

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2021-25

CONSIDERATION OF CULLEN ENTERPRISES A LLC'S, DUNKESON ENTERPRISES A LLC'S, AND EBY INVESTMENTS LLC'S SUITABILITY AS HOLDING COMPANIES OF JACK CLEVELAND CASINO LLC

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 casino operator, management company, or holding company from conducting or participating in conducting casino gaming without being licensed by the Commission;

WHEREAS, R.C. 3772.091 authorizes the Commission to reopen a licensing investigation at any time;

WHEREAS, R.C. 3772.10 mandates that the Commission consider all of the following, as applicable, when determining whether to grant or maintain the privilege of a license:

- (A) The reputation, experience, and financial integrity of the applicant, its holding company, and any other person that directly or indirectly controls the applicant;
- (B) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance and to provide an adequate surety bond;
- (C) The past and present compliance of the applicant and its affiliates or affiliated companies with casino-related licensing requirements in the state of Ohio or any other jurisdiction, including whether the applicant has a history of noncompliance with the casino-licensing requirements of any jurisdiction;
- (D) Whether the applicant has been indicted, convicted, pleaded guilty or no contest, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations;
- (E) Whether the applicant has filed, or had filed against it, a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt;
- (F) Whether the applicant has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state, or local law that has been delinquent for 1 or more years;

- (G) Whether the applicant is or has been a defendant in litigation involving its business practices;
- (H) Whether awarding a license would undermine the public's confidence in the casino-gaming industry in the state of Ohio; and
- (I) Whether the applicant meets other standards for the issuance of a license that the Commission adopts by rule, which is not arbitrary, capricious, or contradictory to the expressed provisions of R.C. Chapter 3772;

WHEREAS, R.C. 3772.11 requires a holding company to submit the same information as required by a casino operator—i.e., a Casino Operator and Management Company License Application and Holding Company Form (“Form”);

WHEREAS, on July 15, 2020, the Commission adopted Resolution 2020-25, which approved JACK Cleveland Casino LLC's types and minimum amounts of insurance listed on Exhibit A and found JACK Cleveland Casino and the holding companies listed on Exhibit B (collectively, “JACK”) suitable and granted the former a new casino-operator license for a period not to exceed 3 years;

WHEREAS, JACK later notified the Commission of the addition of newly formed entities, Cullen Enterprises A LLC, Dunkeson Enterprises A LLC, and Eby Investments LLC, as holding companies of JACK Cleveland Casino;

WHEREAS, Cullen Enterprises A, Dunkeson Enterprises A, and Eby Investments each submitted the Form and the Commission reopened its licensing investigation of JACK Cleveland Casino for purposes of determining what impact, if any, these additions would have on the licensee's suitability;

WHEREAS, the Commission's Division of Licensing and Investigations (“Division”) reviewed each Form and other materials and information and conducted thorough suitability investigations of Cullen Enterprises A, Dunkeson Enterprises A, and Eby Investments;

WHEREAS, the Division has filed a report, dated July 14, 2021, captioned *Suitability Investigations of Cullen Enterprises A LLC, Dunkeson Enterprises A LLC, and Eby Investments LLC as Holding Companies of JACK Cleveland Casino LLC* (“Report”);

WHEREAS, the Report concludes that the Division's investigations did not uncover any material derogatory information that adversely impacts Cullen Enterprises A's, Dunkeson Enterprises A's, or Eby Investments' suitability or that of the licensee, JACK Cleveland Casino;

WHEREAS, based on this conclusion, the Division recommends that the Commission find Cullen Enterprises A, Dunkeson Enterprises A, and Eby Investments suitable and approve them as holding companies of JACK Cleveland Casino;

WHEREAS, the Commission has reviewed the Report and considered the matter at its public meeting held on July 21, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Commission that Cullen Enterprises A, Dunkeson Enterprises A, and Eby Investments are **SUITABLE** and **APPROVED** as holding companies of JACK Cleveland Casino, subject to the continued compliance with R.C. Chapter 3772 and Ohio Adm.Code 3772, and the conditions set forth in Resolution 2020-25, as applicable to the other holding companies listed therein.

BE IT FURTHER RESOLVED that Resolution 2021-25 does not in any way affect, negate, or otherwise absolve Cullen Enterprises A, Dunkeson Enterprises A, or Eby Investments from their duties to update information in accordance with Ohio Adm.Code 3772-4-09.

BE IT FURTHER RESOLVED that Resolution 2021-25 does not restrict or limit the Commission's future exercise of authority and discretion with respect to requesting additional information from or imposing additional conditions or taking further action upon Cullen Enterprises A, Dunkeson Enterprises A, Eby Investments, or affiliated corporate entities under R.C. Chapter 3772 and the rules adopted thereunder.

Adopted: July 21, 2021