

OHIO CASINO CONTROL
COMMISSION RESOLUTION 2016-24
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. 3772.03(D) requires the Commission to adopt regulations that, among other things, concern:

- The prevention of practices detrimental to the public interest;
- Prescribing the method of applying, and the form of application, that an applicant for a license under this chapter must follow as otherwise described in this chapter;
- Prescribing the information to be furnished by an applicant or licensee as described in R.C. 3772.11;
- The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor;
- The approval process for a significant change in ownership or transfer of control of a licensee as provided in R.C. 3772.091;
- The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors;
- Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in R.C. 3772.20, and requiring gaming devices and equipment to meet the standards of this state;
- Tournament play in any casino facility;

- Establishing approval procedures for third-party engineering or accounting firms, as described in R.C. 3772.09;
- Prescribing the manner in which winnings, compensation from casino gaming, and gross revenue must be computed and reported by a licensee as described in R.C. Chapter 5753;
- Prescribing conditions under which a licensee's license may be suspended or revoked as described in R.C. 3772.04;
- Prescribing technical standards and requirements that are to be met by security and surveillance equipment that is used at and standards and requirements to be met by personnel who are employed at casino facilities, and standards and requirements for the provision of security at and surveillance of casino facilities;
- Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government;
- Establishing standards for the repair of casino gaming equipment;
- 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; and
- Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter.

WHEREAS, on February 17, March 16, and April 20, 2016, the Commission approved for original filing the following proposed rules and/or amendments to the administrative code (“Administrative Rules”):

- Ohio Adm. Code Chapter 3772-1 General Provisions
 - 3772-1-01 Definitions.
 - 3772-1-02 Authority and purpose.
 - 3772-1-04 Waivers and variance.
 - 3772-1-05 Construction.
- Ohio Adm. Code 3772-2 Ohio Casino Control Commission
 - 3772-2-02 Commission procedure.
 - 3772-2-03 Commission meetings.
 - 3772-2-04 Requests to address the commission.
 - 3772-2-05 Delegation of commission authority.
 - 3772-2-06 Subpoena power.

- 3772-2-07 Ethics and code of conduct.
- 3772-2-08 Definitions.
- Ohio Adm. Code 3772-4 Casino Operator, Management Company, and Holding Company Licenses
 - 3772-4-01 Instructions for the casino operator, management company, and holding company license application.
 - 3772-4-02 Information that must be provided.
 - 3772-4-03 Facility plan.
 - 3772-4-04 Other required information.
 - 3772-4-05 Casino operator, management company and holding company license application, license period and licenses renewal.
 - 3772-4-06 Application fees.
 - 3772-4-07 License fees.
 - 3772-4-08 Affirmative license standards.
 - 3772-4-09 Duty to update information.
 - 3772-4-10 Standards for contractors of casino operators (rescind).
- Ohio Adm. Code 3772-7 Insurance
 - 3772-7-01 Insurance.
- Ohio Adm. Code Chapter 3772-9 Gaming Supplies, Devices, Equipment
 - 3772-9-01 Definitions.
 - 3772-9-08 Movement of electronic gaming equipment within a casino facility.
 - 3772-9-09 Installation or removal of electronic gaming equipment.
 - 3772-9-10 Electronic gaming equipment maintenance, repair, or other servicing standards.
 - 3772-9-13 Redemption kiosks.
- Ohio Adm. Code Chapter 3772-10 Internal Control Systems
 - 3772-10-03 Casino operator's organization.
 - 3772-10-06 Standard financial reports.
 - 3772-10-08 Procedures for monitoring and reviewing game operations.
 - 3772-10-13 Patron deposits.
 - 3772-10-15 Information technology controls.
 - 3772-10-16 Security of the cashier's cages, main bank, and count rooms.
 - 3772-10-17 Accounting controls for the cage, main bank, and redemption kiosks.
 - 3772-10-18 Table drop boxes and electronic gaming equipment bill validator canisters: physical requirements and transportation.
 - 3772-10-19 Drop box count procedure.
 - 3772-10-21 Manual game payouts.
 - 3772-10-29 Slot machine tournaments.
 - 3772-10-30 Investigation and certification of contractors by casino operators.

- Ohio Adm. Code Chapter 3772-11 Table Games
 - 3772-11-07 Receipt of gaming chips from manufacturer.
 - 3772-11-19 Proving chips.
 - 3772-11-31 Automated table fills.
 - 3772-11-33 Automated table credits.
 - 3772-11-39 Table games inspection and maintenance.
 - 3772-11-43 Poker room; poker promotional fund.
- Ohio Adm. Code Chapter 3772-17 Approval of Third-party Engineering and Accounting Firms
 - 3772-17-01 Approval of third-party engineering and accounting firms.
- Ohio Adm. Code Chapter 3772-19 Security, Surveillance and Commission Facilities
 - 3772-19-07 Required surveillance coverage.
- Ohio Adm. Code Chapter 3772-29 Debt Transactions
 - 3772-29-01 Approval for debt transactions.

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 June 17, June 24, and July 5, 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 August 1 and August 22, 2016, JCARR held a public hearing on the Administrative Rules;

WHEREAS, on August 21 and August 28, 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 September 21, 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: September 21, 2016