

**STATE OF OHIO  
CASINO CONTROL COMMISSION**

<i>In re:</i>	:	
	:	Case No. 2016-LIC-022
<b>ANTHONY GARLAND SMITH</b>	:	
<b>CASINO GAMING EMPLOYEE LICENSE</b>	:	
<b>APPLICANT</b>	:	
	:	
Applicant.	:	

**ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION**

On September 9, 2015, Anthony Smith filed with the Ohio Casino Control Commission (“Commission”) a renewal application for a Casino Gaming Employee License. Thereafter, the Commission conducted a suitability investigation of Smith to determine his eligibility for such a license.

A casino gaming employee license applicant is eligible for licensure upon meeting the following criteria: (1) being at least 21 years of age, R.C. 3772.131(C); (2) filing a true and complete Casino Gaming Employee License Application (“Application”), R.C. 3772.131(D) and Ohio Adm. Code 3772-8-02(A); (3) submitting two sets of the applicant’s fingerprints and a photograph, R.C. 3772.131(E); (4) paying the nonrefundable application fee, R.C. 3772.131(E) and Ohio Adm. Code 3772-8-03, and all fees necessary to cover the cost of the background investigation in excess of the application fee, Ohio Adm. Code 3772-8-03(B); (5) reimbursing the costs for the background check, including the criminal records check, R.C. 3772.07 and 3772.131(E); (6) not having been convicted of or pled guilty or no contest to a disqualifying offense, R.C. 3772.07 and 3772.10(C)(1); and (7) being otherwise suitable for licensure, R.C. 3772.10(B) and (C)(7).

During a suitability investigation of Smith, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Opportunity for Hearing (“Notice”), dated September 2, 2016. (Exhibit A.) The Notice was sent via certified mail, return receipt requested, on September 2, 2016, but was returned to the Commission marked “Unclaimed” on October 12, 2016. (Exhibit B.) The Commission re-sent the Notice on October 14, 2016, via ordinary mail with a certificate of mailing. (Exhibit C.) The Notice was not returned to the Commission for failure of delivery.

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. He failed to do so. Accordingly, no hearing was held and the matter was brought before the Commission on November 16, 2016, 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. Smith was convicted of or pled guilty or no contest to one or more “disqualifying offenses,” as defined by R.C. 3772.07 and in contravention of R.C. 3772.10(D)(1), to wit, he was convicted of or pled guilty or no contest to “falsification” in violation of R.C. 2921.13, a first-degree misdemeanor, on May 10, 1999, in the Hamilton County Municipal Court.
2. Smith submitted a casino gaming employee license application (“Application”) that contained false information and failed to set forth all of the information required by the Commission, to wit, he:

- a. Failed to disclose in Question 8 of the Application that:

- i. **May 10, 1999 – Falsification Conviction**

1. On February 3, 1999, he was arrested and charged with one count of “falsification,” in violation of R.C. 2921.13, a first-degree misdemeanor, in the Hamilton County Municipal Court, pursuant to an arrest warrant and criminal complaint filed against him on January 27, 1999;
    2. On May 10, 1999, he pled guilty or no contest to one count of “falsification,” in violation of R.C. 2921.13, a first-degree misdemeanor, in the Hamilton County Municipal Court;
    3. As a result of the Court’s finding of guilt, on May 10, 1999, he was sentenced to:
      - a. Confinement for 180 days, with 180 days suspended;
      - b. A \$150.00 fine; and
      - c. Probation for one year, with 80 hours of Community Service;

- b. Failed to disclose in Question 16 of the Application that:

- i. **November 3, 2005 – Civil Judgment**

On July 25, 2005, a civil complaint was filed against him by Palisades Collection LLC, Assignee of Providian National Bank, in the amount of \$5,899.24, which resulted in a November 3, 2005 default judgment against him in the amount of \$5,899.24, in the Hamilton County Municipal Court;

ii. **April 29, 2008 – Forcible Entry and Detainer**

On April 11, 2008, a civil complaint for forcible entry and detainer was filed against him by ORP Holding Ltd., which resulted in an April 29, 2008 judgment against him for writ of restitution of the premises, plus costs, in the Hamilton County Municipal Court;

iii. **February 6, 2009 – Tax Lien**

A state tax lien was filed against him by the State of Ohio Department of Taxation, which resulted in a February 6, 2009 judgment against him in the amount of \$758.42, with 8% interest from the date of judgment, in the Hamilton County Court of Common Pleas; and

iv. **March 24, 2009 – Notice of Federal Tax Lien**

1. On March 24, 2009, a Notice of Federal Tax Lien was filed in the Hamilton County Recorder's Office, in accordance with 26 U.S.C. §§ 6321-23, in the amount of \$3,485.50. Specifically:

- a. For the tax period ending on December 31, 2003, assessed on May 17, 2004;
- b. For the tax period ending on December 31, 2003, assessed on February 13, 2006, in the amount of \$2,246.24;
- c. For the tax period ending on December 31, 2005, assessed on May 15, 2006, in the amount of \$111.82; and
- d. For the tax period ending on December 31, 2006, assessed on May 21, 2007, in the amount of \$1,127.44; and

v. **October 3, 2014 – Tax Lien**

A state tax lien was filed against him by the State of Ohio Department of Taxation, which resulted in an October 3, 2014 judgment against him in the amount of \$1,861.09, with 3% interest from the date of judgment, in the Hamilton County Court of Common Pleas, and

- c. Smith failed to attach copies of bankruptcy petitions and discharge documents to the Application for Question 17, disclosing that on October 15, 2005, he filed a Voluntary Petition for Chapter 7 bankruptcy, which resulted in a March 6, 2006 Discharge of Debtor, in the United States Bankruptcy Court in the Southern District of Ohio, in violation of R.C.

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

3. Based on the results of the Commission's licensing investigation, Smith failed to notify the Commission of his April 12, 2016 termination from employment at Horseshoe Casino Cincinnati, in violation of Ohio Adm. Code 3772-8-04(A)(4), (8) and (B).
4. Based on his disqualifying offense conviction, his submission of an application containing false information, his failure to notify the Commission, and the underlying conduct described above, Smith 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) and/or (C)(5) and/or (7) and/or Ohio Adm. Code 3772-8-05(A). In addition, he failed to establish his suitability for licensure as required by R.C. 3772.10(B), (C)(5), (7), and Ohio Adm. Code 3772-8-05(A) because:

- a. **April 12, 1993 – Civil Judgment**

On February 25, 1993, a summons or civil complaint was filed against him, in the amount of \$290.85, which resulted in an April 12, 1993 default judgment against him in the amount of \$290.85 with interest, plus costs, in the Hamilton County Municipal Court;

- b. **April 12, 1993 – Civil Judgment**

On February 27, 1993, a summons or civil complaint was filed against him, in the amount of \$509.05, which resulted in an April 12, 1993 default judgment against him in the amount of \$509.05 with \$8.90 interest, plus costs, in the Hamilton County Municipal Court;

- c. **July 31, 1996 – Assault Charge**

On July 31, 1996, he was arrested for and charged with one count of "assault," in violation of R.C. 2903.13, a first-degree misdemeanor, in Hamilton County, Ohio;

- d. **October 27, 1997 – Bankruptcy**

On June 5, 1997, he filed a Voluntary Petition for Chapter 7 bankruptcy, which resulted in an October 27, 1997 Discharge of Debtor, in the United States Bankruptcy Court in the Southern District of Ohio;

- e. **September 5, 2003 – Notice of Federal Tax Lien**

- i. On September 5, 2003, a Notice of Federal Tax Lien was filed in the Hamilton County Recorder's Office, in accordance with 26 U.S.C. §§ 6321-23, in the amount of \$7,203.95. Specifically:

1. For the tax period ending on December 31, 1995, assessed on April 27, 1998, in the amount of \$840.47;
2. For the tax period ending on December 31, 1996, assessed on May 19, 1997, in the amount of \$1,058.02;
3. For the tax period ending on December 31, 1997, assessed on July 27, 1998, in the amount of \$427.56;
4. For the tax period ending on December 31, 2001, assessed on May 27, 2002, in the amount of \$903.28; and
5. For the tax period ending on December 31, 2002, assessed on May 26, 2003, in the amount of \$3,974.62;

**f. August 31, 2005 – Forcible Entry and Detainer**

- i. On July 13, 2005, a civil complaint for forcible entry and detainer was filed against him by Cornerstone Realty Management Corporation d.b.a. Walnut Creek Townhomes, which resulted in an August 17, 2005 judgment against him for writ of restitution of the premises and/or recover costs in the amount of \$15,000.00, in the Hamilton County Municipal Court; and
- ii. On August 31, 2005, a motion for default judgment was filed against him by Cornerstone Realty Management Corporation, which resulted in an August 31, 2005 default judgment against him in the amount of \$15,000.00 with 5% interest, plus costs, in the Hamilton County Municipal Court;

**g. March 6, 2006 – Bankruptcy**

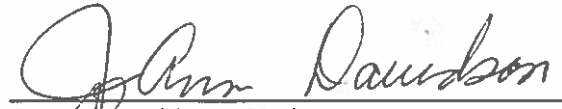
On October 15, 2005, he filed a Voluntary Petition for Chapter 7 bankruptcy, which resulted in a March 6, 2006 Discharge of Debtor, in the United States Bankruptcy Court in the Southern District of Ohio.

**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 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 Smith, 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 Franklin County 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.