

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2012-17

**WHEREAS**, Article XV, Section 6(C)(4) of the Ohio Constitution created the Ohio Casino Control Commission (“Commission”) to ensure the integrity of casino gaming by, among other things, licensing and regulating all gaming authorized by Article XV, Section 6(C) of the Ohio Constitution;

**WHEREAS**, R.C. 3772.03(A) authorizes the Commission to complete the functions of licensing, regulating, investigating, and penalizing casino operators, management companies, holding companies, key employees, casino gaming employees, and gaming related vendors as well as grants the Commission with jurisdiction over all persons participating in casino gaming authorized by Article XV, Section 6(C)(4);

**WHEREAS**, R.C. 3772.03(B), (C), and (D) require the Commission to adopt regulations pursuant to R.C. Chapter 119 to complete the functions stated in R.C. 3772.03;

**WHEREAS**, R.C. 3772.03(D) requires the Commission to adopt regulations that, among other things, includes:

- (A) Prescribing the manner and procedure of all hearings to be conducted by the Commission or by any hearing examiner; and
- (B) Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under R.C. Chapter 3772;

**WHEREAS**, R.C. 3772.031(A) requires that the Commission adopt regulations pertaining to the establishment of a list of persons who are to be excluded or ejected from a casino facility;

**WHEREAS**, on January 4, 2012, the Commission approved for original filing the following proposed administrative rules (“Administrative Rules”):

- (A) A.C. Chapter 3772-21 Hearing Procedures
  - (1) 3772-21-01 General Provision.
  - (2) 3772-21-03 Disciplinary hearings.
  - (3) 3772-21-04 Involuntary exclusion hearings.
  - (4) 3772-21-05 Appearances, participation by and representation of parties.
  - (5) 3772-21-06 Hearing procedures.
  - (6) 3772-21-07 Continuances.
  - (7) 3772-21-08 Reports, recommendations and orders.
  - (8) 3772-21-09 Settlements.
  - (9) 3772-21-10 Subpoenas.
  - (10) 3772-21-11 Prohibition on ex parte communications with the hearing examiner.

(B) A.C. 3772-23 Involuntary Exclusion

- (1) 3772-23-01 Establishment of involuntary exclusion list.
- (2) 3772-23-02 Requirements of involuntary exclusion list.
- (3) 3772-23-03 Criteria to place an individual on the involuntary exclusion list.
- (4) 3772-23-04 Notice of placement on the involuntary exclusion list.
- (5) 3772-23-05 Request for hearing.

**WHEREAS**, R.C. 119.03(B) requires that an agency electronically file proposed rules with the Secretary of State (“SoS”) and with the Director of the Legislative Service Commission (“LSC”) at least 65 days before the agency may adopt them;

**WHEREAS**, R.C. 119.03(H) requires that an agency electronically file proposed rules with the Joint Committee on Agency Rule Review (“JCARR”) at least 65 days before the agency may adopt them;

**WHEREAS**, R.C. 119.03(A) requires that reasonable public notice be given in the Register of Ohio at least 30 days prior to the date set for a public hearing, which must be held no sooner than the 31st nor any later than the 40th day after any proposed rules are filed under R.C. 119.03(B);

**WHEREAS**, R.C. 119.03(I)(1)(f) requires JCARR to hold a public hearing on any proposed administrative rules no earlier than the 41st day after the original versions of the proposed rules were filed with JCARR;

**WHEREAS**, on January 17, 2012, the Commission’s staff electronically filed the Administrative Rules and the public hearing notice with SoS, LSC, and JCARR;

**WHEREAS**, on February 20, 2012, the Commission held a public hearing on the Administrative Rules;

**WHEREAS**, on March 8, 2012, JCARR held a public hearing on the Administrative Rules;

**WHEREAS**, on March 22, 2012, JCARR’s jurisdiction over the Administrative Rules ended, providing the Commission with the authority to adopt them;

**WHEREAS**, the Commission considered the matter at its public meeting on April 4, 2012;

**NOW, THEREFORE, BE IT RESOLVED** by the Commission that the Administrative Rules are **ADOPTED**.

**BE IT FURTHER RESOLVED** that the Commission’s staff is hereby authorized and directed to **FINAL FILE** the Administrative Rules in accordance with R.C. Chapter 119.

Adopted: April 4, 2012