

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2012-51

CONSIDERATION OF THE APPLICATION OF TECH ART INC. FOR A GAMING-RELATED VENDOR LICENSE

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. 3772.09(A) prohibits, among others, any gaming-related vendor or key employee thereof from conducting or participating in conducting casino gaming without first being licensed by the Commission;

WHEREAS, R.C. 3772.10(B) requires, among others, gaming-related vendors and key employees thereof seeking licensure under R.C. Chapter 3772 to establish their suitability by clear and convincing evidence;

WHEREAS, R.C. 3772.12(A) and A.C. 3772-6-02(A) require any gaming-related vendor seeking licensure to submit, under oath, a Gaming-Related Vendor License Application;

WHEREAS, R.C. 3772.121 and A.C. 3772-6 authorize the Commission to issue gaming-related vendor licenses to applicants after the Commission determines that the applicants are eligible for licensure and have paid all applicable fees;

WHEREAS, a gaming-related vendor license applicant is eligible for licensure upon meeting the following criteria:

- (A) Submission of a true and complete Gaming-Related Vendor License Application, as required by R.C. 3772.10(C) and 3772.12(A) and A.C. 3772-6-02(A);
- (B) Payment of the nonrefundable application fee of \$10,000.00, as required by R.C. 3772.17(C) and A.C. 3772-6-03(A), and all fees necessary to cover the costs of the background investigation in excess of the application fee set forth by A.C. 3772-6-03(A), if any;
- (C) Submission, on a form provided by the Commission, of two sets of the applicant’s fingerprints, as required by R.C. 3772.121(A)(3), if applicable;
- (D) Reimbursement of the costs for the criminal records check, as required by R.C. 3772.07 and 3772.121(A)(2), if applicable;

- (E) Not having been convicted of or pled guilty or no contest to a disqualifying offense, as defined and required by R.C. 3772.07; and
- (F) Otherwise is suitable for licensure, as required by R.C. 3772.10(B) and (C);

WHEREAS, on or about February 3, 2012, Tech Art Inc. (“Tech Art”) submitted an application for licensure as a gaming-related vendor to the Commission in accordance with R.C. 3772.12(A) and A.C. 3772-6-02(A);

WHEREAS, Tech Art paid the nonrefundable application fee, as required by R.C. 3772.17(C) and A.C. 3772-6-03(A);

WHEREAS, Spectrum Gaming Group (“Spectrum”) has been appointed by the Commission as its agent to assist the Commission in the conduct of suitability investigations;

WHEREAS, Spectrum reviewed the submitted gaming-related vendor application, materials and information, and conducted thorough suitability investigation of Tech Art;

WHEREAS, Spectrum has filed a report with the Commission dated May 7, 2012, captioned *In the Matter of the Application of Tech Art Inc. for a Gaming-Related Vendor License* (“Report”);

WHEREAS, Spectrum’s Report concludes that based upon its investigation no derogatory information that adversely impacts upon the suitability of Tech Art was uncovered and that Tech Art is qualified to be approved as a gaming-related vendor subject to certain conditions;

WHEREAS, the Commission’s Division of Licensing and Investigation has reviewed the Spectrum Report and Tech Art’s license application;

WHEREAS, the Commission’s Division of Licensing and Investigation has prepared a report to the members of the Commission dated May 7, 2012, captioned *Report of the Division of Licensing and Investigation on the Application of Tech Art Inc.* (“Licensing Report”) recommending that the Commission grant a gaming-related vendor license to Tech Art subject to the following conditions:

- (A) Tech Art shall report any changes in their management, ownership, or stockholdings to the Commission in accordance with A.C. 3772-6-04;
- (B) Tech Art shall report any loans, debt incurred, or any other significant financial matters to the Commission in accordance with A.C. 3772-6-04;

- (C) The key employees, provisionally licensed through Resolution 2012-50, shall continue to cooperate through the conclusion of their probity investigations;
- (D) Tech Art shall pay all fees required by the Commission, including the following:
 - (1) The cost of the background investigation that exceeded the application fee set forth by A.C. 3772-6-03(A), as required by R.C. 3772.17(C) and A.C. 3772-6-03(B); and
 - (2) A nonrefundable license fee of \$15,000.00, as required by R.C. 3772.121(A)(2) and 3772.17(C) and A.C. 3772-6-03(C);
- (E) Tech Art shall establish and maintain a compliance plan for the purpose of, at a minimum, performing due diligence, determining the suitability of relationships with other entities and individuals, and to review and ensure compliance by Tech Art Inc. and its affiliated companies with the laws and regulations of any jurisdiction in which they do business;
- (F) After the implementation of a Compliance Plan and Compliance Committee, Tech Art shall notify the Executive Director of the Commission no later than 30 days from when the Compliance Committee conducts any due diligence efforts, takes any action or makes any recommendations concerning current or future business;
- (G) Tech Art shall develop a policy with respect to the Foreign Corrupt Practices Act; and
- (H) Tech Art shall notify the Commission within 10 days of any changes regarding the status or ownership of the shares of Tech Art previously owned by Howard Miller;

WHEREAS, the Commission has considered the Spectrum Report and the Licensing Report and heard from representatives of Tech Art at its public meeting on May 9, 2012.

NOW, THEREFORE, BE IT RESOLVED, by the Commission that Tech Art's application for licensure is **APPROVED** and Tech Art is hereby **LICENSED** for a period not to exceed 3 years, effective today, as a gaming-related vendor subject to continued compliance with R.C. Chapter 3772 and the rules adopted thereunder and the following conditions:

- (A) Tech Art shall report any changes in their management, ownership, or stockholdings to the Commission in accordance with A.C. 3772-6-04;

- (B) Tech Art shall report any loans, debt incurred, or any other significant financial matters to the Commission in accordance with A.C. 3772-6-04;
- (C) The key employees, provisionally licensed through Resolution 2012-50, shall continue to cooperate through the conclusion of their probity investigations;
- (D) Tech Art shall pay all fees required by the Commission, including the following:
 - (1) The cost of the background investigation that exceeded the application fee set forth by A.C. 3772-6-03(A), as required by R.C. 3772.17(C) and A.C. 3772-6-03(B); and
 - (2) A nonrefundable license fee of \$15,000.00, as required by R.C. 3772.121(A)(2) and 3772.17(C) and A.C. 3772-6-03(C);
- (E) Tech Art shall establish and maintain a compliance plan for the purpose of, at a minimum, performing due diligence, determining the suitability of relationships with other entities and individuals, and to review and ensure compliance by Tech Art Inc. and its affiliated companies with the laws and regulations of any jurisdiction in which they do business;
- (F) After the implementation of a Compliance Plan and Compliance Committee, Tech Art shall notify the Executive Director of the Commission no later than 30 days from when the Compliance Committee conducts any due diligence efforts, takes any action or makes any recommendations concerning current or future business;
- (G) Tech Art shall develop a policy with respect to the Foreign Corrupt Practices Act; and
- (H) Tech Art shall notify the Commission within 10 days of any changes regarding the status or ownership of the shares of Tech Art previously owned by Howard Miller.

BE IT FURTHER RESOLVED, that Resolution 2012-51 does not in any way affect, negate, or otherwise absolve Tech Art from its duties to update information in accordance with A.C. 3772-6-04 and A.C. 3772-5-04.

BE IT FURTHER RESOLVED, that Resolution 2012-51 does not restrict or limit the Commission's future exercise of authority and discretion with respect to imposing additional conditions or taking further action upon Tech Art under R.C. Chapter 3772 and the rules adopted thereunder.

Adopted: May 9, 2012