

**Chapter 3372:4-1 Application for Casino Owner/Operator/Management  
Company/Holding Company License**

**3772-4-2 Instructions for Application**

(A) The following instructions shall apply to the application for a license as a casino operator, management company or holding company.

(1) A Casino Operator/Management Company/Holding Company that desires to conduct casino gaming shall apply for a license in accordance with Chapter 3772 of the Revised Code by completing an application form prescribed by the Casino Control Commission.

(2) Applicants for a license are seeking a privilege.

(3) The burden of proving qualifications to receive such a license is at all times borne by the Applicant.

(4) The Applicant must accept any risk of adverse public notice, embarrassment, criticism, or other action, or financial loss, which may result from action with respect to any Application, and expressly waives any claim for damages as result thereof.

(5) Information not called for in the form prescribed by the Casino Control Commission or in addition to that which is provided in response to the form may be requested. The Applicant shall provide all information, documents, materials and certifications at the Applicant's sole expense and cost.

(6) The Applicant is under a continuing duty to promptly disclose any changes in the information provided in the Application and requested materials submitted to the Commission. The duty to make such additional disclosures shall continue throughout any period of the license that is granted by the Commission.

(7) All entries on the form must be typed or printed in block lettering.

(8) Initials or signatures must be in handwriting, unless otherwise stated by the Commission, by the person providing the information. If the Application is being completed by someone other than the Chief Executive Officer of the Applicant, the Chief Executive Officer must also sign the Application. Illegible answers or responses subjects the Application to a denial.

(9) The Applicant, if an individual, or the individual authorized to complete the form on behalf of the Applicant, must initial only those pages that are so marked.

(10) If additional pages are required in order to answer any question, additional pages may be used and must be attached to the form. Be sure to indicate the number(s) of the question(s) being answered and initial each additional page. Some schedules may require disclosure of information for more than one individual or entity or type of information. If there are multiple disclosures, make enough additional copies of the blank schedule and complete it for each individual or entity. Each person required to submit a criminal background check must complete and return an Authorization to Release Criminal Record Form, Exhibit 18a.

(11) All notices regarding the Application will be sent to the address the Applicant provides on the form. The Applicant must promptly notify the Commission of any change of address.

(12) Failure to answer any question completely and truthfully may result in denial of the Application and/or revocation of the license.

(13) If a thorough and complete response to any question cannot be provided at the time of Application submission, an Applicant must indicate the reason and indicate a date by which a thorough and complete response will be provided.

(14) An Applicant should give specific attention to and clearly identify those portions of its Application that it deems to be confidential, proprietary commercial information or trade secrets pursuant to the Ohio Revised Code. Information that is confidential, proprietary or a trade secret as set forth in the Ohio Revised Code will not be disclosed by the Commission. Applications shall be open to public inspection to the extent permitted by the Ohio 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 per the Ohio Revised Code, 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 inform the Applicant of its decision. Following that notification, the information shall be provided to the third party within ten business (10) days unless otherwise prohibited from being released. An Applicant waives any liability of the State of Ohio, the Ohio Casino Control Commission, the employees of the Commission and its instrumentalities and agents for any damages resulting from any disclosure or publication in any manner.

(15) Additional financial information may be requested as needed.

(16) A non-refundable Application fee of One Million Five Hundred Thousand Dollars (\$1,500,000.00) made payable to "Treasurer State of Ohio" shall accompany this Application.

(17) Read each question carefully prior to answering. Answer every question completely. Do not leave blank spaces. If a question does not apply to the Applicant,

write “does not apply” in response to that question. If an exhibit or addendum does not apply to the Applicant, write “does not apply” on the exhibit or addendum.

(18) Appendices are to be provided by the Applicant. The required appendices are listed on the Application checklist.

(19) The Applicant must submit nine (9) copies of this application.

(20) An Applicant may make only clerical corrections to the application after the deadline date for filing the license application has passed. After that date the applicant must submit a request to the Commission to make a substantive amendment along with the exact substantive amendment. The Commission shall then determine whether the proposed substantive amendment will be allowed.

(21) The completed application must be filed in the Commissions’ office in Columbus Ohio.

(22) The application must be filed prior to the expiration of appropriate deadlines established by the Commission.

(23) An application shall be deemed filed when the completed application forms, including all required documents, materials, photographs and the application fee, have been submitted and the Commission has stamped the application as received. A background investigation will not be initiated by the Commission until a complete application is received by the Commission.

### **3772-4-3. Information that must be provided**

(A) The Applicant shall provide the location where it is requesting to conduct casino gaming and proof that it is the property owner or is authorized by the property owner to operate casino gaming at the designated location.

(B). The Applicant shall provide its name, principal address, business telephone number, social security number or federal tax identification number, contact person and its attorney and its attorney’s contact information as requested.

(C) The Applicant shall provide its organization documents, its other names and addresses, all businesses operated by the applicant, all holding companies, intermediaries, subsidiaries, affiliates or other business type entities, and any other states where the applicant conducts business.

(D) The Applicant shall provide the names and addresses of its current and former principals, directors, partners, officers and trustees.

(E) The Applicant shall provide information concerning the compensation of principals, directors, partners, officers and trustees. The applicant shall further provide information for all employees who earn over one hundred thousand dollars.

(F) The applicant shall provide a description of all bonus, profit sharing, pension, retirement, deferred compensation and any other similar plans as listed above in existence or to be created.

(G) The Applicant shall provide all requested stock information and information concerning certain voting and nonvoting shareholders/members of the Applicant as of the date of filing the Application.

(H) The Applicant shall disclose the ownership interests of current and former partners of the Applicant.

(I) The Applicant shall list the holders and describe the nature of any long term debt. Long term debt means debt which matures more than one (1) year from the date of issuance or which, by its terms, is renewable for a period of more than one (1) year from the date of issuance.

(J) The Applicant shall list the holder(s) of and describe the nature, type, terms, conditions and covenants of all outstanding loans, mortgages, trust deeds, pledges, lines of credit, or other evidence of indebtedness or security devices, other than those described previously, utilized by the Applicant and any holding companies, intermediary subsidiaries, affiliates and any other similar business entities of the Applicant.

(K) The Applicant shall provide a detailed description of any options existing or to be created with respect to securities issued by the Applicant which description shall include, but not be limited to the title and amount of securities subject to option, the year or years during which the options were or will be granted, the conditions under which the options were or will be granted, the consideration for granting the option and the year or years during which, and the terms under which, optionees became or will become, entitled to exercise the options, and when such options expire.

(L) The Applicant shall provide information concerning the beneficial owners of security options.

(M) The Applicant shall provide all Principals not yet disclosed in this Application. Such Principals shall include both individuals and entities that have a five percent (5%) or greater, direct or indirect, ownership interest in the Applicant or licensee if a publicly traded company, or that have a three percent (3%) or greater, direct or indirect, ownership interest, if a privately held company including all children and spouses pursuant to Section 3772.11 of the Revised Code.

(N) The Applicant shall provide information with respect to each bank, savings and loan association or other financial institution, whether domestic or foreign, in which the Applicant has or has had an account over the last ten (10) year period regardless of whether such account was held in the name of the Applicant, a nominee of the Applicant or was otherwise under the direct or indirect control of the Applicant.

(O) The Applicant shall provide the requested information with respect to all contracts or Agreements, management agreements, written or oral, that the Applicant has entered into or intends to enter into. This includes all contracts or agreements of \$100,000 or more in value or from whom the corporation has received \$100,000 or more in goods or services in the past six (6) months. All management agreements, regardless of compensation level, must be provided.

(P) The Applicant shall provide information about each company in which the Applicant, Applicant's spouse or Applicant's children hold an equity interest of greater than five percent (5%).

(Q) The Applicant shall provide information for each change that occurred within the last five (5) years, prior to this Application, in the beneficial ownership of the equity securities of the Applicant on the part of any person who is indirectly or directly a beneficial owner of more than five percent (5%) of any class of an equity security of the Applicant or who is or was within that period a director or officer of the corporation. The Applicant must include changes resulting from (a) gift, (b) purchase, (c) sale, (d) exercise of an option to purchase (e) exercise of an option to sell, (f) grant or receipt of a put or (g) grant or receipt of a call.

(R) The Applicant shall provide information about any offenses or charges the Applicant or any of its subsidiaries or entities with whom there is a management agreement or any of its principals officers, directors, trustees and partners may have committed or had filed against them. Prior to answering this question, the Applicant should carefully review the definitions and instructions that are listed in the application.

(S) The Applicant shall provide information regarding the Applicant and any of its subsidiaries, principals, directors, partners, trustees or officers who have ever been called to testify before, been the subject of an investigation conducted by, or requested to take a polygraph exam by any governmental agency, court, committee, grand jury or investigatory body (municipal, state, county, provincial, federal, national, etc.) other than in response to minor traffic related offenses.

(T) The Applicant shall describe all existing litigation or any settled or closed legal action over the past ten (10) years in which the Applicant, its parent, affiliate, holding company or any subsidiary is or was a party whether in this state or in another jurisdiction. This description must include the title and docket number of the litigation, the name and location of the court before which it is pending, the identity of all parties to

the litigation, the general nature of all claims being made and the nature of any judgments or court dispositions. The Applicant must list most recent litigation first.

(U) The Applicant must provide all information regarding a judgment, order, consent decree or consent order pertaining to a violation or alleged violation of the federal antitrust, trade regulation or securities laws, or similar laws of any state, province or country entered against it.

(V) The Applicant must provide the requested information concerning the amount, type of tax, the taxing agency and times involved if the Applicant has filed or been served with a complaint or notice filed with a public body concerning a delinquency in the payment of or a dispute over a filing concerning the payment of a tax required under federal, state or local law.

(W) The Applicant must provide the requested information regarding any action, civil or administrative or proceeding in bankruptcy that it ever filed or had filed against it, including, but not limited to, the name and location of the court, the case caption, the docket number, and the disposition of the action.

(X) The Applicant must provide all information regarding the Applicant or Principal entity with whom a management agreement has been executed who has ever applied in any jurisdiction, including, but not limited to any Federal, State, Local or Native American Government for a license, permit or other authorization to participate in lawful gambling operations (including slot machines, table gaming, horse racing, dog racing, pari-mutuel operation etc.). The Applicant must also provide all information regarding the Applicant or any Principal entity with whom a management agreement has been executed who has ever had any license, permit or other authorization issued by a government agency in this state or any other jurisdiction, denied, suspended or revoked in the last ten year period.

(Y) The Applicant shall provide all information regarding bribes or kick backs made or alleged to have been made by the Applicant or any Principal, director, officer, or employee or any third party acting on behalf of any of the foregoing during the previous ten years. The Applicant must also provide any bank accounts not reflected on its books and records regarding contributions, disbursements and accounts.

(Z) The Applicant shall provide all information concerning any political contribution, loan, donation or other payment of one hundred dollars or more made by the Applicant in the year immediately prior to filing this Application to a statewide office holder, a member of the general assembly a local government official elected in a jurisdiction where the casino facility is located, or any ballot issue.

(AA) The Applicant shall provide a description of any proposed casino gaming operation and related casino enterprises, including the type of casino facility, location, expected economic benefit to the community, anticipated or actual number of employees, a statement regarding compliance with federal and state affirmative action guidelines,

projected or actual admissions, projected or actual gross receipts, and scientific market research.

#### **3772-4-4 Facility Plan**

(A) The Applicant shall submit a facility plan for the location at which it wishes to conduct casino gaming. This plan shall include a drawing of the facilities and the date for successful completion of the facility.

(B) The Applicant shall also state the prospective total revenue to be collected by the State of Ohio from casino gaming at its facility.

(C) The Applicant shall submit detailed organizational and operational plans for casino gaming at the casino facility.

(D) The Applicant shall submit estimated start-up costs, including the cost of casino construction. The Applicant shall demonstrate compliance with investment requirements set forth in Section 3772.27 of the Revised Code.

(E) The Applicant shall submit a statement concerning the capitalization of the proposed casino gambling operation.

(F) The Applicant shall submit any documents relating to any oral or written agreements entered on behalf of the Applicant and any governmental entity or subdivision thereof in Ohio.

(G) The Applicant shall submit a description of the Applicant's employment plan relating to the casino facility.

#### **3772-4-5 Other Required Information**

(A) The Applicant shall sign and notarize a request to release information. The Applicant may not change or alter this request.

(B) The Applicant shall sign and accept any and all conditions for a casino operator.

(C) The Applicant shall complete and sign a Request for Transcript of a Tax Return and any other forms as requested by the Commission.

(D) The Applicant shall submit its responsible gaming plan.

(E) The Applicant shall submit Human Resources policies regarding training for employees, background checks and responsible gaming

R.C. 119.032 review dates:

Promulgated Under: 119.03

Statutory Authority: 3772.11

Rule Amplifies: 3772.03, 3772.11 and 3772.27