

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2012-85

**CONSIDERATION OF THE APPLICATION OF KGM GAMING LLC KEY EMPLOYEE
JOSHUA FAISH FOR LICENSURE**

WHEREAS, Article XV, Section 6(C)(4) of the Ohio Constitution created the Ohio Casino Control Commission (“Commission”) to ensure the integrity of casino gaming by, among other things, licensing and regulating all gaming authorized by Article XV, Section 6(C) of the Ohio Constitution;

WHEREAS, R.C. 3772.09(A) prohibits, among others, any key employee from conducting or participating in conducting casino gaming without first being licensed by the Commission;

WHEREAS, R.C. 3772.10(B) requires, among others, key employees seeking licensure under R.C. Chapter 3772 to establish their suitability by clear and convincing evidence;

WHEREAS, R.C. 3772.13(B) and Ohio Adm. Code 3772-5-02(A) require any key employee seeking licensure to submit a Key Employee License Application;

WHEREAS, a key employee license applicant is eligible for licensure upon meeting the following criteria:

- (A) Being at least 21 years of age, as required by R.C. 3772.13(C);
- (B) Submission of a true and complete Key Employee License Application, as required by R.C. 3772.10(C) and 3772.131(D) and Ohio Adm. Code 3772-6-02(A);
- (C) Submission, on a form provided by the Commission, of two sets of the applicant’s fingerprints and a photograph, as required by R.C. 3772.13(E);
- (D) Payment of the nonrefundable application fee of \$2,000.00, as required by R.C. 3772.13(E) and 3772.17(D) and Ohio Adm. Code 3772-5-03(A), and all fees necessary to cover the cost of the background investigation in excess of the application fee set forth by Ohio Adm. Code 3772-5-03(A), if any;
- (E) Reimbursement of the costs for the background check, including the criminal records check, as required by R.C. 3772.07 and 3772.13(E);
- (F) Not having been convicted of or pled guilty or no contest to a disqualifying offense, as defined and required by R.C. 3772.07; and
- (G) Otherwise is suitable for licensure, as required by R.C. 3772.10(B) and (C);

WHEREAS, Joshua Faish, a key employee of KGM Gaming LLC, submitted his application for licensure as key employee to the Commission in accordance with R.C. 3772.13(B) and Ohio Adm. Code 3772-5-02(A);

WHEREAS, Joshua Faish received a provisional key employee license on October 17, 2012, pursuant to Resolution 2012-82;

WHEREAS, a provisional license shall be valid not longer than three months, pursuant to R.C. 3772.03(D)(15);

WHEREAS, the Commission's Division of Licensing and Investigation has reviewed the submitted key employee license application, other materials and information, and conducted a thorough suitability investigation of Joshua Faish;

WHEREAS, the Commission's Division of Licensing and Investigation has prepared a report to the members of the Commission dated November 6, 2012, captioned *Recommendation to Grant a Casino Key Employee License to Four (4) Individuals* ("Licensing Report") recommending that the Commission grant a key employee license to Joshua Faish;

WHEREAS, the Licensing Report concludes that based upon the investigation no derogatory information that adversely impacts upon the suitability of the Joshua Faish was uncovered and that he is qualified to be approved as a key employee;

WHEREAS, the Commission has reviewed the Licensing Report and considered the matter at its public meeting on November 14, 2012.

NOW, THEREFORE, BE IT RESOLVED, by the Commission that the key employee license application of the natural person Joshua Faish is **APPROVED** and Joshua Faish is hereby **LICENSED** as a key employee for a period not to exceed three years from October 17, 2012 (i.e., the date of provisional licensure), subject to continued compliance with R.C. Chapter 3772 and the rules adopted thereunder, including payment of the nonrefundable license fee of \$500.00 as required by R.C. 3772.17(D) and Ohio Adm. Code 3772-5-03(C).

BE IT FURTHER RESOLVED, that Resolution 2012-85 does not in any way affect, negate, or otherwise absolve Joshua Faish of his duty to update information in accordance with Ohio Adm. Code 3772-5-04.

BE IT FURTHER RESOLVED, that Resolution 2012-85 does not restrict or limit the Commission's future exercise of authority and discretion with respect to imposing additional conditions or taking further action upon Joshua Faish under R.C. Chapter 3772 and the rules adopted thereunder.

Adopted: