

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2020-24

DELEGATE AUTHORITY TO THE EXECUTIVE DIRECTOR TO DECIDE UPON CASINO-GAMING-RELATED WAIVER, VARIANCE, AND INTERNAL-CONTROL-AMENDMENT REQUESTS DURING THE COVID-19 EMERGENCY

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

WHEREAS, R.C. 3772.03(A) authorizes the Commission to ensure the integrity of casino gaming through its regulatory functions;

WHEREAS, the Commission adopted Ohio Adm.Code Agency 3772 to ensure the integrity of casino gaming, skill-based amusement machines, and fantasy contests;

WHEREAS, all chapters of Ohio Adm.Code Agency 3772 relate to the Commission’s supervision and administration of casino gaming, except Chapters -50 and -74;

WHEREAS, Ohio Adm.Code 3772-1-04 allows the Commission to waive or grant a variance from provisions of rules adopted by the Commission;

WHEREAS, Ohio Adm.Code 3772-10-02 requires each casino operator to receive Commission approval of certain required internal controls to operate;

WHEREAS, Ohio Adm.Code 3772-10-28 requires Commission approval of internal-control amendments and allows the Executive Director to temporarily grant such approval if immediate action is needed;

WHEREAS, R.C. 3772.06 mandates that the Commission appoint an Executive Director who is the Chief Executive Officer and is responsible for supervising and administering casino gaming in accordance with R.C. Chapter 3772 and the rules adopted thereunder;

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

WHEREAS, the Governor, through Executive Order 2020-01D, issued on March 9, 2020, declared a state of emergency to protect the health, safety, and wellbeing of the public from the dangerous effects of COVID-19;

WHEREAS, under R.C. 3701.13, to prevent the spread of COVID-19, the Director of the Department of Health (“Health Director”) issued an order prohibiting mass gatherings, on March 12, 2020, which prompted the cessation of casino gaming;

WHEREAS, the Health Director, in consultation with the Governor, has continued to issue orders under R.C. 3701.13 to prevent the spread of COVID-19;

WHEREAS, these orders and the guidance issued on compliance with these orders have contained critical, evolving safety precautions;

WHEREAS, these orders and guidance as well as additional safety measures the casino facilities may request to put in place, all of which are essential to protecting the public's health, safety, and wellbeing, may conflict or otherwise make compliance with Ohio Adm.Code Agency 3772's casino-gaming provisions and any internal controls adopted thereunder impossible or impractical;

WHEREAS, the health, safety, and wellbeing of the public, including casino patrons, casino employees, and Commission staff, is of paramount importance;

WHEREAS, the Commission considered this matter at its public meeting on June 17, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the Executive Director is delegated the authority to decide upon any waiver or variance from Ohio Adm.Code Agency 3772, as related to casino gaming, and any internal-control amendment that are necessary and proper to protect the public's health, safety, or wellbeing as well as to ensure the integrity of casino gaming during the period of the emergency declared by Executive Order 2020-01D.

BE IT FURTHER RESOLVED that any approval granted pursuant to this delegation that does not terminate prior to or upon expiration of the declared state of emergency is subject to formal Commission consideration at the first regularly scheduled public meeting following such expiration. Any eligible waiver, variance, or internal-control amendment not so considered at the meeting terminates with its adjournment, unless otherwise ordered by the Commission.

BE IT FURTHER RESOLVED that the Commission maintains the authority to review any decision made pursuant to this delegation as well as the authority to make any such decision if it so chooses or upon request of the Executive Director. To effectuate this, the Executive Director will notify the Commission, at least once per month, of all waivers, variances, and internal-control-amendments decided upon pursuant to this delegation.

BE IT FURTHER RESOLVED that if either the Commission or Executive Director decide that a proposed waiver, variance, or internal-control amendment exceeds this delegated authority, the request must be presented to and decided upon by the Commission.

BE IT FURTHER RESOLVED that the Executive Director will notify the Commission upon expiration of the state of emergency. This notification must include all waivers, variances, and internal-control amendments granted pursuant to this delegation and whether the same are still in effect.

Adopted: June 17, 2020