

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 : Case No. 2021-LIC-015(A), (B), &
 Cynthia Michaeloff, : (C)
 Casino Gaming Employee Provisional :
 Licensee & License Applicant. :
 :

MAY 18, 2022 FINAL ORDER
AFFIRMING EMERGENCY SUSPENSION OF PROVISIONAL CASINO GAMING
EMPLOYEE LICENSE, REVOKING PROVISIONAL CASINO GAMING EMPLOYEE
LICENSE, AND DENYING PLENARY CASINO GAMING EMPLOYEE LICENSE
APPLICATION

On June 8, 2021, Cynthia Michaeloff filed a Plenary Casino Gaming Employee License Application (“Application”) with the Ohio Casino Control Commission (“Commission”). On that same date, JACK Cleveland Casino submitted a Request for Provisional Casino Gaming Employee License on Michaeloff’s behalf. Upon completion of a preliminary review, the Division of Licensing and Investigations (“Division”) found no material derogatory information related to Michaeloff’s suitability for a Provisional Casino Gaming Employee License (“Provisional License”). As such, the Executive Director approved Michaeloff’s Provisional License for 90 days, effective June 30, 2021, and the Division continued its investigation to determine Michaeloff’s suitability for a plenary license.

During the investigation, the Commission discovered sufficient derogatory information to warrant issuance of an Emergency Order, dated August 4, 2021, suspending Michaeloff’s Provisional License. In conjunction with the Emergency Order, a Notice for Opportunity of Hearing (“Notice”), dated August 4, 2021, was issued revoking Michaeloff’s Provisional License and denying her Application. Michaeloff was personally served with this Emergency Order and Notice on August 4, 2021. Upon proper service of the Emergency Order and Notice, Michaeloff had the right to a hearing if timely requested. Michaeloff so requested, and the Commission held a hearing before Hearing Examiner Robert C. Angell (“Examiner”).

After presentation and submission of the evidence at the hearing, the Examiner closed the hearing record and prepared a Report and Recommendation (“R&R”). Review of the R&R finds that the Examiner recommends that the Commission’s Emergency Order suspending Michaeloff’s Provisional License be effective from its issuance, August 4, 2021, and remain effective until further order of the Executive Director or the Commission. The Examiner also recommended that the Commission revoke Michaeloff’s Provisional License as well as deny her Application. A copy of the R&R was duly served upon Michaeloff, giving 30 days therefrom to file objections, *see* R.C. 3772.04(A)(2). Michaeloff filed objections on April 8, 2022. These objections have been considered by the Commission.

The matter is now before the Commission for final adjudication.

WHEREFORE, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **ADOPTS IN PART AND MODIFIES IN PART** the Examiner's R&R.

Specifically, the Commission adopts the R&R's Basis for Hearing, Appearances, Date of Hearing, Witnesses, Summary of Evidence, Findings of Fact, Conclusions of Law, and Recommended Order sections, without modification.

The Commission modifies the R&R's Issues section detailed below. The reason for doing so is to apply the requisite burden of proof upon Johnson, as the applicant, rather than the Commission, as it relates to the denial of his Application. The modification does not impact the Commission's burden to prove the allegations in the Emergency Order or Notice by a preponderance of the evidence as it relates to the suspension or the revocation, respectively.


The second paragraph of the "Issues" section, on page 2 of the R&R, are stricken in their entirety. The former is eliminated and is replaced with: The issue presented regarding denial of Michaeloff's application is whether she is eligible for the plenary license that she applied for. Applicants have the burden of proving that they are entitled to a license. *See St. Augustine Catholic Church v. Attorney General*, 67 Ohio St.2d 133, 137-138, 423 N.E.2d 180 (1981); *In re Application of Gram*, 53 Ohio Law Abs. 470, 473, 86 N.E.2d 48 (C.P.1948). *See also* R.C. 3772.10(B) and Ohio Adm.Code 3772-8-05(A). As a matter of law, however, applicants cannot do so if they provide false information to or otherwise fail to provide all information required by the Commission. *See* R.C. 3772.10(C)(2) and (F) and Ohio Adm.Code 3772-8-02(A). Thus, Michaeloff must prove that he filed a truthful and complete license application.

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

- 1) The Emergency Order is **AFFIRMED**.
- 2) The **SUSPENSION** remains in effect until further order of the Executive Director or the Commission.
- 3) Michaeloff's Provisional License is **REVOKED**.
- 4) Michaeloff's Application is **DENIED**.
- 5) Michaeloff is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772.
- 6) Michaeloff 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.

- 4) A certified copy of this Order shall be served upon Michaeloff, via certified mail, return receipt requested, and Michaeloff's 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 filing 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 the Commission Order.