

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2018-40

**NICK FARLEY & ASSOCIATES, INC.'S REQUEST FOR CERTIFICATION AS  
AN INDEPENDENT TESTING LABORATORY FOR SKILL-BASED  
AMUSEMENT MACHINES**

**WHEREAS**, Article XV, Section 6(C)(4) of the Ohio Constitution created the Ohio Casino Control Commission (“Commission”);

**WHEREAS**, R.C. 3772.03(K) grants the Commission jurisdiction over all persons conducting or participating in the conduct of skill-based amusement machine operations authorized by R.C. Chapters 3772 and 2915;

**WHEREAS**, Ohio Adm.Code 3772-50-21 permits an independent testing laboratory to request certification to scientifically test and technically evaluate skill-based machines and equipment for compliance with R.C. Chapters 3772 and 2915 and the rules adopted thereunder;

**WHEREAS**, Ohio Adm.Code 3772-50-21 through -23 establish the requirements, conditions, and duties for certification;

**WHEREAS**, on March 12, 2018, Nick Farley & Associates, Inc., dba Eclipse Compliance Testing, (“Eclipse”) submitted a certification request, which included the information and \$2,000 non-refundable fee required by Ohio Adm.Code 3772-50-21;

**WHEREAS**, the Commission’s Division of Skill Games (“Division”) reviewed the request and other materials and information and conducted a thorough review of Eclipse’s ability to satisfy the requirements, conditions, and duties of certification;

**WHEREAS**, the Division filed a report, dated November 9, 2018, captioned *3772-50 Independent Skill-Based Amusement Machine Testing Laboratory Certification – Eclipse*;

**WHEREAS**, Eclipse has demonstrated its ability to satisfy the requirements, conditions, and duties of certification; and

**WHEREAS**, the Commission reviewed all submitted materials and information and considered the matter at its public meeting on November 14, 2018.

***NOW, THEREFORE, BE IT RESOLVED*** by the Commission that Eclipse's request for certification as an independent testing laboratory of skill-based amusement machines and equipment is **APPROVED** and Eclipse is hereby **CERTIFIED** for a period of three years, subject to continued compliance with R.C. Chapters 3772 and 2915 and the rules adopted thereunder.

***BE IT FURTHER RESOLVED*** that Resolution 2018-40 does not in any way affect, negate, or otherwise absolve Eclipse from its obligations to comply with R.C. Chapters 3772 and 2915 and the rules adopted thereunder and all other conditions imposed by the Commission through resolution or otherwise.

***BE IT FURTHER RESOLVED*** that Resolution 2018-40 does not restrict or limit the Commission's future exercise of authority and discretion with respect to imposing additional conditions or taking further action upon Eclipse under R.C. Chapters 3772 and 2915 and the rules adopted thereunder.

Adopted: November 14, 2018