

**STATE OF OHIO  
CASINO CONTROL COMMISSION**

*In re:*

**STEVEN PEMBERTON,  
CASINO GAMING EMPLOYEE LICENSE  
APPLICANT**

Respondent.

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: Case No. 2012-0060  
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**ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION**

On May 8, 2012, Respondent Steven Pemberton filed a Casino Gaming Employee License Application (“Application”) with the Ohio Casino Control Commission (“Commission”). (Hr’g Ex. F.) Thereafter, the Commission conducted a suitability investigation of Pemberton to determine his eligibility for such a license.

During the suitability investigation, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Intent to Deny and Opportunity for Hearing (“Notice”), dated May 17, 2012. (See Hr’g Ex. B.) Pemberton received the Notice, sent via certified mail, on May 18, 2012. (Hr’g Ex. C.) Pursuant to R.C. 119.07 and 3772.04, Pemberton had the right to a hearing if requested within 30 days of the Notice’s mailing. Pemberton so requested and the Commission scheduled a hearing for May 31, 2012; and upon its own motion, the Commission continued the hearing until June 26, 2012. (Hr’g Ex. D.) Pemberton appeared at the hearing without counsel. Accordingly, the Commission held the hearing as scheduled before Hearing Examiner Thomas C. Montgomery (“Examiner”).

After presentation and submission of the evidence at the hearing, the Examiner closed the record to prepare a Report and Recommendation (“R&R”), (Tr. 34), which he submitted on August 8, 2012. Therein, the Examiner found that Pemberton: 1) has been convicted of, or pled guilty or no contest to, one or more offenses having an element of moral turpitude, in violation of R.C. 3772.07 and 3772.10(C)(1), (R&R 5); and 2) failed to prove his suitability for licensure by clear and convincing evidence, as required by 3772.10(B) and (C)(7), (id.). As a result of these findings, the Examiner recommended that the Commission deny Pemberton’s Application. (Id. at 6.)

On August 10, 2012, the Commission sent Pemberton, via certified mail, a copy of the R&R. (App. #1; App. #2.) Pemberton received the R&R on August 13, 2012, (App. #2), giving him until September 12, 2012, to file objections, see R.C. 3772.04(A)(2). Pemberton did not do so, however.

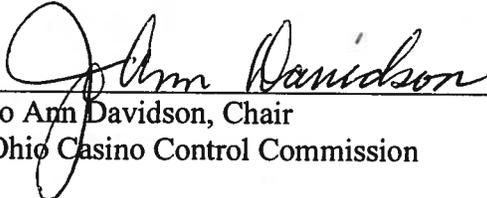
In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on October 17, 2012, for final adjudication.

**WHEREFORE**, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **ADOPTS** the Examiner’s R&R without modification.

**WHEREFORE**, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **ORDERS** as follows:

- 1) Pemberton's Application is **DENIED**;
- 2) Pemberton is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772;
- 3) Pemberton is **PROHIBITED** from reapplying for licensure under R.C. Chapter 3772 for three years from the date this Order is served upon him, absent a waiver granted by the Commission commensurate with Ohio Adm. Code 3772-1-04; and
- 4) A certified copy of this Order shall be served upon Pemberton, via certified mail, return receipt requested, and his counsel of record, if any, via ordinary mail.

**IT IS SO ORDERED.**

  
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Jo Ann Davidson, Chair  
Ohio Casino Control Commission

**NOTICE OF APPEAL RIGHTS**

Respondent is hereby notified that pursuant to R.C. 119.12, this Commission Order may be appealed by filing a Notice of Appeal with the Commission setting forth the Order that Respondent is appealing from and stating that the Commission's Order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal may also include, but is not required to include, the specific grounds for the appeal. The Notice of Appeal must also be filed with the appropriate court of common pleas in accordance with R.C. 119.12. In filing the Notice of Appeal with the Commission or court, the notice that is filed may be either the original Notice of Appeal or a copy thereof. The Notice of Appeal must be filed within 15 days after the date of mailing of this Commission Order.