

**FILED**  
**FLORIDA GAMING CONTROL COMMISSION**  
Date: 8/09/2024  
File Number: 2024-00089  
**BY: MELBA L. APELLANIZ**  
**CLERK OF THE COMMISSION**

STATE OF FLORIDA  
FLORIDA GAMING CONTROL COMMISSION

FLORIDA GAMING CONTROL COMMISSION,  
DIVISION OF PARI-MUTUEL WAGERING

Petitioner,

v.

FGCC Case No.: 2022-037047

ALEJANDRO ENRIQUE TOLEDO-RINCON

Respondent.

\_\_\_\_\_ /

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on August 8, 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 any facility 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 9<sup>th</sup> day of AUGUST, 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 9<sup>th</sup> day of AUGUST, 2024, a true and correct copy of this Final Order has been sent via U.S. Mail to:

**Alejandro Enrique Toledo-Rincon**  
400 SW 1st Avenue, Apartment 1904  
Ft. Lauderdale, FL 33301

  
\_\_\_\_\_  
**CLERK OF THE COMMISSION**  
Florida Gaming Control Commission

CC: Ebonie Lanier

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

<b>FILED</b>	
FLORIDA GAMING CONTROL COMMISSION	
Date:	<b>7/31/2024</b>
File Number:	_____
BY: MELBA L. APELLANIZ CLERK OF THE COMMISSION	

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

Petitioner,

v.

FGCC Case No.: 2022-037047

ALEJANDRO ENRIQUE TOLEDO-RINCON,

Respondent.

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HEARING OFFICER’S RECOMMENDED ORDER

THIS MATTER came before Elizabeth K. Stinson, designated Hearing Officer for the Florida Gaming Control Commission (“Commission”), on May 16, 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 Alejandro Enrique Toledo-Rincon (“Respondent”), in FGCC Case Number 2022-037047 (“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 October 19, 2022, the Commission filed an Administrative Complaint against Respondent alleging that Respondent was a patron of, and was ejected and excluded from, Bonita Springs Poker Room and Magic City Casino. Bonita Springs Poker Room is a permitholder licensed to conduct pari-mutuel wagering and cardroom operations in the state of Florida, and Magic City Casino is a permitholder 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. The Commission received a letter from Respondent on November 16, 2022, that, among other things, admitted that he had been expelled from Bonita Springs Poker Room, but did not specify if Respondent was requesting a formal or informal hearing.

3. On or about November 17, 2022, the Commission mailed Respondent a letter requesting the missing information from Respondent's November 16, 2022, letter.

4. Respondent submitted an Election of Rights form on March 8, 2023. On this form, Respondent selected "Option 2" stating that he disputed the allegations of material fact in the Complaint but did not specifically identify disputed issues of material fact.

5. A letter dated November 1, 2023, that was delivered on or about November 15, 2023, was sent to Respondent requesting that Respondent amend his Election of Rights and explained that if an amended Election of Rights was not received, or if the amended Election of Rights still did not identify issues of material facts in dispute that the matter would be set for an informal hearing.

6. The Commission did not receive any amended Election of Rights form from Respondent.

#### The May 16, 2024, Informal Hearing

7. At the informal hearing on May 16, 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.

8. 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 Bonita Springs Poker Room and Magic City Casino.

9. The investigative packet also stated that Respondent became irate and refused to sign an exclusion form or provide identification when informed that he was being ejected and excluded by security at Bonita Springs Poker Room. Additionally, when Respondent was notified by police and security at Magic City Casino that he was excluded and being trespassed from the property, Respondent refused to sign the trespass form.

10. At the hearing, Respondent appeared with a translator. Respondent testified regarding the incident that caused him to be excluded and ejected from Bonita Springs Poker Room and from Magic City Casino.

11. Respondent read the letter he had previously submitted to the Commission and testified that he did not cheat, and that he does not need to cheat to win, stating that he has played poker all over the world.

12. At the hearing, Respondent requested the video referenced in the investigative packet. The attorney for the commission provided the video to Respondent and the hearing officer shortly after the hearing.

#### FINDINGS OF FACT

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

14. At all times material hereto, Bonita Springs Poker Room was a facility operated by a permitholder authorized to conduct pari-mutuel wagering and cardroom operations in the

state of Florida.

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

16. On or about June 1, 2022, Respondent was a patron of Bonita Springs Poker Room and was ejected from Bonita Springs Poker Room.

17. On or about June 7, 2022, Respondent was permanently excluded from Bonita Springs Poker Room.

18. On or about June 6, 2022, Respondent was a patron at Magic City Casino.

19. On or about June 6, 2022, Respondent was ejected and permanently excluded from Magic City Casino.

#### CONCLUSIONS OF LAW

20. The Hearing Officer has jurisdiction over this matter and the parties pursuant to section 120.57(2), Florida Statutes.

21. The Commission has jurisdiction over this matter pursuant to chapters 120, 550, and 551, Florida Statutes.

22. At all times material hereto, Bonita Springs Poker Room was a facility operated by a permitholder authorized to conduct pari-mutuel wagering and cardroom operations in the state of Florida.

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

24. 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).

25. 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).

26. 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.

27. 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 Bonita Springs Poker Room and Magic City Casino.

28. Respondent's testimony neither mitigates the fact that Respondent was excluded from both Bonita Springs Poker Room and Magic City Casino, nor precludes the Commission from permanently excluding Respondent from all licensed pari-mutuel facilities and facilities of a slot machine licensee in the state of Florida.

29. 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 2022-037047 is submitted this 30th day of July 2024.

*Elizabeth K. Stinson*  
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Elizabeth K. Stinson  
Hearing Officer  
Florida Gaming Control Commission

CERTIFICATE OF SERVICE

I hereby certify this 30th day of July 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

**Alejandro Enrique Toledo-Rincon**  
Respondent  
400 SW 1st Ave  
Apartment 1904  
Ft. Lauderdale, FL 33301  
Toledo.rincon@gmail.com

*Elizabeth K. Stinson*

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**Elizabeth K. Stinson**  
Florida Gaming Control Commission