

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2019-29

**ADMINISTRATIVE RULES – ADOPTION & FINAL FILE**

**WHEREAS**, Article XV, Section 6(C)(4) of the Ohio Constitution created the Ohio Casino Control Commission (“Commission”);

**WHEREAS**, R.C. 3772.03(L) grants the Commission jurisdiction over all persons conducting or participating in the conduct of fantasy contests authorized by R.C. Chapter 3774, including the authority to license, regulate, investigate, and penalize those persons in a manner that is consistent with the Commission’s authority to do the same with respect to skill-based amusement machines;

**WHEREAS**, R.C. 3772.03(L) authorizes the Commission to adopt rules under R.C. Chapter 119, including rules establishing fees and penalties related to the operation of fantasy contests.

**WHEREAS**, R.C. 3774.03 authorizes the Commission to adopt rules under R.C. Chapter 119 as are necessary to complete the functions and to address the subjects enumerated in division (A) of that section.

**WHEREAS**, on March 20, 2019, the Commission approved the initial filing of the following 19 administrative rules (“Administrative Rules”):

- 3772-74-01 Definitions.
- 3772-74-02 Authority and purpose.
- 3772-74-03 Construction.
- 3772-74-04 Access to records, examination under oath, and subpoena power.
- 3772-74-05 Waivers and variances.
- 3772-74-06 General fantasy contest licensing requirements.
- 3772-74-07 Fantasy contest operator licensure.
- 3772-74-08 Management company licensure.
- 3772-74-09 Duty to update information.
- 3772-74-10 Fantasy contest operator internal procedures.
- 3772-74-10.1 Initial internal procedure submissions.
- 3772-74-11 Prohibited activities.
- 3772-74-12 Duties of fantasy contest operators.
- 3772-74-13 Duties of key employees.
- 3772-74-14 Duties of management company applicants or licensees.
- 3772-74-15 Inspection and Audits.
- 3772-74-16 Advertising.
- 3772-74-17 Hearings.
- 3772-74-18 Sanctions.

**WHEREAS**, R.C. 121.82 prohibits an agency, as defined by R.C. 107.51, from electronically filing proposed rules that have an adverse impact on business, as defined by R.C. 107.52, with the Secretary of State (“SoS”), the Director of the Legislative Service Commission (“LSC”), and the Joint Committee on Agency Rule Review (“JCARR”) any sooner than the 16th business day after filing the proposed rule and accompanying Business Impact Analysis with the Common Sense Initiative Office (“CSI”);

**WHEREAS**, after complying with the CSI filing requirement, R.C. 119.03(B) requires that an agency electronically file proposed rules with the SoS and with LSC at least 65 days before the agency may adopt them;

**WHEREAS**, R.C. 119.03(C) requires that an agency electronically file proposed rules with JCARR at least 65 days before the agency may adopt them;

**WHEREAS**, if the proposed rules adversely impact business, R.C. 119.03(C) requires the agency to include with its electronic filing the Business Impact Analysis, any recommendations received from CSI, and the agency’s Memorandum in Response;

**WHEREAS**, R.C. 119.03(A) requires that reasonable public notice be given in the Register of Ohio at least 30 days prior to the date set for a public hearing, which must be held no sooner than the 31st nor any later than the 40th day after any proposed rules are filed under R.C. 119.03(B);

**WHEREAS**, R.C. 106.02 requires JCARR to hold a public hearing on any proposed administrative rules no earlier than the 41st day after filing with JCARR;

**WHEREAS**, on June 3, 2019, staff electronically filed the Administrative Rules and the public hearing notice with the SoS, LSC, and JCARR;

**WHEREAS**, on July 10, 2019, the Commission held a public hearing on the Administrative Rules;

**WHEREAS**, on July 15, 2019, JCARR held a public hearing on the Administrative Rules;

**WHEREAS**, JCARR’s statutory jurisdiction over the Administrative Rules has ended, providing the Commission with the authority to adopt them; and

**WHEREAS**, the Commission considered the matter at its public meeting on August 21, 2019.

**NOW, THEREFORE, BE IT RESOLVED** by the Commission that the Administrative Rules are **ELIGIBLE** for adoption.

**BE IT FURTHER RESOLVED** that the Administrative Rules are **ADOPTED**.

**BE IT FURTHER RESOLVED** that staff is authorized and directed to **FINAL FILE** the Administrative Rules in accordance with R.C. Chapter 119.

Adopted: August 21, 2019