

3772-5-01

Key Employee License Required.

(A) The following persons shall obtain and hold a Key Employee License:

(1) The following employees, and any employees in similar or equivalent positions, of a Casino Operator or Management Company Applicant or Licensee, whose employment relates directly to a Casino Facility:

(a) Assistant General Manager;

(b) Audit Manager;

(c) Casino Manager;

(d) Chief Compliance Officer;

(e) Chief Financial Officer or Controller, or both;

(f) Chief Information Officer;

(g) Chief of Security;

(h) Electronic Gaming Device or Slot Machines Manager;

(i) Gaming Operations Manager;

(j) General Manager;

(k) Human Resources Manager;

(l) Information Technology Manager;

(m) Support Operations Manager;

(n) Surveillance Manager; and

(o) Table Games Manager.

(2) Executive or managerial employees who perform the functions of principal executive officer, principal operating officer, principal accounting officer, or an equivalent officer of and who have the power to exercise significant influence over a Casino Operator, Management Company, or Gaming Related Vendor Applicant or Licensee or of a Holding Company that controls a Casino Operator or Management Company Applicant or Licensee;

(3) Officers, Directors, Trustees and Partners of and who have the power to exercise significant influence over a Casino Operator, Management Company, or Gaming Related Vendor Applicant or Licensee or of a Holding

Company that controls a Casino Operator or Management Company Applicant or Licensee;

(4) Employees of a Casino Operator, Management Company, or Gaming Related Vendor Applicant or Licensee or of a Holding Company that controls a Casino Operator or Management Company Applicant or Licensee that also hold a direct or indirect ownership interest of more than one per cent in and who have the power to exercise significant influence over such Casino Operator, Management Company, or Gaming Related Vendor Applicant or Licensee or in a Holding Company that controls a Casino Operator or Management Company Applicant or Licensee;

(5) Any other employee of a Casino Operator, Management Company, or Gaming Related Vendor Applicant or Licensee or of a Holding Company that controls a Casino Operator or Management Company Applicant or Licensee who the Commission determines exercises significant influence over decisions concerning any part of the operations of such Casino Operator, Management Company, or Gaming Related Vendor Applicant or Licensee or of a Holding Company that controls a Casino Operator or Management Company Applicant or Licensee.

(B) A person employed as a Key Employee of a Casino Operator or Management Company Applicant or Licensee described in subdivision (A)(1) of this rule may not be employed concurrently by a Gaming Related Vendor Applicant or Licensee, except that a person holding a Key Employee License may be employed by a Licensed Management Company that is also licensed as a Gaming Related Vendor.

Effective: 12/27/2011

R.C. 119.032 review dates: 12/16/2016

CERTIFIED ELECTRONICALLY

Certification

12/16/2011

Date

Promulgated Under: 119.03
Statutory Authority: 3772.03(D)(27), 3772.033(M), 3772.01(N),
3772.13(C)
Rule Amplifies: 3772.01(N), 3772.13(A), 3772.13(C)

3772-5-02

Key Employee License Application, License Period and Provisional License.

- (A) An applicant for a Key Employee License must complete and submit the appropriate form(s) required by the Commission and pay an application fee and license fee as described in Section 3772:5-3 of this Chapter. The Applicant must provide the Commission with all information and documents that the Commission requests. The Application fee may be increased in accordance with Subsection (B) of Section 3772:5-3 of this Chapter.
- (B) A Key Employee License expires three years after the date of licensure.
- (C) An Applicant for a Key Employee License may request renewal of the license by completing and submitting the appropriate form(s) required by the Commission and paying an application fee and license fee as described in Section 3772:5-3 of this Chapter no less than ninety days before the expiration of the license. An Applicant for a renewal license must provide the Commission with all information and documents that the Commission requests. The Application fee may be increased in accordance with Section 3772:5-3 of this Chapter.
- (D) All Key Employee Applicants or Licensees shall undergo a complete investigation at least once every three years as determined by the Commission to determine that the Applicant or Licensee remains in compliance with Chapter 3772 of the Ohio Revised Code and this Chapter. The Key Employee Applicant or Licensee shall bear the costs of any investigation, except that a Casino Operator Applicant or Licensee that has employed the Applicant or Licensee as a Key Employee shall pay the investigation costs and except that a Casino Operator, Management Company or Gaming Related Vendor Applicant or Licensee or Holding Company that controls a Casino Operator or Management Company Applicant or Licensee otherwise requesting the Key Employee License on behalf of the Applicant or Licensee may pay the investigation costs.
- (E) The Commission may request any other information that would affect the Applicant's or Licensee's suitability to maintain a Key Employee License under Chapter 3772 of the Ohio Revised Code or this Chapter. The Applicant or Licensee shall provide all information, documents and materials at the Applicant's or Licensee's sole expense and cost, except that a Casino Operator Applicant or Licensee that has employed the Applicant or Licensee as a Key Employee shall pay the costs and except that a Casino Operator, Management Company or Gaming Related Vendor Applicant or Licensee or Holding Company that controls a Casino Operator or Management Company Applicant or Licensee otherwise requesting the Key Employee License on behalf of the Applicant or Licensee may pay the costs.
- (F) An individual may apply for a Provisional Key Employee License only by completing and filing a comprehensive application on form(s) required by the Commission, providing the Commission with all information and documents that the Commission requests, paying an application fee and license fee as described in

Section 3772:5-3 of this Chapter and providing a written account of the exigent circumstances requiring the issuance of a provisional license. Exigent circumstances shall include conditions of a Casino Operator, Management Company or Gaming Related Vendor Applicant or Licensee or Holding Company that directly or indirectly owns, has the power or right to control, or holds with power to vote, any part of a Casino Operator or Management Company Applicant or Licensee that requires the employment of the Applicant as a Key Employee prior to the issuance of a Key Employee License. Upon submission of a complete application, all applicable fees and a good showing of exigent circumstances, the Commission may issue a provisional license. Provisional licenses shall be valid not longer than three months and may be renewed one time. A Provisional Licensee may request the renewal of a provisional license by filing a written request with the Commission no later than ten days prior to the expiration of the provisional license providing a written account of the exigent circumstances requiring the renewal of the provisional license along with an additional license fee as described in Section 3772:5-3 of this Chapter.

(G) Pursuant to section 3772.16(A) of the Revised Code, certain information submitted, collected, or gathered as part of an application to the Commission for a Key Employee license is confidential and not subject to disclosure as a record under section 149.43 of the Revised Code. The Applicant should clearly identify those portions of the application that it deems to be confidential, proprietary commercial information or trade secrets. Applications shall be open to public inspection to the extent permitted by sections 149.43 and 3772.16 of the Revised Code. An Applicant is advised that, upon request by a third party for information that the Applicant has clearly identified as protected from disclosure, the Commission will notify the Applicant and, following such notification, will make a determination whether the information must be disclosed. If it is determined by the Commission that the information is to be disclosed to a third party, the Commission shall notify the Applicant of its decision. Following that notification, the information shall be provided to the third party within a reasonable period of time unless otherwise prohibited from being released. An Applicant waives any liability of the State of Ohio, the Commission, the employees of the Commission and its instrumentalities and agents for any damages resulting from any disclosure or publication in any manner.

Effective: 12/27/2011

R.C. 119.032 review dates: 12/16/2016

CERTIFIED ELECTRONICALLY

Certification

12/16/2011

Date

Promulgated Under: 119.03
Statutory Authority: 3772.03(D)(2), 3772.03(D)(15), 3772.03(D)(27),
3772.033(M), 3772.13
Rule Amplifies: 3772.09(A), 3772.13, 3772.15, 3772.16

3772-5-03

Key Employee Fees.

- (A) An Applicant for a Key Employee License shall pay a nonrefundable application fee of two thousand dollars (\$2,000), except that a Casino Operator Applicant or Licensee that has employed the Applicant as a Key Employee shall pay the application fee and except that a Casino Operator, Management Company or Gaming Related Vendor Applicant or Licensee or Holding Company that controls a Casino Operator or Management Company Applicant or Licensee otherwise requesting the Key Employee License on behalf of the Applicant may pay the application fee.
- (B) The application fee for a Key Employee License may be increased to the extent that the cost of the background investigation relating to an Applicant exceeds the application fee set forth in Subsection (A) of this Section. The Executive Director of the Commission or his or her designee shall advise the Applicant in writing that an additional application fee is required. Once an Applicant is directed to submit an additional application fee, the Commission will take no additional steps with respect to the application until the increased application fee is paid in accordance with Subsection (D) of this Section.
- (C) Upon approval by the Commission, an Applicant for a Key Employee License shall pay a nonrefundable license fee of five hundred dollars (\$500), except that a Casino Operator Applicant or Licensee that has employed the Applicant as a Key Employee shall pay the license fee and except that a Casino Operator, Management Company or Gaming Related Vendor Applicant or Licensee or Holding Company that controls a Casino Operator or Management Company Applicant or Licensee otherwise requesting the Key Employee License on behalf of the Applicant may pay the license fee.
- (D) All fees must 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.

Effective: 12/27/2011

R.C. 119.032 review dates: 12/16/2016

CERTIFIED ELECTRONICALLY

Certification

12/16/2011

Date

Promulgated Under: 119.03
Statutory Authority: 3772.03(D)(2), 3772.03(D)(27), 3772.033(M),
3772.13(E), 3772.17(D)
Rule Amplifies: 3772.03(D)(2), 3772.13(E), 3772.15(D), 3772.17(D)

3772-5-04

Duty to Update Information.

(A) All Key Employee Licensees and Applicants must submit to the Commission, in writing, the following information:

(1) Change of name;

(2) Change of home address;

(3) Change of home telephone number;

(4) Any bankruptcy filed by the Licensee or Applicant;

(5) Any arrest of or charge filed against the Licensee or Applicant for any crime or offense occurring in any jurisdiction, excluding minor traffic offenses;

(6) Any inquiry into, investigation of, or action filed against the Licensee or Applicant by any gaming regulatory agency or governmental gaming authority except for routine renewal application reviews;

(7) Any rejection, suspension, revocation or denial of any gaming-related application or license and any fine, penalty, or settled amount relating to any gaming-related license, imposed upon or agreed to by the Licensee or Applicant in any jurisdiction;

(8) Any other information that would affect the Licensee's or Applicant's suitability to maintain a Key Employee License under Chapter 3772 of the Ohio Revised Code or this Chapter.

(B) All information required to be submitted under this Section must include the name and license number of the Key Employee Licensee or Applicant and be submitted within ten calendar days of the change or occurrence of the event.

Effective: 12/27/2011

R.C. 119.032 review dates: 12/16/2016

CERTIFIED ELECTRONICALLY

Certification

12/16/2011

Date

Promulgated Under: 119.03
Statutory Authority: 3772.03(D)(27), 3772.033(M), 3772.05,
3772.10(D)(1)
Rule Amplifies: 3772.05, 3772.10(A)(4), (5), 3772.10(D)(1)

3772-5-05

Affirmative license standards.

- (A) An applicant for a key employee license shall establish, by clear and convincing evidence, the applicant's suitability for licensure.
- (B) In determining whether to grant, maintain or renew a key employee license, the commission shall evaluate and consider the following factors, in addition to those factors set forth in Chapter 3772. of the Revised Code:
- (1) Whether the individual possesses good character, honesty and integrity;
 - (2) Whether the individual possesses financial stability, integrity and responsibility;
 - (3) The criminal history of the individual in any jurisdiction;
 - (4) Whether and to what extent the individual has associated with members of organized crime and other persons of disreputable character;
 - (5) Whether the individual has filed or had filed against it a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend or otherwise resolve the payment of any debt;
 - (6) Whether the individual has been served with a complaint or other notice filed with any public body regarding a payment of any tax required under federal, state or local law that has been delinquent for one or more years;
 - (7) The compliance history of the individual with casino-related licensing requirements in this state or any other jurisdiction;
 - (8) Whether the individual has been a defendant in litigation during the past ten years;
 - (9) The extent to which the individual has cooperated with the agency in connection with the background investigation; and
 - (10) The extent to which the individual has provided accurate and complete information as required by section 3772.13 of the Revised Code.

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3772.03
Rule Amplifies: 3772.03, 3772.07, 3772.10, 3772.13