

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2014-26

**NICK FARLEY & ASSOCIATES, INC.'S (D/B/A ECLIPSE COMPLIANCE TESTING) REQUEST TO RENEW ITS CERTIFICATION AS AN INDEPENDENT TESTING LABORATORY**

**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. 3772.03 establishes the Commission’s jurisdiction over independent testing laboratories;

**WHEREAS**, R.C. 3772.03(D)(4) requires the Commission to adopt rules describing the certification standards and duties of an independent testing laboratory certified under R.C. 3772.31 and the relationship between the Commission, the laboratory, the gaming-related vendor, and the casino operator;

**WHEREAS**, R.C. 3772.31(B) requires the Commission to certify independent testing laboratories to scientifically test and technically evaluate all slot machines, mechanical, electromechanical, or electronic table games, slot accounting systems, and other electronic gaming equipment for compliance with R.C. Chapter 3772 if they are:

- (1) Accredited by a national accreditation body;
- (2) Competent and qualified to scientifically test and evaluate electronic gaming equipment for compliance with this chapter and to otherwise perform the functions assigned to an independent testing laboratory under R.C. Chapter 3772; and
- (3) Not owned or controlled by, or have any interest in, a gaming-related vendor of electronic gaming equipment;

**WHEREAS**, Ohio Adm. Code 3772-15-02(C) permits a certified independent testing laboratory to request renewal of the certification by completing and submitting, not less than ninety days before the expiration of the certification, the information required by the Commission and paying a certification fee as described in Ohio Adm. Code 3772-15-03;

**WHEREAS**, on January 25, 2012, the Commission initially certified Nick Farley & Associates, Inc., d/b/a Eclipse Compliance Testing, (“Eclipse”) as an independent testing laboratory;

**WHEREAS**, Eclipse has submitted a request to renew its certification as an independent testing laboratory, including the required information and fee; and

**WHEREAS**, the Commission reviewed all submitted materials and information and considered the matter at its public meeting on December 17, 2014.

**NOW, THEREFORE, BE IT RESOLVED** by the Commission that Eclipse’s request to renew its certification as an independent testing laboratory is **APPROVED** and Eclipse’s certification is hereby **RENEWED** for a period of three years, effective January 25, 2015, subject to continued compliance with R.C. Chapter 3772 and the rules adopted thereunder and the following conditions:

Prior to submission of preliminary testing reports to the Commission for inclusion in the Commission’s database of approved technologies, Eclipse must:

- (1) Obtain, and have the capability to provide the Commission with, the necessary hardware and software to test submissions for game authentication terminal compliance, as required by Ohio Adm. Code 3772-9-12 and 3772-15-05(M);
- (2) Maintain an electronic inventory system for Ohio submissions, as required by Ohio Adm. Code 3772-15-05(G) and (S); and
- (3) Maintain a secure environment with restricted access to electronic gaming equipment submitted for testing, including a locked, fire-proof, and monitored enclosure, for software media and source code documentation, as required by Ohio Adm. Code 3772-15-05(O) and (P).

**BE IT FURTHER RESOLVED**, that Resolution 2014-26 does not in any way affect, negate, or otherwise absolve Eclipse from its obligations to comply with R.C. Chapter 3772 and the rules adopted thereunder and all other conditions imposed by the Commission through resolution or otherwise.

**BE IT FURTHER RESOLVED**, that Resolution 2014-26 does not restrict or limit the Commission’s future exercise of authority and discretion with respect to imposing additional conditions or taking further action with respect to Eclipse under R.C. Chapter 3772 and the rules adopted thereunder.

Adopted: December 17, 2014