

**STATE OF OHIO  
CASINO CONTROL COMMISSION**

*In re:* :  
 : Case No. 2017-LIC-053  
**Shawn Burton,** :  
**CASINO GAMING EMPLOYEE APPLICANT** :  
 :  
Applicant. :

**ORDER DENYING CASINO GAMING EMPLOYEE LICENSE**

On May 25, 2017, Shawn Burton filed with the Ohio Casino Control Commission (“Commission”) an application for a Casino Gaming Employee License. Thereafter, the Commission conducted a suitability investigation of Burton to determine his eligibility for such a license.

During his suitability investigation, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Opportunity for Hearing (“Notice”), dated October 12, 2017. (State’s Ex. 2 at CCC2-4.) The Notice was sent via certified mail, and served upon Burton on October 14, 2017. (*Id.* at CCC5-6.)

Pursuant to R.C. 119.07 and 3772.04, Burton had the right to a hearing if requested within 30 days of the Notice’s mailing. Burton so requested, (*Id.* at CCC7 and 14.), and the Commission scheduled a hearing for October 26, 2017; and upon its own motion, the Commission continued the hearing until December 14, 2017. (*Id.* at CCC8-13.) Burton, through counsel, requested, and Hearing Examiner Marc E. Myers (“Examiner”) granted, a continuance of the hearing. (App. 1.) The hearing was continued until January 4, 2018. (App. 2.) Burton appeared at the hearing, represented by counsel, and the Commission held the hearing as scheduled before the Examiner.

After presentation and submission of the evidence at the hearing, the Examiner closed the record. (Tr. 124). The Examiner prepared a Report and Recommendation (“R&R”), which he submitted on February 20, 2018. Therein, the Examiner recommended that the Commission deny Burton’s application. (R&R at 15).

On February 22, 2018, the Commission sent Burton, via certified mail, a copy of the R&R. (App. 3; App. 4.) Burton received the R&R on February 24, 2018, (App. 5), giving him until March 26, 2018, to file objections with the Commission, *see* R.C. 3772.04(A)(2). Burton requested an extension to file objections on March 23, 2018, the Commission granted the request and the deadline was extended to April 6, 2018. (App. 6.) Burton filed his objections that same day. (App. 7.)

On May 23, 2018, the Commission, filed a Motion for Leave to File a Response to Burton’s Objections and Memorandum in Support (“Commission Motion”) with the Examiner, pursuant to Rule 7.3 in the Commission’s Administrative Hearing Manual. (App. 8.) Burton filed a Motion to Strike on May 29, 2018, (App. 9.), which he amended the next day to correct a typographical

error. (App. 10.) On June 19, 2018, the Examiner issued an Order denying the Commission's Motion. (App. 11). The Examiner did not, however, rule on Burton's Motion to Strike and therefore it is "deemed to be denied." *Hinton v. Ohio Bureau of Sentence Computation*, 10th Dist. No. 17AP-187, 2018-Ohio-237, 2018 WL 509081, ¶ 6, citing *FitWorks Holdings, L.L.C. v. Pitchford-El*, 8th Dist. No. 88634, 2007 WL 1508351, ¶ 9.

The Commission considered all of these filings and the Examiner's Order before rendering this decision.

In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on July 18, 2018, for final adjudication.

**WHEREFORE**, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **REVERSES** the Examiner's Order denying the Commission's Motion and thereby **GRANTS** the Motion and **ADMITS** the same, including the Memorandum in Support, into the record.

**WHEREFORE**, in consideration of the foregoing and upon a quorum and majority vote of the members, to the extent necessary, the Commission **DENIES** Burton's Motion to Strike.

**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) Burton's application is **DENIED**;
- 2) Burton is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772;
- 3) Burton 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 Burton, 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.