STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING

Petitioner,

v.

FGCC Case No.: 2024-058104

JAMES DANIEL WADZINSKI,

Respondent.
_____/

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on September 11, 2025, 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 **PERMANENTLY EXCLUDED** from all pari-mutuel facilities and facilities of a slot machine licensee in the state of Florida.

This Final Order shall take effect upon being filed with the Clerk of the Commission.

DONE AND ORDERED this 16TH day of SEPTEMBER, 2025.

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, Suite 250, 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 16TH day of SEPTEMBER, 2025, a true and correct copy of this Final Order has been sent via email to:

James Daniel Wadzinski
Jwadzinski@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

FLORIDA GAMING CONTROL COMMISSION
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

FGCC Case No.: 2024-058104

v.

JAMES DANIEL WADZINSKI,

Respondent.
_____/

HEARING OFFICER'S RECOMMENDED ORDER

THIS MATTER came before Renee Harkins, designated Hearing Officer for the Florida Gaming Control Commission ("Commission"), on July 10, 2025, 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 James Wadzinski, ("Respondent"), in FGCC Case Number 2024-058104 ("Administrative Complaint"). The Commission was represented by Justin Hundersmarck, Senior Attorney, and the hearing was held via video conference.

PROCEDURAL HISTORY

1. On or about January 16, 2025, the Commission filed an Administrative Complaint against Respondent, alleging that Respondent was a patron of and was ejected and excluded from Gretna Racing, LLC, d/b/a Magic City Casino ("Magic City Casino"). The Administrative Complaint sought to exclude Respondent from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the State of Florida due to Respondent's ejection and exclusion from Magic City Casino on or about July 22, 2024.

2. On or about April 30, 2025, the Commission received an Election of Rights form from Respondent requesting a telephonic hearing in accordance with the provisions of sections 120.569 and 120.57(2), Florida Statutes.

3. An informal hearing was scheduled for July 10, 2025.

The July 10th, 2025 Informal Hearing

4. At the informal hearing held on July 10th, 2025, 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 admitted the investigative packet into the record.

5. 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 Magic City Casino.

6. The investigative report alleged that while seated during card play at a table, Respondent and four other patrons knowingly engaged in behavior that attempted to manipulate the game.

7. On or about July 20, 2024, Respondent was a patron at two separate casinos where he placed bets at card tables. Both casinos objected to Respondent's card play betting actions and verbally warned Respondent to cease the observed behavior with the four other patrons seated at the card table.

8. One of the casinos, Magic City Casino, chose to permanently exclude Respondent on or about July 22, 2024.

9. The other casino chose to refuse further card room play from Respondent should he return, as he refused to provide his identification while a patron.

10. At the informal hearing, Respondent testified that the betting technique (Advantage Play) he employed with the other patrons at the table is not illegal and does not subject him to exclusion. Respondent also stated that to further exclude him from licensed pari-mutuel wagering facilities and any facility of a slot machine licensee is too harsh a penalty.

FINDINGS OF FACT

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

12. On or about July 20, 2024, Respondent was a patron of Magic City Casino.

13. On or about July 22, 2024, Respondent was ejected and permanently excluded from Magic City Casino for engaging in betting behavior that the casino found disruptive to its facility, and on the same day, left another casino after being cautioned for his betting activity and refusing to provide identification.

CONCLUSIONS OF LAW

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

15. The Commission has jurisdiction over this matter pursuant to chapters 550, 551, and 849, Florida Statutes.

16. Section 550.0251(6), Florida Statutes, provides:

> 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. The commission may authorize any person who has been ejected or excluded from pari-mutuel facilities in this state or another state to attend the pari-mutuel facilities in this state upon a finding that the attendance of such person at pari-mutuel facilities would not be adverse to the public interest or to the integrity of the sport or industry; however, this subsection shall not be construed to abrogate the common-law right of a pari-mutuel permitholder to exclude absolutely a patron in this state.

(Emphasis added.)

17. Section 551.112, Florida Statutes, provides in relevant part:

> 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 added.)

18. Pursuant to the statutes, Respondent's ejection and exclusion from one facility is enough to trigger an exclusion of the person from all pari-mutuel facilities in the State of Florida.

19. Respondent is subject to permanent exclusion from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the State of Florida based on Respondent's ejection and permanent exclusion from Magic City Casino on or about July 22, 2024.

20. Respondent affirmatively asserts that he should be authorized to attend pari-mutuel facilities in the state because his attendance will not be adverse to the public interest or to the

integrity of the sport or industry. The standard of proof with respect to this issue is the preponderance of the evidence (section 120.57(1)(j), Florida Statutes). Respondent has not demonstrated, by a preponderance of the evidence, that his attendance at pari-mutuel facilities in the state would not be adverse to the public interest or the integrity of the sport or industry. Therefore, it is concluded that Petitioner ("Commission") is entitled to exclude Respondent.

21. Respondent's testimony neither mitigates that Respondent was ejected and excluded from Magic City Casino nor precludes the Commission from permanently excluding Respondent from all licensed pari-mutuel facilities in the State of Florida.

22. 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 an Order permanently excluding Respondent from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the State of Florida.

This Hearing Officer's Recommended Order in FGCC Case Number 2024-058104 is submitted this 2nd day of September 2025.

Renee Harkins

Renee Harkins, Hearing Officer
Florida Gaming Control Commission

CERTIFICATE OF SERVICE

I hereby certify that this 3RD day of SEPTEMBER 2025, that a true copy of the foregoing "Hearing Officer's Recommended Order" has been provided by email to:

James Daniel Wadzinski
628 East 28th Street
Houston, Texas 77008
Jdwadzinski@gmail.com

Justin Hundersmarck
Counsel for Petitioner
Justin.Hundersmarck@flgaming.gov

CLERK OF THE COMMISSION
Florida Gaming Control Commission