

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2021-08

CONSIDERATION OF ACRES MANUFACTURING COMPANY'S APPLICATION FOR AN INITIAL GAMING-RELATED VENDOR LICENSE

WHEREAS, Article XV, Section 6(C) of the Ohio Constitution created the Ohio Casino Control Commission ("Commission") to ensure the integrity of casino gaming;

WHEREAS, R.C. 3772.09 prohibits any gaming-related vendor or key employee from conducting or participating in conducting casino gaming without being licensed by the Commission;

WHEREAS, R.C. 3772.10 requires any gaming-related vendor or key employee seeking licensure under R.C. Chapter 3772 to establish their suitability by clear and convincing evidence;

WHEREAS, R.C. 3772.12 and Ohio Adm.Code 3772-6-02 require a 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 grant a gaming-related vendor license after the Commission determines that an applicant is eligible for licensure and has paid all applicable fees;

WHEREAS, a gaming-related vendor 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 and 3772.12 and Ohio Adm.Code 3772-6-02;
- (B) Payment of the nonrefundable application fee of \$10,000 and all fees necessary to cover the costs of the background investigation in excess of the application fee, if any, as required by R.C. 3772.121 and 3772.17 and Ohio Adm.Code 3772-6-03;
- (C) Submission, on a form provided by the Commission, of two sets of the applicant's fingerprints, as required by R.C. 3772.121, if applicable;
- (D) Reimbursement of the costs for the criminal-records check, as required by R.C. 3772.07 and 3772.17, if applicable;
- (E) Not having been convicted of or pled guilty or no contest to a disqualifying offense, as defined and prohibited by R.C. 3772.07 and 3772.10; and
- (F) Otherwise being suitable for licensure, as required by R.C. 3772.10;

WHEREAS, R.C. 3772.03 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 requires a gaming-related vendor to obtain and maintain the following types of insurance in minimum amounts determined by the Commission:

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

WHEREAS, Acres Manufacturing Company submitted a Vendor Application to obtain licensure and paid the nonrefundable application fee;

WHEREAS, Acres Manufacturing submitted information and materials (summaries of which are attached as Exhibit A) necessary to demonstrate that it has obtained and maintains all of the requisite types of insurance and the amounts of each type;

WHEREAS, a key employee is eligible for licensure upon meeting the following criteria:

- (A) Being at least 21 years of age, as required by R.C. 3772.13;
- (B) Submission of a true and complete Key Employee License Application ("Key Application"), as required by R.C. 3772.10 and 3772.13 and Ohio Adm.Code 3772-5-02;
- (C) Submission, on a form provided by the Commission, of two sets of fingerprints and a photograph, as required by R.C. 3772.07 and 3772.13;
- (D) Payment of the nonrefundable application fee of \$2,000 and all fees necessary to cover the cost of the background investigation in excess of the application fee, if any, as required by R.C. 3772.13 and 3772.17 and Ohio Adm.Code 3772-5-03;
- (E) Reimbursement of the costs for the background check, including the criminal-records check, as required by R.C. 3772.07 and 3772.13;

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

WHEREAS, John Acres submitted a Key Application to obtain licensure and his nonrefundable application and criminal-background fees have been paid;

WHEREAS, the Commission's Division of Licensing and Investigations ("Division") reviewed the Vendor and Key Applications and other materials and information and conducted thorough suitability investigations of Acres Manufacturing and John Acres;

WHEREAS, the Division has filed a report, dated March 10, 2021, captioned *Investigative Report on the Application of Acres Manufacturing Company for a Gaming-Related Vendor License* ("Report");

WHEREAS, the Report concludes that the Division's investigations did not uncover any material derogatory information that adversely impacts the suitability of Acres Manufacturing or John Acres and that Acres Manufacturing and John Acres are eligible for licensure;

WHEREAS, based on this conclusion, the Division recommends that the Commission grant Acres Manufacturing's and John Acres's licenses; and

WHEREAS, the Commission has reviewed the Report and considered the matter at its public meeting on March 17, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Commission that Acres Manufacturing's types and minimum amounts of insurance are **APPROVED**.

BE IT FURTHER RESOLVED that Acres Manufacturing and John Acres are **SUITABLE** and **ELIGIBLE** for licensure.

BE IT FURTHER RESOLVED that Acres Manufacturing's Vendor Application is **APPROVED** and its 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:

- (1) Acres Manufacturing must report to the Commission any changes to their management, ownership, stockholdings, or voting or proxy agreement, as applicable;
- (2) Acres Manufacturing must report to the Commission any loans, debt incurred, or any other significant financial matters;
- (3) Acres Manufacturing must pay all fees required by the Commission, including the following:

- (A) Any cost of the background investigation that exceeded the application fee; and
- (B) A nonrefundable license fee of \$15,000; and
- (4) Acres Manufacturing must establish and implement a Compliance Plan for the purpose of, at a minimum, performing due-diligence reviews, determining the suitability of relationships with unrelated entities and individuals, and ensuring compliance with the laws and regulations of any jurisdiction in which it conducts business; and
- (5) Acres Manufacturing must provide regular updates to the Commission's Executive Director concerning any due diligence efforts or other formal actions undertaken by the company in accordance with its governing Compliance Plan.

BE IT FURTHER RESOLVED that John Acres's Key Application is **APPROVED** and his key-employee 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, including payment of the following fees, which are required by R.C. 3772.17 and Ohio Adm.Code 3772-5-03:

- (A) The cost of the background investigation that exceeded the application and criminal-background fees, if any; and
- (B) A nonrefundable license fee of \$500.

BE IT FURTHER RESOLVED that Resolution 2021-08 does not in any way affect, negate, or otherwise absolve Acres Manufacturing or John Acres from their duties to update information in accordance with Ohio Adm.Code 3772-6-04 and 3772-5-04, as applicable.

BE IT FURTHER RESOLVED that Resolution 2021-08 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 Acres Manufacturing or John Acres under R.C. Chapter 3772 and the rules adopted thereunder.

Adopted: March 17, 2021

Exhibit A
Resolution 2021-08

Acres Manufacturing Company

Types of Insurance Policies

Commercial General Liability	\$2,000,000
Automobile Liability	\$1,000,000
Umbrella Liability	\$1,000,000
Building/Business Personal Property	\$2,307,000
Employee Dishonesty/Forgery	\$10,000
Workers Compensation	\$500,000