

3772-50-10 Waivers and variances.

(A) Notwithstanding anything to the contrary in this chapter, the commission may specifically waive or vary one or more of the requirements of this chapter that relate solely to skill-based amusement machine gaming upon written request from and good cause shown by, as determined by the commission, a skill-based amusement machine operator, vendor, location, or key employee.

(B) A person required to obtain a license under this chapter shall not be granted a waiver such that the person would not be required to apply for or obtain a license under this chapter.

(C) A waiver or variance request submitted under this rule shall be on the form prescribed by the commission and shall contain all of the following:

- (1) The requestor's name, mailing address, telephone number, and electronic mail address;
- (2) A contact person and that person's mailing address, telephone number, and electronic mail address;
- (3) A detailed description of the specific requirement or requirements that the requestor is seeking to have waived or to vary from and the reason or reasons justifying the request;
- (4) The requestor's signature or the signature of a duly authorized agent, employee, or representative of the requestor; and
- (5) Any other information required by the commission.

(D) Payment of a non-refundable fee in the amount of one hundred dollars shall accompany each waiver or variance request submitted to the commission. Payment shall be submitted to the commission in the form of a certified check, cashier's check, or electronic funds transfer payable to the treasurer of the state of Ohio.

(E) The commission may consider any waiver or variance request properly submitted under this rule at a meeting held under section 3772.02 of the Revised Code or designate such responsibility to the commission chairperson or the executive director. If such a designation occurs, the commission chairperson or the executive director shall provide a written response to the requestor indicating whether the waiver or variance has been granted or denied.

(F) The commission, or the commission chairperson or executive director if designated, shall retain sole authority to grant, deny, or modify a waiver or variance request submitted under this rule. The request may be denied or modified for any reason except that no denial or modification under this rule shall be done in an arbitrary or capricious manner.

(G) Denial or modification of any waiver or variance request submitted under this rule shall not require notice and an opportunity for hearing nor shall it be considered an adjudication or final appealable order for purposes of Chapter 119. or section 2505.03 of the Revised Code. Such denial shall not be considered by the commission during any licensure determination.