



**WHEREFORE**, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **REJECTS** the Examiner's R&R.

In light of the evidence contained within the record, the Commission finds that Doniver did not commit one or more offenses having an element of moral turpitude and that he proved his suitability for licensure by clear and convincing evidence. There being no other allegations in support of denial, the Commission rejects the Examiner's R&R and approves Doniver's Application.

Doniver's Notice alleged that he pled no contest to one or more disqualifying offenses (i.e., offenses having an element of moral turpitude) and that as a result of those offenses he failed to prove his suitability for licensure by clear and convincing evidence. The Commission concludes, however, that the record does not support an affirmative finding on either ground.

Instead, the record demonstrates that over twenty-one years ago, Doniver pled no contest to (and was found guilty of) several misdemeanor criminal charges stemming from a single incident. None of the convictions, on their face, constituted an automatic disqualifying offense, see R.C. 3772.07 and 3772.10(C); consequently, the Commission evaluated the specific circumstances surrounding the incident to determine whether any of the convictions have an element of moral turpitude, see *Bivins v. Ohio State Bd. of Emergency Med. Servs.*, 165 Ohio App.3d 390, 2005-Ohio-5999, 846 N.E.2d 881, ¶ 11, thereby statutorily disqualifying Doniver from licensure under R.C. Chapter 3772, see R.C. 3772.07 and 3772.10(C)(1). In so doing, the Commission finds that in this case, none of the convictions resulting from the incident involve moral turpitude. Accordingly, R.C. 3772.07 and 3772.10(C)(1) do not prohibit the Commission from licensing Doniver.

As far as his suitability, Doniver proved it by clear and convincing evidence as required by R.C. 3772.10(B) and (C)(7). Doniver did so by showing that other than the twenty-one year old incident, he does not have any other criminal convictions on his record. (Hr'g Ex. H.) He also testified that he worked for the City of Cleveland Public Utilities for twenty-seven years (thirty-one if the four years he purchased as a result of his military service is factored in) until he retired October 31, 2011. (Tr. 14.) Finally, through his DD-214, (id.), and Objections to the Examiner's R&R, Doniver established that he is an honorably discharged veteran of the United States Navy. Taken together, the Commission finds that Doniver proved, by clear and convincing evidence, that he is suitable for licensure under R.C. Chapter 3772.

Therefore, the Commission grants Doniver's casino gaming employee license.

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

- 1) Doniver's Application is **APPROVED**;
- 2) Doniver is hereby **LICENSED** for a period not to exceed three years, effective today, as a casino gaming employee, subject to continued compliance with R.C. Chapter 3772 and the rules adopted thereunder, including payment of the nonrefundable license fee of \$250.00 as required by R.C. 3772.17(F) and Ohio Adm. Code 3772-8-03(C);

- 3) Upon issuance of his casino gaming employee license credential, Doniver is **PERMITTED** to work or otherwise serve in any capacity that requires such a license under R.C. Chapter 3772 and the rules adopted thereunder; and
- 4) A certified copy of this Order shall be served upon Donvier, 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.