

**STATE OF OHIO  
CASINO CONTROL COMMISSION**

*In re:*

**CARLISS SMITH,  
CASINO GAMING EMPLOYEE LICENSE  
APPLICANT**

Respondent.

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Case No. 2013-063

**ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION**

On July 8, 2013, Respondent Carliss Smith filed a Casino Gaming Employee License Application (“Application”) with the Ohio Casino Control Commission (“Commission”). (Hr’g Ex. F.) Thereafter, the Commission conducted a suitability investigation of Smith to determine her eligibility for such a license.

During the suitability investigation, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Opportunity for Hearing (“Notice”), dated October 16, 2013. (See Hr’g Ex. A.) Smith received the Notice, sent via certified mail, on May 18, 2012. (Hr’g Ex. 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 so requested on October 24, 2013, (Hr’g Ex. C), and the Commission scheduled a hearing for November 4, 2013, (Hr’g Ex. D.) At the start of the hearing on November 4, 2013, Smith requested a continuance, which Hearing Examiner Andrew Cooke (“Examiner”) granted, re-setting the hearing for December 3, 2013. (Nov. 4, 2013 Tr. 3-6; Hr’g Ex. E1.) Smith appeared at both scheduled hearings without counsel. Accordingly, the Commission held the hearing, as rescheduled, before the Examiner.

After presentation and submission of the evidence at the hearing, the Examiner closed the record to prepare a Report and Recommendation (“R&R”), (Dec. 3, 2013 Tr. 30), which he submitted on January 6, 2014. Therein, the Examiner found and concluded that Smith: 1) submitted an Application that contained false information and that was incomplete, in violation of R.C. 3772.10; 2) has been convicted of falsification, an offense that has an element of fraud or misrepresentation and thus is a statutorily disqualifying offense under R.C. 3772.07 and 3772.10(C)(1); and 3) failed to prove her suitability for licensure by clear and convincing evidence, as required by 3772.10(B) and (C)(7). (R&R at 5-6.) As a result of these findings and conclusions, the Examiner recommended that the Commission deny Smith’s Application. (*Id.* at 7.)

On January 8, 2014, the Commission sent Smith, via certified mail, a copy of the R&R. (App. #1; App. #2.) Smith received the R&R on January 10, 2014, (App. #2), giving her until February 10, 2014, to file objections, see R.C. 3772.04(A)(2). Smith did not do so, however.

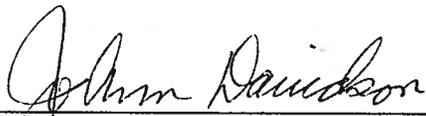
In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on March 19, 2014, for final adjudication.

**WHEREFORE**, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **ADOPTS** the Examiner's R&R without modification.

**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 her, 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 her counsel of record, if any, via ordinary mail.

**IT IS SO ORDERED.**

  
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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.