

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 :
 : Case Nos. 2019-LIC-008,
 : 2019-LIC-008(B)
LeAndre Johnson, :
CASINO GAMING EMPLOYEE :
PROVISIONAL LICENSEE AND LICENSE :
APPLICANT :

**ORDER AFFIRMING EMERGENCY SUSPENSION OF PROVISIONAL CASINO
GAMING EMPLOYEE LICENSE, REVOKING PROVISIONAL CASINO GAMING
EMPLOYEE LICENSE, AND DENYING CASINO GAMING EMPLOYEE LICENSE
APPLICATION**

On December 19, 2018, LeAndre Johnson filed a Casino Gaming Employee License Application (“Application”) with the Ohio Casino Control Commission (“Commission”). On that same date, JACK Cleveland Casino submitted a Request for Provisional Casino Gaming Employee License on Johnson’s behalf. Upon completion of a preliminary review, the Division of Licensing and Investigations (“Division”) found no material derogatory information related to Johnson’s suitability for a Provisional Casino Gaming Employee License (“Provisional License”). As such, the Executive Director approved Johnson’s Provisional License for 90 days, effective December 20, 2018, and the Division continued its investigation to determine Johnson’s suitability for a plenary license.

During the investigation, the Commission discovered sufficient derogatory information to warrant issuance of an Emergency Order, dated February 5, 2019, suspending Johnson’s Provisional License. Johnson was personally served with this Emergency Order on February 5, 2019. Pursuant to R.C. 119.07 and 3772.04, Johnson had the right to a hearing if requested within 30 days of service. Johnson so requested on February 28, 2019.

The Commission then issued a Notice of Opportunity for Hearing (“Notice”), dated March 4, 2019, to revoke Johnson’s Provisional License and deny his Application. Johnson received the Notice, via personal service, on March 4, 2019. On that same day, the Commission scheduled a hearing for both the Emergency Order and the Notice on March 14, 2019; and upon its own motion, the Commission continued the hearing until March 21, 2019. Johnson did not appear at the hearing, and the Commission held the hearing as scheduled before Hearing Examiner Robert Angell (“Examiner”).

After presentation and submission of the evidence at the hearing, the Examiner closed the record. The Examiner prepared a Report and Recommendation (“R&R”), which he submitted on April 24, 2019. Therein, the Examiner recommended that the Emergency Order be upheld and that the Commission revoke Johnson’s Provisional License as well as deny his Application.

On April 25, 2019, the Commission sent Johnson, via certified mail, a copy of the R&R, but it was returned to the Commission marked “unclaimed,” on May 25, 2019. The R&R was re-sent, via ordinary mail with certificate of mailing, on May 30, 2019. The R&R was not returned to the Commission for failure of delivery. Therefore, Johnson had until June 29, 2019, to file objections. *See* R.C. 3772.04(A)(2). Johnson did not do so.

In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on July 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 modification to the “Issues” section detailed below. The reason for doing so is to apply the requisite burden of proof upon Johnson, as the applicant, rather than the Commission, as it relates to the denial of his Application. The modification does not impact the Commission’s burden to prove the allegations in the Emergency Order or Notice by a preponderance of the evidence as it relates to the suspension or the revocation, respectively.

Footnote 1 and the second paragraph of the “Issues” section, on page 2 of the R&R, are stricken in their entirety. The former is eliminated, resulting in only one footnote remaining in the R&R and it being renumbered accordingly. The latter is replaced with: The issue presented regarding denial of Mr. Johnson’s application is whether he is eligible for the plenary 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. Johnson must prove that he filed a truthful and complete license application.

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

- 1) The Emergency Order is **AFFIRMED**.
- 2) Johnson’s Provisional License is **REVOKED**.
- 3) Johnson’s Application is **DENIED**.
- 4) Johnson is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772.

- 5) Johnson 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.
- 6) A certified copy of the Order shall be served upon Johnson, 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 filing 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 the Commission Order.