

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 :
 BRIAN PENNINGTON, : Case No. 2016-LIC-012
 CASINO GAMING EMPLOYEE APPLICANT :
 :
 Applicant. :
 :

ORDER DENYING CASINO GAMING EMPLOYEE LICENSE

On September 10, 2015, Brian Pennington filed with the Ohio Casino Control Commission (“Commission”) a renewal application for a Casino Gaming Employee License. Thereafter, the Commission conducted a suitability investigation of Pennington to determine his eligibility for such a license.

During a suitability investigation of Pennington, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Opportunity for Hearing (“Notice”), dated May 24, 2016. (State’s Ex. C.) Pursuant to R.C. 119.07 and 3772.04, Pennington had the right to a hearing if requested within 30 days of the Notice’s mailing. Pennington so requested, (State’s Ex. D.) and the Commission scheduled a hearing for June 23, 2016; and upon its own motion, the Commission continued the hearing until July 28, 2016. (State’s Ex. A.) Pennington appeared at the hearing without counsel, and the Commission held the hearing as scheduled before Hearing Examiner John Williams (“Examiner”).

After presentation and submission of the evidence at the hearing, the Examiner closed the record. (Tr. 69-70.) The Examiner prepared a Report and Recommendation (“R&R”), which he submitted on September 2, 2016. Therein, the Examiner found that Pennington: (1) submitted a renewal application to the Commission that contained false information, in violation of R.C. 3772.10(C)(2) and (F), R.C. 3772.131(D), and Ohio Adm. Code 3772-8-02(C) (R&R 21-22); (2) failed to timely notify the Commission of two criminal offenses, three civil judgments, and one bankruptcy against him constituting six separate violations of R.C. 3772.10(C)(5) and Ohio Adm. Code 3772-8-04; and (3) 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), R.C. 3772.10(C), and Ohio Adm. Code 3772-8-05(B). (*Id.* at 22-23.) As a result of these findings, the Examiner recommended that the Commission deny Pennington’s renewal application for a Casino Gaming Employee License. (*Id.* at 23.)

On September 7, 2016, the Commission sent Pennington, via certified mail, a copy of the R&R. (App. #1; App. #2.) Pennington received the R&R on September 9, 2016. (App. #3.) Therefore, Pennington had until October 11, 2016, to file objections. *See* R.C. 3772.04(A)(2). Pennington did so on October 11, 2016, (App. #4.) and the Commission considered his filing before rendering this decision.

In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on October 12, 2016, 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) Pennington's renewal application is **DENIED**;
- 2) Pennington is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772;
- 3) Pennington 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; and
- 4) A certified copy of this Order shall be served upon Pennington, 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 this Commission Order.