

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 : Case No. 2012-0033
DARNELL ROBINSON, :
CASINO GAMING EMPLOYEE LICENSE :
APPLICANT :
 :
 Respondent. :

ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION

On or about March 5, 2012, Respondent Darnell Robinson filed a Casino Gaming Employee License Application (“Application”) with the Ohio Casino Control Commission (“Commission”). (Hr’g Ex. I.) Thereafter, the Commission conducted a suitability investigation of Robinson 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. F.) Robinson received the Notice, sent via certified mail, on May 8, 2012. (Hr’g Ex. G.) The Commission supplied Robinson with supplemental (“Supplement”) information regarding its intent to deny his application, dated May 17, 2012. (Hr’g Ex. B.) Robinson received this Supplement, sent via certified mail, on May 21, 2012. (Hr’g Ex. C.) Pursuant to R.C. 119.07 and 3772.04, Robinson had the right to a hearing if requested within 30 days of the Notice’s mailing. Robinson so requested and the Commission scheduled a hearing for May 22, 2012; and upon its own motion, the Commission continued the hearing until June 12, 2012. (Hr’g Ex. D.) Upon Robinson’s motion and without objection from the Commission, the hearing was continued to July 17, 2012. (Hr’g Ex. H.) Robinson did not appear at the hearing, but did provide a written statement in support of his position. (Hr’g Ex. O.) Accordingly, the Commission held the hearing as scheduled before Hearing Examiner Thomas Montgomery (“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. 10), which he submitted on August 27, 2012. Therein, the Examiner found that Robinson: 1) submitted an Application that contained false information, in violation of R.C. 3772.10(C)(2); and 2) failed to prove his suitability for licensure by clear and convincing evidence, as required by 3772.10(B) and (C)(7). (R&R 4-5.) As a result of these findings, the Examiner recommended that the Commission deny Robinson’s Application. (Id.)

On August 29, 2012, the Commission sent Robinson, via certified mail, a copy of the R&R. (App. #1; App. #2.) Robinson received the R&R on August 31, 2012, (App. #2), giving him until October 1, 2012, to file objections, see R.C. 3772.04(A)(2); Robinson did not do so, however.

In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on October 17, 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) Robinson's Application is **DENIED**;
- 2) Robinson is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772;
- 3) Robinson 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 Robinson, 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.