

**STATE OF OHIO  
CASINO CONTROL COMMISSION**

*In re:* :  
 :  
 Brody Horner & : Case Nos. 2022-SLIC-026 & -027  
 Michael E. Horner, Inc. :  
 Skill-Based Amusement Machine :  
 License Applicants. :

**AUGUST 17, 2022 FINAL ORDER**  
**DENYING SKILL-BASED AMUSEMENT MACHINE LICENSE APPLICATIONS**

Brody Horner filed a Skill-Based Amusement Machine Key Employee License Application, and Michael E. Horner, Inc. filed a Type-C Skill-Based Amusement Machine Location License Application (“Applications”) with the Ohio Casino Control Commission (“Commission”), after which the agency conducted suitability investigations to determine their eligibility for licensure. As a result of the investigations, the Commission discovered sufficient derogatory information to warrant issuance of separate Notices of Opportunity for Hearing (“Notices”).

Upon proper service of the Notices, Brody Horner and Michael E. Horner, Inc. each had the right to a hearing if timely requested. They so requested, and the Commission held a joint hearing before Hearing Examiner Andrew P. Cooke (“Examiner”). Brody Horner and Michael E. Horner, Inc. appeared at the hearing, represented by counsel, and the Commission held the hearing scheduled before the Examiner.

After presentation and submission of the evidence, the Examiner closed the record and prepared a Report and Recommendation (“R&R”) for Commission consideration. Review of the R&R finds that the Examiner urges denial of the Applications. A copy of the R&R was duly served upon Brody Horner and Michael E. Horner, Inc., giving them an opportunity to file objections, *see* R.C. 3772.04(A)(2), which they did through counsel. These objections have been considered by the Commission.

The matter is now before the Commission 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’s Basis for Hearing, Appearances, Date of Hearing, Issues, Witnesses, Summary of Evidence, Conclusions of Law, and Recommended Order sections, as well as the R&R’s Findings of Fact paragraphs 1-13q, without modification—unless otherwise stated below.

For the reasons explained below, the Commission modifies any reference to “Brady Horner” throughout the R&R and case heading, and the Key Employee License Administrative Rule citation on page 12 of the R&R’s Conclusions of Law section.

First, the R&R and case heading mistakenly reference Brody Horner’s name as “Brady Horner.” The correct first name of the applicant is “Brody” and not “Brady.”

Additionally, the R&R’s Conclusions of Law (R&R top of page 12), incorrectly cites Ohio Adm.Code 3772-50-08(C) as the provision providing the suitability criteria for key employee licenses. The correct key employee license suitability criteria provision is Ohio Adm. Code 3772-50-05(C). To be clear, the corresponding cited text on page 12 is correct, but only the code citation is incorrect. Ohio Adm. Code 3772-50-05 is correctly described in the other parts of the R&R’s Conclusions of Law section.

Given the unmodified portions of the R&R, and the above reasoning, the Commission makes the following modifications to the R&R: (1) Any mention of “Brady Horner” is to be construed to refer to “Brody Horner” (2) The Key Employee Licensure Rule Citation on Conclusions of Law page 12 is to be modified from Ohio Adm. Code 3772-50-08(C) to Ohio Adm. Code 3772-50-08(C).

**WHEREFORE**, the Commission **FINDS** and **CONCLUDES** as follows:

Brody Horner and Michael E. Horner, Inc. failed to establish their suitability for licensure by clear and convincing evidence, as set forth in their Notices, and there were no paperwork violations under R.C. 119.14.

**WHEREFORE**, the Commission **ORDERS** as follows with respect to Brody Horner and Michael E. Horner, Inc.:

- 1) Their applications are **DENIED**.
  - 2) They are **PROHIBITED** from reapplying for licensure for three years from entry of this Order, pursuant to Ohio Adm.Code 3772-50-03.
  - 3) This constitutes a **FINAL DETERMINATION** for purposes of Ohio Adm.Code 3772-50-09(C), thereby rendering any associated Skill-Based Amusement Machine Registration ineffective.
  - 4) They are **PROHIBITED** from starting or continuing to operate in any capacity or manner that requires a license under Ohio Adm.Code Chapter 3772-50.
- 1) A certified copy of this Order shall be served upon them, via certified mail, return receipt requested, and their counsel of record, if any, via ordinary mail.

**IT IS SO ORDERED.**



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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.