

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2021-41

CONSIDERATION OF TCS JOHN HUXLEY AMERICA, INC.'S AND TCS JOHN HUXLEY EUROPE LIMITED'S APPLICATIONS TO RENEW THEIR GAMING-RELATED VENDOR LICENSES

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 from conducting or participating in conducting casino gaming without first being licensed by the Commission;

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

WHEREAS, R.C. 3772.15 and Ohio Adm.Code 3772-6-02 require that gaming-related vendor licensees undergo a complete investigation at least once every 3 years to ensure continued eligibility for licensure;

WHEREAS, R.C. 3772.12 and Ohio Adm.Code 3772-6-02 require a gaming-related vendor seeking renewal of a license 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 renew 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 as determined by the Commission under R.C. 9.79; 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 a gaming-related vendor;

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) Worker's compensation; and
- (E) Any other type of insurance the Commission deems necessary to ensure the licensee is adequately insured;

WHEREAS, TCS John Huxley America, Inc. ("TCS America") and TCS John Huxley Europe Limited ("TCS Europe") (collectively, "Vendors") submitted Vendor Applications to renew their licenses and paid the nonrefundable application fees;

WHEREAS, the Vendors submitted information and materials (summaries of which are attached as Exhibit A) necessary to demonstrate that they have obtained and maintain all of the requisite types of insurance and the amounts of each type;

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

WHEREAS, the Division has filed a report, dated October 13, 2021, captioned *Investigative Report on the Applications of TCS John Huxley America, Inc. and TCS John Huxley Europe Limited to Renew Their Gaming-Related Vendor Licenses* ("Report");

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

WHEREAS, based on this conclusion, the Division recommends that the Commission renew the Vendors' licenses; and

WHEREAS, the Commission has reviewed the Report and considered the matter at its public meeting on October 20, 2021.

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

BE IT FURTHER RESOLVED that the Vendors are **SUITABLE** and **ELIGIBLE** for licensure.

BE IT FURTHER RESOLVED that TCS America's and TCS Europe's Vendor Applications are **APPROVED** and their gaming-related vendor licenses are **RENEWED** for a period not to exceed 3 years, effective upon expiration of the previous licenses, subject to continued compliance with R.C. Chapter 3772 and the rules adopted thereunder and the following conditions:

- (A) The Vendors must report to the Commission any changes in management, ownership, stockholdings, or to a voting or proxy agreement, as applicable;
- (B) The Vendors must report to the Commission any loans, debt incurred, or any other significant financial matters;
- (C) The Vendors shall pay all fees required by the Commission, including the following:
 - (1) Any cost of the background investigation that exceeded the application fee; and
 - (2) A nonrefundable license fee of \$15,000 per license; and
- (D) TCS America and TCS Europe's Joint Compliance Committee shall notify the Commission's Executive Director no later than 30 days from the date in which the Committee conducts any due diligence efforts, takes any action, or makes any recommendations concerning current or future business.

BE IT FURTHER RESOLVED that Resolution 2021-41 does not in any way affect, negate, or otherwise absolve the Vendors from their duties to update information in accordance with Ohio Adm.Code 3772-6-04.

BE IT FURTHER RESOLVED that Resolution 2021-41 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 the Vendors under R.C. Chapter 3772 and the rules adopted thereunder.

Adopted: October 20, 2021

Exhibit A
Resolution 2021-41

TCS John Huxley America, Inc. and TCS John Huxley Europe Limited

Types of Insurance Policies

Commercial General Liability	\$2,000,000
Umbrella Liability	\$10,000,000
Workers Compensation and Employers' Liability	\$1,000,000
Property – BPP Blanket	\$3,307,500
Property – BI & EE Blanket	\$4,410,000
Commercial Combined (loss of or damage to property)	£8,024,100
Business Interruption (interruption to business following loss of or damage to property)	£15,000,000
Employers Liability	£10,000,000
Public/Products Liability	£5,000,000
Excess Public Liability	£5,000,000