

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2019-33

**VARIANCE OF OHIO ADM.CODE 3772-12-05(D)(3) AND DELEGATION OF  
AUTHORITY TO ADMINISTER THE VARIANCE TO THE EXECUTIVE  
DIRECTOR**

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

**WHEREAS**, R.C. 3772.03(A) and (D)(10) authorize the Commission to ensure the integrity of casino gaming through its regulatory functions, including establishing and implementing a Voluntary Exclusion Program (“VEP”);

**WHEREAS**, R.C. 3772.06 mandates that the Commission appoint an Executive Director who is the Commission’s Chief Executive Officer;

**WHEREAS**, Ohio Adm.Code 3772-12-05(D) allows a VEP participant who previously selected a lifetime exclusion to seek removal if the participant: 1) has been excluded for at least five years; 2) completed the education program on problem-gambling awareness; and 3) undergone a problem-gambling assessment with a medical or clinical professional qualified to treat gambling disorder;

**WHEREAS**, after adopting Ohio Adm.Code 3772-12-05(D), the Commission learned that certain lifetime exclusion participants would not be able to access free, state-funded problem-gambling clinical services (“impacted participants”);

**WHEREAS**, the Ohio Department of Mental Health and Addiction Services and the Commission have partnered to develop a publicly accessible, state-funded webinar on gambling behaviors and awareness as an alternative for those impacted participants;

**WHEREAS**, Ohio Adm.Code 3772-1-04(A) allows the Commission to grant a variance to its rules if doing so is in the public’s best interest;

**WHEREAS**, Ohio Adm.Code 3772-2-05(A) allows the Commission, in its discretion and where permitted by law, to delegate authority to perform functions under R.C. Chapter 3772 and the rules adopted thereunder to the Executive Director; and

**WHEREAS**, the Commission considered this matter at its public meeting on September 18, 2019.

**NOW, THEREFORE, BE IT RESOLVED** by the Commission that Ohio Adm.Code 3772-12-05(D)(3) is an agency rule for which a variance may be granted, under Ohio Adm.Code 3772-1-04(A), upon a determination that the variance is in the public’s best interest.

**BE IT FURTHER RESOLVED** that the Commission **FINDS** it is in the public's best interest to grant a variance allowing impacted participants to seek removal upon completing a publicly accessible, state-funded webinar on gambling behaviors and awareness.

**BE IT FURTHER RESOLVED** that the Commission **GRANTS** the above-described variance to Ohio Adm.Code 3772-12-05(D)(3).

**BE IT FURTHER RESOLVED** that the Commission can, under Ohio Adm.Code 3772-2-05(A), delegate the authority to administer this variance to the Executive Director.

**BE IT FURTHER RESOLVED** that the Executive Director is **DELEGATED** the authority to administer the above-described variance by allowing impacted participants to seek removal from the lifetime VEP exclusion by 1) being excluded for at least five years; 2) completing the education program on problem-gambling awareness; and 3) completing the publicly accessible, state-funded webinar on gambling behaviors and awareness.

**BE IT FURTHER RESOLVED** that the Commission maintains the authority to review any determination made pursuant to this delegation as well as the authority to make any such determination if it so chooses or upon request of the Executive Director. To effectuate this, the Executive Director shall notify the Commission of all variances granted pursuant to this delegation.

Adopted: September 18, 2019