

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 : Case No. 2012-0024
MATTHEW MCMILLEN, :
CASINO GAMING EMPLOYEE LICENSE :
APPLICANT :
 :
 Respondent. :

ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION

On February 27, 2012, Respondent Matthew McMillen filed an application for a casino gaming employee license with the Ohio Casino Control Commission (“Commission”). (Hr’g Ex. G.) Thereafter, the Commission conducted a suitability investigation of McMillen to determine his eligibility for such a license.

During the suitability investigation, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Intent to Deny and Opportunity for Hearing (“Notice”), dated May 1, 2012. (See Hr’g Ex. A.) McMillen received the Notice, sent via certified mail, on May 4, 2012. (Hr’g Ex. B.) Pursuant to R.C. 119.07 and 3772.04, McMillen had the right to a hearing if requested within 30 days of the Notice’s mailing. McMillen so requested and the Commission scheduled a hearing for May 29, 2012; and upon its own motion, the Commission continued the hearing until June 14, 2012. (Hr’g Ex. C.)

Through a letter, dated May 18, 2012, the Commission provided McMillen with supplemental information regarding the allegations contained in the Notice. (Hr’g Ex. D.) McMillen appeared at the hearing without counsel. Accordingly, the Commission held the hearing as scheduled before Hearing Examiner Andrew P. Cooke (“Examiner”).

After presentation and submission of the evidence at the hearing, the Examiner closed the record to prepare a Report and Recommendation (“R&R”), (Tr. p. 33), which he submitted on July 25, 2012. Therein, the Examiner found that McMillen: 1) submitted a Casino Gaming Employee License Application (“Application”) that contained false information, in violation of R.C. 3772.10(C)(2) (R&R p. 5); 2) has been convicted of, or pleaded guilty or no contest to, one or more offenses having an element of moral turpitude, constituting a disqualifying offense under R.C. 3772.07(D) (id. 6); and 3) failed to prove his suitability for licensure by clear and convincing evidence, as required by 3772.10(B). (Id. 7.) As a result of these findings, the Examiner recommended that the Commission deny McMillen’s Application. (Id.)

On July 26, 2012, the Commission sent McMillen, via certified mail, a copy of the R&R. (App. #1; App. #2.) McMillen received the R&R on July 31, 2012 (App. #2), giving him until August 30, 2012, to file objections, see R.C. 3772.04(A)(2); McMillen did not do so, however.

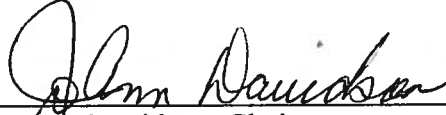
In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on September 12, 2012, for final adjudication.

WHEREFORE, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **ADOPTS** the Examiner's R&R without modification.

WHEREFORE, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **ORDERS** as follows:

- 1) McMillen's Application is **DENIED**;
- 2) McMillen is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772;
- 3) McMillen is **PROHIBITED** from reapplying for licensure under R.C. Chapter 3772 for three years from the date this Order is served upon him, absent a waiver granted by the Commission commensurate with Ohio Adm. Code 3772-1-04; and
- 4) A certified copy of this Order shall be served upon McMillen, via certified mail, return receipt requested, and his counsel of record, if any, via ordinary mail.

IT IS SO ORDERED.



Jo Ann Davidson, Chair
Ohio Casino Control Commission

NOTICE OF APPEAL RIGHTS

Respondent is hereby notified that pursuant to R.C. 119.12, this Commission Order may be appealed by filing a Notice of Appeal with the Commission setting forth the Order that Respondent is appealing from and stating that the Commission's Order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal may also include, but is not required to include, the specific grounds for the appeal. The Notice of Appeal must also be filed with the appropriate court of common pleas in accordance with R.C. 119.12. In filing the Notice of Appeal with the Commission or court, the notice that is filed may be either the original Notice of Appeal or a copy thereof. The Notice of Appeal must be filed within 15 days after the date of mailing of this Commission Order.