

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re:

**KENNETH TYE,
CASINO GAMING EMPLOYEE LICENSEE**

Licensee.

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Case No. 2014-LIC-026

ORDER REVOKING CASINO GAMING EMPLOYEE LICENSE

On December 12, 2012, Kenneth Tye filed with the Ohio Casino Control Commission (“Commission”) an application for a Casino Gaming Employee License. Consequently, the Commission conducted a suitability investigation of Tye to determine his eligibility for such a license. Having found Tye suitable for licensure, the Commission issued a Casino Gaming Employee License to him on January 16, 2013.

During an administrative investigation of Tye, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Opportunity for Hearing (“Notice”), dated June 26, 2014. (Exhibit A.) The Notice was sent via certified mail return receipt requested, but was returned to the Commission marked “Unclaimed” on July 21, 2014. (Exhibit B.) The Commission re-sent the Notice on July 23, 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, Tye had the right to a hearing if requested within 30 days of the Notice’s mailing. Tye failed to do so, however. Accordingly, no hearing was held and the matter was brought before the Commission on September 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. Based on the results of the Commission’s administrative investigation, Tye is no longer suitable for licensure as a Casino Gaming Employee in this state, as required by R.C. 3772.10(B), (C)(7), and (D)(1), to wit, while working as a poker dealer at Horseshoe Casino Cincinnati (“Horseshoe”) and without authorization to do so:
 - A) On November 14, 2013, he moved two \$1.00 chips from the Players’ pot to the table bank rack in poker table 9, resulting in a total loss to the Players’ pot of \$2.00;
 - B) On November 15, 2013, on five separate occasions, he moved two \$1.00 chips, totaling \$10.00, from the Players’ pot to the table bank rack in poker table 17, and placed two \$1.00 chips and two \$5.00 chips, totaling \$12.00, from the table bank rack into his tip box,

resulting in a total loss to the Players' pot of \$10.00, and \$12.00 in his tip box to which he was not entitled;

- C) On November 15, 2013, on five separate occasions, he moved one \$5.00 chip, totaling \$25.00, from the Players' pot to the table bank rack in poker table 20, and placed three \$5.00 chips and four \$1.00 chips, totaling \$19.00, from the table bank rack into his tip box, resulting in a total loss to the Players' pot of \$25.00, and \$19.00 in his tip box to which he was not entitled;
- D) On November 15, 2013, on three separate occasions, he moved one \$5.00 chip from the Players' pot to the table bank rack in poker table 14, and placed three \$5.00 chips, totaling \$15.00, from the table bank rack into his tip box, resulting in a total loss to the Players' pot of \$15.00, and \$15.00 in his tip box to which he was not entitled;
- E) On November 15, 2013, he moved one \$5.00 chip from the Players' pot to the table bank rack in poker table 8, and placed one \$5.00 chip from the table bank rack into his tip box, resulting in a total loss to the Players' pot of \$5.00, and \$5.00 in his tip box to which he was not entitled;
- F) On November 15, 2013, on two separate occasions, he moved one \$5.00 chip, totaling \$10.00, from the Players' pot to the table bank rack in poker table 9, and placed two \$5.00 chips, totaling \$10.00, from the table bank rack into his tip box, resulting in a total loss to the Players' pot of \$10.00, and \$10.00 in his tip box to which he was not entitled;
- G) On November 15, 2013, on three separate occasions, he moved two \$1.00 chips, totaling \$6.00, from the Players' pot to the table bank rack in poker table 10, and placed six \$1.00 chips from the table bank rack into his tip box, resulting in a total loss to the Players' pot of \$6.00, and \$6.00 in his tip box to which he was not entitled;
- H) On November 16, 2013, he moved one \$5.00 chip from the Players' pot to the table bank rack in poker table 13, and placed one \$5.00 chip from the table bank rack into his tip box, resulting in a total loss to the Players' pot of \$5.00, and \$5.00 in his tip box to which he was not entitled;

- D) On November 16, 2013, he moved one \$5.00 chip from the Players' pot to the table bank rack in poker table 14, and placed one \$5.00 chip from the table bank rack into his tip box, resulting in a total loss to the Players' pot of \$5.00, and \$5.00 in his tip box to which he was not entitled;
- J) On November 16, 2013, on three separate occasions, he moved two \$1.00 chips, and one \$1.00 chip, totaling \$7.00, from the Players' pot to the table bank rack in poker table 18, and placed seven \$1.00 chips from the table bank rack into his tip box, resulting in a total loss to the Players' pot of \$7.00, and \$7.00 in his tip box to which he was not entitled;
- K) On November 16, 2013, on three separate occasions, he moved one \$5.00 chip, totaling \$15.00, from the Players' pot to the table bank rack in poker table 19, and placed three \$5.00 chips from the table bank rack into his tip box, resulting in a total loss to the Players' pot of \$15.00, and \$15.00 in his tip box to which you were not entitled;
- L) On November 16, 2013, on six separate occasions, he moved two \$1.00 chips and on two separate occasions he moved one \$1.00 chip, totaling \$14.00, from the Players' pot to the table bank rack in poker table 18, and placed five \$1.00 chips and one \$5.00 chip, totaling \$10.00, from the table bank rack into his tip box, resulting in a total loss to the Players' pot of \$14.00, and \$10.00 in his tip box to which he was not entitled;
- M) On November 16, 2013, on four separate occasions, he moved several \$1.00 chips, totaling \$5.00, from the Players' pot, and \$1.00 from the gator/rake to the table bank rack in poker table 9, and placed at least three \$1.00 chips, totaling \$3.00, from the table bank rack into his tip box, resulting in a total loss to the Players' pot of \$5.00, to the gator/rake of \$1.00, and at least \$3.00 in his tip box to which he was not entitled;
- N) On November 16, 2013, he moved three \$1.00 chips, totaling \$3.00, from the Players' pot and two \$1.00 chips, totaling \$2.00, from the gator/rake to the table bank rack in poker table 22, and placed one \$5.00 chip from the table bank rack into his tip box, resulting in a total loss to the Players' pot of \$3.00, to the gator/rake of \$2.00, and \$5.00 in his tip box to which he was not entitled;

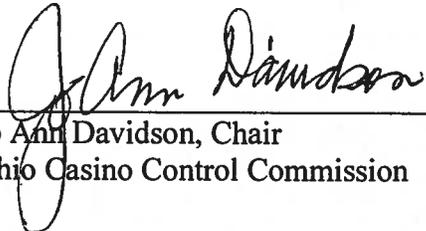
- O) On November 16, 2013, on two separate occasions, he moved one \$5.00 chip, and he moved two \$5.00 chips, totaling \$20.00, from the Players' pot to the table bank rack in poker table 9, replaced five \$1.00 chips into the Players' pot, and placed three \$5.00 chips from the table bank rack into his tip box, resulting in a total loss to the Players' pot of \$15.00, and \$15.00 in his tip box to which he was not entitled;
 - P) On November 17, 2013, on two separate occasions, he moved one \$5.00 chip, totaling \$10.00, from the Players' pot to the table bank rack in poker table 29, and placed two \$5.00 chips, totaling \$10.00, from the table bank rack into his tip box, resulting in a total loss to the Players' pot of \$10.00, and \$10.00 in his tip box to which he was not entitled;
 - Q) As a result of the moves described above, Horseshoe suffered a combined total loss of at least \$155.00 from the Players' pot and/or gator/rake, including at least \$142.00 worth of tips to which he was not entitled;
 - R) On April 3, 2014, he was indicted in the Hamilton County Court of Common Pleas for two counts of Casino Gaming Offense, in violation of R.C. 3772.99(E)(7), a fifth degree felony, for which the case is currently pending and a warrant had been issued for his arrest; and
 - S) He failed to notify the Commission of this indictment, in violation of his duty to update pursuant to Ohio Adm. Code 3772-8-04(A)(5) and (8) and (B).
2. Based on the results of the Commission's administrative investigation, Tye failed to notify the Commission of his indictment in the Hamilton County Court of Common Pleas, in violation of Ohio Adm. Code 3772-8-04(A)(5) and (8) and (B).

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

- 1) Tye's Casino Gaming Employee License is **REVOKED**.
- 2) Tye shall immediately **SURRENDER** his license credential to the Commission.
- 3) Tye is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772.

- 4) Tye is **PROHIBITED** from reapplying for licensure under 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.
- 5) A certified copy of this Order shall be served upon Tye, 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.