

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 : Case No. 2013-053
BRADLEY SPENCE, :
CASINO GAMING EMPLOYEE LICENSEE :
 :
 :
 Licensee. :

**ORDER REVOKING CASINO GAMING EMPLOYEE LICENSE AND PLACEMENT
ON COMMISSION INVOLUNTARY EXCLUSION LIST**

On September 19, 2012, Bradley Spence filed with the Ohio Casino Control Commission (“Commission”) an application for a Casino Gaming Employee License. The Commission conducted a suitability investigation of Spence to determine his eligibility for such a license. Having found Spence suitable for licensure, the Commission issued a Casino Gaming Employee License to Spence on September 21, 2012.

From December 7, 2012 through March 2, 2013, Spence knowingly issued \$995.00 of free slot play to several individuals, without authorization to do so, during his employment at Hollywood Casino Columbus (“Hollywood”), which caused Hollywood to pay a total of \$300.00 in winnings and resulted in a total combined loss of \$1,045.00 to the casino. On June 5, 2013, he was charged with one count of theft, in violation of R.C. 2913.02, a first degree misdemeanor, in the Franklin County Municipal Court. Upon the discovery of this derogatory information, the Commission issued Spence a Notice of Opportunity for Hearing (“Notice”), dated August 6, 2013, to take administrative action on his license. (Exhibit A.) The Notice was sent via certified mail return receipt requested to the address Spence had on file with the Commission, but was returned to the Commission marked “UNCLAIMED” on September 23, 2013. (Exhibit B.)

During the time between when the Commission’s Notice was sent and subsequently returned as unclaimed, Spence was convicted of, or pled guilty or no contest to, an amended charge of unauthorized use of property on September 10, 2013, a fourth degree misdemeanor theft offense, in violation of R.C. 2913.04. Spence’s conviction prohibits him from maintaining or retaining licensure under R.C. Chapter 3772. R.C. 3772.07 and 3772.10(C)(7). Spence failed to update the Commission of his criminal charge, plea, and conviction as well.

Based on Spence’s actions, his presence within a casino facility calls into question the orderly conduct of the casino gaming operations, as provided for under R.C. 3772.03(G)(3), poses a threat to the interests of the state, to achieving the intents and purposes of R.C. Chapter 3772, and to the strict and effective regulation of casino gaming, as provided for under R.C. 3772.031(B)(1), (3), and (4). Therefore, the Commission issued Spence an Amended Notice of Opportunity for Hearing (“Amended Notice”), dated October 10, 2013, to take administrative action on his license and to place him on the Involuntary Exclusion List. (Exhibit C.) The Amended Notice was sent via certified mail return receipt requested to the address Spence had on file with the Commission, but was returned to the Commission marked “UNCLAIMED” on

November 4, 2013. (Exhibit D.) The Commission re-sent the Amended Notice on November 5, 2013, via ordinary mail with a certificate of mailing. (Exhibit E.) The Amended Notice was not returned to the Commission for failure of delivery.

Pursuant to R.C. 119.07 and 3772.04, Spence had the right to a hearing on the action against his license if requested within 30 days of the Commission obtaining the certificate of mailing. Pursuant to R.C. 3772.031(D), Spence had the right to hearing regarding his placement on the Involuntary Exclusion List if requested within 30 days of his receipt of the Amended Notice. Spence failed to do so for either. Accordingly, no hearing was held and the matter was brought before the Commission on January 15, 2014, 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** and **CONCLUDES** as follows:

- 1) R.C. 3772.07 and 3772.10(C)(1) prohibit Spence from maintaining or retaining licensure under R.C. Chapter 3772 because on September 10, 2013, he was convicted of, or pled guilty or no contest to, an amended charge of “unauthorized use of property,” in violation of R.C. 2913.04, a fourth degree misdemeanor theft offense.
- 2) Based on the results of the Commission’s administrative investigation, Spence is no longer suitable for licensure as a Casino Gaming Employee in this state, as required by R.C. 3772.10(B), (C)(7), and (D)(1), to wit:

A) Spence issued free slot play to Samantha Yost without authorization to do so. Specifically, he issued Yost \$25.00 of unauthorized free slot play on February 21, 2013;

B) Spence issued free slot play to Bill Seelbach without authorization to do so. Specifically, he issued Seelbach:

- i) \$25.00 of unauthorized free slot play on March 2, 2013; and
- ii) \$25.00 of unauthorized free slot play on March 2, 2013,

for a total of \$50.00 of unauthorized free slot play;

C) Spence issued free slot play to Greg Freeman without authorization to do so. Specifically, he issued Freeman:

- i) \$45.00 of unauthorized free slot play on January 31, 2013; and
- ii) \$50.00 of unauthorized free slot play on February 15, 2013,

for a total of \$95.00 of unauthorized free slot play;

D) Spence issued free slot play to William Yinger without authorization to do so. Specifically, he issued Yinger:

- i) \$25.00 of unauthorized free slot play on December 7, 2012;
- ii) \$25.00 of unauthorized free slot play on December 22, 2012;
- iii) \$25.00 of unauthorized free slot play on January 11, 2013;
- iv) \$25.00 of unauthorized free slot play on January 24, 2013;
- v) \$45.00 of unauthorized free slot play on January 31, 2013; and
- vi) \$35.00 of unauthorized free slot play on March 2, 2013,

for a total of \$180.00 of unauthorized free slot play;

E) Spence issued free slot play to Carolyn Frash without authorization to do so. Specifically, he issued C. Frash \$45.00 of unauthorized free slot play on February 16, 2013;

F) Spence issued free slot play to Ronald Frash without authorization to do so. Specifically, he issued R. Frash:

- i) \$100.00 of unauthorized free slot play on February 7, 2013;
- ii) \$60.00 of unauthorized free slot play on February 16, 2013;
and
- iii) \$55.00 of unauthorized free slot play on March 2, 2013,

for a total of \$215.00 of unauthorized free slot play;

G) Spence issued free slot play to Matthew Humble without authorization to do so. Specifically, he issued Humble:

- i) \$25.00 of unauthorized free slot play on December 7, 2012;
and
- ii) \$25.00 of unauthorized free slot play on March 2, 2013,

for a total of \$50.00 of unauthorized free slot play;

H) Spence issued free slot play to Lisa Congrove without authorization to do so. Specifically, he issued Congrove:

- i) \$25.00 of unauthorized free slot play on December 7, 2012;
- ii) \$25.00 of unauthorized free slot play on December 22, 2012;
- iii) \$25.00 of unauthorized free slot play on January 11, 2013;

- iv) \$45.00 of unauthorized free slot play on January 31, 2013; and
- v) \$25.00 of unauthorized free slot play on March 2, 2013,

for a total of \$145.00 of unauthorized free slot play;

- I) Spence issued free slot play to Kathrin Hutchinson without authorization to do so. Specifically, he issued Hutchinson:
 - i) \$45.00 of unauthorized free slot play on January 24, 2013; and
 - ii) \$50.00 of unauthorized free slot play on February 15, 2013,

for a total of \$95.00 of unauthorized free slot play;

- J) Spence issued free slot play to Todd Alexander without authorization to do so. Specifically, he issued Alexander:
 - i) \$45.00 of unauthorized free slot play on January 24, 2013; and
 - ii) \$50.00 of unauthorized free slot play on February 15, 2013,

for a total of \$95.00 of unauthorized free slot play;

- K) As a result of the \$995.00 of unauthorized free slot play that Spence issued, \$210.00 of which was not downloaded or used, Hollywood Casino Columbus (“Hollywood”) paid a total of \$300.00 in winnings, resulting in a total combined loss of \$1,045.00 to the casino;

- L) Spence was terminated from employment at Hollywood on March 28, 2013 for:

- i) “Misappropriation (unauthorized storage, transfer, or utilization) of the property guests, Team Members, or Hollywood Casino Columbus;” and
- ii) “Any actions considered by the Company as constituting serious misconduct, gross negligence, or gross disregard to the Company which may jeopardize guest and/or Team member safety and/or cause major damage to Company property, equipment, or image;”

- M) On June 5, 2013, he was charged with one count of theft, in violation of R.C. 2913.02, a first degree misdemeanor, in the Franklin County Municipal Court, which arose during his employment at Hollywood and licensure as a casino gaming employee and to which he pled guilty

or no contest to an amended charge of “unauthorized use of property,” in violation of R.C. 2913.04, a fourth degree misdemeanor theft offense;

N) As a result of his plea and the Court’s finding of guilt, he was sentenced, on September 10, 2013, to two years of community control to include, among other things:

- i) To abstain from Hollywood; and
- ii) Payment of restitution to Hollywood in the amount of \$995.00; and

O) He failed to notify the Commission of his termination from employment at Hollywood, theft charge, and conviction and sentence, as stated above, in violation of his duty to update pursuant to Ohio Adm. Code 3772-8-04(A)(5), (8), and (B).

3) Based on the results of the Commission’s administrative investigation, he failed to notify the Commission of his termination from employment at Hollywood, theft charge, and his conviction and sentence, as stated above, in violation of his duty to update pursuant to Ohio Adm. Code 3772-8-04(A)(5), (8), and (B).

4) Spence qualifies for placement on the Commission’s Involuntary Exclusion list because:

A) His presence within a casino facility calls into question the honesty and integrity of the facility’s operations and the orderly conduct of the casino gaming operations, as provided for under R.C. 3772.03(G)(3), and poses a threat to the interests of the state, to achieving the intents and purposes of R.C. Chapter 3772, and to the strict and effective regulation of casino gaming, as provided for under R.C. 3772.031(B)(4), because, as stated above, from December 17, 2012, through March 2, 2013, he issued free slot play in the amount of \$995.00 to patrons without authorization to do so, which caused Hollywood to pay a total of \$300.00 in winnings and resulted in a total combined loss of \$1,045.00 to the casino.

B) His presence within a casino facility calls into question the honesty and integrity of the facility’s operations and the orderly conduct of the casino gaming operations, as provided for under R.C. 3772.03(G)(3),

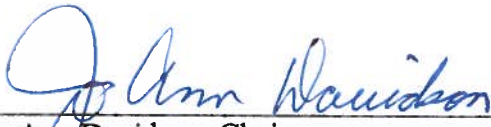
and poses a threat to the interests of the state, to achieving the intents and purposes of R.C. Chapter 3772, and to the strict and effective regulation of casino gaming, as provided for under R.C. 3772.031(B)(1), (4), and (8) because, as stated above:

- i) On June 5, 2013, he was charged with one count of theft, in violation of R.C. 2913.02, a first degree misdemeanor, and later pled guilty or no contest to an amended charge of "unauthorized use of property," in violation of R.C. 2913.04, a fourth degree misdemeanor theft offense; and
- ii) As a result of this guilty plea and his sentence, he is no longer eligible or otherwise suitable to hold a license issued by the Commission.

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

- 1) Spence's Casino Gaming Employee License is **REVOKED**;
- 2) Spence shall immediately **SURRENDER** his license credential to the Commission;
- 3) Spence is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772;
- 4) Spence 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;
- 5) In accordance with and in the manner provided for under R.C. 3772.031 and Ohio Adm. Code 3772-23-02, Spence shall be **PLACED** on the Commission's Involuntary Exclusion List and is **PROHIBITED** from entering any casino facility in this state;
- 6) A certified copy of this Order shall be served upon Spence, 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

The Party 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 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 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.