

OHIO CASINO CONTROL COMMISSION ADMINISTRATIVE HEARINGS FREQUENTLY ASKED QUESTIONS

Below are answers to questions that are frequently asked by individuals who have received a notice of opportunity for a hearing.

SHOULD I REQUEST A HEARING?

It is your choice whether or not to request a hearing. If you are uncertain as to whether you should request a hearing, you may want to consult an attorney before deciding. A hearing is an opportunity to make statements and present evidence and/or witnesses regarding the allegations outlined in the notice you received. If you do not timely request a hearing, the Commission will make a decision based on the allegations as they are stated in the notice.

DO I NEED AN ATTORNEY?

You may choose to represent yourself or be represented by an attorney authorized to practice law in Ohio. Business entities may be required by law to be represented by an attorney to engage in certain aspects of the hearing (e.g., making opening statements, closing arguments, and motions; examining witnesses; objecting; etc.). For advice or guidance on this, businesses, owners, officers, managers, and employees are encouraged to seek private legal counsel. If you are represented by an attorney, your attorney must file a written notice of appearance with the Hearing Administrator.

HOW DO I REQUEST A HEARING?

You can request a hearing by emailing, phoning, faxing, or sending via regular mail a request to the Hearing Administrator. A hearing request must be received by the Commission within 30 days of the date that the notice was mailed. After you request a hearing, a Hearing Notice setting the date and time of your hearing will be sent to you via certified mail.

WHAT CAN I EXPECT AT MY HEARING?

Hearings are held at the Commission offices in Columbus, Ohio. An impartial Hearing Examiner will preside over the hearing. A court reporter is present to record and transcribe the hearing. The Commission is represented at the hearing by an Assistant Attorney General ("AAG"). The AAG is entitled to present witnesses and documents to support the Commission's allegations in the notice. The State is required to present reliable, probative, and substantial evidence to prove the allegations.

All witnesses are required to testify under oath at the hearing. You or your attorney are given the opportunity to cross-examine any witnesses presented by the State and to state for the record any objections you may have to any evidence the State presents. The State may call you as a witness and cross-examine you as part of its case. Both you and the State are entitled to present your respective cases to the Hearing Examiner. The AAG may cross-examine any witness you call and may object to any evidence you present. The Hearing Examiner will rule on any motions and appropriate objections that are made during the hearing, may ask questions during the hearing, and make other necessary determinations or rulings.

If you have exhibits to enter into the record at the hearing, the exhibits should be numbered. You should provide at least three copies of all exhibits you introduce at the hearing.

CAN I REQUEST A DIFFERENT DATE FOR MY HEARING?

Your hearing is scheduled for the earliest possible date that the Hearing Examiner, the Assistant Attorney General, and Commission staff are available. If you are unable to attend the hearing on the scheduled date, you may submit a written request for a continuance to the Hearing Administrator. Continuance requests must be received at least five days prior to the scheduled hearing date. The AAG may respond to a continuance request, and the Hearing Examiner will either grant or deny the request.

WHAT HAPPENS AFTER THE HEARING?

After the hearing has concluded, the Hearing Examiner will prepare a Report and Recommendation ("R&R") to the Commission within 30 business days of the hearing. The R&R will outline the Hearing Examiner's findings, conclusions, and recommendation in the case. You will receive a copy of the R&R via certified mail. You will have the opportunity to submit written objections to the R&R during the 30 day period after you have received it.

After the 30 day objection period has concluded, the R&R will be considered by the full Commission at a regular Commission meeting. You will receive a letter informing you of the date when the R&R will be considered by the Commission. The Commission may approve, disapprove, or modify the recommendation in the R&R. You will receive a copy of the Commission's Final Order via certified mail.

WHAT IF I DO NOT AGREE WITH THE COMMISSION'S DECISION?

After you receive the Commission's Final Order, you can appeal the Commission's decision by filing a Notice of Appeal with the Commission and with the Franklin County Court of Common Pleas. The Notice of Appeal must be filed within 15 days of the date that the Commission's Final Order was mailed.