

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.: 2024-030673

JORGE BARBARO HERNANDEZ GARCIA,

Respondent.

\_\_\_\_\_ /

**FINAL ORDER**

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on April 9, 2026, 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 August 27, 2024. 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 Community Newspapers starting on January 29, 2026. 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 February 26, 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 pari-mutuel facilities and all facilities of slot machine licensees within the state of Florida.

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

**DONE AND ORDERED** this 13<sup>th</sup> day of April, 2026.

FLORIDA GAMING CONTROL COMMISSION



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**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, 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 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 13<sup>th</sup> day of April, 2026, a true and correct copy of this Final Order has been sent via U.S. mail to:

**Jorge Barbaro Hernandez Garcia**  
951 Brickell Avenue, Apt 803  
Miami, Florida 33131

  
\_\_\_\_\_  
**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.: 2024-030673

JORGE BARBARO HERNANDEZ GARCIA,

Respondent.

\_\_\_\_\_ /

ADMINISTRATIVE COMPLAINT

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Jorge Barbaro Hernandez Garcia (“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 15263 Southwest 141st street Miami, Florida 33169.
3. At all times material hereto, South Florida Racing Association, Inc. d/b/a Hialeah Park Racing & 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 May 21, and May 23, 2024, Respondent was a patron of Hialeah Park Racing & Casino.
5. On or about May 23, 2024, Respondent was ejected and permanently excluded from Hialeah Park Racing & Casino.

6. Respondent was permanently excluded 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 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 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 ejection from Hialeah Park Racing & Casino on or about May 23, 2024.

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 2024-030673 is signed this 26th day of August 2024.

/s/Emily A. Alvarado

Emily A. Alvarado  
Chief Attorney  
FBN: 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: +1 (850) 536-8709  
Primary: Emily.Alvarado@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. JORGE HERNANDEZ GARCIA

CASE NO.: 2024-030673

**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**

**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) 536-8709  
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

**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

March 19, 2025

Jorge Hernandez Garcia  
951 Brickell Ave APT #803,  
Miami, Florida 33131-3933

Case No.: **2024-030673**

Subject: **SERVICE OF ADMINISTRATIVE COMPLAINT**

Dear Mr./Ms. Garcia:

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/ Emily A. Alvarado

Emily A. Alvarado  
Chief Attorney  
850-794-8066

Enclosures: Administrative Complaint and Election of Rights Form

**COMMUNITY NEWSPAPERS**  
**PUBLISHED MONDAY**  
**MIAMI, MIAMI-DADE, FLORIDA**

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared **GEORGIA GRIFFIN** who on oath says she is **OFFICE MANAGER** of Legal Advertising of Community Newspapers, published Monday at Miami-Dade, Florida; that the attached copy of advertisement, published on the publicly accessible website of Miami-Dade County, Florida and/or in a newspaper in print, being a Legal Advertisement of Notice in the Matter of

**NOTICE OF ACTION:**  
**JORGE BARBARO HERNANDEZ GARCIA**  
**CASE NO.: 2024-030673**

In the      **CIRCUIT** Court, was published in said newspaper in the issue of  
**01/29, 02/05, 02/12, 02/19/2026**

Affiant further says that the website or newspaper complies with the legal requirements for publication in chapter 50, Florida Statutes.

PROOF OF PUBLICATION -

AFFIANT *Georgia Griffin*  
     **19TH** day of      **FEBRUARY**      **2026**

JESUS TOLEDO *[Signature]*  
(Print or type name of Notary Public)

(SEAL)   
My Commission Expires:     

**NOTICE OF ACTION**  
**BEFORE THE DIVISION OF PA-**  
**RI-MUTUEL WAGERING**  
**IN RE: Sections 550.0251(6), and**  
**551.112, Florida Statutes.**  
**JORGE BARBARO**  
**HERNANDEZ-GARCIA**  
**15263 Southwest 141st Street**  
**Miami, Florida 33189**  
**CASE NO.: 2024-030673**  
**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 Ebonia Lanier, Administrative Assistant III, Office of the General Counsel, Florida Gaming Control Commission, 4070 Esplanade Way, Suite 250, Tallahassee, FL 32309, (850) 794-8072.  
If no contact has been made by you concerning the above by Thursday, February 28, 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) 257-8097; 1-800-956-8771 (TDD) or 1-800-956-8770 (v), via Florida Relay Service.  
**01/29, 02/05, 02/12, 02/19/2026**

Community Newspapers  
6796 S.W. 62nd Avenue  
South Miami, Florida 33143  
305-669-7355 Ext. 2226