

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re:

**JACK DEMPSEY,
CASINO GAMING EMPLOYEE LICENSE
APPLICANT**

Respondent.

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: Case No. 2012-0036
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ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION

On March 23, 2012, Respondent Jack Dempsey filed an application for a casino gaming employee license with the Ohio Casino Control Commission (“Commission”). (Hr’g Ex. F.) Thereafter, the Commission conducted a suitability investigation of Dempsey 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 1, 2012. (See Hr’g Ex. A.) Dempsey received the Notice, sent via certified mail, on May 3, 2012. (Hr’g Ex. B.) Pursuant to R.C. 119.07 and 3772.04, Dempsey had the right to a hearing if requested within 30 days of the Notice’s mailing. Dempsey so requested and the Commission scheduled a hearing for May 15, 2012; and upon its own motion, the Commission continued the hearing until May 31, 2012. (Hr’g Ex. C.)

Through a letter, dated May 8, 2012, the Commission provided Dempsey with supplemental information regarding the allegations contained in the Notice. (Hr’g Ex. D.) Dempsey appeared at the hearing without counsel. Accordingly, the Commission held the hearing as scheduled before Hearing Examiner John Gonzales (“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. p. 59), which he submitted on July 10, 2012. Therein, the Examiner found that Dempsey: 1) submitted a Casino Gaming Employee License Application (“Application”) that contained false information, in violation of R.C. 3772.10(C)(2), (R&R ¶ 26); 2) has not been convicted of, or pleaded guilty or no contest to, one or more offenses having an element of moral turpitude and, therefore, is not disqualified from licensure under R.C. 3772.07(D) and 3772.10(C)(1), (id. ¶ 18); and 3) failed to prove his suitability for licensure by clear and convincing evidence, as required by 3772.10(B). (Id. ¶ 22.) As a result of these findings, the Examiner recommended that the Commission deny Dempsey’s Application. (Id. ¶ 27.)

On July 11, 2012, the Commission sent Dempsey, via certified mail, a copy of the R&R. (App. #1; App. #2.) Dempsey received the R&R on July 14, 2012 (App. #2), giving him until August 13, 2012, to file objections, see R.C. 3772.04(A)(2); Dempsey did not do so, however.

In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on August 15, 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) Dempsey's Application is **DENIED**;
- 2) Dempsey is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772; and
- 3) A certified copy of this Order shall be served upon Dempsey, via certified mail, return receipt requested, and his counsel of record, if any, via ordinary mail.

IT IS SO ORDERED.



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.