

Rule 3772-10-30 | Investigation and certification of contractors by casino operators.

~~(A) "Contractor" means any individual or entity that provides goods or services to a casino facility.~~

~~(B) Each casino operators internal controls shall include procedures for the investigation and certification of contractors that will provide goods and/or services worth in excess of one hundred thousand dollars to a casino facility.~~

~~(C) Except as provided in paragraph (D) of this rule, no casino operator shall conduct business with a contractor that will provide goods and/or services worth in excess of one hundred thousand dollars to a casino facility in a twelve month rolling period unless the contractor first certifies all of the following:~~

~~(1) That the contractor's owners, officers, or directors have not been convicted of or pleaded guilty to any felony, any gambling offense or any theft offense;~~

~~(2) That the contractor's owners, officers, or directors have not been convicted of or pleaded guilty to any offense under section 2921.43 of the Revised Code;~~

~~(3) That the contractor's owners, officers, or directors are not on the states involuntary exclusion list;~~

~~(4) That the contractor does not have an unresolved finding for recovery pursuant to section 9.24 of the Revised Code;~~

~~(5) That the contractor has met all tax or other monetary obligations to the federal government, to this state, and to any applicable local governments of this state;~~

~~(6) That the contractor has all approvals, licenses, or other qualifications needed to conduct business in this state and that all are current;~~

~~(7) That the contractor will immediately notify the casino operator if at any time during the term of the contract any information provided in the contractor's certification changes; and~~

~~(8) That the contractor agrees and acknowledges that the contract is subject to immediate termination if the contractor provided any false or misleading information in its certification or if there is a subsequent material change to the certification.~~

~~(D) This rule does not apply to the following individuals or entities:~~

~~(1) Any person licensed or otherwise found suitable under Chapter 3772. of the Revised Code and the rules adopted thereunder;~~

~~(2) Licensed professional service firms, including attorneys, architects, engineers, and accountants;~~

~~(3) Regulated insurance companies;~~

~~(4) Employee benefit or retirement plan providers, including the plan administrator;~~

~~(5) Regulated banks, credit unions, or savings and loan associations;~~

~~(6) Regulated utilities;~~

~~(7) Federal, state, and local governments;~~

~~(8) Employee labor unions;~~

~~(9) Publicly traded companies listed on a national securities exchange in the United States;
and~~

~~(10) Any other regulated entity as requested in writing by a casino operator and approved by the executive director or executive director's designee.~~

~~(E) Certification documents shall be prepared and signed by an employee of the contractor who is directly authorized to sign on behalf of the contractor.~~

~~(F) Certification documents, including all of the statements required by this rule, shall be collected by the casino contractor at the following times:~~

~~(1) Before a contractor provides goods and/or services when it is known, or at the time in which it becomes known, that the goods and/or services to be provided to a casino facility will be worth in excess of one hundred thousand dollars in a rolling twelve month period;~~

~~(2) Whenever any of the certification statement responses required by this rule change; and~~

~~(3) Whenever directed by the executive director or executive directors designee.~~

~~(G) A casino operator shall include in its internal controls procedures for monitoring the certification statement responses from contractors to ensure accuracy and completeness.~~

~~(H) The casino operator shall notify the commission within five business days, if it receives notification pursuant to paragraph (C)(7) of this rule, terminates a contract pursuant to paragraph (C)(8) of this rule, or discovers that a contractor has provided false or misleading information in its certification.~~

~~(I) The casino operator shall maintain the certification documents required by this rule for five years and shall make all documents available to the commission upon request.~~