

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 : Case No. 2019-LIC-004
Franky DePasquale, :
CASINO GAMING EMPLOYEE LICENSEE :
 :
 Licensee. :

ORDER REVOKING CASINO GAMING EMPLOYEE LICENSE

On May 31, 2018, Franky DePasquale filed a Casino Gaming Employee License Application with the Ohio Casino Control Commission (“Commission”). Thereafter, the Commission conducted a suitability investigation of DePasquale to determine his eligibility for a Casino Gaming Employee License (“License”). Having found him suitable for licensure, the Commission issued DePasquale a License on September 21, 2018.

During an administrative investigation of DePasquale, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Opportunity for Hearing (“Notice”), dated January 17, 2019. The Notice was sent via certified mail, return receipt requested, and DePasquale received the Notice on January 24, 2019.

Pursuant to R.C. 119.07 and 3772.04, DePasquale had the right to a hearing if requested within 30 days of the Notice’s mailing. DePasquale so requested, and the Commission scheduled a hearing for January 31, 2019; and, upon its own motion, the Commission continued the hearing until February 28, 2019. DePasquale then requested, and Hearing Examiner Marc E. Myers (“Examiner”) granted, a continuance of the hearing, which was scheduled for March 28, 2019. DePasquale did not appear at the hearing, and the Commission held the hearing, as scheduled before the Examiner.

After presentation and submission of the evidence at the hearing, the Examiner closed the hearing record. The Examiner prepared a Report and Recommendation (“R&R”), which he submitted on May 17, 2019. Therein, the Examiner recommended that the Commission revoke DePasquale’s License.

On May 21, 2019, the Commission sent DePasquale, via certified mail, a copy of the R&R, which he received no later than May 24, 2019. Therefore, DePasquale had until June 24, 2019, to file objections. *See* R.C. 3772.04(A)(2). DePasquale did not do so.

In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on July 17, 2019, 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) DePasquale's License is **REVOKED**.
- 2) DePaquale shall immediately **SURRENDER** his license credential to the Commission.
- 3) DePasquale is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772.
- 4) DePasquale is **PROHIBITED** from reapplying for licensure under R.C. Chapter 3772 for three years from the date this Order is served upon him, absent a waiver granted by the Commission commensurate with Ohio Adm.Code 3772-1-04.
- 5) A certified copy of this Order shall be served upon DePasquale, via certified mail, return receipt requested, and his counsel of record, if any, via ordinary mail.

IT IS SO ORDERED.


June E. Taylor, 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.