

STATE OF FLORIDA  
FLORIDA GAMING CONTROL COMMISSION

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

Petitioner,

v.

FGCC Case No.: 2024-060176

OMAR CASTRO, JR,

Respondent.

\_\_\_\_\_ /

**FINAL ORDER**

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on February 13, 2025, 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 December 17, 2024, alleging that Respondent is subject to exclusion from all licensed pari-mutuel facilities in the state of Florida pursuant to section 550.0251(6), Florida Statutes. 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 on December 21, 2024. Proof of service is attached hereto as Exhibit "2" and incorporated by reference.

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.

3. Petitioner informed Respondent that the failure to file a timely response to the Administrative Complaint would be deemed a waiver of the right to a hearing.

4. Respondent has not filed a timely response to the Administrative Complaint. 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 service of the Administrative Complaint with Election of Rights form, Explanation of Rights, and cover letter on Respondent along with Respondent's failure to respond, and being otherwise fully advised in the premises, it is hereby

ORDERED and ADJUDGED:

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

2. 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 13<sup>th</sup> day of FEBRUARY, 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 13<sup>th</sup> day of FEBRUARY, 2025, a true and correct copy of this Final Order has been sent via USPS mail to:

**Omar Castro, Jr**  
27840 Wisconsin Street  
Bonita Springs, Florida 34135

  
\_\_\_\_\_  
**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 Omar Castro, Jr. (“Respondent”), and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering and cardroom operations pursuant to chapters 550 and 849, Florida Statutes.

2. At all times material hereto, Respondent’s address was reported as 27840 Wisconsin Street, Bonita Springs, Florida 34135.

3. At all times material hereto, Bonita-Ft Myers Corp. Wholly Subsidiary of Southwest Florida Enterprises, Inc. d/b/a/ Bonita Springs Poker Room was a facility operated by a permit holder authorized by the Commission to conduct pari-mutuel wagering, and cardroom operations in the state of Florida.

4. On or about September 28, 2024, Respondent was a patron of Bonita-Ft Myers Corp. Wholly Subsidiary of Southwest Florida Enterprises, Inc. d/b/a/ Bonita Springs Poker Room.

5. On or about September 28, 2024, Respondent was ejected and permanently excluded from Bonita-Ft Myers Corp. Wholly Subsidiary of Southwest Florida Enterprises, Inc. d/b/a/ Bonita Springs Poker Room.

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. 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 Bonita-Ft Myers Corp. Wholly Subsidiary of Southwest Florida Enterprises, Inc. d/b/a/ Bonita Springs Poker Room on or about September 28, 2024.

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, in accordance with section 550.0251(6), along with any other remedy provided by chapter 550, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for FGCC Case Number 2024-060176 is signed this 11th day of December 2024.

*/s/Justin Hundersmarck*

Justin Hundersmarck

Senior Attorney

FBN: 1039038

Florida Gaming Control Commission

Office of the General Counsel

Division of Pari-Mutuel Wagering

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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.