

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re:

**EBONY MARTIN,
CASINO GAMING EMPLOYEE LICENSE
APPLICANT**

Applicant.

Case No. 2013-033

ORDER DENYING CASINO GAMING EMPLOYEE LICENSE

On or about February 19, 2013, Applicant Ebony Martin filed with the Ohio Casino Control Commission ("Commission") an application for a casino gaming employee license. Thereafter, the Commission conducted a suitability investigation of Martin to determine her eligibility for such a license.

A casino gaming employee license applicant is eligible for licensure upon meeting the following criteria: (1) being at least 21 years of age, O.R.C. 3772.131(C); (2) filing a true and complete Casino Gaming Employee License Application, O.R.C. 3772.131(D) and O.A.C. 3772-8-02(A); (3) submission of two sets of the applicant's fingerprints and a photograph, O.R.C. 3772.131(E); (4) payment of the nonrefundable application fee of \$250.00, O.R.C. 3772.131(E) and O.A.C. 3772-8-03(A), and all fees necessary to cover the cost of the background investigation in excess of the application fee, O.A.C. 3772-8-03(B); (5) reimbursement of the costs for the background check, including the criminal records check, O.R.C. 3772.07 and 3772.131(E); (6) not having been convicted of or pled guilty or no contest to a disqualifying offense, O.R.C. 3772.07; and (7) otherwise is suitable for licensure, O.R.C. 3772.10(B) and (C)(7).

During a suitability investigation of Martin, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Intent to Deny and Opportunity for Hearing ("Notice"), dated May 28, 2013. (Exhibit A.) The Notice was returned to the Commission marked "unclaimed" on June 3, 2013. (Exhibit B.) The Commission re-issued the Notice, via ordinary mail with a Certificate of Mailing, on June 4, 2013. (Exhibit C.) The Notice was not returned to the Commission for failure of delivery. Pursuant to O.R.C. 119.07 and 3772.04, Martin had the right to a hearing if requested within 30 days of the Notice's mailing. Martin failed to do so. Accordingly, no hearing was held and the matter was brought before the Commission on July 17, 2013, for final adjudication. O.R.C. 119.07 and 3772.04(A).

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

- 1) The results of the criminal records check obtained by the Commission pursuant to O.R.C. 3772.07 and the results of the Commission's licensing investigation revealed that Martin submitted a casino gaming employee license application that contained

1 2
false information and that failed to set forth all of the information required by the Commission, to wit, Martin failed to disclose in Question 8 of the Casino Gaming Employee License Application that:

- A) She was arrested for and/or charged with a "Driving Under FRA Suspension" violation on or about March 27, 2010, which was dismissed on or about January 21, 2011 in the Hamilton County Municipal Court;
- B) She was arrested for and/or charged with a "Driving Under FRA Suspension" violation on or about March 31, 2010, which resulted in a conviction of, and/or plea of guilty or no contest to, a "FRA/Non-Compliant" violation on or about January 21, 2011 in the Hamilton County Municipal Court;
- C) She was arrested for and/or charged with a "Driving Under FRA Suspension" violation on or about June 3, 2011, which resulted in a conviction of, and/or plea of guilty or no contest to, a "FRA/Non-Compliant" violation on or about July 13, 2012 in the Hamilton County Municipal Court;
- D) She was convicted of, and/or pled guilty or no contest to, a "Possession of Drugs" violation on or about July 8, 2011 in the Hamilton County Municipal Court;
- E) She was convicted of, and/or pled guilty or no contest to, a "Possession of Drugs" violation on or about June 23, 2012 in the Hamilton County Municipal Court; and
- F) She was convicted of, and/or pled guilty or no contest to, "Failure to Reinstate Driver's License," "Driving Under FRA Suspension," and "Display Driver's License" violations on or about June 23, 2012 in the Hamilton County Municipal Court,

in violation of O.R.C. 3772.10(C)(2), (5) (F), O.R.C. 3772.131(D), and O.A.C. 3772-8-02(A); and

- 2) Martin failed to establish, by clear and convincing evidence, her suitability for licensure as a casino gaming employee, as required by O.R.C. 3772.10(B) and (C)(7). In addition to the findings outlined above, which resulted from the criminal records check obtained by the Commission pursuant to O.R.C. 3772.07 and the Commission's licensing investigation, to wit, Martin:

- A) Was convicted of and/or pled guilty or no contest to a minor misdemeanor "Drug Abuse" violation on or about September 6, 2005 in the Hamilton County Municipal Court;
- B) Was indicted on one count of third degree felony "Aggravated Vehicular Assault" and one count of fourth degree felony "Vehicular Assault" on or

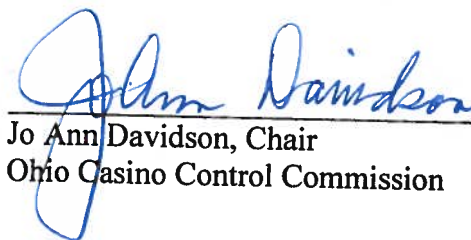
about January 27, 2011, which resulted in a conviction of and/or plea of guilty or no contest to "Assault" and "Driving While Intoxicated" violations on or about May 20, 2011 in the Hamilton County Court of Common Pleas;

- C) Received a judgment entry on or about June 29, 2012, which revoked probation and ordered execution of her May 20, 2011 sentence for "Assault" and "Driving While Intoxicated" violations in the Hamilton County Court of Common Pleas; and
- D) Failed to update the Commission in writing and within ten days of any arrest for and/or charge of "Driving Under FRA Suspension" on or about April 6, 2013 in or around Hamilton County, Ohio, in violation of O.A.C. 3772-8-04(A)(5), (8), and (B).

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

- 1) Martin's Application is **DENIED**;
- 2) Martin is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under O.R.C. Chapter 3772;
- 3) Martin is **PROHIBITED** from reapplying for licensure under O.R.C. Chapter 3772 for three years from the date this Order is served upon her, absent a waiver granted by the Commission commensurate with O.A.C. 3772-1-04; and
- 4) A certified copy of this Order shall be served upon Martin, via certified mail, return receipt requested, and her counsel of record, if any, via ordinary mail.

IT IS SO ORDERED.



Jo Ann Davidson, Chair
Ohio Casino Control Commission

NOTICE OF APPEAL RIGHTS

The Party is hereby notified that pursuant to O.R.C. 119.12, this Commission Order may be appealed by filing a Notice of Appeal with the Commission setting forth the Order that the Party 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 O.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.