



OHIO CASINO CONTROL COMMISSION

Code of Conduct **Effective Date: April 20, 2022**

In the discharge of its powers, duties, and responsibilities, the Ohio Casino Control Commission (“Commission”) must conduct itself according to high ethical standards. Commission members and employees are expected to discharge their duties with loyalty and in such a manner to promote and preserve public trust and confidence in the integrity of the Commission and the regulatory process. Commission members and employees shall adhere to this policy and all Commission policies regarding personal conduct while on the Commission’s premises, the premises of any licensee or applicant, or any premise when acting on behalf of the Commission, whether on-duty or off-duty. Commission members and employees should contact the Legal Division with any questions or matters related to this policy, as soon as they may arise.

1.0 General Standards of Ethical Conduct

Commission members and employees must abide by the protections to the public embodied in Ohio’s ethics laws, as found in R.C. Chapters 102 and 2921, and as interpreted by the Ohio Ethics Commission and Ohio courts. They must conduct themselves in a manner that avoids favoritism, bias, and the appearance of impropriety. No Commission member or employee shall use or attempt to use their official position to secure any privilege, advantage, favor, or influence for themselves or others. The general standards of ethical conduct that apply to Commission members and employees include, but are not limited to:

A. Impropriety, Favoritism, Bias

No Commission member or employee may use or authorize the use of their title, the name “Ohio Casino Control Commission” or “OCCC,” or the Commission’s logo in a manner that suggests impropriety, favoritism, or bias by the Commission, the member, or the employee.

B. Conflict of Interest (R.C. 102.03(D), (E), and (F))

All Commission members and employees have a duty to avoid actual or potential personal, financial, or fiduciary conflicts of interest. A potential conflict of interest exists if the private interests of the person might interfere with the public interests the person is required to serve in the exercise of their authority and duties in their office or position of employment at the Commission.

Generally, Commission members and employees may not participate in matters that involve their personal, financial, or fiduciary interests, or those of a family member or business associate such that it may substantially and improperly influence their judgment in the performance of their regulatory duties and responsibilities in a fair and impartial manner.

Commission members and employees should contact the Legal Division immediately if they anticipate a potential conflict or upon discovery that a conflict may already exist, whenever that may be.

Recusal of Commission Members

A Commission member shall recuse themselves from Commission proceedings that involve situations in which they have a conflict of interest. A Commission member that has recused themselves from a Commission proceeding may not:

- i. Participate in the Commission's discussion or vote on the matter; or
- ii. Discuss the matter or the Commission's review of the matter with members of the Commission or other individuals.

C. Anything of Value (R.C. 102.03(D), (E), and (F)*)

Commission members and employees shall not:

- i. Use or authorize the use of the authority or influence of their position at the Commission to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon them with respect to their duties at the Commission.
- ii. Solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon them with respect to that person's duties.
 - a. "Anyone doing business with the Commission" includes but is not limited to, any person, corporation, or other party that is doing or seeking to do business with, regulated by, or has interests before the Commission.
- iii. Solicit, accept, or use their position to seek employment from anyone doing business with the Commission, unless they completely withdraw from Commission activity regarding the party offering employment and the Commission approves the withdrawal; or
- iv. Use their position to obtain benefits for the Commission member or employee, a family member, or anyone with whom they have a business or employment relationship.

*Importantly, these prohibitions are in addition to those specifically related to the Commission, described more thoroughly below. Commission members and employees are prohibited from soliciting or accepting anything of value, whether it may manifest a substantial and improper influence or not, from any person subject to the jurisdiction of the Commission. *See* Section 2.0, below.

D. Honoraria (R.C. 102.03(H))

Generally, Commission members and employees are prohibited from accepting any

payment or gift made in consideration for a speech, publication, or attendance at a public or private event. They may, however, accept things if they are both ceremonial in nature and of de minimis monetary value, i.e., mug, pen, keychain, etc. Nonetheless, Commission members and employees are prohibited from accepting even items of de minimis monetary value from any person subject to the jurisdiction of the Commission, pursuant to R.C. 102.03(M), and described more thoroughly below in Section 2.0.

E. Public Contracts (R.C. 102.04 and 2921.42)

No Commission member or employee shall hold or benefit from a contract with, authorized by, or approved by the Commission, unless all the criteria under R.C. 2921.42(B) are met.

No Commission member or employee shall vote, authorize, recommend, or in any other way use their position to secure approval of a Commission contract (including employment or personal services) in which they, a family member, or anyone with whom they have a business or employment relationship has an interest.

Commission members and employees are prohibited from selling goods or services to any state agency, unless it was through competitive bidding or as exempted in R.C. 102.04(D). Pursuant to this exemption, Commission members or employees may sell goods or services to a state agency other than the Commission if, prior to the sale, they provide all statutorily required information in a disclosure statement to that state agency, the Commission, and the Ohio Ethics Commission. The individual should contact the Legal Division if they believe that such a disclosure statement may be necessary.

F. Confidential Information (R.C. 102.03(B))

Commission members and employees are only permitted to access confidential information that is acquired by or in the Commission's possession for valid business reasons. They are prohibited from disclosing or using, without appropriate authorization, any confidential information acquired during their official duties, for as long as the information remains confidential, whether or not the individual is still a member of or employed by the Commission.

2.0 Commission-Specific Standards of Ethical Conduct

In addition to the general ethical standards described above and more thoroughly in R.C. Chapters 102 and 2921, there are certain additional ethical standards that apply to Commission members and employees. Commission members and employees shall comply with all general and Commission-specific ethical standards.

A. Revolving Door Restriction (R.C. 102.03(A)(10))

Commission Members – during service as a Commission member, and for two years after, Commission members are prohibited from representing a client, being employed or compensated by a person regulated by the Commission, or acting in a representative capacity for any person on matters before or concerning the

Commission.

Commission Employees – during their employment, and for two years after, Commission employees are prohibited from representing a client or acting in a representative capacity on any matter in which the employee personally participated as a Commission employee through decision, approval, disapproval, recommendation, the rendering or advice, investigation, or other substantial exercise of administrative discretion.

Prior to their departure, Commission members and employees should contact the Legal Division with questions pertaining to their potential employment after their time at the Commission.

B. Investments

Ownership (R.C. 102.03(L)) - Commission members and employees are prohibited from indirectly investing, by way of an entity they have an ownership interest or control in, or directly investing in a casino operator, management company, holding company, casino facility, or gaming-related vendor.

Interest (R.C. 102.03(L)) - Commission members and employees are prohibited from directly or indirectly having a financial interest in, an ownership interest in, being the creditor or holding a debt instrument issued by, or having an interest in a contractual or service relationship with a casino operator, management company, holding company, casino facility, or gaming-related vendor.

Passive Investment (R.C. 102.03(L)) - Commission members and employees are not prohibited from passive investing, which means investment by means of a mutual fund in which the Commission member or employee has no control of the investments or investment decisions.

Commission Members (R.C. 3772.02(B)(8)) - No Commission member shall have an affiliation with an Ohio casino operator or facility or with a sports gaming proprietor, mobile management services provider, or management services provider licensed under Chapter 3775 of the Revised Code.

Executive Director (R.C. 3772.06(A)(1)) - The Executive Director shall not have a pecuniary interest in any business organization that holds a license under R.C. Chapter 3772 or that does business with any person licensed under R.C. Chapter 3772.

C. Anything of Value (R.C. 102.03(M)(1))

Commission members and employees are prohibited from accepting a gift, gratuity, emolument, employment, or other thing of value from a casino operator, management company, or other person subject to the jurisdiction of the Commission, or any officer, attorney, agent, or employee of one of these parties.

This prohibition is in addition to the general standard that prohibits soliciting or accepting anything of value that is of such a character as to manifest a substantial and improper influence upon them with respect to that person's duties. *See* Section 1.0, above.

D. Solicit/Recommending Employment (R.C. 102.03(M)(2))

Commission members and employees are prohibited from soliciting, suggesting, requesting, or recommending, directly or indirectly, to a casino operator, management company, or other person subject to the jurisdiction of the Commission, or to an officer, attorney, agent, or employee of one of these parties, the appointment of a person to an office, place, position, or employment.

If a Commission member or employee is contacted by anyone subject to the jurisdiction of the Commission for a professional reference for an individual known to that Commission member or employee, they should first contact the Legal Division before any decision to give such a reference is made.

E. Casino Gaming and other Amusement or Activity (R.C. 102.03(M)(3)), Ohio Ethics Commission Advisory Opinion 2012-02

Commission members and employees are prohibited from participating in casino gaming or any other amusement or activity at a casino facility in Ohio or at an affiliate gaming facility of a licensed casino operator, wherever located.

“Other amusement or activity” includes, but is not limited to:

- i. Attending concerts, sporting events, theatrical shows, and grand openings;
- ii. Consuming food or beverages at food service facilities;
- iii. Using athletic facilities, such as golf courses or tennis courts;
- iv. Shopping at stores within a facility; or
- v. Obtaining personal services at spas, salons, or similar providers.

Examples of activities that Commission members and employees may participate in:

- i. Bona fide educational events, conferences, or meetings related to the functions and authority of the Commission if the Commission member or employee (or the Commission on behalf of the individual) pays the same admission rate charged to the public;
- ii. Regulatory activities or investigations authorized by the Commission; or
- iii. Dining at food service facilities within a casino facility if it is during their normal work shift.

Commission members and employees are prohibited from dining at a food service facility during off-hours or bringing items home to their families.

While it is the responsibility of each person to comply with this restriction, employees should contact the Legal Division for an updated list of Ohio casino facilities and affiliate gaming facilities.

F. Criminal Records Check (R.C. 3772.07)

All Commission members and employees shall submit to a criminal records check upon appointment and on three-year intervals thereafter. No person shall serve as a Commission member or employee if they have been convicted of or pleaded guilty or no contest to a disqualifying offense, as defined in R.C. 3772.07. Commission members under indictment or bill of information for a disqualifying offense shall resign from the Commission immediately upon indictment. R.C. 3772.02(G).

3.0 Oath of Office

Each Commission member, before entering upon the discharge of the member’s official duties, shall make an oath to uphold the Constitution and the laws of the State of Ohio. R.C. 3772.02(J).

Gaming Agents, on or about their first day of employment with the Commission, shall take the following oath:

I, (state name), do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and to faithfully discharge and perform all of the duties incumbent upon me as a Gaming Enforcement Agent of the Ohio Casino Control Commission according to the best of my ability and understanding; and do this as I shall answer unto God.

4.0 Skill-Games Restrictions

Commission members, Executive Staff and employees of the Skill Games and Legal Divisions, as well as any other employee the Executive Director determines is substantially involved in the regulation of skill-based amusement machines shall not participate in type-B or type-C skill-based amusement machine gaming in this state.

5.0 Fantasy Contest Restrictions

Commission members, Executive Staff, employees of the Legal, Licensing, and Compliance Divisions, and any other employee the Executive Director determines is substantially involved in the regulation of fantasy contests shall not participate in any fantasy contests offered by fantasy contest operators under R.C. Chapters 3772 and 3774 and the rules adopted thereunder. This does not prohibit Commission members and employees from participating in lawful pools not conducted for profit.

6.0 Sports Gaming Restrictions (R.C. 3775.13(E))

Commission members and employees are prohibited from participating in sports gaming conducted by a sports gaming proprietor in this state or participating in sports gaming with any person or entity located outside this state that is directly or indirectly owned or operated by a sports gaming proprietor.

7.0 Ex Parte Communications

No member of the Commission shall knowingly have ex parte communications relating to a pending administrative adjudication to be conducted under R.C. Chapter 119 with any

party or any representative or agent of a party to a pending administrative adjudication before the Commission. For the purpose of this policy, an administrative adjudication is pending upon the issuance of a Notice of Intent and Opportunity for Hearing, as further described in R.C. 119.07, 3772.031(D), and 3772.04.

Brief, casual, or social encounters that do not relate to the merits of the pending administrative adjudication are not ex parte communications. Should any ex parte communication occur inadvertently, the Commission member should cease participation as soon as reasonably possible and promptly report the details of the communication to the Executive Director.

8.0 Political Activities

Certain political activities are prohibited for classified employees and all Commission employees are prohibited from engaging in political activities while on duty. Further, no Commission resources, including a Commission email address or telephone, may be used for political activities. Employees should contact the Legal Division prior to engaging in political activities to ensure compliance with applicable restrictions.

9.0 Fraternalization with Regulated Community

Commission members and employees must refrain from any relationship, including friendship, with any individual within the regulated community, except for a professional relationship to carry out official Commission duties. They should contact the Legal Division immediately if such a relationship develops.

10.0 Outside or Secondary Employment (CCC-HR-01)

Commission Members – May not hold or pursue employment, an office, a position, or any other role that may conflict with their official Commission duties and they may not use Commission resources, including a Commission email address or telephone, for the other position.

Executive Director - Pursuant to R.C. 3772.06, the Executive Director shall serve at the pleasure of the Commission and shall hold no other office or employment.

Commission Employees – May not hold or pursue employment, an office, a position, or any other role that may conflict with their official Commission duties. Their employment at the Commission must take priority over the other position and they may not use Commission resources, including a Commission email address or telephone, for the other position. Further, Commission employees must complete the Outside or Secondary Employment Request Form and submit it for approval, pursuant to Commission policy CCC-HR-01, prior to engagement with outside employment, activities, or placement on an organization's board, whether paid or unpaid.

11.0 Time and Attendance

Each Commission employee is required to accurately report and submit their actual hours worked, including start time, end time, and meal period. Employees who leave the office or their alternate workplace during their shift for personal reasons must report the time

away on their timesheet. For more detail on time and attendance, see Commission policy CCC-HR-02.

12.0 Public Records Requests

It is the mission and intent of the Commission to comply with and abide by both the spirit and the letter of the Ohio Public Records Act. Commission members and employees should notify the Legal Division of all public-records requests submitted to the agency so that a comprehensive collection and review of responsive documents may be completed before production.

13.0 Computer Use

Internet, email, online resources, and VPN access is intended to be used for Commission business purposes. Any use that interferes with normal business activities, involves solicitation, are associated with any personal business activities or political activity, or could potentially harm the reputation of the Commission or the State of Ohio are forbidden. All communication through Commission devices, including email and text messages, is the property of the Commission and may be subject to inspection, review, and disclosure under Ohio's Public Records Law. For more detail on computer use, see Commission policy CCC-IT-02.

14.0 Financial Disclosure

Pursuant to R.C. 102.02, Commission members, the Executive Director, and all professional employees and technical employees that perform an internal audit function are required to complete and timely file an annual financial disclosure statement with the Ohio Ethics Commission. Each person must do so by May 15 of each year. Any member or employee appointed or employed to a filing position after February 15 and required to file a financial disclosure statement must file a statement within 90 days of appointment or employment. While it is the responsibility of each person to comply with their filing responsibilities, the Legal Division will assist all employees with doing so.

15.0 JLEC Filings

Pursuant to R.C. 101.70(E) and (F), 101.72, and 101.73, Commission members and employees engaged to actively advocate to the legislative or executive branches on behalf of the Commission must register with JLEC and file periodic lobbying activity and expenditure reports.

While it is the responsibility of each person to comply with their filing responsibilities, the Legal Division will assist all employees with their filing responsibilities.

Commission members may, at their discretion, delegate authority to the General Counsel to complete their ministerial filing duties. However, pursuant to that delegation, Commission members must provide a complete report of their activity and expenditures of each reporting period to the General Counsel.

16.0 Post-Employment Disclosure Form (R.C. 102.021)

For 24 months after leaving public service, Ohio law requires all employees who filed a financial disclosure statement to disclose their subsequent place of employment to the

Ohio Legislative Inspector General. The Legal and Operations Divisions will assist employees with their filing responsibilities.

17.0 Follow Other Policies

Commission employees are responsible for complying with and adhering to all work rules, policies, procedures, directives, and bargaining-unit contracts of the Commission and all federal and state laws. Failure to do so could result in discipline, up to and including termination, in addition to any relevant civil or criminal sanctions. Employees should refer to all other Commission policies for further guidance and direct any questions they may have to the Legal and Operations Divisions.

18.0 Violations and Penalties

Failure of any Commission member, the Executive Director, or employee to abide by this Code of Conduct, or to comply with the Ethics Law and related statutes, may result in discipline, up to and including termination, as well as any potential civil or criminal sanctions under law. Pursuant to R.C. 3772.02(I), a Commission member may be removed or suspended from office in accordance with R.C. 3.04.

19.0 Copy of Ohio Ethics Law

Pursuant to R.C. 102.09, a current copy of R.C. Chapter 102 and R.C. 2921.42 will be made available to Commission members and employees within 15 days after beginning their performance of duties and their signed acknowledgment of receipt of this Code of Conduct shall also constitute their signed acknowledgment thereof.

Adopted: April 20, 2022

Previous Effective Dates

September 7, 2011

May 16, 2018