

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re:

**GREGORY BEAN-DEFLUMER,
CASINO GAMING EMPLOYEE LICENSE
APPLICANT**

Respondent.

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Case No. 2012-0132
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ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION

On July 20, 2012, Respondent Gregory Bean-Deflumer filed a Casino Gaming Employee License Application (“Application”) with the Ohio Casino Control Commission (“Commission”). (Hr’g Ex. H.) Thereafter, the Commission conducted a suitability investigation of Bean-Deflumer 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 September 20, 2012. (See Hr’g Ex. A.) Bean-Deflumer received the Notice, sent via certified mail, on September 21, 2012. (Hr’g Ex. B.) Pursuant to R.C. 119.07 and 3772.04, Bean-Deflumer had the right to a hearing if requested within 30 days of the Notice’s mailing. Bean-Deflumer so requested and the Commission scheduled a hearing for October 2, 2012; and upon its own motion, the Commission continued the hearing until October 18, 2012. (Hr’g Ex. C.) Bean-Deflumer appeared at the hearing without counsel. Accordingly, the Commission held the hearing as scheduled before Hearing Examiner John Williams (“Examiner”).

After presentation and submission of the evidence at the hearing, the Examiner allowed the record to remain open for an additional 30 days in order for Bean-Deflumer or the Commission to produce additional evidence regarding the criminal charges at issue, if either so chose. (Tr. 47, 50.) The record closed on November 19, 2012, and the Examiner prepared a Report and Recommendation (“R&R”), which he submitted on November 30, 2012. Therein, the Examiner found and concluded that Bean-Deflumer: 1) submitted an Application that contained false information, in violation of R.C. 3772.10(C)(2) and (F); 2) failed to provide all of the information required by the Commission’s Application, in violation of R.C. 3772.10(C)(5), R.C. 3772.131(D), and Ohio Adm. Code 3772-8-02; and 3) failed to prove his suitability for licensure by clear and convincing evidence, as required by R.C. 3772.10(B) and (C)(7), (R&R at 12). As a result of these findings and conclusions, the Examiner recommended that the Commission deny Bean-Deflumer’s Application. (Id. at 12-13.)

On December 3, 2012, the Commission sent Bean-Deflumer, via certified mail, a copy of the R&R. (App. #1 ; App. #2.) That mailing was returned to the Commission, marked “Refused” on December 31, 2012, (App. #3.), perfecting service on that date. See R.C. 119.07. Nonetheless, the Commission resent Bean-Deflumer the R&R with a certificate of mailing on January 7, 2013. (App. #4.) Consequently, Bean-Deflumer had until January 30, 2013, to file objections. See R.C. 3772.04(A)(2). He did so through counsel (who first entered an appearance with the Commission

on January 22, 2013, (App. #5)) on January 30, 2013, and the Commission considered his filing before rendering this decision.

In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on February 13, 2013, 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) Bean-Deflumer's Application is **DENIED**;
- 2) Bean-Deflumer is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772;
- 3) Bean-Deflumer 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 Bean-Deflumer, 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.