

OHIO CASINO CONTROL COMMISSION
RESOLUTION 2017-03

FIVE YEAR REVIEW 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. 3772.03(D) requires the Commission to adopt regulations that, among other things, concern:

- The prevention of practices detrimental to the public interest;
- Prescribing conditions under which a licensee's license may be suspended or revoked as described in R.C. 3772.04;
- Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner;
- Defining penalties for violation of commission rules and a process for imposing such penalties subject to the review of the joint committee on gaming and wagering; and
- Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter.

WHEREAS, on August 17, 2016, the Commission approved for original filing the following proposed amendments to the administrative code (“Administrative Rules”):

- Ohio Adm. Code Chapter 3772-21 Hearing Procedure
 - 3772-21-01 General provision.
 - 3772-21-03 Disciplinary hearings.
 - 3772-21-09 Settlements.
- Ohio Adm. Code 3772-22 Disciplinary Actions
 - 3772-22-01 Sanctions.

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 October 19, 2016, the Commission’s staff electronically filed the Administrative Rules and the public hearing notice with the SoS, LSC, and JCARR;

WHEREAS, on November 22, 2016, the Commission held a public hearing on the Administrative Rules;

WHEREAS, JCARR scheduled a December 12, 2016 public hearing on the Administrative Rules but, expecting no testimony on the rules, cancelled the hearing;

WHEREAS, on December 23, 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 January 18, 2017;

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: January 18, 2017