

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re:

DANILO PERALTA,

Party.

:
:
:
:
:

Case No. 2013-070

ORDER FOR PLACEMENT ON COMMISSION INVOLUNTARY EXCLUSION LIST

On August 28, 2013, Danilo Peralta (“Peralta”) did knowingly assist other individuals in claiming and collecting non-value chips that had been removed from a Horseshoe Casino Cincinnati (“Horseshoe”) Roulette Table so that said chips could be exchanged for a higher value, with the intent to defraud Horseshoe. On August 28 and 29, 2013, Peralta was arrested and charged in the Hamilton County Municipal Court, respectively, with knowingly claiming and collecting chips assigned a value from a casino game with the intent to defraud, in violation of R.C. 3772.99(E)(7). On September 6, 2013, Peralta was indicted by the Hamilton County Court of Common Pleas Grand Jury with two counts of casino gaming offenses, both fifth degree felonies. On September 25, 2013, Peralta withdrew his plea of not guilty and entered a plea of guilty or no contest to the Third Count in the Indictment, a fifth degree felony, to wit: on or about August 28, 2013, he knowingly or intentionally claimed, collected, took, or attempted to claim, collect, or take money or anything of value in or from a casino game with the intent to defraud or without having made a wager contingent on winning a casino game, in violation of R.C. 3772.99(E)(7).

Based on Peralta’s actions, his presence within a casino facility calls into question the orderly conduct of the casino gaming operations, as provided for under R.C. 3772.03(G)(3), poses a threat to the interests of the state, to achieving the intents and purposes of R.C. Chapter 3772, and to the strict and effective regulation of casino gaming, as provided for under R.C. 3772.031(B)(1), (3), and (4). Therefore, the Commission issued Peralta a Notice of Intent to Place on the Involuntary Exclusion List and Opportunity for Hearing (“Notice”), dated October 16, 2013. (Exhibit A.) Peralta received the Notice, sent via certified mail, on October 19, 2013. (Exhibit B.) Peralta had the right to a hearing on the allegations concerning his placement on the involuntary exclusion list if requested within 30 days of receiving the Notice, R.C. 3772.031(D). Peralta failed to do so. Accordingly, no hearing was held and the matter was brought before the Commission on December 11, 2013, for final adjudication. R.C. 119.07 and 3772.031(D).

WHEREFORE, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **FINDS** and **CONCLUDES** that Peralta qualifies for placement on the Commission’s Involuntary Exclusion list because:

- 1) He violated R.C. Chapter 3772 by cheating at a casino game in violation of R.C. 3772.99(E)(7). R.C. 3772.03(G)(2).

- 2) His illegal conduct, which resulted in an indictment on two felony counts that were both related to gaming violations and a No Contest plea to one felony gaming offense, is such that his presence within an Ohio casino facility calls into question the honesty and integrity of the facility's operations and interferes with the orderly conduct thereof. R.C. 3772.03(G)(3) and 3772.031(B)(4).
- 3) He has been convicted of violating R.C. 3772.99(E)(7) – Casino Gaming Offense – a fifth degree felony, gaming offense. R.C. 3772.99(H).
- 4) In light of the foregoing, his presence within a casino facility poses a threat to the interests of the state, to achieving the intents and purposes of R.C. Chapter 3772, and to the strict and effective regulation of casino gaming. R.C. 3772.031(A).

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

- 1) Peralta shall be **PLACED** on the Commission's Involuntary Exclusion List and is **PROHIBITED** from entering any casino facility in this state;
- 2) A certified copy of this Order shall be served upon Peralta, 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

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.