

A. April 1985 – OVI Conviction

On April 24, 1985, he was found guilty of violating R.C. 4511.19 – Operating vehicle under the influence of alcohol or drugs – OVI, a first-degree misdemeanor, in the Findlay Municipal Court;

B. August 1988 – OVI Conviction

- i. On August 17, 1988, he was found guilty of violating R.C. 4511.19 – Operating vehicle under the influence of alcohol or drugs – OVI, a first-degree misdemeanor, in the Findlay Municipal Court; and
- ii. On August 17, 1988, as a result of the Court’s finding of guilt, he was sentenced to:
 - a. A \$1,000.00 fine, plus \$64.50 in court costs;
 - b. Confinement for 180 days with 160 days suspended;
 - c. Completion of a 21-day in-patient alcohol program;
 - d. License suspension for 180 days with privileges to, from, and during employment; and
 - e. No repeat offense or point violation for one year;

C. August 1992 – OMVI 2nd Offense Conviction

- i. On August 12, 1992, he was found guilty of violating City of Findlay Codified Ordinance 73.01 – OMVI 2nd Offense, a first-degree misdemeanor, in the Findlay Municipal Court; and
- ii. On August 12, 1992, as a result of the Court’s finding of guilt, he was sentenced to:
 - a. A \$500.00 fine, plus court costs;
 - b. License suspension for 365 days with privileges after 30 days with Guardian Interlock; and
 - c. Confinement for 20 days;

D. April 1994 – Disorderly Conduct Conviction

- i. On November 12, 1993, he was arrested for and charged with violating City of Findlay Codified Ordinance 501.03(b) – Aggravated Disorderly Conduct, a fourth-degree misdemeanor, in Findlay, Ohio;
- ii. On April 20, 1994, he was found guilty of an amended disorderly conduct offense in violation City of Findlay Codified Ordinance 509.03 – Disorderly Conduct; Intoxication, a minor misdemeanor, in the Findlay Municipal Court; and
- iii. On April 20, 1994, as a result of the Court’s finding of guilt, he was sentenced to a \$100.00 fine plus court costs;

E. May 1994 – Disorderly Conduct Conviction

- i. On January 7, 1994, he was arrested for and charged with violating City of Findlay Codified Ordinance 541.05 – Criminal Trespass, a fourth-degree misdemeanor, and 509.03 – Disorderly Conduct, a minor misdemeanor, in Findlay, Ohio;
- ii. On May 4, 1994, he was found guilty of violating City of Findlay Codified Ordinance 509.03 – Disorderly Conduct; Intoxication, a minor misdemeanor, in the Findlay Municipal Court; and
- iii. On May 4, 1994, as a result of the Court’s finding of guilt, he was sentenced to a \$50.00 fine plus \$54.50 in court costs;

F. January 1998 – OVI Conviction

- i. On August 1, 1997, he was arrested for and charged with violating R.C. 4511.19(A)(1) – Operating vehicle under the influence of alcohol or drugs – OVI, a first-degree misdemeanor, R.C. 4511.19(A)(3) – Operating vehicle under the influence of alcohol or drugs – OVI, a first-degree misdemeanor, and Municipal Code of Cincinnati 511-2 – Unnecessary Noise in Operation of Vehicles, in Cincinnati, Ohio;
- ii. On January 20, 1998, he pled no contest to one count of R.C. 4511.19(A)(3) – Operating vehicle under the influence of alcohol or drugs – OVI, a first-degree misdemeanor, in the Hamilton County Municipal Court; and

- iii. On January 20, 1998, as a result of the Court's finding of guilt, he was sentenced to:
 - a. Confinement for 180 days with 97 days suspended and a credit of 83 days;
 - b. Community Control for a term of one year and six months;
 - c. Driver's license suspension for five years effective August 1, 1997; and
 - d. A \$300.00 fine plus court costs,

in violation of R.C. 3772.10(C)(2), (5); R.C. 3772.131(D); and Ohio Adm. Code 3772-8-02(A).

- 2. Based on the above, which resulted from the criminal records check obtained by the Commission pursuant to R.C. 3772.07 and the Commission's licensing investigation, McDowell has 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), (C)(5) and (7) and Ohio Adm. Code 3772-8-05(A). In addition, he has failed to establish his suitability for licensure, as required by R.C. 3772.10(B), (C)(5) and (7) and Ohio Adm. Code 3772-8-05(A), because:

A) September 1, 1995 – Disorderly Conduct Charge

- i. On September 1, 1995, he was arrested for and charged with violating City of Findlay Codified Ordinance 509.03(b)(2) – Disorderly Conduct w/ Intoxication and Persistence, a fourth-degree misdemeanor, in Findlay, Ohio; and
- ii. On December 12, 1996, with leave of court, the prosecutor entered a nolle prosequi for his disorderly conduct offense in violation of City of Findlay Codified Ordinance 509.03(b)(2) – Disorderly Conduct; Intoxication, a minor misdemeanor, due to his participation in extensive alcohol treatment at the Salvation Army Adult Probation Department;

B) September 11, 1995 – Petty Theft Charge

- i. On September 11, 1995, he was arrested for and charged with violating City of Findlay Codified Ordinance 545.05 – Petty Theft, a first-degree misdemeanor, in Findlay, Ohio; and
- ii. On December 12, 1996, with leave of court, the prosecutor entered a nolle prosequi for his petty theft offense in violation of City of Findlay Codified

Ordinance 545.05 – Petty Theft, a first-degree misdemeanor, due to his participation in extensive alcohol treatment at the Salvation Army Adult Probation Department;

C) September 15, 1995 – Disorderly Conduct Charge

- i. On September 15 and 16, 1995, he was arrested for and charged with violating City of Findlay Codified Ordinance 509.03 – Disorderly Conduct, a minor misdemeanor, in Findlay, Ohio; and
- ii. On December 12, 1996, with leave of court, the prosecutor entered a nolle prosequi for his disorderly conduct offense in violation of City of Findlay Codified Ordinance 509.03(a)(1)(e) – Disorderly Conduct Aggravated, a fourth-degree misdemeanor, and 509.03(b)(2) – Disorderly Conduct, a minor misdemeanor, due to his participation in extensive alcohol treatment at the Salvation Army Adult Probation Department; and

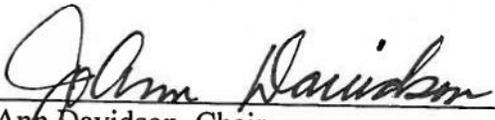
D) July 2013 – OVI Conviction

- i. On August 26, 2012, he was arrested for and charged with violating R.C. 4511.19(A)(1)(a) – Operating vehicle under the influence of alcohol or drugs – OVI, a first-degree misdemeanor, R.C. 4511.19(A)(2)(b) – Operating vehicle under the influence of alcohol or drugs – OVI – Refusal of Chemical Test, a first-degree misdemeanor, and R.C. 4511.33 – Driving in marked lanes, a minor misdemeanor, in Norwood, Ohio;
- ii. On July 24, 2013, he pled guilty or no contest to one count of R.C. 4511.19(A)(1)(a) – Operating vehicle under the influence of alcohol or drugs – OVI, a first-degree misdemeanor, in the Hamilton County Municipal Court; and
- iii. On July 24, 2013, as a result of the Court’s finding of guilt, he was sentenced to:
 - a. Confinement for 180 days with a credit of 20 days, for a total of 160 days confinement;
 - b. Community Control for a term of three years;
 - c. Driver’s license suspension for three years; and
 - d. \$110.00 fine plus court costs.

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

- 1) McDowell's Application is **DENIED**.
- 2) McDowell is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772.
- 3) McDowell is **PROHIBITED** from reapplying for licensure under R.C. Chapter 3772 for 3 years from the date the Order is served upon him, absent a waiver granted by the Commission commensurate with Ohio Adm. Code 3772-1-04.
- 4) A certified copy of the Order shall be served upon McDowell, 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, the 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 the Commission Order.