

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 :
Nicholas Grazetti, : Case No. 2019-LIC-034
CASINO GAMING EMPLOYEE LICENSEE :
 :
 :
 Licensee. :

ORDER REVOKING CASINO GAMING EMPLOYEE LICENSE

On March 8, 2018, Nicholas Grazetti filed a Casino Gaming Employee License Renewal Application with the Ohio Casino Control Commission (“Commission”). Thereafter, the Commission conducted a suitability investigation of Grazetti to determine his eligibility for renewal of his Casino Gaming Employee License (“License”). Having found him suitable for licensure, the Commission renewed his License, effective June 1, 2018.

During a subsequent administrative investigation of Grazetti, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Opportunity for Hearing (“Notice”), dated June 20, 2019. Grazetti received the Notice, sent via certified mail, return receipt requested, on June 22, 2019.

Pursuant to R.C. 119.07 and 3772.04, Grazetti had the right to a hearing if requested within 30 days of the Notice’s mailing. Grazetti so requested, and the Commission scheduled a hearing for July 11, 2019; and upon its own motion, the Commission continued the hearing until August 22, 2019. Grazetti then requested a continuance, which Hearing Examiner Andrew Cooke (“Examiner”) granted until October 17, 2019. A subsequent continuance request by Grazetti, through counsel, was denied and the hearing was held on October 17, 2019, as scheduled. Grazetti, represented by counsel, was present.

After presentation and submission of the evidence at the hearing, the Examiner closed the record. The Examiner prepared a Report and Recommendation (“R&R”), which he submitted on November 25, 2019. Therein, the Examiner recommended that the Commission revoke Grazetti’s License.

On November 27, 2019, the Commission sent Grazetti, via certified mail, return receipt requested, a copy of the R&R, which he received on November 29, 2019. Therefore, Grazetti had until December 30, 2019, to file objections. *See* R.C. 3772.04(A)(2). Grazetti did not do so.

In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on January 15, 2020, for final adjudication.

WHEREFORE, the Commission **ADOPTS IN PART AND MODIFIES IN PART** the Examiner’s R&R.

Specifically, the Commission adopts the R&R except as to the modifications detailed below. The reason for doing so is to apply the appropriate burden of proof to the Commission rather than to Grazetti because this matter relates to the revocation of Grazetti's License.

The first paragraph in the Conclusion of Law section is stricken and replaced with: The Commission intends to revoke Respondent's Casino Gaming Employee License because he is no longer suitable for licensure as required by R.C. 3772.10 and Ohio Adm.Code 3772-8-05. Because Grazetti is a licensee, and not an applicant, the Commission has the burden to prove, by a preponderance of the evidence, that Grazetti is no longer suitable to maintain a License. *Zingale v. Ohio Casino Control Comm.*, 8th Dist. Cuyahoga No. 101381, 2014-Ohio-4937, ¶ 44.

The last paragraph of Conclusion of Law section is stricken and replaced with: In conclusion, the burden is on the Commission to prove by a preponderance of the evidence that Grazetti is not suitable for licensure. "[A] preponderance of the evidence means the greater weight of evidence. * * * The greater weight may be infinitesimal, and it is only necessary that it be sufficient to destroy the equilibrium." *Trotters, Inc. v. Ohio State Liquor Control Comm.*, 10th Dist. Franklin, 2006-Ohio-2448, ¶ 38 (quoting *State v. Stumpf*, 32 Ohio St. 3d 95, 102, 512 N.E.2d 598 (1987)) (defining preponderance of the evidence in the case of an appeal from a revocation of a liquor permit). In light of Respondent's criminal convictions, his omission of information from his Application, and his failure to timely update the Commission about his Menacing by Stalking charge and subsequent conviction, the Commission has met this burden. For these reasons, it is proper for the Commission to revoke Respondent's Casino Gaming Employee License.

WHEREFORE, the Commission **ORDERS** as follows:

- 1) Grazetti's License is **REVOKED**.
- 2) Grazetti shall immediately **SURRENDER** his license credential to the Commission.
- 3) Grazetti is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772.
- 4) Grazetti is **PROHIBITED** from reapplying for licensure under R.C. Chapter 3772 for three years from the date the 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 the Order shall be served upon Grazetti, 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.