

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2012-82

**CONSIDERATION OF THE APPLICATION OF JOSHUA FAISH FOR A PROVISIONAL
KEY EMPLOYEE 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, key employees from conducting or participating in conducting casino gaming without first being licensed by the Commission;

WHEREAS, R.C. 3772.03(D)(15) mandates that the Commission establish standards for provisional key employee licenses for persons who are required to be licensed as key employees and where exigent circumstances exist;

WHEREAS, R.C. 3772.03(D)(15) and A.C. 3772-5-02(F) require any key employee seeking provisional licensure to:

- (A) Be at least 21 years of age, as required by R.C. 3772.13(C);
- (B) Submit a true and complete Key Employee License Application, as required by R.C. 3772.03(D)(15), 3772.10(C), and 3772.131(D) and A.C. 3772-5-02(F);
- (C) Be compliant under an instant background check, as required by R.C. 3772.03(D)(15);
- (D) Payment of the nonrefundable application fee of \$2,000.00, as required by R.C. 3772.03(D)(15), 3772.13(E), and 3772.17(D) and A.C. 3772-5-03(A), and all fees necessary to cover the cost of the background investigation in excess of the application fee set forth by A.C. 3772-5-03(A), as required by R.C. 3772.17(D) and A.C. 3772-5-03(B), if any;
- (E) Demonstrate the existence of exigent circumstances, as required by R.C. 3772.03(D)(15) and A.C. 3772-5-02(F); and
- (F) Not having been convicted of or pled guilty or no contest to a disqualifying offense, as defined and required by R.C. 3772.07;

WHEREAS, Joshua Faish, a key employee of KGM Gaming, Inc., submitted an application for licensure as a key employee to the Commission, in accordance with R.C. 3772.03(D)(15) and 3772.13(B) and A.C. 3772-5-02(F), and complied with the requisite background check;

WHEREAS, the nonrefundable application fee for the Key Employee license application has been paid, as required by R.C. 3772.13(E) and 3772.17(D) and A.C. 3772-5-02(F) and 3772-5-03(A);

WHEREAS, the Commission has considered the matter at its public meeting on October 17, 2012.

NOW, THEREFORE, BE IT RESOLVED, by the Commission that the Key Employee License Application of Joshua Faish is **PROVISIONALLY APPROVED** and that Joshua Faish is hereby **PROVISIONALLY LICENSED** for a period not to exceed 3 months, effective today, as a key employee, subject to continued compliance with R.C. Chapter 3772 and the rules adopted thereunder and the payment of all fees required by the Commission, including the following:

- (A) The cost of any key employee background investigation that exceeded the application fee set forth by A.C. 3772-5-03(A), as required by R.C. 3772.17(D) and A.C. 3772-5-03(B); and
- (B) A nonrefundable license fee of \$500.00 per key employee license, as required by R.C. 3772.17(D) and A.C. 3772-5-03(C).

BE IT FURTHER RESOLVED, that, in accordance with R.C. 3772.03(D)(15), the Key Employee provisional license may be renewed one time for a period not to exceed 3 months.

BE IT FURTHER RESOLVED, that Resolution 2012-82 does not in any way guarantee that the Key Employee will be granted plenary licensure as a key employee or that the right to operate in a key employee capacity will extend beyond the time permitted herein or under R.C. Chapter 3772 and the rules adopted thereunder.

BE IT FURTHER RESOLVED, that Resolution 2012-82 does not in any way affect, negate, or otherwise absolve the Key Employee from the duty to update information in accordance with A.C. 3772-5-04.

BE IT FURTHER RESOLVED, that Resolution 2012-82 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 the Key Employee under R.C. Chapter 3772 and the rules adopted thereunder.

Adopted: October 17, 2012