

OHIO CASINO CONTROL  
COMMISSION RESOLUTION 2017-04  
**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. R.C. 3772.03(D) and 3772.031 requires the Commission to adopt regulations that, among other things, concern:

- The prevention of practices detrimental to the public interest;
- Establishing and implementing a voluntary exclusion program;
- 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;
- Providing for a list of persons who are to be excluded or ejected from a casino facility; 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 administrative rules:

- Ohio Adm. Code 3772-12 Voluntary Exclusion and Compulsive and Problem Gambling Plan Compliance Procedures.
  - 3772-12-05 Removal from voluntary exclusion list.
- Ohio Adm. Code 3772-21 Hearing Procedure.
  - 3772-21-04 Involuntary exclusion hearings.
  - 3772-21-05 Appearances, participation by and representation of parties.

- 3772-21-06 Hearing procedures.
  - 3772-21-07 Continuances.
  - 3772-21-08 Reports, recommendations and orders.
  - 3772-21-10 Subpoenas.
  - 3772-21-11 Prohibition on ex parte communications with the hearing examiner.
- Ohio Adm. Code 3772-23 Involuntary Exclusion.
    - 3772-23-03 Criteria to place an individual on the involuntary exclusion list.
    - 3772-23-04 Notice of placement on the involuntary exclusion list.
    - 3772-23-05 Request for hearing.

**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(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 14, 2016, the Commission’s staff electronically filed the Administrative Rules and the public hearing notice with the SoS, LSC, and JCARR;

**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 January 12, 2017, 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