

3774-1-05 Waivers and variances.

(A) The commission may waive or grant a variance from the provisions of agency 3774 of the Administrative Code, either on its own or upon a written request, if the commission determines that the waiver or variance is in the best interests of the public.

(B) A person required to obtain a license under fantasy contest law shall not seek a waiver from the requirements to apply for, obtain, or maintain a license or to pay a different fee amount than is required by rules 3774-2-02 or 3774-2-03 of the Administrative Code.

(C) A waiver or variance request submitted under this rule shall be submitted in the manner prescribed by the executive director and shall contain all of the following:

- (1) The requestor's name, mailing address, telephone number, and electronic mail address;
- (2) A contact person and that person's mailing address, telephone number, and electronic mail address;
- (3) A detailed description of the specific provisions that the requestor is seeking to have waived or to vary from and the reason or reasons justifying the request;
- (4) The requestor's signature or the signature of a duly authorized agent, employee, or representative of the requestor; and
- (5) Any other information required by the executive director.

(D) In granting any waiver or variance authorized by this rule, the commission may impose certain conditions and restrictions with which the requestor must comply. Failure to comply with the conditions or restrictions contained in the approved waiver or variance may render the approval void, as determined by the executive director.

(E) The commission may consider any waiver or variance request properly submitted under this rule at a meeting held under section 3772.02 of the Revised Code or delegate such responsibility to the executive director. If such a delegation occurs, the executive director shall provide a written response to the requestor indicating whether the waiver or variance has been granted or denied.

(F) The commission, or the executive director if delegated, shall retain sole authority to grant, deny, or modify a waiver or variance request submitted under this rule. The request may be denied or modified for any reason.

(G) Denial or modification of any waiver or variance request submitted under this rule shall not require notice and an opportunity for hearing nor shall it be considered an adjudication or final appealable order for purposes of Chapter 119. or section 2505.03 of the Revised Code. Such

denial or modification shall not be considered during any determination of the rights, duties, privileges, or benefits of legal relationships of the requestor.