

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.:2025-038263

FRANCISCO CORTES,

Respondent.

\_\_\_\_\_ /

**FINAL ORDER**

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on November 7, 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:

1. An Administrative Complaint was filed in this case on August 13, 2025, 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. A copy of the Administrative Complaint is attached hereto as Exhibit "1" and incorporated by reference.

2. On or about October 2, 2025, Respondent returned the Election of Rights form and selected "Option 2" which states that Respondent does dispute the allegations of material fact in the Administrative Complaint and requests a formal administrative hearing pursuant to section 120.57(1), Florida Statutes. A copy of the Election of Rights is attached hereto as Exhibit "2" and incorporated by reference.

3. On October 9, 2025, the Clerk of the Commission issued an Order of Dismissal with Prejudice and gave Respondent 15 days from the date of the Order of Dismissal to cure the defect. A copy of the Order of Dismissal is attached hereto as Exhibit "3" and incorporated by reference.

4. There has been no response to the Order of Dismissal.

5. Section 120.569, Florida Statutes, requires the Commission to dismiss the request for formal hearing if the request does not meeting the requirements of Rule 28-106.2015, Fla. Admin. Code.

Having considered the Administrative Complaint and Respondent's failure to respond to the Order of Dismissal without Prejudice to properly request a hearing, and being otherwise fully advised in the premises, it is hereby

**ORDERED and ADJUDGED:**

1. Respondent's request for a hearing is **DISMISSED** with prejudice.
2. The allegations of fact and the conclusions of law in the Administrative Complaint are adopted in their entirety herein.
3. 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 12<sup>th</sup> day of NOVEMBER, 2025.

FLORIDA GAMING CONTROL COMMISSION



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**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, Tallahassee, Florida 32399 (Email: [clerk@flgaming.gov](mailto: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 12<sup>th</sup> day of NOVEMBER, 2025, a true and correct copy of this Final Order has been sent via USPS mail to:

**Francisco Cortes**  
3211 Southwest 29th Street  
West Park, Florida 33023

  
\_\_\_\_\_  
**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.

FGCC Case No.: 2025-038263

FRANCISCO CORTES,

Respondent.

ADMINISTRATIVE COMPLAINT

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering ("Petitioner"), files this Administrative Complaint against Francisco Cortes ("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 held a Pari-Mutuel General Individual Occupational License, number 764905, issued pursuant to section 550.105(2)(a), Florida Statutes.
3. At all times material hereto, Gulfstream Park Racing Association, Inc. d/b/a Gulfstream Park Racing and Casino was a facility operated by a permitholder authorized to conduct pari-mutuel wagering, cardroom operations, and slot machine operations in the state of Florida.
4. At all times material hereto, Respondent worked as a Starting Gate employee at Gulfstream Park Racing and Casino.

5. On or about May 1, 2025, Respondent was issued a stop order from Gulfstream Park Racing and Casino preventing him from gaining access to the premise.

6. On or about May 1, 2025, Respondent's employment with Gulfstream Park Racing and Casino was terminated.

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 added).

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 added).

9. Based on the foregoing, Respondent violated sections 550.0251(6) and 551.112, Florida Statutes and 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 his exclusion from Gulfstream Park Racing and Casino on May 1, 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 2025-038263 is signed this 13th day of August 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: +1 (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.

FILED  
FLORIDA GAMING CONTROL COMMISSION  
Date: **10/02/2025**  
File Number: \_\_\_\_\_  
BY: MELBA L. APELLANIZ  
CLERK OF THE COMMISSION

**EXHIBIT**  
**2** STATE OF FLORIDA  
FLORIDA GAMING CONTROL COMMISSION

2025 OCT -2 PM 3:02

FLORIDA GAMING CONTROL COMMISSION

**FGCC v. FRANCISCO CORTES,**

**CASE NO.: 2025-038263**

**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):

*All allegations are false.*

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.**

Francisco Cortes  
PRINTED NAME

3211 SW 39 Street  
Street Address

West Park, FL 33023

City State Zip

954-445-6297  
Telephone Number Facsimile Number (if any)  
Number (if any)

shay1316@hotmail.com

E-mail



SIGNATURE

ATTORNEY OR QUALIFIED REPRESENTATIVE

Street Address (where service shall be made)

City State Zip

Telephone Number Facsimile

E-mail

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

STATE OF FLORIDA  
 FLORIDA GAMING CONTROL COMMISSION

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

Petitioner,

v.

FGCC Case No.: 2025-038263

FRANCISCO CORTES,

Respondent.

**ORDER OF DISMISSAL WITHOUT PREJUDICE FOR LEGAL INSUFFICIENCY  
 PURSUANT TO SECTION 120.569(2)(c), FLORIDA STATUTES, TO ALLOW FOR  
 AMENDMENT AND RESUBMISSION OF PETITION**

**BY THIS ORDER**, the Clerk of the Commission advises FRANCISCO CORTES (“Respondent”) that Respondent’s request for an administrative hearing is defective, that the defective request for an administrative hearing is dismissed without prejudice, and that Respondent may cure the defect by filing a corrected or amended request for an administrative hearing **within 15 days** of the date on which this Order is signed.

Respondent’s request for an administrative hearing is defective for the following reason:

1. \_\_\_\_\_ The request for an administrative hearing was untimely filed.

Please note: If this item is checked, Respondent’s request for an administrative hearing was not filed within the time period required by Rule 28-106.111(2) of the Florida Administrative Code.

A person seeking a hearing on an agency decision, such as an administrative complaint, shall file a petition for an administrative hearing with the agency within 21 days of receipt of written notice of the agency decision. Fla. Admin. Code R. 28-106.111(2). The Commission is required by law to dismiss a request for an administrative hearing if it is not timely filed. § 120.569(2)(c), Florida Statutes.

Respondent received the administrative complaint issued in the above-styled case on \_\_\_\_\_. The Commission received Respondent’s request for an administrative hearing on \_\_\_\_\_, which is more than 21 days from the date of receipt of the administrative complaint.

If Respondent does not respond to this Order **within 15 days** of the date this Order is signed showing that the request for administrative hearing was timely filed or that equitable tolling applies to the untimely filing of a petition, this matter will be presented at a duly noticed Commission meeting for the issuance of a Final Order consistent with the administrative complaint.

2.   X   The request for an administrative hearing is legally insufficient.

Please note: If this item is checked, Respondent's request for an administrative hearing does not include those items required by Rule 28-106.2015 of the Florida Administrative Code, attached hereto as Exhibit A. The Commission is required by law to dismiss a request for an administrative hearing that is not in substantial compliance with the requirements of Rule 28-106.2015 of the Florida Administrative Code. § 120.569(2)(c), Florida Statutes.

If Respondent's request for an administrative hearing was timely received by the Commission, Respondent may amend the request for an administrative hearing to include the information required by Rule 28-106.2015 of the Florida Administrative Code. If Respondent does not respond to this Order **within 15 days** of the date this Order was signed, correcting the defective request for an administrative hearing, this matter will be presented at a duly noticed Commission meeting for the issuance of a Final Order consistent with the administrative complaint.

Dated this   9th   day of   October  , 2025.

/s/ Melba Apellaniz  
MELBA APELLANIZ  
CLERK OF THE COMMISSION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of October, 2025, a  
true and correct copy of the foregoing document has been sent via certified mail to:

**FRANCISCO CORTES**

3211 SW 39<sup>th</sup> Street  
West Park, Florida 33023

/s/ Melba Apellaniz

**CLERK OF THE COMMISSION**  
Florida Gaming Control Commission

CC: Ebonie Lanier

7006 2150 0005 6846 8510

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City, State, ZIP+4	
PS Form 3800, August 2006	
See Reverse for Instructions	

10/9/25

**Francisco Cortes**  
3211 SW 39<sup>th</sup> Street  
West Park, FL 33023  
Order-2025038263 -PMW

## APPENDIX A

### **28-106.2015 Agency Enforcement and Disciplinary Actions.**

(1) Prior to entry of a final order to suspend, revoke, or withdraw a license, to impose administrative fines, or to take other enforcement or disciplinary action against a licensee or person or entity subject to the agency's jurisdiction, the agency shall serve upon the licensee an administrative complaint. For purposes of this rule, an agency pleading or communication that seeks to exercise an agency's enforcement authority and to take any kind of disciplinary action against a licensee or other person shall be deemed an administrative complaint.

(2) An agency issuing an administrative complaint shall be the petitioner, and the licensee against whom the agency seeks to take disciplinary action shall be the respondent.

(3) The agency's administrative complaint shall be considered the petition, and service of the administrative complaint on the respondent shall be deemed the initiation of proceedings.

(4) The agency's administrative complaint shall contain:

(a) The name of the agency, the respondent or respondents against whom disciplinary action is sought and a file number.

(b) The statutory section(s), rule(s) of the Florida Administrative Code, or the agency order alleged to have been violated.

(c) The facts or conduct relied on to establish the violation.

(d) A statement that the respondent has the right to request a hearing to be conducted in accordance with Sections 120.569 and 120.57, F.S., and to be represented by counsel or other qualified representative.

(5) Requests for hearing filed by the respondent in accordance with this rule shall include:

(a) The name, address, any e-mail address, telephone number, and facsimile number, if any, of the respondent, if the respondent is not represented by an attorney or qualified representative.

(b) The name, address, e-mail address, telephone number, and facsimile number of the attorney or qualified representative of the respondent, if any, upon whom service of pleadings and other papers shall be made.

(c) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate.

(d) A statement of when the respondent received notice of the administrative complaint.

(e) A statement including the file number to the administrative complaint.

*Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 1-15-07, Amended 2-5-13.*



STATE OF FLORIDA  
FLORIDA GAMING CONTROL COMMISSION

FGCC v. FRANCISCO CORTES

CASE NO.: 2025-038263

**AMENDED 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.

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Florida Gaming Control Commission  
Attention: Clerk of the Commission  
4070 Esplanade Way, Suite 250, Tallahassee, FL 32399  
Telephone: (850) 794-8067 Fax: (850) 536-8709  
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):

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STATE OF FLORIDA  
FLORIDA GAMING CONTROL COMMISSION

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\_\_\_\_\_  
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**

FILED  
FLORIDA GAMING CONTROL COMMISSION  
Date: **10/02/2025**  
File Number: \_\_\_\_\_  
BY: MELBA L. APELLANIZ  
CLERK OF THE COMMISSION

STATE OF FLORIDA  
FLORIDA GAMING CONTROL COMMISSION

2025 OCT -2 PM 3:02

FLORIDA GAMING  
CONTROL COMMISSION

FGCC v. FRANCISCO CORTES,

CASE NO.: 2025-038263

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STATE OF FLORIDA  
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Francisco Cortes  
PRINTED NAME

\_\_\_\_\_  
ATTORNEY OR QUALIFIED REPRESENTATIVE

3211 SW 39 Street  
Street Address

\_\_\_\_\_  
Street Address (where service shall be made)

West Park, FL 33023

City State Zip

City State Zip

954-445-6297  
Telephone Number Facsimile Number (if any)

\_\_\_\_\_  
Telephone Number Facsimile

Number (if any)

shay1316@hotmail.com

E-mail

\_\_\_\_\_  
E-mail



SIGNATURE

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