

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re:

Case No. 2013-028

**KENDALL WILSON,
CASINO GAMING EMPLOYEE LICENSE
APPLICANT**

Respondent.

ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION

On or about February 11, 2013, Respondent Kendall Wilson filed a Casino Gaming Employee License Application (“Application”) with the Ohio Casino Control Commission (“Commission”). (Hr’g Ex. A-1.) Thereafter, the Commission conducted a suitability investigation of Wilson 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 April 19, 2013. (See Hr’g Ex. B.) The Notice was returned to the Commission marked as “unclaimed.” (Hr’g Ex. C.) The Commission reissued the Notice, dated May 15, 2013, to an updated address. (Hr’g Ex. D.) Wilson received the Notice, sent via certified mail, on May 17, 2013. (Hr’g Ex. E-1 and E-2.) Pursuant to O.R.C. 119.07 and 3772.04, Wilson had the right to a hearing if requested within 30 days of the Notice’s mailing. Wilson so requested and the Commission scheduled a hearing for June 4, 2013; and upon its own motion, the Commission continued the hearing until June 11, 2013. (Hr’g Ex. G.) Wilson appeared at the hearing without counsel. Accordingly, the Commission held the hearing as scheduled before Hearing Examiner John Williams (“Examiner”).

After presentation and submission of the evidence at the hearing, the Examiner ordered that the record remain open until June 18, 2013 to afford Wilson to submit a missing page from a report that he submitted into evidence at the hearing. (Tr. 59-60, 69-70.) Wilson never presented the missing page for admission to the record. Consequently, the Examiner issued an Order Closing the Record on July 2, 2013. (App. #1.) The Examiner prepared a Report and Recommendation (“R&R”), which he submitted on July 9, 2013. Therein, the Examiner found that Wilson: 1) submitted an Application to the Commission that contained false information, in violation of O.R.C. 3772.10(C)(2) and (F) (R&R 14-15); and 2) failed to establish by clear and convincing evidence his suitability for licensure as a Casino Gaming Employee, as required by O.R.C. 3772.10(B) and 3772.10(C)(7). (*Id.* at 15-16.) As a result of these findings, the Examiner recommended that the Commission deny Wilson’s Application. (*Id.* at 17.)

On July 10, 2013, the Commission sent Wilson, via certified mail, a copy of the R&R. (App. #2; App. #3.) Wilson received the R&R on July 12, 2013, (App. #3), giving him until August 12, 2013, to file objections, *see* O.R.C. 3772.04(A)(2). Wilson did not file any objections with the Commission.

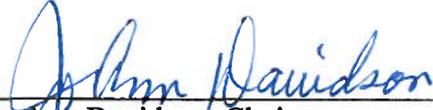
In accordance with O.R.C. 119.07 and 3772.04, the matter was submitted to the Commission on August 21, 2013, for final adjudication.

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) Wilson's Application is **DENIED**;
- 2) Wilson is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under O.R.C. Chapter 3772;
- 3) Wilson is **PROHIBITED** from reapplying for licensure under O.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 Wilson, 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 O.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 O.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.