

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2016-16

**CONSIDERATION OF THE APPLICATION OF QUINTUS LANDLORD LLC FOR A GAMING-RELATED VENDOR LICENSE**

**WHEREAS**, Article XV, Section 6(C)(4) of the Ohio Constitution created the Ohio Casino Control 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 any gaming-related vendor from conducting or participating in conducting casino gaming without first being licensed by the Commission;

**WHEREAS**, R.C. 3772.10(B) requires gaming-related vendors seeking licensure under R.C. Chapter 3772 to establish their suitability by clear and convincing evidence;

**WHEREAS**, R.C. 3772.12(A) and Ohio Adm. Code 3772-6-02(A) require any gaming-related vendor seeking licensure to submit, under oath, a Gaming-Related Vendor License Application (“Vendor Application”);

**WHEREAS**, R.C. 3772.121 and Ohio Adm. Code Chapter 3772-6 authorize the Commission to issue gaming-related vendor licenses to applicants after the Commission determines that the applicants are eligible for licensure and have paid all applicable fees;

**WHEREAS**, a gaming-related vendor license applicant is eligible for licensure upon meeting the following criteria:

- (A) Submission of a true and complete Vendor Application, as required by R.C. 3772.10(C) and 3772.12(A) and Ohio Adm. Code 3772-6-02(A);
- (B) Payment of the nonrefundable application fee of \$10,000.00, as required by R.C. 3772.17(D) and Ohio Adm. Code 3772-6-03(A), and all fees necessary to cover the costs of the background investigation in excess of the application fee set forth by Ohio Adm. Code 3772-6-03(A), if any, as permitted by Ohio Adm. Code 3772-6-03(B);
- (C) Submission, on a form provided by the Commission, of two sets of the applicant’s fingerprints, as required by R.C. 3772.121(A)(3), if applicable;
- (D) Reimbursement of the costs for the criminal records check, as required by R.C. 3772.07 and 3772.17(D), if applicable;

- (E) Not having been convicted of or pled guilty or no contest to a disqualifying offense, as defined by R.C. 3772.07 and required by R.C. 3772.07 and 3772.10(C); and
- (F) Otherwise is suitable for licensure, as required by R.C. 3772.10(B) and (C);

**WHEREAS**, R.C. 3772.03(D)(5) mandates that the Commission adopt rules prescribing the minimum amount of insurance that must be maintained by gaming-related vendors;

**WHEREAS**, Ohio Adm. Code 3772-7-01(A) requires gaming-related vendor licensees to obtain and maintain the following types of insurance in minimum amounts determined by the Commission:

- (A) Liability;
- (B) Casualty;
- (C) Fire;
- (D) Theft;
- (E) Worker's compensation; and
- (F) Any other type of insurance the Commission deems necessary to ensure the licensee is adequately insured;

**WHEREAS**, on June 24, 2016, Quintus Landlord LLC submitted a Vendor Application in accordance with R.C. 3772.12(A) and Ohio Adm. Code 3772-6-02(A);

**WHEREAS**, Quintus Landlord paid the nonrefundable application fee, as required by R.C. 3772.17(D) and Ohio Adm. Code 3772-6-03(A);

**WHEREAS**, Quintus Landlord submitted to the Commission information and materials (summaries of which are attached as Exhibit A) necessary to demonstrate that they have obtained and maintain the applicable types of insurance and the amounts of each type, as required by R.C. 3772.03(D)(5) and Ohio Adm. Code 3772-7-01(A);

**WHEREAS**, Quintus Holdings LLC, Higbee Mothership LLC, and JACK Ohio Finance LLC (collectively, "Holding Companies") submitted information and documentation as holding companies of Quintus Landlord;

**WHEREAS**, the Commission's Division of Licensing and Investigations reviewed the Vendor Application and other materials and information and conducted thorough suitability investigations of Quintus Landlord and the Holding Companies;

**WHEREAS**, the Division has filed a report, dated August 10, 2016, captioned *Investigative Report on the Application of Quintus Landlord LLC for a Gaming-Related Vendor License* (“Report”);

**WHEREAS**, the Report concludes that based upon the investigation, no material derogatory information that adversely impacts upon the suitability of Quintus Landlord or the Holding Companies was uncovered and that Quintus Landlord is eligible to be approved for licensure;

**WHEREAS**, the Division recommends that the Commission grant Quintus Landlord’s initial gaming-related vendor license, subject to the following conditions:

- (A) Quintus Landlord and the Holding Companies shall report to the Commission any changes in their management, ownership, or stockholdings, in accordance with Ohio Adm. Code 3772-6-04;
- (B) Quintus Landlord and the Holding Companies shall report to the Commission any loans, debt incurred, or any other significant financial matters to the Commission, in accordance with Ohio Adm. Code 3772-6-04;
- (C) Quintus Landlord shall pay all fees required by the Commission, including the following:
  - (1) The cost of the background investigation that exceeded the application fee set forth by Ohio Adm. Code 3772-6-03(A), as required by R.C. 3772.17(D) and permitted by Ohio Adm. Code 3772-6-03(B), if any; and
  - (2) A nonrefundable license fee of \$15,000.00, as required by R.C. 3772.121(A)(2) and 3772.17(D) and Ohio Adm. Code 3772-6-03(C).

**WHEREAS**, the Commission has reviewed the Report and considered the matter at its public meeting on August 17, 2016.

**NOW, THEREFORE, BE IT RESOLVED**, by the Commission that Quintus Landlord’s Vendor Application is **APPROVED** and its initial gaming-related vendor license is **GRANTED** for a period not to exceed three years, subject to continued compliance with R.C. Chapter 3772 and the rules adopted thereunder and the following conditions:

- (A) Quintus Landlord and the Holding Companies shall report to the Commission any changes in their management, ownership, or stockholdings, in accordance with Ohio Adm. Code 3772-6-04;

- (B) Quintus Landlord and the Holding Companies shall report to the Commission any loans, debt incurred, or any other significant financial matters to the Commission, in accordance with Ohio Adm. Code 3772-6-04;
- (C) Quintus Landlord shall pay all fees required by the Commission, including the following:
  - (1) The cost of the background investigation that exceeded the application fee set forth by Ohio Adm. Code 3772-6-03(A), as required by R.C. 3772.17(D) and permitted by Ohio Adm. Code 3772-6-03(B), if any; and
  - (2) A nonrefundable license fee of \$15,000.00, as required by R.C. 3772.121(A)(2) and 3772.17(D) and Ohio Adm. Code 3772-6-03(C).

**BE IT FURTHER RESOLVED**, that Resolution 2016-16 does not in any way affect, negate, or otherwise absolve Quintus Landlord or the Holding Companies from their duties to update information in accordance with Ohio Adm. Code 3772-6-04, as applicable.

**BE IT FURTHER RESOLVED**, that Resolution 2016-16 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 Quintus Landlord or the Holding Companies under R.C. Chapter 3772 and the rules adopted thereunder.

Adopted: August 17, 2016

**Exhibit A**  
**Resolution 2016-16**

**Quintus Landlord LLC**

Types of Insurance

Commercial General Liability	\$1,000,000
Automobile Liability	\$1,000,000
Umbrella Liability	\$250,000,000
Liquor Liability	\$1,000,000
Commercial Property Coverage (includes fire and theft coverage)	\$659,714,802
Workers' Compensation	Not Applicable*

\*Quintus Landlord does not have any employees, so this coverage type does not apply.