

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 : Case No. 2017-LIC-034
Michael Klima, :
CASINO GAMING EMPLOYEE LICENSEE :
 :
 Respondent. :

ORDER REVOKING CASINO GAMING EMPLOYEE LICENSE

On March 3, 2016, Michael Klima filed with the Ohio Casino Control Commission (“Commission”) a renewal Casino Gaming Employee License Application. The Commission conducted a suitability investigation of Klima to determine his eligibility for such a license. Having found Klima suitable for licensure, the Commission issued a Casino Gaming Employee License (“License”) to him on April 18, 2016.

During an administrative investigation of Klima, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Opportunity for Hearing (“Notice”), dated May 18, 2017. (Ex. 1 at AG 2-4.) Klima received the Notice, sent via certified mail on May 20, 2017. (Ex. 1 at AG 5.)

Pursuant to R.C. 119.07 and 3772.04, Klima had the right to a hearing if requested within 30 days of the Notice’s mailing. Klima so requested, (Ex. 1 at 6-11.) and the Commission scheduled a hearing for June 22, 2017; and upon its own motion, the Commission continued the hearing until August 8, 2017. (State’s Ex. 1 at 12-14.) Klima appeared at the hearing without counsel, and the Commission held the hearing as scheduled before Hearing Examiner Andrew Cooke (“Examiner”).

After presentation and submission of the evidence at the hearing, the Examiner closed the record. (Tr. 25.) The Examiner prepared a Report and Recommendation (“R&R”), which he submitted on September 19, 2017. Therein, the Examiner found that Klima: (1) pled guilty to two disqualifying felony offenses on December 6, 2016 in violation of R.C. 3772.07 and 3772.10 (R&R at 4-5); (2) failed to timely notify the Commission of two criminal charges and guilty pleas in violation of R.C. 3772.10 and Ohio Adm. Code 3772-8-04 (R&R at 5-6); 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 and Ohio Adm. Code 3772-8-05. (R&R at 6-7.) As a result of these findings, the Examiner recommended that the Commission revoke Klima’s Casino Gaming Employee License. (*Id.* at 7.)

On September 26, 2017, the Commission sent Klima, via certified mail, a copy of the R&R, and Klima received the R&R on September 28, 2017. (App. 1; App. 2.) Therefore, Klima had until October 28, 2017 to file objections. *See* R.C. 3772.04(A)(2). Klima did not do so.

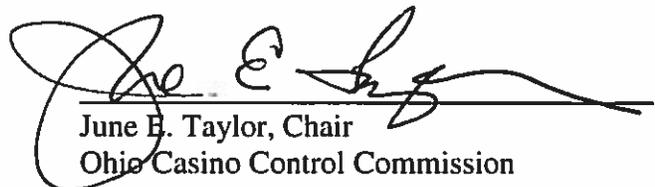
In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on November 15, 2017, for final adjudication.

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) Klima's Casino Gaming Employee License is **REVOKED**;
- 2) Klima shall immediately **SURRENDER** his license credential to the Commission;
- 3) Klima is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772;
- 4) Klima 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
- 5) A certified copy of this Order shall be served upon Klima, via certified mail, return receipt requested, and his counsel of record, if any, via ordinary mail.

IT IS SO ORDERED.



June E. Taylor, 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.