

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio Casino Control Commission (“Commission”)

Regulation/Package Title: June 2018 Casino Compliance Rules

Rule Number(s): 3772-9-05 (amendment); 3772-10-01 (amendment); 3772-10-29

(amendment); 3772-11-01 (amendment); 3772-11-06 (amendment); 3772-11-07 (amendment);

3772-11-18 (amendment); 3772-11-19 (amendment); 3772-11-25 (amendment).

Date: June 25, 2018

Rule Type:

New

Amended

5-Year Review

Rescinded

The Common-Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

*Please include the key provisions of the regulation as well as any proposed amendments.*

This package contains rules related to the transportation and delivery of electronic gaming machines, table game mechanisms, and gaming chips to and from a casino facility. Ohio Casino Control Commission (“Commission”) staff reviewed several suggestions from members of the casino industry for ways to standardize these processes across the country. These changes will allow the casino operators to improve efficiency while maintaining our oversight. This package also contains rules relating to tournaments and “proving” chips. These changes are made at the request of the casino operators and to standardize the regulation of table games and slot machine tournaments.

- **3772-9-05 (amendment)**, titled “Transportation of electronic gaming machines to and from a casino facility.” This rule prescribes the requirements related to the transportation of all electronic gaming machines into, out of, and within the State of Ohio. Presently, the

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rule requires that all electronic gaming machines be shipped to the casino only after the Executive Director has received notice of the shipment at least seven days in advance, and has approved the same. The amount of time required for this type of notice may vary among jurisdictions and could result in confusion or errors for companies operating in multiple jurisdictions. The amendments reduce the notice requirement to five days, which is more consistent with jurisdictions across the United States. Further, the amendments remove the requirements that a Commission representative be present at the delivery of electronic gaming machines to a casino and that all electronic gaming machines be transported in an inoperable state. Neither of these provisions provided critical protections that would be lost because of these amendments because Commission gaming agents verify all electronic gaming equipment to ensure that it has been approved by the Commission before placement for play on the gaming floor. All the changes were also made with the intention that this rule mirror the related table game rule, Ohio Adm. Code 3772-11-06, as much as possible. The purpose of the amendments is to remove superfluous provisions related to the shipment and delivery of electronic gaming machines to casinos, to more closely align with other jurisdictions and Ohio Adm. Code 3772-11-06, and to reduce unnecessary burdens without diminishing any of the Commission's regulatory authority to ensure the integrity of casino gaming.

- **3772-10-01 (amendment) – titled “Definitions.”** This rule defines certain internal control-related terms. The only amendment to the rule is the addition of a definition for the term “Tournament,” which will be used throughout the code and, specifically, in Ohio Adm. Code 3772-10-29, as it is proposed to be amended in this rule package. The purpose of this amendment is to provide a clear, concise definition of tournaments to which R.C. Chapter 3772 and the rules adopted thereunder apply.
- **3772-10-29 (amendment) – titled “Tournaments.”** Presently, this rule governs only slot machine tournaments. Table game tournaments are governed by Ohio Adm. Code 3772-11-18. However, certain requirements varied between the two rules without significant regulatory necessity to do so. The amendments to this rule combine Ohio Adm. Code 3772-10-29 and portions of Ohio Adm. Code 3772-11-18 to create one rule governing all tournaments offered at casinos. In combining the two rules, certain provisions contained therein have also been amended. First, the notice requirement is now five days for any tournaments. Presently, casino operators must make a submission thirty days before the planned tournament. Second, casino operators need only provide a copy of rules governing a tournament to the Commission upon request, rather than including it in a table game tournament submission, which was the previous requirement. The purpose of the amendments is to streamline the process for offering any type of tournament in a casino, reduce regulatory burdens related to doing so, and to provide a clearer rule to which the casino operators must comply, while ensuring as much consistency between slot machine tournaments and table game tournaments as possible.
- **3772-11-01 (amendment),** titled “Definitions.” This rule defines certain table game-related terms. The amendments to this rule are largely intended to clarify and streamline rule language. The only substantive change to the rule is the inclusion of any wheel

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apparatus used for outcome determination in the definition of “table game mechanism.” The purpose of the amendment is to account for wheels, other than roulette wheels, that may have otherwise been used for outcome determination but were previously excluded by the definition.

- **3772-11-06 (amendment)**, titled “Transportation of table game mechanisms and gaming chips to and from a casino facility.” This rule prescribes the requirements related to the transportation of all table game mechanisms and gaming chips into, out of, and within the State of Ohio. All the amendments are made with the intention that this rule mirror the related electronic gaming machines rule, Ohio Adm. Code 3772-9-05, as much as possible. Presently, the rule requires that all table games and table game mechanisms be shipped to a casino only after the Executive Director has received notice of the shipment at least seven days in advance, and has approved the same. The amount of time required for this type of notice may vary among jurisdictions and could result in confusion or errors for companies operating in multiple jurisdictions. The amendments reduce the notice requirement to five days, which is more consistent with jurisdictions across the United States. Further, with the amendments, the rule now applies only to table game mechanisms and gaming chips, which are the items that require these controls to ensure the integrity of casino gaming. Finally, the amendments allow for the transportation of table game mechanisms or gaming chips to different destinations by the same carrier simultaneously, as described within the rule, and as already permitted with respect to electronic gaming machines. The purpose of these amendments is to align this rule with Ohio Adm. Code 3772-9-05 as much as possible, to allow for the process of shipment and delivery of table game mechanisms and gaming chips to align with other jurisdictions, and to reduce unnecessary burdens without diminishing any of the Commission’s regulatory authority to ensure the integrity of casino gaming.
- **3772-11-07 (amendment)**, titled “Receipt of gaming chips from manufacturer.” This rule specifies how casino operators must handle the receipt of gaming chips. The only amendment to this rule relates to the notification requirement by casino operators to the Commission when gaming chips are delivered to the casino facility. The rule presently requires notification to Commission gaming agents and the amendment would require notification to the Executive Director or their designee, which is more closely in-line with other rules that require a notification to the Commission and Commission procedure.
- **3772-11-18 (amendment) – titled “Tournament chips.”** Previously, this rule governed table game tournaments and tournament chips. However, with the amendments, all provisions governing table game tournaments have been moved to Ohio Adm. Code 3772-10-29, leaving just those governing table game chips. No changes are made to those remaining provisions. The purpose of removing the table game tournament provisions is to combine them with slot machine tournament provisions in Ohio Adm. Code 3772-10-29.
- **3772-11-19 (amendment) – titled “Proving chips.”** Presently, the rule details the required procedure for how a dealer should prove chips when opening, closing, or filling

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a table, or exchanging chips. The amendment removes the requirement that chips be proven when exchanging chips for a patron, given the nature of that transaction. Generally, exchanging chips for patrons inherently includes a personal expectation and review that these transactions are conducted accurately. Further, a proposed amendment to Ohio Adm. Code 3772-11-25 requires that a table games supervisor verify the value of cash and chips involved in patron exchanges above a threshold set by the Executive Director or their designee, affording an additional level of protection. The purpose of the amendment is to reduce the time necessary for exchanging chips for patrons, a transaction that occurs much more often than the others to which this rule applies, while still providing for certain regulatory control and oversight.

- **3772-11-25 (amendment) – titled “Patron exchanges.”** Previously, this rule governed how cash will be handled at gaming tables. However, together with the amendments to Ohio Adm. Code 3772-11-19, this rule now governs all patron exchanges, from those that involve both gaming chips and cash to those that involve only gaming chips. Like those changes to Ohio Adm. Code 3772-11-19, there is no longer a requirement that a casino operator prove chips prior to patron exchanges. However, the amendments do contain a requirement that a supervisor verify the value of cash and chips in patron exchanges above a threshold set by the Executive Director or their designee. This will ensure that transactions of higher value are still subject to some controls, ensuring the integrity of the transaction and patron protection. This procedure, instead of proving chips, reduces the amount of time required for patron exchanges and allows for casino operators to handle them more efficiently.

**2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

R.C. 3772.03 and 3772.033.

**3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

*If yes, please briefly explain the source and substance of the federal requirement.*

Not applicable.

**4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

This question is not applicable to these amendments because the federal government does not regulate casino gaming in this state. Rather, casino gaming is permitted pursuant to Article XV, Section 6(C) of the Ohio Constitution and is controlled by Ohio’s Casino Control Act (i.e., R.C. Chapter 3772).

**5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

Article XV, Section 6(C) of the Ohio Constitution and R.C. Chapter 3772 require the Commission to ensure the integrity of casino gaming and to prescribe rules for how casino gaming should be conducted, including requiring rules for tournament play in any casino

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facility, instituting the cashless wagering system pursuant to R.C. 3772.22, and ensuring gaming devices meet the standards of Ohio and identifying what devices and equipment are permitted. These amendments are designed to continue to effectuate this constitutional and statutory mandate by standardizing the regulation of all tournaments in a casino facility and the transportation and delivery of all gaming equipment to and from a casino facility to align with jurisdictions throughout the United States.

**6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

Overall, the Commission will measure the success of the amendments to this rule in terms of whether they help to ensure the integrity of casino gaming while recognizing the limited practical concerns casino operators face. This can be done in two ways: First, through evaluating whether the administrative cost of implementing and enforcing the proposed amendments outweighs their public benefit. Second, through analyzing the regulated community's comments about requests for waivers or variances from this rule once the amendments are implemented.

**Development of the Regulation**

**7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

Casino Operators

- Penn National Gaming, Inc. ("Penn"): Hollywood Casinos Columbus and Toledo
- JACK Entertainment, LLC ("JACK"): JACK Cincinnati and Cleveland Casinos

Casino operators were provided an opportunity to comment on the amendments for rules 3772-9-05, -11-01, -11-06, and -11-7 via e-mail on May 8, 2018. Comments were requested to be submitted, in writing, by 5:00 PM on May 11. Additionally, stakeholders had the opportunity to comment during the Commission's public meeting on May 16, 2018.

Casino operators were provided an opportunity to comment on the amendments for rules 3772-10-01, -10-29, -11-18, -11-19, and -11-25 via email on May 30, 2018. Comments were requested to be submitted, in writing, by noon on June 6, 2018. Additionally, stakeholders had the opportunity to comment during the Commission's public meeting on June 20, 2018.

**8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

After sending the amendments to the above stakeholders for rules 3772-9-05, -11-01, -11-06, and -11-07 on May 8, 2018 (Attachment A), the Commission received one comment via email. That comment was received on May 10 and regarded making a similar change to a rule that is not currently being amended. (Attachment B). The Commission considered the comment and reached out to stakeholders on May 15 to let them know that the Commission was interested in working with stakeholders to consider additional changes in future sets of amendments. (Attachment C). The Commission received no feedback following the May 15,

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2018 email. Notably, the Commission received no feedback for the four rules actually contained in this package and submitted to stakeholders for comment.

After sending the amendments to the above stakeholders for rules 3772-10-01, -10-29, -11-18, -11-19, and -11-25 on May 30, 2018 (Attachment D), the Commission received two comments. The first was from JACK Cincinnati letting the Commission know that they were appreciative of the changes to the requirements on proving chips. (Attachment E). The second was from JACK Entertainment, asking the Commission to for one additional change to the chip proving requirements in rule 3772-11-25. (Attachment F). That change was incorporated into the final draft.

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

This question does not apply to these amendments because no scientific data was necessary to develop or measure their outcomes. Instead, Commission staff reviewed how other jurisdictions approached rules regarding similar regulatory concerns. Some of the changes made to this package also came from the American Gaming Association (“AGA”), the largest interest group in the stakeholder community, requesting the very changes in this package, after their survey of different regulatory requirements in states with casino gaming. Further, Commission staff considered whether the existing rules were the most efficient means by which to maintain the integrity of casino gaming. In so doing, the Commission could use, as much as possible, language that the regulated community is accustomed to, with minor adaptations to remain in compliance with Ohio law.

**10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn’t the Agency consider regulatory alternatives?**

The Commission staff reviewed the rules adopted in other jurisdictions and the suggestions provided by the stakeholders and other members of the industry. Further, Commission staff considered any waivers of variances to existing rules that had been requested and granted. The amendments are a conglomeration of the rules used in other jurisdictions with adaptations made for Ohio and are, in some cases, the result of discussions between Commission staff and the regulated community, including reflections of existing waivers or present practice.

**11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don’t dictate the process the regulated stakeholders must use to achieve compliance.***

These rules, largely, include a performance-based component wherein they largely sets the floor for compliance but do not completely dictate how the casino operators are supposed to achieve compliance. Additionally, Ohio Adm. Code 3772-1-04 allows stakeholders to seek waivers and variances from these rules, which the Commission will evaluate on a case-by-case basis and may grant if it determines that doing so is in the public’s best interest. Past performance of a casino may be considered in determining whether a request for exemption under these rules or a waiver from any specific provisions of these rules should be granted.

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**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

This question does not apply to these amendments because no other regulations, in these areas, currently exist with respect to casino gaming in this state, over which the Commission has sole authority.

**13. Please describe the Agency’s plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

At each casino facility, there are gaming agents and financial auditors observing, evaluating, and investigating the operations. In addition, the Commission’s Regulatory Compliance personnel conduct regular audits to ensure compliance with Ohio law. Any issues that arise will be funneled to the Commission’s central office in Columbus, Ohio, where the Executive Director and the division directors can coordinate a consistent response and conduct outreach to the regulated community.

**Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

**a. Identify the scope of the impacted business community;**

The casino operators, management companies, and gaming-related vendors are the impacted business community with respect to these amendments.

**b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

The nature of the potential adverse impact from the amendments include fines for noncompliance, costs for employee time and payroll for, among other things, developing internal controls and rules, training, and sending notifications and reports to the Commission, as well as the potential for other monetary costs to the casino operators, as described more fully below.

**c. Quantify the expected adverse impact from the regulation.**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.*

- **3772-9-05 (amendment)**, “Transportation of electronic gaming machines to and from a casino facility.” This rule prescribes the requirements related to the transportation of all electronic gaming machines into, out of, and within the State of Ohio. While the rule specifies how machines must be shipped and requires that the Commission be notified of shipments, the Commission does not anticipate a significant adverse impact on business from this rule. These requirements are common in the casino industry and the licensees have been operating under this rule since the inception of casino gaming in the state. The purpose of this rule is crucial to the Commission’s mission of ensuring the integrity of

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casino gaming because the measures will significantly reduce the risk of tampering with the machines. Further, the amendments to this rule lessen the burdens on casino operators by: (1) reducing the notice requirement from seven to five days; and (2) by removing the requirements that a Commission representative be present at the delivery of electronic gaming machines to a casino and that all electronic gaming machines be transported in an inoperable state.

- **3772-10-01 (amendment)**, “Definitions.” This rule defines certain internal control-related terms and the amendment adds a definition of the term tournament. Given that the rule merely defines terms and does not require or recommend any action by any person, the Commission does not anticipate an adverse impact on business from the rule. The purpose of this rule is to create a clear set of definitions that will apply throughout the code.
- **3772-10-29 (amendment)**, “Tournaments.” This rule presently governs slot machine tournaments, and the amendments to this rule combine it and rule 3772-11-18 to create one rule governing all tournaments, both slot machine and table game, at casinos. The Commission does not anticipate a negative impact on business from these amendments. First, the rules combine similar regulations to create one regulation, reducing confusion and creating greater efficiency for all involved. Second, the amendment also reduces the required notification requirement for tournaments from thirty days to five days, allowing casino operators to offer tournaments more quickly. Lastly, the amendment removes the requirement for Commission approval of the tournament rules and instead states that they must only be kept on file—again allowing tournaments to be offered more quickly with fewer administrative steps prior to implementation. Therefore, the Commission anticipates a positive impact because of these changes, while still ensuring the integrity of casino gaming and implementing the statutorily required rules on tournaments offered at a casino facility.
- **3772-11-01 (amendment)**, “Definitions.” This rule defines certain table game-related terms. The Commission does not anticipate an adverse impact on business from this rule. This rule creates a clear set of necessary definitions that apply throughout the code. The amendment to this rule simply clarifies the definition of “table game mechanism” by including, and accounting for, wheel apparatuses, other than roulette wheels, that may have been used for outcome determination but were previously excluded by the definition. Given that the rule merely defines terms and does not require or recommend any action by any person, the Commission does not anticipate an adverse impact on business from the rule.
- **3772-11-06 (amendment)**, “Transportation of table game mechanisms and gaming chips to and from a casino facility.” This rule prescribes the requirements related to the transportation of all table game mechanisms and gaming chips into, out of, and within the State of Ohio. The amendments make this rule only applicable to table game mechanisms and gaming chips, while reducing the notice requirement placed on casino operators and

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allowing casino operators to transport table game mechanisms and gaming chips in a similar manner as permitted with respect to electronic gaming machines.

The Commission anticipates minimal costs for compliance with this rule as amended, at most. Although the rule contains a notification requirement, the amendments lessen the burden on casino operators while ensuring that only approved table game mechanisms and gaming chips are used in Ohio casino facilities. Casino operators have been responsible to provide notice to the Commission for the transportation of table game mechanisms and gaming chips since the start of casino gaming in Ohio. The amendments to this rule remove more burdensome notification requirements on casino operators and allow for more flexibility in the delivery of table game mechanisms and gaming chips. Thus, although a notice requirement exists, the information necessary and the period within which it must be provided have been reduced, ultimately lessening the overall regulatory burden.

- **3772-11-07 (amendment)**, “Receipt of gaming chips from manufacturer.” This rule specifies how casino operators must handle the receipt of gaming chips. The only amendment to this rule attempts to more closely align the notification requirements for receipt of gaming chips with other rules that require a notification to the Commission by requiring notification to the Executive Director or their designee rather than to Commission gaming agents.

The Commission anticipates minimal administrative costs for compliance with this rule because all four casinos are already familiar with this provision. The rule merely changes to whom notice must be directed. However, the language reflects present practice and therefore few adjustments are necessary to achieve compliance. The rule ensures that the chips, which are a cash equivalent, as mandated under R.C. 3772.22’s cashless wagering system, and are rarely delivered to the casino, are properly accounted for and handled in a manner similar to cash. Therefore, because the amendment reflects present practice, the Commission does not expect a significant impact on business.

- **3772-11-18 (amendment)**, “Tournament chips.” As noted, this rule previously governed table game tournaments and tournament chips. With table game tournaments being moved into rule 3772-10-29, this rule only governs tournament chips and changes none of the regulations in place for those chips. The Commission anticipates a positive business impact from the combining of table game and slot machine tournament rules, as more fully explained in the analysis of rule 3772-10-29 above. The Commission does not anticipate additional impact from the remaining provisions of the rule.
- **3772-11-19 (amendment)**, “Proving chips.” This rule governs the procedure of proving chips during certain transactions or events at a table game. The amended rule removes the blanket requirement that chips be proved when exchanging chips for a patron, although rule 3772-11-25 will still require certain patron transactions meet specified requirements when above a set threshold. This rule will have a positive impact on the casino operators as they will no longer need to follow the procedures in this rule when exchanging chips

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for patrons. As far as the requirements on other transactions are considered, these requirements help ensure the integrity of the casino's statutorily mandated cashless wagering system by helping to prevent any variances before they occur.

- **3772-11-25 (amendment)**, "Patron exchanges." The amended rule removes a blanket provision that certain requirements are met upon every patron exchange at a table game and replaces it with a provision that the requirements only be met if the exchange is above a certain amount, as set by the Executive Director. The Commission anticipates a positive business impact from this amendment, as the amendment had been requested by and supported by JACK. (Attachment E). As explained in question eight, this was the one rule for which staff received stakeholder feedback. As a result, additional changes were made to better articulate the provision. This rule, again, effectuates and ensures the integrity of the cashless wagering system mandated by R.C. 3772.22 and, with the amendments supported by stakeholders, does so with a minimum impact on business.

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

As described above, each of the amendments and the rules in this package are needed to correct current issues, such as clarifying the Commission's interpretation of a rule and developing a more uniform and streamlined set of rules. In fact, most of the amendments reduce the burden placed on the casino operators.

The regulatory intent of the rules justifies any adverse impact because Article XV, Section 6(C) of the Ohio Constitution and R.C. Chapter 3772 require the Commission to ensure the integrity of casino gaming, specifically by ensuring the integrity of cashless wagering system and tournament play conducted at a casino, and ensuring that gaming equipment meets the requirements of R.C. Chapter 3772. Unregulated and noncompliant transportation of gaming equipment and gaming chips pose a threat to the public welfare and raise the potential for fraud and abuse. To mitigate these threats, the Commission, like other gaming regulatory bodies, is using its regulatory authority to establish a best practice framework for stakeholders.

**Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

Yes (indirectly), though it is unlikely this will be necessary since these proposed regulations only impact businesses in the casino industry, none of which likely constitute a small business. Further, these amendments indirectly provide exemption or alternative means of compliance through Ohio Adm. Code 3772-1-04, which permits the Commission, upon written request, to grant waivers and variances from the rules adopted under R.C. Chapter 3772, including these rules, if doing so is in the best interest of the public and will maintain the integrity of casino gaming in the State of Ohio.

**17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

Though it is unlikely R.C. 119.14 will apply to these amendments because this rule only imposes responsibilities on casino operators, none of which likely constitute a small business, the Commission will adhere to the statutory requirement thereunder, if applicable.

To the extent R.C. 119.14 would apply to a violation of these amendments, the Commission will provide verbal and written notification to the small business in an attempt to correct the paperwork violation. Thereafter, the Commission would allow the small business a reasonable time to correct the violation. The Commission and its staff would also offer any additional assistance necessary to aid in remediation of the violation. No further action would be taken unless the small business fails to remedy the violation within the reasonable time allotted by the Commission.

**18. What resources are available to assist small businesses with compliance of the regulation?**

The Commission and its staff are dedicated to working with members of the regulated community and the public to effectively and efficiently regulate casino gaming in this state. As a result, the following resources are available:

- Commission's mailing address:  
100 E. Broad Street, 20<sup>th</sup> Floor  
Columbus, Ohio 43215
- Commission's toll free telephone number: (855) 800-0058
- Commission's fax number: (614) 485-1007
- Commission's website: <http://www.casinocontrol.ohio.gov/>
- Commission's email: [info@casinocontrol.ohio.gov](mailto:info@casinocontrol.ohio.gov)

Also, all members of the regulated community and public may, in accordance with rule 3772-2-04, request to address the Commission during a public meeting. Finally, all members of the regulated community may, pursuant to rule 3772-1-04, request waivers and variances from Commission regulations.

**Cox, William**

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**From:** Siba, Michelle  
**Sent:** Tuesday, May 08, 2018 10:56 AM  
**To:** 'Cynthia Hays'; 'Lisa Powers'; Robert Wamsley; 'Porter, Samuel'; 'Mackin, Lynne'; 'McGrady, Jessica'  
**Cc:** Anthony, Rick; Oyster, Matt; Donahue, Craig; Fleenor, Chris  
**Subject:** Proposed amendments to 3772-9-05, 3772-11-01, -06, and -07  
**Attachments:** Rule drafts 5-8-18.docx

Good morning RCOs,

Attached, please find proposed amendments to four rules: Ohio Adm. Code 3772-9-05, 3772-11-01, -06, and -07. All of these changes are intended to reduce some of the burdens caused by, and streamline the process of, shipping and delivery of electronic gaming machines, table game mechanisms, and gaming chips. Please share them with your teams and **provide any comments to me, in writing, by 5:00 PM on Friday, May 11**. The Commission will consider these rules for initial approval, including any changes made as a result of comments received from you, at the May 16 public meeting.

If you have any questions, please do not hesitate to call me. However, I will be out of the office on Thursday and Friday of this week so if anything arises on those days, I urge you to contact Chris Fleenor (614-387-0314).

Thank you all.

Michelle



**Michelle Siba**

Deputy General Counsel  
Ohio Casino Control Commission  
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**Cox, William**

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**From:** Porter, Samuel <Samuel.Porter@pngaming.com>  
**Sent:** Thursday, May 10, 2018 2:14 PM  
**To:** Siba, Michelle; Cynthia Hays; Lisa Powers; Robert Wamsley; Mackin, Lynne; McGrady, Jessica  
**Cc:** Anthony, Rick; Oyster, Matt; Donahue, Craig; Fleenor, Chris  
**Subject:** RE: Proposed amendments to 3772-9-05, 3772-11-01, -06, and -07

Michelle,

Thank you for your email and for time to review the Commission's recommended changes.

Though not considered in your submission, we wanted to know if the Commission would be willing to apply the same change from 3772-9-05(C) to 3772-9-09(A).

In 9-05(C) it states "Transportation notification under this rule is not required for the movement of electronic gaming machines within a casino facility."

9-09(A) requires, "written approval from the executive director of the commission, or the executive director's designee, before installing or removing electronic gaming equipment from the gaming floor."

In both instances, the casinos provide the OCCC with notification of movements, installations and removals through the State electronic games portal online. All games installed on the floor must be GAT'd and sealed by a Commission agent prior to being activated and all games must have a Commission Agent remove the Commission seal prior to being removed from the floor. Further, in 3772-9-05(E), the casinos must receive approval before shipment of the machines can be made.

Because the casinos must first receive approval from the Commission before an EMG can be shipped to the casino, and because the Commission receives notification of EGMs through the online portal for installations and removals, similar to movements within the casino facility, the casinos would request that the approval requirement in 3772-9-09(A) also be removed.

Thanks,  
Sam

---

**From:** Michelle.Siba@casinocontrol.ohio.gov [mailto:Michelle.Siba@casinocontrol.ohio.gov]  
**Sent:** Tuesday, May 08, 2018 10:56 AM  
**To:** Cynthia Hays <CynthiaHays@jackentertainment.com>; Lisa Powers <LisaPowers@jackentertainment.com>; Robert Wamsley <RobertWamsley@jackentertainment.com>; Porter, Samuel <Samuel.Porter@pngaming.com>; Mackin, Lynne <Lynne.Mackin@pngaming.com>; McGrady, Jessica <Jessica.McGrady@pngaming.com>  
**Cc:** Rick.Anthony@casinocontrol.ohio.gov; Matt Oyster <Matt.Oyster@casinocontrol.ohio.gov>; Craig.Donahue@casinocontrol.ohio.gov; chris.fleenor@casinocontrol.ohio.gov  
**Subject:** Proposed amendments to 3772-9-05, 3772-11-01, -06, and -07

Good morning RCOs,

Attached, please find proposed amendments to four rules: Ohio Adm. Code 3772-9-05, 3772-11-01, -06, and -07. All of these changes are intended to reduce some of the burdens caused by, and streamline the process of, shipping and

delivery of electronic gaming machines, table game mechanisms, and gaming chips. Please share them with your teams and **provide any comments to me, in writing, by 5:00 PM on Friday, May 11.** The Commission will consider these rules for initial approval, including any changes made as a result of comments received from you, at the May 16 public meeting.

If you have any questions, please do not hesitate to call me. However, I will be out of the office on Thursday and Friday of this week so if anything arises on those days, I urge you to contact Chris Fleenor (614-387-0314).

Thank you all.

Michelle



**Michelle Siba**

Deputy General Counsel  
Ohio Casino Control Commission  
(614) 387-0485

[Michelle.Siba@casinocontrol.ohio.gov](mailto:Michelle.Siba@casinocontrol.ohio.gov)

**Siba, Michelle**

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**From:** Siba, Michelle  
**Sent:** Tuesday, May 15, 2018 3:40 PM  
**To:** 'Porter, Samuel'; 'Cynthia Hays'; 'Lisa Powers'; Robert Wamsley; 'Mackin, Lynne'; 'McGrady, Jessica'  
**Cc:** Anthony, Rick; Oyster, Matt; Donahue, Craig; Fleenor, Chris  
**Subject:** RE: Proposed amendments to 3772-9-05, 3772-11-01, -06, and -07

Good afternoon everyone,

Thank you for your quick feedback. Ohio Adm. Code 3772-9-05, 3772-11-01, -06, and -07 remain on the agenda for consideration for initial approval at tomorrow's meeting. Given the timing, we're unable to make any additional changes to the agenda. However, this is a conversation worth continuing and the Compliance team and I would like to do so in the upcoming months.

Thank you again for your prompt responses.

Michelle



**Michelle Siba**

Deputy General Counsel  
Ohio Casino Control Commission  
(614) 387-0485

[Michelle.Siba@casinocontrol.ohio.gov](mailto:Michelle.Siba@casinocontrol.ohio.gov)

**From:** Porter, Samuel [mailto:Samuel.Porter@pngaming.com]  
**Sent:** Thursday, May 10, 2018 2:14 PM  
**To:** Siba, Michelle <Michelle.Siba@casinocontrol.ohio.gov>; Cynthia Hays <CynthiaHays@jackentertainment.com>; Lisa Powers <LisaPowers@jackentertainment.com>; Robert Wamsley <RobertWamsley@jackentertainment.com>; Mackin, Lynne <Lynne.Mackin@pngaming.com>; McGrady, Jessica <Jessica.McGrady@pngaming.com>  
**Cc:** Anthony, Rick <Rick.Anthony@casinocontrol.ohio.gov>; Oyster, Matt <Matt.Oyster@casinocontrol.ohio.gov>; Donahue, Craig <Craig.Donahue@casinocontrol.ohio.gov>; Fleenor, Chris <chris.fleenor@casinocontrol.ohio.gov>  
**Subject:** RE: Proposed amendments to 3772-9-05, 3772-11-01, -06, and -07

Michelle,

Thank you for your email and for time to review the Commission's recommended changes.

Though not considered in your submission, we wanted to know if the Commission would be willing to apply the same change from 3772-9-05(C) to 3772-9-09(A).

In 9-05(C) it states "Transportation notification under this rule is not required for the movement of electronic gaming machines within a casino facility."

9-09(A) requires, "written approval from the executive director of the commission, or the executive director's designee, before installing or removing electronic gaming equipment from the gaming floor."

In both instances, the casinos provide the OCCC with notification of movements, installations and removals through the State electronic games portal online. All games installed on the floor must be GAT'd and sealed by a Commission agent prior to being activated and all games must have a Commission Agent remove the Commission seal prior to being removed from the floor. Further, in 3772-9-05(E), the casinos must receive approval before shipment of the machines can be made.

Because the casinos must first receive approval from the Commission before an EMG can be shipped to the casino, and because the Commission receives notification of EGMs through the online portal for installations and removals, similar to movements within the casino facility, the casinos would request that the approval requirement in 3772-9-09(A) also be removed.

Thanks,  
Sam

**From:** [Michelle.Siba@casinocontrol.ohio.gov](mailto:Michelle.Siba@casinocontrol.ohio.gov) [mailto:[Michelle.Siba@casinocontrol.ohio.gov](mailto:Michelle.Siba@casinocontrol.ohio.gov)]

**Sent:** Tuesday, May 08, 2018 10:56 AM

**To:** Cynthia Hays <[CynthiaHays@jackentertainment.com](mailto:CynthiaHays@jackentertainment.com)>; Lisa Powers <[LisaPowers@jackentertainment.com](mailto:LisaPowers@jackentertainment.com)>; Robert Wamsley <[RobertWamsley@jackentertainment.com](mailto:RobertWamsley@jackentertainment.com)>; Porter, Samuel <[Samuel.Porter@pngaming.com](mailto:Samuel.Porter@pngaming.com)>; Mackin, Lynne <[Lynne.Mackin@pngaming.com](mailto:Lynne.Mackin@pngaming.com)>; McGrady, Jessica <[Jessica.McGrady@pngaming.com](mailto:Jessica.McGrady@pngaming.com)>

**Cc:** [Rick.Anthony@casinocontrol.ohio.gov](mailto:Rick.Anthony@casinocontrol.ohio.gov); [Matt.Oyster@casinocontrol.ohio.gov](mailto:Matt.Oyster@casinocontrol.ohio.gov); [Craig.Donahue@casinocontrol.ohio.gov](mailto:Craig.Donahue@casinocontrol.ohio.gov); [chris.fleenor@casinocontrol.ohio.gov](mailto:chris.fleenor@casinocontrol.ohio.gov)

**Subject:** Proposed amendments to 3772-9-05, 3772-11-01, -06, and -07

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If you have any questions, please do not hesitate to call me. However, I will be out of the office on Thursday and Friday of this week so if anything arises on those days, I urge you to contact Chris Fleenor (614-387-0314).

Thank you all.

Michelle



**Michelle Siba**

Deputy General Counsel  
Ohio Casino Control Commission  
(614) 387-0485

[Michelle.Siba@casinocontrol.ohio.gov](mailto:Michelle.Siba@casinocontrol.ohio.gov)

**Cox, William**

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**From:** Siba, Michelle  
**Sent:** Wednesday, May 30, 2018 6:51 PM  
**To:** 'Porter, Samuel'; 'Mackin, Lynne'; 'McGrady, Jessica'; 'Cynthia Hays'; 'Lisa Powers'; Robert Wamsley; 'BennieMancino@jackentertainment.com'; 'PerryMontesi@jackentertainment.com'; 'Dean.Jones@pngaming.com'; 'Mathew.Wooddell@pngaming.com'  
**Cc:** Donahue, Craig; Fleenor, Chris; Castle, Chelsea; Duran, Cory; Anthony, Rick  
**Subject:** Rules for Initial Approval at June 2018 Commission Meeting  
**Attachments:** Combined Rules June 2018.pdf

Good evening RCOs and Table Games Directors,

Attached, please find proposed amendments to six rules: Ohio Adm. Code 3772-10-01, -29, 3772-11-03, -18, -19, and -25. All of these changes are intended to streamline the approval of table games offered at casinos and the administration of slot machine and table game tournaments. Please share them with your teams and **provide any comments to me, in writing, by NOON on Wednesday, June 6.** The Commission will consider these rules for initial approval, including any changes made as a result of comments received from you, at the June 20 public meeting.

If you have any questions, please do not hesitate to call me.

Thank you all.

Michelle



**Michelle Siba**

Deputy General Counsel  
Ohio Casino Control Commission  
(614) 387-0485

[Michelle.Siba@casinocontrol.ohio.gov](mailto:Michelle.Siba@casinocontrol.ohio.gov)

## Cox, William

---

**From:** Robert Wamsley <RobertWamsley@jackentertainment.com>  
**Sent:** Thursday, May 31, 2018 2:36 PM  
**To:** Siba, Michelle; Donahue, Craig  
**Cc:** Anthony, Rick  
**Subject:** RE: Rules for Initial Approval at June 2018 Commission Meeting

Craig and Michelle,

I have our team looking at this now, and we will respond more formally later, but looks pretty good all the way around.

The purpose of this email is to send a quick personal thank you for the Chips splashing portion. I greatly appreciate the Commission looking at this for us and coming up with the proposed solution, and taking the time to listen to our proposal.

Robert

**ROBERT WAMSLEY**  
DIRECTOR OF COMPLIANCE  
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M: 513-609-7205  
ROBERTWAMSLEY@JACKENTERTAINMENT.COM



1000 BROADWAY STREET, CINCINNATI, OH, 45202  
[WWW.JACKENTERTAINMENT.COM](http://WWW.JACKENTERTAINMENT.COM)  
MAIN: 513-252-0777

---

**From:** Michelle.Siba@casinocontrol.ohio.gov [mailto:Michelle.Siba@casinocontrol.ohio.gov]  
**Sent:** Wednesday, May 30, 2018 6:51 PM  
**To:** Porter, Samuel <Samuel.Porter@pngaming.com>; Mackin, Lynne <Lynne.Mackin@pngaming.com>; 'McGrady, Jessica' <Jessica.McGrady@pngaming.com>; Cynthia Hays <CynthiaHays@jackentertainment.com>; Lisa Powers <LisaPowers@jackentertainment.com>; Robert Wamsley <RobertWamsley@jackentertainment.com>; Bennie Mancino <BennieMancino@jackentertainment.com>; Perry Montesi <PerryMontesi@jackentertainment.com>; Dean.Jones@pngaming.com; Mathew.Wooddell@pngaming.com  
**Cc:** Craig.Donahue@casinocontrol.ohio.gov; chris.fleenor@casinocontrol.ohio.gov; Chelsea.Castle@casinocontrol.ohio.gov; Cory.Duran@casinocontrol.ohio.gov; Rick.Anthony@casinocontrol.ohio.gov  
**Subject:** Rules for Initial Approval at June 2018 Commission Meeting

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If you have any questions, please do not hesitate to call me.

Thank you all.

Michelle



**Michelle Siba**

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Ohio Casino Control Commission  
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[Michelle.Siba@casinocontrol.ohio.gov](mailto:Michelle.Siba@casinocontrol.ohio.gov)

Click [here](#) to report this email as spam.

**Cox, William**

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**From:** Cynthia Hays <CynthiaHays@jackentertainment.com>  
**Sent:** Wednesday, June 06, 2018 9:21 AM  
**To:** Siba, Michelle; Porter, Samuel; Mackin, Lynne; 'McGrady, Jessica'; Lisa Powers; Robert Wamsley; Bennie Mancino; Perry Montesi; Dean.Jones@pngaming.com; Mathew.Wooddell@pngaming.com  
**Cc:** Donahue, Craig; Fleenor, Chris; Castle, Chelsea; Duran, Cory; Anthony, Rick  
**Subject:** RE: Rules for Initial Approval at June 2018 Commission Meeting  
**Attachments:** Combined Rules June 2018 - JACK revision.docx

Good morning Michelle.

Thank you for the opportunity to provide feedback on these.

Please see the attached requested changes (along with our rationale for said requests) from JACK.

Let us know if you have any questions.

**CYNTHIA HAYS**

CORPORATE VP OF COMPLIANCE

D: 313-309-7476

CYNTHIAHAYS@JACKENTERTAINMENT.COM



580 MONROE AVE., DETROIT, MI 48226  
WWW.JACKENTERTAINMENT.COM

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**From:** Michelle.Siba@casinocontrol.ohio.gov [mailto:Michelle.Siba@casinocontrol.ohio.gov]  
**Sent:** Wednesday, May 30, 2018 6:51 PM  
**To:** Porter, Samuel <Samuel.Porter@pngaming.com>; Mackin, Lynne <Lynne.Mackin@pngaming.com>; 'McGrady, Jessica' <Jessica.McGrady@pngaming.com>; Cynthia Hays <CynthiaHays@jackentertainment.com>; Lisa Powers <LisaPowers@jackentertainment.com>; Robert Wamsley <RobertWamsley@jackentertainment.com>; Bennie Mancino <BennieMancino@jackentertainment.com>; Perry Montesi <PerryMontesi@jackentertainment.com>; Dean.Jones@pngaming.com; Mathew.Wooddell@pngaming.com  
**Cc:** Craig.Donahue@casinocontrol.ohio.gov; chris.fleenor@casinocontrol.ohio.gov; Chelsea.Castle@casinocontrol.ohio.gov; Cory.Duran@casinocontrol.ohio.gov; Rick.Anthony@casinocontrol.ohio.gov  
**Subject:** Rules for Initial Approval at June 2018 Commission Meeting

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If you have any questions, please do not hesitate to call me.

Thank you all.

Michelle



**Michelle Siba**

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