

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING

Petitioner,

v.

JULIAN J. BERNARD,

FGCC Case No.: 2024-025901

Respondent.

_____ /

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on October 2, 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:

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.

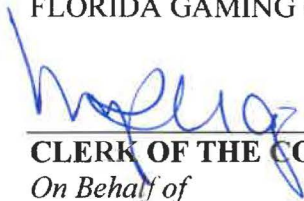
ORDERED and ADJUDGED:

1. The Hearing Officer's Recommended Order is adopted in full.
2. Respondent is 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 2nd day of OCTOBER, 2024.

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

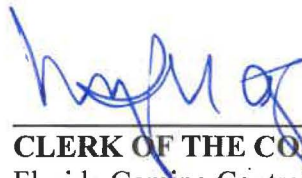
NOTICE OF RIGHT TO APPEAL

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, 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 2nd day of OCTOBER, 2024, a true and correct copy of this Final Order has been sent via U.S. Mail to:

Julian J. Bernard
4461 N. Federal Highway, Apt. 204
Pompano Beach, FL 33064
JulianBernardX@gmail.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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FGCC Case No.: 2024-025901

JULIAN J. BERNARD,

Respondent.

_____ /

HEARING OFFICER’S RECOMMENDED ORDER

THIS MATTER came before Elizabeth K. Stinson, designated Hearing Officer for the Florida Gaming Control Commission (“Commission”), on August 22, 2024, 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 Julian J. Bernard (“Respondent”), in FGCC Case Number 2024-025901 (“Administrative Complaint”). The Commission was represented by Emily A. Alvarado, Chief Attorney, and the hearing was held via video conference.

PRELIMINARY STATEMENT

1. On or about June 10, 2024, the Commission filed an Administrative Complaint against Respondent alleging that Respondent was a patron of, and was ejected and excluded from Calder Race Course, Inc., d/b/a Calder Casino (“Calder Casino”). Calder Casino is a permit holder licensed to conduct pari-mutuel wagering, slot machine, and cardroom operations in the state of Florida. The Administrative Complaint sought to exclude Respondent from all licensed pari-mutuel wagering facilities and all facilities of a slot machine licensee in the state of Florida.

2. On or about July 11, 2024, the Commission received an Election of Rights form from Respondent, where Respondent did not dispute the allegations of material fact and requested an informal hearing pursuant to section 120.57(2), Florida Statutes.

The August 22, 2024, Informal Hearing

3. At the informal hearing held on August 22, 2024, 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 accepted the investigative packet into the record.

4. The investigative packet that was admitted into the record contained an Investigative Report detailing the activity that led to the permanent ejection and exclusion of Respondent from Calder Casino.

5. At the informal hearing, Respondent stated that it is the right of Calder Casino, but an overreach of the Commission to exclude Respondent for life from all other pari-mutuel, slot machine, and cardroom facilities in the state of Florida based off of a minor mistake.

6. The Respondent testified that he visits licensed facilities often and knew what he did was inappropriate.

FINDINGS OF FACT

7. Petitioner is the state agency charged with regulating pari-mutuel wagering, cardroom, and slot machine operations pursuant to chapters 550 and 551, Florida Statutes and section 849.086, Florida Statutes.

8. At all times material hereto, Calder Casino was a facility operated by a permitholder authorized to conduct pari-mutuel wagering, slot machine, and cardroom operations in the state of Florida.

9. On or about April 24, 2024, Respondent was a patron of and was ejected from Calder Casino.

10. On or about May 1, 2024, Respondent was permanently excluded from Calder 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 120, 550, and 551, Florida Statutes.

13. At all times material hereto, Calder Casino was a facility operated by a permitholder authorized to conduct pari-mutuel wagering, cardroom, and slot machine operations in the state of Florida.

14. 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 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).

15. 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).

16. Pursuant to the statutes, a patron's ejection and exclusion from one facility is enough to trigger an exclusion of the patron from all pari-mutuel facilities and all facilities of a slot machine licensee in the state of Florida.

17. Respondent is subject to permanent exclusion from all licensed pari-mutuel wagering facilities and all facilities of a slot machine licensee in the state of Florida based on Respondent's ejection and permanent exclusion from Calder Casino.

18. Respondent's testimony neither mitigates the fact that Respondent was ejected and excluded from Calder Casino, nor precludes the Commission from permanently excluding Respondent from all licensed pari-mutuel facilities and all facilities of a slot machine licensee in the state of Florida.

19. 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 a Final Order permanently excluding Respondent from all pari-mutuel wagering facilities and all facilities of a slot machine licensee in the state of Florida.

This Hearing Officer's Recommended Order in FGCC Case Number 2024-025901 is submitted this 11th day of September 2024.

Elizabeth K. Stinson

Elizabeth K. Stinson
Hearing Officer
Florida Gaming Control Commission

CERTIFICATE OF SERVICE

I hereby certify this 11th day of September 2024, that a true copy of the foregoing
“Hearing Officer’s Recommended Order” has been provided by email to:

Emily A. Alvarado
Counsel for Petitioner
Emily.Alvarado@flgaming.gov

Julian J. Bernard
Respondent
4461 N. Federal Highway, Apt. 204
Pompano Beach, FL 33064
JulianBernardX@gmail.com

Elizabeth K. Stinson

Elizabeth K. Stinson
Hearing Officer
Florida Gaming Control Commission