

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 :
 Bogdan Enterprises, LLC dba :
 McGinty’s Pub & Michael Bogdan : Case Nos. 2022-SLIC-019 & -020
 Skill-Based Amusement Machine :
 License Applicants. :

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

Michael Bogdan filed a Skill-Based Amusement Machine Key Employee License Application, and Bogdan Enterprises, LLC (“Bogdan Enterprises”) filed a Skill-Based Amusement Machine Type-C 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, Michael Bogdan and Bogdan Enterprises 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”). Michael Bogdan and Bogdan Enterprises 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 hearing 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 Michel Bogdan and Bogdan Enterprises, giving them an opportunity to file objections, *see* R.C. 3772.04(A)(2), which they did not do.

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 without modification—unless otherwise stated below.

The Commission modifies the reference to a skill-based amusement machine “operator” license on the top of page 10 in the Conclusions of Law section. The correct license that Bogdan

Enterprises applied for is a Type-C skill-based amusement “location” license. To be clear, the Type-C Location License is correctly cited in every other part of the R&R.

Given the unmodified portions of the R&R, and the above reasoning, the Commission makes the following modifications to the R&R: The mention of a Type-C Skill-Based Amusement Machine Operator License on page 10 is to be construed to refer to a Type-C Skill-Based Amusement Machine Location License.

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

Michael Bogdan and Bogdan Enterprises 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 Michael Bogdan & Bogdan Enterprises:

- 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 them, via certified mail, return receipt requested, and their counsel of record, if any, via ordinary mail.

IT IS SO ORDERED.


June E. Taylor, 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 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.