

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re:

**DEQUAN THURSTON,
CASINO GAMING EMPLOYEE LICENSEE**

Licensee.

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Case No. 2012-0177
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ORDER REVOKING CASINO GAMING EMPLOYEE LICENSE

On September 4, 2012, DeQuan Thurston filed with the Ohio Casino Control Commission (“Commission”) an application for a Casino Gaming Employee License. The Commission conducted a suitability investigation of Thurston to determine his eligibility for such a license. Having found Thurston suitable for licensure, the Commission issued a Casino Gaming Employee License to Thurston on or about September 21, 2012.

During an administrative investigation of Thurston, 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 December 14, 2012. (Hr’g Ex.C.) The Notice was returned to the Commission marked “unclaimed” on January 7, 2013. (Hr’g Ex. D-1.) The Commission re-sent the Notice, via ordinary mail with a Certificate of Mailing, on January 7, 2013. (Hr’g Ex. D-1 & D-2.) Because the Notice was not returned to the Commission for failure of delivery, service was complete. Pursuant to O.R.C. 119.07 and 3772.04, Thurston had the right to a hearing if requested within 30 days of the Notice’s mailing. Thurston so requested and the Commission scheduled a hearing for December 28, 2012; and upon its own motion, the Commission continued the hearing until January 15, 2013. (Hr’g Ex. A.) Thurston 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 agreed to close the record. (Tr. 50.) The Examiner prepared a Report and Recommendation (“R&R”), which he submitted on February 22, 2013. Therein, the Examiner found that Thurston: 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 3-4); 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 4); and 3) failed under his duty to notify the Commission, as a casino gaming employee licensee, of any arrests or charges filed against him, in violation of O.A.C. 3772-8-04(A)(5) and (B) (*Id.*). As a result of these findings, the Examiner recommended that the Commission revoke Thurston’s Casino Gaming Employee License. (*Id.*)

On February 26, 2013, the Commission sent Thurston, via certified mail, a copy of the R&R. (App. #1; App. #2.) Thurston received the R&R on February 27, 2013, (App. #2), giving him until March 29, 2013, to file objections, see O.R.C. 3772.04(A)(2). Thurston 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 April 17, 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) Thurston's Casino Gaming Employee License is **REVOKED**;
- 2) Thurston shall immediately surrender his license credential to the Commission;
- 3) Thurston is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under O.R.C. Chapter 3772;
- 4) Thurston 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 O.A.C. 3772-1-04; and
- 5) A certified copy of this Order shall be served upon Thurston, 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 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 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 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.