

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
: Case No. 2014-LIC-024
KEITH BROWN, JR., :
CASINO GAMING EMPLOYEE LICENSE :
APPLICANT :
: Applicant. :
:

ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION

On April 18, 2014, Keith Brown, Jr., filed with the Ohio Casino Control Commission (“Commission”) an application for a casino gaming employee license. Thereafter, the Commission conducted a suitability investigation of Brown to determine his 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 Brown, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Intent to Deny and Opportunity for Hearing (“Notice”), dated July 16, 2014. (Exhibit A.) The Notice was sent via certified mail return receipt requested, but was returned to the Commission marked “Unclaimed” on August 11, 2014. (Exhibit B.) The Commission re-sent the Notice on August 13, 2014, via ordinary mail with a certificate of mailing. (Exhibit C.) The Notice was not returned to the Commission for failure of delivery.

Pursuant to R.C. 119.07 and 3772.04, Brown had the right to a hearing if requested within 30 days of the Notice’s mailing. Brown failed to do so, however. Accordingly, no hearing was held and the matter was brought before the Commission on October 15, 2014, 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:

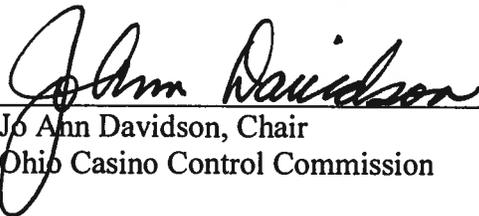
- 1) The results of the criminal records check obtained by the Commission pursuant to R.C. 3772.07 and the results of the Commission's licensing investigation revealed that Brown submitted an Application that contained false information and failed to set forth all of the information required by the Commission, to wit, he:
 - A) Answered "NO" to Question 8 of the Application when in fact he should have answered "YES;"
 - B) Failed to disclose in Question 8 of the Application that:
 - 1) On October 6, 2005, he was arrested in Stark County, Ohio, for and charged in the Alliance Municipal Court with violating, among other things:
 - a) Alliance City Ordinance 537.03(a) – Assault; and
 - b) R.C. 2903.13 – Assault,both of which are first degree misdemeanors, and
 - 2) On January 30, 2006, the Alliance Municipal Court amended the R.C. 2903.13 – Assault charge to "Disorderly Conduct," a minor misdemeanor, in which a finding of not guilty was found after a trial by court, on February 2, 2006, in the Alliance Municipal Court;
 - C) Answered "NO" to Question 16 of the Application when in fact he should have answered "YES"; and
 - D) Failed to disclose in Question 16 of the Application that he had a lien or judgment filed against him on behalf of Chase Bank USA, in the amount of \$1,962.49, on September 11, 2007, in Portage County, Ohio, which resulted in a judgment in favor of Chase Bank USA in the amount of \$1,962.49, plus accrued interest of \$29.68, on September 20, 2007, in the Portage County Municipal Court,

in violation of R.C. 3772.10(C)(2), (5) and (F), R.C. 3772.131(D), and Ohio Adm. Code 3772-8-02(A).
- 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, Brown failed to establish, by clear and convincing evidence, his suitability for licensure as a casino gaming employee, as required by R.C. 3772.10(B) and (C)(7).

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

- 1) Brown's Application is **DENIED**.
- 2) Brown is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772.
- 3) Brown is **PROHIBITED** from reapplying for licensure under R.C. Chapter 3772 for 3 years from the date the Order is served upon him, 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 Brown, 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, 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.