

3772-2-01

Organization.

- (A) The Commission consists of seven members appointed by the Governor with the advice and consent of the Senate.
- (B) The officers of the Commission shall include a Chairperson and a Vice-chairperson who shall be members of the Commission, and an Executive Director who shall not be a member of the Commission.
- (1) The Chairperson shall schedule and preside at all meetings of the Commission; shall appoint the members of the Commission to such committees as the Commission may, from time to time, establish; shall have the authority to accept for filing all license applications; shall have the authority to incur on behalf of the Commission such expenses as the Commission shall have approved in its operating budget; shall have general supervision, direction and control of the affairs of the Commission; and shall perform such other duties as are incidental to the office and as may be assigned, from time to time, by the Commission.
- (2) The Vice-chairperson shall be a member of the Commission from a different party than the Chairperson and shall be selected by the Commission members. The Vice-chairperson shall possess such powers and shall perform such duties as may be assigned, from time to time, by the Commission. In the absence or inability of the Chairperson to serve or in the event of a vacancy in the office of Chairperson, the Vice-chairperson shall be empowered to carry out all of the responsibilities of the Chairperson.
- (3) The Executive Director shall be appointed by the Commission and shall serve at its pleasure. The Executive Director shall be responsible for keeping all Commission records and supervising and administering casino gaming in accordance with the Act and enforcing all Commission rules.

Effective: 10/12/2011

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

CERTIFIED ELECTRONICALLY

Certification

09/30/2011

Date

Promulgated Under: 119.03
Statutory Authority: 3772.02, 3772.03(D)(27), 3772.033(M)
Rule Amplifies: 3772.02

3772-2-02

Commission Procedure.

(A) Except as determined by this Chapter, Chapter 3772 of the Ohio Revised Code, or other statute, the Commission shall determine its practices and internal rules of procedure.

(B) In the absence of contrary action by the Commission, the most current version Robert's Rules of Order Newly Revised shall apply unless in conflict with Chapter 3772 of the Ohio Revised Code or this Chapter.

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Rule Amplifies: 3772.02

3772-2-03**Commission Meetings.**

- (A) All meetings of the Commission shall be open meetings under Section 121.22 of the Ohio Revised Code except as otherwise allowed by law.
- (B) Any member of the Commission may place an item on a Commission agenda for consideration by the entire Commission.
- (C) At any meeting of the Commission, the presence of five (5) members of the Commission constitutes a quorum for the transaction of official business.
- (D) Any action of the Commission may be effected only upon a motion which is considered by the Commission and passed with not fewer than four (4) affirmative votes.
- (E) Commission matters that are acted upon during a meeting shall be memorialized in the form of a resolution signed by the Chairperson or placed in the official minutes of the meeting.
- (F) A record of all Commission proceedings shall be kept by the Executive Director, and meeting minutes shall be subject to the approval of the Commission.

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Rule Amplifies: 3772.02

3772-2-04

Requests to Address the Commission.

(A) Unless otherwise authorized by the Executive Director, an individual who wishes to address the Commission at a meeting shall submit a written request to address the Commission to the Executive Director at least five (5) business days before the scheduled meeting.

(B) The written request shall contain, at a minimum, the following information:

(1) The name of the individual who wishes to address the Commission;

(2) The person the individual represents;

(3) The issue about which the individual wishes to address the Commission;

(4) The amount of time the individual requests;

(5) The business address and business telephone number at which the individual may be reached.

(C) The individual requesting an allotment of time shall submit to the Executive Director at least three (3) business days before the Commission meeting any documentation supporting the individual's position and that the individual wants the Commission to review. The Executive Director may require the individual to supplement the written request or to submit additional supporting documentation. The individual submitting any documentation must submit ten (10) copies of the documentation for distribution to the Commission.

(D) The Executive Director may deny any request to address the Commission if the individual fails to comply with subsections (A), (B) or (C) above.

(E) The Commission staff shall notify the individual of the Executive Director's decision regarding the individual's ability to address the Commission.

(F) If the Executive Director denies an individual's request to address the Commission, the Commission staff shall inform the Commission of the request and the denial and may forward any written information submitted by the individual to the Commission.

(G) The Executive Director may waive the time requirements set forth in subsections (A) and (C) if one of the following circumstances exists:

(1) The Executive Director determines that the issue the individual will discuss is of such import that it is in the best interest of the public to waive the time requirements;

(2) The timing of the announcement date of the meeting makes it impossible for the individual requesting the ability to address the Commission to meet the time

requirements.

(H) The Chairperson may impose such procedural and subject matter restrictions as he or she determines appropriate.

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Rule Amplifies: 3772.02

3772-2-05

Delegation of Commission Authority.

- (A) The Commission may, in its discretion and where permitted by law, delegate its authority to perform any of its functions under the Act to the Executive Director or to other employees of the Commission. Except as provided in subsection (D) below, such action shall for all purposes be deemed the final action of the Commission, without approval, ratification or other further action by the Commission.
- (B) Any delegation of Commission authority shall be effected through the adoption of a formal resolution at a public meeting of the Commission. Such resolution shall specify the following, without limitation:
- (1) The specific authority delegated;
 - (2) The employee or employees of the Commission to whom such authority is delegated; and
 - (3) Any limitations or conditions imposed on the authority delegated.
- (C) All delegations of authority made pursuant to this section shall remain in effect indefinitely, unless otherwise specified in the implementing resolution. Any delegation of authority previously approved by the Commission may be revoked or modified by the Commission through the adoption of a subsequent formal resolution.
- (D) Any determination by the Commission's employees pursuant to delegated authority shall be presented for review by the full Commission, upon timely request by any party adversely affected by such determination. Such request shall be in writing, and must be received by the Commission within three days after the date of such determination. Any determination by the Commission's employees pursuant to delegated authority shall be deemed final unless modified or reversed by the Commission.
- (E) Notwithstanding any other provision of this section, any matter which has otherwise been delegated to the Commission's employees may alternatively be presented to and determined by the full Commission on its own motion or at the discretion of the Chairperson, or upon the request of the Commission's employees.

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Statutory Authority: 3772.03(D)(27), 3772.033(M)
Rule Amplifies: 3772.06

3772-2-06**Subpoena Power.**

(A) In the discharge of any duties imposed by Chapter 3772 of the Ohio Revised Code, the Commission may require that testimony be given under oath and administer such oath, issue subpoenas compelling the attendance of witnesses and the production of any papers, books, and accounts, and cause the deposition of any witness.

(B) In the event of the refusal of any person without good cause to comply with the terms of a subpoena issued by the Commission or the refusal to testify on matters about which the person may lawfully be questioned:

(1) The prosecuting attorney of the county in which such person resides, upon the petition of the Commission, may bring a proceeding for contempt against such person in the court of common pleas of that county; and

(2) The Commission may suspend or revoke any license issued pursuant to R.C. Chapter 3772 of the Ohio Revised Code and this Chapter if held by the person refusing to submit to a properly issued subpoena or such person's employer.

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Statutory Authority: 3772.03(D)(27), 3772.033(M)
Rule Amplifies: 3772.03(F), 3772.04

3772-2-07**Ethics and Code of Conduct.**

(A) The Commission shall create, and, as needed, update, a Code of Conduct governing Commission members, the executive director, and Commission employees, as well as those doing or seeking to do business with, interested in matters before, or regulated by the Commission.

(B) Members of the Commission, the executive director of the Commission, and other employees of the Commission must comply with Chapter 102 and Sections 2921.42 and 2921.43 of the Revised Code, as well as any advice provided by the Ohio Ethics Commission and decisions by Ohio courts that interpret these statutes. Further, they shall abide by the Ohio Casino Control Commission Code of Conduct.

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Rule Amplifies: 3772.02, 3772.06