

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
: Case No. 2017-LIC-023
Vanessa Smith, :
CASINO GAMING EMPLOYEE APPLICANT :
: Applicant. :
:

ORDER DENYING CASINO GAMING EMPLOYEE LICENSE

On July 28, 2016, Vanessa Smith 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 Smith to determine her eligibility for such a license.

During a suitability investigation of Smith, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Opportunity for Hearing (“Notice”), dated April 12, 2017. (Ex. 2 at 287-90.) The Notice was sent via certified mail, but was returned to the Commission marked “unable to forward” on April 20, 2017. (Ex. 2 at 291-92.) Therefore, the Commission delivered the Notice, dated April 27, 2017, to Smith via personal service, on May 1, 2017. (State’s Ex. 2 at 293-97.)

Pursuant to R.C. 119.07 and 3772.04, Smith had the right to a hearing if requested within 30 days of the Notice’s mailing. Smith so requested, (Ex. 2 at 298-99.) and the Commission scheduled a hearing for June 1, 2017; and upon its own motion, the Commission continued the hearing until July 6, 2017. (Ex. 2 at 300-04.) Smith, through counsel, requested, and Hearing Examiner John Williams (“Examiner”) granted, a continuance of the hearing. (App. 1.) The hearing was continued until August 29, 2017. (App. 2.) Smith then, through counsel, requested, and the Examiner granted, a second continuance of the hearing. (App. 3.) The hearing was continued until September 7, 2017. (App. 4.) Smith 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. 70). The Examiner prepared a Report and Recommendation (“R&R”), which he submitted on October 17, 2017. Therein, the Examiner found that Smith: (1) submitted an application to the Commission that contained false information, in violation of R.C. 3772.10, R.C. 3772.131, and Ohio Adm. Code 3772-8-02; (2) failed to notify the Commission of information impacting her suitability to obtain or maintain a casino gaming employee license, in violation of R.C. 3772.10 and Ohio Adm. Code 3772-8-04; and (3) had not established by clear and convincing evidence her suitability for licensure as a Casino Gaming Employee, as required by R.C. 3772.10(B) and Ohio Adm. Code 3772-8-05. (R&R at 21-23). As a result of these findings, the Examiner recommended that the Commission deny Smith’s renewal application for a Casino Gaming Employee License. (*Id.* at 23).

On October 19, 2017, the Commission sent Smith, via certified mail, a copy of the R&R. (App. 5; App. 6.) Smith received the R&R on October 23, 2017, (App. 7), giving her until November 22, 2017 to file objections with the Commission, *see* R.C. 3772.04(A)(2). On November 15, 2017, Smith filed and the Commission received a Notice of Substitution of Counsel for Smith. (App. 8.) Smith then, through that counsel, requested, and the Commission granted, an extension to file objections until December 22, 2017. (App. 9.) Smith, through counsel, did so on December 22, 2017. (App. 10.)

On February 14, 2018, the Attorney General's Office, on behalf of the Commission, filed a motion for leave to file a response to Smith's objections and memorandum in support ("Commission Motion"), pursuant to Rule 7.3 in the Commission's Administrative Hearing Manual. (App. 11.) On that same day, Smith, through counsel, filed a Motion to Strike the Commission's Motion. (App. 12) On February 15, 2018, the Commission received an Order granting the Commission's Motion, (App. 13), and on February 16, 2018, the Examiner denied Smith's Motion to Strike. (App. 14.)

The Commission considered Smith's filings and the filings of counsel for the Commission before rendering this decision.

In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on March 21, 2018, 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) Smith's application is **DENIED**;
- 2) Smith is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772;
- 3) Smith is **PROHIBITED** from reapplying for licensure under R.C. Chapter 3772 for three years from the date this Order is served upon her, 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 Smith, via certified mail, return receipt requested, and her 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.