

3772-4-08 Affirmative license standards.

(A) An applicant for a casino operator, management company, or holding company license shall establish, by clear and convincing evidence, the applicant's suitability for licensure.

(B) An applicant for a casino operator, management company, or holding company license shall establish, by clear and convincing evidence, the suitability of all holding companies ~~that are not required to obtain a holding company license.~~

(C) An applicant for a casino operator, management company, or holding company license shall establish, by clear and convincing evidence, the qualification and suitability ~~for a key employee license of the following individuals required to obtain a key employee license, if applicable, and any key employees of individuals in a similar holding the following~~ or equivalent positions, ~~prior to the issuance of the casino operator, management company or holding company license:~~

(1) Chief executive officer;

(2) Chief operating officer;

~~(3) General manager of casino facility;~~

~~(4) Casino manager;~~

~~(5) Chief financial officer;~~

~~(6)~~(4) Controller;

~~(7)~~(5) Principal accounting officer;

~~(8)~~(6) General counsel or chief legal officer;

~~(9)~~(7) Chief compliance officer ~~of a holding company that conducts or participates in conducting casino gaming;~~

~~(10)~~(8) Director of the applicant or its holdings companies;

~~(11)~~(9) Member or partner; ~~and~~

~~(12)~~(10) General manager of the casino facility ~~Executive officers~~ Any other office or position that, as determined by the commission, exercises significant influence over the operations of the applicant or its holding companies; and

(11) Any other office or position that, as determined by the commission, exercises significant influence over the operations of the applicant or its holding companies. ~~General manager of the casino facility.~~

(D) An applicant for a casino operator, management company, or holding company license shall establish, by clear and convincing evidence, the suitability of any other individual who holds more than five percent ownership interest in the applicant, who exercises significant influence over the casino operations in this state, or who directly or indirectly controls the applicant, or any other individual identified by the commission.

(E) In determining whether to grant, maintain or renew a casino operator, management company, or holding company license, the commission shall evaluate and consider the following factors in addition to those set forth in Chapter 3772. of the Revised Code:

(1) The reputation and business experience of the applicant and its holding companies;

(2) Whether the applicant and its holding companies possess good character, honesty and integrity;

(3) Whether the applicant and its holding companies possess financial stability, integrity and responsibility;

(4) The ability of the applicant to purchase and maintain adequate ~~liability and casualty~~ insurance coverage as required by rule 3772-7-01 of the Ohio Administrative Code;

(5) The ability of the applicant for a casino operator license to post and maintain a surety bond in the amount of one million dollars in accordance with the requirements in section 3772.112 of the Revised Code;

(6) The compliance history of the applicant, its holding companies, and its affiliates or affiliated companies with casino-related licensing requirements in this state or any other jurisdiction;

(7) The criminal history of the applicant and its holding companies in any jurisdiction;

(8) Whether and to what extent the applicant or its holding companies have associated with members of organized crime and other persons of disreputable character;

(9) Whether the applicant or its holding companies have filed or had filed against it a proceeding for bankruptcy or have ever been involved in any formal process to adjust, defer, suspend, or otherwise resolve the payment of any debt;

(10) Whether the applicant or its holding companies have been served with a complaint or other notice filed with any public body regarding a payment of any tax required under federal, state or local law that has been delinquent for one or more years;

(11) Whether the applicant or its holding companies have been a defendant in litigation involving its business practices during the past ten years;

(12) The extent to which the applicant or its holding companies have cooperated with the commission in connection with the background investigation;

(13) The extent to which the applicant or its holding companies have provided accurate and complete information in the application;

(14) The suitability of the facilities or proposed facilities for the conducting of casino gaming;

(15) The prospective total revenue to be collected by the state for the conducting of casino gaming; and

(16) Whether awarding the license would undermine the public's confidence in the casino gaming industry in this state.