

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING

Petitioner,
v.

FGCC Case No.: 2024-015065

MARCOS LUIS BANOS GOMEZ,

Respondent.

_____ /

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on April 10, 2025, 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:

FINDINGS OF FACT

The Findings of Fact contained in the Recommended Order are hereby adopted as the Findings of Fact of the Commission.

CONCLUSIONS OF LAW

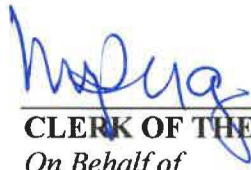
The Conclusions of Law contained in the Recommended Order are hereby adopted as the Conclusions of Law of the Commission.

ORDERED and ADJUDGED:

1. The Hearing Officer's Recommended Order is adopted in full.
2. Respondent is **PERMANENTLY EXCLUDED** from all pari-mutuel facilities and facilities of a slot machine licensee in the state of Florida.

DONE AND ORDERED this 11th day of April, 2025.

FLORIDA GAMING CONTROL COMMISSION



CLERK OF THE COMMISSION

On Behalf of

Julie I. Brown, Vice-Chair

Charles Drago, Commissioner

John D'Aquila, Commissioner

Tina Repp, Commissioner

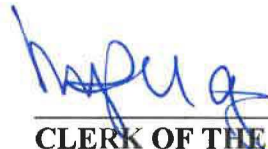
NOTICE OF RIGHT TO APPEAL

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, Suite 250, 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 April, 2025, a true and correct copy of this Final Order has been sent via U.S. Mail to:

Marcos Luis Banos Gomez
c/o Neil M. Gonzalez, Esq.
Counsel for Respondent
999 Ponce de Leon Boulevard, #625
Coral Gables, Florida 33134
NGonzalez@NGonzalezLaw.com



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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_____ /

HEARING OFFICER'S RECOMMENDED ORDER

THIS MATTER came before Renee Harkins, designated Hearing Officer for the Florida Gaming Control Commission ("Commission"), on March 18, 2025, 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 Marcos Luis Banos Gomez ("Respondent"), in FGCC Case Number 2024-015065 ("Administrative Complaint"). The Respondent was represented by Attorney Neil Gonzalez. The Commission was represented by Justin Hundersmarck, Senior Attorney, and the hearing was held telephonically.

PROCEDURAL HISTORY

1. On or about November 15, 2024, the Commission filed an Administrative Complaint against Respondent, alleging that Respondent was a patron of and was permanently excluded from South Florida Racing Association, LLC d/b/a Hialeah Park Racing and Casino, a facility operated by a permitholder authorized by the Commission to conduct pari-mutuel wagering, slot operations, and cardroom operations in the State of Florida. The Administrative Complaint sought to exclude Respondent from all licensed pari-mutuel wagering facilities and any

facility of a slot machine licensee in the State of Florida due to Respondent's ejection and exclusion from Hialeah Park Racing and Casino.

2. On or about December 3, 2024, the Commission received an Election of Rights form from Respondent requesting a telephonic hearing in accordance with the provisions of sections 120.569 and 120.57(2), Florida Statutes.

3. An informal hearing was scheduled for March 18, 2025.

The March 18, 2025, Informal Hearing

4. At the informal hearing held on March 18, 2025, the Commission presented the issues raised in its Administrative Complaint. The Hearing Officer granted the Commission's motion to accept the Findings of Fact in the Administrative Complaint as the undisputed facts in the case and admitted the investigative packet into the record.

5. The investigative packet that was admitted into the record contained an Investigative Report detailing the activity that led to the permanent exclusion of Respondent from Magic City.

6. At the informal hearing, Respondent testified that he bought and/or cashed out chips as a convenience for friends regularly, and that he did not know that his friend had self-excluded or that any marked cards were being circulated. The Respondent stated that he had no way of introducing marked cards into play and that he did not intend to cheat anyone or employ any device or scheme. Respondent testified that exclusion was too heavy a penalty and the casino was punishing players who cashed chips for their friends.

FINDINGS OF FACT

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

8. At all times material hereto, South Florida Racing Association, LLC d/b/a Hialeah Park Racing and Casino, was a facility operated by a permitholder authorized to conduct pari-mutuel wagering, slot operations, and cardroom operations in the State of Florida.

9. On various occasions from January 31, 2024, to February 2, 2024, Respondent was a patron of Hialeah Park Racing and Casino.

10. On or about March 5, 2024, Respondent was permanently excluded from Hialeah Park Racing and Casino.

CONCLUSIONS OF LAW

11. The Hearing Officer has jurisdiction over this matter and the parties pursuant to section 120.57(2), Florida Statutes.

12. The Commission has jurisdiction over this matter pursuant to chapters 550, 551, and 849, Florida Statutes.

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 license 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. Pursuant to the statutes, Respondent's exclusion from one facility is enough to trigger an exclusion of the person from all pari-mutuel facilities in the State of Florida.

16. Respondent is subject to permanent exclusion from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the State of Florida based on Respondent's ejection from Hialeah Racing and Casino on or about March 5, 2024.

17. Respondent's testimony neither mitigates that Respondent was ejected from Hialeah Racing and Casino nor precludes the Commission from permanently excluding Respondent from all licensed pari-mutuel facilities in the State of Florida.

There is competent substantial evidence to support the conclusions of law.

RECOMMENDED ORDER

Based upon the Findings of Fact and Conclusions of Law, it is hereby recommended that the Florida Gaming Control Commission issue an Order permanently excluding Respondent from all pari-mutuel wagering facilities and any facility of a slot machine licensee in the State of Florida. This Hearing Officer's Recommended Order in FGCC Case Number 2024-015065 is submitted this 28th day of March 2025.



Renee Harkins, Hearing Officer
Florida Gaming Control Commission

CERTIFICATE OF SERVICE

I hereby certify that this 28th of MARCH 2025, that a true copy of the foregoing

“Hearing Officer’s Recommended Order” has been provided by email to:

Justin Hundersmarck, Esq.

Counsel for Petitioner

Justin.Hundersmarck@flgaming.gov

Neil M. Gonzalez, Esq.

Counsel for Respondent

999 Ponce de Leon Boulevard, #625

Coral Gables, Florida 33134

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(305) 213-2459



CLERK OF THE COMMISSION
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