

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2015-10

CONSIDERATION OF KONAMI GAMING, INC.'S APPLICATION TO RENEW ITS 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 from conducting or participating in conducting casino gaming without first being licensed by the Commission;

WHEREAS, R.C. 3772.15(B) and Ohio Adm. Code 3772-6-02(D) and 3772-8-02(D) require that gaming-related vendor and key-employee licensees undergo complete investigations at least once every three years to ensure continued eligibility for licensure;

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

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

WHEREAS, R.C. 3772.121 and Ohio Adm. Code Chapter 3772-6 authorize the Commission to issue gaming-related vendor licenses to applicants, including renewal 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 renewal upon meeting the following criteria:

- (A) Submission of a true and complete Vendor Application, as required by R.C. 3772.10(C) and 3772.12(A) and Ohio Adm. Code 3772-6-02(A);
- (B) Payment of the nonrefundable renewal application fee of \$10,000.00, as required by R.C. 3772.17(D) and Ohio Adm. Code 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 Ohio Adm. Code 3772-6-03(A), if any, as permitted by Ohio Adm. Code 3772-6-03(B);

- (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 by R.C. 3772.07 and required by R.C. 3772.07 and 3772.10(C)(1); and
- (F) Otherwise is suitable for licensure, as required by R.C. 3772.10(B) and (C);

WHEREAS, R.C. 3772.03(D)(5) mandates that the Commission adopt rules prescribing the minimum amount of insurance that must be maintained by, among others, gaming-related vendors;

WHEREAS, Ohio Adm. Code 3772-7-01(A) requires, among others, gaming-related vendor licensees to obtain and maintain the following types of insurance in minimum amounts determined by the Commission:

- (A) Liability;
- (B) Casualty;
- (C) Fire;
- (D) Theft;
- (E) Worker's compensation; and
- (F) Any other type of insurance the Commission deems necessary to ensure the licensee is adequately insured;

WHEREAS, on or about January 16, 2015, Konami Gaming, Inc. ("Konami Gaming") submitted a Vendor Application in accordance with R.C. 3772.12(A) and Ohio Adm. Code 3772-6-02(A);

WHEREAS, Konami Gaming paid the nonrefundable application fee, as required by R.C. 3772.17(D) and Ohio Adm. Code 3772-6-03(A);

WHEREAS, Konami Gaming submitted information and materials necessary to demonstrate that Konami Gaming has obtained and maintains all of the requisite types of insurance and the amounts of each type, as required by R.C. 3772.03(D)(5) and Ohio Adm. Code 3772-7-01(A) and as reflected in the Commission's adoption of Resolution 2012-64;

WHEREAS, Konami Corporation, Kozuki Foundation, Kozuki Holding B.V., and Kozuki Capital Corporation (collectively “Holding Companies”) submitted information and documentation as holding companies of Konami Gaming, as required by R.C. 3772.11(B);

WHEREAS, R.C. 3772.13(B) and Ohio Adm. Code 3772-5-02(A) require any gaming-related vendor key employee seeking licensure to submit a Key Employee License Application (“Key Employee Application”);

WHEREAS, R.C. 3772.13 and Ohio Adm. Code Chapter 3772-5 authorize the Commission to issue key-employee licenses to applicants, including renewal applicants, after the Commission determines that the applicants are eligible for licensure and have paid all applicable fees;

WHEREAS, a key-employee license applicant is eligible for renewal upon meeting the following criteria:

- (A) Being at least 21 years of age, as required by R.C. 3772.13(D);
- (B) Submission of a true and complete Key Employee Application, as required by R.C. 3772.10(C) and 3772.13(E) and Ohio Adm. Code 3772-5-02(A);
- (C) Submission, on a form provided by the Commission, of two sets of the applicant’s fingerprints and a photograph, as required by R.C. 3772.13(E);
- (D) Payment of the nonrefundable renewal application fee of \$2,000.00, as required by R.C. 3772.13(F) and 3772.17(E) and Ohio Adm. Code 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 Ohio Adm. Code 3772-5-03(A), if any, as permitted by Ohio Adm. Code 3772-5-03(B);
- (E) Reimbursement of the costs for the background check, including the criminal records check, as required by R.C. 3772.07 and 3772.13(F);
- (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; and
- (G) Otherwise is suitable for licensure, as required by R.C. 3772.10(B) and (C);

WHEREAS, the owners, officers, directors, and key employees of Konami Gaming and the Holding Companies, who appear on the attached list marked Exhibit A, (“Key Employees”) submitted Key Employee Applications, in accordance with R.C. 3772.13(C) and (E) and Ohio Adm. Code 3772-5-02(A), to renew their licenses;

WHEREAS, the Key Employees' nonrefundable application fees have been paid, as required by R.C. 3772.13(F) and 3772.17(E) and Ohio Adm. Code 3772-5-03(A), and the Commission has been reimbursed for the costs of the criminal records checks, in accordance with and as required by R.C. 3772.07 and 3772.13(F);

WHEREAS, the Commission's Division of Licensing and Investigations reviewed the Vendor and Key Employee Applications and other materials and information and conducted thorough suitability investigations of Konami Gaming, the Holding Companies, and their Key Employees;

WHEREAS, the Division of Licensing and Investigations has filed a report, dated March 13, 2015, captioned *Investigative Report on the Application of Konami Gaming, Inc. L.C. for a Gaming-Related Vendor License* ("Licensing Report");

WHEREAS, the Licensing Report concludes that based upon the investigation, no derogatory or other negative information that adversely impacts upon the suitability of Konami Gaming, the Holding Companies, or their Key Employees was uncovered and that Konami Gaming and the Key Employees are eligible, qualified, and suitable to be approved for renewal licenses;

WHEREAS, the Commission's Division of Licensing and Investigations recommends that the Commission renew Konami Gaming's gaming-related vendor license, subject to the following conditions:

- (A) Konami Gaming and the Holding Companies shall report any changes in their management, ownership, or stockholdings to the Commission, in accordance with Ohio Adm. Code 3772-6-04;
- (B) Konami Gaming and the Holding Companies shall report any loans, debt incurred, or any other significant financial matters to the Commission, in accordance with Ohio Adm. Code 3772-6-04;
- (C) Konami Gaming 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 Ohio Adm. Code 3772-6-03(A), as required by R.C. 3772.17(D) and Ohio Adm. Code 3772-6-03(B), if any; and
 - (2) A nonrefundable license fee of \$15,000.00 per license, as required by R.C. 3772.121(A)(2) and 3772.17(D) and Ohio Adm. Code 3772-6-03(C); and
- (D) Konami Gaming's Compliance Committee 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,

and that the Commission renew the Key Employees' key-employee licenses; and

WHEREAS, the Commission has reviewed the Licensing Report and considered the matter at its public meeting on April 15, 2015.

NOW, THEREFORE, BE IT RESOLVED, by the Commission that Konami Gaming's Vendor Application is **APPROVED** and its gaming-related vendor license is **RENEWED** for a period not to exceed three years, effective upon expiration of its previous license, subject to continued compliance with R.C. Chapter 3772 and the rules adopted thereunder and the following conditions:

- (A) Konami Gaming and the Holding Companies shall report any changes in their management, ownership, or stockholdings to the Commission, in accordance with Ohio Adm. Code 3772-6-04;
- (B) Konami Gaming and the Holding Companies shall report any loans, debt incurred, or any other significant financial matters to the Commission, in accordance with Ohio Adm. Code 3772-6-04;
- (C) Konami Gaming 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 Ohio Adm. Code 3772-6-03(A), as required by R.C. 3772.17(D) and Ohio Adm. Code 3772-6-03(B), if any; and
 - (2) A nonrefundable license fee of \$15,000.00 per license, as required by R.C. 3772.121(A)(2) and 3772.17(D) and Ohio Adm. Code 3772-6-03(C); and
- (D) Konami Gaming's Compliance Committee 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.

BE IT FURTHER RESOLVED, that the Key Employees' Applications are **APPROVED** and their key-employee licenses are **RENEWED** for a period not to exceed three years, effective upon expiration of their previous licenses, subject to continued compliance with R.C. Chapter 3772 and the rules adopted thereunder, including payment of the following fees:

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

BE IT FURTHER RESOLVED, that Resolution 2015-10 does not in any way affect, negate, or otherwise absolve Konami Gaming, the Holding Companies, or their Key Employees from their duties to update information in accordance with Ohio Adm. Code 3772-6-04 and Ohio Adm. Code 3772-5-04, as applicable.

BE IT FURTHER RESOLVED, that Resolution 2015-10 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 Konami Gaming, the Holding Companies, or their Key Employees under R.C. Chapter 3772 and the rules adopted thereunder.

Adopted: April 15, 2015

Exhibit A
Resolution 2015-10

1. Kimihiko Higashio
2. Kagemasa Kozuki
3. Takuya Kozuki
4. Ross O'Hanley
5. Satoshi Sakamoto
6. Stephen Sutherland
7. Noriaki Yamaguchi