

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 : Case No. 2016-LIC-015
Kelly Starr, :
CASINO GAMING EMPLOYEE APPLICANT :
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 Applicant. :

ORDER DENYING CASINO GAMING EMPLOYEE LICENSE

On February 1, 2016, Kelly Starr filed with the Ohio Casino Control Commission (“Commission”) an application for a Casino Gaming Employee License. Thereafter, the Commission conducted a suitability investigation of Starr to determine her eligibility for such a license.

During a suitability investigation of Starr, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Opportunity for Hearing (“Notice”), dated July 13, 2016. (State’s Exs. A-3.) The Notice was sent via certified mail, (State’s Ex. B1), but was returned to the Commission marked “unclaimed” on August 11, 2016. (State’s Ex. B2) The Notice was resent, via ordinary mail with certificate of mailing on August 12, 2016. (State’s Exs. A1 & A2.) The Notice was not returned to the Commission for failure of delivery.

Pursuant to R.C. 119.07 and 3772.04, Starr had the right to a hearing if requested within 30 days of the Notice’s mailing. Starr so requested, (State’s Ex. C1 & C2.) and the Commission scheduled a hearing for August 25, 2016; and upon its own motion, the Commission continued the hearing until October 13, 2016. (State’s Ex. D, E1 & E2.) Starr did not appear at the hearing, and the Commission held the hearing as scheduled before Hearing Examiner Ronald Alexander (“Examiner”).

After presentation and submission of the evidence at the hearing, the Examiner closed the record. (Tr. 27.) The Examiner prepared a Report and Recommendation (“R&R”), which he submitted on December 6, 2016. Therein, the Examiner found that Starr: (1) submitted an application to the Commission that contained false information, in violation of R.C. 3772.10, R.C. 3772.131, and Ohio Adm. Code 3772-8-02; and (2) failed to establish by clear and convincing evidence her suitability for licensure as a Casino Gaming Employee, as required by R.C. 3772.10(B) and Ohio Adm. Code 3772-8-05. (R&R at 14.) As a result of these findings, the Examiner recommended that the Commission deny Starr’s application for a Casino Gaming Employee License. (*Id.*)

On December 8, 2016, the Commission sent Starr, via certified mail, a copy of the R&R, and Starr received the R&R on December 12, 2016. (App. #1; App. #2.) Therefore, Starr had until January 11, 2017 to file objections. *See* R.C. 3772.04(A)(2). Starr did not do so.

In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on February 15, 2017, for final adjudication.

WHEREFORE, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **ADOPTS** the Examiner's R&R without modification.

WHEREFORE, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **ORDERS** as follows:

- 1) Starr's application is **DENIED**;
- 2) Starr is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772;
- 3) Starr is **PROHIBITED** from reapplying for licensure under R.C. Chapter 3772 for three years from the date this Order is served upon her, absent a waiver granted by the Commission commensurate with Ohio Adm. Code 3772-1-04; and
- 4) A certified copy of this Order shall be served upon Starr, via certified mail, return receipt requested, and her counsel of record, if any, via ordinary mail.

IT IS SO ORDERED.



Jo Ann Davidson, Chair
Ohio Casino Control Commission

NOTICE OF APPEAL RIGHTS

The Party is hereby notified that pursuant to R.C. 119.12, the Commission Order may be appealed by filing a Notice of Appeal with the Commission, setting forth the Order that the Party is appealing from and stating that the Commission's Order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal may also include, but is not required to include, the specific grounds for the appeal. The Notice of Appeal must also be filed with the Franklin County Court of Common Pleas in accordance with R.C. 119.12. In filing the Notice of Appeal with the Commission or court, the notice that is filed may be either the original Notice of Appeal or a copy thereof. The Notice of Appeal must be filed within 15 days after the date of mailing of this Commission Order.