

3772-1-01

**Definitions.**

(A) The words and terms defined in Section 3772.01 of the Ohio Revised Code are used in this Chapter as defined in that statute.

(B) The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Application" means the total written materials, including the instructions, forms, and other documents issued by the Commission, comprising the Applicant's request for a license.

(2) "Chairperson" means the Chairperson of the Commission.

(3) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of casino gaming at a casino facility.

(4) "Control" means the power and ability to exercise authority over, or to direct the management and policies of, another person.

(5) "Indirect interest" means any interest in any other person that is deemed to be held by the holder, not through the holder's actual holdings in the person, but through the holder's holdings in any other person.

(6) "Individual" means any natural person.

(7) "Internal control system" means the administrative and accounting controls designed and utilized by a casino operator or management company for the purpose of exercising control over the casino.

(8) "License" means the complete and approved written document issued by the Commission that indicates that an applicant has been chosen for licensure and has met all of the requirements set forth in Chapter 3772 of the Ohio Revised Code and this Chapter.

(9) "Licensee" means any person who is licensed under the provisions of Chapter 3772 of the Ohio Revised Code.

(10) "Provisional license" means a written document issued by the Commission that indicates that an applicant for a key employee or gaming employee license has been chosen for temporary licensure in accordance with the requirements and conditions set forth in Chapter 3772 of the Ohio Revised Code and this Chapter.

(11) "Provisional license period" means any of the following, whichever is the shortest length of time:

(a) The period of time between the issuance of a provisional license and the

issuance of a License or the issuance of a notice of intent to deny a license;

(b) Three months from the date of issuance if the Commission does not renew the provisional license; or

(c) Six months from the date of issuance if the Commission, at its discretion, renews the provisional license.

(12) "Publicly traded company" means a corporation or other legal entity, except a natural person, that:

(a) Has one or more classes of security registered pursuant to section 12 of the Securities Exchange Act of 1934, (15 U.S.C. 78l), or has executed a registration rights statement for registration at a future date; or

(b) Is required to file reports under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)); or

(c) Has one or more classes of securities traded in any open market in any foreign jurisdiction or regulated pursuant to a statute of any foreign jurisdiction that the Commission determines to be substantially similar to either or both of the aforementioned federal statutes.

(13) "Wager" means a sum of money or thing of value risked in a casino game at a casino facility.

Effective: 10/12/2011

R.C. 119.032 review dates: 10/12/2016

CERTIFIED ELECTRONICALLY

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Certification

09/30/2011

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Date

Promulgated Under: 119.03  
Statutory Authority: 3772.03  
Rule Amplifies: 3772.01

3772-1-02

**Authority and Purpose.**

(A) The rules set forth in this Chapter are promulgated pursuant to Chapter 3772 of the Ohio Revised Code.

(B) The purpose of this Chapter is to ensure the integrity of casino gaming conducted in the State of Ohio.

(C) The Commission shall have exclusive jurisdiction over all matters within the scope of its authority under Chapter 3772 of the Ohio Revised Code.

Effective: 10/12/2011

R.C. 119.032 review dates: 10/12/2016

CERTIFIED ELECTRONICALLY

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Certification

09/30/2011

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Date

Promulgated Under: 119.03  
Statutory Authority: 3772.03  
Rule Amplifies: Chapter 3772

3772-1-03

**Adoption, Amendment and Repeal.**

The Commission may, under procedures established in Chapter 119 of the Ohio Revised Code, adopt, amend or repeal such rules as it deems necessary and proper for the successful and efficient regulation of casino gaming under Chapter 3772 of the Ohio Revised Code.

Effective: 10/12/2011

R.C. 119.032 review dates: 10/12/2016

CERTIFIED ELECTRONICALLY

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Certification

09/30/2011

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Date

Promulgated Under: 119.03  
Statutory Authority: Section 3772.03  
Rule Amplifies: Chapter 3772

3772-1-04**Waivers and Variances.**

(A) The Commission may, in its sole and absolute discretion, waive or grant a variance from the provisions of this Chapter upon a licensee's or applicant's written request, if the Commission determines that the waiver or variance is in the best interests of the public.

(B) In granting any variance authorized by this section, the Commission may impose certain conditions and restrictions with which the licensee or applicant must comply to accept and use the variance. Failure to meet the conditions or restrictions contained in the variance will immediately render the variance void, and the licensee or applicant may be subject to discipline in the same manner as if the variance had never been issued.

Effective: 10/12/2011

R.C. 119.032 review dates: 10/12/2016

CERTIFIED ELECTRONICALLY

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Certification

09/30/2011

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Date

Promulgated Under: 119.03  
Statutory Authority: 3772.03(D)(27), 3772.033(M)  
Rule Amplifies: Chapter 3772

3772-1-05**Construction.**

- (A) The provisions of this Chapter shall be construed in accordance with generally accepted principles of statutory construction, including those set forth in Sections 1.41 et seq. of the Ohio Revised Code.
- (B) In the interpretation of any provisions of this Chapter, any ambiguity shall be resolved in favor of the interpretation that would provide:
- (1) The greater assurance of integrity in either the operation or regulation of casino gaming; or
  - (2) Heightened public confidence in the regulation or regulatory processes relating to casino gaming.
- (C) Nothing contained in this Chapter shall be so construed as to limit the powers and duties of the Commission as provided in Chapter 3772 of the Ohio Revised Code or to conflict with any provision of Chapter 3772 of the Ohio Revised Code or of any other applicable statute.
- (D) If any provision of this Chapter is held invalid, that holding shall not be construed to invalidate any of the other provisions of the Chapter.

Effective: 10/12/2011

R.C. 119.032 review dates: 10/12/2016

CERTIFIED ELECTRONICALLY

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Certification

09/30/2011

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Date

Promulgated Under: 119.03  
Statutory Authority: 3772.03(D)(27), 3772.033(M)  
Rule Amplifies: Chapter 3772