

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 : Case No. 2018-LIC-033
Roberto Guzman, Jr. :
CASINO GAMING EMPLOYEE LICENSE :
APPLICANT :
 :
 Applicant. :

ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION

On June 7, 2018, Roberto Guzman, Jr., filed a Casino Gaming Employee License Application (“Application”) with the Ohio Casino Control Commission (“Commission”). Thereafter, the Commission conducted Guzman’s suitability investigation to determine his eligibility for such a license.

During the investigation, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Opportunity for Hearing (“Notice”), dated November 21, 2018. Guzman received the Notice, sent via certified mail, on November 26, 2018.

Pursuant to R.C. 119.07 and 3772.04, Guzman had the right to a hearing if requested within 30 days of the Notice’s mailing. Guzman so requested, and the Commission scheduled a hearing for December 6, 2018; and upon its own motion, the Commission continued the hearing until January 24, 2019. Guzman appeared at the hearing, and the Commission held the hearing as scheduled before Hearing Examiner Robert C. Angell (“Examiner”).

After presentation and submission of the evidence at the hearing, the Examiner closed the hearing record. The Examiner prepared a Report and Recommendation (“R&R”), which he submitted on February 19, 2019. Therein, the Examiner recommended that the Commission deny Guzman’s Application.

On February 21, 2019, the Commission sent Guzman, via certified mail, a copy of the R&R, which he received on February 23, 2019. Therefore, Guzman had until March 25, 2019, to file objections. *See* R.C. 3772.04(A)(2). Guzman did not do so.

In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on April 17, 2019, for final adjudication.

WHEREFORE, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **ADOPTS IN PART AND MODIFIES IN PART** the Examiner’s R&R.

Specifically, the Commission adopts the R&R except as to the modifications to the “Issues” section and paragraph C of the “Conclusions of Law” section, which are detailed below. The

reason for doing so is to apply the requisite burden of proof upon Guzman, as the applicant, rather than the Commission. *See* R.C. 3772.10(B).

A. The “Issues” section, on page 2 of the R&R, is stricken in its entirety and replaced with:

The issue presented here is whether Mr. Guzman is eligible for the license that he applied for. Applicants have the burden of proving that they are entitled to a license. *See St. Augustine Catholic Church v. Attorney General*, 67 Ohio St.2d 133, 137-138, 423 N.E.2d 180 (1981); *In re Application of Gram*, 53 Ohio Law Abs. 470, 473, 86 N.E.2d 48 (C.P.1948). *See also* R.C. 3772.10(B) and Ohio Adm.Code 3772-8-05(A). As a matter of law, however, applicants cannot do so if they provide false information to or otherwise fail to provide all information required by the Commission. *See* R.C. 3772.10(C)(2) and (F) and Ohio Adm.Code 3772-8-02(A). Thus, Mr. Guzman must prove that he filed a truthful and complete license application.

B. Paragraph C of the “Conclusions” section, on page 6 of the R&R, is stricken in its entirety and replaced with:

The testimony and documentary evidence in this proceeding, as summarized in Findings of Fact 1 through 4 and 7 above, support a conclusion that Mr. Guzman submitted an application for licensure that contained false information, as alleged.

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

- 1) Guzman’s Application is **DENIED**.
- 2) Guzman is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772.
- 3) Guzman 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 Guzman, 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.