

OHIO CASINO CONTROL  
COMMISSION  
RESOLUTION 2016-33

**FIVE YEAR REVIEW CHANGE ADMINISTRATIVE RULES – ADOPTION & FINAL FILE**

**WHEREAS**, Article XV, Section 6(C)(4) of the Ohio Constitution created the Ohio Casino Control Commission (“Commission”) to ensure the integrity of casino gaming by, among other things, licensing and regulating all gaming authorized by Article XV, Section 6(C) of the Ohio Constitution;

**WHEREAS**, R.C. 3772.03(A) authorizes the Commission to complete the functions of licensing, regulating, investigating, and penalizing casino operators, management companies, holding companies, key employees, casino gaming employees, and gaming-related vendors, and grants the Commission with jurisdiction over all persons participating in casino gaming authorized by Article XV, Section 6(C)(4);

**WHEREAS**, R.C. 3772.03(B), (C), and (D) require the Commission to adopt regulations pursuant to R.C. Chapter 119 to complete the functions stated in R.C. 3772.03;

**WHEREAS**, R.C. 3772.03(D) requires the Commission to adopt regulations that, among other things, concern:

- The prevention of practices detrimental to the public interest;
- Prescribing the method of applying, and the form of application, that an applicant for a license under this chapter must follow as otherwise described in this chapter;
- Prescribing the information to be furnished by an applicant or licensee as described in R.C. 3772.11;
- The approval process for a significant change in ownership or transfer of control of a licensee as provided in R.C. 3772.091;
- Establishing and implementing a voluntary exclusion program;
- Requiring the commission to adopt standards regarding the marketing materials of a licensed casino operator, including allowing the commission to prohibit marketing materials that are contrary to the adopted standards;
- Requiring that the records, including financial statements, of any casino operator, management company, holding company, and gaming-related vendor be maintained in the manner prescribed by the commission and made available for inspection upon demand by the commission, but shall be subject to R.C. 3772.16;
- Permitting a licensed casino operator, management company, key employee, or casino gaming employee to question a person suspected of violating this chapter;
- Establishing standards for provisional key employee and casino gaming employee licenses for a person;
- Prescribing conditions under which a licensee's license may be suspended or revoked as described in R.C. 3772.04;
- Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under R.C. 5753.02;

- Establishing procedures to ensure that casino operators, management companies, and holding companies are compliant with the compulsive and problem gambling plan submitted under R.C. 3772.18;
- Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding company, or gaming-related vendor that fall below the threshold needed to be considered an institutional investor or a holding company, standards regarding what any employees, members, or owners of those investors or holding companies may do and shall not do in relation to casino facilities and casino gaming in this state, which standards shall rationally relate to the need to proscribe conduct that is inconsistent with passive institutional investment status; and
- Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter.

**WHEREAS**, on June 15 and August 17, 2016, the Commission approved for original filing the following proposed rules and/or amendments to the administrative code (“Administrative Rules”):

- Ohio Adm. Code Chapter 3772-1 General Provisions
  - 3772-1-07 Records retention requirements.
- Ohio Adm. Code 3772-3 Institutional Investors
  - 3772-3-01 Institutional investor.
  - 3772-3-02 Institutional investor suitability or qualification.
  - 3772-3-03 Duty to update information.
  - 3772-3-04 Rescission of designation as an institutional investor.
  - 3772-3-05 (Rescinded)
  - 3772-3-06 Passive investor.
- Ohio Adm. Code 3772-5 Key Employee Licenses
  - 3772-5-01 Key employee license required.
  - 3772-5-02 Key employee license application, license period, and provisional license.
  - 3772-5-03 Key employee fees.
  - 3772-5-04 Duty to update information.
  - 3772-5-05 Affirmative license standards.
  - 3772-5-06 Key employee license temporary credential.
- Ohio Adm. Code 3772-6 Gaming-Related Vendor Licenses
  - 3772-6-01 Gaming-related vendor license.
  - 3772-6-02 Gaming-related vendor license application, license period, and license renewal.
  - 3772-6-03 Gaming-related vendor fees.
  - 3772-6-04 Duty to update information.
  - 3772-6-05 Affirmative license standards.
- Ohio Adm. Code 3772-8 Casino Gaming Employee Licenses
  - 3772-8-01 Casino gaming employee license required.

- 3772-8-02 Casino gaming employee license application, license period, and provisional license.
- 3772-8-03 Casino gaming employee fees.
- 3772-8-04 Duty to update information.
- 3772-8-05 Affirmative license standards.
- 3772-8-06 Casino gaming employee license temporary credential.
- Ohio Adm. Code Chapter 3772-10 Internal Control Systems
  - 3772-10-05 Forms, records, and documents.
- Ohio Adm. Code Chapter 3772-12 Voluntary Exclusion and Compulsive and Problem Gambling Plan Compliance Procedures
  - 3772-12-01 Establishment of voluntary exclusion program and list.
  - 3772-12-02 Application for voluntary exclusion.
  - 3772-12-03 Responsibilities of voluntarily excluded individual.
  - 3772-12-04 Responsibilities of casino operators.
  - 3772-12-06 Compulsive and problem gambling plan.
- Ohio Adm. Code Chapter 3772-13 Advertising
  - 3772-13-01 Definitions
  - 3772-13-02 Advertising; promotion of responsible gaming.
- Ohio Adm. Code Chapter 3772-23 Involuntary Exclusion
  - 3772-23-01 Establishment of involuntary exclusion list.
  - 3772-23-02 Requirements of involuntary exclusion list.
  - 3772-23-06 Casino operator duties.

**WHEREAS**, R.C. 121.82 prohibits an agency, as defined by R.C. 107.51, from electronically filing proposed rules that have an adverse impact on business, as defined by R.C. 107.52, with the Secretary of State (“SoS”), the Director of the Legislative Service Commission (“LSC”), and the Joint Committee on Agency Rule Review (“JCARR”) any sooner than the sixteenth business day after filing the proposed rule and accompanying Business Impact Analysis with the Common Sense Initiative Office (“CSI”).

**WHEREAS**, after complying with the CSI filing requirement, R.C. 119.03(B) requires that an agency electronically file proposed rules with the SoS and with LSC at least 65 days before the agency may adopt them;

**WHEREAS**, R.C. 119.03(H) requires that an agency electronically file proposed rules with JCARR at least 65 days before the agency may adopt them;

**WHEREAS**, if the proposed rules adversely impact business, R.C. 119.03(H) requires the agency to include with its electronic filing the Business Impact Analysis, any recommendations received from CSI, and the agency’s Memorandum in Response;

**WHEREAS**, R.C. 119.03(A) requires that reasonable public notice be given in the Register of Ohio at least 30 days prior to the date set for a public hearing, which must be held no sooner than the 31st nor any later than the 40th day after any proposed rules are filed under R.C. 119.03(B);

**WHEREAS**, R.C. 119.03(I)(1)(f) requires JCARR to hold a public hearing on any proposed administrative rules no earlier than the 41st day after the original versions of the proposed rules were filed with JCARR;

**WHEREAS**, on October 14 and 19, 2016, the Commission's staff electronically filed the Administrative Rules and the public hearing notice with the SoS, LSC, and JCARR;

**WHEREAS**, on November 17, 2016, the Commission held a public hearing on the Administrative Rules;

**WHEREAS**, on December 18, 2016, JCARR's jurisdiction over the Administrative Rules ended, providing the Commission with the authority to adopt them;

**WHEREAS**, the Commission considered the matter at its public meeting on December 21, 2016;

**NOW, THEREFORE, BE IT RESOLVED** by the Commission that the Administrative Rules are **ADOPTED**.

**BE IT FURTHER RESOLVED** that the Commission's staff is hereby authorized and directed to **FINAL FILE** the Administrative Rules in accordance with R.C. Chapter 119.

Adopted: December 21, 2016