

1. Bowsher 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), (C)(5), (7), and/or Ohio Adm. Code 3772-8-05(A), because:

- a. **September 2, 1998 – National Association of Securities Dealers, Inc. (NASD) Letter of Acceptance, Waiver, and Consent**

- i. During the period from July 24, 1997 to January 12, 1998, he endorsed into his own name five checks received from customers, totaling \$37,883.50, intended for the purchase of securities and failed to remit their proceeds to his employing firm, instead retaining the funds for his own use and benefit, in violation of NASD Conduct Rules 2110 and 2330(a);
 - ii. During the period from September 16, 1997 to January 28, 1998, he endorsed into his own name three checks received from members of the public totaling \$7,250.00 and failed to remit their proceeds to his employing firm, instead retaining the funds for his own use and benefit, in violation of NASD Conduct Rule 2110; and/or
 - iii. On September 2, 1998, he entered into a Letter of Acceptance, Waiver, and Consent with the NASD for the purpose of settling the foregoing allegations, in which he agreed to:
 1. A censure;
 2. A bar from associating with any member of NASD in any capacity;
 3. A fine in the amount of \$235,000.00, suspended until he seeks re-entry into the securities industry; and
 4. Payment of restitution in the amount of \$45,133.50;

- b. **February 2, 1999 – Bankruptcy**

On October 2, 1998, he filed a Voluntary Petition for Chapter 7 bankruptcy, which resulted in a February 2, 1999 Order of Discharge, in the United States Bankruptcy Court in the Northern District of Ohio;

- c. **October 15, 2001 – State of Ohio Department of Insurance Consent Order**

- i. On June 28, 2001, the State of Ohio Department of Insurance issued a Notice of Opportunity for Hearing against him seeking suspension, revocation, or refusal to renew his license as an insurance agent in the State of Ohio or to impose any other penalty, pursuant to R.C. 3905.49(D), for the following violations:

1. Three counts of R.C. 3905.49(B)(3), prohibiting an agent from misappropriating or converting to one's own use moneys belonging to policyholders, perspective policyholders, beneficiaries, insurance companies, or others in the course of the person's insurance business, resulting in a combined loss of \$4,500.00 to three individuals;
 2. One count of R.C. 3905.49(B)(18), prohibiting an agent from engaging in any fraudulent or coercive practice in connection with the business of insurance;
 3. One count of R.C. 3905.49(B)(16) and (F)(2), requiring an agent to notify the Superintendent of Insurance of a change of address; and
 4. Two counts of R.C. 3905.49(B)(15) and (F)(2), requiring an agent to provide a written response within 30 days of receiving a written inquiry from the Department of Insurance;
- ii. On October 15, 2001, he entered into a Consent Order with the State of Ohio Department of Insurance to settle the allegations in the above-mentioned June 28, 2001 Notice of Opportunity for Hearing. In that Consent Order, he admitted that all of the allegations in the Notice of Opportunity for Hearing were true and accurate and that he violated R.C. 3905.49(B)(3), (15), (16), and (18), and (F)(2); and
- iii. As a result of the Consent Order, he agreed to:
- a. Cease and desist from engaging in the insurance industry;
 - b. The revocation of his insurance license, effective immediately; and
 - c. Not engage in any activities that require an insurance license in Ohio;

d. June 12, 2006 - State of Ohio Tax Liens

On June 12, 2006, two Certificates of Judgments were filed against him in favor of the State of Ohio Department of Taxation, resulting in tax liens in the amount of \$1,513.94 and \$1,978.20 respectively, in the Auglaize County Court of Common Pleas;

e. August 24, 2007 – Operating Vehicle Under the Influence of Alcohol or Drugs – OVI Conviction

- i. On June 26, 2007, he was arrested for and charged with violating R.C. 4511.19(A)(1)(a) and R.C. 4511.19(A)(1)(d), both first-degree misdemeanor OVI offenses, in Auglaize County, Ohio;

- ii. On August 24, 2007, he pled guilty or no contest to one count of R.C. 4511.19(A)(1)(d), a first-degree misdemeanor OVI offense, in the Auglaize County Municipal Court; and
- iii. As a result of the above plea and the Court's finding of guilt, on August 24, 2007, he was sentenced to:
 1. Confinement for 20 days, with 20 days suspended;
 2. A \$750.00 fine with \$500.00 suspended, plus court costs;
 3. Driver's license suspension for a period of six months, effective June 26, 2007;
 4. Six points assessed to his driver's license; and
 5. Probation, to expire on September 1, 2010, with the following terms:
 - a. Complete a 72-hour driver-intervention program;
 - b. Complete a victim-impact panel presentation;
 - c. Comply with all recommendations of the driver-intervention program;
 - d. Submit to alcohol testing; and
 - e. Abide by the law;

f. April 28, 2010 – Civil Judgment

On February 4, 2010, a civil complaint was filed against him by Capital One Bank (USA), N.A., which resulted in an April 28, 2010 judgment against him, in the amount of \$2,606.86, with 4% interest plus costs, in the Auglaize County Municipal Court;

g. April 29, 2010 – Civil Judgment

On March 1, 2010, a civil complaint was filed against him by Capital One Bank (USA), N.A., which resulted in an April 29, 2010 judgment against him, in the amount of \$6,206.64, accrued interest in the amount of \$608.81, and 23.1% interest plus costs, in the Auglaize County Municipal Court;

h. December 15, 2011 – Civil Judgment

On October 17, 2011, a civil complaint was filed against him by LVNV Funding, LLC ASG of Chase/Washington Mutual, which resulted in a December 15, 2011 judgment

against him, in the amount of \$10,702.65, with 4% interest plus costs, in the Auglaize County Municipal Court; and

i. April 19, 2012 – Bankruptcy

On December 19, 2011, he filed a voluntary petition for Chapter 7 bankruptcy, which resulted in an April 19, 2012 Order of Discharge, in the United State Bankruptcy Court in the Northern District of Ohio.

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

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