

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 :
 : Case No. 2013-002
 :
TIMOTHY CARTER, Jr., :
CASINO GAMING EMPLOYEE LICENSE :
APPLICANT :
 :
 :
 Respondent. :

ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION

On December 6, 2012, Respondent Timothy Carter filed an application for a casino gaming employee license with the Ohio Casino Control Commission (“Commission”). (Hr’g Ex. E.) Thereafter, the Commission conducted a suitability investigation of Carter 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 January 28, 2013. (See Hr’g Ex. A.) Carter received the Notice, sent via certified mail, on February 1, 2013. (Hr’g Ex. B.) Pursuant to R.C. 119.07 and 3772.04, Carter had the right to a hearing if requested within 30 days of the Notice’s mailing. Carter so requested and the Commission scheduled a hearing for February 12, 2013; and upon its own motion, the Commission continued the hearing until February 19, 2013. (Hr’g Ex. C.)

Carter appeared at the hearing without counsel. Accordingly, the Commission held the hearing as scheduled before Hearing Examiner John Gonzales (“Examiner”).

The Examiner closed the record on February 19, 2013 to prepare a Report and Recommendation (“R&R”), which he submitted on March 22, 2013. Therein, the Examiner found that Carter: 1) submitted a Casino Gaming Employee License Application that contained false information, in violation of R.C. 3772.10(C)(2), (R&R p. 5-6); and 2) failed to prove his suitability for licensure by clear and convincing evidence, as required by 3772.10(B). (R&R p. 6.) As a result of these findings, the Examiner recommended that the Commission deny Carter’s Application. (Id.)

On March 22, 2013, the Commission sent Carter, via certified mail, a copy of the R&R. (App. #1.) Carter received the R&R on March 25, 2013 (App. #2), giving him until April 24, 2013, to file objections, see R.C. 3772.04(A)(2)); Carter did not do so, however.

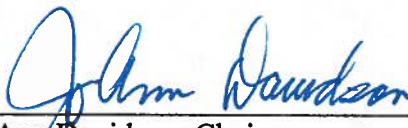
In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on May 15, 2013, for final adjudication.

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

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

- 1) Carter's Application is **DENIED**;
- 2) Carter is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772;
- 3) Carter 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 Carter, 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.