

**STATE OF OHIO  
CASINO CONTROL COMMISSION**

*In re:* :  
 : Case No. 2017-LIC-051  
**Kevin Richard** :  
**CASINO GAMING EMPLOYEE LICENSE** :  
**APPLICANT** :  
 :  
 :  
 Applicant. :

**ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION**

On February 15, 2017, Kevin Richard (“Richard”) filed with the Ohio Casino Control Commission (“Commission”) an application for a Casino Gaming Employee License. Thereafter, the Commission conducted a suitability investigation of Richard 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 an administrative investigation of Richard, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Opportunity for Hearing (“Notice”), dated September 21, 2017. (Exhibit A.) Richard received the Notice, sent via certified mail, on September 26, 2017. (Exhibit B.) Pursuant to R.C. 119.07 and 3772.04, Richard had the right to a hearing if requested within 30 days of the Notice’s mailing. Richard failed to do so. Accordingly, no hearing was held, and the matter was brought before the Commission on November 15, 2017, 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) Richard submitted a casino gaming employee license application that contained false information or failed to set forth all of the information required by the Commission, in violation of R.C. 3772.10, R.C. 3772.131, Ohio Adm. Code 3772-8-02, and 3772-8-05, including:

- A) Failing to disclose information under Question 8;
- i. He was arrested for or charged with Operate While Intoxicated, and he was convicted of, or pled guilty or no contest to, Operated While Impaired By Liquor, on October 21, 2003, in the State of Michigan, 65B Judicial District Court;
  - ii. He was arrested for or charged with Driver's Or Commercial Driver's License Required, which he was convicted of, or pled guilty or no contest to, on November 24, 2003, in the Lakewood Municipal Court; or
  - iii. He was arrested for or charged with Noise Prohibited, which he was convicted of, or pled guilty or no contest to, on January 21, 2004, in the Lakewood Municipal Court.
- B) Answering "NO" to Question 16 and 18 when he should have answered "YES";
- i. He had a civil complaint and resulting May 14, 2012 lien or judgment, and July 12, 2012 wage garnishment filed against him in the Cleveland Municipal Court.
- 2) Richard is not suitable or otherwise eligible to be granted or to maintain a casino gaming employee license, as required by R.C. 3772.10 and Ohio Adm. Code 3772-8-05, based on the above allegations, including the underlying conduct, and the following:
- A) He was arrested for or charged with Driv Under Influence Alc/Drug and Driv Under Inf Alc/Drug; Breath, and he was convicted of or pled guilty or no contest to, Physical Control of Vehicle, on October 20, 2005, in the Cleveland Municipal Court; or
  - B) He was arrested for or charged with Operating Vehicle Under the Influence – OVI, and ~~h~~He was convicted of or pled guilty or no contest to, OVI 1<sup>st</sup>, on January 31, 2013, and Probation Violator on March 13, 2013, in the Lakewood Municipal Court.
- 3) Based on the above allegations, Richard failed to establish, by clear and convincing evidence, his suitability for licensure as a casino gaming employee, as required by R.C. 3772.10 and Ohio Adm. Code 3772-8-05.

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

- 1) Richard's Application is **DENIED**.
- 2) Richard is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772.

- 3) Richard 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 Richard, via certified mail, return receipt requested, and his counsel of record, if any, via ordinary mail.

**IT IS SO ORDERED.**

  
June E. Taylor, 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.