

STATE OF FLORIDA  
FLORIDA GAMING CONTROL COMMISSION

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

Petitioner,

v.

FGCC Case No.: 2024-040783

KARELL TEJERA MARTINEZ,

Respondent.

**FINAL ORDER**

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on November 7, 2024, 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 26, 2024, alleging that Respondent violated rule 75-11.005(4), Florida Administrative Code, and is therefore subject to license revocation pursuant to section 849.086(14)(a), Florida Statutes, and exclusion from all pari-mutuel and slot machine facilities 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. The Administrative Complaint, Election of Rights form, an Explanation of Rights, and a cover letter were served on Respondent.
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 14, 2024, Respondent returned the Election of Rights form and selected “Option 3” which states that Respondent does not dispute the allegations of material fact in the Administrative Complaint and waives his or her right to any form of hearing. Respondent, by selecting this option, requests that a Final Order imposing a penalty and/or fine be entered in this case. A copy of the Election of Rights is attached hereto as Exhibit “2” and incorporated by reference.

5. Respondent has waived his 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 his/her right to request a hearing, and being otherwise fully advised in the premises, it is hereby

ORDERED and ADJUDGED:

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

7. Respondent’s Slot Machine/Cardroom/Pari-Mutuel Combination Occupational License, number 11034190, is hereby **REVOKED**.

8. 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 8<sup>th</sup> day of NOVEMBER, 2024.

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

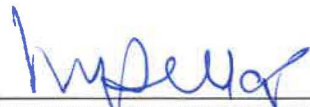
NOTICE OF RIGHT TO APPEAL

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 8<sup>th</sup> day of NOVEMBER, 2024, a true and correct copy of this Final Order has been sent via USPS mail to:

**Karrell Tejera Martinez**  
1335 West 49th Place, Apt 510  
Hialeah, Florida 33012



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**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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Respondent.

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ADMINISTRATIVE COMPLAINT

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Karell Tejera Martinez (“Respondent”), and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering, slot machine, and cardroom operations pursuant to chapters 550, 551, and 849, Florida Statutes.
2. At all times material hereto, Respondent held a Slot Machine/Cardroom/Pari-Mutuel Combination Occupational License, number 11034190, issued by Petitioner pursuant to sections 550.105(2)(a), 551.107(2)(b), and 849.086(6), Florida Statutes.
3. At all times material hereto, South Florida Racing Association, LLC d/b/a Hialeah Park Racing & Casino was a facility operated by a permitholder authorized to conduct pari-mutuel wagering and cardroom operations in the state of Florida.
4. At all times material hereto, Respondent was employed as a Poker Dealer at Hialeah Park Racing & Casino.

5. On or about July 12, 2024, Respondent was observed by Hialeah Park Racing & Casino surveillance removing chips from the player pot and adding it to his top box.

6. On or about July 12, 2024, Respondent's employment with Hialeah Park Racing & Casino was terminated.

7. On or about July 15, 2024, Respondent was permanently excluded from Hialeah Park Racing & Casino.

8. Respondent was permanently excluded for the reasons alleged in Exhibit 1.

#### COUNT I

9. Petitioner realleges and incorporates the allegations contained in paragraphs one through seven as if set forth fully herein.

10. Rule 75-11.005(4)(a), Florida Administrative Code, states that "[n]o person shall, either directly or indirectly . . . [e]mploy or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator."

11. Section 849.086(14)(a), Florida Statutes, provides that:

The commission may deny a license or the renewal thereof, or may suspend or revoke any license, when the applicant has: violated or failed to comply with the provisions of this section or any rules adopted pursuant thereto; knowingly caused, aided, abetted, or conspired with another to cause any person to violate this section or any rules adopted pursuant thereto; or obtained a license or permit by fraud, misrepresentation, or concealment; or if the holder of such license or permit is no longer eligible under this section.

12. Based on the foregoing, Respondent violated rule 75-11.005(4), Florida Administrative Code, by employing a device, scheme, or artifice to defraud the cardroom operator and is therefore subject to suspension or revocation of his occupational license pursuant to section 849.086(14)(a), Florida Statutes.

## COUNT II

13. Petitioner realleges and incorporates the allegations contained in paragraphs one through eleven as if set forth fully herein.

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 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.

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.

16. Based on the foregoing, Respondent is subject to exclusion from all licensed parimutuel wagering facilities and any facility of a slot machine licensee in the state of Florida based on his exclusion from Hialeah Park Racing & Casino and his violation of rule 75-11.005(4), Florida Administrative Code.



WHEREFORE, Petitioner respectfully requests the Florida Gaming Control Commission enter an Order revoking Respondent's Slot Machine/Cardroom/Pari-Mutuel Combination Occupational License, number 11034190, and 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, 551, and 849, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for FGCC Case Number 2024-040783 is signed this 21st 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. TEJERA MARTINEZ, KARELL

CASE NO.: 2024-040783

**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) 536-8709  
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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**EXHIBIT**  
**2**

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.**

Karell Tejera Montinez  
PRINTED NAME

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

1335w 49 pl Apto 510  
Street Address

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

Hialeh FL 33012

City State Zip

City State Zip

786 828 1483

Telephone Number Facsimile Number (if any)  
Number (if any)

Telephone Number Facsimile

Korkhy1397@gmail.com

E-mail

E-mail

[Signature]

SIGNATURE

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