

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 :
BRIAN DENNIS, : Case No. 2014-LIC-002
CASINO GAMING EMPLOYEE LICENSEE :
 :
 Respondent. :
 :

ORDER REVOKING CASINO GAMING EMPLOYEE LICENSE

On August 27, 2012, Brian Dennis filed with the Ohio Casino Control Commission (“Commission”) an application for a Casino Gaming Employee License. The Commission conducted a suitability investigation of Dennis to determine his eligibility for such a license. Having found Dennis suitable for licensure, the Commission issued a Casino Gaming Employee License to him on September 26, 2012.

During an administrative investigation of Dennis, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Intent to Revoke, Suspend, Limit, Condition, Restrict, Penalize, and/or Fine and Opportunity for Hearing (“Notice”), dated January 30, 2014. (Hr’g Ex. A.) Dennis received the Notice, sent via certified mail, on January 31, 2014. (Hr’g Ex. B.)

Pursuant to R.C. 119.07 and 3772.04, Dennis had the right to a hearing if requested within 30 days of the Notice’s mailing. Dennis so requested and the Commission scheduled a hearing for February 20, 2014; and upon its own motion, the Commission continued the hearing until February 25, 2014. (Hr’g Ex. C.) Dennis appeared at the hearing without counsel. Accordingly, the Commission held the hearing as scheduled before Hearing Examiner John Williams (“Examiner”).

After presentation and submission of the evidence at the hearing, the Examiner closed the record. (Tr. 63-64; 68.) The Examiner prepared a Report and Recommendation (“R&R”), which he submitted on April 1, 2014. Therein, the Examiner found that: 1) the Commission demonstrated by a preponderance of the evidence that Dennis has been convicted of, or pled guilty or no contest to, a “disqualifying offense,” as that term is used in R.C. 3772.07(D); 2) the Commission demonstrated by a preponderance of the evidence that the Duty to Update Information Form that Dennis filed on December 18, 2013, was both untimely and incomplete, and that this constituted a violation of Ohio Adm. Code 3772-8-04(A) and (B); and 3) the Commission has sufficient grounds to take administrative action against Dennis’ Casino Gaming Employee License pursuant to its authority in R.C. 3772.04. (R&R 15-16.) As a result of these findings and conclusions, the Examiner recommended that the Commission take such administrative action as it deems appropriate. (R&R 16.)

On April 3, 2014, the Commission sent Dennis, via certified mail, a copy of the R&R. (App. #1; App. #2.) Dennis received the R&R on April 7, 2014, (App. #3), giving him until May 7, 2014, to file objections, *see* R.C. 3772.04(A)(2). Dennis 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 May 22, 2014, for final adjudication.

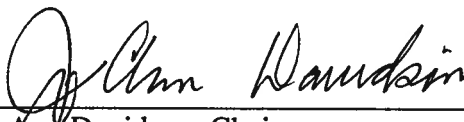
WHEREFORE, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **ADOPTS IN PART AND MODIFIES IN PART** the Examiner's R&R.

In the Notice, the Commission stated its intent to take administrative action against Dennis, including revoking, suspending, and/or limiting, conditioning, or otherwise restricting his Casino Gaming Employee License and/or imposing a monetary fine and/or civil penalty. (Hr'g Ex. A.) Based on his Findings of Fact and Conclusions of Law, the Examiner recommended that the Commission take administrative action here. (R&R 16.) The Examiner, however, failed to recommend what action the Commission should take. (*See id.*) To complete this process, the Commission must determine what, if any, action should be imposed. *See* R.C. 119.09. Consequently, on this record, the Commission modifies the Examiner's recommendation to state that the administrative action being taken is revocation of Dennis' Casino Gaming Employee License.

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

- 1) Dennis' Casino Gaming Employee License is **REVOKED**;
- 2) Dennis shall immediately **SURRENDER** his license credential to the Commission;
- 3) Dennis is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772;
- 4) Dennis 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
- 5) A certified copy of this Order shall be served upon Dennis, 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.