

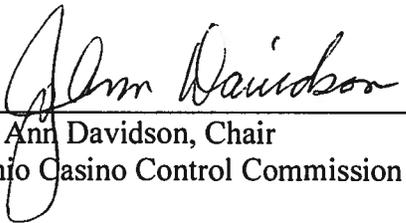


- 2) In addition to the findings outlined above, which resulted from the criminal records check obtained by the Commission pursuant to R.C. 3772.07 and the Commission's licensing investigation, Gant failed to establish, by clear and convincing evidence, his suitability for licensure as a casino gaming employee, as required by R.C. 3772.10(B) and (C)(7), because Gant was arrested for and/or charged with "breaking and entering" "vandalism," and "theft," on or about June 10, 2012; and was accepted into the Cuyahoga County pre-trial diversion program and placed under the probation department's court-supervised release program on or about October 19, 2012 in lieu of prosecution.

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

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

Applicant 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 Applicant 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.

**STATE OF OHIO  
CASINO CONTROL COMMISSION**

*In re:* :  
 : Case No. 2013-006  
**SETH SMITH,** :  
**CASINO GAMING EMPLOYEE LICENSE** :  
**APPLICANT** :  
 :  
Applicant. :

**ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION**

On or about January 9, 2013, Applicant Seth Smith, filed with the Ohio Casino Control Commission (“Commission”) an application for a casino gaming employee license. Thereafter, the Commission conducted a suitability investigation of Smith to determine his 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, R.C. 3772.131(C); (2) filing a true and complete Casino Gaming Employee License Application, R.C. 3772.131(D) and Ohio Adm. Code 3772-8-02(A); (3) submission of two sets of the applicant’s fingerprints and a photograph, R.C. 3772.131(E); (4) payment of the nonrefundable application fee of \$250.00, R.C. 3772.131(E) and Ohio Adm. Code 3772-8-03(A), and all fees necessary to cover the cost of the background investigation in excess of the application fee, Ohio Adm. Code 3772-8-03(B); (5) reimbursement of the costs for the background check, including the criminal records check, R.C. 3772.07 and 3772.131(E); (6) not having been convicted of or pled guilty or no contest to a disqualifying offense, R.C. 3772.07; and (7) otherwise is suitable for licensure, R.C. 3772.10(B) and (C)(7).

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 February 21, 2013. (Exhibit A.) Smith received the Notice, sent via certified mail, on or about March 5, 2013. (Exhibit B.) Pursuant to R.C. 119.07 and 3772.04, Smith had the right to a hearing if requested within 30 days of the Notice’s mailing. Smith failed to do so. Accordingly, no hearing was held and the matter was brought before the Commission on April 17, 2013 for final adjudication. 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:

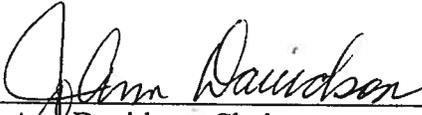
- 1) The results of the criminal records check obtained by the Commission pursuant to R.C. 3772.07 and the results of the Commission’s licensing investigation, Smith failed to establish, by clear and convincing evidence, his suitability for licensure as a casino gaming employee, as required by R.C. 3772.10(B) and (C)(7), because Smith was convicted of and/or pled guilty or no contest to “vehicular homicide” on or about October 2, 2001; was convicted of and/or pled guilty or no contest to “menacing by stalking” on or about November 5, 2012; is subject to a Domestic Violence Civil Protection Order issued on or about November 30, 2012; and/or received a lien and/or

judgment on or about January 1, 2013 in the amount of \$194 in Cuyahoga County Court of Common Pleas.

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

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

Applicant 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 Applicant 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.



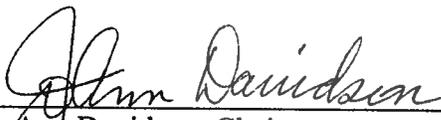
“attempted assault” on or about August 8, 2006; failed to disclose a conviction and/or plea of guilty or no contest to a “violation of protection order” on or about December 28, 2006; failed to disclose an arrest and/or charge for a “violation of protective order” on or about February 4, 2007; and failed to disclose a conviction and/or plea of guilty or no contest to “harassment – subject to physical contact” on or about February 5, 2008, in violation of R.C. 3772.10(C)(2); and

- 2) In addition to the findings outlined above, which resulted from the criminal records check obtained by the Commission pursuant to R.C. 3772.07 and the Commission’s licensing investigation, Ayala 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 (C)(7), because Ayala was arrested for and/or charged with “grand larceny “ which resulted in a conviction of and/or plea of guilty or no contest to “attempted unauthorized use of vehicle” on or about September 20, 1997; was subject to an Order of Protection issued by the Family Court of the State of New York on or about October 5, 2005; and was convicted of and/or pled guilty or no contest to an “operating a vehicle under the influence of alcohol or drugs” on or about September 24, 2008.

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

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

Applicant 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 Applicant 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.