

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re: :
 : Case No. 2019-LIC-024
LaTisha Toyer, :
CASINO GAMING EMPLOYEE :
LICENSE APPLICANT :
 :
Applicant. :

ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION

On December 6, 2018, LaTisha Toyer filed a Casino Gaming Employee License Application (“Application”) with the Ohio Casino Control Commission (“Commission”). Thereafter, the Commission conducted Toyer’s suitability investigation to determine her 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 May 21, 2019. Toyer received the Notice, sent via certified mail, return receipt requested, on May 26, 2019.

Pursuant to R.C. 119.07 and 3772.04, Toyer had the right to a hearing if requested within 30 days of the Notice’s mailing. Toyer so requested, and the Commission scheduled a hearing for July 2, 2019; and upon its own motion, the Commission continued the hearing until July 25, 2019. The Commission was granted a subsequent continuance until August 22, 2019, and then a final continuance until September 19, 2019. The Commission held the hearing that day before Hearing Examiner Robert C. Angell (“Examiner”). Toyer did not appear at the hearing or otherwise submit a written position for consideration.

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 October 10, 2019. Therein, the Examiner recommended that the Commission deny Toyer’s Application.

On October 11, 2019, the Commission sent Toyer, via certified mail, return receipt requested, a copy of the R&R. It was returned to the Commission on November 25, 2019, marked “Unclaimed.” The Commission re-sent the R&R on November 25, 2019, via ordinary mail with a certificate of mailing. It was not returned for failure of delivery. Therefore, Toyer had until December 26, 2019, to file objections. *See* R.C. 3772.04(A)(2). She did not do so.

In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on January 15, 2020, for final adjudication.

WHEREFORE, 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 Toyer, as the applicant, rather than the Commission, as it relates to the denial of her Application.

The “Issues” section, on page 2 of the R&R, is stricken in its entirety and replaced with: The issue presented here is whether Ms. Toyer is suitable for the license that she applied for. As an applicant, she has the burden of proving, by clear and convincing evidence, that she is. R.C. 3772.10(B) and Ohio Adm.Code 3772-8-05(A). *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). She cannot do so, however, as a matter of law, if she: provides false or incomplete information or violates Commission-specific rules related to the denial of licensure. R.C. 3772.10(C)(2), (5), and (F) and Ohio Adm.Code 3772-8-02(A). Thus, if Ms. Toyer’s Application contains false information or is incomplete, it must be denied.

WHEREFORE, the Commission **ORDERS** as follows:

- 1) Toyer’s Application is **DENIED**.
- 2) Toyer is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772.
- 3) Toyer is **PROHIBITED** from reapplying for licensure under R.C. Chapter 3772 for three years from the date the Order is served upon her, 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 Toyer, 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 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.