

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

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

v.

FGCC Case No.: 2020-001631

ROCCO R. CORMIER,

Respondent.

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on May 2, 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 July 13, 2022, alleging Respondent is subject to exclusion from all licensed pari-mutuel facilities in the state of Florida under section 550.0251(6), Florida Statutes. A copy of the Administrative Complaint is attached hereto as Exhibit "1" and incorporated by reference.

2. The Commission attempted to personally serve Respondent with the Administrative Complaint, Election of Rights form, an Explanation of Rights, and a cover letter via certified mail and hand service, but these attempts were unsuccessful.

3. A publication notice was posted in The Villages Daily Sun in Marion County starting on March 10, 2023. This publication complied with the notice requirements enumerated in section 120.60(5), Florida Statutes. Respondent failed to respond to the notice before the

published deadline of April 7, 2023. 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, along with Respondent's failure to respond, and being otherwise fully advised in the premises, it is hereby

ORDERED and ADJUDGED:

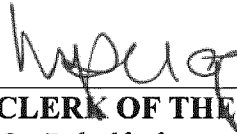
6. The allegations of fact and the conclusions of law in the Administrative Complaint are adopted in their entirety herein.

7. Respondent is hereby **PERMANENTLY EXCLUDED** from all pari-mutuel facilities within the State of Florida.

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

DONE AND ORDERED this 5TH day of MAY, 2023.

FLORIDA GAMING CONTROL COMMISSION



CLERK OF THE COMMISSION

On Behalf of

Charles "C.B." Upton, Chairman

Julie Brown, Commissioner

John D'Aquila, Commissioner

Charles Drago, Commissioner

Tina Repp, Commissioner

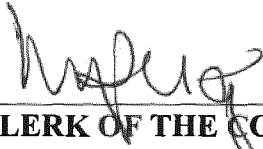
NOTICE OF RIGHT TO APPEAL

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, 2601 Blair Stone Road, 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 that on this 5TH day of MAY, 2023, a true and correct copy of this Final Order has been sent via U.S. Mail to:

Rocco R. Cormier
1311 Northwest 35th Street, Lot 20
Ocala, Florida 34475



CLERK OF THE COMMISSION
Florida Gaming Control Commission

CC: Ebonie Lanier

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

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

Petitioner,

v.

ROCCO R. CORMIER,

Respondent.
_____ /

FILED

Florida Gaming Control Commission
Office of the Agency Clerk

Clerk: Donna Y. Fleming
Date: 7-13-2022

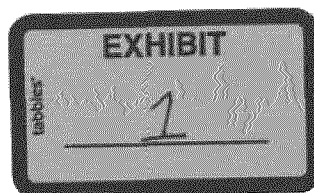
FGCC Case No.: 2020-001631

AMENDED ADMINISTRATIVE COMPLAINT

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Petitioner”), files this Amended Administrative Complaint against Rocco R. Cormier (“Respondent”), and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering operations pursuant to Chapter 550, Florida Statutes.
2. At all times material hereto, Respondent held a Cardroom Employee Occupational License, number 11023387-1012, issued by Petitioner.
3. At all times material hereto, OBS Real Estate Holdings, LLC d/b/a Ocala Gainesville Poker and Jai-Alai (“Ocala Poker”) was a facility operated by a permit holder authorized to conduct pari-mutuel wagering and cardroom operations in the State of Florida.
4. On or about January 14, 2020, Respondent was permanently excluded from Ocala Poker.
5. 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 the state, the division 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 division. The division 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).

6. Based on the foregoing, Respondent is subject to exclusion from all licensed pari-mutuel wagering facilities in the State of Florida under Section 550.0251(6), Florida Statutes, based on his ejection from Ocala Poker on or about January 14, 2020.

WHEREFORE, Petitioner respectfully requests the Florida Gaming Control Commission enter an Order excluding Respondent from all licensed pari-mutuel wagering facilities in the State of Florida, along with any other remedy provided by Chapter 550, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for FGCC Case Number Case Number is signed this 7th day of July, 2022.

/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
2601 Blair Stone Road
Tallahassee, Florida 32399-2202
Telephone: (850) 717-1783
Facsimile: (850) 921-1311
Primary: Emily.Alvarado@fgcc.fl.gov
Secondary: Ebonie.Lanier@fgcc.fl.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.

Advertising Invoice

The Villages Daily Sun

1100 Main St.
The Villages, FL 32159

Phone: (352)753-1119

Fax: (352)751-7999

URL: <http://www.thevillagesdailysun.com>

Florida Gaming Control Commission
Tallahassee, FL

Acct #: 90169025

Phone: (850)717-1663

Date: 03/1/2023

Ad #: 01114322

Salesperson: RB Ad Taker: RB

Class: 0100

| Description | Start | Stop | Ins. | Cost/Day | Extras | Amount |
|-------------------------|------------|------------|------|----------|--------|--------|
| NOTICE OF ACTION BEFORE | 03/10/2023 | 03/31/2023 | 4 | 76.96 | 0.00 | 307.84 |

Ad Text:

NOTICE OF ACTION
BEFORE THE DIVISION OF PARI-MUTUEL WAGERING
IN RE: Violation of section 550.0251(6), Florida Statutes.

ROCCO R. CORMIER
1311 Northwest 35th Street,
Lot 20 Ocala, Florida 34475

CASE NO.: 2020-001631

Payment Reference:

| | |
|----------|--------|
| Total: | 307.84 |
| Tax: | 0.00 |
| Net: | 307.84 |
| Prepaid: | 0.00 |

Total Due 307.84



NOTICE OF ACTION

BEFORE THE DIVISION OF
PARI-MUTUEL WAGERING

IN RE: Violation of section
550.0251(6), Florida Statutes.

ROCCO R. CORMIER
1311 Northwest 35th Street,
Lot 20 Ocala, Florida 34475

CASE NO.: 2020-001631

LICENSE NO.: 11023387-1012
The Florida Gaming Control
Commission has filed an
Administrative Complaint
against you, a copy of which
may be obtained by contacting
Ebonie Lanier, Administrative
Assistant III, Office of the
General Counsel, Florida
Gaming Control Commission,
2601 Blair Stone Road,
Tallahassee, FL 32399, (850)
717-1663.

If no contact has been made by
you concerning the above by
Friday, April 7, 2023, 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.

#00000000 March 10, 2023
 March 17, 2023
 March 24, 2023
 March 31, 2023