

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 : Case No. 2012-0028
JOSEPH MORROW, :
CASINO GAMING EMPLOYEE LICENSE :
APPLICANT :
 :
 Respondent. :

ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION

On March 5, 2012, Respondent Joseph Morrow filed an application for a casino gaming employee license with the Ohio Casino Control Commission (“Commission”). (Hr’g Ex. A.) Thereafter, the Commission conducted a suitability investigation of Morrow 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. B.) Morrow received the Notice, sent via certified mail, on May 15, 2012. (Hr’g Ex. C.) Pursuant to R.C. 119.07 and 3772.04, Morrow had the right to a hearing if requested within 30 days of the Notice’s mailing. Morrow so requested and the Commission scheduled a hearing for May 29, 2012; and upon its own motion, the Commission continued the hearing until June 19, 2012. (Hr’g Ex. D.)

Through a letter, dated May 17, 2012, the Commission provided Morrow with supplemental information regarding the allegations contained in the Notice. (Hr’g Ex. F.) Morrow appeared at the hearing with counsel. Accordingly, the Commission held the hearing as scheduled before Hearing Examiner John Gonzales (“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. 59), which he submitted on July 20, 2012. Therein, the Examiner found that Morrow: 1) submitted a Casino Gaming Employee License Application (“Application”) that contained false information, in violation of R.C. 3772.10(C)(2), (R&R ¶ 17); and 2) proved by clear and convincing evidence that he is suitable for an employee gaming license. (Id. ¶ 16.) As a result of these findings, the Examiner recommended that the Commission deny Morrow’s Application. (Id. ¶ 18.)

On July 23, 2012, the Commission sent Morrow, via certified mail, a copy of the R&R. (App. #1; App. #2.) Morrow received the R&R on July 26, 2012 (App. #2), giving him until August 27, 2012, to file objections, see R.C. 3772.04(A)(2); Morrow 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, as explained below, **ADOPTS IN PART AND MODIFIES IN PART** the Examiner's R&R.

While the Examiner's findings regarding Notice Allegation #1 (i.e. failure to disclose) and his recommendation of denial are adopted without modification, his finding regarding Allegation #2 (i.e., suitability for licensure) is hereby modified and included as a basis for denying Morrow's Application.

Because Morrow submitted to the Commission an Application containing false information, he cannot prove his suitability for licensure by clear and convincing evidence. Therefore, in addition to denying his Application for providing false information in violation of R.C. 3772.10(C)(2), Morrow's Application is denied due to his failure to prove his suitability as required by R.C. 3772.10(B).

As the Examiner found and the record supports, Morrow marked "Does Not Apply" in response to Question 8 of the Application, which asks whether the applicant has "ever been arrested for, charged with, convicted of any offense in any jurisdiction (**including Ohio**)," even though in 2001 and 2002, he had been arrested for menacing. Morrow acknowledged that he did not disclose the 2001 or 2002 arrests on his application. Thus, the Examiner found that Morrow submitted an Application containing false information and recommended his license be denied.

Notwithstanding his finding and recommendation, the Examiner found Morrow had proved his suitability by clear and convincing evidence. Such a finding cannot be approved, however, because submission of an application containing false information statutorily renders an applicant ineligible for licensure under R.C. Chapter 3772. To be eligible for such a licensure, an applicant must prove their suitability by clear and convincing evidence. An applicant cannot do so, however, when they violate R.C. 3772.10(C), as the General Assembly expressly prohibited the Commission from licensing any such violator. In essence, by declaring an applicant who provides false information on a Commission license application ineligible to receive a license under R.C. 3772, the General Assembly determined that such an applicant cannot be suitable for licensure. Thus, Morrow's failure to truthfully disclose his arrests precludes a finding that he proved his suitability by clear and convincing evidence, and should have been so determined by the Examiner.

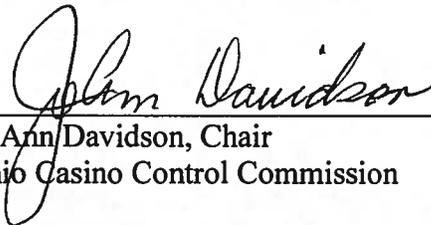
Consequently, the Commission modifies the Examiner's R&R as it relates to Morrow's suitability for licensure because Morrow provided an Application that contained false information. In doing so, the Commission finds that Morrow did not prove his suitability for licensure by clear and evidence, as required by R.C. 3772.10(B). Therefore, in addition to his ineligibility for falsifying his Application, Morrow is not suitable to hold a 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) Morrow's Application is **DENIED**;
- 2) Morrow is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772; and

- 3) Morrow 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 Morrow, 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.