

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2019-04

ADMINISTRATIVE RULE – 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, regulating all gaming authorized by Article XV, Section 6(C) of the Ohio Constitution;

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;
- 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; and
- Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter;

WHEREAS, on September 19, 2018, the Commission approved the initial filing of proposed amendments to Ohio Adm.Code 3772-10-07, titled “Annul audit; other reports; suspicious transaction reporting” (“Administrative Rule”);

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 16th 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 filing with JCARR;

WHEREAS, on October 24, 2018, Commission staff electronically filed the Administrative Rule and the public hearing notice with the SoS, LSC, and JCARR;

WHEREAS, on November 27, 2018, the Commission held a public hearing on the Administrative Rule;

WHEREAS, on December 10, 2018, JCARR held a public hearing on the Administrative Rule;

WHEREAS, on December 28, 2018, JCARR's jurisdiction over the Administrative Rule ended, providing the Commission with the authority to adopt; and

WHEREAS, the Commission considered the matter at its public meeting on January 16, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the Administrative Rule is **ADOPTED**.

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

Adopted: January 16, 2019