

### 3772-1-04 Waivers and variances.

- (A) The commission may, in its sole and absolute discretion, waive or grant a variance from the provisions of casino gaming rules adopted by the commission upon ~~either its own motion~~a licensee's or a person's ~~applicant's~~ written request, if the commission determines that the waiver or variance is in the best interests of the public. Any such waiver or variance must be considered by the commission at a meeting held under section 3772.02 of the Revised Code, unless the authority to decide upon the waiver or variance has been delegated to the executive director at a meeting held under section 3772.02 of the Revised Code.
- (B) 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 will immediately render the approval void, and ~~the requestor may result in~~be subject to discipline or other formal action as if the waiver or variance had never been granted.
- ~~(C)~~ An initial, new, or renewal applicant whose application for casino gaming licensure has been denied or a casino gaming licensee whose license has been revoked may not reapply for casino gaming licensure under Chapter 3772. of the Revised Code for a period of three years from the date of denial or revocation. Upon written request, the ~~executive director~~commission may grant a waiver for reapplication if the requestor can demonstrate that the reason the casino gaming application was denied or the casino gaming license was revoked no longer exists or bars suitability for licensure.
- ~~(C)~~(D) Denial or modification of any waiver or variance request submitted under this rule will not require notice and an opportunity for hearing nor will 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 will not be considered by the commission during any determination of the rights, duties, privileges, or benefits of legal relationships of the requestor.