

FILED	
FLORIDA GAMING CONTROL COMMISSION	
Date:	9/08/2026
File Number:	2026-00162
BY: MELBA L. APELLANIZ CLERK OF THE COMMISSION	

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.: 2025-050546

SAMUEL J. APPLEWHAITE,

Respondent.

_____ /

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on September 3, 2026, for final agency action pursuant to sections 120.569 and 120.57(2) of the 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 August 4, 2025. A copy of the administrative complaint, an election of rights form, an explanation of rights, and a cover letter (collectively referred to as the Administrative Complaint) are attached hereto as Exhibit "1" and incorporated by reference.

2. The Commission attempted to personally serve Respondent with the Administrative Complaint via certified mail and hand service, but these attempts were unsuccessful.

3. Notices of action were published in the Sun Sentinel starting on July 20, 2026. This publication complied with the notice requirements enumerated in Section 120.60(5). Respondent

failed to respond to the notice before the published deadline of August 17, 2026. Proof of service is attached hereto as Exhibit "2" and incorporated by reference.

4. Petitioner informed Respondent that the failure to contact the Florida Gaming Control Commission prior to the published deadline would be deemed a waiver of the right to a hearing.

5. Respondent has not filed a timely response to the publication notice. 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 publication notice, and Respondent's failure to respond, and being otherwise fully advised in the premises, it is hereby

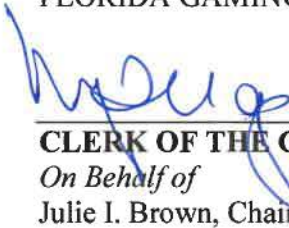
ORDERED and ADJUDGED:

1. Respondent waived his right to request a hearing in this cause.
2. The allegations of fact and the conclusions of law in the Administrative Complaint are adopted in their entirety herein.
3. Respondent is **PERMANENTLY EXCLUDED** from all licensed pari-mutuel and slot machine facilities within the state of Florida.

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

DONE AND ORDERED this 8th day of SEPTEMBER, 2026.

FLORIDA GAMING CONTROL COMMISSION



CLERK OF THE COMMISSION

On Behalf of

Julie I. Brown, Chair

Tina Repp, Vice Chair

John D'Aquila, Commissioner

William Spicola, Commissioner

Peter Cuderman, Commissioner

NOTICE OF RIGHT TO APPEAL

Any party to this proceeding has the right to seek its judicial review under Section 120.68 of the Florida Statutes, by the filing of an original notice of appeal pursuant to rules 9.110 and 9.190 of the 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 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 8TH day of SEPTEMBER, 2026, a true and correct copy of this Final Order has been sent via U.S. mail to:

Samuel J. Applewhaite
2905 Northwest 10th Avenue
Miami, Florida 33127



CLERK OF THE COMMISSION
Florida Gaming Control Commission

CC: Ebonie Lanier

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

EXHIBIT
1

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

Petitioner,

v.

FGCC Case No.: 2025-050546

SAMUEL J. APPLEWHAITE,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

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

1. Petitioner is the state agency charged with regulating pari-mutuel, slot machine, and cardroom operations pursuant to chapters 550, 551, and 849, Florida Statutes.
2. At all times material hereto, Respondent’s address was reported as 2905 Northwest 10th Avenue, Miami, Florida 33127.
3. At all times material hereto, Gretna Racing, LLC, d/b/a Magic City Casino was a facility operated by a permitholder authorized by the Commission to conduct pari-mutuel wagering, cardroom operations, and slot operations in the state of Florida.
4. On or about June 24, 2025, Respondent was a patron of Magic City Casino.
5. On or about June 24, 2025, Respondent was ejected and permanently excluded from Magic City Casino.

6. 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 added).

7. 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 added).

8. 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 exclusion from Magic City Casino on or about June 24, 2025.

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, in accordance with sections 550.0251(6) and 551.112, 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 2025-050546 is signed this 31st day of July, 2025.

/s/ Joseph Call

Joseph Call
Senior Attorney
FBN: 1044034
Florida Gaming Control Commission
Office of the General Counsel
Division of Pari-Mutuel Wagering
4070 Esplanade Way, Suite 250
Tallahassee, Florida 32399-2202
Telephone: 850-794-8122
Facsimile: (850) 536-8712
Primary: Joseph.Call@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.

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

FGCC v. SAMUEL J. APPLEWHAITE:

CASE NO.: 2025-050546

ELECTION OF RIGHTS

Please read the Administrative Complaint before choosing one of the three options. The Election of Rights is a **legally binding** document. Consult an attorney if you do not understand your options.

You can only select **ONE** of the options numbered one (1), two (2), and three (3) on the Election of Rights form. You must sign the form.

A completed Election of Rights **must be returned to the Clerk of the Commission within 21 days, by 5:00 p.m., Eastern Time, of the day you receive the attached Administrative Complaint.**

If your Election of Rights form or request for hearing is not filed with the Clerk of the Commission within 21 days of the day you received the Administrative Complaint, you will have waived your right to contest the proposed agency action and a Final Order will be issued imposing the proposed agency action set forth in the Administrative Complaint.

Please use this form unless you, your attorney, or your representative prefer to reply according to chapter 120, Florida Statutes, and chapter 28.106 of the Florida Administrative Code.

Please return your Election of Rights form to this address:

Florida Gaming Control Commission
Attention: Clerk of the Commission
4070 Esplanade Way, Suite 250, Tallahassee, FL 32399
Telephone: (850) 794-8067 Fax: (850) 536-8712
Email: clerk@flgaming.gov

PLEASE CHECK ONLY ONE OF THE THREE OPTIONS.

Option One (1) ☐ **I do not dispute the allegations** of material fact in the Administrative Complaint and wish to be heard at an informal proceeding pursuant to section 120.57(2), Florida Statutes, where I may submit testimony and written evidence to the Commission to show that the proposed agency action is too severe or that the sanction should be reduced.

Option Two (2) ☐ **I do dispute the allegations** of material fact in the Administrative Complaint and I request a formal hearing pursuant to Section 120.57(1) before an Administrative Law Judge of the Division of Administrative Hearings (“DOAH”). **I specifically dispute the following facts in the Administrative Complaint** (attach extra pages or write on the back if needed):

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

In addition to the above election for formal hearing, check the box below if you wish to enter into settlement negotiations and waive the 15-day requirement for this matter to be referred to DOAH:

☐ Section 120.569(2)(a), Florida Statutes, requires the Commission to send this case to 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.

Option Three (3) ☐ **I do not dispute the allegations** of material fact in the Administrative Complaint and **waive my right** to object and to have a hearing. I understand that by giving up the right to object and have a hearing, a Final Order will be issued that adopts the allegations of fact and conclusions of law alleged in the Administrative Complaint and imposes the Commission action set forth in the Administrative Complaint.

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

PRINTED NAME

ATTORNEY OR QUALIFIED REPRESENTATIVE

Street Address

Street Address (where service shall be made)

City State Zip

City State Zip

Telephone Number Facsimile Number (if any)
Number (if any)

Telephone Number Facsimile

E-mail

E-mail

SIGNATURE

YOU MUST LET THE COMMISSION KNOW IF YOUR E-MAIL OR MAILING ADDRESS CHANGES



Florida Gaming Control Commission

JULIE I. BROWN, VICE CHAIR
CHUCK DRAGO, COMMISSIONER
JOHN D'AQUILA, COMMISSIONER
TINA REPP, COMMISSIONER

August 5, 2025

Applewhaite, Samuel J.
2905 Nw 10th Ave
Miami, Florida 33127

Case No.: **2025-050546**

Subject: **SERVICE OF ADMINISTRATIVE COMPLAINT**

Dear Mr. SAMUEL J. APPLEWHAITE :

This is to inform you that probable cause has been found to believe that you violated certain provisions of the Florida Statutes. The Administrative Complaint enclosed with this letter contains the formal charges filed against you along with an Election of Rights Form. Receipt of these documents constitutes legal service upon you. The options available to you under Florida law are as follows:

- (a) Dispute the material facts alleged and request a hearing before an administrative law judge with the Division of Administrative Hearings
- (b) Choose not to dispute the material facts alleged, and request a hearing before the Commission, who will only hear evidence regarding the conclusions of law and the penalty for violations; or
- (c) Waive your right to either type of hearing and put yourself completely at the Commission's discretion.

Please be advised, pursuant to section 120.573, Florida Statutes, that mediation is not available for this type of agency action. You must respond by selecting one of the options on the enclosed Election of Rights Form. The executed Election of Rights form **must be received in this office within 21 days of your receipt of this letter**. Failure to respond within the 21-day period constitutes a waiver of the rights outlined above, and the Commission shall proceed against you by default. Prior oral or written submissions to the Commission regarding this matter **will not** be considered responsive to this Administrative Complaint. Regardless of your prior communication(s) with the Commission, it is required that you respond to the Administrative Complaint by selecting one of the options on the enclosed Election of Rights Form.

Sincerely,

/s/ Joseph Call

Joseph Call
Senior Attorney
850-794-8122

Enclosures: Administrative Complaint and Election of Rights Form

Sold To:

Maya Williams - 323481
4070 Esplanade Way Suite 250
Tallahassee
Tallahassee, FL 32399

Bill To:

Maya Williams - 323481
4070 Esplanade Way Suite 250
Tallahassee
Tallahassee, FL 32399

Published Daily

Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida
Miami, Miami-Dade County, Florida

State Of Florida

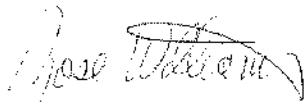
County Of Orange

Before the undersigned authority personally appeared Rose Williams, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL, a DAILY newspaper published in BROWARD PALM BEACH MIAMI-DADE County, Florida; that the attached copy of advertisement, being a Legal Notice in:

The matter of NOTICE OF ACTION BEFORE THE DIVISION

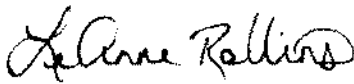
Was published in said newspaper by print in the issues of and by publication on the newspaper's website, if authorized on 20 Jul 2026, 27 Jul 2026, 3 Aug 2026, 10 Aug 2026

Affiant further says that the newspaper complies with all legal requirements for publication in Chapter 50, Florida Statutes.

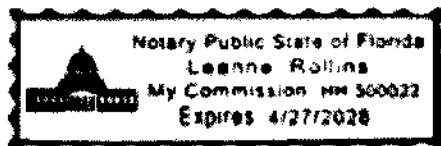


Signature of Affiant

Sworn to and subscribed before me this: 10 Aug 2026.



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped

Personally Known (X) or Produced Identification ()

104900

NOTICE OF ACTION
BEFORE THE DIVISION OF PAROLE

[illegible]

104900

NOTICE OF ACTION

BEFORE THE DIVISION OF PARI-MUTUEL WAGERING

IN RE: Sections 550.0251(6), and 551.112, Florida Statutes.

SAMUEL J APPLEWHAITE

2905 NW 10TH AVE MIAMI, FLORIDA 33127

CASE NO.: 2025-050546

LICENSE NO.: N/A

The Florida Gaming Control Commission has filed an Administrative Complaint against you, a copy of which may be obtained by contacting Maya Williams, Administrative Assistant II, Office of the General Counsel, Florida Gaming Control Commission, 4070 Esplanade Way, Tallahassee, FL 32399, (850) 794-8071.

If no contact has been made by you concerning the above, by Monday, August 17, 2026, the matter of the Administrative Complaint will be presented to the Florida Gaming Control Commission at the next public meeting for final agency action.

In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the individual or agency sending notice no later than seven days prior to the proceeding at the address given on notice. Telephone: (850) 257- 6097; 1-800-955-8771 (TDD) or 1-800-955-8770 (v), via Florida Relay Service.