

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING

Petitioner,

v.

FGCC Case No.: 2023-039433

BRIANNA LUBIN,

Respondent.

_____ /

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission (“Commission”) at a duly-noticed public meeting on April 3, 2024, 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 17, 2023, alleging that Respondent was subject to exclusion from all licensed pari-mutuel wagering facilities and all facilities of a slot machine licensee in the state of Florida. A copy of the Administrative Complaint is attached hereto as Exhibit “1” and incorporated by reference.

2. The Administrative Complaint, Election of Rights form, an Explanation of Rights, and a cover letter were served on Respondent via certified mail.

3. The Election of Rights form, Explanation of Rights, and cover letter informed Respondent that a written response to the Complaint, including the right to request a hearing, was due within 21 days of actual service of the Complaints. *See* § 120.569(1), Fla. Stat., and Fla. Admin. Code R. 28-106.111.

4. On or about October 24, 2023, the Division received an Election of Rights form from Respondent requesting an informal hearing in accordance with the provisions of section 120.569 and 120.57(2), Florida Statutes. A copy of the Election of Rights is attached hereto as Exhibit "2" and incorporated by reference.

5. At the informal hearing, held January 4, 2024, Respondent indicated that she did not oppose the Commission excluding her from all licensed pari-mutuel wagering facilities and facilities of a slot machine licensee in the state of Florida and the Commission's Counsel moved for the designated Hearing Officer to relinquish jurisdiction to the Commission so that a Final Order could be issued.

6. On March 28, 2024, the designated Hearing Officer granted counsel's Motion to Relinquish Jurisdiction. A copy of the Unopposed Motion to Relinquish is attached hereto as Exhibit "3" and incorporated by reference.

7. Respondent has waived her right to request a hearing in which there is a disputed issue of material fact.

Having considered the Administrative Complaint and Respondent's waiver of her right to request a hearing, and being otherwise fully advised in the premises, it is hereby

ORDERED and ADJUDGED:

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

2. 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 19th day of April, 2024.

FLORIDA GAMING CONTROL COMMISSION



CLERK OF THE COMMISSION

On Behalf of

Julie Brown, Vice-Chair

John D' Aquila, Commissioner

Charles Drago, Commissioner

Tina Repp, Acting Commissioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of April, 2024, a true and correct copy of this Final Order has been sent via USPS mail to:

Brianna Lubin
829 NE 1st Avenue
Pompano Beach, FL 33060



CLERK OF THE COMMISSION
Florida Gaming Control Commission

CC: Ebonie Lanier

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ADMINISTRATIVE COMPLAINT

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Brianna Rubin (“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’s address was reported as 829 Northeast 1st Avenue, Pompano Beach, Florida 33060.
3. At all times material hereto, Harrah’s Pompano Park Casino was a facility operated by a permit holder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the State of Florida.
4. On or about June 29, 2023, Respondent was an employee of Myron’s Deli located at Harrah’s Pompano Park Casino.
5. On or about July 10, 2023, Respondent was permanently excluded from Harrah’s Pompano Park 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 supplied).

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 supplied).

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 her exclusion from Harrah's Pompano Park Casino on or about July 10, 2023.

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, 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 2023-039433 is signed this 17th day of August 2023.

/s/Emily A. Alvarado

Emily A. Alvarado
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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.