

OHIO CASINO CONTROL
COMMISSION RESOLUTION 2016-27
**FIVE YEAR REVIEW NO CHANGE 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, and 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. 1347.15, R.C. 3772.03(D), R.C. 3772.033, and R.C. 5903.03 require the Commission to adopt regulations that, among other things, concern:

- Regulating access to the confidential personal information the agency keeps, whether electronically or on paper;
- The prevention of practices detrimental to the public interest;
- Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding company, or gaming-related vendor that fall below the threshold needed to be considered an institutional investor or a holding company, standards regarding what any employees, members, or owners of those investors or holding companies may do and shall not do in relation to casino facilities and casino gaming in this state, which standards shall rationally relate to the need to proscribe conduct that is inconsistent with passive institutional investment status;
- Which military programs of training, military primary specialties, and lengths of service are substantially equivalent to or exceed the educational and experience requirements for each license that agency issues;
- Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under R.C. 5753.02; and
- Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter.

WHEREAS, on March 16 and April 20, 2016, the Commission approved for original filing the following administrative rules:

- Ohio Adm. Code 3772-1 General Provisions.
 - 3772-1-03 Adoption, amendment and repeal.
 - 3772-1-06 Minimum licensure requirements.

- Ohio Adm. Code 3772-2 Ohio Casino Control Commission.
 - 3772-2-01 Organization.
 - 3772-2-09 Procedures for accessing confidential personal information.
 - 3772-2-10 Valid reasons for accessing confidential personal information.
 - 3772-2-11 Confidentiality statutes.
 - 3772-2-12 Restricting and logging access to confidential personal information in computerized personal information systems.

- Ohio Adm. Code 3772-4 Casino Operator, Management Company, and Holding Company Licenses.
 - 3772-4-11 Computation of gross casino revenue; assisting the tax commissioner.

WHEREAS, R.C. 119.04 requires the Commission, whenever it adopts an administrative rule or any amendment to an administrative rule, to assign a date no later than five years after its effective date;

WHEREAS, R.C. 106.03 requires the Commission, in conducting its five year review of administrative rules, to consider, among other things, whether the rule is still necessary, must be amended, or conflicts with other rules;

WHEREAS, there have been no changes made to the administrative rules listed above as a result of the Commission's five year review;

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 no-change administrative rules with the SoS and with LSC at least 90 days before the agency may adopt them;

WHEREAS, R.C. 119.03(H) requires that an agency electronically file no-change administrative rules with JCARR at least 90 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 June 24, 2016, the Commission's staff electronically filed the Administrative Rules and the public hearing notice with the SoS, LSC, and JCARR;

WHEREAS, on July 27, 2016, the Commission held a public hearing on the Administrative Rules;

WHEREAS, on September 12, 2016, JCARR held a public hearing on the Administrative Rules;

WHEREAS, on September 22, 2016, 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 October 12, 2016;

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: October 12, 2016