

**STATE OF OHIO  
CASINO CONTROL COMMISSION**

*In re:*

**DEBORA NICHOLLS,  
CASINO GAMING EMPLOYEE LICENSE  
APPLICANT**

Applicant.

Case No. 2013-065

**ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION**

On July 9, 2013, Applicant Debora Nicholls filed with the Ohio Casino Control Commission ("Commission") an application for a casino gaming employee license. Thereafter, the Commission conducted a suitability investigation of Nicholls to determine her eligibility for such a license.

A casino gaming employee license applicant is eligible for licensure upon meeting the following criteria: (1) being at least 21 years of age, R.C. 3772.131(C); (2) filing a true and complete Casino Gaming Employee License Application ("Application"), R.C. 3772.131(D) and Ohio Adm. Code 3772-8-02(A); (3) submission of two sets of the applicant's fingerprints and a photograph, R.C. 3772.131(E); (4) payment of the nonrefundable application fee of \$250.00, R.C. 3772.131(E) and Ohio Adm. Code 3772-8-03(A), and all fees necessary to cover the cost of the background investigation in excess of the application fee, Ohio Adm. Code 3772-8-03(B); (5) reimbursement of the costs for the background check, including the criminal records check, R.C. 3772.07 and 3772.131(E); (6) not having been convicted of or pled guilty or no contest to a disqualifying offense, R.C. 3772.07; and (7) otherwise is suitable for licensure, R.C. 3772.10(B) and (C)(7).

During a suitability investigation of Nicholls, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Intent to Deny and Opportunity for Hearing ("Notice"), dated October 2, 2013. (Exhibit A.) Nicholls received the Notice, sent via certified mail, on or about October 15, 2013. (Exhibit B.) Pursuant to R.C. 119.07 and 3772.04, Nicholls had the right to a hearing if requested within 30 days of the Notice's mailing. Nicholls failed to do so, however. Accordingly, no hearing was held and the matter was brought before the Commission on November 20, 2013, for final adjudication. R.C. 119.07 and 3772.04(A).

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

- 1) The results of the criminal records check obtained by the Commission pursuant to R.C. 3772.07 and the results of the Commission's licensing investigation revealed that Nicholls has been convicted of, or pleaded guilty or no contest to, one or more offenses that have an element of moral turpitude, constituting one or more "disqualifying offenses" as defined by R.C. 3772.07(D), to wit, she:

- A) Was convicted of, or pled guilty or no contest to, an “operating a vehicle under the influence of alcohol or drugs” violation on February 13, 1991, in the Rocky River Municipal Court;
- B) Was convicted of, or pled guilty or no contest to, an “operating a vehicle under the influence of alcohol or drugs” violation on December 7, 1995, in the Rocky River Municipal Court;
- C) Was convicted of, or pled guilty or no contest to, an “operating a vehicle under the influence of alcohol and drugs” violation on November 4, 1998, in the Berea Municipal Court; and/or
- D) Was arrested for or charged with “open container,” “operating a vehicle under the influence of alcohol and drugs,” “driving under suspension,” and “driving wrong way” violations, which resulted in conviction(s) of or plea(s) of guilty or no contest to “open container” and “operating a vehicle under the influence of alcohol and drugs” violations on or about January 4, 2001, in the Shaker Heights Municipal Court;
- E) Was convicted of, or pled guilty or no contest to, an “operating a vehicle under the influence of alcohol or drugs” violation on August 23, 2007, in the Rocky River Municipal Court; and/or
- F) Was arrested for or charged with “operating a vehicle under the influence of alcohol and drugs,” “operating a vehicle under the influence of alcohol or drugs – repeat offender,” and “assured clear distance” violations, which resulted in a conviction of, or plea of guilty or no contest to an “operating a vehicle under the influence of alcohol or drugs” violation on November 14, 2012, in the Medina Municipal Court,

in violation of R.C. 3772.10(C)(1).

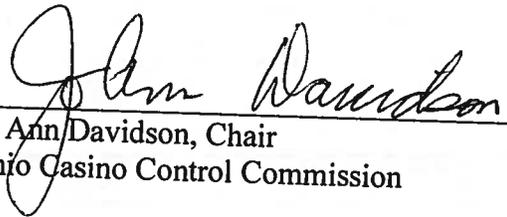
- 2) Based on the above allegations, which resulted from the criminal records check obtained by the Commission pursuant to R.C. 3772.07 and the Commission’s licensing investigation, Nicholls failed to establish, by clear and convincing evidence her suitability for licensure as a casino gaming employee, as required by R.C. 3772.10(B) and (C)(7). **In addition to the allegations outlined above, to wit, she:**
  - A) Was named as a defendant in a personal injury case filed in the Medina County Court of Common Pleas, Civil Division on July 15, 2013; and/or
  - B) Failed to notify the Commission of the pending case described in paragraph (2)(A) of this Order, in violation of her duty to update pursuant to Ohio Adm. Code 3772-8-04(A)(8).

- 3) Based on the results of the Commission's investigation, Nicholls, failed to notify the Commission of her pending civil case in the Medina County Court of Common Pleas, Civil Division, in violation of Ohio Adm. Code 3772-8-04(A)(8).

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

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

**IT IS SO ORDERED.**

  
Jo Ann Davidson, Chair  
Ohio Casino Control Commission

#### **NOTICE OF APPEAL RIGHTS**

The Party is hereby notified that pursuant to R.C. 119.12, the 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 the Commission Order.