

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re:

**WARREN MOROFSKY
CASINO GAMING EMPLOYEE LICENSE
APPLICANT**

Respondent.

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Case No. 2012-0137
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ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION

On or about July 30, 2012, Respondent Warren Morofsky filed a Casino Gaming Employee License Application (“Application”) with the Ohio Casino Control Commission (“Commission”). (Hr’g Ex. E.) Thereafter, the Commission conducted a suitability investigation of Morofsky 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 October 26, 2012. (See Hr’g Ex. A.) Morofsky received the Notice, sent via certified mail, on November 2, 2012. (Hr’g Ex. B.) Pursuant to R.C. 119.07 and 3772.04, Morofsky had the right to a hearing if requested within 30 days of the Notice’s mailing. Morofsky so requested and the Commission scheduled a hearing for November 15, 2012; and upon its own motion, the Commission continued the hearing until November 27, 2012. (Hr’g Ex. C.) Morofsky appeared at the hearing without counsel. 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 agreed to close the record. (Tr. 18.) The Examiner prepared a Report and Recommendation (“R&R”), which he submitted on December 28, 2012. Therein, the Examiner found that Morofsky: 1) submitted an Application to the Commission that contained false information, in violation of R.C. 3772.10(C)(2) and (F) (R&R 5); 2) failed to set forth in his Application all information required by the Commission, in violation of R.C. 3772.10(C)(5), R.C. 3772.131(D), and Ohio Adm. Code 3772-8-02(A) (*Id.* at 6.); and 3) failed to establish by clear and convincing evidence his suitability for licensure as a Casino Gaming Employee, as required by R.C. 3772.10(B) and 3772.10(C)(7). (*Id.*) As a result of these findings, the Examiner recommended that the Commission deny Morofsky’s Application. (*Id.*)

On January 3, 2013, the Commission sent Morofsky, via certified mail, a copy of the R&R. (App. #1; App. #2.) Morofsky received the R&R on January 4, 2013, (App. #2), giving him until February 4, 2013, to file objections, see R.C. 3772.04(A)(2). Morofsky did not file any objections with the Commission.

In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on February 13, 2013, for final adjudication.

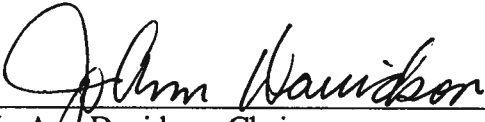
WHEREFORE, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **ADOPTS IN PART AND MODIFIES IN PART** the Examiner's Report and Recommendation. The Report and Recommendation requires no modification of the merits but one procedural modification.

Paragraph 16 on page 6 of the Report and Recommendation, which is included in the Examiner's "Conclusions of Law," reads, "On *June 26, 2011*, (Emphasis added.) the Commission held a hearing pursuant to Chapter 119 of the Revised Code . . ." In fact, the hearing was held on November 27, 2012, not on June 26, 2011. Therefore, paragraph 16 on page 6 of the Report and Recommendation should be modified to read, "On November 27, 2012, the Commission held a hearing pursuant to Chapter 119 of the Revised Code. . ."

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

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