

**STATE OF OHIO  
CASINO CONTROL COMMISSION**

*In re:*

**LEXINGTON SHEELY,  
CASINO GAMING EMPLOYEE LICENSE  
APPLICANT**

Applicant.

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Case No. 2014-LIC-034

**ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION**

On October 9, 2014, Lexington Sheely, filed with the Ohio Casino Control Commission (“Commission”) an application for a casino gaming employee license. Thereafter, the Commission conducted a suitability investigation of Sheely 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 Sheely, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Opportunity for Hearing (“Notice”), dated November 4, 2014. (Exhibit A.) Sheely received the Notice, sent via certified mail, on November 7, 2014. (Exhibit B.) Pursuant to R.C. 119.07 and 3772.04, Sheely had the right to a hearing if requested within 30 days of the Notice’s mailing. Sheely failed to do so, however. Accordingly, no hearing was held and the matter was brought before the Commission on December 17, 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

Sheely 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;" and

B) Failed to disclose in Question 8 of the Application that:

1) On February 15, 2011, he was arrested in Euclid, Ohio, for, and charged in the Euclid Municipal Court with, violating Euclid City Ordinance 513.03 – Drug Abuse, a first-degree misdemeanor;

2) On February 24, 2011, he pled guilty or no contest to violating Euclid City Ordinance 513.03 – Drug Abuse, a first-degree misdemeanor, in the Euclid Municipal Court; and

3) As a result of the Court's finding of guilt, he was sentenced on February 24, 2011, to a \$200.00 fine, plus court costs,

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, Sheely 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). In addition, he failed to establish, by clear and convincing evidence, his suitability for licensure, as required by R.C. 3772.10(B) and (C)(7), because:

A) On February 15, 2011, he was arrested in Euclid, Ohio, for, and charged in the Euclid Municipal Court with, violating Euclid City Ordinance 513.03 – Drug Abuse, a first-degree misdemeanor;

B) On February 24, 2011, he pled guilty or no contest to violating Euclid City Ordinance 513.03 – Drug Abuse, a first-degree misdemeanor, in the Euclid Municipal Court; and

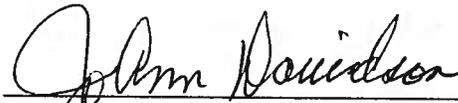
C) As a result of the Court's finding of guilt on February 24, 2011, which was journalized on March 3, 2011, he was sentenced to a \$200.00 fine, plus court costs.

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

1) Sheely's Application is **DENIED**.

- 2) Sheely is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772.
- 3) Sheely 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 Sheely, via certified mail, return receipt requested, and his counsel of record, if any, via ordinary mail.

**IT IS SO ORDERED.**

  
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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.