

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re:

MALACHI FREEMAN,

Party.

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Case No. 2013-066

ORDER FOR PLACEMENT ON COMMISSION INVOLUNTARY EXCLUSION LIST

On June 8, 2013, Malachi Freeman caused bodily harm to three Horseshoe Casino Cincinnati (“Horseshoe”) security staff members and, while in custody of the Commission, spit at and on a Commission gaming agent, striking her in the face. As a result of this incident, Freeman was arrested and charged with three counts of “Assault,” in violation of R.C. 2903.13, first degree misdemeanors, to which he pled guilty or no contest to in the Hamilton County Municipal Court on September 18, 2013. Additionally, Freeman was arrested for and charged with one count of “Harassment by Inmate,” in violation of R.C. 2921.38, a fifth degree felony, for which an indictment was filed on June 18, 2013, in the Hamilton County Court of Common Pleas. Subsequently, Freeman pled guilty or no contest to a reduced charge of “Attempt (Harassment With A Bodily Substance),” in violation of R.C. 2923.02, a first degree misdemeanor.

Based on Freeman’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 a Notice of Intent to Place on the Involuntary Exclusion List and Opportunity for Hearing (“Notice”), dated October 10, 2013. (Exhibit A.) The Notice was sent via certified mail return receipt requested, but was returned to the Commission marked “Unclaimed” on November 1, 2013. (Exhibit B.) The Commission re-sent the Notice on November 5, 2013, via ordinary mail with a certificate of mailing. (Exhibit C.) The Notice was not returned to the Commission for failure of delivery.

Freeman had the right to a hearing on the allegations concerning his placement on the involuntary exclusion list if requested within 30 days of receiving the Notice. R.C. 119.07, 3772.031(D), and 3772.04. Freeman failed to do so. Accordingly, no hearing was held and the matter was brought before the Commission on January 15, 2014, for final adjudication. *Id.*

WHEREFORE, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **FINDS** and **CONCLUDES** that Freeman qualifies for placement on the Commission’s Involuntary Exclusion list because:

- 1) His illegal conduct, which resulted in his arrest and plea of no contest to three counts of “Assault,” first degree misdemeanors, was such that his presence within an Ohio casino

facility calls into question the integrity of the facility's operations or interferes with the orderly conduct thereof, R.C. 3772.03(G)(3) and 3772.031(B)(4);

- 2) His illegal conduct, which resulted in an indictment of a fifth degree felony and a plea of no contest to a reduced charge of "Attempt (Harassment With A Bodily Substance)," a first degree misdemeanor, was such that his presence within an Ohio casino facility calls into question the integrity of the facility's operations or interferes with the orderly conduct thereof, R.C. 3772.03(G)(3) and 3772.031(B)(4); and
- 3) In light of the foregoing, his presence within a casino facility 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, R.C. 3772.031(A).

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

- 1) In accordance with and in the manner provided for under R.C. 3772.031 and Ohio Adm. Code 3772-23-02, Freeman shall be **PLACED** on the Commission's Involuntary Exclusion List and is **PROHIBITED** from entering any casino facility in this state;
- 2) A certified copy of this Order shall be served upon Freeman, 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.