

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2013-09

ADMINISTRATIVE RULES – ADOPTION & FINAL FILE

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, concern:

- (A) Preventing practices detrimental to the public interest;
- (B) Prescribing the method of applying, and the form of application, that an applicant for a license must follow; and
- (E) Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under R.C. Chapter 3772.

WHEREAS, on August 15, 2012, the Commission approved for original filing the following proposed administrative rules (“Administrative Rules”):

- (A) Ohio Adm. Code Chapter 3772-1 General Provisions
 - (1) 3772-1-04 Waivers and variances.
- (B) Ohio Adm. Code 3772-3 Institutional Investors and Records Retention
 - (1) 3772-3-01 Institutional investors.
 - (2) 3772-3-02 Institutional waiver form.
 - (3) 3772-3-03 Duty to update.
- (D) Ohio Adm. Code 3772-4 Casino Operator, Management Company, Holding Company Licenses
 - (1) 3772-4-09 Duty to update.

WHEREAS, R.C. 121.82 prohibits an agency, as defined by R.C. 107.51, from electronically filing proposed rules that have an adverse impact on business, as defined by

R.C. 107.52, with the Secretary of State (“SoS”), the Director of the Legislative Service Commission (“LSC”), and the Joint Committee on Agency Rule Review (“JCARR”) any sooner than the sixteenth business day after filing the proposed rule and accompanying Business Impact Analysis with the Common Sense Initiative Office (“CSI”).

WHEREAS, after complying with the CSI filing requirement, R.C. 119.03(B) requires that an agency electronically file proposed rules with the SoS and with 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 JCARR at least 65 days before the agency may adopt them;

WHEREAS, if the proposed rules adversely impact business, R.C. 119.03(H) requires the agency to include with its electronic filing the Business Impact Analysis, any recommendations received from CSI, and the agency’s Memorandum in Response;

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 November 21, 2012, the Commission’s staff electronically filed the Administrative Rules and the public hearing notices with SoS, LSC, and JCARR;

WHEREAS, on December 26, 2012, the Commission held public hearings on the Administrative Rules;

WHEREAS, on January 14, 2013, JCARR held a public hearing on the Administrative Rules;

WHEREAS, on January 28, 2013, 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 February 13, 2013;

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:

February 13, 2013