

**STATE OF OHIO  
CASINO CONTROL COMMISSION**

*In re:*

**JENNIFER PELLY,  
CASINO GAMING EMPLOYEE LICENSEE**

Licensee.

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Case No. 2013-034

**ORDER REVOKING CASINO GAMING EMPLOYEE LICENSE**

On February 27, 2012, Jennifer Pelly filed with the Ohio Casino Control Commission (“Commission”) an application for a Casino Gaming Employee License. The Commission conducted a suitability investigation of Pelly to determine her eligibility for such a license. Having found Pelly suitable for licensure, the Commission issued a Casino Gaming Employee License to Pelly on or about April 4, 2012.

During an administrative investigation of Pelly, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Intent to Revoke, Suspend, Limit, Condition, Restrict, Penalize, and/or Fine and Opportunity for Hearing (“Notice”), dated May 15, 2013. (Hr’g Ex.A.) The Notice was returned to the Commission marked “refused” on June 3, 2013. (Hr’g Ex. B-1.) The Commission re-sent the Notice, via ordinary mail with a Certificate of Mailing, on June 4, 2013. (Hr’g Ex. C.) The Notice was not returned to the Commission for failure of delivery. Further, Pelly acknowledged receipt of the Notice via email on June 20, 2013. (Hr’g Ex. F.)

Pursuant to R.C. 119.07 and 3772.04, Pelly had the right to a hearing if requested within 30 days of the Notice’s mailing. Pelly so requested and the Commission scheduled a hearing for June 18, 2013; and upon its own motion, the Commission continued the hearing until June 25, 2013. (Hr’g Ex. E.) Pelly appeared at the hearing without counsel. Accordingly, the Commission held the hearing as scheduled before Hearing Examiner Andrew Cooke (“Examiner”).

After presentation and submission of the evidence at the hearing, the Examiner agreed to close the record. (Tr. 36.) The Examiner prepared a Report and Recommendation (“R&R”), which he submitted on August 1, 2013. Therein, the Examiner found that Pelly: 1) failed to establish by clear and convincing evidence her continued suitability for licensure as a Casino Gaming Employee, as required by R.C. 3772.10(B) and 3772.10(C)(7) (R&R 5-6.); and 2) failed under her duty to notify the Commission, as a casino gaming employee licensee, of any arrests, charges, conviction, or sentence filed against her, in violation of Ohio Adm. Code 3772-8-04(A)(5) and (B) (*Id.*). As a result of these findings, the Examiner recommended that the Commission revoke Pelly’s Casino Gaming Employee License. (R&R 6.)

On August 5, 2013, the Commission sent Pelly, via certified mail, a copy of the R&R. (App. #1; App. #2.) The R&R was returned to the Commission marked “unclaimed” on or about

September 5, 2013. (App. #3.) The Commission re-sent the R&R on September 5, 2013, via ordinary mail with a certificate of mailing. (App. #4.) The R&R was not returned to the Commission for failure of delivery. Therefore, Pelly had until October 7, 2013, to file objections, see R.C. 3772.04(A)(2). Pelly did not file any objections with the Commission.

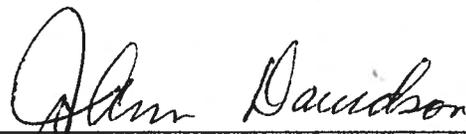
In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on October 16, 2013, for final adjudication.

**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) Pelly's Casino Gaming Employee License is **REVOKED**;
- 2) Pelly shall immediately surrender her license credential to the Commission;
- 3) Pelly is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772;
- 4) Pelly is **PROHIBITED** from reapplying for licensure under R.C. Chapter 3772 for three years from the date this Order is served upon her, absent a waiver granted by the Commission commensurate with Ohio Adm. Code 3772-1-04; and
- 5) A certified copy of this Order shall be served upon Pelly, via certified mail, return receipt requested, and her 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**

The Party 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 the Party 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.