE, FLORIDA 32304		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: 1098		Profession: Patron	Report Date: August 29, 2023
Period of Investigation: August 21, 2023 to August 29, 2023		Type of Report: Final	
<p>Alleged Violation: F.S.S. 550.0251 (6) Powers and duties of the Florida Gaming Control Commission. 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.</p> <p>75-11.005(4) No person shall, either directly or indirectly: (a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator. (b) Engage in any act, practice, or course of operation that would constitute a fraud or deceit upon any participant in a game or the cardroom operator. (c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.</p>			
<p>Synopsis: On August 19, 2023, Patron Clemente SCOTT visited the Big Easy Casino and sat at Poker Table #22, seat #7. While at the table, SCOTT in two instances stole a \$100.00 Black chip from two other players during a live poker game. The theft has been reviewed and confirmed on surveillance video. SCOTT has been placed on a Lifetime Exclusion from the Big Easy Casino (BEC) and should be considered for Statewide Exclusion.</p>			
Related Case(s):			
Investigator / Date  William Smith / August 29, 2023		Investigator Supervisor / Date Tyrell D. Smith / August 30, 2023	
Chief of Investigations / Date  Bradford D. Jones / September 25, 2023			

CONTINUATION

On Saturday August 19, 2023, at approximately 11:47 P.M., Clemonte **SCOTT** visited the Big Easy Casino and was observed playing poker at table #22, seat #7. During play, **SCOTT** was captured on BEC surveillance video footage stealing from two separate patrons who were also playing at table #22. **SCOTT** stole a \$100.00 black chip from the player in seat #8 on his left and a second \$100.00 black chip from the player in seat #6, seated to his right. These actions by **SCOTT** were documented in BEC Surveillance Report #23-1111 which are attached to this case file as **Exhibit #1**. A USB Drive containing video footage of the incident was obtained and vouchered by this investigator as evidence (**Exhibit #2**).

Independent video review by this Investigator corroborates what was documented in Surveillance Report #23-1111 and what was viewed. It appears clear that **SCOTT'S** actions were intentional as he can be observed removing chips from the chip stacks belonging to other patrons when those patrons stepped away from the poker table. In one instance **SCOTT** can be seen cashing in a stolen chip, and then using those funds to game on the BEC slot floor (**Exhibit #2**).

The Big Easy Casino has issued a Lifetime Exclusion on **SCOTT** for theft under **Exhibit #1**.

Conclusion: **SCOTT** has violated rule # 75-11.005(4) by stealing chips from other patrons while participating in a live poker game.

Case Status: Closed by Investigations and forwarded to Legal for review.

CONTINUATION

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I. INVESTIGATIVE REPORT COVERSHEET 1

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THE
BIG EASY
CASINO

The Big Easy Casino

831 N Federal Hwy, Hallandale Beach, FL 33009
www.thebigeasycasino.com

SUR-23-1111 - Trespass - Lifetime - Start Time 08/20/2023 00:45

Author: Joanne Ferguson

Report Number: SUR-23-1111

Start Time: 08/20/2023 00:45

End Time: 08/20/2023 03:10

Report Group: Surveillance Reports

Report Type: Trespass - Lifetime

Note: Guest asked to leave for taking chips from players

Reported: 08/20/2023 00:13

Occurred: 08/20/2023 00:03

General Location: 1st Floor

Secondary Location: Gaming Floor

Specific Location: Poker Room

Narrative: On Saturday, August 19, 2023, at approximately 23:47, Poker Shift Manager Tristen Nims contacted the Surveillance Department via phone and stated a guest (identified by Nims as Edgar Varas) reported missing 1 black chip (\$100 value) from Table 22 seat 8.

While reviewing coverage with Nims still on the phone Nims Stated Varas said he found the missing chip and there was no need to look for it.

On Sunday, August 20, 2023, at approximately 00:13 Nims contacted the department a second time and stated Varas reported the player at Table 22 Seat 7 (identified by Nims as Clemonte Scott) had taken 1 black chip from seat 6 (identified by Nims as Vitaliy Kosenyuk).

At approximately 00:21, video footage was reviewed with Nims, Poker Floor Rep Brian Rodriguez and Security Supervisor Marc Arcelin and the following was observed;

On Saturday, August 19, 2023, at approximately 23:33 Varas walked away leaving his chips on Table 22 seat 8. At approximately 23:36 Scott sat at seat 7 while Varas was away from the table. At approximately 23:37 Scott took 1 black chip from the stack at seat 8 and put the chip in his left pants pocket. Varas returned to Table 22 seat 8 at 23:43.

At approximately 23:45 Varas was observed counting his chips then speaking to Nims. While Nims was at the podium on the phone Scott was observed pointing to the ground then putting something in Varas hand.

At approximately 23:48 Varas approached Nims at the podium then returned to Table 22 seat 8.

After returning the chip to Varas, Scott remained at Table 22 seat 7 and was observed interacting with Varas. At approximately 23:53 Varas stepped away from the table and Scott continued to play.

At approximately 23:57, Scott walked away from Table 22 leaving chips and a cell phone on the table. Scott exited the building via the Poker exit at 23:58, approached a white female sitting at a table for a lighter and smoked a cigarette. Scott reentered at 23:59 and returned to Table 22 seat 7.

Scott continued to play at Table 22 when Kosenyuk (seat 6) walked away at 00:01 leaving chips on the table. At approximately 00:03 Scott reached over and took 1 black chip from the stack at seat 6. After Kosenyuk returned at 00:04 Scott continued play until 00:09.

EXHIBIT #1

PAGE # 1

Scott left Table 22, arrived at the Poker Cashier Cage at 00:09 and cashed out one black chip before entering the slot floor at 00:10. Scott was observed playing on slot machine #120-05 until 00:17.

Scott returned to Table 22 at 00:17, retrieved a cell phone from seat 7 and returned to slot machine #120-05 at 00:18. Scott played at machine #120-05 until 00:27 when he returned to the Poker Room.

After reviewing footage with Poker personnel Scott was observed entering the poker room from the slot floor and approaching the podium where Rodriguez was standing at 00:28. Rodriguez walked to the chip podium at 00:29 where Nims and Arcelin were standing followed by Scott.

At approximately 00:30 Scott walked away from the chip podium and exited the building via the Poker exit. Scott stopped outside the poker exit and spoke to a white female wearing a blue shirt sitting at a table.

At approximately 00:31 Scott proceeded to the North lot, got into a white vehicle with gray trim on the doors and drove off property via Pembroke Road at 00:35.

A call was placed to Nims to confirm the names of the players involved. At this time Nims was asked if the black chip had been returned to Kosenyuk. Nims stated he did not know and would have to ask security.

A request was made for Arcelin to contact the Surveillance Department and a call was received at 00:52. Arcelin was asked the outcome of the situation and he stated it was a Lifetime Trespass. Arcelin was asked if the black chip was returned to Kosenyuk and he stated he did not know.

A second call was received from Arcelin at 01:01 and he stated he asked Rodriguez and Rodriguez did not ask Scott to return the black chip to Kosenyuk.

Linked Reports: SEC-23-0431

Employee

Name: Tristen Nims

Department: Card Room

Position: Poker Shift Manager/Floor Rep.

Employee Num: 911

Employee

Name: Brian Rodriguez

Department: Card Room

Position: Poker Floor Rep/ Manager

Employee Num: 2073

Employee

Name: Marc Arcelin

Department: Security

Position: Security Supervisor

Employee Num: 1156

Patron

EXHIBIT # 1

PAGE # 2

Name: Clemonete Germaie Scott

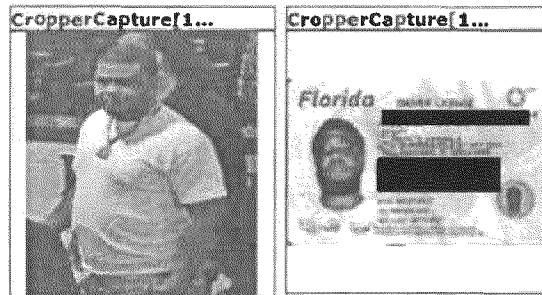
Alias:

Height: 5'10" Inches

DOB [REDACTED] 35)

Street Address: 2700 W Pensacola Street APT. 2311, Tallahassee, Florida 32304-0000

Players Club #: 464645



Patron

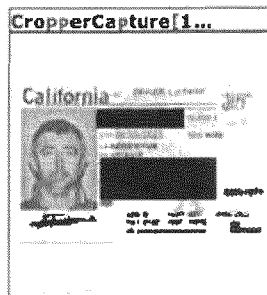
Name: Vitaliy Kosenyuk

Alias:

Height: 5'06" Inches

DOB [REDACTED] 51)

Street Address: 7266 Franklin Ave APT 223 Los Angeles, CA 90046



Patron

Name: Edgar Varas

Alias:

DOB: [REDACTED] (31)

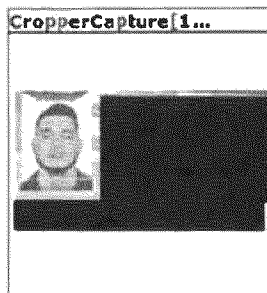
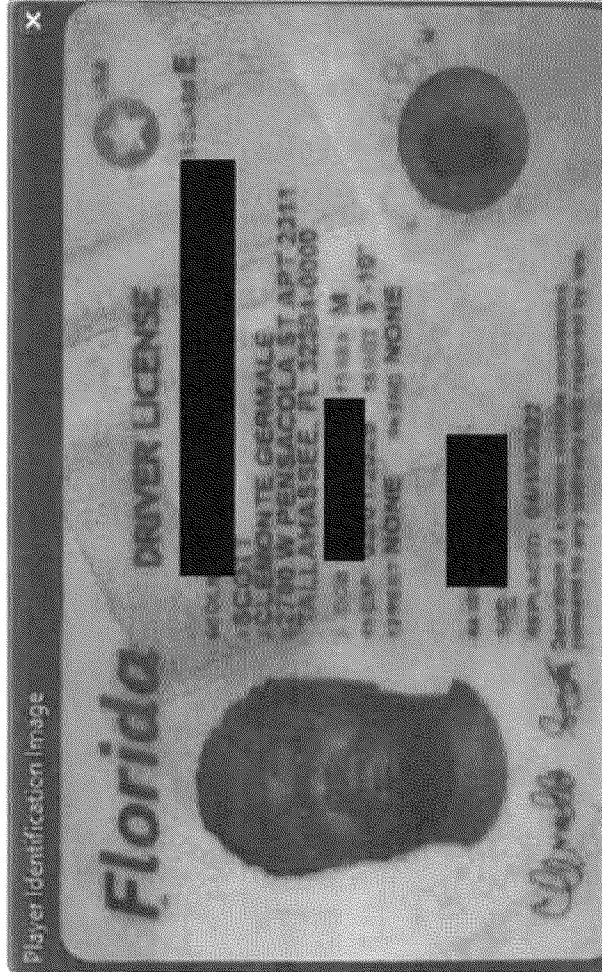
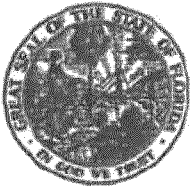


EXHIBIT # 1
3





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

PROPERTY RECEIPT

Complaint # 2023 04 8277 Date _____ Lab # _____

Item No.	Quantity	Description
1	1	Flam. Arive Clemente
		Scott Stealing #20(2)
		Black #100 chips - By Fair

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

EXHIBIT # 2
PAGE # 1

SENDER: COMPLETE THIS SECTION

COMPLETE 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)

X *Clemonte*

B. Received By: (Printed Name)

Clemonte

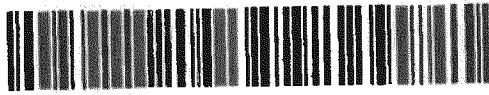
C. Date of Delivery

11/3/23

1. Article Addressed to:

AC - 2023048277 - PMW
 Clemonte Germale Scott
 4461 Nw 173rd Dr
 Miami Gardens FL 33055-3707

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



9490 9118 9956 2624 3250 84

3. Service Type

Registered Mail

RECEIVED
 2023 NOV 20 PM 10:28
 FLORIDA GAMING
 CONTROL COMMISSION

2. Article Number (Transfer from service label)

9414 7118 9956 2624 3250 42

PS Form 3811 Facsimile, July 2015 (SDC 3930)

Domestic Return Receipt

