

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 :
 Skill-Based Amusement Machine : Case Nos. 2021-SLIC-092, -093,
 License Applicants. : -098, -099, -100, -101, -102 & -103
 :

JANUARY 19, 2022 FINAL ORDER
DENYING SKILL-BASED AMUSEMENT MACHINE LICENSE APPLICATIONS

The applicants listed in the attached Appendix (“Applicants”) filed Skill-Based Amusement Machine License Applications (“Applications”) with the Ohio Casino Control Commission (“Commission”). Thereafter, the Commission conducted suitability investigations to determine their eligibility for licensure.

An applicant is eligible for a Skill-Based Amusement Machine License upon meeting the relevant criteria in Ohio Adm.Code Chapter 3772-50: Skill-Based Amusement Machine Key Employee, Ohio Adm.Code 3772-50-05, (“SBAM Key”); Type-C Skill-Based Amusement Machine Operator, Ohio Adm.Code 3772-50-07 (“SBAM Type-C Operator”); or Type-C Skill-Based Amusement Machine Location, Ohio Adm.Code 3772-50-08, (“SBAM Location”).

As a result of the investigations, the Commission discovered sufficient derogatory information to warrant issuance of Notices of Opportunity for Hearing (“Notices”). Upon proper service of the Notices, the Applicants each had the right to a hearing if timely requested. None of them having so requested, no hearings were held.

The matters are now before the Commission for final adjudication.

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

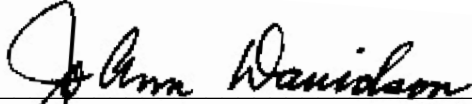
The Applicants failed to establish their suitability for licensure by clear and convincing evidence, as required by Ohio Adm.Code 3772-50-05 (SBAM Key), -07 (SBAM Type-C Operator), or -08 (SBAM Location), for the reasons set forth in their Notices.

WHEREFORE, the Commission **ORDERS** as follows with respect to the Applicants:

- 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.
- 5) A certified copy of this Order will be served upon those affected, via certified mail, return receipt requested, and their counsel of record, if any, via ordinary mail.

IT IS SO ORDERED.



JoAnn Davidson, Vice-Chair
Ohio Casino Control Commission

NOTICE OF APPEAL RIGHTS

Each 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 the Commission Order.

APPENDIX

| <u>CASE NUMBER</u> | <u>APPLICANT</u> | <u>LICENSE APPLICATION TYPE</u> |
|---------------------------|-------------------------|--|
| 2021-SLIC-092 | Bernice Wells | SBAM Key |
| 2021-SLIC-093 | Hogg Haven, Inc. | SBAM Type-C Location |
| 2021-SLIC-098 | John Kovalchie | SBAM Key |
| 2021-SLIC-099 | Lucky U 777, LLC | SBAM Type-C Operator |
| 2021-SLIC-100 | Floyd Smith | SBAM Key |
| 2021-SLIC-101 | FMS Enterprises LLC | SBAM Type-C Operator |
| 2021-SLIC-102 | Karen Christensen | SBAM Key |
| 2021-SLIC-103 | Jackson Jackpot | SBAM Type-C Operator |