

As Introduced

**128th General Assembly
Regular Session
2009-2010**

S. B. No. 263

Senator Faber

Cosponsors: Senators Niehaus, Goodman

—

A B I L L

To amend sections 101.70, 102.02, 102.03, 109.572, 1
109.71, 109.77, 109.79, 121.60, 126.45, 1705.48, 2
3793.02, 4301.355, 4301.62, 4303.181, 4303.182, 3
4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 4
5703.70, and 5747.02, and to enact sections 5
121.54, 3517.1015, 3769.081, 3772.01 to 3772.03, 6
3772.031, 3772.032, 3772.033, 3772.034, 3772.04, 7
3772.05, 3772.051, 3772.06, 3772.061, 3772.062, 8
3772.07 to 3772.09, 3772.091, 3772.10, 3772.11, 9
3772.111, 3772.112, 3772.12, 3772.121, 3772.13, 10
3772.131, 3772.14 to 3772.34, 3772.99, 3793.032, 11
5753.01 to 5753.06, 5753.061, and 5753.07 to 12
5753.10 of the Revised Code to create the Ohio 13
Casino Control Commission and related provisions 14
and to set forth casino gaming statutes under Ohio 15
Constitution, Article XV, Section 6(C). 16

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 101.70, 102.02, 102.03, 109.572, 17
109.71, 109.77, 109.79, 121.60, 126.45, 1705.48, 3793.02, 18
4301.355, 4301.62, 4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 19
5703.19, 5703.21, 5703.70, and 5747.02 be amended and sections 20

121.54, 3517.1015, 3769.081, 3772.01, 3772.02, 3772.03, 3772.031, 21
3772.032, 3772.033, 3772.034, 3772.04, 3772.05, 3772.051, 3772.06, 22
3772.061, 3772.062, 3772.07, 3772.08, 3772.09, 3772.091, 3772.10, 23
3772.11, 3772.111, 3772.112, 3772.12, 3772.121, 3772.13, 3772.131, 24
3772.14, 3772.15, 3772.16, 3772.17, 3772.18, 3772.19, 3772.20, 25
3772.21, 3772.22, 3772.23, 3772.24, 3772.25, 3772.26, 3772.27, 26
3772.28, 3772.29, 3772.30, 3772.31, 3772.32, 3772.33, 3772.34, 27
3772.99, 3793.032, 5753.01, 5753.02, 5753.03, 5753.04, 5753.05, 28
5753.06, 5753.061, 5753.07, 5753.08, 5753.09, and 5753.10 of the 29
Revised Code be enacted to read as follows: 30

Sec. 101.70. As used in sections 101.70 to 101.79 and 101.99 31
of the Revised Code: 32

(A) "Person" means any individual, partnership, trust, 33
estate, business trust, association, or corporation; any labor 34
organization or manufacturer association; any department, 35
commission, board, publicly supported college or university, 36
division, institution, bureau, or other instrumentality of the 37
state; or any county, township, municipal corporation, school 38
district, or other political subdivision of the state. "Person" 39
includes the Ohio casino control commission, a member of the 40
commission, the executive director of the commission, an employee 41
of the commission, and an agent of the commission. 42

(B) "Legislation" means bills, resolutions, amendments, 43
nominations, and any other matter pending before the general 44
assembly, any matter pending before the controlling board, or the 45
executive approval or veto of any bill acted upon by the general 46
assembly. 47

(C) "Compensation" means a salary, gift, payment, benefit, 48
subscription, loan, advance, reimbursement, or deposit of money or 49
anything of value; or a contract, promise, or agreement, whether 50

or not legally enforceable, to make compensation. 51

(D) "Expenditure" means any of the following that is made to, 52
at the request of, for the benefit of, or on behalf of any member 53
of the general assembly, any member of the controlling board, the 54
governor, the director of a department created under section 55
121.02 of the Revised Code, or any member of the staff of any 56
public officer or employee listed in this division: 57

(1) A payment, distribution, loan, advance, deposit, 58
reimbursement, or gift of money, real estate, or anything of 59
value, including, but not limited to, food and beverages, 60
entertainment, lodging, or transportation; 61

(2) A contract, promise, or agreement to make an expenditure, 62
whether or not legally enforceable; 63

(3) The purchase, sale, or gift of services or any other 64
thing of value. 65

"Expenditure" does not include a contribution, gift, or grant to a 66
foundation or other charitable organization that is exempt from 67
federal income taxation under subsection 501(c)(3) of the Internal 68
Revenue Code. "Expenditure" does not include the purchase, sale, 69
or gift of services or any other thing of value that is available 70
to the general public on the same terms as it is available to the 71
persons listed in this division, or an offer or sale of securities 72
to any person listed in this division that is governed by 73
regulation D, 17 C.F.R. ~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, 74
adopted under the authority of the "Securities Act of 1933," 48 75
Stat. 74, 15 U.S.C.A. and following, or that is governed by a 76
comparable provision under state law. 77

(E) "Actively advocate" means to promote, advocate, or oppose 78
the passage, modification, defeat, or executive approval or veto 79
of any legislation by direct communication with any member of the 80
general assembly, any member of the controlling board, the 81

governor, the director of any department listed in section 121.02 82
of the Revised Code, or any member of the staff of any public 83
officer or employee listed in this division. "Actively advocate" 84
does not include the action of any person not engaged by an 85
employer who has a direct interest in legislation if the person, 86
acting under Section 3 of Article I, Ohio Constitution, assembles 87
together with other persons to consult for their common good, 88
instructs a public officer or employee who is listed in this 89
division, or petitions that public officer or employee for the 90
redress of grievances. 91

(F) "Legislative agent" means any individual, except a member 92
of the general assembly, a member of the staff of the general 93
assembly, the governor, lieutenant governor, attorney general, 94
secretary of state, treasurer of state, or auditor of state, who 95
is engaged during at least a portion of ~~his~~ the individual's time 96
to actively advocate as one of ~~his~~ the individual's main purposes. 97
An individual engaged by the Ohio casino control commission, a 98
member of the commission, the executive director of the 99
commission, or an employee or agent of the commission to actively 100
advocate is a "legislative agent" even if the individual does not 101
during at least a portion of the individual's time actively 102
advocate as one of the individual's main purposes. 103

(G) "Employer" means any person who, directly or indirectly, 104
engages a legislative agent. 105

(H) "Engage" means to make any arrangement, and "engagement" 106
means any arrangement, whereby an individual is employed or 107
retained for compensation to act for or on behalf of an employer 108
to actively advocate. 109

(I) "Financial transaction" means a transaction or activity 110
that is conducted or undertaken for profit and arises from the 111
joint ownership or the ownership or part ownership in common of 112
any real or personal property or any commercial or business 113

enterprise of whatever form or nature between the following: 114

(1) A legislative agent, ~~his~~ an employer of a legislative 115
agent, or a member of the immediate family of the legislative 116
agent or ~~his~~ a legislative agent's employer; and 117

(2) Any member of the general assembly, any member of the 118
controlling board, the governor, the director of a department 119
created under section 121.02 of the Revised Code, or any member of 120
the staff of a public officer or employee listed in division 121
(I)(2) of this section. 122

"Financial transaction" does not include any transaction or 123
activity described in division (I) of this section if it is 124
available to the general public on the same terms, or if it is an 125
offer or sale of securities to any person listed in division 126
(I)(2) of this section that is governed by regulation D, 17 C.F.R. 127
~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, adopted under the authority 128
of the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. and 129
following, or that is governed by a comparable provision under 130
state law. 131

(J) "Staff" means any state employee whose official duties 132
are to formulate policy and who exercises administrative or 133
supervisory authority or who authorizes the expenditure of state 134
funds. 135

Sec. 102.02. (A) Except as otherwise provided in division (H) 136
of this section, all of the following shall file with the 137
appropriate ethics commission the disclosure statement described 138
in this division on a form prescribed by the appropriate 139
commission: every person who is elected to or is a candidate for a 140
state, county, or city office and every person who is appointed to 141
fill a vacancy for an unexpired term in such an elective office; 142
all members of the state board of education; the director, 143
assistant directors, deputy directors, division chiefs, or persons 144

of equivalent rank of any administrative department of the state; 145
the president or other chief administrative officer of every state 146
institution of higher education as defined in section 3345.011 of 147
the Revised Code; the executive director and the members of the 148
capitol square review and advisory board appointed or employed 149
pursuant to section 105.41 of the Revised Code; all members of the 150
Ohio casino control commission, the executive director of the 151
commission, all professional employees of the commission, and all 152
technical employees of the commission who perform an internal 153
audit function; the chief executive officer and the members of the 154
board of each state retirement system; each employee of a state 155
retirement board who is a state retirement system investment 156
officer licensed pursuant to section 1707.163 of the Revised Code; 157
the members of the Ohio retirement study council appointed 158
pursuant to division (C) of section 171.01 of the Revised Code; 159
employees of the Ohio retirement study council, other than 160
employees who perform purely administrative or clerical functions; 161
the administrator of workers' compensation and each member of the 162
bureau of workers' compensation board of directors; the bureau of 163
workers' compensation director of investments; the chief 164
investment officer of the bureau of workers' compensation; the 165
director appointed by the workers' compensation council; all 166
members of the board of commissioners on grievances and discipline 167
of the supreme court and the ethics commission created under 168
section 102.05 of the Revised Code; every business manager, 169
treasurer, or superintendent of a city, local, exempted village, 170
joint vocational, or cooperative education school district or an 171
educational service center; every person who is elected to or is a 172
candidate for the office of member of a board of education of a 173
city, local, exempted village, joint vocational, or cooperative 174
education school district or of a governing board of an 175
educational service center that has a total student count of 176
twelve thousand or more as most recently determined by the 177

department of education pursuant to section 3317.03 of the Revised Code; every person who is appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district that is established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, and that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation; all members appointed to the Ohio livestock care standards board under section 904.02 of the Revised Code; and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section.

The disclosure statement shall include all of the following:

(1) The name of the person filing the statement and each member of the person's immediate family and all names under which the person or members of the person's immediate family do business;

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every

source of income received in accordance with the following ranges 210
of amounts: zero or more, but less than one thousand dollars; one 211
thousand dollars or more, but less than ten thousand dollars; ten 212
thousand dollars or more, but less than twenty-five thousand 213
dollars; twenty-five thousand dollars or more, but less than fifty 214
thousand dollars; fifty thousand dollars or more, but less than 215
one hundred thousand dollars; and one hundred thousand dollars or 216
more. Division (A)(2)(a) of this section shall not be construed to 217
require a person filing the statement who derives income from a 218
business or profession to disclose the individual items of income 219
that constitute the gross income of that business or profession, 220
except for those individual items of income that are attributable 221
to the person's or, if the income is shared with the person, the 222
partner's, solicitation of services or goods or performance, 223
arrangement, or facilitation of services or provision of goods on 224
behalf of the business or profession of clients, including 225
corporate clients, who are legislative agents. A person who files 226
the statement under this section shall disclose the identity of 227
and the amount of income received from a person who the public 228
official or employee knows or has reason to know is doing or 229
seeking to do business of any kind with the public official's or 230
employee's agency. 231

(b) If the person filing the statement is a member of the 232
general assembly, the statement shall identify every source of 233
income and the amount of that income that was received from a 234
legislative agent during the preceding calendar year, in the 235
person's own name or by any other person for the person's use or 236
benefit, by the person filing the statement, and a brief 237
description of the nature of the services for which the income was 238
received. Division (A)(2)(b) of this section requires the 239
disclosure of clients of attorneys or persons licensed under 240
section 4732.12 of the Revised Code, or patients of persons 241
certified under section 4731.14 of the Revised Code, if those 242

clients or patients are legislative agents. Division (A)(2)(b) of 243
this section requires a person filing the statement who derives 244
income from a business or profession to disclose those individual 245
items of income that constitute the gross income of that business 246
or profession that are received from legislative agents. 247

(c) Except as otherwise provided in division (A)(2)(c) of 248
this section, division (A)(2)(a) of this section applies to 249
attorneys, physicians, and other persons who engage in the 250
practice of a profession and who, pursuant to a section of the 251
Revised Code, the common law of this state, a code of ethics 252
applicable to the profession, or otherwise, generally are required 253
not to reveal, disclose, or use confidences of clients, patients, 254
or other recipients of professional services except under 255
specified circumstances or generally are required to maintain 256
those types of confidences as privileged communications except 257
under specified circumstances. Division (A)(2)(a) of this section 258
does not require an attorney, physician, or other professional 259
subject to a confidentiality requirement as described in division 260
(A)(2)(c) of this section to disclose the name, other identity, or 261
address of a client, patient, or other recipient of professional 262
services if the disclosure would threaten the client, patient, or 263
other recipient of professional services, would reveal details of 264
the subject matter for which legal, medical, or professional 265
advice or other services were sought, or would reveal an otherwise 266
privileged communication involving the client, patient, or other 267
recipient of professional services. Division (A)(2)(a) of this 268
section does not require an attorney, physician, or other 269
professional subject to a confidentiality requirement as described 270
in division (A)(2)(c) of this section to disclose in the brief 271
description of the nature of services required by division 272
(A)(2)(a) of this section any information pertaining to specific 273
professional services rendered for a client, patient, or other 274
recipient of professional services that would reveal details of 275

the subject matter for which legal, medical, or professional 276
advice was sought or would reveal an otherwise privileged 277
communication involving the client, patient, or other recipient of 278
professional services. 279

(3) The name of every corporation on file with the secretary 280
of state that is incorporated in this state or holds a certificate 281
of compliance authorizing it to do business in this state, trust, 282
business trust, partnership, or association that transacts 283
business in this state in which the person filing the statement or 284
any other person for the person's use and benefit had during the 285
preceding calendar year an investment of over one thousand dollars 286
at fair market value as of the thirty-first day of December of the 287
preceding calendar year, or the date of disposition, whichever is 288
earlier, or in which the person holds any office or has a 289
fiduciary relationship, and a description of the nature of the 290
investment, office, or relationship. Division (A)(3) of this 291
section does not require disclosure of the name of any bank, 292
savings and loan association, credit union, or building and loan 293
association with which the person filing the statement has a 294
deposit or a withdrawable share account. 295

(4) All fee simple and leasehold interests to which the 296
person filing the statement holds legal title to or a beneficial 297
interest in real property located within the state, excluding the 298
person's residence and property used primarily for personal 299
recreation; 300

(5) The names of all persons residing or transacting business 301
in the state to whom the person filing the statement owes, in the 302
person's own name or in the name of any other person, more than 303
one thousand dollars. Division (A)(5) of this section shall not be 304
construed to require the disclosure of debts owed by the person 305
resulting from the ordinary conduct of a business or profession or 306
debts on the person's residence or real property used primarily 307

for personal recreation, except that the superintendent of 308
financial institutions shall disclose the names of all 309
state-chartered savings and loan associations and of all service 310
corporations subject to regulation under division (E)(2) of 311
section 1151.34 of the Revised Code to whom the superintendent in 312
the superintendent's own name or in the name of any other person 313
owes any money, and that the superintendent and any deputy 314
superintendent of banks shall disclose the names of all 315
state-chartered banks and all bank subsidiary corporations subject 316
to regulation under section 1109.44 of the Revised Code to whom 317
the superintendent or deputy superintendent owes any money. 318

(6) The names of all persons residing or transacting business 319
in the state, other than a depository excluded under division 320
(A)(3) of this section, who owe more than one thousand dollars to 321
the person filing the statement, either in the person's own name 322
or to any person for the person's use or benefit. Division (A)(6) 323
of this section shall not be construed to require the disclosure 324
of clients of attorneys or persons licensed under section 4732.12 325
or 4732.15 of the Revised Code, or patients of persons certified 326
under section 4731.14 of the Revised Code, nor the disclosure of 327
debts owed to the person resulting from the ordinary conduct of a 328
business or profession. 329

(7) Except as otherwise provided in section 102.022 of the 330
Revised Code, the source of each gift of over seventy-five 331
dollars, or of each gift of over twenty-five dollars received by a 332
member of the general assembly from a legislative agent, received 333
by the person in the person's own name or by any other person for 334
the person's use or benefit during the preceding calendar year, 335
except gifts received by will or by virtue of section 2105.06 of 336
the Revised Code, or received from spouses, parents, grandparents, 337
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 338
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 339

fathers-in-law, mothers-in-law, or any person to whom the person 340
filing the statement stands in loco parentis, or received by way 341
of distribution from any inter vivos or testamentary trust 342
established by a spouse or by an ancestor; 343

(8) Except as otherwise provided in section 102.022 of the 344
Revised Code, identification of the source and amount of every 345
payment of expenses incurred for travel to destinations inside or 346
outside this state that is received by the person in the person's 347
own name or by any other person for the person's use or benefit 348
and that is incurred in connection with the person's official 349
duties, except for expenses for travel to meetings or conventions 350
of a national or state organization to which any state agency, 351
including, but not limited to, any legislative agency or state 352
institution of higher education as defined in section 3345.011 of 353
the Revised Code, pays membership dues, or any political 354
subdivision or any office or agency of a political subdivision 355
pays membership dues; 356

(9) Except as otherwise provided in section 102.022 of the 357
Revised Code, identification of the source of payment of expenses 358
for meals and other food and beverages, other than for meals and 359
other food and beverages provided at a meeting at which the person 360
participated in a panel, seminar, or speaking engagement or at a 361
meeting or convention of a national or state organization to which 362
any state agency, including, but not limited to, any legislative 363
agency or state institution of higher education as defined in 364
section 3345.011 of the Revised Code, pays membership dues, or any 365
political subdivision or any office or agency of a political 366
subdivision pays membership dues, that are incurred in connection 367
with the person's official duties and that exceed one hundred 368
dollars aggregated per calendar year; 369

(10) If the disclosure statement is filed by a public 370
official or employee described in division (B)(2) of section 371

101.73 of the Revised Code or division (B)(2) of section 121.63 of 372
the Revised Code who receives a statement from a legislative 373
agent, executive agency lobbyist, or employer that contains the 374
information described in division (F)(2) of section 101.73 of the 375
Revised Code or division (G)(2) of section 121.63 of the Revised 376
Code, all of the nondisputed information contained in the 377
statement delivered to that public official or employee by the 378
legislative agent, executive agency lobbyist, or employer under 379
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 380
the Revised Code. 381

A person may file a statement required by this section in 382
person or by mail. A person who is a candidate for elective office 383
shall file the statement no later than the thirtieth day before 384
the primary, special, or general election at which the candidacy 385
is to be voted on, whichever election occurs soonest, except that 386
a person who is a write-in candidate shall file the statement no 387
later than the twentieth day before the earliest election at which 388
the person's candidacy is to be voted on. A person who holds 389
elective office shall file the statement on or before the 390
fifteenth day of April of each year unless the person is a 391
candidate for office. A person who is appointed to fill a vacancy 392
for an unexpired term in an elective office shall file the 393
statement within fifteen days after the person qualifies for 394
office. Other persons shall file an annual statement on or before 395
the fifteenth day of April or, if appointed or employed after that 396
date, within ninety days after appointment or employment. No 397
person shall be required to file with the appropriate ethics 398
commission more than one statement or pay more than one filing fee 399
for any one calendar year. 400

The appropriate ethics commission, for good cause, may extend 401
for a reasonable time the deadline for filing a statement under 402
this section. 403

A statement filed under this section is subject to public 404
inspection at locations designated by the appropriate ethics 405
commission except as otherwise provided in this section. 406

(B) The Ohio ethics commission, the joint legislative ethics 407
committee, and the board of commissioners on grievances and 408
discipline of the supreme court, using the rule-making procedures 409
of Chapter 119. of the Revised Code, may require any class of 410
public officials or employees under its jurisdiction and not 411
specifically excluded by this section whose positions involve a 412
substantial and material exercise of administrative discretion in 413
the formulation of public policy, expenditure of public funds, 414
enforcement of laws and rules of the state or a county or city, or 415
the execution of other public trusts, to file an annual statement 416
on or before the fifteenth day of April under division (A) of this 417
section. The appropriate ethics commission shall send the public 418
officials or employees written notice of the requirement by the 419
fifteenth day of February of each year the filing is required 420
unless the public official or employee is appointed after that 421
date, in which case the notice shall be sent within thirty days 422
after appointment, and the filing shall be made not later than 423
ninety days after appointment. 424

Except for disclosure statements filed by members of the 425
board of trustees and the executive director of the southern Ohio 426
agricultural and community development foundation, disclosure 427
statements filed under this division with the Ohio ethics 428
commission by members of boards, commissions, or bureaus of the 429
state for which no compensation is received other than reasonable 430
and necessary expenses shall be kept confidential. Disclosure 431
statements filed with the Ohio ethics commission under division 432
(A) of this section by business managers, treasurers, and 433
superintendents of city, local, exempted village, joint 434
vocational, or cooperative education school districts or 435

educational service centers shall be kept confidential, except 436
that any person conducting an audit of any such school district or 437
educational service center pursuant to section 115.56 or Chapter 438
117. of the Revised Code may examine the disclosure statement of 439
any business manager, treasurer, or superintendent of that school 440
district or educational service center. The Ohio ethics commission 441
shall examine each disclosure statement required to be kept 442
confidential to determine whether a potential conflict of interest 443
exists for the person who filed the disclosure statement. A 444
potential conflict of interest exists if the private interests of 445
the person, as indicated by the person's disclosure statement, 446
might interfere with the public interests the person is required 447
to serve in the exercise of the person's authority and duties in 448
the person's office or position of employment. If the commission 449
determines that a potential conflict of interest exists, it shall 450
notify the person who filed the disclosure statement and shall 451
make the portions of the disclosure statement that indicate a 452
potential conflict of interest subject to public inspection in the 453
same manner as is provided for other disclosure statements. Any 454
portion of the disclosure statement that the commission determines 455
does not indicate a potential conflict of interest shall be kept 456
confidential by the commission and shall not be made subject to 457
public inspection, except as is necessary for the enforcement of 458
Chapters 102. and 2921. of the Revised Code and except as 459
otherwise provided in this division. 460

(C) No person shall knowingly fail to file, on or before the 461
applicable filing deadline established under this section, a 462
statement that is required by this section. 463

(D) No person shall knowingly file a false statement that is 464
required to be filed under this section. 465

(E)(1) Except as provided in divisions (E)(2) and (3) of this 466
section, the statement required by division (A) or (B) of this 467

section shall be accompanied by a filing fee of forty dollars. 468

(2) The statement required by division (A) of this section 469
shall be accompanied by the following filing fee to be paid by the 470
person who is elected or appointed to, or is a candidate for, any 471
of the following offices: 472

For state office, except member of the		473
state board of education	\$65	474
For office of member of general assembly	\$40	475
For county office	\$40	476
For city office	\$25	477
For office of member of the state board		478
of education	\$25	479
For office of member of the Ohio		480
livestock care standards board	\$25	481
For office of member of a city, local,		482
exempted village, or cooperative		483
education board of		484
education or educational service		485
center governing board	\$20	486
For position of business manager,		487
treasurer, or superintendent of a		488
city, local, exempted village, joint		489
vocational, or cooperative education		490
school district or		491
educational service center	\$20	492

(3) No judge of a court of record or candidate for judge of a 493
court of record, and no referee or magistrate serving a court of 494
record, shall be required to pay the fee required under division 495
(E)(1) or (2) or (F) of this section. 496

(4) For any public official who is appointed to a nonelective 497
office of the state and for any employee who holds a nonelective 498
position in a public agency of the state, the state agency that is 499

the primary employer of the state official or employee shall pay 500
the fee required under division (E)(1) or (F) of this section. 501

(F) If a statement required to be filed under this section is 502
not filed by the date on which it is required to be filed, the 503
appropriate ethics commission shall assess the person required to 504
file the statement a late filing fee of ten dollars for each day 505
the statement is not filed, except that the total amount of the 506
late filing fee shall not exceed two hundred fifty dollars. 507

(G)(1) The appropriate ethics commission other than the Ohio 508
ethics commission and the joint legislative ethics committee shall 509
deposit all fees it receives under divisions (E) and (F) of this 510
section into the general revenue fund of the state. 511

(2) The Ohio ethics commission shall deposit all receipts, 512
including, but not limited to, fees it receives under divisions 513
(E) and (F) of this section and all moneys it receives from 514
settlements under division (G) of section 102.06 of the Revised 515
Code, into the Ohio ethics commission fund, which is hereby 516
created in the state treasury. All moneys credited to the fund 517
shall be used solely for expenses related to the operation and 518
statutory functions of the commission. 519

(3) The joint legislative ethics committee shall deposit all 520
receipts it receives from the payment of financial disclosure 521
statement filing fees under divisions (E) and (F) of this section 522
into the joint legislative ethics committee investigative fund. 523

(H) Division (A) of this section does not apply to a person 524
elected or appointed to the office of precinct, ward, or district 525
committee member under Chapter 3517. of the Revised Code; a 526
presidential elector; a delegate to a national convention; village 527
or township officials and employees; any physician or psychiatrist 528
who is paid a salary or wage in accordance with schedule C of 529
section 124.15 or schedule E-2 of section 124.152 of the Revised 530

Code and whose primary duties do not require the exercise of 531
administrative discretion; or any member of a board, commission, 532
or bureau of any county or city who receives less than one 533
thousand dollars per year for serving in that position. 534

(I) A member of the Ohio casino control commission, the 535
executive director of the commission, or an employee of the 536
commission shall not: 537

(1) Accept a gift, gratuity, emolument, or employment from a 538
casino operator, management company, or other person subject to 539
the jurisdiction of the commission, or from an officer, attorney, 540
agent, or employee of a casino operator, management company, or 541
other person subject to the jurisdiction of the commission; 542

(2) Solicit, suggest, request, or recommend, directly or 543
indirectly, to a casino operator, management company, or other 544
person who is subject to the jurisdiction of the commission, or to 545
an officer, attorney, agent, or employee of a casino operator, 546
management company, or other person who is subject to the 547
jurisdiction of the commission, the appointment of a person to an 548
office, place, position, or employment; 549

(3) Participate in casino gaming or any other amusement or 550
activity at a casino facility in this state or at an affiliate 551
gaming facility of a licensed casino operator, wherever located. 552

Whoever violates division (I)(1), (2), or (3) of this section 553
forfeits the individual's office or employment. 554

Sec. 102.03. (A)(1) No present or former public official or 555
employee shall, during public employment or service or for twelve 556
months thereafter, represent a client or act in a representative 557
capacity for any person on any matter in which the public official 558
or employee personally participated as a public official or 559
employee through decision, approval, disapproval, recommendation, 560

the rendering of advice, investigation, or other substantial 561
exercise of administrative discretion. 562

(2) For twenty-four months after the conclusion of service, 563
no former commissioner or attorney examiner of the public 564
utilities commission shall represent a public utility, as defined 565
in section 4905.02 of the Revised Code, or act in a representative 566
capacity on behalf of such a utility before any state board, 567
commission, or agency. 568

(3) For twenty-four months after the conclusion of employment 569
or service, no former public official or employee who personally 570
participated as a public official or employee through decision, 571
approval, disapproval, recommendation, the rendering of advice, 572
the development or adoption of solid waste management plans, 573
investigation, inspection, or other substantial exercise of 574
administrative discretion under Chapter 343. or 3734. of the 575
Revised Code shall represent a person who is the owner or operator 576
of a facility, as defined in section 3734.01 of the Revised Code, 577
or who is an applicant for a permit or license for a facility 578
under that chapter, on any matter in which the public official or 579
employee personally participated as a public official or employee. 580

(4) For a period of one year after the conclusion of 581
employment or service as a member or employee of the general 582
assembly, no former member or employee of the general assembly 583
shall represent, or act in a representative capacity for, any 584
person on any matter before the general assembly, any committee of 585
the general assembly, or the controlling board. Division (A)(4) of 586
this section does not apply to or affect a person who separates 587
from service with the general assembly on or before December 31, 588
1995. As used in division (A)(4) of this section "person" does not 589
include any state agency or political subdivision of the state. 590

(5) As used in divisions (A)(1), (2), and (3) of this 591
section, "matter" includes any case, proceeding, application, 592

determination, issue, or question, but does not include the 593
proposal, consideration, or enactment of statutes, rules, 594
ordinances, resolutions, or charter or constitutional amendments. 595
As used in division (A)(4) of this section, "matter" includes the 596
proposal, consideration, or enactment of statutes, resolutions, or 597
constitutional amendments. As used in division (A) of this 598
section, "represent" includes any formal or informal appearance 599
before, or any written or oral communication with, any public 600
agency on behalf of any person. 601

(6) Nothing contained in division (A) of this section shall 602
prohibit, during such period, a former public official or employee 603
from being retained or employed to represent, assist, or act in a 604
representative capacity for the public agency by which the public 605
official or employee was employed or on which the public official 606
or employee served. 607

(7) Division (A) of this section shall not be construed to 608
prohibit the performance of ministerial functions, including, but 609
not limited to, the filing or amendment of tax returns, 610
applications for permits and licenses, incorporation papers, and 611
other similar documents. 612

(8) No present or former Ohio casino control commission 613
official shall, during public service or for twelve months 614
thereafter, represent a client, be employed or hired by a person 615
regulated by the commission, or act in a representative capacity 616
for any person on any matter before or concerning the commission. 617

No present or former commission employee shall, during public 618
employment or for twelve months thereafter, represent a client or 619
act in a representative capacity on any matter in which the 620
employee personally participated as a commission employee through 621
decision, approval, disapproval, recommendation, the rendering of 622
advice, investigation, or other substantial exercise of 623
administrative discretion. 624

(B) No present or former public official or employee shall 625
disclose or use, without appropriate authorization, any 626
information acquired by the public official or employee in the 627
course of the public official's or employee's official duties that 628
is confidential because of statutory provisions, or that has been 629
clearly designated to the public official or employee as 630
confidential when that confidential designation is warranted 631
because of the status of the proceedings or the circumstances 632
under which the information was received and preserving its 633
confidentiality is necessary to the proper conduct of government 634
business. 635

(C) No public official or employee shall participate within 636
the scope of duties as a public official or employee, except 637
through ministerial functions as defined in division (A) of this 638
section, in any license or rate-making proceeding that directly 639
affects the license or rates of any person, partnership, trust, 640
business trust, corporation, or association in which the public 641
official or employee or immediate family owns or controls more 642
than five per cent. No public official or employee shall 643
participate within the scope of duties as a public official or 644
employee, except through ministerial functions as defined in 645
division (A) of this section, in any license or rate-making 646
proceeding that directly affects the license or rates of any 647
person to whom the public official or employee or immediate 648
family, or a partnership, trust, business trust, corporation, or 649
association of which the public official or employee or the public 650
official's or employee's immediate family owns or controls more 651
than five per cent, has sold goods or services totaling more than 652
one thousand dollars during the preceding year, unless the public 653
official or employee has filed a written statement acknowledging 654
that sale with the clerk or secretary of the public agency and the 655
statement is entered in any public record of the agency's 656
proceedings. This division shall not be construed to require the 657

disclosure of clients of attorneys or persons licensed under 658
section 4732.12 or 4732.15 of the Revised Code, or patients of 659
persons certified under section 4731.14 of the Revised Code. 660

(D) No public official or employee shall use or authorize the 661
use of the authority or influence of office or employment to 662
secure anything of value or the promise or offer of anything of 663
value that is of such a character as to manifest a substantial and 664
improper influence upon the public official or employee with 665
respect to that person's duties. 666

(E) No public official or employee shall solicit or accept 667
anything of value that is of such a character as to manifest a 668
substantial and improper influence upon the public official or 669
employee with respect to that person's duties. 670

(F) No person shall promise or give to a public official or 671
employee anything of value that is of such a character as to 672
manifest a substantial and improper influence upon the public 673
official or employee with respect to that person's duties. 674

(G) In the absence of bribery or another offense under the 675
Revised Code or a purpose to defraud, contributions made to a 676
campaign committee, political party, legislative campaign fund, 677
political action committee, or political contributing entity on 678
behalf of an elected public officer or other public official or 679
employee who seeks elective office shall be considered to accrue 680
ordinarily to the public official or employee for the purposes of 681
divisions (D), (E), and (F) of this section. 682

As used in this division, "contributions," "campaign 683
committee," "political party," "legislative campaign fund," 684
"political action committee," and "political contributing entity" 685
have the same meanings as in section 3517.01 of the Revised Code. 686

(H)(1) No public official or employee, except for the 687
president or other chief administrative officer of or a member of 688

a board of trustees of a state institution of higher education as 689
defined in section 3345.011 of the Revised Code, who is required 690
to file a financial disclosure statement under section 102.02 of 691
the Revised Code shall solicit or accept, and no person shall give 692
to that public official or employee, an honorarium. Except as 693
provided in division (H)(2) of this section, this division and 694
divisions (D), (E), and (F) of this section do not prohibit a 695
public official or employee who is required to file a financial 696
disclosure statement under section 102.02 of the Revised Code from 697
accepting and do not prohibit a person from giving to that public 698
official or employee the payment of actual travel expenses, 699
including any expenses incurred in connection with the travel for 700
lodging, and meals, food, and beverages provided to the public 701
official or employee at a meeting at which the public official or 702
employee participates in a panel, seminar, or speaking engagement 703
or provided to the public official or employee at a meeting or 704
convention of a national organization to which any state agency, 705
including, but not limited to, any state legislative agency or 706
state institution of higher education as defined in section 707
3345.011 of the Revised Code, pays membership dues. Except as 708
provided in division (H)(2) of this section, this division and 709
divisions (D), (E), and (F) of this section do not prohibit a 710
public official or employee who is not required to file a 711
financial disclosure statement under section 102.02 of the Revised 712
Code from accepting and do not prohibit a person from promising or 713
giving to that public official or employee an honorarium or the 714
payment of travel, meal, and lodging expenses if the honorarium, 715
expenses, or both were paid in recognition of demonstrable 716
business, professional, or esthetic interests of the public 717
official or employee that exist apart from public office or 718
employment, including, but not limited to, such a demonstrable 719
interest in public speaking and were not paid by any person or 720
other entity, or by any representative or association of those 721

persons or entities, that is regulated by, doing business with, or 722
seeking to do business with the department, division, institution, 723
board, commission, authority, bureau, or other instrumentality of 724
the governmental entity with which the public official or employee 725
serves. 726

(2) No person who is a member of the board of a state 727
retirement system, a state retirement system investment officer, 728
or an employee of a state retirement system whose position 729
involves substantial and material exercise of discretion in the 730
investment of retirement system funds shall solicit or accept, and 731
no person shall give to that board member, officer, or employee, 732
payment of actual travel expenses, including expenses incurred 733
with the travel for lodging, meals, food, and beverages. 734

(I) A public official or employee may accept travel, meals, 735
and lodging or expenses or reimbursement of expenses for travel, 736
meals, and lodging in connection with conferences, seminars, and 737
similar events related to official duties if the travel, meals, 738
and lodging, expenses, or reimbursement is not of such a character 739
as to manifest a substantial and improper influence upon the 740
public official or employee with respect to that person's duties. 741
The house of representatives and senate, in their code of ethics, 742
and the Ohio ethics commission, under section 111.15 of the 743
Revised Code, may adopt rules setting standards and conditions for 744
the furnishing and acceptance of such travel, meals, and lodging, 745
expenses, or reimbursement. 746

A person who acts in compliance with this division and any 747
applicable rules adopted under it, or any applicable, similar 748
rules adopted by the supreme court governing judicial officers and 749
employees, does not violate division (D), (E), or (F) of this 750
section. This division does not preclude any person from seeking 751
an advisory opinion from the appropriate ethics commission under 752
section 102.08 of the Revised Code. 753

(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the public official or employee with respect to that person's duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a public official or employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a public official or employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use his official position with regard to the interests of the organization on the matter if the public official or employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary interests.

(K) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with division (B) of section 309.06 and section 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code, or for a coroner to appoint assistants and employees in accordance with division (B) of section 313.05 of the Revised Code.

As used in this division, "chief legal officer" has the same 787
meaning as in section 733.621 of the Revised Code. 788

(L) No present public official or employee with a casino 789
gaming regulatory function shall indirectly invest, by way of an 790
entity the public official or employee has an ownership interest 791
or control in, or directly invest in a casino operator, management 792
company, holding company, casino facility, or gaming-related 793
vendor. No present public official or employee with a casino 794
gaming regulatory function shall directly or indirectly have a 795
financial interest in, have an ownership interest in, be the 796
creditor or hold a debt instrument issued by, or have an interest 797
in a contractual or service relationship with a casino operator, 798
management company, holding company, casino facility, or 799
gaming-related vendor. This section does not prohibit or limit 800
permitted passive investing by the public official or employee. 801

As used in this division, "passive investing" means 802
investment by the public official or employee by means of a mutual 803
fund or blind trust in which the public official or employee has 804
no control of the investments or investment decisions. "Casino 805
operator," "holding company," "management company," "casino 806
facility," and "gaming-related vendor" have the same meanings as 807
in section 3772.01 of the Revised Code. 808

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 809
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 810
a completed form prescribed pursuant to division (C)(1) of this 811
section, and a set of fingerprint impressions obtained in the 812
manner described in division (C)(2) of this section, the 813
superintendent of the bureau of criminal identification and 814
investigation shall conduct a criminal records check in the manner 815
described in division (B) of this section to determine whether any 816
information exists that indicates that the person who is the 817

subject of the request previously has been convicted of or pleaded 818
guilty to any of the following: 819

(a) A violation of section 2903.01, 2903.02, 2903.03, 820
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 821
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 822
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 823
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 824
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 825
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 826
2925.06, or 3716.11 of the Revised Code, felonious sexual 827
penetration in violation of former section 2907.12 of the Revised 828
Code, a violation of section 2905.04 of the Revised Code as it 829
existed prior to July 1, 1996, a violation of section 2919.23 of 830
the Revised Code that would have been a violation of section 831
2905.04 of the Revised Code as it existed prior to July 1, 1996, 832
had the violation been committed prior to that date, or a 833
violation of section 2925.11 of the Revised Code that is not a 834
minor drug possession offense; 835

(b) A violation of an existing or former law of this state, 836
any other state, or the United States that is substantially 837
equivalent to any of the offenses listed in division (A)(1)(a) of 838
this section. 839

(2) On receipt of a request pursuant to section 5123.081 of 840
the Revised Code with respect to an applicant for employment in 841
any position with the department of developmental disabilities, 842
pursuant to section 5126.28 of the Revised Code with respect to an 843
applicant for employment in any position with a county board of 844
developmental disabilities, or pursuant to section 5126.281 of the 845
Revised Code with respect to an applicant for employment in a 846
direct services position with an entity contracting with a county 847
board for employment, a completed form prescribed pursuant to 848
division (C)(1) of this section, and a set of fingerprint 849

impressions obtained in the manner described in division (C)(2) of 850
this section, the superintendent of the bureau of criminal 851
identification and investigation shall conduct a criminal records 852
check. The superintendent shall conduct the criminal records check 853
in the manner described in division (B) of this section to 854
determine whether any information exists that indicates that the 855
person who is the subject of the request has been convicted of or 856
pleaded guilty to any of the following: 857

(a) A violation of section 2903.01, 2903.02, 2903.03, 858
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 859
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 860
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 861
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 862
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 863
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 864
2925.03, or 3716.11 of the Revised Code; 865

(b) An existing or former municipal ordinance or law of this 866
state, any other state, or the United States that is substantially 867
equivalent to any of the offenses listed in division (A)(2)(a) of 868
this section. 869

(3) On receipt of a request pursuant to section 173.27, 870
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 871
completed form prescribed pursuant to division (C)(1) of this 872
section, and a set of fingerprint impressions obtained in the 873
manner described in division (C)(2) of this section, the 874
superintendent of the bureau of criminal identification and 875
investigation shall conduct a criminal records check with respect 876
to any person who has applied for employment in a position for 877
which a criminal records check is required by those sections. The 878
superintendent shall conduct the criminal records check in the 879
manner described in division (B) of this section to determine 880
whether any information exists that indicates that the person who 881

is the subject of the request previously has been convicted of or 882
pleaded guilty to any of the following: 883

(a) A violation of section 2903.01, 2903.02, 2903.03, 884
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 885
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 886
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 887
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 888
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 889
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 890
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 891
2925.22, 2925.23, or 3716.11 of the Revised Code; 892

(b) An existing or former law of this state, any other state, 893
or the United States that is substantially equivalent to any of 894
the offenses listed in division (A)(3)(a) of this section. 895

(4) On receipt of a request pursuant to section 3701.881 of 896
the Revised Code with respect to an applicant for employment with 897
a home health agency as a person responsible for the care, 898
custody, or control of a child, a completed form prescribed 899
pursuant to division (C)(1) of this section, and a set of 900
fingerprint impressions obtained in the manner described in 901
division (C)(2) of this section, the superintendent of the bureau 902
of criminal identification and investigation shall conduct a 903
criminal records check. The superintendent shall conduct the 904
criminal records check in the manner described in division (B) of 905
this section to determine whether any information exists that 906
indicates that the person who is the subject of the request 907
previously has been convicted of or pleaded guilty to any of the 908
following: 909

(a) A violation of section 2903.01, 2903.02, 2903.03, 910
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 911
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 912
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 913

2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 914
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 915
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 916
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 917
violation of section 2925.11 of the Revised Code that is not a 918
minor drug possession offense; 919

(b) An existing or former law of this state, any other state, 920
or the United States that is substantially equivalent to any of 921
the offenses listed in division (A)(4)(a) of this section. 922

(5) On receipt of a request pursuant to section 5111.032, 923
5111.033, or 5111.034 of the Revised Code, a completed form 924
prescribed pursuant to division (C)(1) of this section, and a set 925
of fingerprint impressions obtained in the manner described in 926
division (C)(2) of this section, the superintendent of the bureau 927
of criminal identification and investigation shall conduct a 928
criminal records check. The superintendent shall conduct the 929
criminal records check in the manner described in division (B) of 930
this section to determine whether any information exists that 931
indicates that the person who is the subject of the request 932
previously has been convicted of, has pleaded guilty to, or has 933
been found eligible for intervention in lieu of conviction for any 934
of the following, regardless of the date of the conviction, the 935
date of entry of the guilty plea, or the date the person was found 936
eligible for intervention in lieu of conviction: 937

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 938
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 939
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 940
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 941
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 942
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 943
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 944
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 945

2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 946
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 947
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 948
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 949
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 950
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 951
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 952
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 953
penetration in violation of former section 2907.12 of the Revised 954
Code, a violation of section 2905.04 of the Revised Code as it 955
existed prior to July 1, 1996, a violation of section 2919.23 of 956
the Revised Code that would have been a violation of section 957
2905.04 of the Revised Code as it existed prior to July 1, 1996, 958
had the violation been committed prior to that date; 959

(b) A violation of an existing or former municipal ordinance 960
or law of this state, any other state, or the United States that 961
is substantially equivalent to any of the offenses listed in 962
division (A)(5)(a) of this section. 963

(6) On receipt of a request pursuant to section 3701.881 of 964
the Revised Code with respect to an applicant for employment with 965
a home health agency in a position that involves providing direct 966
care to an older adult, a completed form prescribed pursuant to 967
division (C)(1) of this section, and a set of fingerprint 968
impressions obtained in the manner described in division (C)(2) of 969
this section, the superintendent of the bureau of criminal 970
identification and investigation shall conduct a criminal records 971
check. The superintendent shall conduct the criminal records check 972
in the manner described in division (B) of this section to 973
determine whether any information exists that indicates that the 974
person who is the subject of the request previously has been 975
convicted of or pleaded guilty to any of the following: 976

(a) A violation of section 2903.01, 2903.02, 2903.03, 977

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 978
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 979
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 980
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 981
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 982
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 983
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 984
2925.22, 2925.23, or 3716.11 of the Revised Code; 985

(b) An existing or former law of this state, any other state, 986
or the United States that is substantially equivalent to any of 987
the offenses listed in division (A)(6)(a) of this section. 988

(7) When conducting a criminal records check upon a request 989
pursuant to section 3319.39 of the Revised Code for an applicant 990
who is a teacher, in addition to the determination made under 991
division (A)(1) of this section, the superintendent shall 992
determine whether any information exists that indicates that the 993
person who is the subject of the request previously has been 994
convicted of or pleaded guilty to any offense specified in section 995
3319.31 of the Revised Code. 996

(8) On receipt of a request pursuant to section 2151.86 of 997
the Revised Code, a completed form prescribed pursuant to division 998
(C)(1) of this section, and a set of fingerprint impressions 999
obtained in the manner described in division (C)(2) of this 1000
section, the superintendent of the bureau of criminal 1001
identification and investigation shall conduct a criminal records 1002
check in the manner described in division (B) of this section to 1003
determine whether any information exists that indicates that the 1004
person who is the subject of the request previously has been 1005
convicted of or pleaded guilty to any of the following: 1006

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1007
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1008
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1009

2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1010
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1011
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1012
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1013
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1014
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1015
of the Revised Code, a violation of section 2905.04 of the Revised 1016
Code as it existed prior to July 1, 1996, a violation of section 1017
2919.23 of the Revised Code that would have been a violation of 1018
section 2905.04 of the Revised Code as it existed prior to July 1, 1019
1996, had the violation been committed prior to that date, a 1020
violation of section 2925.11 of the Revised Code that is not a 1021
minor drug possession offense, two or more OVI or OVUAC violations 1022
committed within the three years immediately preceding the 1023
submission of the application or petition that is the basis of the 1024
request, or felonious sexual penetration in violation of former 1025
section 2907.12 of the Revised Code; 1026

(b) A violation of an existing or former law of this state, 1027
any other state, or the United States that is substantially 1028
equivalent to any of the offenses listed in division (A)(8)(a) of 1029
this section. 1030

(9) Upon receipt of a request pursuant to section 5104.012 or 1031
5104.013 of the Revised Code, a completed form prescribed pursuant 1032
to division (C)(1) of this section, and a set of fingerprint 1033
impressions obtained in the manner described in division (C)(2) of 1034
this section, the superintendent of the bureau of criminal 1035
identification and investigation shall conduct a criminal records 1036
check in the manner described in division (B) of this section to 1037
determine whether any information exists that indicates that the 1038
person who is the subject of the request has been convicted of or 1039
pleaded guilty to any of the following: 1040

(a) A violation of section 2903.01, 2903.02, 2903.03, 1041

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 1042
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 1043
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 1044
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1045
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 1046
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1047
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1048
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 1049
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 1050
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1051
3716.11 of the Revised Code, felonious sexual penetration in 1052
violation of former section 2907.12 of the Revised Code, a 1053
violation of section 2905.04 of the Revised Code as it existed 1054
prior to July 1, 1996, a violation of section 2919.23 of the 1055
Revised Code that would have been a violation of section 2905.04 1056
of the Revised Code as it existed prior to July 1, 1996, had the 1057
violation been committed prior to that date, a violation of 1058
section 2925.11 of the Revised Code that is not a minor drug 1059
possession offense, a violation of section 2923.02 or 2923.03 of 1060
the Revised Code that relates to a crime specified in this 1061
division, or a second violation of section 4511.19 of the Revised 1062
Code within five years of the date of application for licensure or 1063
certification. 1064

(b) A violation of an existing or former law of this state, 1065
any other state, or the United States that is substantially 1066
equivalent to any of the offenses or violations described in 1067
division (A)(9)(a) of this section. 1068

(10) Upon receipt of a request pursuant to section 5153.111 1069
of the Revised Code, a completed form prescribed pursuant to 1070
division (C)(1) of this section, and a set of fingerprint 1071
impressions obtained in the manner described in division (C)(2) of 1072
this section, the superintendent of the bureau of criminal 1073

identification and investigation shall conduct a criminal records 1074
check in the manner described in division (B) of this section to 1075
determine whether any information exists that indicates that the 1076
person who is the subject of the request previously has been 1077
convicted of or pleaded guilty to any of the following: 1078

(a) A violation of section 2903.01, 2903.02, 2903.03, 1079
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1080
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1081
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1082
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1083
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1084
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1085
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1086
felonious sexual penetration in violation of former section 1087
2907.12 of the Revised Code, a violation of section 2905.04 of the 1088
Revised Code as it existed prior to July 1, 1996, a violation of 1089
section 2919.23 of the Revised Code that would have been a 1090
violation of section 2905.04 of the Revised Code as it existed 1091
prior to July 1, 1996, had the violation been committed prior to 1092
that date, or a violation of section 2925.11 of the Revised Code 1093
that is not a minor drug possession offense; 1094

(b) A violation of an existing or former law of this state, 1095
any other state, or the United States that is substantially 1096
equivalent to any of the offenses listed in division (A)(10)(a) of 1097
this section. 1098

(11) On receipt of a request for a criminal records check 1099
from an individual pursuant to section 4749.03 or 4749.06 of the 1100
Revised Code, accompanied by a completed copy of the form 1101
prescribed in division (C)(1) of this section and a set of 1102
fingerprint impressions obtained in a manner described in division 1103
(C)(2) of this section, the superintendent of the bureau of 1104
criminal identification and investigation shall conduct a criminal 1105

records check in the manner described in division (B) of this 1106
section to determine whether any information exists indicating 1107
that the person who is the subject of the request has been 1108
convicted of or pleaded guilty to a felony in this state or in any 1109
other state. If the individual indicates that a firearm will be 1110
carried in the course of business, the superintendent shall 1111
require information from the federal bureau of investigation as 1112
described in division (B)(2) of this section. The superintendent 1113
shall report the findings of the criminal records check and any 1114
information the federal bureau of investigation provides to the 1115
director of public safety. 1116

(12) On receipt of a request pursuant to section 1321.37, 1117
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 1118
Code, a completed form prescribed pursuant to division (C)(1) of 1119
this section, and a set of fingerprint impressions obtained in the 1120
manner described in division (C)(2) of this section, the 1121
superintendent of the bureau of criminal identification and 1122
investigation shall conduct a criminal records check with respect 1123
to any person who has applied for a license, permit, or 1124
certification from the department of commerce or a division in the 1125
department. The superintendent shall conduct the criminal records 1126
check in the manner described in division (B) of this section to 1127
determine whether any information exists that indicates that the 1128
person who is the subject of the request previously has been 1129
convicted of or pleaded guilty to any of the following: a 1130
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 1131
2925.03 of the Revised Code; any other criminal offense involving 1132
theft, receiving stolen property, embezzlement, forgery, fraud, 1133
passing bad checks, money laundering, or drug trafficking, or any 1134
criminal offense involving money or securities, as set forth in 1135
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 1136
the Revised Code; or any existing or former law of this state, any 1137
other state, or the United States that is substantially equivalent 1138

to those offenses. 1139

(13) On receipt of a request for a criminal records check 1140
from the treasurer of state under section 113.041 of the Revised 1141
Code or from an individual under section 4701.08, 4715.101, 1142
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1143
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1144
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1145
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 1146
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 1147
a completed form prescribed under division (C)(1) of this section 1148
and a set of fingerprint impressions obtained in the manner 1149
described in division (C)(2) of this section, the superintendent 1150
of the bureau of criminal identification and investigation shall 1151
conduct a criminal records check in the manner described in 1152
division (B) of this section to determine whether any information 1153
exists that indicates that the person who is the subject of the 1154
request has been convicted of or pleaded guilty to any criminal 1155
offense in this state or any other state. The superintendent shall 1156
send the results of a check requested under section 113.041 of the 1157
Revised Code to the treasurer of state and shall send the results 1158
of a check requested under any of the other listed sections to the 1159
licensing board specified by the individual in the request. 1160

(14) On receipt of a request pursuant to section 1121.23, 1161
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 1162
Code, a completed form prescribed pursuant to division (C)(1) of 1163
this section, and a set of fingerprint impressions obtained in the 1164
manner described in division (C)(2) of this section, the 1165
superintendent of the bureau of criminal identification and 1166
investigation shall conduct a criminal records check in the manner 1167
described in division (B) of this section to determine whether any 1168
information exists that indicates that the person who is the 1169
subject of the request previously has been convicted of or pleaded 1170

guilty to any criminal offense under any existing or former law of this state, any other state, or the United States.

(15) On receipt of a request for a criminal records check from an appointing or licensing authority under section 3772.07 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any offense under any existing or former law of this state, any other state, or the United States that is a disqualifying offense as defined in section 3772.07 of the Revised Code or substantially equivalent to such an offense.

(16) Not later than thirty days after the date the superintendent receives a request of a type described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), ~~or (14)~~, or (15) of this section, the completed form, and the fingerprint impressions, the superintendent shall send the person, board, or entity that made the request any information, other than information the dissemination of which is prohibited by federal law, the superintendent determines exists with respect to the person who is the subject of the request that indicates that the person previously has been convicted of or pleaded guilty to any offense listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), ~~or (14)~~, or (15) of this section, as appropriate. The superintendent shall send the person, board, or entity that made the request a copy of the list of offenses specified in division (A)(1), (2), (3), (4), (5), (6),

(7), (8), (9), (10), (11), (12), ~~or~~ (14), or (15) of this section, 1203
as appropriate. If the request was made under section 3701.881 of 1204
the Revised Code with regard to an applicant who may be both 1205
responsible for the care, custody, or control of a child and 1206
involved in providing direct care to an older adult, the 1207
superintendent shall provide a list of the offenses specified in 1208
divisions (A)(4) and (6) of this section. 1209

Not later than thirty days after the superintendent receives 1210
a request for a criminal records check pursuant to section 113.041 1211
of the Revised Code, the completed form, and the fingerprint 1212
impressions, the superintendent shall send the treasurer of state 1213
any information, other than information the dissemination of which 1214
is prohibited by federal law, the superintendent determines exist 1215
with respect to the person who is the subject of the request that 1216
indicates that the person previously has been convicted of or 1217
pleaded guilty to any criminal offense in this state or any other 1218
state. 1219

(B) The superintendent shall conduct any criminal records 1220
check requested under section 113.041, 121.08, 173.27, 173.394, 1221
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1222
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 1223
3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 4715.101, 1224
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1225
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1226
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1227
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1228
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1229
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1230
5126.281, or 5153.111 of the Revised Code as follows: 1231

(1) The superintendent shall review or cause to be reviewed 1232
any relevant information gathered and compiled by the bureau under 1233
division (A) of section 109.57 of the Revised Code that relates to 1234

the person who is the subject of the request, including, if the
criminal records check was requested under section 113.041,
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141,
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26,
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121,
3722.151, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013,
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or
5153.111 of the Revised Code, any relevant information contained
in records that have been sealed under section 2953.32 of the
Revised Code;

(2) If the request received by the superintendent asks for
information from the federal bureau of investigation, the
superintendent shall request from the federal bureau of
investigation any information it has with respect to the person
who is the subject of the request, including fingerprint-based
checks of national crime information databases as described in 42
U.S.C. 671 if the request is made pursuant to section 2151.86,
5104.012, or 5104.013 of the Revised Code or if any other Revised
Code section requires fingerprint-based checks of that nature, and
shall review or cause to be reviewed any information the
superintendent receives from that bureau. If a request under
section 3319.39 of the Revised Code asks only for information from
the federal bureau of investigation, the superintendent shall not
conduct the review prescribed by division (B)(1) of this section.

(3) The superintendent or the superintendent's designee may
request criminal history records from other states or the federal
government pursuant to the national crime prevention and privacy
compact set forth in section 109.571 of the Revised Code.

(C)(1) The superintendent shall prescribe a form to obtain
the information necessary to conduct a criminal records check from
any person for whom a criminal records check is requested under
section 113.041 of the Revised Code or required by section 121.08,

173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1267
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 1268
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 1269
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 1270
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 1271
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 1272
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 1273
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1274
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1275
5126.281, or 5153.111 of the Revised Code. The form that the 1276
superintendent prescribes pursuant to this division may be in a 1277
tangible format, in an electronic format, or in both tangible and 1278
electronic formats. 1279

(2) The superintendent shall prescribe standard impression 1280
sheets to obtain the fingerprint impressions of any person for 1281
whom a criminal records check is requested under section 113.041 1282
of the Revised Code or required by section 121.08, 173.27, 1283
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1284
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 1285
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 1286
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 1287
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1288
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1289
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1290
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1291
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1292
5126.281, or 5153.111 of the Revised Code. Any person for whom a 1293
records check is requested under or required by any of those 1294
sections shall obtain the fingerprint impressions at a county 1295
sheriff's office, municipal police department, or any other entity 1296
with the ability to make fingerprint impressions on the standard 1297
impression sheets prescribed by the superintendent. The office, 1298
department, or entity may charge the person a reasonable fee for 1299

making the impressions. The standard impression sheets the 1300
superintendent prescribes pursuant to this division may be in a 1301
tangible format, in an electronic format, or in both tangible and 1302
electronic formats. 1303

(3) Subject to division (D) of this section, the 1304
superintendent shall prescribe and charge a reasonable fee for 1305
providing a criminal records check requested under section 1306
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1307
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1308
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1309
3722.151, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 1310
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 1311
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 1312
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 1313
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 1314
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 1315
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 1316
person making a criminal records request under any of those 1317
sections shall pay the fee prescribed pursuant to this division. A 1318
person making a request under section 3701.881 of the Revised Code 1319
for a criminal records check for an applicant who may be both 1320
responsible for the care, custody, or control of a child and 1321
involved in providing direct care to an older adult shall pay one 1322
fee for the request. In the case of a request under section 1323
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 1324
of the Revised Code, the fee shall be paid in the manner specified 1325
in that section. 1326

(4) The superintendent of the bureau of criminal 1327
identification and investigation may prescribe methods of 1328
forwarding fingerprint impressions and information necessary to 1329
conduct a criminal records check, which methods shall include, but 1330
not be limited to, an electronic method. 1331

(D) A determination whether any information exists that 1332
indicates that a person previously has been convicted of or 1333
pleaded guilty to any offense listed or described in division 1334
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1335
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1336
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), ~~or~~ (A)(14), or 1337
(A)(15) of this section, or that indicates that a person 1338
previously has been convicted of or pleaded guilty to any criminal 1339
offense in this state or any other state regarding a criminal 1340
records check of a type described in division (A)(13) of this 1341
section, and that is made by the superintendent with respect to 1342
information considered in a criminal records check in accordance 1343
with this section is valid for the person who is the subject of 1344
the criminal records check for a period of one year from the date 1345
upon which the superintendent makes the determination. During the 1346
period in which the determination in regard to a person is valid, 1347
if another request under this section is made for a criminal 1348
records check for that person, the superintendent shall provide 1349
the information that is the basis for the superintendent's initial 1350
determination at a lower fee than the fee prescribed for the 1351
initial criminal records check. 1352

(E) As used in this section: 1353

(1) "Criminal records check" means any criminal records check 1354
conducted by the superintendent of the bureau of criminal 1355
identification and investigation in accordance with division (B) 1356
of this section. 1357

(2) "Minor drug possession offense" has the same meaning as 1358
in section 2925.01 of the Revised Code. 1359

(3) "Older adult" means a person age sixty or older. 1360

(4) "OVI or OVUAC violation" means a violation of section 1361
4511.19 of the Revised Code or a violation of an existing or 1362

former law of this state, any other state, or the United States 1363
that is substantially equivalent to section 4511.19 of the Revised 1364
Code. 1365

Sec. 109.71. There is hereby created in the office of the 1366
attorney general the Ohio peace officer training commission. The 1367
commission shall consist of nine members appointed by the governor 1368
with the advice and consent of the senate and selected as follows: 1369
one member representing the public; two members who are incumbent 1370
sheriffs; two members who are incumbent chiefs of police; one 1371
member from the bureau of criminal identification and 1372
investigation; one member from the state highway patrol; one 1373
member who is the special agent in charge of a field office of the 1374
federal bureau of investigation in this state; and one member from 1375
the department of education, trade and industrial education 1376
services, law enforcement training. 1377

This section does not confer any arrest authority or any 1378
ability or authority to detain a person, write or issue any 1379
citation, or provide any disposition alternative, as granted under 1380
Chapter 2935. of the Revised Code. 1381

As used in sections 109.71 to 109.801 of the Revised Code: 1382

(A) "Peace officer" means: 1383

(1) A deputy sheriff, marshal, deputy marshal, member of the 1384
organized police department of a township or municipal 1385
corporation, member of a township police district or joint 1386
township police district police force, member of a police force 1387
employed by a metropolitan housing authority under division (D) of 1388
section 3735.31 of the Revised Code, or township constable, who is 1389
commissioned and employed as a peace officer by a political 1390
subdivision of this state or by a metropolitan housing authority, 1391
and whose primary duties are to preserve the peace, to protect 1392
life and property, and to enforce the laws of this state, 1393

ordinances of a municipal corporation, resolutions of a township,	1394
or regulations of a board of county commissioners or board of	1395
township trustees, or any of those laws, ordinances, resolutions,	1396
or regulations;	1397
(2) A police officer who is employed by a railroad company	1398
and appointed and commissioned by the secretary of state pursuant	1399
to sections 4973.17 to 4973.22 of the Revised Code;	1400
(3) Employees of the department of taxation engaged in the	1401
enforcement of Chapter 5743. of the Revised Code and designated by	1402
the tax commissioner for peace officer training for purposes of	1403
the delegation of investigation powers under section 5743.45 of	1404
the Revised Code;	1405
(4) An undercover drug agent;	1406
(5) Enforcement agents of the department of public safety	1407
whom the director of public safety designates under section	1408
5502.14 of the Revised Code;	1409
(6) An employee of the department of natural resources who is	1410
a natural resources law enforcement staff officer designated	1411
pursuant to section 1501.013, a park officer designated pursuant	1412
to section 1541.10, a forest officer designated pursuant to	1413
section 1503.29, a preserve officer designated pursuant to section	1414
1517.10, a wildlife officer designated pursuant to section	1415
1531.13, or a state watercraft officer designated pursuant to	1416
section 1547.521 of the Revised Code;	1417
(7) An employee of a park district who is designated pursuant	1418
to section 511.232 or 1545.13 of the Revised Code;	1419
(8) An employee of a conservancy district who is designated	1420
pursuant to section 6101.75 of the Revised Code;	1421
(9) A police officer who is employed by a hospital that	1422
employs and maintains its own proprietary police department or	1423

security department, and who is appointed and commissioned by the 1424
secretary of state pursuant to sections 4973.17 to 4973.22 of the 1425
Revised Code; 1426

(10) Veterans' homes police officers designated under section 1427
5907.02 of the Revised Code; 1428

(11) A police officer who is employed by a qualified 1429
nonprofit corporation police department pursuant to section 1430
1702.80 of the Revised Code; 1431

(12) A state university law enforcement officer appointed 1432
under section 3345.04 of the Revised Code or a person serving as a 1433
state university law enforcement officer on a permanent basis on 1434
June 19, 1978, who has been awarded a certificate by the executive 1435
director of the Ohio peace officer training commission attesting 1436
to the person's satisfactory completion of an approved state, 1437
county, municipal, or department of natural resources peace 1438
officer basic training program; 1439

(13) A special police officer employed by the department of 1440
mental health pursuant to section 5119.14 of the Revised Code or 1441
the department of developmental disabilities pursuant to section 1442
5123.13 of the Revised Code; 1443

(14) A member of a campus police department appointed under 1444
section 1713.50 of the Revised Code; 1445

(15) A member of a police force employed by a regional 1446
transit authority under division (Y) of section 306.35 of the 1447
Revised Code; 1448

(16) Investigators appointed by the auditor of state pursuant 1449
to section 117.091 of the Revised Code and engaged in the 1450
enforcement of Chapter 117. of the Revised Code; 1451

(17) A special police officer designated by the 1452
superintendent of the state highway patrol pursuant to section 1453

5503.09 of the Revised Code or a person who was serving as a 1454
special police officer pursuant to that section on a permanent 1455
basis on October 21, 1997, and who has been awarded a certificate 1456
by the executive director of the Ohio peace officer training 1457
commission attesting to the person's satisfactory completion of an 1458
approved state, county, municipal, or department of natural 1459
resources peace officer basic training program; 1460

(18) A special police officer employed by a port authority 1461
under section 4582.04 or 4582.28 of the Revised Code or a person 1462
serving as a special police officer employed by a port authority 1463
on a permanent basis on May 17, 2000, who has been awarded a 1464
certificate by the executive director of the Ohio peace officer 1465
training commission attesting to the person's satisfactory 1466
completion of an approved state, county, municipal, or department 1467
of natural resources peace officer basic training program; 1468

(19) A special police officer employed by a municipal 1469
corporation who has been awarded a certificate by the executive 1470
director of the Ohio peace officer training commission for 1471
satisfactory completion of an approved peace officer basic 1472
training program and who is employed on a permanent basis on or 1473
after March 19, 2003, at a municipal airport, or other municipal 1474
air navigation facility, that has scheduled operations, as defined 1475
in section 119.3 of Title 14 of the Code of Federal Regulations, 1476
14 C.F.R. 119.3, as amended, and that is required to be under a 1477
security program and is governed by aviation security rules of the 1478
transportation security administration of the United States 1479
department of transportation as provided in Parts 1542. and 1544. 1480
of Title 49 of the Code of Federal Regulations, as amended; 1481

(20) A police officer who is employed by an owner or operator 1482
of an amusement park that has an average yearly attendance in 1483
excess of six hundred thousand guests and that employs and 1484
maintains its own proprietary police department or security 1485

department, and who is appointed and commissioned by a judge of 1486
the appropriate municipal court or county court pursuant to 1487
section 4973.17 of the Revised Code; 1488

(21) A police officer who is employed by a bank, savings and 1489
loan association, savings bank, credit union, or association of 1490
banks, savings and loan associations, savings banks, or credit 1491
unions, who has been appointed and commissioned by the secretary 1492
of state pursuant to sections 4973.17 to 4973.22 of the Revised 1493
Code, and who has been awarded a certificate by the executive 1494
director of the Ohio peace officer training commission attesting 1495
to the person's satisfactory completion of a state, county, 1496
municipal, or department of natural resources peace officer basic 1497
training program; 1498

(22) An investigator, as defined in section 109.541 of the 1499
Revised Code, of the bureau of criminal identification and 1500
investigation who is commissioned by the superintendent of the 1501
bureau as a special agent for the purpose of assisting law 1502
enforcement officers or providing emergency assistance to peace 1503
officers pursuant to authority granted under that section; 1504

(23) A state fire marshal law enforcement officer appointed 1505
under section 3737.22 of the Revised Code or a person serving as a 1506
state fire marshal law enforcement officer on a permanent basis on 1507
or after July 1, 1982, who has been awarded a certificate by the 1508
executive director of the Ohio peace officer training commission 1509
attesting to the person's satisfactory completion of an approved 1510
state, county, municipal, or department of natural resources peace 1511
officer basic training program; 1512

(24) A gaming agent employed under section 3772.03 of the 1513
Revised Code. 1514

(B) "Undercover drug agent" has the same meaning as in 1515
division (B)(2) of section 109.79 of the Revised Code. 1516

(C) "Crisis intervention training" means training in the use of interpersonal and communication skills to most effectively and sensitively interview victims of rape.

(D) "Missing children" has the same meaning as in section 2901.30 of the Revised Code.

Sec. 109.77. (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B)(1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program:

(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;

(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;

(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;

(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;

(e) A state university law enforcement officer;

(f) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of developmental disabilities pursuant to section

5123.13 of the Revised Code;	1547
(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	1548 1549 1550
(h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	1551 1552
(i) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended;	1553 1554 1555 1556 1557 1558 1559 1560 1561
<u>(j) A gaming agent employed under section 3772.03 of the Revised Code.</u>	1562 1563
(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person previously has completed satisfactorily or, within the time prescribed by rules adopted by the attorney general pursuant to section 109.74 of the Revised Code, satisfactorily completes a state, county, municipal, or department of natural resources peace officer basic training program for temporary or probationary officers and is awarded a certificate by the director attesting to the satisfactory completion of the program:	1564 1565 1566 1567 1568 1569 1570 1571 1572 1573
(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	1574 1575 1576
(b) A natural resources law enforcement staff officer, park	1577

officer, forest officer, preserve officer, wildlife officer, or 1578
state watercraft officer of the department of natural resources; 1579

(c) An employee of a park district under section 511.232 or 1580
1545.13 of the Revised Code; 1581

(d) An employee of a conservancy district who is designated 1582
pursuant to section 6101.75 of the Revised Code; 1583

(e) A special police officer employed by the department of 1584
mental health pursuant to section 5119.14 of the Revised Code or 1585
the department of developmental disabilities pursuant to section 1586
5123.13 of the Revised Code; 1587

(f) An enforcement agent of the department of public safety 1588
whom the director of public safety designates under section 1589
5502.14 of the Revised Code; 1590

(g) A special police officer employed by a port authority 1591
under section 4582.04 or 4582.28 of the Revised Code; 1592

(h) A special police officer employed by a municipal 1593
corporation at a municipal airport, or other municipal air 1594
navigation facility, that has scheduled operations, as defined in 1595
section 119.3 of Title 14 of the Code of Federal Regulations, 14 1596
C.F.R. 119.3, as amended, and that is required to be under a 1597
security program and is governed by aviation security rules of the 1598
transportation security administration of the United States 1599
department of transportation as provided in Parts 1542. and 1544. 1600
of Title 49 of the Code of Federal Regulations, as amended. 1601

(3) For purposes of division (B) of this section, a state, 1602
county, municipal, or department of natural resources peace 1603
officer basic training program, regardless of whether the program 1604
is to be completed by peace officers appointed on a permanent or 1605
temporary, probationary, or other nonpermanent basis, shall 1606
include training in the handling of the offense of domestic 1607
violence, other types of domestic violence-related offenses and 1608

incidents, and protection orders and consent agreements issued or 1609
approved under section 2919.26 or 3113.31 of the Revised Code and 1610
crisis intervention training. The requirement to complete training 1611
in the handling of the offense of domestic violence, other types 1612
of domestic violence-related offenses and incidents, and 1613
protection orders and consent agreements issued or approved under 1614
section 2919.26 or 3113.31 of the Revised Code does not apply to 1615
any person serving as a peace officer on March 27, 1979, and the 1616
requirement to complete training in crisis intervention does not 1617
apply to any person serving as a peace officer on April 4, 1985. 1618
Any person who is serving as a peace officer on April 4, 1985, who 1619
terminates that employment after that date, and who subsequently 1620
is hired as a peace officer by the same or another law enforcement 1621
agency shall complete training in crisis intervention as 1622
prescribed by rules adopted by the attorney general pursuant to 1623
section 109.742 of the Revised Code. No peace officer shall have 1624
employment as a peace officer terminated and then be reinstated 1625
with intent to circumvent this section. 1626

(4) Division (B) of this section does not apply to any person 1627
serving on a permanent basis on March 28, 1985, as a park officer, 1628
forest officer, preserve officer, wildlife officer, or state 1629
watercraft officer of the department of natural resources or as an 1630
employee of a park district under section 511.232 or 1545.13 of 1631
the Revised Code, to any person serving on a permanent basis on 1632
March 6, 1986, as an employee of a conservancy district designated 1633
pursuant to section 6101.75 of the Revised Code, to any person 1634
serving on a permanent basis on January 10, 1991, as a preserve 1635
officer of the department of natural resources, to any person 1636
employed on a permanent basis on July 2, 1992, as a special police 1637
officer by the department of mental health pursuant to section 1638
5119.14 of the Revised Code or by the department of developmental 1639
disabilities pursuant to section 5123.13 of the Revised Code, to 1640
any person serving on a permanent basis on May 17, 2000, as a 1641

special police officer employed by a port authority under section 1642
4582.04 or 4582.28 of the Revised Code, to any person serving on a 1643
permanent basis on March 19, 2003, as a special police officer 1644
employed by a municipal corporation at a municipal airport or 1645
other municipal air navigation facility described in division 1646
(A)(19) of section 109.71 of the Revised Code, to any person 1647
serving on a permanent basis on June 19, 1978, as a state 1648
university law enforcement officer pursuant to section 3345.04 of 1649
the Revised Code and who, immediately prior to June 19, 1978, was 1650
serving as a special police officer designated under authority of 1651
that section, or to any person serving on a permanent basis on 1652
September 20, 1984, as a liquor control investigator, known after 1653
June 30, 1999, as an enforcement agent of the department of public 1654
safety, engaged in the enforcement of Chapters 4301. and 4303. of 1655
the Revised Code. 1656

(5) Division (B) of this section does not apply to any person 1657
who is appointed as a regional transit authority police officer 1658
pursuant to division (Y) of section 306.35 of the Revised Code if, 1659
on or before July 1, 1996, the person has completed satisfactorily 1660
an approved state, county, municipal, or department of natural 1661
resources peace officer basic training program and has been 1662
awarded a certificate by the executive director of the Ohio peace 1663
officer training commission attesting to the person's satisfactory 1664
completion of such an approved program and if, on July 1, 1996, 1665
the person is performing peace officer functions for a regional 1666
transit authority. 1667

(C) No person, after September 20, 1984, shall receive an 1668
original appointment on a permanent basis as a veterans' home 1669
police officer designated under section 5907.02 of the Revised 1670
Code unless the person previously has been awarded a certificate 1671
by the executive director of the Ohio peace officer training 1672
commission attesting to the person's satisfactory completion of an 1673

approved police officer basic training program. Every person who 1674
is appointed on a temporary basis or for a probationary term or on 1675
other than a permanent basis as a veterans' home police officer 1676
designated under section 5907.02 of the Revised Code shall forfeit 1677
that position unless the person previously has completed 1678
satisfactorily or, within one year from the time of appointment, 1679
satisfactorily completes an approved police officer basic training 1680
program. 1681

(D) No bailiff or deputy bailiff of a court of record of this 1682
state and no criminal investigator who is employed by the state 1683
public defender shall carry a firearm, as defined in section 1684
2923.11 of the Revised Code, while on duty unless the bailiff, 1685
deputy bailiff, or criminal investigator has done or received one 1686
of the following: 1687

(1) Has been awarded a certificate by the executive director 1688
of the Ohio peace officer training commission, which certificate 1689
attests to satisfactory completion of an approved state, county, 1690
or municipal basic training program for bailiffs and deputy 1691
bailiffs of courts of record and for criminal investigators 1692
employed by the state public defender that has been recommended by 1693
the Ohio peace officer training commission; 1694

(2) Has successfully completed a firearms training program 1695
approved by the Ohio peace officer training commission prior to 1696
employment as a bailiff, deputy bailiff, or criminal investigator; 1697

(3) Prior to June 6, 1986, was authorized to carry a firearm 1698
by the court that employed the bailiff or deputy bailiff or, in 1699
the case of a criminal investigator, by the state public defender 1700
and has received training in the use of firearms that the Ohio 1701
peace officer training commission determines is equivalent to the 1702
training that otherwise is required by division (D) of this 1703
section. 1704

(E)(1) Before a person seeking a certificate completes an approved peace officer basic training program, the executive director of the Ohio peace officer training commission shall request the person to disclose, and the person shall disclose, any previous criminal conviction of or plea of guilty of that person to a felony.

(2) Before a person seeking a certificate completes an approved peace officer basic training program, the executive director shall request a criminal history records check on the person. The executive director shall submit the person's fingerprints to the bureau of criminal identification and investigation, which shall submit the fingerprints to the federal bureau of investigation for a national criminal history records check.

Upon receipt of the executive director's request, the bureau of criminal identification and investigation and the federal bureau of investigation shall conduct a criminal history records check on the person and, upon completion of the check, shall provide a copy of the criminal history records check to the executive director. The executive director shall not award any certificate prescribed in this section unless the executive director has received a copy of the criminal history records check on the person to whom the certificate is to be awarded.

(3) The executive director of the commission shall not award a certificate prescribed in this section to a person who has been convicted of or has pleaded guilty to a felony or who fails to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

(4) The executive director of the commission shall revoke the certificate awarded to a person as prescribed in this section, and that person shall forfeit all of the benefits derived from being certified as a peace officer under this section, if the person,

before completion of an approved peace officer basic training 1737
program, failed to disclose any previous criminal conviction of or 1738
plea of guilty to a felony as required under division (E)(1) of 1739
this section. 1740

(F)(1) Regardless of whether the person has been awarded the 1741
certificate or has been classified as a peace officer prior to, 1742
on, or after October 16, 1996, the executive director of the Ohio 1743
peace officer training commission shall revoke any certificate 1744
that has been awarded to a person as prescribed in this section if 1745
the person does either of the following: 1746

(a) Pleads guilty to a felony committed on or after January 1747
1, 1997; 1748

(b) Pleads guilty to a misdemeanor committed on or after 1749
January 1, 1997, pursuant to a negotiated plea agreement as 1750
provided in division (D) of section 2929.43 of the Revised Code in 1751
which the person agrees to surrender the certificate awarded to 1752
the person under this section. 1753

(2) The executive director of the commission shall suspend 1754
any certificate that has been awarded to a person as prescribed in 1755
this section if the person is convicted, after trial, of a felony 1756
committed on or after January 1, 1997. The executive director 1757
shall suspend the certificate pursuant to division (F)(2) of this 1758
section pending the outcome of an appeal by the person from that 1759
conviction to the highest court to which the appeal is taken or 1760
until the expiration of the period in which an appeal is required 1761
to be filed. If the person files an appeal that results in that 1762
person's acquittal of the felony or conviction of a misdemeanor, 1763
or in the dismissal of the felony charge against that person, the 1764
executive director shall reinstate the certificate awarded to the 1765
person under this section. If the person files an appeal from that 1766
person's conviction of the felony and the conviction is upheld by 1767
the highest court to which the appeal is taken or if the person 1768

does not file a timely appeal, the executive director shall revoke 1769
the certificate awarded to the person under this section. 1770

(G)(1) If a person is awarded a certificate under this 1771
section and the certificate is revoked pursuant to division (E)(4) 1772
or (F) of this section, the person shall not be eligible to 1773
receive, at any time, a certificate attesting to the person's 1774
satisfactory completion of a peace officer basic training program. 1775

(2) The revocation or suspension of a certificate under 1776
division (E)(4) or (F) of this section shall be in accordance with 1777
Chapter 119. of the Revised Code. 1778

(H)(1) A person who was employed as a peace officer of a 1779
county, township, or municipal corporation of the state on January 1780
1, 1966, and who has completed at least sixteen years of full-time 1781
active service as such a peace officer, or equivalent service as 1782
determined by the executive director of the Ohio peace officer 1783
training commission, may receive an original appointment on a 1784
permanent basis and serve as a peace officer of a county, 1785
township, or municipal corporation, or as a state university law 1786
enforcement officer, without complying with the requirements of 1787
division (B) of this section. 1788

(2) Any person who held an appointment as a state highway 1789
trooper on January 1, 1966, may receive an original appointment on 1790
a permanent basis and serve as a peace officer of a county, 1791
township, or municipal corporation, or as a state university law 1792
enforcement officer, without complying with the requirements of 1793
division (B) of this section. 1794

(I) No person who is appointed as a peace officer of a 1795
county, township, or municipal corporation on or after April 9, 1796
1985, shall serve as a peace officer of that county, township, or 1797
municipal corporation unless the person has received training in 1798
the handling of missing children and child abuse and neglect cases 1799

from an approved state, county, township, or municipal police officer basic training program or receives the training within the time prescribed by rules adopted by the attorney general pursuant to section 109.741 of the Revised Code.

(J) No part of any approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and no part of any approved state, county, or municipal basic training program for criminal investigators employed by the state public defender shall be used as credit toward the completion by a peace officer of any part of the approved state, county, or municipal peace officer basic training program that the peace officer is required by this section to complete satisfactorily.

(K) This section does not apply to any member of the police department of a municipal corporation in an adjoining state serving in this state under a contract pursuant to section 737.04 of the Revised Code.

Sec. 109.79. (A) The Ohio peace officer training commission shall establish and conduct a training school for law enforcement officers of any political subdivision of the state or of the state public defender's office. The school shall be known as the Ohio peace officer training academy. No bailiff or deputy bailiff of a court of record of this state and no criminal investigator employed by the state public defender shall be permitted to attend the academy for training unless the employing court of the bailiff or deputy bailiff or the state public defender, whichever is applicable, has authorized the bailiff, deputy bailiff, or investigator to attend the academy.

The Ohio peace officer training commission shall develop the training program, which shall include courses in both the civil and criminal functions of law enforcement officers, a course in

crisis intervention with six or more hours of training, and 1831
training in the handling of missing children and child abuse and 1832
neglect cases, and shall establish rules governing qualifications 1833
for admission to the academy. The commission may require 1834
competitive examinations to determine fitness of prospective 1835
trainees, so long as the examinations or other criteria for 1836
admission to the academy are consistent with the provisions of 1837
Chapter 124. of the Revised Code. 1838

The Ohio peace officer training commission shall determine 1839
tuition costs sufficient in the aggregate to pay the costs of 1840
operating the academy. The costs of acquiring and equipping the 1841
academy shall be paid from appropriations made by the general 1842
assembly to the Ohio peace officer training commission for that 1843
purpose, from gifts or grants received for that purpose, or from 1844
fees for goods related to the academy. 1845

The Ohio peace officer training commission shall create a 1846
gaming-related curriculum for gaming agents. The Ohio peace 1847
officer training commission shall use money distributed to the 1848
Ohio peace officer training academy from the Ohio law enforcement 1849
training fund to first support the academy's training programs for 1850
gaming agents and gaming-related curriculum. 1851

The law enforcement officers, during the period of their 1852
training, shall receive compensation as determined by the 1853
political subdivision that sponsors them or, if the officer is a 1854
criminal investigator employed by the state public defender, as 1855
determined by the state public defender. The political subdivision 1856
may pay the tuition costs of the law enforcement officers they 1857
sponsor and the state public defender may pay the tuition costs of 1858
criminal investigators of that office who attend the academy. 1859

If trainee vacancies exist, the academy may train and issue 1860
certificates of satisfactory completion to peace officers who are 1861
employed by a campus police department pursuant to section 1713.50 1862

of the Revised Code, by a qualified nonprofit corporation police 1863
department pursuant to section 1702.80 of the Revised Code, or by 1864
a railroad company, who are amusement park police officers 1865
appointed and commissioned by a judge of the appropriate municipal 1866
court or county court pursuant to section 4973.17 of the Revised 1867
Code, or who are bank, savings and loan association, savings bank, 1868
credit union, or association of banks, savings and loan 1869
associations, savings banks, or credit unions, or hospital police 1870
officers appointed and commissioned by the secretary of state 1871
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 1872
provided that no such officer shall be trained at the academy 1873
unless the officer meets the qualifications established for 1874
admission to the academy and the qualified nonprofit corporation 1875
police department; bank, savings and loan association, savings 1876
bank, credit union, or association of banks, savings and loan 1877
associations, savings banks, or credit unions; railroad company; 1878
hospital; or amusement park or the private college or university 1879
that established the campus police department prepays the entire 1880
cost of the training. A qualified nonprofit corporation police 1881
department; bank, savings and loan association, savings bank, 1882
credit union, or association of banks, savings and loan 1883
associations, savings banks, or credit unions; railroad company; 1884
hospital; or amusement park or a private college or university 1885
that has established a campus police department is not entitled to 1886
reimbursement from the state for any amount paid for the cost of 1887
training the bank, savings and loan association, savings bank, 1888
credit union, or association of banks, savings and loan 1889
associations, savings banks, or credit unions peace officers; the 1890
railroad company's peace officers; or the peace officers of the 1891
qualified nonprofit corporation police department, campus police 1892
department, hospital, or amusement park. 1893

The academy shall permit investigators employed by the state 1894
medical board to take selected courses that the board determines 1895

are consistent with its responsibilities for initial and 1896
continuing training of investigators as required under sections 1897
4730.26 and 4731.05 of the Revised Code. The board shall pay the 1898
entire cost of training that investigators receive at the academy. 1899

(B) As used in this section: 1900

(1) "Law enforcement officers" include any undercover drug 1901
agent, any bailiff or deputy bailiff of a court of record, and any 1902
criminal investigator who is employed by the state public 1903
defender. 1904

(2) "Undercover drug agent" means any person who: 1905

(a) Is employed by a county, township, or municipal 1906
corporation for the purposes set forth in division (B)(2)(b) of 1907
this section but who is not an employee of a county sheriff's 1908
department, of a township constable, or of the police department 1909
of a municipal corporation or township; 1910

(b) In the course of the person's employment by a county, 1911
township, or municipal corporation, investigates and gathers 1912
information pertaining to persons who are suspected of violating 1913
Chapter 2925. or 3719. of the Revised Code, and generally does not 1914
wear a uniform in the performance of the person's duties. 1915

(3) "Crisis intervention training" has the same meaning as in 1916
section 109.71 of the Revised Code. 1917

(4) "Missing children" has the same meaning as in section 1918
2901.30 of the Revised Code. 1919

Sec. 121.54. As it relates in any way to state funds or 1920
public officials subject to the investigatory authority of the 1921
inspector general, the inspector general may investigate all 1922
wrongful acts or omissions that have been committed by or are 1923
being committed by any member of the commission or its employees, 1924
any entity or individual regulated or licensed by the commission, 1925

or, for casino-related matters, any other contractors, vendors, or persons doing business with the state. 1926
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The inspector general shall conduct a program of random review of the processing of contracts associated with the commission or any casino facility or any slot or table game operated at any casino facility. The random review program shall be designed by the inspector general. The program shall be confidential and may be altered by the inspector general at any time. 1928
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All state employees and all agents, employees, licensees, and officials of all casino operators, management companies, holding companies, or gaming-related vendors shall cooperate with and provide assistance to the inspector general in the performance of any investigation conducted by the inspector general. In particular, those persons shall make their premises, equipment, personnel, books, records, and papers readily available to the inspector general. In the course of an investigation, the inspector general may question any state employee, casino operator, management company, or holding company, official, or employee, or gaming-related vendor, and any person transacting business with the commission, any casino operator, management company, holding company, the state, or a state agency on a casino-related matter. The inspector general shall take care to preserve the confidentiality of information contained in responses to questions or in books, records, or papers that are made confidential by law. In performing any investigation, the inspector general shall avoid interfering with the ongoing operations of the entities being investigated, except insofar as is reasonably necessary to successfully complete the investigation. 1935
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At the conclusion of an investigation conducted by the inspector general, the inspector general shall deliver to the 1956
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director of the commission, depending on the subject of the 1958
investigation, and to the governor, any case for which remedial 1959
action is necessary. The inspector general shall maintain a public 1960
record of the activities of the inspector general to the extent 1961
permitted under this section, ensuring that the rights of the 1962
parties involved in each case are protected. The inspector general 1963
shall include in the annual report required under section 121.48 1964
of the Revised Code a summary of the activities of the inspector 1965
general under this section during the previous year. 1966

No person shall disclose any information that is designated 1967
as confidential in accordance with section 121.44 of the Revised 1968
Code or any confidential information that is acquired in the 1969
course of an investigation conducted under this section to any 1970
person who is not legally entitled to disclosure of that 1971
information. 1972

As used in this section, "state agency" and "state employee" 1973
have the same meanings as in section 121.41 of the Revised Code. 1974

Sec. 121.60. As used in sections 121.60 to 121.69 of the 1975
Revised Code: 1976

(A) "Person" and "compensation" have the same meanings as in 1977
section 101.70 of the Revised Code. 1978

(B) "Expenditure" means any of the following that is made to, 1979
at the request of, for the benefit of, or on behalf of an elected 1980
executive official, the director of a department created under 1981
section 121.02 of the Revised Code, an executive agency official, 1982
or a member of the staff of any public officer or employee listed 1983
in this division: 1984

(1) A payment, distribution, loan, advance, deposit, 1985
reimbursement, or gift of money, real estate, or anything of 1986
value, including, but not limited to, food and beverages, 1987

entertainment, lodging, transportation, or honorariums;	1988
(2) A contract, promise, or agreement to make an expenditure, whether or not legally enforceable;	1989 1990
(3) The purchase, sale, or gift of services or any other thing of value. "Expenditure" does not include a contribution, gift, or grant to a foundation or other charitable organization that is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. "Expenditure" does not include the purchase, sale, or gift of services or any other thing of value that is available to the general public on the same terms as it is available to the persons listed in this division, or an offer or sale of securities to any person listed in this division that is governed by regulation D, 17 C.F.R. 2301.501 <u>230.501</u> to 2301.508 <u>230.508</u> , adopted under the authority of the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. and following, or that is governed by a comparable provision under state law.	1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003
(C) "Employer" means any person who, directly or indirectly, engages an executive agency lobbyist.	2004 2005
(D) "Engage" means to make any arrangement, and "engagement" means arrangement, whereby an individual is employed or retained for compensation to act for or on behalf of an employer to influence executive agency decisions or to conduct any executive agency lobbying activity.	2006 2007 2008 2009 2010
(E) "Financial transaction" means a transaction or activity that is conducted or undertaken for profit and arises from the joint ownership or the ownership or part ownership in common of any real or personal property or any commercial or business enterprise of whatever form or nature between the following:	2011 2012 2013 2014 2015
(1) An executive agency lobbyist, his <u>the executive agency lobbyist's</u> employer, or a member of the immediate family of the executive agency lobbyist or his <u>the executive agency lobbyist's</u>	2016 2017 2018

employer; and 2019

(2) Any elected executive official, the director of a 2020
department created under section 121.02 of the Revised Code, an 2021
executive agency official, or any member of the staff of a public 2022
officer or employee listed in division (E)(2) of this section. 2023

"Financial transaction" does not include any transaction or 2024
activity described in division (E) of this section if it is 2025
available to the general public on the same terms, or if it is an 2026
offer or sale of securities to any person listed in division 2027
(E)(2) of this section that is governed by regulation D, 17 C.F.R. 2028
~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, adopted under the authority 2029
of the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. and 2030
following, or that is governed by a comparable provision under 2031
state law. 2032

(F) "Executive agency" means the office of an elected 2033
executive official, a department created under section 121.02 of 2034
the Revised Code, or any other state agency, department, board, or 2035
commission controlled or directed by an elected executive official 2036
or otherwise subject to ~~his~~ an elected executive official's 2037
authority. "Executive agency" does not include any court, the 2038
general assembly, or the controlling board. 2039

(G) "Executive agency decision" means a decision of an 2040
executive agency regarding the expenditure of funds of the state 2041
or of an executive agency with respect to the award of a contract, 2042
grant, lease, or other financial arrangement under which such 2043
funds are distributed or allocated, or a regulatory decision of an 2044
executive agency or any board or commission of the state. 2045

"Executive agency decision" does not include either of the 2046
following: 2047

(1) A purchasing decision for which a vendor has filed a 2048
statement certifying that ~~he~~ the vendor has not made campaign 2049

contributions in an amount such that section 3517.13 of the Revised Code would invalidate the decision, if that vendor has not engaged an executive agency lobbyist;

(2) The award of a competitively bid contract for which bid specifications were prepared and for which at least three eligible competitive bids were received by the executive agency.

(H) "Executive agency lobbyist" means any person engaged to influence executive agency decisions or to conduct executive agency lobbying activity as one of ~~his~~ the person's main purposes on a regular and substantial basis. "Executive agency lobbyist" does not include an elected or appointed officer or employee of a federal or state agency, state college, state university, or political subdivision who attempts to influence or affect executive agency decisions in ~~his~~ a fiduciary capacity as a representative of ~~his~~ the officer's or employee's agency, college, university, or political subdivision.

(I) "Executive agency lobbying activity" means contacts made to promote, oppose, or otherwise influence the outcome of an executive agency decision by direct communication with an executive official, the director of any department listed in section 121.02 of the Revised Code, any executive agency official, ~~or~~ a member of the staff of any public officer or employee listed in this division, or the Ohio casino control commission. "Lobbying activity" does not include any of the following:

(1) The action of any person having a direct interest in executive agency decisions who, under Section 3 of Article I, Ohio Constitution, assembles together with other persons to consult for their common good, instructs a person listed in the first paragraph of division (I) of this section, or petitions such a person for the redress of grievances;

(2) Contacts made for the sole purpose of gathering

information contained in a public record; 2081

(3) Appearances before an executive agency to give testimony. 2082

(J) "Executive agency official" means an officer or employee 2083
of an executive agency whose principal duties are to formulate 2084
policy or to participate directly or indirectly in the 2085
preparation, review, or award of contracts, grants, leases, or 2086
other financial arrangements with an executive agency. 2087

(K) "Aggrieved party" means a party entitled to resort to a 2088
remedy. 2089

(L) "Elected executive official" means the governor, 2090
lieutenant governor, secretary of state, auditor of state, 2091
treasurer of state, and the attorney general. 2092

(M) "Staff" means any officer or employee of an executive 2093
agency whose official duties are to formulate policy and who 2094
exercises administrative or supervisory authority or who 2095
authorizes the expenditure of state funds. 2096

Sec. 126.45. (A) As used in sections 126.45 to 126.48 of the 2097
Revised Code, "state agency" means the administrative departments 2098
listed in section 121.02 of the Revised Code, the department of 2099
taxation, ~~and~~ the bureau of workers' compensation, and the Ohio 2100
casino control commission. 2101

(B) The office of internal auditing is hereby created in the 2102
office of budget and management to conduct internal audits of 2103
state agencies or divisions of state agencies to improve their 2104
operations in the areas of risk management, internal controls, and 2105
governance. The director of budget and management, with the 2106
approval of the governor, shall appoint for the office of internal 2107
auditing a chief internal auditor who meets the qualifications 2108
specified in division (C) of this section. The chief internal 2109
auditor shall serve at the director's pleasure and be responsible 2110

for the administration of the office of internal auditing 2111
consistent with sections 126.45 to 126.48 of the Revised Code. 2112

The office of internal auditing shall conduct programs for 2113
the internal auditing of state agencies. The programs shall 2114
include an annual internal audit plan, reviewed by the state audit 2115
committee, that utilizes risk assessment techniques and identifies 2116
the specific audits to be conducted during the year. The programs 2117
also shall include periodic audits of each state agency's major 2118
systems and controls, including those systems and controls 2119
pertaining to accounting, administration, and electronic data 2120
processing. Upon the request of the office of internal auditing, 2121
each state agency shall provide office employees access to all 2122
records and documents necessary for the performance of an internal 2123
audit. 2124

The director of budget and management shall assess a charge 2125
against each state agency for which the office of internal 2126
auditing conducts internal auditing programs under sections 126.45 2127
to 126.48 of the Revised Code so that the total amount of these 2128
charges is sufficient to cover the costs of the operation of the 2129
office of internal auditing. 2130

(C) The chief internal auditor of the office of internal 2131
auditing shall hold at least a bachelor's degree and be one of the 2132
following: 2133

(1) A certified internal auditor, a certified government 2134
auditing professional, or a certified public accountant, who also 2135
has held a PA registration or a CPA certificate authorized by 2136
Chapter 4701. of the Revised Code for at least four years and has 2137
at least six years of auditing experience; 2138

(2) An auditor who has held a PA registration or a CPA 2139
certificate authorized by Chapter 4701. of the Revised Code for at 2140
least four years and has at least ten years of auditing 2141

experience. 2142

(D) The chief internal auditor, subject to the direction and 2143
control of the director of budget and management, may appoint and 2144
maintain any staff necessary to carry out the duties assigned by 2145
sections 126.45 to 126.48 of the Revised Code to the office of 2146
internal auditing or to the chief internal auditor. 2147

Sec. 1705.48. Except as otherwise provided by this chapter or 2148
any other provision of the Revised Code, including, but not 2149
limited to, sections 3734.908, 5739.33, 5743.57, 5747.07, and 2150
~~5753.09~~ 5753.02 of the Revised Code, all of the following apply: 2151

(A) The debts, obligations, and liabilities of a limited 2152
liability company, whether arising in contract, tort, or 2153
otherwise, are solely the debts, obligations, and liabilities of 2154
the limited liability company. 2155

(B) Neither the members of the limited liability company nor 2156
any managers of the limited liability company are personally 2157
liable to satisfy any judgment, decree, or order of a court for, 2158
or are personally liable to satisfy in any other manner, a debt, 2159
obligation, or liability of the company solely by reason of being 2160
a member or manager of the limited liability company. 2161

(C) Nothing in this chapter affects any personal liability of 2162
a member of a limited liability company or any manager of a 2163
limited liability company for the member's or manager's own 2164
actions or omissions. 2165

(D) This chapter does not affect any statutory or common law 2166
of this or another state that pertains to the relationship between 2167
an individual who renders a professional service and a recipient 2168
of that service, including, but not limited to, any contract or 2169
tort liability arising out of acts or omissions committed or 2170
omitted during the course of rendering the professional service. 2171

Sec. 3517.1015. Each person licensed under Chapter 3772. of 2172
the Revised Code shall disclose quarterly to the secretary of 2173
state any contribution of one hundred dollars or more made to the 2174
holder of or any candidate for a statewide office, a member of the 2175
general assembly, a local government official of a jurisdiction 2176
where a casino facility is located, or to any ballot issue. 2177

Sec. 3769.081. The state racing commission shall administer 2178
the Ohio state racing commission fund. The commission shall use 2179
the money in the fund to support purses, breeding programs, race 2180
track operations, and commission operations. The commission, 2181
considering the relative importance of these purposes in light of 2182
prevailing circumstances in the horse racing industry, shall 2183
determine the percentage of the money in the fund that is to be 2184
applied to each of these purposes. 2185

Sec. 3772.01. As used in this chapter: 2186

(A) "Applicant" means any person who applies to the 2187
commission for a license under this chapter. 2188

(B) "Casino facility" means casino facility as defined in 2189
Section 6(C)(9) of Article XV, Ohio Constitution. 2190

(C) "Casino gaming" means any type of slot machine or table 2191
game wagering, using money, casino credit, or any representative 2192
of value, authorized in any of the states of Indiana, Michigan, 2193
Pennsylvania, and West Virginia as of January 1, 2009, and 2194
includes slot machine and table game wagering subsequently 2195
authorized by, but shall not be limited by, subsequent 2196
restrictions placed on such wagering in such states. "Casino 2197
gaming" does not include bingo, as authorized in Section 6 of 2198
Article XV, Ohio Constitution and conducted as of January 1, 2009, 2199
or horse racing where the pari-mutuel system of wagering is 2200
conducted, as authorized under the laws of this state as of 2201

January 1, 2009. 2202

(D) "Casino gaming employee" means any employee of a casino operator or management company, but not a key employee, and as further defined in section 3772.131 of the Revised Code. 2203
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(E) "Casino operator" means any person, trust, corporation, partnership, limited partnership, association, limited liability company, or other business enterprise that directly holds an ownership or leasehold interest in a casino facility. "Casino operator" does not include an agency of the state, any political subdivision of the state, any person, trust, corporation, partnership, limited partnership, association, limited liability company, or other business enterprise that may have an interest in a casino facility, but who is legally or contractually restricted from conducting casino gaming. 2206
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(F) "Central system" means a computer system that provides the following functions related to casino gaming equipment used in connection with casino gaming authorized under this chapter: security, auditing, data and information retrieval, and other purposes deemed necessary and authorized by the commission. 2216
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(G) "Commission" means the Ohio casino control commission. 2221

(H) "Gaming agent" means a peace officer employed by the commission that is vested with duties to enforce this chapter and conduct other investigations into the conduct of the casino gaming and the maintenance of the equipment that the commission considers necessary and proper and is in compliance with section 109.77 of the Revised Code. 2222
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(I) "Gaming-related vendor" means any individual, partnership, corporation, association, trust, or any other group of individuals, however organized, who supplies equipment, goods, or services to a casino operator or management company, that are directly related to or affect casino gaming authorized under this 2228
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chapter, including the manufacture, sale, distribution, testing, 2233
or repair of slot machines and table game equipment. 2234

(J) "Holding company" means any corporation, firm, 2235
partnership, limited partnership, limited liability company, 2236
trust, or other form of business organization not a natural person 2237
which directly owns, has the power or right to control, or holds 2238
with power to vote, any part of an applicant, casino operator, 2239
management company, or gaming-related vendor license. 2240

(K) "Initial investment" includes costs related to 2241
engineering, architecture, design, site preparation, construction, 2242
infrastructure improvements, and leasehold improvements. "Initial 2243
investment" does not include costs related to land acquisition, 2244
fixtures and equipment, inventory, insurance, working capital, and 2245
any state incentives. 2246

(L) "Institutional investor" means any of the following 2247
entities owning five per cent or less, or a percentage between 2248
five and ten per cent as approved by the commission for a waiver 2249
on a case-by-case basis, ownership interest in a casino facility, 2250
casino operator, management company, or holding company: a 2251
corporation, bank, insurance company, pension fund or pension fund 2252
trust, retirement fund, including funds administered by a public 2253
agency, employees' profit-sharing fund or employees' 2254
profit-sharing trust, any association engaged, as a substantial 2255
part of its business or operations, in purchasing or holding 2256
securities, or any trust in respect of which a bank is trustee or 2257
cotrustee, investment company registered under the "Investment 2258
Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective 2259
investment trust organized by banks under Part Nine of the Rules 2260
of the Comptroller of the Currency, closed-end investment trust, 2261
chartered or licensed life insurance company or property and 2262
casualty insurance company, investment advisor registered under 2263
the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., 2264

and such other persons as the commission may reasonably determine 2265
to qualify as an institutional investor for reasons consistent 2266
with this chapter. 2267

(M) "Key employee" means any executive, employee, or agent of 2268
a casino operator or management company licensee having the power 2269
to exercise significant influence over decisions concerning any 2270
part of the operation of such licensee, including: 2271

(1) An officer, director, trustee, or partner of a person 2272
that has applied for or holds a casino operator, management 2273
company, or gaming-related vendor license or of a holding company 2274
that has control of a person that has applied for or holds a 2275
casino operator, management company, or gaming-related vendor 2276
license; 2277

(2) A person that holds a direct ownership interest of more 2278
than five per cent in a person that has applied for or holds a 2279
casino operator, management company, or gaming-related vendor 2280
license or holding company that has control of a person that has 2281
applied for or holds a casino operator, management company, or 2282
gaming-related vendor license; 2283

(3) A managerial employee of a person that has applied for or 2284
holds a casino operator or gaming-related vendor license in Ohio, 2285
or a managerial employee of a holding company that has control of 2286
a person that has applied for or holds a casino operator or 2287
gaming-related vendor license in Ohio, who performs the function 2288
of principal executive officer, principal operating officer, 2289
principal accounting officer, or an equivalent officer. 2290

The commission shall determine whether an individual whose 2291
duties or status varies from those described in this division also 2292
is considered a key employee. 2293

(N) "Licensed casino operator" means a casino operator that 2294
has been issued a license by the commission and that has been 2295

certified annually by the commission to have paid all applicable 2296
fees, taxes, and debts to the state. 2297

(O) "Majority ownership interest" in a license or in a casino 2298
facility, as the case may be, means ownership of more than fifty 2299
per cent of such license or casino facility, as the case may be. 2300
For purposes of the foregoing, whether a majority ownership 2301
interest is held in a license or in a casino facility, as the case 2302
may be, shall be determined under the rules for constructive 2303
ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as 2304
in effect on January 1, 2009. 2305

(P) "Management company" means an organization retained by a 2306
casino operator to manage a casino facility and provide services 2307
such as accounting, general administration, maintenance, 2308
recruitment, and other operational services. 2309

(O) "Ohio law enforcement training fund" means the state law 2310
enforcement training fund described in Section 6(C)(3)(f) of 2311
Article XV, Ohio Constitution, the money in which shall be used to 2312
enhance public safety by providing additional training 2313
opportunities to the law enforcement community. 2314

(R) "Person" includes, but is not limited to, an individual 2315
or a combination of individuals; a sole proprietorship, a firm, a 2316
company, a joint venture, a partnership of any type, a joint-stock 2317
company, a corporation of any type, a corporate subsidiary of any 2318
type, a limited liability company, a business trust, or any other 2319
business entity or organization; an assignee; a receiver; a 2320
trustee in bankruptcy; an unincorporated association, club, 2321
society, or other unincorporated entity or organization; entities 2322
that are disregarded for federal income tax purposes; and any 2323
other nongovernmental, artificial, legal entity that is capable of 2324
engaging in business. 2325

(S) "Problem casino gambling and addictions fund" means the 2326

state problem gambling and addictions fund described in Section 2327
6(C)(3)(g) of Article XV, Ohio Constitution, the money in which 2328
shall be used for treatment of problem gambling and substance 2329
abuse, and for related research. 2330

(T) "Slot machine" means any mechanical, electrical, or other 2331
device or machine which, upon insertion of a coin, token, ticket, 2332
or similar object, or upon payment of any consideration, is 2333
available to play or operate, the play or operation of which, 2334
whether by reason of the skill of the operator or application of 2335
the element of chance, or both, makes individual prize 2336
determinations for individual participants in cash, premiums, 2337
merchandise, tokens, or any thing of value, whether the payoff is 2338
made automatically from the machine or in any other manner. 2339

(U) "Table game" means any game played with cards, dice, or 2340
any mechanical, electromechanical, or electronic device or machine 2341
for money, casino credit, or any representative of value. "Table 2342
game" does not include slot machines. 2343

(V) "Upfront license" means the first plenary license issued 2344
to a casino operator. 2345

(W) "Voluntary exclusion program" means a program provided by 2346
the commission that allows persons to voluntarily exclude 2347
themselves from the gaming areas of facilities under the 2348
jurisdiction of the commission by placing their name on a 2349
voluntary exclusion list and following the procedures set forth by 2350
the commission. 2351

Sec. 3772.02. (A) There is hereby created the Ohio casino 2352
control commission described in Section 6(C)(1) of Article XV, 2353
Ohio Constitution. 2354

(B) The commission shall consist of seven members appointed 2355
within one month of the effective date of this section by the 2356

governor with the advice and consent of the senate. The governor shall forward all appointments to the senate within twenty-four hours. 2357
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(1) Each commission member is eligible for reappointment at the discretion of the governor. No commission member shall be appointed for more than three terms in total. 2360
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(2) Each commission member shall be a resident of Ohio. 2363

(3) At least one commission member shall be experienced in law enforcement and criminal investigation. 2364
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(4) At least one commission member shall be a certified public accountant experienced in accounting and auditing. 2366
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(5) At least one commission member shall be an attorney admitted to the practice of law in Ohio. 2368
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(6) At least one commission member shall be a resident of a county where one of the casino facilities is located. 2370
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(7) Not more than four commission members shall be of the same political party. 2372
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(8) No commission member shall have any affiliation with an Ohio casino operator or facility. 2374
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(C) Commission members shall serve four-year terms, except that when the governor makes initial appointments to the commission under this chapter, the governor shall appoint three members to serve four-year terms with not more than two such members from the same political party, two members to serve three-year terms with such members not being from the same political party, and two members to serve two-year terms with such members not being from the same political party. 2376
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(D) Each commission member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring before 2384
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the expiration of the term for which the member's predecessor was 2387
appointed shall hold office for the remainder of the unexpired 2388
term. Any member shall continue in office after the expiration 2389
date of the member's term until the member's successor takes 2390
office, or until a period of sixty days has elapsed, whichever 2391
occurs first. A vacancy in the commission membership shall be 2392
filled in the same manner as the original appointment. 2393

(E) The governor shall select one member to serve as 2394
chairperson and the commission members shall select one member 2395
from a different party than the chairperson to serve as 2396
vice-chairperson. The governor may remove and replace the 2397
chairperson at any time. No such member shall serve as chairperson 2398
for more than six successive years. The vice-chairperson shall 2399
assume the duties of the chairperson in the absence of the 2400
chairperson. The chairperson and vice-chairperson shall perform 2401
but shall not be limited to additional duties as are prescribed by 2402
commission rule. 2403

(F) A commission member is not required to devote the 2404
member's full time to membership on the commission. Each member of 2405
the commission shall receive compensation of sixty thousand 2406
dollars per year, payable in monthly installments for the first 2407
four years of the commission's existence. Each member shall 2408
receive the member's actual and necessary expenses incurred in the 2409
discharge of the member's official duties. 2410

(G) The governor shall not appoint an individual to the 2411
commission, and an individual shall not serve on the commission, 2412
if the individual has been convicted of or pleaded guilty or no 2413
contest to a disqualifying offense as defined in section 3772.07 2414
of the Revised Code. Members coming under indictment or bill of 2415
information of a disqualifying offense shall resign from the 2416
commission immediately upon indictment. 2417

(H) At least five commission members shall be present for the 2418

commission to meet. The concurrence of four members is necessary 2419
for the commission to take any action. All members shall vote on 2420
the adoption of rules, and the approval of, and the suspension or 2421
revocation of, the licenses of casino operators or management 2422
companies, unless a member has a written leave of absence filed 2423
with and approved by the chairperson. 2424

(I) A commission member may be removed or suspended from 2425
office in accordance with section 3.04 of the Revised Code. 2426

(J) Each commission member, before entering upon the 2427
discharge of the member's official duties, shall make an oath to 2428
uphold the Ohio Constitution and laws of the state of Ohio and 2429
shall give a bond, payable by the commission, to the treasurer of 2430
state, in the sum of ten thousand dollars with sufficient sureties 2431
to be approved by the treasurer of state, which bond shall be 2432
filed with the secretary of state. 2433

(K) The commission shall hold one regular meeting each month 2434
and shall convene other meetings at the request of the chairperson 2435
or a majority of the members. A member who fails to attend at 2436
least three-fifths of the regular and special meetings of the 2437
commission during any two-year period forfeits membership on the 2438
commission. All meetings of the commission shall be open meetings 2439
under section 121.22 of the Revised Code except as otherwise 2440
allowed by law. 2441

Sec. 3772.03. (A) To ensure the integrity of casino gaming, 2442
the commission shall have authority to complete the functions of 2443
licensing, regulating, investigating, and penalizing casino 2444
operators, management companies, holding companies, key employees, 2445
and gaming-related vendors. The commission also shall have 2446
jurisdiction over all persons participating in casino gaming 2447
authorized by Section 6(C) of Article XV, Ohio Constitution, and 2448
this chapter. 2449

(B) All rules adopted by the commission under this chapter shall be adopted under procedures established in Chapter 119. of the Revised Code. 2450
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(C) Within six months of the effective date of this section, the commission shall adopt initial rules as are necessary for completing the functions stated in division (A) of this section and for addressing the subjects enumerated in division (D) of this section. 2453
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(D) The commission shall adopt, and as advisable and necessary shall amend or repeal, rules that include all of the following: 2458
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(1) The prevention of practices detrimental to the public interest; 2461
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(2) 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; 2463
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(3) Prescribing the information to be furnished by an applicant or licensee as described in section 3772.11 of the Revised Code; 2466
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(4) Describing the duties of an independent testing laboratory certified under section 3772.33 of the Revised Code and the relationship between the commission, the laboratory, the gaming-related vendor, and the casino operator; 2469
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(5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor; 2473
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(6) The approval process for a significant change in ownership or transfer of control of a licensee as provided in section 3772.091 of the Revised Code; 2476
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(7) The design of gaming supplies, devices, and equipment to 2479

be distributed by gaming-related vendors; 2480

(8) Identifying the casino gaming that is permitted, 2481
identifying the gaming supplies, devices, and equipment, that are 2482
permitted, defining the area in which the permitted casino gaming 2483
may be conducted, and specifying the method of operation according 2484
to which the permitted casino gaming is to be conducted as 2485
provided in section 3772.20 of the Revised Code; 2486

(9) Tournament play in any casino facility; 2487

(10) Establishing and implementing a voluntary exclusion 2488
program that provides all of the following: 2489

(a) Except as provided by commission rule, a person who 2490
participates in the program shall agree to refrain from entering a 2491
casino facility. 2492

(b) The name of a person participating in the program shall 2493
be included on a list of persons excluded from all casino 2494
facilities. 2495

(c) Except as provided by commission rule, no person who 2496
participates in the program shall petition the commission for 2497
admittance into a casino facility. 2498

(d) The list of persons participating in the program and the 2499
personal information of those persons shall be confidential and 2500
shall only be disseminated by the commission to a casino operator 2501
for purposes of enforcement and to other entities, upon request of 2502
the participant and agreement by the commission. 2503

(e) A casino operator shall make all reasonable attempts as 2504
determined by the commission to cease all direct marketing efforts 2505
to a person participating in the program. 2506

(f) A casino operator shall not cash the check of a person 2507
participating in the program or extend credit to the person in any 2508
manner. However, the program shall not exclude a casino operator 2509

<u>from seeking the payment of a debt accrued by a person before</u>	2510
<u>participating in the program.</u>	2511
<u>(g) Any and all locations at which a person may register as a</u>	2512
<u>participant in the program shall be published.</u>	2513
<u>(11) Requiring a licensed casino operator to provide the</u>	2514
<u>commission with any marketing materials for the commission's</u>	2515
<u>review and approval before the licensed casino operator may use</u>	2516
<u>the materials;</u>	2517
<u>(12) Requiring that the records, including financial</u>	2518
<u>statements, of any casino operator, management company, holding</u>	2519
<u>company, and gaming-related vendor be maintained in the manner</u>	2520
<u>prescribed by the commission and made available for inspection</u>	2521
<u>upon demand by the commission;</u>	2522
<u>(13) Permitting a licensed casino operator, management</u>	2523
<u>company, key employee, or casino gaming employee to question a</u>	2524
<u>person suspected of violating this chapter;</u>	2525
<u>(14) The chips, tokens, tickets, electronic cards, or similar</u>	2526
<u>objects that may be purchased by means of an agreement under which</u>	2527
<u>credit is extended to a wagerer by a casino operator;</u>	2528
<u>(15) Establishing standards for provisional key employee</u>	2529
<u>licenses for a person who is required to be licensed as a key</u>	2530
<u>employee and is in exigent circumstances. A provisional license</u>	2531
<u>shall be valid not longer than three months. A person shall not</u>	2532
<u>obtain more than one provisional license.</u>	2533
<u>(16) Establishing approval procedures for third-party</u>	2534
<u>engineering or accounting firms, as described in section 3772.09</u>	2535
<u>of the Revised Code;</u>	2536
<u>(17) Prescribing the manner in which winnings, compensation</u>	2537
<u>from casino gaming, and gross revenue must be computed and</u>	2538
<u>reported by a licensee as described in section 3772.32 and Chapter</u>	2539

<u>5753. of the Revised Code;</u>	2540
<u>(18) Prescribing conditions under which a licensee's license may be suspended or revoked as described in section 3772.04 of the Revised Code;</u>	2541 2542 2543
<u>(19) Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner;</u>	2544 2545
<u>(20) Prescribing technical standards and requirements that are to be met by security and surveillance equipment that is used at and standards and requirements to be met by personnel who are employed at casino facilities, and standards and requirements for the provision of security at and surveillance of casino facilities;</u>	2546 2547 2548 2549 2550 2551
<u>(21) Prescribing requirements for a casino operator to provide unarmed security services at a casino facility by licensed casino employees, and the training that shall be completed by these employees;</u>	2552 2553 2554 2555
<u>(22) 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 section 5753.02 of the Revised Code;</u>	2556 2557 2558 2559 2560
<u>(23) Defining a schedule of penalties for violation of commission rules and a process for imposing such penalties subject to the approval of the joint committee on gaming and wagering;</u>	2561 2562 2563
<u>(24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government;</u>	2564 2565
<u>(25) Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter.</u>	2566 2567 2568
<u>(E) The commission shall employ and assign gaming agents as</u>	2569

necessary to assist the commission in carrying out the duties of 2570
this chapter. In order to maintain employment as a gaming agent, 2571
the gaming agent shall successfully complete all continuing 2572
training programs required by the commission and shall not have 2573
been convicted of or pleaded guilty or no contest to a 2574
disqualifying offense as defined in section 3772.07 of the Revised 2575
Code. 2576

(F) The commission and its gaming agents shall have authority 2577
with regard to the detection and investigation of, the seizure of 2578
evidence allegedly relating to, and the apprehension and arrest of 2579
persons allegedly committing gaming offenses, and shall have 2580
access to casino facilities to carry out the requirements of this 2581
chapter. 2582

(G) The commission may eject or exclude or authorize the 2583
ejection or exclusion of and a gaming agent may eject a person 2584
from a casino facility for any of the following reasons: 2585

(1) The person's name is on the list of persons voluntarily 2586
excluding themselves from all casinos in a program established 2587
according to rules adopted by the commission; 2588

(2) The person violates or conspires to violate this chapter 2589
or a rule adopted thereunder; or 2590

(3) The commission determines that the person's conduct or 2591
reputation is such that the person's presence within a casino 2592
facility may call into question the honesty and integrity of the 2593
casino gaming operations or interfere with the orderly conduct of 2594
the casino gaming operations. 2595

(H) A person, other than a person participating in a 2596
voluntary exclusion program, may petition the commission for a 2597
public hearing on the person's ejection or exclusion under this 2598
chapter. 2599

(I) A casino operator or management company shall have the 2600

same authority to eject or exclude a person from the management 2601
company's casino facilities as authorized in division (G) of this 2602
section. 2603

(J) The commission shall submit a written annual report with 2604
the governor, president of the senate, and speaker of the house of 2605
representatives before the first day of September each year. The 2606
annual report shall include a statement describing the receipts 2607
and disbursements of the commission, relevant financial data 2608
regarding casino gaming, including gross revenues and 2609
disbursements made under this chapter, actions taken by the 2610
commission, and any additional information that the commission 2611
considers useful or that the governor, president of the senate, or 2612
speaker of the house of representatives requests. 2613

Sec. 3772.031. (A) The general assembly finds that the 2614
exclusion or ejection of certain persons from casino facilities is 2615
necessary to effectuate the intents and purposes of this chapter 2616
and to maintain strict and effective regulation of casino gaming. 2617
The commission, by rule, shall provide for a list of persons who 2618
are to be excluded or ejected from a casino facility. Persons 2619
included on the exclusion list shall be identified by name and 2620
physical description. The commission shall publish the exclusion 2621
list on its web site, and shall transmit a copy of the exclusion 2622
list periodically to casino operators, as it is initially issued 2623
and thereafter as it is revised from time to time. A casino 2624
operator shall take steps necessary to ensure that all its key 2625
employees and casino gaming employees are aware of and understand 2626
the exclusion list and its function, and that all its key 2627
employees and casino gaming employees are kept aware of the 2628
content of the exclusion list as it is issued and thereafter 2629
revised from time to time. 2630

(B) The exclusion list may include any person whose presence 2631

in a casino facility is determined by the commission to pose a 2632
threat to the interests of the state, to achieving the intents and 2633
purposes of this chapter, or to the strict and effective 2634
regulation of casino gaming. In determining whether to include a 2635
person on the exclusion list, the commission may consider: 2636

(1) Any prior conviction of a crime that is a felony under 2637
the laws of this state, another state, or the United States, a 2638
crime involving moral turpitude, or a violation of the gaming laws 2639
of this state, another state, or the United States; and 2640

(2) A violation, or a conspiracy to violate, any provision of 2641
this chapter that consists of: 2642

(a) A failure to disclose an interest in a gaming facility 2643
for which the person must obtain a license; 2644

(b) Purposeful evasion of taxes or fees; 2645

(c) A notorious or unsavory reputation that would adversely 2646
affect public confidence and trust that casino gaming is free from 2647
criminal or corruptive elements; or 2648

(d) A violation of an order of the commission or of any other 2649
governmental agency that warrants exclusion or ejection of the 2650
person from a casino facility. 2651

(3) If the person has pending charges or indictments for a 2652
gaming or gambling crime or a crime related to the integrity of 2653
gaming operations in any state; 2654

(4) If the person's conduct or reputation is such that the 2655
person's presence within a casino facility may call into question 2656
the honesty and integrity of the casino gaming operations or 2657
interfere with the orderly conduct of the casino gaming 2658
operations; 2659

(5) If the person is a career or professional offender whose 2660
presence in a casino facility would be adverse to the interest of 2661

licensed gaming in this state; 2662

(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino facility would be adverse to the interest of licensed gaming in this state; 2663
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(7) If the commission has suspended the person's gaming privileges; 2667
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(8) If the commission has revoked the person's licenses related to this chapter; 2669
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(9) If the commission determines that the person poses a threat to the safety of patrons or employees of a casino facility; 2671
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(10) If the person has a history of conduct involving the disruption of gaming operations within a casino facility. 2673
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Race, color, creed, national origin or ancestry, or sex are not grounds for placing a person on the exclusion list. 2675
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(C) The commission shall notify a person of the commission's intent to include such person on the exclusion list. The notice shall be provided by personal service, by certified mail to the person's last known address, or, if service cannot be accomplished by personal service or certified mail, by publication daily for two weeks in a newspaper of general circulation within the county in which the person resides and in a newspaper of general circulation within each county in which a casino facility is located. 2677
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(D) A person who receives notice of intent to include the person on the exclusion list is entitled to an adjudication hearing under Chapter 119. of the Revised Code, except as provided in this section, in which the person may demonstrate why the person should not be included on the exclusion list. The person shall request such an adjudication hearing not later than thirty 2686
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days after the person receives the notice by personal service or 2692
certified mail, or not later than thirty days after the last 2693
newspaper publication of the notice. If the adjudication hearing 2694
or any appeal under Chapter 119. of the Revised Code results in an 2695
order that the person should not be included on the exclusion 2696
list, the commission shall publish a revised exclusion list that 2697
does not include the person. The commission also shall notify 2698
casino operators that the person has been removed from the 2699
exclusion list. A casino operator shall take all steps necessary 2700
to ensure its key employees and casino gaming employees are made 2701
aware that the person has been removed from the exclusion list. 2702

(E) This section does not apply to the voluntary exclusion 2703
list created as part of the voluntary exclusion program. 2704

Sec. 3772.032. (A) The permanent joint committee on gaming 2705
and wagering is established. The committee consists of six 2706
members. The speaker of the house of representatives shall appoint 2707
to the committee three members of the house of representatives and 2708
the president of the senate shall appoint to the committee three 2709
members of the senate. Not more than two members appointed from 2710
each chamber may be members of the same political party. The 2711
chairperson shall be from the opposite party as the chairperson of 2712
the joint committee on agency rule review. If the chairperson is 2713
to be from the house of representatives, the speaker of the house 2714
of representatives shall designate a member as the chairperson and 2715
the president of the senate shall designate a member as the 2716
vice-chairperson. If the chairperson is to be from the senate, the 2717
president of the senate shall designate a member as the 2718
chairperson and the speaker of the house of representatives shall 2719
designate a member as the vice-chairperson. 2720

(B) The committee shall: 2721

(1) Review all constitutional amendments, laws, and rules 2722

governing the operation and administration of casino gaming and 2723
all authorized gaming and wagering activities and recommend to the 2724
general assembly and commission any changes it may find desirable 2725
with respect to the language, structure, and organization of those 2726
amendments, laws, or rules; 2727

(2) Make an annual report to the governor and to the general 2728
assembly with respect of the operation and administration of 2729
casino gaming; 2730

(3) Approve all changes of fees and penalties as provided in 2731
this chapter and rules adopted thereunder; and 2732

(4) Study all proposed changes to the constitution and laws 2733
of this state and to the rules adopted by the commission governing 2734
the operation and administration of casino gaming, and report to 2735
the general assembly on their adequacy and desirability as a 2736
matter of public policy. 2737

(C) Any study, or any expense incurred, in furtherance of the 2738
committee's objectives shall be paid for from, or out of, the 2739
casino control commission fund or other appropriation provided by 2740
law. The members shall receive no additional compensation, but 2741
shall be reimbursed for actual and necessary expenses incurred in 2742
the performance of their official duties. 2743

Sec. 3772.033. In carrying out the responsibilities vested in 2744
the commission by this chapter, the commission may do all the 2745
following and may designate any such responsibilities to the 2746
executive director, to its employees, or to the gaming agents: 2747

(A) Inspect and examine all premises where casino gaming is 2748
conducted or gaming supplies, devices, or equipment are 2749
manufactured, sold, or distributed; 2750

(B) Inspect all gaming supplies, devices, and equipment in or 2751
about a casino facility; 2752

<u>(C) Summarily impound and seize and remove from the casino</u>	2753
<u>facility premises gaming supplies, devices, and equipment for the</u>	2754
<u>purpose of examination and inspection;</u>	2755
<u>(D) Determine any facts, or any conditions, practices, or</u>	2756
<u>other matters, as the commission considers necessary or proper to</u>	2757
<u>aid in the enforcement of this chapter or of a rule adopted</u>	2758
<u>thereunder;</u>	2759
<u>(E) Audit gaming operations that have ceased operation;</u>	2760
<u>(F) Investigate, for the purpose of prosecution, any</u>	2761
<u>suspected violation of this chapter or rules adopted thereunder;</u>	2762
<u>(G) Investigate as appropriate to aid the commission and to</u>	2763
<u>seek the executive director's advice in adopting rules;</u>	2764
<u>(H) Secure information as is necessary to provide a basis for</u>	2765
<u>recommending legislation for the improvement of this chapter;</u>	2766
<u>(I) Make, execute, and otherwise effectuate all contracts and</u>	2767
<u>other agreements, including contracts for necessary purchases of</u>	2768
<u>goods and services. The commission shall ensure use of Ohio</u>	2769
<u>products or services in compliance with sections 125.09 and 125.11</u>	2770
<u>of the Revised Code and all rules adopted thereunder.</u>	2771
<u>(J) Employ the services of persons the commission considers</u>	2772
<u>necessary for the purposes of consultation or investigation, and</u>	2773
<u>fix the salaries of, or contract for the services of, legal,</u>	2774
<u>accounting, technical, operational, and other personnel and</u>	2775
<u>consultants;</u>	2776
<u>(K) Secure, by agreement, information and services as the</u>	2777
<u>commission considers necessary from any state agency or other unit</u>	2778
<u>of state government;</u>	2779
<u>(L) Acquire furnishings, equipment, supplies, stationery,</u>	2780
<u>books, and all other things the commission considers necessary or</u>	2781
<u>desirable to successfully and efficiently carry out the</u>	2782

commission's duties and functions; and 2783

(M) Perform all other things the commission considers 2784

necessary to effectuate the intents and purposes of this chapter. 2785

Sec. 3772.034. Absent gross negligence, a casino operator, 2786

management company, holding company, gaming-related vendor, the 2787

state, and employees of those entities are entitled to immunity 2788

from any type of civil or criminal liability if a person 2789

participating in the voluntary exclusion program enters a casino 2790

facility. 2791

Sec. 3772.04. (A)(1) If, as the result of an investigation, 2792

the commission concludes that a license or finding required by 2793

this chapter should be limited, conditioned, or restricted, or 2794

suspended or revoked, the commission shall conduct an adjudication 2795

under Chapter 119. of the Revised Code. 2796

(2) The commission shall appoint a hearing examiner to 2797

conduct the hearing in the adjudication. A party to the 2798

adjudication may file written objections to the hearing examiner's 2799

report and recommendations not later than the thirtieth day after 2800

they are served upon the party or the party's attorney or other 2801

representative of record. The commission shall not take up the 2802

hearing examiner's report and recommendations earlier than the 2803

thirtieth day after the hearing examiner's report and 2804

recommendations were submitted to the commission. 2805

(3) If the commission finds that a person has violated this 2806

chapter or a rule adopted thereunder, the commission may issue an 2807

order: 2808

(a) Limiting, conditioning, or restricting, or suspending or 2809

revoking, a license issued under this chapter; 2810

(b) Limiting, conditioning, or restricting, or suspending or 2811

revoking, a finding made under this chapter; 2812

(c) Requiring a casino facility to exclude a licensee from the casino facility or requiring a casino facility not to pay to the licensee any remuneration for services or any share of profits, income, or accruals on the licensee's investment in the casino facility; or 2813
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(d) Fining a licensee or other person according to the schedule of penalties adopted by the commission. 2818
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(4) An order may be judicially reviewed under section 119.12 of the Revised Code. 2820
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(B) For the purpose of conducting any study or investigation, the commission may direct that public hearings be held at a time and place, prescribed by the commission, in accordance with section 121.22 of the Revised Code. The commission shall give notice of all public hearings in such manner as will give actual notice to all interested parties. 2822
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(C) In the discharge of any duties imposed by this chapter, the commission may require that testimony be given under oath and administer such oath, issue subpoenas compelling the attendance of witnesses and the production of any papers, books, and accounts, and cause the deposition of any witness. In the event of the refusal of any person without good cause to comply with the terms of a subpoena issued by the commission or refusal to testify on matters about which the person may lawfully be questioned, the prosecuting attorney of the county in which such person resides, upon the petition of the commission, may bring a proceeding for contempt against such person in the court of common pleas of that county. 2828
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(D) When conducting a public hearing, the commission shall not limit the number of speakers who may testify. However, the commission may set reasonable time limits on the length of an individual's testimony or the total amount of time allotted to 2840
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proponents and opponents of an issue before the commission. 2844

(E) An administrative law judge appointed by the commission 2845
may conduct a hearing under this chapter and recommend findings of 2846
fact and decisions to the commission. 2847

(F) The commission may rely, in whole or in part, upon 2848
investigations, conclusions, or findings of other casino gaming 2849
commissions or other government regulatory bodies in connection 2850
with licensing, investigations, or other matters relating to an 2851
applicant or licensee under this chapter. 2852

Sec. 3772.05. To carry out the provisions of this chapter and 2853
other enforcement provisions provided for under the laws of this 2854
state, the tax commissioner, the inspector general, and the 2855
commission, and their respective employees, may demand access to 2856
and inspect, examine, photocopy, and audit all books, accounts, 2857
records, and memoranda of any person that is not protected by 2858
privilege and that is subject to the provisions of this chapter, 2859
and may examine under oath any officer, agent, or employee of that 2860
person. 2861

Sec. 3772.051. Upon cessation of gaming operations, a former 2862
licensee shall furnish, upon the demand of the commission, books, 2863
papers, and other records as necessary for the commission to audit 2864
the ceased gaming operation. A former licensee shall maintain all 2865
books, papers, and other records for a period of three years after 2866
the cessation of gaming operations. However, if a civil action or 2867
criminal proceeding relating to the former licensee is pending, or 2868
if an administrative adjudication or judicial review of an 2869
administrative adjudication relating to the former licensee is 2870
pending, the former licensee shall maintain all books, papers, and 2871
other records until the matter has been finally determined. 2872

If a person disobeys a subpoena or subpoena duces tecum, or 2873

refuses to testify as directed by a subpoena, the commission shall 2874
request the prosecutor of the county in which the person resides 2875
to apply to the court of common pleas for an order compelling the 2876
person to attend or to produce tangible evidence, or to testify, 2877
as directed by the subpoena or subpoena duces tecum. The court 2878
shall treat the application as if it were disobedience to comply 2879
with a subpoena or subpoena duces tecum issued by the court or a 2880
refusal to testify in the court. 2881

Sec. 3772.06. (A)(1) The commission shall appoint an 2882
executive director who shall serve at the pleasure of the 2883
commission. The executive director is in the unclassified service, 2884
shall devote full time to the duties of the office, and shall hold 2885
no other office or employment. The executive director shall, by 2886
experience and training, possess management skills that equip the 2887
executive director to administer an enterprise of the nature of 2888
the commission. The executive director shall not have a pecuniary 2889
interest in any business organization that holds a license under 2890
this chapter, or that does business with any person licensed under 2891
this chapter. A member of the general assembly, a person who holds 2892
an elective office, or an office holder of a political party is 2893
ineligible to be appointed executive director at the same time as 2894
being such a member or holding such an office. The executive 2895
director shall receive an annual salary in accordance with pay 2896
range 48 of section 124.152 of the Revised Code. 2897

(2) The executive director, before entering upon the 2898
discharge of the executive director's official duties, shall give, 2899
and thereafter shall maintain, bond in the amount of twenty-five 2900
thousand dollars, payable to the state, conditioned upon the 2901
executive director's faithful and proper performance of the 2902
executive director's official duties. The bond shall be issued by 2903
a surety authorized to do business in this state and shall be 2904
filed with the secretary of state. The bond may be an individual 2905

bond or a schedule or blanket bond. 2906

(B)(1) The executive director or a deputy designated in writing by the executive director shall attend all meetings of the commission and shall act as its secretary. The executive director shall keep a record of all commission proceedings and shall keep the commission's records, files, and documents at the commission's principal office. 2907
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(2) The executive director shall be the chief executive officer and shall be responsible for keeping all commission records and supervising and administering casino gaming in accordance with this chapter, and enforcing all commission rules adopted under this chapter. 2913
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(3) The executive director shall hire staff, including an assistant director or deputy directors, as necessary to assist the executive director in the executive director's duties under this chapter. In appointing employees, the executive director is subject to section 3772.061 of the Revised Code. The executive director may employ employees as necessary, unless the commission determines otherwise. Except as otherwise provided in this chapter, all costs of administration incurred by the executive director and the executive director's employees shall be paid out of the casino control commission fund. 2918
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(C) A state agency or other unit of state government shall cooperate with the commission, and shall provide the commission with information and services the commission considers necessary to carry out the commission's duties and functions under this chapter. 2928
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(D) The executive director shall confer at least once each month with the commission, at which time the executive director shall advise it regarding the operation and administration of the commission and casino gaming. The executive director shall make 2933
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available at the request of the commission all documents, files, 2937
and other records pertaining to the operation and administration 2938
of the commission and casino gaming. The executive director shall 2939
prepare and make available to the commission each month a complete 2940
and accurate accounting of gross casino gaming revenues, and all 2941
other relevant financial information, including an accounting of 2942
all transfers made from the casino control commission fund. 2943

(E) An individual shall not be appointed executive director 2944
or retain appointment as executive director, and a person shall 2945
not be appointed as a professional, technical, or clerical 2946
employee of the commission or retain appointment as such an 2947
employee, if the individual has been convicted of or has pleaded 2948
guilty or no contest to a disqualifying offense as defined in 2949
section 3772.07 of the Revised Code. 2950

Sec. 3772.061. The executive director shall appoint the 2951
number of professional, technical, and clerical employees that is 2952
necessary, in the executive director's reasonable opinion, for 2953
conducting internal audits, as an internal auditing department, of 2954
the commission. The professional and technical employees so 2955
appointed shall be qualified by education, licensing (if 2956
relevant), and experience to perform the internal audit function 2957
successfully and efficiently. These employees, together with 2958
clerical employees necessary for their support, shall be assigned 2959
only to the internal audit function and not to any other function 2960
of the commission. 2961

The internal auditing department, at reasonable intervals and 2962
as necessary, shall conduct internal audits of the commission. The 2963
internal audits shall audit the accounts and transactions of the 2964
commission, ascertain the condition of funds used by the 2965
commission, and make an inventory of the funds and of the assets 2966
under the control of the commission. The report of an internal 2967

audit shall be signed by the employee who was principally 2968
responsible for conducting the internal audit. A copy of the 2969
signed report shall be forwarded to the commission and to the 2970
auditor of state. The report is not a public record that is open 2971
to public inspection and copying until it has been forwarded as 2972
required by the preceding sentence. 2973

Sec. 3772.062. The executive director of the commission shall 2974
enter into an agreement with the department of alcohol and drug 2975
addiction services under which the department provides a program 2976
of gambling and addiction services on behalf of the commission. 2977
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Sec. 3772.07. The following appointing or licensing 2979
authorities shall obtain a criminal records check of the person 2980
who is to be appointed or licensed: 2981

(A) The governor, before appointing an individual as a member 2982
of the commission; 2983

(B) The commission, before appointing an individual as 2984
executive director or a gaming agent; 2985

(C) The commission, before issuing a license for a key 2986
employee or casino gaming employee, and before issuing a license 2987
for each investor, except an institutional investor, for a casino 2988
operator, management company, holding company, or gaming-related 2989
vendor; 2990

(D) The executive director, before appointing an individual 2991
as a professional, technical, or clerical employee of the 2992
commission. 2993

Thereafter, such an appointing or licensing authority shall 2994
obtain a criminal records check of the same individual at 2995
three-year intervals. 2996

The appointing or licensing authority shall provide to each person of whom a criminal records check is required a copy of the form and the standard fingerprint impression sheet prescribed under divisions (C)(1) and (2) of section 109.572 of the Revised Code. The person shall complete the form and impression sheet and return them to the appointing or licensing authority. If a person fails to complete and return the form and impression sheet within a reasonable time, the person is ineligible to be appointed or licensed or to continue in the appointment or licensure.

The appointing or licensing authority shall forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation. The appointing or licensing authority shall request the superintendent also to obtain information from the federal bureau of investigation, including fingerprint-based checks of the national crime information databases, and from other states and the federal government under the national crime prevention and privacy compact as part of the criminal records check.

The commission shall pay the fee the bureau of criminal identification and investigation charges for all criminal records checks conducted under this section. An applicant for a casino operator, management company, holding company, or gaming-related vendor license shall reimburse the commission for the amount of the fee paid on the applicant's behalf. An applicant for a key employee or casino gaming employee license shall reimburse the commission for the amount of the fee paid on the applicant's behalf, unless the applicant is applying at the request of a casino operator or management company, in which case the casino operator or management company shall reimburse the commission.

The appointing or licensing authority shall review the results of a criminal records check. When the governor appoints a commission member, the governor shall forward the results of the

criminal records check to the president of the senate before the 3029
senate advises and consents to the appointment of the commission 3030
member. The appointing or licensing authority shall not appoint or 3031
license or retain the appointment or licensure of a person a 3032
criminal records check discloses has been convicted of or has 3033
pleaded guilty or no contest to a disqualifying offense. A 3034
"disqualifying offense" means any gambling offense, any theft 3035
offense, any offense having an element of fraud or 3036
misrepresentation, any offense having an element of moral 3037
turpitude, and any felony not otherwise included in the foregoing 3038
list, except as otherwise provided in section 3772.10 of the 3039
Revised Code for casino gaming employees. 3040

The report of a criminal records check is not a public record 3041
that is open to public inspection and copying. The commission 3042
shall not make the report available to any person other than the 3043
person who was the subject of the criminal records check or the 3044
person's agent; an appointing or licensing authority; a member, 3045
the executive director, or an employee of the commission; or any 3046
court or agency, including a hearing examiner, in a judicial or 3047
administrative proceeding in which the criminal records check is 3048
relevant. 3049

Sec. 3772.08. (A) Casino gaming shall be conducted only by 3050
licensed casino operators of the four casino facilities or by a 3051
licensed management company retained by a licensed casino 3052
operator. 3053

(B) A licensed casino operator, licensed management company, 3054
or another person may provide nongaming amenities at the casino 3055
facility. 3056

Sec. 3772.09. (A) No casino operator, management company, 3057
holding company, gaming-related vendor, key employee, or casino 3058

gaming employee shall conduct or participate in conducting casino gaming without first obtaining a license from the commission. 3059
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(B) Before a licensed casino operator may conduct casino gaming at a casino facility, a licensed casino operator shall engage a third-party engineering or accounting firm to certify expenses of its initial investment, as required by section 3772.27 of the Revised Code, and provide documentation to the commission. The third-party engineering or accounting firm shall be approved by the commission and shall certify expenses in accordance with rules adopted by the commission under section 3772.03 of the Revised Code. The commission may request the department of administrative services to assist the commission in carrying out its duties under this section. 3061
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Sec. 3772.091. (A) No license issued under this chapter is transferable. New majority ownership interest or control shall require a new license. A significant change in or transfer of control, as determined by the commission, shall require the filing of an application for a new license and submission of a license fee with the commission before any such change or transfer of control is approved. A change in or transfer of control to an immediate family member is not considered a significant change under this section. 3072
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(B) As used in this section, "control" means either of the following: 3081
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(1) Either: 3083

(a) Holding fifty per cent or more of the outstanding voting securities of a licensee; or 3084
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(b) For an unincorporated licensee, having the right to fifty per cent or more of the profits of the licensee, or having the right in the event of dissolution to fifty per cent or more of the 3086
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assets of the licensee. 3089

(2) Having the contractual power presently to designate fifty 3090
per cent or more of the directors of a for-profit or 3091
not-for-profit corporation, or in the case of trusts described in 3092
paragraphs (c)(3) to (5) of 16 C.F.R. 801.1, the trustees of such 3093
a trust. 3094

Sec. 3772.10. (A) In determining whether to grant or maintain 3095
a casino operator, management company, holding company, key 3096
employee, casino gaming employee, or gaming-related vendor 3097
license, the Ohio casino control commission shall consider all of 3098
the following, as applicable: 3099

(1) The reputation, experience, and financial integrity of 3100
the applicant, its holding company, if applicable, and any other 3101
person that directly controls the applicant; 3102

(2) The financial ability of the applicant to purchase and 3103
maintain adequate liability and casualty insurance and to provide 3104
an adequate surety bond; 3105

(3) The past and present compliance of the applicant and its 3106
affiliates or affiliated companies with casino-related licensing 3107
requirements in this state or any other jurisdiction, including 3108
whether the applicant has a history of noncompliance with the 3109
casino licensing requirements of any jurisdiction; 3110

(4) If the applicant has been indicted, convicted, pleaded 3111
guilty or no contest, or forfeited bail concerning any criminal 3112
offense under the laws of any jurisdiction, either felony or 3113
misdemeanor, not including traffic violations; 3114

(5) If the applicant has filed, or had filed against it a 3115
proceeding for bankruptcy or has ever been involved in any formal 3116
process to adjust, defer, suspend, or otherwise work out the 3117
payment of any debt; 3118

(6) If the applicant has been served with a complaint or other notice filed with any public body regarding a payment of any tax required under federal, state, or local law that has been delinquent for one or more years; 3119
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(7) If the applicant is or has been a defendant in litigation involving its business practices; 3123
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(8) If awarding a license would undermine the public's confidence in the casino gaming industry in this state; 3125
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(9) If the applicant meets other standards for the issuance of a license that the commission adopts by rule, which shall not be arbitrary, capricious, or contradictory to the expressed provisions of this chapter. 3127
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(B) If the commission determines that a person is eligible under this chapter to be issued a license as a casino operator, management company, holding company, key employee, casino gaming employee, or gaming-related vendor, the commission shall issue such license for not more than three years, as determined by commission rule, if all other requirements of this chapter have been satisfied. 3131
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(C) The commission shall not issue a casino operator, management company, holding company, key employee, casino gaming employee, or gaming-related license under this chapter to an applicant if: 3138
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(1) The applicant has been convicted of a disqualifying offense, as defined in section 3772.07 of the Revised Code, unless the person is an applicant for a casino gaming employee license. For an offense other than a gambling offense, an applicant for a casino gaming employee license may prove to the commission, by clear and convincing evidence, that the applicant's activities and employment record for at least ten years after the conviction show that the applicant is honest, truthful, and of good reputation, 3142
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and there is no basis in fact for believing that the applicant will commit such an offense again. 3150
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(2) The applicant has submitted an application for license under this chapter that contains false information. 3152
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(3) The applicant is a commission member. 3154

(4) The applicant owns an ownership interest that is unlawful under this chapter, unless waived by the commission. 3155
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(5) The applicant violates specific rules adopted by the commission related to denial of licensure. 3157
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(6) The applicant is a member of or employed by a gaming regulatory body of a governmental unit in this state, another state, or the federal government, or is employed by a governmental unit of this state. This division does not prohibit a casino operator from hiring special duty law enforcement officers if the officers are not specifically involved in gaming-related regulatory functions. 3159
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(7) The commission otherwise determines the applicant is ineligible for the license. 3166
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(D)(1) The commission shall investigate the qualifications of each applicant under this chapter before any license is issued and before any finding with regard to acts or transactions for which commission approval is required is made. The commission shall continue to observe the conduct of all licensees and all other persons having a material involvement directly or indirectly with a casino operator, management company, or holding company to ensure that licenses are not issued to or held by, or that there is not any material involvement with a casino operator, management company, or holding company by, an unqualified, disqualified, or unsuitable person or a person whose operations are conducted in an unsuitable manner or in unsuitable or prohibited places or locations. 3168
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(2) The executive director may recommend to the commission that it deny any application, or limit, condition, or restrict, or suspend or revoke, any license or finding, or impose any fine upon any licensee or other person according to this chapter and the rules adopted thereunder. 3181
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(3) A license issued under this chapter is a revocable privilege. No licensee has a vested right in or under any license issued under this chapter. The initial determination of the commission to deny, or to limit, condition, or restrict, a license may be appealed under section 2505.03 of the Revised Code. 3186
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(E)(1) An institutional investor otherwise required to be found suitable or qualified under this chapter and the rules adopted under this chapter shall be presumed suitable or qualified upon submitting documentation sufficient to establish qualifications as an institutional investor and upon certifying all of the following: 3191
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(a) The institutional investor owns, holds, or controls publicly traded securities issued by a licensee or holding, intermediate, or parent company of a licensee or in the ordinary course of business for investment purposes only. 3197
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(b) The institutional investor does not exercise influence over the affairs of the issuer of such securities nor over any licensed subsidiary of the issuer of such securities. 3201
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(c) The institutional investor does not intend to exercise influence over the affairs of the issuer of such securities, nor over any licensed subsidiary of the issuer of such securities, in the future, and that it agrees to notify the commission in writing within thirty days if such intent changes. 3204
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(2) The exercise of voting privileges with regard to publicly traded securities shall not be deemed to constitute the exercise of influence over the affairs of a licensee. 3209
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(3) The commission shall rescind the presumption of suitability for an institutional investor at any time if the institutional investor exercises or intends to exercise influence or control over the affairs of the licensee. 3212
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(4) This division shall not be construed to preclude the commission from investigating the suitability or qualifications of an institutional investor if the commission becomes aware of facts or information that may result in the institutional investor being found unsuitable or disqualified. 3216
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(F) Information provided on the application shall be used as a basis for a thorough background investigation of each applicant. A false or incomplete application is cause for denial of a license by the commission. All applicants and licensees shall consent to inspections, searches, and seizures and to the disclosure to the commission and its agents of confidential records, including tax records, held by any federal, state, or local agency, credit bureau, or financial institution and to provide handwriting exemplars, photographs, fingerprints, and information as authorized in this chapter and in rules adopted by the commission. 3221
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Sec. 3772.11. (A) A person may apply to the commission for a casino operator, management company, or holding company license to conduct casino gaming at a casino facility as provided in this chapter. The application shall be made under oath on forms provided by the commission and shall contain information as prescribed by rule, including, but not limited to, all of the following: 3231
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(1) The name, business address, business telephone number, social security number, and, where applicable, the federal tax identification number of any applicant; 3238
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(2) The identity of every person having a greater than five per cent direct interest in the applicant casino facility for 3241
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which the license is sought; 3243

(3) An identification of any business, including the state of 3244
incorporation or registration if applicable, in which an 3245
applicant, or the spouse or children of an applicant, has an 3246
equity interest of more than five per cent; 3247

(4) The name of any casino operator, management company, 3248
holding company, and gaming-related vendor in which the applicant 3249
has an equity interest of at least five per cent; 3250

(5) If an applicant has ever applied for or has been granted 3251
any gaming license or certificate issued by a licensing authority 3252
in Ohio or any other jurisdiction that has been denied, 3253
restricted, suspended, revoked, or not renewed and a statement 3254
describing the facts and circumstances concerning the application, 3255
denial, restriction, suspension, revocation, or nonrenewal, 3256
including the licensing authority, the date each action was taken, 3257
and the reason for each action; 3258

(6) If an applicant has ever filed or had filed against it a 3259
civil or administrative action or proceeding in bankruptcy, 3260
including the date of filing, the name and location of the court, 3261
the case caption, the docket number, and the disposition; 3262

(7) The name and business telephone number of any attorney 3263
representing an applicant in matters before the commission; 3264

(8) Information concerning the amount, type of tax, the 3265
taxing agency, and times involved, if the applicant has filed or 3266
been served with a complaint or notice filed with a public body 3267
concerning a delinquency in the payment of or a dispute over a 3268
filing concerning the payment of a tax required under federal, 3269
state, or local law; 3270

(9) A description of any proposed casino gaming operation and 3271
related casino enterprises, including the type of casino facility, 3272
location, expected economic benefit to the community, anticipated 3273

or actual number of employees, any statement from an applicant 3274
regarding compliance with federal and state affirmative action 3275
guidelines, projected or actual admissions, projected or actual 3276
gross receipts, and scientific market research; 3277

(10) Financial information in the manner and form prescribed 3278
by the commission; 3279

(11) If an applicant has directly made a political 3280
contribution, loan, donation, or other payment of one hundred 3281
dollars or more to a statewide office holder, a member of the 3282
general assembly, a local government official elected in a 3283
jurisdiction where a casino facility is located, or a ballot issue 3284
not more than one year before the date the applicant filed the 3285
application and all information relating to the contribution, 3286
loan, donation, or other payment; 3287

(12) Any criminal conviction; and 3288

(13) Other information required by the commission under rules 3289
adopted by the commission. 3290

(B) Any holding company or management company, its directors, 3291
executive officers, and any shareholder who holds more than five 3292
per cent ownership interest of a holding company or management 3293
company shall be required to submit the same information as 3294
required by an applicant under this section. 3295

Sec. 3772.111. In determining whether to grant a casino 3296
operator license, the commission shall also consider: 3297

(A) The facilities or proposed facilities for the conduct of 3298
casino gaming; 3299

(B) The prospective total revenue to be collected by the 3300
state from the conduct of casino gaming; 3301

(C) The extent to which the applicant exceeds or meets other 3302
standards adopted by the commission. 3303

Sec. 3772.112. Before a license is issued to a casino operator, the casino operator shall post, and thereafter shall maintain, a surety bond in the amount of one million dollars payable to the state, conditioned on the casino operator complying with Section 6(C) of Article XV, Ohio Constitution, this chapter, and the rules adopted under this chapter. The bond shall be issued by a surety that is licensed to do business in this state, and shall be approved by the commission. The total aggregate liability of the surety on the bond is limited to the amount specified in the bond. The surety shall not cancel the bond unless the surety has given the commission, in the event of nonpayment of premium, ten days' notice of the intention to cancel, and in the event of any other cause, thirty days' notice of the intention to cancel. If the bond is to be canceled, and if the casino operator fails to post and maintain a new surety bond in the specified amount on or before the day of cancellation, the casino operator's license is void.

Sec. 3772.12. (A) A person may apply for a gaming-related vendor license. All applications shall be made under oath.

(B) A person who holds a gaming-related vendor's license is authorized to sell or lease, and to contract to sell or lease, equipment and supplies to any licensee involved in the ownership or management of a casino facility.

(C) Gambling supplies and equipment shall not be distributed unless supplies and equipment conform to standards adopted in rules adopted by the commission.

Sec. 3772.121. (A) The commission shall issue a gaming-related vendor's license under this chapter to an applicant who has:

(1) Applied for the gaming-related vendor's license;

(2) Paid a nonrefundable license fee as described in section 3772.17 of the Revised Code; 3334
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(3) Submitted two sets of the applicant's fingerprints; and 3336

(4) Been determined by the commission as eligible for a gaming-related vendor's license. 3337
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(B) A gaming-related vendor shall furnish to the commission a list of all equipment, devices, and supplies offered for sale or lease in connection with casino games authorized under this chapter. 3339
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(C) A gaming-related vendor's equipment, devices, or supplies that are used by a person in an unauthorized casino gaming operation shall be forfeited to the state. 3343
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Sec. 3772.13. (A) No person may be employed as a key employee unless the person is the holder of a valid key employee license issued by the commission. 3346
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(B) Each applicant shall, before the issuance of any key employee license, produce information, documentation, and assurances as are required by this chapter and rules adopted thereunder. In addition, each applicant shall, in writing, authorize the examination of all bank accounts and records as may be deemed necessary by the commission. 3349
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(C) To be eligible for a key employee license, the applicant shall be at least twenty-one years of age and shall meet the criteria set forth by rule by the commission. 3355
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(D) Each application for a key employee license shall be on a form prescribed by the commission and shall contain all information required by the commission. The applicant shall set forth in the application if the applicant has been issued prior gambling-related licenses; if the applicant has been licensed in any other state under any other name, and, if so, the name under 3358
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which the license was issued and the applicant's age at the time 3364
the license was issued; any criminal conviction the applicant has 3365
had; and if a permit or license issued to the applicant in any 3366
other state has been suspended, restricted, or revoked, and, if 3367
so, the cause and the duration of each action. 3368

(E) Each applicant shall submit with each application, on a 3369
form provided by the commission, two sets of fingerprints and a 3370
photograph. The commission shall charge each applicant an 3371
application fee set by the commission to cover all actual costs 3372
generated by each licensee and all background checks under this 3373
section and section 3772.07 of the Revised Code. 3374

(F)(1) The casino operator, management company, or holding 3375
company by whom a person is employed as a key employee shall 3376
terminate the person's employment in any capacity requiring a 3377
license under this chapter and shall not in any manner permit the 3378
person to exercise a significant influence over the operation of a 3379
casino facility if: 3380

(a) The person does not apply for and receive a key employee 3381
license within three months of being issued a provisional license, 3382
as established under commission rule. 3383

(b) The person's application for a key employee license is 3384
denied by the commission. 3385

(c) The person's key employee license is revoked by the 3386
commission. 3387

The commission shall notify the casino operator, management 3388
company, or holding company who employs such a person by certified 3389
mail of any such finding, denial, or revocation. 3390

(2) A casino operator, management company, or holding company 3391
shall not pay to a person whose employment is terminated under 3392
division (F)(1) of this section, any remuneration for any services 3393
performed in any capacity in which the person is required to be 3394

licensed, except for amounts due for services rendered before 3395
notice was received under that division. A contract or other 3396
agreement for personal services or for the conduct of any casino 3397
gaming at a casino facility between a casino operator, management 3398
company, or holding company and a person whose employment is 3399
terminated under division (F)(1) of this section may be terminated 3400
by the casino operator, management company, or holding company 3401
without further liability on the part of the casino operator, 3402
management company, or holding company. Any such contract or other 3403
agreement is deemed to include a term authorizing its termination 3404
without further liability on the part of the casino operator, 3405
management company, or holding company upon receiving notice under 3406
division (F)(1) of this section. That a contract or other 3407
agreement does not expressly include such a term is not a defense 3408
in any action brought to terminate the contract or other 3409
agreement, and is not grounds for relief in any action brought 3410
questioning termination of the contract or other agreement. 3411

(3) A casino operator, management company, or holding 3412
company, without having obtained the prior approval of the 3413
commission, shall not enter into any contract or other agreement 3414
with a person who has been found unsuitable, who has been denied a 3415
license, or whose license has been revoked under division (F)(1) 3416
of this section, or with any business enterprise under the control 3417
of such a person, after the date on which the casino operator, 3418
management company, or holding company receives notice under that 3419
division. 3420

Sec. 3772.131. (A) All casino gaming employees are required 3421
to have a casino gaming employee license. "Casino gaming employee" 3422
means the following and their supervisors: 3423

(1) Individuals involved in operating a casino gaming pit, 3424
including dealers, shills, clerks, hosts, and junket 3425

<u>representatives;</u>	3426
<u>(2) Individuals involved in handling money, including</u>	3427
<u>cashiers, change persons, count teams, and coin wrappers;</u>	3428
<u>(3) Individuals involved in operating casino games;</u>	3429
<u>(4) Individuals involved in operating and maintaining slot</u>	3430
<u>machines, including mechanics, floor persons, and change and</u>	3431
<u>payoff persons;</u>	3432
<u>(5) Individuals involved in security, including guards and</u>	3433
<u>game observers;</u>	3434
<u>(6) Individuals with duties similar to those described in</u>	3435
<u>divisions (A)(1) to (5) of this section. "Casino gaming employee"</u>	3436
<u>does not include an individual whose duties are related solely to</u>	3437
<u>nongaming activities such as entertainment, hotel operation,</u>	3438
<u>maintenance, or preparing or serving food and beverages.</u>	3439
<u>(B) The commission may issue a casino gaming employee license</u>	3440
<u>to an applicant after it has determined that the applicant is</u>	3441
<u>eligible for a license under rules adopted by the commission and</u>	3442
<u>paid any applicable fee. All applications shall be made under</u>	3443
<u>oath.</u>	3444
<u>(C) To be eligible for a casino gaming employee license, an</u>	3445
<u>applicant shall be at least twenty-one years of age.</u>	3446
<u>(D) Each application for a casino gaming employee license</u>	3447
<u>shall be on a form prescribed by the commission and shall contain</u>	3448
<u>all information required by the commission. The applicant shall</u>	3449
<u>set forth in the application if the applicant has been issued</u>	3450
<u>prior gambling-related licenses; if the applicant has been</u>	3451
<u>licensed in any other state under any other name, and, if so, the</u>	3452
<u>name under which the license was issued and the applicant's age at</u>	3453
<u>the time the license was issued; any criminal convictions the</u>	3454
<u>applicant has had; and if a permit or license issued to the</u>	3455

applicant in any other state has been suspended, restricted, or 3456
revoked, and, if so, the cause and the duration of each action. 3457

(E) Each applicant shall submit with each application, on a 3458
form provided by the commission, two sets of the applicant's 3459
fingerprints and a photograph. The commission shall charge each 3460
applicant an application fee to cover all actual costs generated 3461
by each licensee and all background checks. 3462

Sec. 3772.14. (A) After notice and opportunity for an 3463
adjudication conducted under Chapter 119. of the Revised Code, the 3464
commission may suspend, revoke, or refuse to issue or renew a 3465
license in accordance with rules adopted by the commission. 3466

(B) Without in any manner limiting the authority of the 3467
commission to impose the level and type of discipline it may 3468
consider appropriate, the commission may take into consideration: 3469

(1) If the licensee knew or reasonably should have known that 3470
the action complained of was a violation of any law, regulation, 3471
or condition on the licensee's license; 3472

(2) If the licensee has previously been disciplined by the 3473
commission; 3474

(3) If the licensee has previously been subject to discipline 3475
by the commission concerning the violation of any law, regulation, 3476
or condition of the licensee's license; 3477

(4) If the licensee reasonably relied upon professional 3478
advice from a lawyer, doctor, accountant, or other recognized 3479
professional that was relevant to the action resulting in the 3480
violation; 3481

(5) If the licensee or licensee's employer had a reasonably 3482
constituted and functioning compliance program; 3483

(6) If the imposition of a condition requiring the licensee 3484
to establish and implement a written self-enforcement and 3485

<u>compliance program would assist in ensuring the licensee's future</u>	3486
<u>compliance with all statutes, regulations, and conditions of the</u>	3487
<u>license;</u>	3488
<u>(7) If the licensee realized a pecuniary gain from the</u>	3489
<u>violation;</u>	3490
<u>(8) If the amount of any fine or other penalty imposed would</u>	3491
<u>result in disgorgement of any gains unlawfully realized by the</u>	3492
<u>licensee;</u>	3493
<u>(9) If the violation was caused by an officer or employee of</u>	3494
<u>the licensee, the level of authority of the individual who caused</u>	3495
<u>the violation;</u>	3496
<u>(10) If the individual who caused the violation acted within</u>	3497
<u>the scope of the individual's authority as granted by the</u>	3498
<u>licensee;</u>	3499
<u>(11) The adequacy of any training programs offered by the</u>	3500
<u>licensee or licensee's employer that were relevant to the activity</u>	3501
<u>which resulted in the violation;</u>	3502
<u>(12) If the licensee's action substantially deviated from</u>	3503
<u>industry standards and customs;</u>	3504
<u>(13) The extent to which the licensee cooperated with the</u>	3505
<u>commission during the investigation of the violation;</u>	3506
<u>(14) If the licensee has initiated remedial measures to</u>	3507
<u>prevent similar violations;</u>	3508
<u>(15) The magnitude of penalties imposed on other licensees</u>	3509
<u>for similar violations;</u>	3510
<u>(16) The proportionality of the penalty in relation to the</u>	3511
<u>misconduct;</u>	3512
<u>(17) The extent to which the amount of any fine imposed would</u>	3513
<u>punish the licensee for the conduct and deter future violations;</u>	3514

(18) Any mitigating factors offered by the licensee; and 3515

(19) Any other factors the commission in its sole and 3516
absolute discretion may consider relevant. 3517

Sec. 3772.15. (A) Unless a license issued under this chapter 3518
is suspended, expires, or is revoked, the license shall be renewed 3519
for not more than three years, as determined by commission rule, 3520
after a determination by the commission that the licensee is in 3521
compliance with this chapter and rules authorized by this chapter 3522
and after the licensee pays a fee. 3523

(B) A licensee shall undergo a complete investigation at 3524
least every three years, as determined by commission rule, to 3525
determine that the licensee remains in compliance with this 3526
chapter. 3527

(C) Notwithstanding division (B) of this section, the 3528
commission may investigate a licensee at any time the commission 3529
determines it is necessary to ensure that the licensee remains in 3530
compliance with this section. 3531

(D) The holder of a license shall bear the cost of an 3532
investigation, except key employees and casino gaming employees 3533
who are employed by a casino operator, in which case the casino 3534
operator shall pay the investigation cost. 3535

Sec. 3772.16. (A) Any information concerning the following 3536
submitted, collected, or gathered as part of an application to the 3537
commission for a license under this chapter is confidential and 3538
not subject to disclosure as a record under section 149.43 of the 3539
Revised Code: 3540

(1) A minor child of an applicant; 3541

(2) The social security number of an applicant or the spouse 3542
of an applicant; 3543

<u>(3) The home telephone number of an applicant or the spouse</u>	3544
<u>or children of an applicant;</u>	3545
<u>(4) An applicant's birth certificate;</u>	3546
<u>(5) The driver's license number of an applicant or the</u>	3547
<u>applicant's spouse;</u>	3548
<u>(6) The name or address of a previous spouse of the</u>	3549
<u>applicant;</u>	3550
<u>(7) The date of birth of the spouse of an applicant;</u>	3551
<u>(8) The place of birth of the spouse of an applicant;</u>	3552
<u>(9) The personal financial information and records of an</u>	3553
<u>applicant or the spouse or minor child of an applicant, including</u>	3554
<u>tax returns and information, and records of criminal proceedings;</u>	3555
<u>(10) Any information concerning a victim of domestic</u>	3556
<u>violence, sexual assault, or stalking;</u>	3557
<u>(11) The electronic mail address of the spouse or family</u>	3558
<u>member of the applicant;</u>	3559
<u>(12) An applicant's home addresses; and</u>	3560
<u>(13) Any trade secret.</u>	3561
<u>(B) Notwithstanding any other law, upon written request from</u>	3562
<u>a person, the commission shall provide the following information</u>	3563
<u>to the person except as provided in this chapter:</u>	3564
<u>(1) The information provided under this chapter concerning a</u>	3565
<u>licensee or an applicant;</u>	3566
<u>(2) The amount of the wagering tax and admission tax paid</u>	3567
<u>daily to the state by a licensed applicant or an operating agent;</u>	3568
<u>and</u>	3569
<u>(3) A copy of a letter providing the reasons for the denial</u>	3570
<u>of an applicant's license or an operating agent's contract and a</u>	3571
<u>copy of a letter providing the reasons for the commission's</u>	3572

refusal to allow an applicant to withdraw the applicant's 3573
application, but with confidential information redacted if that 3574
information is the reason for the denial or refusal to withdraw. 3575

Sec. 3772.17. (A) The upfront license fee to obtain a license 3576
as a casino operator shall be fifty million dollars per casino 3577
facility. New casino operator, management company, and holding 3578
company license and renewal license fees shall be set by rule, 3579
subject to the approval of the joint committee on gaming and 3580
wagering. 3581

(B) The fee to obtain an application for a casino operator, 3582
management company, or holding company license shall be two 3583
million dollars per application. The application fee shall be 3584
deposited into the casino control commission fund. The application 3585
fee is nonrefundable. 3586

(C) The license fees for a gaming-related vendor shall be set 3587
by rule, subject to the approval of the joint committee on gaming 3588
and wagering. Additionally, the commission may assess an applicant 3589
a reasonable fee in the amount necessary to process a 3590
gaming-related vendor license application. 3591

(D) The license fees for a key employee shall be set by rule, 3592
subject to the approval of the joint committee on gaming and 3593
wagering. Additionally, the commission may assess an applicant a 3594
reasonable fee in the amount necessary to process a key employee 3595
license application. If the license is being sought at the request 3596
of a casino operator, such fees shall be paid by the casino 3597
operator. 3598

(E) The license fees for a casino gaming employee shall be 3599
set by rule, subject to the approval of the joint committee on 3600
gaming and wagering. If the license is being sought at the request 3601
of a casino operator, the fee shall be paid by the casino 3602
operator. 3603

Sec. 3772.18. (A) Each casino operator, management company, and holding company involved in the application and ownership or management of a casino facility shall provide to the commission as applicable: 3604
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(1) An annual balance sheet; 3608

(2) An annual income statement; 3609

(3) An annual audited financial statement; 3610

(4) A list of the stockholders or other persons having at least a five per cent ownership interest in the casino operator, management company, or holding company and any other information the commission considers necessary for the effective administration of this chapter; 3611
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(5) The applicant's plan and process to provide employment opportunities; 3616
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(6) Notification of any material changes to the applicant's or licensee's stockholders must be provided to the commission within sixty days of the change. Notification of any refinancing and debt issuance shall be in accordance with rules adopted by the commission under Chapter 119. of the Revised Code; and 3618
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(7) An applicant's compulsive and problem gambling plan. A casino operator shall submit an annual summary of its compulsive and problem gambling plan to the commission. The plan at a minimum shall contain the following elements: 3623
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(a) The goals of the plan and procedures and timetables to implement the plan; 3627
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(b) The identification of the individual who will be responsible for the implementation and maintenance of the plan; 3629
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(c) Policies and procedures including the following: 3631

(i) The commitment of the casino operator to train 3632

<u>appropriate employees;</u>	3633
<u>(ii) The duties and responsibilities of the employees designated to implement or participate in the plan;</u>	3634
<u>(iii) The responsibility of patrons with respect to responsible gambling;</u>	3636
<u>(iv) Procedures for providing information to individuals regarding community, public and private treatment services, gamblers anonymous programs, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members;</u>	3637
<u>(v) The provision of printed material to educate patrons about compulsive and problem gambling and to inform them about treatment services available to compulsive and problem gamblers and their families;</u>	3638
<u>(vi) The employee training program;</u>	3639
<u>(vii) Procedures to prevent underage gambling;</u>	3640
<u>(viii) Procedures to prevent intoxicated patrons from gambling;</u>	3641
<u>(ix) The plan for posting signs within the casino facility containing gambling treatment information.</u>	3642
<u>(B) Each casino operator shall submit quarterly updates and an annual report to the commission of its adherence to the plans and goals submitted under division (A) of this section.</u>	3643
<u>(C) Preference shall be given to public and private Ohio-based institutions to train employees for casino-related employment opportunities.</u>	3644
<u>Sec. 3772.19. A person shall not hold a majority ownership interest in, or be a management company for, more than two casino facilities at any one time. A person shall not hold a majority</u>	3645
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ownership interest in, or be a management company for, more than 3662
two tracks at which horse racing where the pari-mutuel system of 3663
wagering is conducted at any one time, of which not more than one 3664
shall be a track for thoroughbred horses. 3665

Sec. 3772.20. (A) A maximum of five thousand slot machines 3666
may be operated at a casino facility. Each casino operator for 3667
each casino facility shall determine the total number of slot 3668
machines in their facility, up to a maximum of five thousand slot 3669
machines that may be operated at such casino facility. There shall 3670
be no limit on the number of table games allowed at each casino 3671
facility. 3672

(B) Any slot machine game or table game currently authorized 3673
in, and any future slot machine or table game authorized in, the 3674
states of Indiana, Michigan, Pennsylvania, and West Virginia may 3675
be conducted at casino facilities in this state at the discretion 3676
of a licensed casino operator but only after being approved, upon 3677
application by a licensed casino operator, by the commission. 3678

(C) Minimum and maximum wagers on casino gaming shall be 3679
determined by casino operators, subject to the commission's 3680
approval. 3681

(D) No slot machine shall be set to pay out less than the 3682
theoretical payout percentage, which shall be not less than 3683
eighty-five per cent, as specifically approved by the commission. 3684
The commission shall adopt rules that define the theoretical 3685
payout percentage of a slot machine based on the total value of 3686
the jackpots expected to be paid by a slot machine divided by the 3687
total value of slot machine wagers expected to be made on that 3688
slot machine during the same portion of the game cycle. 3689

Sec. 3772.21. (A) Casino gaming equipment and supplies 3690
customarily used in conducting casino gaming shall be purchased or 3691

leased only from gaming-related vendors licensed under this 3692
chapter. A management company owning casino gaming devices, 3693
supplies, and equipment shall be licensed as a gaming-related 3694
vendor under this chapter. 3695

(B) Annually, a gaming-related vendor shall furnish to the 3696
commission a list of all equipment, devices, and supplies offered 3697
for sale or lease in connection with casino gaming authorized 3698
under this chapter. 3699

(C) A gaming-related vendor shall keep books and records for 3700
the furnishing of equipment, devices, and supplies to gaming 3701
operations separate from books and records of any other business 3702
operated by the gaming-related vendor. A gaming-related vendor 3703
shall file a quarterly return with the commission listing all 3704
sales and leases. A gaming-related vendor shall permanently affix 3705
the gaming-related vendor's name to all of the gaming-related 3706
vendor's equipment, devices, and supplies for casino gaming 3707
operations. 3708

(D) A gaming-related vendor's equipment, devices, or supplies 3709
that are used by a person in an unauthorized casino gaming 3710
operation shall be forfeited to the commission. 3711

Sec. 3772.22. (A) All casino facility operations shall use a 3712
cashless wagering system whereby all wagerers' money is converted 3713
to chips, tokens, tickets, electronic cards, or similar objects at 3714
the request of the wagerer that may only be used for wagering at a 3715
casino facility. Wagering shall not be conducted with money or 3716
other negotiable currency. 3717

(B) Wagers may be received only from a person present at a 3718
casino facility. A wagerer present at a casino facility shall not 3719
place or attempt to place a wager on behalf of an individual who 3720
is not present at the casino facility. 3721

Sec. 3772.23. (A) All tokens, chips, or electronic cards that 3722
are used to make wagers shall be purchased from the casino 3723
operator or management company while at a casino facility that has 3724
been approved by the commission. Chips, tokens, tickets, 3725
electronic cards, or similar objects may be used while at the 3726
casino facility only for the purpose of making wagers on casino 3727
games. 3728

(B) Casino operators and management companies shall not do 3729
any of the following: 3730

(1) Obtain a license to operate a check-cashing business 3731
under sections 1315.01 to 1315.30 of the Revised Code; 3732

(2) Obtain a license to provide loans under sections 1321.01 3733
to 1321.19 of the Revised Code; 3734

(3) Obtain a license to provide loans under sections 1321.35 3735
to 1321.48 of the Revised Code. 3736

Sec. 3772.24. (A) An employee of a casino facility who is 3737
between eighteen and twenty-one years of age may be present in the 3738
area of a casino facility where casino gaming is being conducted, 3739
as long as the employee's duties are related solely to nongaming 3740
activities. An individual who is less than twenty-one years of age 3741
may enter a designated area of a casino facility where casino 3742
gaming is being conducted, as established by the commission, to 3743
pass to another area where casino gaming is not being conducted. 3744
An individual who is less than twenty-one years of age shall not 3745
make a wager under this chapter. 3746

(B) Casino operators shall notify the commission of the days 3747
and hours during which casino gaming will be conducted. 3748

Sec. 3772.25. The following are not subject to, or limited 3749
by, the requirements of this chapter or Section 6(C) of Article 3750

<u>XV, Ohio Constitution:</u>	3751
<u>(A) Charitable gaming authorized by Chapter 2915. of the Revised Code;</u>	3752 3753
<u>(B) Charitable bingo authorized by Section 6 of Article XV, Ohio Constitution, and as authorized by Chapter 2915. of the Revised Code;</u>	3754 3755 3756
<u>(C) Lottery games as authorized by Section 6 of Article XV, Ohio Constitution; and</u>	3757 3758
<u>(D) Pari-mutuel wagering authorized by Chapter 3769. of the Revised Code.</u>	3759 3760
<u>Sec. 3772.26. (A) Each of the four casino facilities shall be subject to all applicable state laws and local ordinances related to health and building codes, or any related requirements and provisions. Notwithstanding the foregoing, no local zoning, land use laws, subdivision regulations or similar provisions shall prohibit the development or operation of the four casino facilities, or casino gaming set forth herein, provided that no casino facility shall be located in a district zoned exclusively residential as of January 1, 2009.</u>	3761 3762 3763 3764 3765 3766 3767 3768 3769
<u>(B) No municipal corporation or other political subdivision in which a casino facility is located shall be required to provide or improve infrastructure, appropriate property, or otherwise take any affirmative legislative or administrative action to assist development or operation of a casino facility, regardless of the source of funding but if such action is essential to the development or operation of a casino facility, the municipal corporation or other political subdivision may charge the casino operator for any costs incurred for such action.</u>	3770 3771 3772 3773 3774 3775 3776 3777 3778
<u>Sec. 3772.27. Each initial licensed casino operator of each</u>	3779

of the four casino facilities shall make an initial investment of 3780
at least two hundred fifty million dollars for the development of 3781
each casino facility for a total minimum investment of one billion 3782
dollars statewide. 3783

Sec. 3772.28. (A) A casino operator shall not enter into a 3784
debt transaction without the approval of the commission. The 3785
casino operator shall submit, in writing, a request for approval 3786
of a debt transaction that contains at least the following 3787
information: 3788

(1) The names and addresses of all parties to the debt 3789
transaction; 3790

(2) The amount of the funds involved; 3791

(3) The type of debt transaction; 3792

(4) The source of the funds to be obtained; 3793

(5) All sources of collateral; 3794

(6) The purpose of the debt transaction; 3795

(7) The terms of the debt transaction; 3796

(8) Any other information deemed necessary by the commission. 3797

(B) As used in this section, "debt transaction" means a 3798
transaction totaling five hundred thousand dollars or more in 3799
which a casino operator acquires debt, including bank financing, 3800
private debt offerings, and any other transaction that results in 3801
the encumbrance of assets. 3802

Sec. 3772.29. All shipments of gaming supplies, devices, and 3803
equipment, including slot machines, into this state are exempt 3804
from section (2) of "An Act to Prohibit Transportation of Gambling 3805
Devices in Interstate and Foreign Commerce," 64 Stat. 1134, 15 3806
U.S.C. 1171-1177. 3807

Sec. 3772.30. (A) If any person violates this chapter or a 3808
rule adopted thereunder, the attorney general has a cause of 3809
action to restrain the violation. Such an action is a civil 3810
action, governed by the Rules of Civil Procedure. Upon receiving a 3811
request from the commission or the executive director, the 3812
attorney general shall commence and prosecute such an action to 3813
completion. The court shall give priority to such an action over 3814
all other civil actions. Such an action does not preclude an 3815
administrative or criminal proceeding on the same facts. 3816

(B) The attorney general may enter into agreements with any 3817
state or local law enforcement agency to carry out its duties. 3818

(C) A sheriff, chief of police, and prosecuting attorney 3819
shall furnish to the commission, on prescribed forms, all 3820
information obtained during the course of any substantial 3821
investigation or prosecution if it appears a violation of this 3822
chapter has occurred. Any such information is not a public record, 3823
as defined in section 149.43 of the Revised Code, until such 3824
information would otherwise become a public record. 3825

Sec. 3772.31. (A) The commission, by and through the 3826
executive director of the commission, may enter into contracts 3827
necessary to ensure the proper operation and reporting of all 3828
casino gaming authorized under this chapter. The commission may 3829
determine it to be necessary and adopt rules to authorize a 3830
central system. The system shall be operated by or under the 3831
commission's control. 3832

(B) The commission shall certify independent testing 3833
laboratories to scientifically test and technically evaluate all 3834
slot machines, mechanical, electromechanical, or electronic table 3835
games, slot accounting systems, and other electronic gaming 3836
equipment for compliance with this chapter. The certified 3837

independent testing laboratories shall be accredited by a national 3838
accreditation body. The commission shall certify an independent 3839
testing laboratory if it is competent and qualified to 3840
scientifically test and evaluate electronic gaming equipment for 3841
compliance with this chapter and to otherwise perform the 3842
functions assigned to an independent testing laboratory under this 3843
chapter. An independent testing laboratory shall not be owned or 3844
controlled by, or have any interest in, a gaming-related vendor of 3845
electronic gaming equipment. The commission shall prepare a list 3846
of certified independent testing laboratories from which an 3847
independent testing laboratory shall be chosen for all purposes 3848
under this chapter. 3849

Sec. 3772.32. (A)(1) If a person's winnings at a casino 3850
facility are an amount for which reporting to the internal revenue 3851
service of the amount is required by 26 U.S.C. 6041 or a 3852
subsequent, analogous section of the Internal Revenue Code, the 3853
casino operator shall deduct and withhold Ohio income tax from the 3854
person's winnings at a rate of six per cent of the amount won. A 3855
person's amount of winnings shall be determined each time the 3856
person exchanges amounts won in tokens, chips, casino credit, or 3857
other pre-paid representations of value for cash or a cash 3858
equivalent. The casino operator shall issue, to a person from 3859
whose winnings an amount has been deducted and withheld, a receipt 3860
for the amount deducted and withheld, and also shall obtain from 3861
the person additional information that will be necessary for the 3862
casino operator to prepare the returns required by this section. 3863

(2) If a person's winnings at a casino facility require 3864
reporting to the internal revenue service under division (A)(1) of 3865
this section, the casino operator also shall require the person to 3866
state in writing, under penalty of falsification, whether the 3867
person is in default under a support order. 3868

(B) Amounts deducted and withheld by a casino operator are 3869
held in trust for the benefit of the state. 3870

(1) On the tenth banking day of each month, the casino 3871
operator shall file a return electronically with the tax 3872
commissioner identifying the persons from whose winnings amounts 3873
were deducted and withheld and the amount of each such deduction 3874
and withholding during the preceding calendar month. With the 3875
return, the casino operator shall remit electronically to the tax 3876
commissioner all the amounts deducted and withheld during the 3877
preceding month. And together with the return and remittance, the 3878
casino operator shall transmit electronically to the tax 3879
commissioner a copy of each receipt issued, and a copy of each 3880
statement made, under divisions (A)(1) and (2) of this section. 3881

(2) Annually on or before the thirty-first day of January, a 3882
casino operator shall file an annual return electronically with 3883
the tax commissioner indicating the total amount deducted and 3884
withheld during the preceding calendar year. The casino operator 3885
shall remit electronically with the annual return any amount that 3886
was deducted and withheld and that was not previously remitted. If 3887
the identity of a person and the amount deducted and withheld with 3888
respect to that person were omitted on a monthly return, that 3889
information shall be indicated on the annual return. And if a copy 3890
of the receipt and statement pertaining to a person was not 3891
previously transmitted to the tax commissioner, the receipt and 3892
statement shall be transmitted to the tax commissioner 3893
electronically with the annual return. 3894

(3)(a) A casino operator who fails to file a return and remit 3895
the amounts deducted and withheld is personally liable for the 3896
amount deducted and withheld and not remitted. The tax 3897
commissioner may impose a penalty up to one thousand dollars if a 3898
return is filed late, if amounts deducted and withheld are 3899
remitted late, if a return is not filed, or if amounts deducted 3900

and withheld are not remitted. Interest accrues on past due 3901
amounts deducted and withheld at the rate prescribed in section 3902
5703.47 of the Revised Code. The tax commissioner may collect past 3903
due amounts deducted and withheld and penalties and interest 3904
thereon by assessment under section 5747.13 of the Revised Code as 3905
if they were income taxes collected by an employer. 3906

(b) If a casino operator sells the casino facility or 3907
otherwise quits the casino business, the amounts deducted and 3908
withheld and any penalties and interest thereon are immediately 3909
due and payable. The successor shall withhold an amount of the 3910
purchase money that is sufficient to cover the amounts deducted 3911
and withheld and penalties and interest thereon until the 3912
predecessor casino operator produces either a receipt from the tax 3913
commissioner showing that the amounts deducted and withheld and 3914
penalties and interest thereon have been paid or a certificate 3915
from the tax commissioner indicating that no amounts deducted and 3916
withheld or penalties and interest thereon are due. If the 3917
successor fails to withhold purchase money, the successor is 3918
personally liable for payment of the amounts deducted and withheld 3919
and penalties and interest thereon, up to the amount of the 3920
purchase money. 3921

(C) Annually, on or before the thirty-first day of January, a 3922
casino operator shall issue an information return to each person 3923
with respect to whom an amount has been deducted and withheld 3924
during the preceding calendar year. The information return shall 3925
show the total amount deducted from the person's winnings by the 3926
casino operator during the preceding calendar year. 3927

(D) The failure of a casino operator to deduct and withhold 3928
the required amount from a person's winnings does not relieve the 3929
person from liability for the tax imposed by section 5747.02 of 3930
the Revised Code with respect to those winnings. And compliance 3931
with this section does not relieve a casino operator or a person 3932

who has winnings at a casino facility from compliance with 3933
relevant provisions of federal tax laws. 3934

(E) The tax commissioner shall prescribe the form of the 3935
receipt, statement, and returns required by this section. 3936

Sec. 3772.33. (A) As used in this section, "conservator" 3937
means a person appointed by a court of common pleas as a fiduciary 3938
to temporarily manage and control a casino facility. 3939

(B) The commission shall adopt rules under Chapter 119. of 3940
the Revised Code relating to the administration of a casino 3941
facility by a conservator. 3942

(C) The commission may petition the court of common pleas of 3943
the county in which the casino facility is located for appointment 3944
by the court of a conservator to manage and control the casino 3945
facility if any of the following occurs: 3946

(1) The commission revokes the casino operator's license. 3947

(2) The commission declines to renew the casino operator's 3948
license. 3949

(3) The commission suspends a casino operator's license for 3950
more than one hundred twenty days. 3951

(4) A proposed buyer is denied a casino operator's license, 3952
and the licensed casino operator is unable or unwilling to retain 3953
ownership or control of the casino facility. 3954

(5) A licensed casino operator agrees in writing to 3955
relinquish control of a casino facility to a conservator. 3956

(6) A natural disaster or bankruptcy halts operations at a 3957
casino facility. 3958

This division does not apply if the casino facility for which 3959
a casino license has been issued has not been in operation and 3960
open to the public. 3961

(D)(1) The petition shall contain the names of two or more persons who the commission believes are suitable and qualified to manage and control the casino facility and are available for appointment as a conservator. 3962
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(2) Upon receipt of the petition, the court shall appoint as conservator of the casino facility a person who is named in the petition. The court shall immediately notify the commission of the appointment. Upon receipt of notice from the court, the commission shall immediately notify the casino operator and the conservator. 3966
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(3) The court that appoints the conservator shall set reasonable compensation, out of the revenue of the casino facility, for the services, costs, and expenses of the conservator and for any other persons whom the conservator may engage to aid the conservator in performing the conservator's duties. 3971
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(E) A conservator is subject to Chapter 3772. of the Revised Code and any rules adopted under that chapter as if the conservator were a licensed casino operator. 3976
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(F) A conservator shall be deemed to be a licensed casino operator and may perform all acts that the conservator is required or permitted to perform without approval or other action. 3979
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(G) The conservator shall take immediately into possession all property of the casino facility, including its money, accounts, books, records, and evidences of debts owed to the casino operator, and shall continue the business of the casino facility. 3982
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(H) A conservator shall file with the commission reports on the administration of the casino facility in such form and at such intervals as the commission may prescribe. 3987
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(I)(1) If at any time the court finds that a conservator is not qualified or available to serve as conservator, the court shall request from the commission the names of two or more persons 3990
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who the commission believes are suitable and qualified to manage 3993
and control a casino facility and are available to serve as a 3994
conservator. 3995

(2) The commission may, at any time after the appointment of 3996
a conservator, petition the court for the removal of the 3997
conservator and the appointment of a new conservator or for the 3998
termination of the conservator. 3999

(J) A conservator shall, before assuming the conservator's 4000
duties, execute and file a bond for the faithful performance of 4001
the conservator's duties payable to the commission with such 4002
surety or sureties and in such form as the commission approves and 4003
in such amount as the commission prescribes. 4004

(K) The commission shall require that the former casino 4005
operator purchase liability insurance, in an amount determined by 4006
the commission, to protect a conservator from liability for any 4007
acts or omissions of the conservator occurring during the duration 4008
of the conservatorship that are reasonably related to, and within 4009
the scope of, the conservator's duties. 4010

(L)(1) The former licensed casino operator has one hundred 4011
eighty days after the date on which the conservator is appointed 4012
to sell the casino facility to another person who satisfies the 4013
requirements of this chapter for obtaining a casino operator's 4014
license and is approved by the commission. 4015

(2) If the person is unable to sell the casino facility in 4016
the time required by division (L)(1) of this section, the 4017
conservator may take any action necessary to sell the casino 4018
facility to another person who satisfies the requirements of this 4019
chapter for obtaining a casino operator's license and is approved 4020
by the commission. 4021

(M) The commission shall direct the court of common pleas to 4022
discontinue a conservatorship when any of the following occurs: 4023

(1) The commission determines that the cause for which the conservatorship was instituted no longer exists. 4024
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(2) The former casino operator or the conservator has with the approval of the commission, consummated the sale, assignment, conveyance, or other disposition of the casino facility. 4026
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(N) Upon the discontinuation of the conservatorship and with the approval of the commission, the conservator shall take steps as may be necessary to affect an orderly transfer of the property of the former casino operator. 4029
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Sec. 3772.34. If any provisions of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter or related sections that can be given effect without the invalid provision or application, and to this end the provisions are severable. 4033
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Sec. 3772.99. (A) The commission shall levy and collect penalties for noncriminal violations of this chapter. Moneys collected from such penalty levies shall be credited to the general revenue fund. 4039
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(B) If a licensed casino operator, management company, holding company, gaming-related vendor, or key employee violates this chapter or engages in a fraudulent act, the commission may suspend or revoke the license and may do either or both of the following: 4043
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(1) Suspend, revoke, or restrict the casino gaming operations of a casino operator; 4048
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(2) Require the removal of a management company, key employee, or discontinuance of services from a gaming-related vendor. 4050
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(C) The commission shall impose civil penalties against a person who violates this chapter under the schedule of penalties adopted by the commission and approved by the joint committee on gaming and wagering. 4053
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(D) A person who knowingly or intentionally does any of the following commits a misdemeanor of the first degree on the first offense and a felony of the fifth degree for a subsequent offense: 4057
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(1) Makes a false statement on an application submitted under this chapter; 4060
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(2) Permits a person less than twenty-one years of age to make a wager; 4062
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(3) Aids, induces, or causes a person less than twenty-one years of age who is not an employee of the casino gaming operation to enter or attempt to enter a casino facility; 4064
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(4) Enters or attempts to enter a casino facility while under twenty-one years of age, unless the person enters a designated area as described in section 3772.24 of the Revised Code; 4067
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(5) Wagers or accepts a wager at a location other than a casino facility; 4070
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(6) Is a casino operator or employee and participates in casino gaming other than as part of operation or employment. 4072
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(E) A person who knowingly or intentionally does any of the following commits a felony of the fifth degree on a first offense and a felony of the fourth degree for a subsequent offense. If the person is a licensee under this chapter, the commission shall revoke the person's license after the first offense. 4074
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(1) Offers, promises, or gives anything of value or benefit to a person who is connected with the casino operator, management company, holding company, or gaming-related vendor, including their officers and employees, under an agreement to influence or 4079
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with the intent to influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a casino game or an official action of a commission member; 4083
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(2) Solicits, accepts, or receives a promise of anything of value or benefit while the person is connected with a casino, including an officer or employee of a casino operator, management company, or gaming-related vendor, under an agreement to influence or with the intent to influence the actions of the person to affect or attempt to affect the outcome of a casino game or an official action of a commission member; 4087
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(3) Uses or possesses with the intent to use a device to assist in projecting the outcome of the game, keeping track of the cards played, analyzing the probability of the occurrence of an event relating to the casino game, or analyzing the strategy for playing or betting to be used in the game, except as permitted by the commission; 4094
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(4) Cheats at a casino game; 4100

(5) Manufactures, sells, or distributes any cards, chips, dice, game, or device that is intended to be used to violate this chapter; 4101
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(6) Alters or misrepresents the outcome of a casino game on which wagers have been made after the outcome is made sure but before the outcome is revealed to the players; 4104
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(7) Places a wager on the outcome of a casino game after acquiring knowledge that is not available to all players and concerns the outcome of the casino game that is the subject of the wager; 4107
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(8) Aids a person in acquiring the knowledge described in division (E)(7) of this section for the purpose of placing a wager contingent on the outcome of a casino game; 4111
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(9) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a casino game with the intent to defraud or without having made a wager contingent on winning a casino game; 4114
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(10) Claims, collects, or takes an amount of money or thing of value of greater value than the amount won in a casino game; 4118
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(11) Uses or possesses counterfeit chips or tokens in or for use in a casino game; 4120
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(12) Possesses a key or device designed for opening, entering, or affecting the operation of a casino game, drop box, or an electronic or a mechanical device connected with the casino game or removing coins, tokens, chips, or other contents of a casino game. This division does not apply to a casino operator, management company, or gaming-related vendor or their agents and employees in the course of agency or employment. 4122
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(13) Possesses materials used to manufacture a slug or device intended to be used in a manner that violates this chapter; 4129
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(14) Operates a casino gaming operation in which wagering is conducted or is to be conducted in a manner other than the manner required under this chapter. 4131
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(F) The possession of more than one of the devices described in division (E)(11), (12), or (13) of this section creates a rebuttable presumption that the possessor intended to use the devices for cheating. 4134
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(G) A person who is convicted of a felony described in this chapter may be barred for life from entering a casino facility by the commission. 4138
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Sec. 3793.02. (A) The department of alcohol and drug addiction services shall promote, assist in developing, and coordinate or conduct programs of education and research for the 4141
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prevention of alcohol and drug addiction, the prevention of 4144
gambling addiction, the treatment, including intervention, of 4145
alcoholics and persons who abuse drugs of abuse, including 4146
anabolic steroids, and the treatment, including intervention, of 4147
persons with gambling addictions. Programs established by the 4148
department shall include abstinence-based prevention and treatment 4149
programs. 4150

(B) In addition to the other duties prescribed by this 4151
chapter, the department shall do all of the following: 4152

(1) Promote and coordinate efforts in the provision of 4153
alcohol and drug addiction services and of gambling addiction 4154
services by other state agencies, as defined in section 1.60 of 4155
the Revised Code; courts; hospitals; clinics; physicians in 4156
private practice; public health authorities; boards of alcohol, 4157
drug addiction, and mental health services; alcohol and drug 4158
addiction programs; law enforcement agencies; gambling addiction 4159
programs; and related groups; 4160

(2) Provide for education and training in prevention, 4161
diagnosis, treatment, and control of alcohol and drug addiction 4162
and of gambling addiction for medical students, physicians, 4163
nurses, social workers, professional counselors, psychologists, 4164
and other persons who provide alcohol and drug addiction services 4165
or gambling addiction services; 4166

(3) Provide training and consultation for persons who 4167
supervise alcohol and drug addiction programs and facilities or 4168
gambling addiction programs and facilities; 4169

(4) Develop measures for evaluating the effectiveness of 4170
alcohol and drug addiction services, including services that use 4171
methadone treatment, and of gambling addiction services, and for 4172
increasing the accountability of alcohol and drug addiction 4173
programs and of gambling addiction programs; 4174

(5) Provide to each court of record, and biennially update, a list of the treatment and education programs within that court's jurisdiction that the court may require an offender, sentenced pursuant to section 4511.19 of the Revised Code, to attend;

(6) Make the warning sign described in sections 3313.752, 3345.41, and 3707.50 of the Revised Code available on the department's internet web site;

(7) Provide a program of gambling addiction services on behalf of the state lottery commission, pursuant to an agreement entered into with the director of the commission under division (K) of section 3770.02 of the Revised Code, and provide a program of gambling and addiction services on behalf of the Ohio casino control commission, under an agreement entered into with the executive director of the commission under section 3772.062 of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio Constitution, the department may enter into agreements with county alcohol, drug addiction, and mental health service districts, and nonprofit organizations to provide gambling and addiction services and substance abuse services, and with state institutions of higher education to perform related research.

(C) The department may accept and administer grants from public or private sources for carrying out any of the duties enumerated in this section.

(D) Pursuant to Chapter 119. of the Revised Code, the department shall adopt a rule defining the term "intervention" as it is used in this chapter in connection with alcohol and drug addiction services and in connection with gambling addiction services. The department may adopt other rules as necessary to implement the requirements of this chapter.

Sec. 3793.032. The director of alcohol and drug addiction services shall administer the problem casino gambling and

addictions fund. The director shall use the money in the fund to 4206
support programs that provide gambling addiction services, alcohol 4207
and drug addiction programs that provide alcohol and drug 4208
addiction services, other programs that relate to gambling 4209
addiction and substance abuse, and research that relates to 4210
gambling addiction and substance abuse. 4211

The director shall prepare an annual report describing the 4212
use of the fund for these purposes. The director shall submit the 4213
report to the Ohio casino control commission, the speaker of the 4214
house of representatives, the president of the senate, and the 4215
governor. 4216

Sec. 4301.355. (A) If a petition is filed under section 4217
4301.333 of the Revised Code for the submission of the question or 4218
questions set forth in this section, it shall be held in the 4219
precinct as ordered by the board of elections under that section. 4220
The expense of holding the election shall be charged to the 4221
municipal corporation or township of which the precinct is a part. 4222

(B) At the election, one or more of the following questions, 4223
as designated in a valid petition, shall be submitted to the 4224
electors of the precinct: 4225

(1) "Shall the sale of (insert beer, wine and 4226
mixed beverages, or spirituous liquor) be permitted by 4227
(insert name of applicant, liquor permit holder, or liquor agency 4228
store, including trade or fictitious name under which applicant 4229
for, or holder of, liquor permit or liquor agency store either 4230
intends to do, or does, business at the particular location), an 4231
..... (insert "applicant for" or "holder of" or "operator 4232
of") a (insert class name of liquor permit or permits 4233
followed by the words "liquor permit(s)" or, if appropriate, the 4234
words "liquor agency store for the State of Ohio"), who is engaged 4235

in the business of (insert general nature of the 4236
business in which applicant or liquor permit holder is engaged or 4237
will be engaged in at the particular location, as described in the 4238
petition) at (insert address of the particular location 4239
within the precinct as set forth in the petition) in this 4240
precinct?" 4241

(2) "Shall the sale of (insert beer, wine and 4242
mixed beverages, or spirituous liquor) be permitted for sale on 4243
Sunday between the hours of (insert "ten a.m. and 4244
midnight" or " eleven a.m. and midnight") by (insert 4245
name of applicant, liquor permit holder, or liquor agency store, 4246
including trade or fictitious name under which applicant for, or 4247
holder of, liquor permit or liquor agency store either intends to 4248
do, or does, business at the particular location), an 4249
(insert "applicant for a D-6 liquor permit," "holder of a D-6 4250
liquor permit," "applicant for or holder of an A-1-A, A-2, A-3a, 4251
C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, 4252
D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 4253
liquor permit," if only the approval of beer sales is sought, or 4254
"liquor agency store") who is engaged in the business of 4255
..... (insert general nature of the business in which 4256
applicant or liquor permit holder is engaged or will be engaged in 4257
at the particular location, as described in the petition) at 4258
..... (insert address of the particular location within the 4259
precinct) in this precinct?" 4260

(C) The board of elections shall furnish printed ballots at 4261
the election as provided under section 3505.06 of the Revised 4262
Code, except that a separate ballot shall be used for the election 4263
under this section. The question set forth in this section shall 4264
be printed on each ballot, and the board shall insert in the 4265
question appropriate words to complete it. Votes shall be cast as 4266
provided under section 3505.06 of the Revised Code. 4267

Sec. 4301.62. (A) As used in this section:	4268
(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.	4269 4270
(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.	4271 4272
(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:	4273 4274 4275
(1) In a state liquor store;	4276
(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control;	4277 4278 4279
(3) In any other public place;	4280
(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;	4281 4282 4283 4284 4285
(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.	4286 4287 4288 4289
(C)(1) A person may have in the person's possession an opened container of any of the following:	4290 4291
(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, <u>D-5n</u> , <u>D-5o</u> , D-7, D-8, E, F, F-2, F-5, F-7, or	4292 4293 4294 4295 4296

F-8 permit;	4297
(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;	4298 4299 4300
(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code;	4301 4302 4303
(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission.	4304 4305 4306
(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.	4307 4308 4309 4310 4311 4312 4313 4314 4315 4316
(3)(a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.	4317 4318 4319 4320 4321 4322 4323 4324 4325
(b) As used in division (C)(3)(a) of this section:	4326
(i) "Orchestral performance" means a concert comprised of a	4327

group of not fewer than forty musicians playing various musical 4328
instruments. 4329

(ii) "Outdoor performing arts center" means an outdoor 4330
performing arts center that is located on not less than eight 4331
hundred acres of land and that is open for performances from the 4332
first day of April to the last day of October of each year. 4333

(4) A person may have in the person's possession an opened or 4334
unopened container of beer or intoxicating liquor at an outdoor 4335
location at which the person is attending an orchestral 4336
performance as defined in division (C)(3)(b)(i) of this section if 4337
the person with supervision and control over the performance 4338
grants permission for the possession and consumption of beer or 4339
intoxicating liquor in certain predesignated areas of that outdoor 4340
location. 4341

(D) This section does not apply to a person who pays all or a 4342
portion of the fee imposed for the use of a chauffeured limousine 4343
pursuant to a prearranged contract, or the guest of the person, 4344
when all of the following apply: 4345

(1) The person or guest is a passenger in the limousine. 4346

(2) The person or guest is located in the limousine, but is 4347
not occupying a seat in the front compartment of the limousine 4348
where the operator of the limousine is located. 4349

(3) The limousine is located on any street, highway, or other 4350
public or private property open to the public for purposes of 4351
vehicular travel or parking. 4352

(E) An opened bottle of wine that was purchased from the 4353
holder of a permit that authorizes the sale of wine for 4354
consumption on the premises where sold is not an opened container 4355
for the purposes of this section if both of the following apply: 4356

(1) The opened bottle of wine is securely resealed by the 4357

permit holder or an employee of the permit holder before the 4358
bottle is removed from the premises. The bottle shall be secured 4359
in such a manner that it is visibly apparent if the bottle has 4360
been subsequently opened or tampered with. 4361

(2) The opened bottle of wine that is resealed in accordance 4362
with division (E)(1) of this section is stored in the trunk of a 4363
motor vehicle or, if the motor vehicle does not have a trunk, 4364
behind the last upright seat or in an area not normally occupied 4365
by the driver or passengers and not easily accessible by the 4366
driver. 4367

Sec. 4303.181. (A) Permit D-5a may be issued either to the 4368
owner or operator of a hotel or motel that is required to be 4369
licensed under section 3731.03 of the Revised Code, that contains 4370
at least fifty rooms for registered transient guests or is owned 4371
by a state institution of higher education as defined in section 4372
3345.011 of the Revised Code or a private college or university, 4373
and that qualifies under the other requirements of this section, 4374
or to the owner or operator of a restaurant specified under this 4375
section, to sell beer and any intoxicating liquor at retail, only 4376
by the individual drink in glass and from the container, for 4377
consumption on the premises where sold, and to registered guests 4378
in their rooms, which may be sold by means of a controlled access 4379
alcohol and beverage cabinet in accordance with division (B) of 4380
section 4301.21 of the Revised Code; and to sell the same products 4381
in the same manner and amounts not for consumption on the premises 4382
as may be sold by holders of D-1 and D-2 permits. The premises of 4383
the hotel or motel shall include a retail food establishment or a 4384
food service operation licensed pursuant to Chapter 3717. of the 4385
Revised Code that operates as a restaurant for purposes of this 4386
chapter and that is affiliated with the hotel or motel and within 4387
or contiguous to the hotel or motel, and that serves food within 4388
the hotel or motel, but the principal business of the owner or 4389

operator of the hotel or motel shall be the accommodation of 4390
transient guests. In addition to the privileges authorized in this 4391
division, the holder of a D-5a permit may exercise the same 4392
privileges as the holder of a D-5 permit. 4393

The owner or operator of a hotel, motel, or restaurant who 4394
qualified for and held a D-5a permit on August 4, 1976, may, if 4395
the owner or operator held another permit before holding a D-5a 4396
permit, either retain a D-5a permit or apply for the permit 4397
formerly held, and the division of liquor control shall issue the 4398
permit for which the owner or operator applies and formerly held, 4399
notwithstanding any quota. 4400

A D-5a permit shall not be transferred to another location. 4401
No quota restriction shall be placed on the number of D-5a permits 4402
that may be issued. 4403

The fee for this permit is two thousand three hundred 4404
forty-four dollars. 4405

(B) Permit D-5b may be issued to the owner, operator, tenant, 4406
lessee, or occupant of an enclosed shopping center to sell beer 4407
and intoxicating liquor at retail, only by the individual drink in 4408
glass and from the container, for consumption on the premises 4409
where sold; and to sell the same products in the same manner and 4410
amount not for consumption on the premises as may be sold by 4411
holders of D-1 and D-2 permits. In addition to the privileges 4412
authorized in this division, the holder of a D-5b permit may 4413
exercise the same privileges as a holder of a D-5 permit. 4414

A D-5b permit shall not be transferred to another location. 4415

One D-5b permit may be issued at an enclosed shopping center 4416
containing at least two hundred twenty-five thousand, but less 4417
than four hundred thousand, square feet of floor area. 4418

Two D-5b permits may be issued at an enclosed shopping center 4419
containing at least four hundred thousand square feet of floor 4420

area. No more than one D-5b permit may be issued at an enclosed 4421
shopping center for each additional two hundred thousand square 4422
feet of floor area or fraction of that floor area, up to a maximum 4423
of five D-5b permits for each enclosed shopping center. The number 4424
of D-5b permits that may be issued at an enclosed shopping center 4425
shall be determined by subtracting the number of D-3 and D-5 4426
permits issued in the enclosed shopping center from the number of 4427
D-5b permits that otherwise may be issued at the enclosed shopping 4428
center under the formulas provided in this division. Except as 4429
provided in this section, no quota shall be placed on the number 4430
of D-5b permits that may be issued. Notwithstanding any quota 4431
provided in this section, the holder of any D-5b permit first 4432
issued in accordance with this section is entitled to its renewal 4433
in accordance with section 4303.271 of the Revised Code. 4434

The holder of a D-5b permit issued before April 4, 1984, 4435
whose tenancy is terminated for a cause other than nonpayment of 4436
rent, may return the D-5b permit to the division of liquor 4437
control, and the division shall cancel that permit. Upon 4438
cancellation of that permit and upon the permit holder's payment 4439
of taxes, contributions, premiums, assessments, and other debts 4440
owing or accrued upon the date of cancellation to this state and 4441
its political subdivisions and a filing with the division of a 4442
certification of that payment, the division shall issue to that 4443
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 4444
that person requests. The division shall issue the D-5 permit, or 4445
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 4446
D-3, or D-5 permits currently issued in the municipal corporation 4447
or in the unincorporated area of the township where that person's 4448
proposed premises is located equals or exceeds the maximum number 4449
of such permits that can be issued in that municipal corporation 4450
or in the unincorporated area of that township under the 4451
population quota restrictions contained in section 4303.29 of the 4452
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 4453

be transferred to another location. If a D-5b permit is canceled 4454
under the provisions of this paragraph, the number of D-5b permits 4455
that may be issued at the enclosed shopping center for which the 4456
D-5b permit was issued, under the formula provided in this 4457
division, shall be reduced by one if the enclosed shopping center 4458
was entitled to more than one D-5b permit under the formula. 4459

The fee for this permit is two thousand three hundred 4460
forty-four dollars. 4461

(C) Permit D-5c may be issued to the owner or operator of a 4462
retail food establishment or a food service operation licensed 4463
pursuant to Chapter 3717. of the Revised Code that operates as a 4464
restaurant for purposes of this chapter and that qualifies under 4465
the other requirements of this section to sell beer and any 4466
intoxicating liquor at retail, only by the individual drink in 4467
glass and from the container, for consumption on the premises 4468
where sold, and to sell the same products in the same manner and 4469
amounts not for consumption on the premises as may be sold by 4470
holders of D-1 and D-2 permits. In addition to the privileges 4471
authorized in this division, the holder of a D-5c permit may 4472
exercise the same privileges as the holder of a D-5 permit. 4473

To qualify for a D-5c permit, the owner or operator of a 4474
retail food establishment or a food service operation licensed 4475
pursuant to Chapter 3717. of the Revised Code that operates as a 4476
restaurant for purposes of this chapter, shall have operated the 4477
restaurant at the proposed premises for not less than twenty-four 4478
consecutive months immediately preceding the filing of the 4479
application for the permit, have applied for a D-5 permit no later 4480
than December 31, 1988, and appear on the division's quota waiting 4481
list for not less than six months immediately preceding the filing 4482
of the application for the permit. In addition to these 4483
requirements, the proposed D-5c permit premises shall be located 4484
within a municipal corporation and further within an election 4485

precinct that, at the time of the application, has no more than 4486
twenty-five per cent of its total land area zoned for residential 4487
use. 4488

A D-5c permit shall not be transferred to another location. 4489
No quota restriction shall be placed on the number of such permits 4490
that may be issued. 4491

Any person who has held a D-5c permit for at least two years 4492
may apply for a D-5 permit, and the division of liquor control 4493
shall issue the D-5 permit notwithstanding the quota restrictions 4494
contained in section 4303.29 of the Revised Code or in any rule of 4495
the liquor control commission. 4496

The fee for this permit is one thousand five hundred 4497
sixty-three dollars. 4498

(D) Permit D-5d may be issued to the owner or operator of a 4499
retail food establishment or a food service operation licensed 4500
pursuant to Chapter 3717. of the Revised Code that operates as a 4501
restaurant for purposes of this chapter and that is located at an 4502
airport operated by a board of county commissioners pursuant to 4503
section 307.20 of the Revised Code, at an airport operated by a 4504
port authority pursuant to Chapter 4582. of the Revised Code, or 4505
at an airport operated by a regional airport authority pursuant to 4506
Chapter 308. of the Revised Code. The holder of a D-5d permit may 4507
sell beer and any intoxicating liquor at retail, only by the 4508
individual drink in glass and from the container, for consumption 4509
on the premises where sold, and may sell the same products in the 4510
same manner and amounts not for consumption on the premises where 4511
sold as may be sold by the holders of D-1 and D-2 permits. In 4512
addition to the privileges authorized in this division, the holder 4513
of a D-5d permit may exercise the same privileges as the holder of 4514
a D-5 permit. 4515

A D-5d permit shall not be transferred to another location. 4516

No quota restrictions shall be placed on the number of such 4517
permits that may be issued. 4518

The fee for this permit is two thousand three hundred 4519
forty-four dollars. 4520

(E) Permit D-5e may be issued to any nonprofit organization 4521
that is exempt from federal income taxation under the "Internal 4522
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 4523
amended, or that is a charitable organization under any chapter of 4524
the Revised Code, and that owns or operates a riverboat that meets 4525
all of the following: 4526

(1) Is permanently docked at one location; 4527

(2) Is designated as an historical riverboat by the Ohio 4528
historical society; 4529

(3) Contains not less than fifteen hundred square feet of 4530
floor area; 4531

(4) Has a seating capacity of fifty or more persons. 4532

The holder of a D-5e permit may sell beer and intoxicating 4533
liquor at retail, only by the individual drink in glass and from 4534
the container, for consumption on the premises where sold. 4535

A D-5e permit shall not be transferred to another location. 4536
No quota restriction shall be placed on the number of such permits 4537
that may be issued. The population quota restrictions contained in 4538
section 4303.29 of the Revised Code or in any rule of the liquor 4539
control commission shall not apply to this division, and the 4540
division shall issue a D-5e permit to any applicant who meets the 4541
requirements of this division. However, the division shall not 4542
issue a D-5e permit if the permit premises or proposed permit 4543
premises are located within an area in which the sale of 4544
spirituous liquor by the glass is prohibited. 4545

The fee for this permit is one thousand two hundred nineteen 4546

dollars. 4547

(F) Permit D-5f may be issued to the owner or operator of a 4548
retail food establishment or a food service operation licensed 4549
under Chapter 3717. of the Revised Code that operates as a 4550
restaurant for purposes of this chapter and that meets all of the 4551
following: 4552

(1) It contains not less than twenty-five hundred square feet 4553
of floor area. 4554

(2) It is located on or in, or immediately adjacent to, the 4555
shoreline of, a navigable river. 4556

(3) It provides docking space for twenty-five boats. 4557

(4) It provides entertainment and recreation, provided that 4558
not less than fifty per cent of the business on the permit 4559
premises shall be preparing and serving meals for a consideration. 4560

In addition, each application for a D-5f permit shall be 4561
accompanied by a certification from the local legislative 4562
authority that the issuance of the D-5f permit is not inconsistent 4563
with that political subdivision's comprehensive development plan 4564
or other economic development goal as officially established by 4565
the local legislative authority. 4566

The holder of a D-5f permit may sell beer and intoxicating 4567
liquor at retail, only by the individual drink in glass and from 4568
the container, for consumption on the premises where sold. 4569

A D-5f permit shall not be transferred to another location. 4570

The division of liquor control shall not issue a D-5f permit 4571
if the permit premises or proposed permit premises are located 4572
within an area in which the sale of spirituous liquor by the glass 4573
is prohibited. 4574

A fee for this permit is two thousand three hundred 4575
forty-four dollars. 4576

As used in this division, "navigable river" means a river 4577
that is also a "navigable water" as defined in the "Federal Power 4578
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 4579

(G) Permit D-5g may be issued to a nonprofit corporation that 4580
is either the owner or the operator of a national professional 4581
sports museum. The holder of a D-5g permit may sell beer and any 4582
intoxicating liquor at retail, only by the individual drink in 4583
glass and from the container, for consumption on the premises 4584
where sold. The holder of a D-5g permit shall sell no beer or 4585
intoxicating liquor for consumption on the premises where sold 4586
after one a.m. A D-5g permit shall not be transferred to another 4587
location. No quota restrictions shall be placed on the number of 4588
D-5g permits that may be issued. The fee for this permit is one 4589
thousand eight hundred seventy-five dollars. 4590

(H)(1) Permit D-5h may be issued to any nonprofit 4591
organization that is exempt from federal income taxation under the 4592
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 4593
501(c)(3), as amended, that owns or operates any of the following: 4594

(a) A fine arts museum, provided that the nonprofit 4595
organization has no less than one thousand five hundred bona fide 4596
members possessing full membership privileges; 4597

(b) A community arts center. As used in division (H)(1)(b) of 4598
this section, "community arts center" means a facility that 4599
provides arts programming to the community in more than one arts 4600
discipline, including, but not limited to, exhibits of works of 4601
art and performances by both professional and amateur artists. 4602

(c) A community theater, provided that the nonprofit 4603
organization is a member of the Ohio arts council and the American 4604
community theatre association and has been in existence for not 4605
less than ten years. As used in division (H)(1)(c) of this 4606
section, "community theater" means a facility that contains at 4607

least one hundred fifty seats and has a primary function of 4608
presenting live theatrical performances and providing recreational 4609
opportunities to the community. 4610

(2) The holder of a D-5h permit may sell beer and any 4611
intoxicating liquor at retail, only by the individual drink in 4612
glass and from the container, for consumption on the premises 4613
where sold. The holder of a D-5h permit shall sell no beer or 4614
intoxicating liquor for consumption on the premises where sold 4615
after one a.m. A D-5h permit shall not be transferred to another 4616
location. No quota restrictions shall be placed on the number of 4617
D-5h permits that may be issued. 4618

(3) The fee for a D-5h permit is one thousand eight hundred 4619
seventy-five dollars. 4620

(I) Permit D-5i may be issued to the owner or operator of a 4621
retail food establishment or a food service operation licensed 4622
under Chapter 3717. of the Revised Code that operates as a 4623
restaurant for purposes of this chapter and that meets all of the 4624
following requirements: 4625

(1) It is located in a municipal corporation or a township 4626
with a population of one hundred thousand or less. 4627

(2) It has inside seating capacity for at least one hundred 4628
forty persons. 4629

(3) It has at least four thousand square feet of floor area. 4630

(4) It offers full-course meals, appetizers, and sandwiches. 4631

(5) Its receipts from beer and liquor sales, excluding wine 4632
sales, do not exceed twenty-five per cent of its total gross 4633
receipts. 4634

(6) It has at least one of the following characteristics: 4635

(a) The value of its real and personal property exceeds seven 4636
hundred twenty-five thousand dollars. 4637

(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit.

The holder of a D-5i permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5i permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. In addition to the privileges authorized in this division, the holder of a D-5i permit may exercise the same privileges as the holder of a D-5 permit.

A D-5i permit shall not be transferred to another location. The division of liquor control shall not renew a D-5i permit unless the retail food establishment or food service operation for which it is issued continues to meet the requirements described in divisions (I)(1) to (6) of this section. No quota restrictions shall be placed on the number of D-5i permits that may be issued. The fee for the D-5i permit is two thousand three hundred forty-four dollars.

(J)(1) Permit D-5j may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5j permit may exercise the same privileges, and shall

observe the same hours of operation, as the holder of a D-5 4670
permit. 4671

(2) The D-5j permit shall be issued only within a community 4672
entertainment district that is designated under section 4301.80 of 4673
the Revised Code and that meets one of the following 4674
qualifications: 4675

(a) It is located in a municipal corporation with a 4676
population of at least one hundred thousand. 4677

(b) It is located in a municipal corporation with a 4678
population of at least twenty thousand, and either of the 4679
following applies: 4680

(i) It contains an amusement park the rides of which have 4681
been issued a permit by the department of agriculture under 4682
Chapter 1711. of the Revised Code. 4683

(ii) Not less than fifty million dollars will be invested in 4684
development and construction in the community entertainment 4685
district's area located in the municipal corporation. 4686

(c) It is located in a township with a population of at least 4687
forty thousand. 4688

(d) It is located in a municipal corporation with a 4689
population of at least ten thousand, and not less than seventy 4690
million dollars will be invested in development and construction 4691
in the community entertainment district's area located in the 4692
municipal corporation. 4693

(e) It is located in a municipal corporation with a 4694
population of at least five thousand, and not less than one 4695
hundred million dollars will be invested in development and 4696
construction in the community entertainment district's area 4697
located in the municipal corporation. 4698

(3) The location of a D-5j permit may be transferred only 4699

within the geographic boundaries of the community entertainment 4700
district in which it was issued and shall not be transferred 4701
outside the geographic boundaries of that district. 4702

(4) Not more than one D-5j permit shall be issued within each 4703
community entertainment district for each five acres of land 4704
located within the district. Not more than fifteen D-5j permits 4705
may be issued within a single community entertainment district. 4706
Except as otherwise provided in division (J)(4) of this section, 4707
no quota restrictions shall be placed upon the number of D-5j 4708
permits that may be issued. 4709

(5) The fee for a D-5j permit is two thousand three hundred 4710
forty-four dollars. 4711

(K)(1) Permit D-5k may be issued to any nonprofit 4712
organization that is exempt from federal income taxation under the 4713
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 4714
501(c)(3), as amended, that is the owner or operator of a 4715
botanical garden recognized by the American association of 4716
botanical gardens and arboreta, and that has not less than 4717
twenty-five hundred bona fide members. 4718

(2) The holder of a D-5k permit may sell beer and any 4719
intoxicating liquor at retail, only by the individual drink in 4720
glass and from the container, on the premises where sold. 4721

(3) The holder of a D-5k permit shall sell no beer or 4722
intoxicating liquor for consumption on the premises where sold 4723
after one a.m. 4724

(4) A D-5k permit shall not be transferred to another 4725
location. 4726

(5) No quota restrictions shall be placed on the number of 4727
D-5k permits that may be issued. 4728

(6) The fee for the D-5k permit is one thousand eight hundred 4729

seventy-five dollars. 4730

(L)(1) Permit D-51 may be issued to the owner or the operator 4731
of a retail food establishment or a food service operation 4732
licensed under Chapter 3717. of the Revised Code to sell beer and 4733
intoxicating liquor at retail, only by the individual drink in 4734
glass and from the container, for consumption on the premises 4735
where sold and to sell beer and intoxicating liquor in the same 4736
manner and amounts not for consumption on the premises where sold 4737
as may be sold by the holders of D-1 and D-2 permits. The holder 4738
of a D-51 permit may exercise the same privileges, and shall 4739
observe the same hours of operation, as the holder of a D-5 4740
permit. 4741

(2) The D-51 permit shall be issued only to a premises that 4742
has gross annual receipts from the sale of food and meals that 4743
constitute not less than seventy-five per cent of its total gross 4744
annual receipts, that is located within a revitalization district 4745
that is designated under section 4301.81 of the Revised Code, that 4746
is located in a municipal corporation or township in which the 4747
number of D-5 permits issued equals or exceeds the number of those 4748
permits that may be issued in that municipal corporation or 4749
township under section 4303.29 of the Revised Code, and that is 4750
located in a county with a population of one hundred twenty-five 4751
thousand or less according to the population estimates certified 4752
by the department of development for calendar year 2006. 4753

(3) The location of a D-51 permit may be transferred only 4754
within the geographic boundaries of the revitalization district in 4755
which it was issued and shall not be transferred outside the 4756
geographic boundaries of that district. 4757

(4) Not more than one D-51 permit shall be issued within each 4758
revitalization district for each five acres of land located within 4759
the district. Not more than five D-51 permits may be issued within 4760
a single revitalization district. Except as otherwise provided in 4761

division (L)(4) of this section, no quota restrictions shall be 4762
placed upon the number of D-5l permits that may be issued. 4763

(5) The fee for a D-5l permit is two thousand three hundred 4764
forty-four dollars. 4765

(M) Permit D-5m may be issued to either the owner or the 4766
operator of a retail food establishment or food service operation 4767
licensed under Chapter 3717. of the Revised Code that operates as 4768
a restaurant for purposes of this chapter and that is located in, 4769
or affiliated with, a center for the preservation of wild animals 4770
as defined in section 4301.404 of the Revised Code, to sell beer 4771
and any intoxicating liquor at retail, only by the glass and from 4772
the container, for consumption on the premises where sold, and to 4773
sell the same products in the same manner and amounts not for 4774
consumption on the premises as may be sold by the holders of D-1 4775
and D-2 permits. In addition to the privileges authorized by this 4776
division, the holder of a D-5m permit may exercise the same 4777
privileges as the holder of a D-5 permit. 4778

A D-5m permit shall not be transferred to another location. 4779
No quota restrictions shall be placed on the number of D-5m 4780
permits that may be issued. The fee for a permit D-5m is two 4781
thousand three hundred forty-four dollars. 4782

(N) Permit D-5n shall be issued to either a casino operator 4783
or a casino management company licensed under Chapter 3772. of the 4784
Revised Code that operates a casino facility under that chapter, 4785
to sell beer, intoxicating liquor, wine, and mixed beverages at 4786
retail, only by the glass and from the container, for consumption 4787
on the premises where sold, and to sell the same products in the 4788
same manner and amounts not for consumption on the premises as may 4789
be sold by the holders of D-1 and D-2 permits. In addition to the 4790
privileges authorized by this division, the holder of a D-5n 4791
permit may exercise the same privileges as the holder of a D-5 4792
permit. A D-5n permit shall not be transferred to another 4793

location. Only one D-5n permit may be issued per casino facility 4794
and not more than four D-5n permits shall be issued in this state. 4795
The fee for a permit D-5n shall be twenty-five thousand dollars. 4796
The holder of a D-5n permit may conduct casino gaming on the 4797
permit premises notwithstanding any provision of the Revised Code 4798
or Administrative Code. 4799

(O) Permit D-5o may be issued to the owner or operator of a 4800
retail food establishment or a food service operation licensed 4801
under Chapter 3717. of the Revised Code that operates as a 4802
restaurant for purposes of this chapter and that is located within 4803
a casino facility for which a D-5n permit has been issued. The 4804
holder of a D-5o permit may sell beer and any intoxicating liquor 4805
at retail, only by the glass and from the container, for 4806
consumption on the premises where sold, and may sell the same 4807
products in the same manner and amounts not for consumption on the 4808
premises where sold as may be sold by the holders of D-1 and D-2 4809
permits. In addition to the privileges authorized by this 4810
division, the holder of a D-5o permit may exercise the same 4811
privileges as the holder of a D-5 permit. A D-5o permit shall not 4812
be transferred to another location. No quota restrictions shall be 4813
placed on the number of such permits that may be issued. The fee 4814
for this permit is two thousand three hundred forty-four thousand 4815
dollars. 4816

Sec. 4303.182. (A) Except as otherwise provided in divisions 4817
(B) to (J) of this section, permit D-6 shall be issued to the 4818
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 4819
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 4820
D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under 4821
that permit as follows: 4822

(1) Between the hours of ten a.m. and midnight on Sunday if 4823
sale during those hours has been approved under question (C)(1), 4824

(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 4825
under question (B)(2) of section 4301.355 of the Revised Code, or 4826
under section 4301.356 of the Revised Code and has been authorized 4827
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 4828
Revised Code, under the restrictions of that authorization; 4829

(2) Between the hours of eleven a.m. and midnight on Sunday, 4830
if sale during those hours has been approved on or after the 4831
effective date of this amendment under question (B)(1), (2), or 4832
(3) of section 4301.351 or 4301.354 of the Revised Code, under 4833
question (B)(2) of section 4301.355 of the Revised Code, or under 4834
section 4301.356 of the Revised Code and has been authorized under 4835
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 4836
Code, under the restrictions of that authorization; 4837

(3) Between the hours of eleven a.m. and midnight on Sunday 4838
if sale between the hours of one p.m. and midnight was approved 4839
before the effective date of this amendment under question (B)(1), 4840
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 4841
under question (B)(2) of section 4301.355 of the Revised Code, or 4842
under section 4301.356 of the Revised Code and has been authorized 4843
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 4844
Revised Code, under the other restrictions of that authorization. 4845

(B) Permit D-6 shall be issued to the holder of any permit, 4846
including a D-4a and D-5d permit, authorizing the sale of 4847
intoxicating liquor issued for a premises located at any publicly 4848
owned airport, as defined in section 4563.01 of the Revised Code, 4849
at which commercial airline companies operate regularly scheduled 4850
flights on which space is available to the public, to allow sale 4851
under such permit between the hours of ten a.m. and midnight on 4852
Sunday, whether or not that sale has been authorized under section 4853
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 4854

(C) Permit D-6 shall be issued to the holder of a D-5a 4855
permit, and to the holder of a D-3 or D-3a permit who is the owner 4856

or operator of a hotel or motel that is required to be licensed 4857
under section 3731.03 of the Revised Code, that contains at least 4858
fifty rooms for registered transient guests, and that has on its 4859
premises a retail food establishment or a food service operation 4860
licensed pursuant to Chapter 3717. of the Revised Code that 4861
operates as a restaurant for purposes of this chapter and is 4862
affiliated with the hotel or motel and within or contiguous to the 4863
hotel or motel and serving food within the hotel or motel, to 4864
allow sale under such permit between the hours of ten a.m. and 4865
midnight on Sunday, whether or not that sale has been authorized 4866
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 4867
Revised Code. 4868

(D) The holder of a D-6 permit that is issued to a sports 4869
facility may make sales under the permit between the hours of 4870
eleven a.m. and midnight on any Sunday on which a professional 4871
baseball, basketball, football, hockey, or soccer game is being 4872
played at the sports facility. As used in this division, "sports 4873
facility" means a stadium or arena that has a seating capacity of 4874
at least four thousand and that is owned or leased by a 4875
professional baseball, basketball, football, hockey, or soccer 4876
franchise or any combination of those franchises. 4877

(E) Permit D-6 shall be issued to the holder of any permit 4878
that authorizes the sale of beer or intoxicating liquor and that 4879
is issued to a premises located in or at the Ohio historical 4880
society area or the state fairgrounds, as defined in division (B) 4881
of section 4301.40 of the Revised Code, to allow sale under that 4882
permit between the hours of ten a.m. and midnight on Sunday, 4883
whether or not that sale has been authorized under section 4884
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 4885

(F) Permit D-6 shall be issued to the holder of any permit 4886
that authorizes the sale of intoxicating liquor and that is issued 4887
to an outdoor performing arts center to allow sale under that 4888

permit between the hours of one p.m. and midnight on Sunday, 4889
whether or not that sale has been authorized under section 4890
4301.361 of the Revised Code. A D-6 permit issued under this 4891
division is subject to the results of an election, held after the 4892
D-6 permit is issued, on question (B)(4) as set forth in section 4893
4301.351 of the Revised Code. Following the end of the period 4894
during which an election may be held on question (B)(4) as set 4895
forth in that section, sales of intoxicating liquor may continue 4896
at an outdoor performing arts center under a D-6 permit issued 4897
under this division, unless an election on that question is held 4898
during the permitted period and a majority of the voters voting in 4899
the precinct on that question vote "no." 4900

As used in this division, "outdoor performing arts center" 4901
means an outdoor performing arts center that is located on not 4902
less than eight hundred acres of land and that is open for 4903
performances from the first day of April to the last day of 4904
October of each year. 4905

(G) Permit D-6 shall be issued to the holder of any permit 4906
that authorizes the sale of beer or intoxicating liquor and that 4907
is issued to a golf course owned by the state, a conservancy 4908
district, a park district created under Chapter 1545. of the 4909
Revised Code, or another political subdivision to allow sale under 4910
that permit between the hours of ten a.m. and midnight on Sunday, 4911
whether or not that sale has been authorized under section 4912
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 4913

(H) Permit D-6 shall be issued to the holder of a D-5g permit 4914
to allow sale under that permit between the hours of ten a.m. and 4915
midnight on Sunday, whether or not that sale has been authorized 4916
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 4917
Revised Code. 4918

(I) Permit D-6 shall be issued to the holder of any D permit 4919
for a premises that is licensed under Chapter 3717. of the Revised 4920

Code and that is located at a ski area to allow sale under the D-6 4921
permit between the hours of ten a.m. and midnight on Sunday, 4922
whether or not that sale has been authorized under section 4923
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 4924

As used in this division, "ski area" means a ski area as 4925
defined in section 4169.01 of the Revised Code, provided that the 4926
passenger tramway operator at that area is registered under 4927
section 4169.03 of the Revised Code. 4928

(J) Permit D-6 shall be issued to the holder of any permit 4929
that is described in division (A) of this section for a permit 4930
premises that is located in a community entertainment district, as 4931
defined in section 4301.80 of the Revised Code, that was approved 4932
by the legislative authority of a municipal corporation under that 4933
section between October 1 and October 15, 2005, to allow sale 4934
under the permit between the hours of ten a.m. and midnight on 4935
Sunday, whether or not that sale has been authorized under section 4936
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 4937

(K) If the restriction to licensed premises where the sale of 4938
food and other goods and services exceeds fifty per cent of the 4939
total gross receipts of the permit holder at the premises is 4940
applicable, the division of liquor control may accept an affidavit 4941
from the permit holder to show the proportion of the permit 4942
holder's gross receipts derived from the sale of food and other 4943
goods and services. If the liquor control commission determines 4944
that affidavit to have been false, it shall revoke the permits of 4945
the permit holder at the premises concerned. 4946

(L) The fee for the D-6 permit is five hundred dollars when 4947
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 4948
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 4949
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The fee 4950
for the D-6 permit is four hundred dollars when it is issued to 4951
the holder of a C-2 permit. 4952

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D-4, 4953
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 4954
D-5l, D-5m, D-5n, D-5o, or D-6 permit shall be exercised at not 4955
more than two fixed counters, commonly known as bars, in rooms or 4956
places on the permit premises, where beer, mixed beverages, wine, 4957
or spirituous liquor is sold to the public for consumption on the 4958
premises. For each additional fixed counter on the permit premises 4959
where those beverages are sold for consumption on the premises, 4960
the permit holder shall obtain a duplicate D-2, D-3, D-3a, D-4, 4961
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 4962
D-5l, D-5m, D-5n, D-5o, or D-6 permit. 4963

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 4964
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, 4965
or D-6 permit shall be granted, upon application to the division 4966
of liquor control, a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 4967
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, 4968
D-5n, D-5o, or D-6 permit for each additional fixed counter on the 4969
permit premises at which beer, mixed beverages, wine, or 4970
spirituous liquor is sold for consumption on the premises, 4971
provided the application is made in the same manner as an 4972
application for an original permit. The application shall be 4973
identified with DUPLICATE printed on the permit application form 4974
furnished by the department, in boldface type. The application 4975
shall identify by name, or otherwise amply describe, the room or 4976
place on the premises where the duplicate permit is to be 4977
operative. Each duplicate permit shall be issued only to the same 4978
individual, firm, or corporation as that of the original permit 4979
and shall be an exact duplicate in size and word content as the 4980
original permit, except that it shall show on it the name or other 4981
ample identification of the room, or place, for which it is issued 4982
and shall have DUPLICATE printed on it in boldface type. A 4983
duplicate permit shall bear the same number as the original 4984

permit. The fee for a duplicate permit is: D-1, one hundred 4985
dollars; D-2, one hundred dollars; D-3, four hundred dollars; 4986
D-3a, four hundred dollars; D-4, two hundred dollars; D-5, one 4987
thousand dollars; D-5a, one thousand dollars; D-5b, one thousand 4988
dollars; D-5c, four hundred dollars; D-5e, six hundred fifty 4989
dollars; D-5f, one thousand dollars; D-5o, one thousand dollars; 4990
D-6, one hundred dollars when issued to the holder of a D-4a 4991
permit; and in all other cases one hundred dollars or an amount 4992
which is twenty per cent of the fees payable for the A-1-A, D-2, 4993
D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, 4994
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, and D-6 permits issued to the 4995
same premises, whichever is higher. Application for a duplicate 4996
permit may be filed any time during the life of an original 4997
permit. The fee for each duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 4998
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, 4999
D-5n, D-5o, or D-6 permit shall be paid in accordance with section 5000
4303.24 of the Revised Code. 5001

Sec. 5502.03. (A) There is hereby created in the department 5002
of public safety a division of homeland security. 5003

(B) The division shall do all of the following: 5004

(1) Coordinate all homeland security activities of all state 5005
agencies and be the liaison between state agencies and local 5006
entities for the purposes of communicating homeland security 5007
funding and policy initiatives; 5008

(2) Collect, analyze, maintain, and disseminate information 5009
to support local, state, and federal law enforcement agencies, 5010
other government agencies, and private organizations in detecting, 5011
deterring, preventing, preparing for, responding to, and 5012
recovering from threatened or actual terrorist events. This 5013
information is not a public record pursuant to section 149.43 of 5014
the Revised Code. 5015

(3) Coordinate efforts of state and local governments and private organizations to enhance the security and protection of critical infrastructure, including casino facilities, and key assets in this state;

(4) Develop and coordinate policies, protocols, and strategies that may be used to prevent, detect, prepare for, respond to, and recover from terrorist acts or threats;

(5) Develop, update, and coordinate the implementation of an Ohio homeland security strategic plan that will guide state and local governments in the achievement of homeland security in this state.

(C) The director of public safety shall appoint an executive director, who shall be head of the division of homeland security and who regularly shall advise the governor and the director on matters pertaining to homeland security. The executive director shall serve at the pleasure of the director of public safety. To carry out the duties assigned under this section, the executive director, subject to the direction and control of the director of public safety, may appoint and maintain necessary staff and may enter into any necessary agreements.

(D) Except as otherwise provided by law, nothing in this section shall be construed to give the director of public safety or the executive director of the division of homeland security authority over the incident management structure or responsibilities of local emergency response personnel.

(E) There is hereby created in the state treasury the homeland security fund. The fund shall consist of sixty cents of each fee collected under sections 4501.34, 4503.26, 4506.08, and 4509.05 of the Revised Code as specified in those sections, plus on and after October 1, 2009, sixty cents of each fee collected under sections 4505.14 and 4519.63 of the Revised Code as

specified in those sections. The fund shall be used to pay the 5047
expenses of administering the law relative to the powers and 5048
duties of the executive director of the division of homeland 5049
security, except that the director of budget and management may 5050
transfer excess money from the homeland security fund to the state 5051
highway safety fund if the director of public safety determines 5052
that the amount of money in the homeland security fund exceeds the 5053
amount required to cover such costs incurred by the division of 5054
homeland security and requests the director of budget and 5055
management to make the transfer. 5056

Sec. 5703.052. (A) There is hereby created in the state 5057
treasury the tax refund fund, from which refunds shall be paid for 5058
taxes illegally or erroneously assessed or collected, or for any 5059
other reason overpaid, that are levied by Chapter 4301., 4305., 5060
5728., 5729., 5733., 5735., 5739., 5741., 5743., 5747., 5748., 5061
5749., ~~or~~ 5751., or 5753. and sections 3737.71, 3905.35, 3905.36, 5062
4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 5063
of the Revised Code. Refunds for fees illegally or erroneously 5064
assessed or collected, or for any other reason overpaid, that are 5065
levied by sections 3734.90 to 3734.9014 of the Revised Code also 5066
shall be paid from the fund. Refunds for amounts illegally or 5067
erroneously assessed or collected by the tax commissioner, or for 5068
any other reason overpaid, that are due under section 1509.50 of 5069
the Revised Code shall be paid from the fund. However, refunds for 5070
taxes levied under section 5739.101 of the Revised Code shall not 5071
be paid from the tax refund fund, but shall be paid as provided in 5072
section 5739.104 of the Revised Code. 5073

(B)(1) Upon certification by the tax commissioner to the 5074
treasurer of state of a tax refund, a fee refund, or an other 5075
amount refunded, or by the superintendent of insurance of a 5076
domestic or foreign insurance tax refund, the treasurer of state 5077
shall place the amount certified to the credit of the fund. The 5078

certified amount transferred shall be derived from current 5079
receipts of the same tax, fee, or other amount from which the 5080
refund arose. If current receipts from the tax, fee, or other 5081
amount from which the refund arose are inadequate to make the 5082
transfer of the amount so certified, the treasurer of state shall 5083
transfer such certified amount from current receipts of the sales 5084
tax levied by section 5739.02 of the Revised Code. 5085

(2) When the treasurer of state provides for the payment of a 5086
refund of a tax, fee, or other amount from the current receipts of 5087
the sales tax, and the refund is for a tax, fee, or other amount 5088
that is not levied by the state, the tax commissioner shall 5089
recover the amount of that refund from the next distribution of 5090
that tax, fee, or other amount that otherwise would be made to the 5091
taxing jurisdiction. If the amount to be recovered would exceed 5092
twenty-five per cent of the next distribution of that tax, fee, or 5093
other amount, the commissioner may spread the recovery over more 5094
than one future distribution, taking into account the amount to be 5095
recovered and the amount of the anticipated future distributions. 5096
In no event may the commissioner spread the recovery over a period 5097
to exceed twenty-four months. 5098

Sec. 5703.19. (A) To carry out the purposes of the laws that 5099
the tax commissioner is required to administer, the commissioner 5100
or any person employed by the commissioner for that purpose, upon 5101
demand, may inspect books, accounts, records, and memoranda of any 5102
person or public utility subject to those laws, and may examine 5103
under oath any officer, agent, or employee of that person or 5104
public utility. Any person other than the commissioner who makes a 5105
demand pursuant to this section shall produce the person's 5106
authority to make the inspection. 5107

(B) If a person or public utility receives at least ten days' 5108
written notice of a demand made under division (A) of this section 5109

and refuses to comply with that demand, a penalty of five hundred 5110
dollars shall be imposed upon the person or public utility for 5111
each day the person or public utility refuses to comply with the 5112
demand. Penalties imposed under this division may be assessed and 5113
collected in the same manner as assessments made under Chapter 5114
3769., 4305., 5727., 5728., 5733., 5735., 5739., 5743., 5745., 5115
5747., 5749., ~~or 5751.~~ or 5753., or sections 3734.90 to 5116
3734.9014, of the Revised Code. 5117

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 5118
of this section, no agent of the department of taxation, except in 5119
the agent's report to the department or when called on to testify 5120
in any court or proceeding, shall divulge any information acquired 5121
by the agent as to the transactions, property, or business of any 5122
person while acting or claiming to act under orders of the 5123
department. Whoever violates this provision shall thereafter be 5124
disqualified from acting as an officer or employee or in any other 5125
capacity under appointment or employment of the department. 5126
5127

(B)(1) For purposes of an audit pursuant to section 117.15 of 5128
the Revised Code, or an audit of the department pursuant to 5129
Chapter 117. of the Revised Code, or an audit, pursuant to that 5130
chapter, the objective of which is to express an opinion on a 5131
financial report or statement prepared or issued pursuant to 5132
division (A)(7) or (9) of section 126.21 of the Revised Code, the 5133
officers and employees of the auditor of state charged with 5134
conducting the audit shall have access to and the right to examine 5135
any state tax returns and state tax return information in the 5136
possession of the department to the extent that the access and 5137
examination are necessary for purposes of the audit. Any 5138
information acquired as the result of that access and examination 5139
shall not be divulged for any purpose other than as required for 5140
the audit or unless the officers and employees are required to 5141

testify in a court or proceeding under compulsion of legal 5142
process. Whoever violates this provision shall thereafter be 5143
disqualified from acting as an officer or employee or in any other 5144
capacity under appointment or employment of the auditor of state. 5145

(2) For purposes of an internal audit pursuant to section 5146
126.45 of the Revised Code, the officers and employees of the 5147
office of internal auditing in the office of budget and management 5148
charged with conducting the internal audit shall have access to 5149
and the right to examine any state tax returns and state tax 5150
return information in the possession of the department to the 5151
extent that the access and examination are necessary for purposes 5152
of the internal audit. Any information acquired as the result of 5153
that access and examination shall not be divulged for any purpose 5154
other than as required for the internal audit or unless the 5155
officers and employees are required to testify in a court or 5156
proceeding under compulsion of legal process. Whoever violates 5157
this provision shall thereafter be disqualified from acting as an 5158
officer or employee or in any other capacity under appointment or 5159
employment of the office of internal auditing. 5160

(3) As provided by section 6103(d)(2) of the Internal Revenue 5161
Code, any federal tax returns or federal tax information that the 5162
department has acquired from the internal revenue service, through 5163
federal and state statutory authority, may be disclosed to the 5164
auditor of state or the office of internal auditing solely for 5165
purposes of an audit of the department. 5166

(4) For purposes of Chapter 3739. of the Revised Code, an 5167
agent of the department of taxation may share information with the 5168
division of state fire marshal that the agent finds during the 5169
course of an investigation. 5170

(C) Division (A) of this section does not prohibit any of the 5171
following: 5172

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;	5173 5174 5175 5176
(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;	5177 5178 5179
(3) Disclosing to the board of motor vehicle collision repair registration any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;	5180 5181 5182 5183 5184
(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;	5185 5186 5187
(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;	5188 5189 5190
(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5745.16 of the Revised Code;	5191 5192 5193 5194
(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;	5195 5196 5197 5198 5199 5200 5201 5202
(8) Releasing invoices or invoice information furnished under	5203

section 4301.433 of the Revised Code pursuant to that section; 5204

(9) Providing to a county auditor notices or documents 5205
concerning or affecting the taxable value of property in the 5206
county auditor's county. Unless authorized by law to disclose 5207
documents so provided, the county auditor shall not disclose such 5208
documents; 5209

(10) Providing to a county auditor sales or use tax return or 5210
audit information under section 333.06 of the Revised Code; 5211

(11) Subject to section 4301.441 of the Revised Code, 5212
disclosing to the appropriate state agency information in the 5213
possession of the department of taxation that is necessary to 5214
verify a permit holder's gallonage or noncompliance with taxes 5215
levied under Chapter 4301. or 4305. of the Revised Code; 5216

(12) Disclosing to the department of natural resources 5217
information in the possession of the department that is necessary 5218
to verify the taxpayer's compliance with division (A)(1), (8), or 5219
(9) of section 5749.02 of the Revised Code and information 5220
received pursuant to section 1509.50 of the Revised Code 5221
concerning the amount due under that section; 5222

(13) Disclosing to the department of job and family services, 5223
industrial commission, and bureau of workers' compensation 5224
information in the possession of the department of taxation solely 5225
for the purpose of identifying employers that misclassify 5226
employees as independent contractors or that fail to properly 5227
report and pay employer tax liabilities. The department of 5228
taxation shall disclose only such information that is necessary to 5229
verify employer compliance with law administered by those 5230
agencies. 5231

(14) Disclosing to the Ohio casino control commission 5232
information in the possession of the department of taxation that 5233
is necessary to verify a taxpayer's compliance with section 5234

5753.02 of the Revised Code and sections related thereto. 5235

Sec. 5703.70. (A) On the filing of an application for refund 5236
under section 3734.905, 4307.05, 4307.07, 5727.28, 5727.91, 5237
5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5238
5735.18, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5239
5749.08, ~~or~~ 5751.08, or 5753.06 of the Revised Code, or an 5240
application for compensation under section 5739.061 of the Revised 5241
Code, if the tax commissioner determines that the amount of the 5242
refund or compensation to which the applicant is entitled is less 5243
than the amount claimed in the application, the commissioner shall 5244
give the applicant written notice by ordinary mail of the amount. 5245
The notice shall be sent to the address shown on the application 5246
unless the applicant notifies the commissioner of a different 5247
address. The applicant shall have sixty days from the date the 5248
commissioner mails the notice to provide additional information to 5249
the commissioner or request a hearing, or both. 5250

(B) If the applicant neither requests a hearing nor provides 5251
additional information to the tax commissioner within the time 5252
prescribed by division (A) of this section, the commissioner shall 5253
take no further action, and the refund or compensation amount 5254
denied becomes final. 5255

(C)(1) If the applicant requests a hearing within the time 5256
prescribed by division (A) of this section, the tax commissioner 5257
shall assign a time and place for the hearing and notify the 5258
applicant of such time and place, but the commissioner may 5259
continue the hearing from time to time as necessary. After the 5260
hearing, the commissioner may make such adjustments to the refund 5261
or compensation as the commissioner finds proper, and shall issue 5262
a final determination thereon. 5263

(2) If the applicant does not request a hearing, but provides 5264
additional information, within the time prescribed by division (A) 5265

of this section, the commissioner shall review the information, 5266
make such adjustments to the refund or compensation as the 5267
commissioner finds proper, and issue a final determination 5268
thereon. 5269

(3) The commissioner shall serve a copy of the final 5270
determination made under division (C)(1) or (2) of this section on 5271
the applicant in the manner provided in section 5703.37 of the 5272
Revised Code, and the decision is final, subject to appeal under 5273
section 5717.02 of the Revised Code. 5274

(D) The tax commissioner shall certify to the director of 5275
budget and management and treasurer of state for payment from the 5276
tax refund fund created by section 5703.052 of the Revised Code, 5277
the amount of the refund to be refunded under division (B) or (C) 5278
of this section. The commissioner also shall certify to the 5279
director and treasurer of state for payment from the general 5280
revenue fund the amount of compensation to be paid under division 5281
(B) or (C) of this section. 5282

Sec. 5747.02. (A) For the purpose of providing revenue for 5283
the support of schools and local government functions, to provide 5284
relief to property taxpayers, to provide revenue for the general 5285
revenue fund, and to meet the expenses of administering the tax 5286
levied by this chapter, there is hereby levied on every 5287
individual, trust, and estate residing in or earning or receiving 5288
income in this state, on every individual, trust, and estate 5289
earning or receiving lottery winnings, prizes, or awards pursuant 5290
to Chapter 3770. of the Revised Code, on every individual, trust, 5291
and estate earning or receiving winnings on casino gaming, and on 5292
every individual, trust, and estate otherwise having nexus with or 5293
in this state under the Constitution of the United States, an 5294
annual tax measured in the case of individuals by Ohio adjusted 5295
gross income less an exemption for the taxpayer, the taxpayer's 5296

spouse, and each dependent as provided in section 5747.025 of the Revised Code; measured in the case of trusts by modified Ohio taxable income under division (D) of this section; and measured in the case of estates by Ohio taxable income. The tax imposed by this section on the balance thus obtained is hereby levied as follows:

(1) For taxable years beginning in 2004:		5303
OHIO ADJUSTED GROSS INCOME LESS		5304
EXEMPTIONS (INDIVIDUALS)		
OR		5305
MODIFIED OHIO		5306
TAXABLE INCOME (TRUSTS)		5307
OR		5308
OHIO TAXABLE INCOME (ESTATES)	TAX	5309
\$5,000 or less	.743%	5310
More than \$5,000 but not more than \$10,000	\$37.15 plus 1.486% of the amount in excess of \$5,000	5311
More than \$10,000 but not more than \$15,000	\$111.45 plus 2.972% of the amount in excess of \$10,000	5312
More than \$15,000 but not more than \$20,000	\$260.05 plus 3.715% of the amount in excess of \$15,000	5313
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	5314
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	5315
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	5316
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	5317
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	5318

(2) For taxable years beginning in 2005: 5319

OHIO ADJUSTED GROSS INCOME LESS		5320
EXEMPTIONS (INDIVIDUALS)		
OR		5321
MODIFIED OHIO		5322
TAXABLE INCOME (TRUSTS)		5323
OR		5324
OHIO TAXABLE INCOME (ESTATES)	TAX	5325
\$5,000 or less	.712%	5326
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	5327
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	5328
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	5329
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	5330
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	5331
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	5332
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	5333
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	5334
(3) For taxable years beginning in 2006:		5335
OHIO ADJUSTED GROSS INCOME LESS		5336
EXEMPTIONS (INDIVIDUALS)		
OR		5337
MODIFIED OHIO		5338
TAXABLE INCOME (TRUSTS)		5339
OR		5340
OHIO TAXABLE INCOME (ESTATES)	TAX	5341
\$5,000 or less	.681%	5342

More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	5343
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	5344
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	5345
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	5346
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	5347
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	5348
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	5349
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	5350
(4) For taxable years beginning in 2007:		5351
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		5352
OR		5353
MODIFIED OHIO		5354
TAXABLE INCOME (TRUSTS)		5355
OR		5356
OHIO TAXABLE INCOME (ESTATES)	TAX	5357
\$5,000 or less	.649%	5358
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	5359
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	5360
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	5361
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	5362

More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	5363
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	5364
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	5365
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	5366
(5) For taxable years beginning in 2008, 2009, or 2010:		5367
OHIO ADJUSTED GROSS INCOME LESS		5368
EXEMPTIONS (INDIVIDUALS)		
OR		5369
MODIFIED OHIO		5370
TAXABLE INCOME (TRUSTS)		5371
OR		5372
OHIO TAXABLE INCOME (ESTATES)	TAX	5373
\$5,000 or less	.618%	5374
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	5375
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	5376
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	5377
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	5378
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	5379
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	5380
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	5381
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	5382

(6) For taxable years beginning in 2011 or thereafter:		5383
OHIO ADJUSTED GROSS INCOME LESS		5384
EXEMPTIONS (INDIVIDUALS)		
OR		5385
MODIFIED OHIO		5386
TAXABLE INCOME (TRUSTS)		5387
OR		5388
OHIO TAXABLE INCOME (ESTATES)	TAX	5389
\$5,000 or less	.587%	5390
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	5391
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	5392
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	5393
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	5394
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	5395
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	5396
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	5397
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	5398
In July of each year, beginning in 2010, the tax commissioner shall adjust the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum		5399 5400 5401 5402 5403 5404 5405 5406

to the nearest multiple of fifty dollars. The tax commissioner 5407
also shall recompute each of the tax dollar amounts to the extent 5408
necessary to reflect the adjustment of the income amounts. The 5409
rates of taxation shall not be adjusted. 5410

The adjusted amounts apply to taxable years beginning in the 5411
calendar year in which the adjustments are made. The tax 5412
commissioner shall not make such adjustments in any year in which 5413
the amount resulting from the adjustment would be less than the 5414
amount resulting from the adjustment in the preceding year. 5415

(B) If the director of budget and management makes a 5416
certification to the tax commissioner under division (B) of 5417
section 131.44 of the Revised Code, the amount of tax as 5418
determined under division (A) of this section shall be reduced by 5419
the percentage prescribed in that certification for taxable years 5420
beginning in the calendar year in which that certification is 5421
made. 5422

(C) The levy of this tax on income does not prevent a 5423
municipal corporation, a joint economic development zone created 5424
under section 715.691, or a joint economic development district 5425
created under section 715.70 or 715.71 or sections 715.72 to 5426
715.81 of the Revised Code from levying a tax on income. 5427

(D) This division applies only to taxable years of a trust 5428
beginning in 2002 or thereafter. 5429

(1) The tax imposed by this section on a trust shall be 5430
computed by multiplying the Ohio modified taxable income of the 5431
trust by the rates prescribed by division (A) of this section. 5432

(2) A nonresident trust may claim a credit against the tax 5433
computed under division (D) of this section equal to the lesser of 5434
(1) the tax paid to another state or the District of Columbia on 5435
the nonresident trust's modified nonbusiness income, other than 5436
the portion of the nonresident trust's nonbusiness income that is 5437

qualifying investment income as defined in section 5747.012 of the Revised Code, or (2) the effective tax rate, based on modified Ohio taxable income, multiplied by the nonresident trust's modified nonbusiness income other than the portion of the nonresident trust's nonbusiness income that is qualifying investment income. The credit applies before any other applicable credits.

(3) The credits enumerated in divisions (A)(1) to (13) of section 5747.98 of the Revised Code do not apply to a trust subject to division (D) of this section. Any credits enumerated in other divisions of section 5747.98 of the Revised Code apply to a trust subject to division (D) of this section. To the extent that the trust distributes income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.

(E) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31 to 4717.38 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

Sec. 5753.01. As used in this chapter: 5467

(A) "Casino facility" has the same meaning as in section 5468

<u>3772.01 of the Revised Code.</u>	5469
<u>(B) "Casino gaming" has the same meaning as in section 3772.01 of the Revised Code.</u>	5470
<u>(C) "Casino operator" has the same meaning as in section 3772.01 of the Revised Code.</u>	5472
<u>(D) "Gross casino revenue" means the total amount of money exchanged for the purchase of chips, tokens, tickets, electronic cards, or similar objects by casino patrons, less winnings paid to wagerers.</u>	5474
<u>(E) "Person" has the same meaning as in section 3772.01 of the Revised Code.</u>	5478
<u>(F) "Slot machine" has the same meaning as in section 3772.01 of the Revised Code.</u>	5480
<u>(G) "Table game" has the same meaning as in section 3772.01 of the Revised Code.</u>	5482
<u>(H) "Tax period" means, as the case may be, either (1) the day before a return is filed or (2) the days beginning with the day on which the previous return was filed through the day before the day on which the current return is filed.</u>	5484
<u>Sec. 5753.02. For the purpose of funding the needs of cities, counties, public school districts, law enforcement, and the horse racing industry; funding efforts to alleviate problem gambling and substance abuse; defraying Ohio casino control commission operating costs; and defraying the costs of administering the tax, a tax is levied on the gross casino revenue received by a casino operator of a casino facility at the rate of thirty-three per cent of the casino operator's gross casino revenue at the casino facility. The tax is in addition to any other taxes or fees imposed under the Revised Code or other law and for which the casino operator is liable under Section 6(C)(2) of Article XV,</u>	5488
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<u>Ohio Constitution.</u>	5499
<u>Sec. 5753.03. (A) For the purpose of receiving and</u>	5500
<u>distributing, and accounting for, revenue received from the tax</u>	5501
<u>levied by section 5753.02 of the Revised Code, the following funds</u>	5502
<u>are created in the state treasury:</u>	5503
<u>(1) The casino tax revenue fund;</u>	5504
<u>(2) The gross casino revenue county fund;</u>	5505
<u>(3) The gross casino revenue county student fund;</u>	5506
<u>(4) The gross casino revenue host city fund;</u>	5507
<u>(5) The Ohio state racing commission fund;</u>	5508
<u>(6) The Ohio law enforcement training fund;</u>	5509
<u>(7) The problem casino gambling and addictions fund;</u>	5510
<u>(8) The casino control commission fund;</u>	5511
<u>(9) The casino tax administration fund.</u>	5512
<u>(B) The treasurer of state shall credit all moneys collected</u>	5513
<u>from the tax levied under this chapter to the casino tax revenue</u>	5514
<u>fund.</u>	5515
<u>(C) From the casino tax revenue fund the treasurer of state</u>	5516
<u>shall transfer as needed to the tax refund fund amounts equal to</u>	5517
<u>the refunds certified by the tax commissioner under section</u>	5518
<u>5753.06 of the Revised Code.</u>	5519
<u>(D) After making any transfers required by division (C) of</u>	5520
<u>this section, but not later than the fifteenth day of each</u>	5521
<u>calendar month, the treasurer of state shall transfer the balance</u>	5522
<u>of the casino tax revenue fund as it existed at the close of</u>	5523
<u>business on the last day of the preceding month into funds as</u>	5524
<u>follows:</u>	5525

<u>(1) Fifty-one per cent to the gross casino revenue county</u>	5526
<u>fund to make payments to all eighty-eight counties in proportion</u>	5527
<u>to each county's respective population;</u>	5528
<u>(2) Thirty-four per cent to the gross casino revenue county</u>	5529
<u>student fund to make payments to all eighty-eight counties in</u>	5530
<u>proportion to each county's public school district student</u>	5531
<u>population;</u>	5532
<u>(3) Five per cent to the gross casino revenue host city fund</u>	5533
<u>for the benefit of the cities in which casino facilities are</u>	5534
<u>located;</u>	5535
<u>(4) Three per cent to the Ohio state racing commission fund</u>	5536
<u>to support horse racing in this state at which the pari-mutuel</u>	5537
<u>system of wagering is conducted;</u>	5538
<u>(5) Two per cent to the Ohio law enforcement training fund to</u>	5539
<u>support law enforcement functions in the state;</u>	5540
<u>(6) Two per cent to the Ohio problem gambling and substance</u>	5541
<u>abuse fund to support efforts to alleviate problem gambling and</u>	5542
<u>substance abuse in the state;</u>	5543
<u>(7) Three per cent to the casino control commission fund to</u>	5544
<u>support the operations of the Ohio casino control commission and</u>	5545
<u>to defray the cost of administering the tax levied under section</u>	5546
<u>5753.02 of the Revised Code.</u>	5547
<u>The treasurer of state shall make payments to counties under</u>	5548
<u>divisions (D)(1) and (2) of this section using annualized data</u>	5549
<u>possessed by the tax commissioner. The tax commissioner shall make</u>	5550
<u>the data available to the treasurer of state for this purpose.</u>	5551
<u>Revenues credited under division (D)(2) of this section shall</u>	5552
<u>be paid over to the public school districts located in whole or in</u>	5553
<u>part in the county.</u>	5554
<u>Of the money credited to the law enforcement training fund,</u>	5555

the treasurer of state shall distribute eighty-five per cent of 5556
the money to the Ohio peace officer training academy and fifteen 5557
per cent of the money to the division of criminal justice 5558
services. 5559

(E) The treasurer of state shall transfer one per cent of the 5560
money credited to the casino control commission fund to the casino 5561
tax administration fund. The tax commissioner shall use the casino 5562
tax administration fund to defray the costs incurred in 5563
administering the tax levied by section 5753.02 of the Revised 5564
Code. 5565

Sec. 5753.04. Daily each day banks are open for business, not 5566
later than noon, a casino operator shall file a return 5567
electronically with the tax commissioner. The return shall be in 5568
the form required by the tax commissioner, and shall reflect the 5569
relevant tax period. The return shall include, but is not limited 5570
to, the amount of the casino operator's gross casino revenue for 5571
the tax period and the amount of tax due under section 5753.02 of 5572
the Revised Code for the tax period. The casino operator shall 5573
remit electronically with the return the tax due. 5574

If the casino operator ceases to be a taxpayer at any time, 5575
the casino operator shall indicate the last date for which the 5576
casino operator was liable for the tax. The return shall include a 5577
space for this purpose. 5578

Sec. 5753.05. (A)(1) A casino operator who fails to file a 5579
return or to remit the tax due as required by section 5753.04 of 5580
the Revised Code shall pay a penalty equal to the greater of five 5581
hundred dollars or ten per cent of the tax due. 5582

(2) If the tax commissioner finds additional tax to be due, 5583
the tax commissioner may impose an additional penalty of up to 5584
fifteen per cent of the additional excise tax found to be due. A 5585

delinquent payment of tax made as the result of a notice or an 5586
audit is subject to the additional penalty imposed by this 5587
division. 5588

(3) If a casino operator fails to file a return 5589
electronically or to remit the tax electronically, the tax 5590
commissioner may impose an additional penalty of fifty dollars or 5591
ten per cent of the tax due as shown on the return, whichever is 5592
greater. 5593

(B) If the tax due under section 5753.02 of the Revised Code 5594
is not timely paid, the casino operator shall pay interest at the 5595
rate per annum prescribed in section 5703.47 of the Revised Code 5596
beginning on the day the tax was due through the day the tax is 5597
paid or an assessment is issued, whichever occurs first. 5598

(C) The tax commissioner shall collect any penalty or 5599
interest as if it were the tax levied by section 5753.02 of the 5600
Revised Code. Penalties and interest shall be treated as if they 5601
were revenue arising from the tax levied by section 5753.02 of the 5602
Revised Code. 5603

(D) The tax commissioner may abate all or a portion of any 5604
penalty imposed under this section and may adopt rules governing 5605
abatements. 5606

(E) If a casino operator fails to file a return or remit the 5607
tax due as required by section 5753.04 of the Revised Code within 5608
a period of one year after the due date for filing the return or 5609
remitting the tax, the Ohio casino control commission may suspend 5610
the casino operator's license. 5611

Sec. 5753.06. (A) A casino operator may apply to the tax 5612
commissioner for refund of the amount of taxes under section 5613
5753.02 of the Revised Code that were overpaid, paid illegally or 5614
erroneously, or paid on an illegal or erroneous assessment. The 5615

application shall be on a form prescribed by the tax commissioner. 5616
The casino operator shall provide the amount of the requested 5617
refund along with the claimed reasons for, and documentation to 5618
support, the issuance of a refund. The casino operator shall file 5619
the application with the tax commissioner within four years after 5620
the date the payment was made, unless the applicant has waived the 5621
time limitation under division (D) of section 5753.07 of the 5622
Revised Code. In the latter event, the four-year limitation is 5623
extended for the same period of time as the waiver. 5624

(B) Upon the filing of a refund application, the tax 5625
commissioner shall determine the amount of refund to which the 5626
applicant is entitled. If the amount is not less than that 5627
claimed, the tax commissioner shall certify the amount to the 5628
director of budget and management and treasurer of state for 5629
payment from the tax refund fund. If the amount is less than that 5630
claimed, the tax commissioner shall proceed under section 5703.70 5631
of the Revised Code. 5632

(C) Interest on a refund applied for under this section, 5633
computed at the rate provided for in section 5703.47 of the 5634
Revised Code, shall be allowed from the later of the date the tax 5635
was due or the date payment of the tax was made. Except as 5636
provided in section 5753.07 of the Revised Code, the tax 5637
commissioner may, with the consent of the casino operator, provide 5638
for crediting against the tax due for a tax period, the amount of 5639
any refund due the casino operator for a preceding tax period. 5640

(D) Refunds under this section are subject to offset under 5641
section 5753.061 of the Revised Code. 5642

Sec. 5753.061. As used in this section, "debt to the state" 5643
means unpaid taxes that are due the state, unpaid workers' 5644
compensation premiums that are due, unpaid unemployment 5645

compensation contributions that are due, unpaid unemployment 5646
compensation payments in lieu of contributions that are due, 5647
unpaid fees payable to the state or to the clerk of courts under 5648
section 4505.06 of the Revised Code, incorrect medical assistance 5649
payments, or any unpaid charge, penalty, or interest arising from 5650
any of the foregoing. A debt to the state is not a "debt to the 5651
state" as used in this section unless the liability underlying the 5652
debt to the state has become incontestable because the time for 5653
appealing, reconsidering, reassessing, or otherwise questioning 5654
the liability has expired or the liability has been finally 5655
determined to be valid. 5656

If a casino operator who is entitled to a refund under 5657
section 5753.06 of the Revised Code owes a debt to the state, the 5658
amount refundable may be applied in satisfaction of the debt to 5659
the state. If the amount refundable is less than the amount of the 5660
debt to the state, the amount refundable may be applied in partial 5661
satisfaction of the debt. If the amount refundable is greater than 5662
the amount of the debt, the amount refundable remaining after 5663
satisfaction of the debt shall be refunded to the casino operator. 5664

Sec. 5753.07. (A)(1) The tax commissioner may issue an 5665
assessment, based on any information in the tax commissioner's 5666
possession, against a casino operator who fails to pay the tax 5667
levied under section 5753.02 of the Revised Code or to file a 5668
return under section 5753.04 of the Revised Code. The tax 5669
commissioner shall give the casino operator written notice of the 5670
assessment under section 5703.37 of the Revised Code. With the 5671
notice, the tax commissioner shall include instructions on how to 5672
petition for reassessment and on how to request a hearing with 5673
respect to the petition. 5674

(2) Unless the casino operator, within sixty days after 5675
service of the notice of assessment, files with the tax 5676

commissioner, either personally or by certified mail, a written 5677
petition signed by the casino operator, or by the casino 5678
operator's authorized agent who has knowledge of the facts, the 5679
assessment becomes final, and the amount of the assessment is due 5680
and payable from the casino operator to the treasurer of state. 5681
The petition shall indicate the casino operator's objections to 5682
the assessment. Additional objections may be raised in writing if 5683
they are received by the tax commissioner before the date shown on 5684
the final determination. 5685

(3) If a petition for reassessment has been properly filed, 5686
the tax commissioner shall proceed under section 5703.60 of the 5687
Revised Code. 5688

(4) After an assessment becomes final, if any portion of the 5689
assessment, including penalties and accrued interest, remains 5690
unpaid, the tax commissioner may file a certified copy of the 5691
entry making the assessment final in the office of the clerk of 5692
the court of common pleas of Franklin county or in the office of 5693
the clerk of the court of common pleas of the county in which the 5694
casino operator resides, the casino operator's casino facility is 5695
located, or the casino operator's principal place of business in 5696
this state is located. Immediately upon the filing of the entry, 5697
the clerk shall enter a judgment for the state against the 5698
taxpayer assessed in the amount shown on the entry. The judgment 5699
may be filed by the clerk in a loose-leaf book entitled, "special 5700
judgments for the gross casino revenue tax." The judgment has the 5701
same effect as other judgments. Execution shall issue upon the 5702
judgment at the request of the tax commissioner, and all laws 5703
applicable to sales on execution apply to sales made under the 5704
judgment. 5705

(5) The portion of an assessment not paid within sixty days 5706
after the day the assessment was issued bears interest at the rate 5707
per annum prescribed by section 5703.47 of the Revised Code from 5708

the day the tax commissioner issued the assessment until the 5709
assessment is paid. Interest shall be paid in the same manner as 5710
the tax levied under section 5753.02 of the Revised Code and may 5711
be collected by the issuance of an assessment under this section. 5712

(B) If the tax commissioner believes that collection of the 5713
tax levied under section 5753.02 of the Revised Code will be 5714
jeopardized unless proceedings to collect or secure collection of 5715
the tax are instituted without delay, the commissioner may issue a 5716
jeopardy assessment against the casino operator who is liable for 5717
the tax. Immediately upon the issuance of a jeopardy assessment, 5718
the tax commissioner shall file an entry with the clerk of the 5719
court of common pleas in the manner prescribed by division (A)(4) 5720
of this section, and the clerk shall proceed as directed in that 5721
division. Notice of the jeopardy assessment shall be served on the 5722
casino operator or the casino operator's authorized agent under 5723
section 5703.37 of the Revised Code within five days after the 5724
filing of the entry with the clerk. The total amount assessed is 5725
immediately due and payable, unless the casino operator assessed 5726
files a petition for reassessment under division (A)(2) of this 5727
section and provides security in a form satisfactory to the tax 5728
commissioner that is in an amount sufficient to satisfy the unpaid 5729
balance of the assessment. If a petition for reassessment has been 5730
filed, and if satisfactory security has been provided, the tax 5731
commissioner shall proceed under division (A)(3) of this section. 5732
Full or partial payment of the assessment does not prejudice the 5733
tax commissioner's consideration of the petition for reassessment. 5734

(C) The tax commissioner shall immediately forward to the 5735
treasurer of state all amounts the tax commissioner receives under 5736
this section, and the amounts forwarded shall be treated as if 5737
they were revenue arising from the tax levied under section 5738
5753.02 of the Revised Code. 5739

(D) Except as otherwise provided in this division, no 5740

assessment shall be issued against a casino operator for the tax 5741
levied under section 5753.02 of the Revised Code more than four 5742
years after the due date for filing the return for the tax period 5743
for which the tax was reported, or more than four years after the 5744
return for the tax period was filed, whichever is later. This 5745
division does not bar an assessment against a casino operator who 5746
fails to file a return as required by section 5753.04 of the 5747
Revised Code or who files a fraudulent return, or when the casino 5748
operator and the tax commissioner waive in writing the time 5749
limitation. 5750

(E) If the tax commissioner possesses information that 5751
indicates that the amount of tax a casino operator is liable to 5752
pay under section 5753.02 of the Revised Code exceeds the amount 5753
the casino operator paid, the tax commissioner may audit a sample 5754
of the casino operator's gross casino revenue over a 5755
representative period of time to ascertain the amount of tax due, 5756
and may issue an assessment based on the audit. The tax 5757
commissioner shall make a good faith effort to reach agreement 5758
with the casino operator in selecting a representative sample. The 5759
tax commissioner may apply a sampling method only if the tax 5760
commissioner has prescribed the method by rule. 5761

(F) If the whereabouts of a casino operator who is liable for 5762
the tax levied under section 5753.02 of the Revised Code are 5763
unknown to the tax commissioner, the tax commissioner shall 5764
proceed under section 5703.37 of the Revised Code. 5765

(G) If a casino operator fails to pay the tax levied under 5766
section 5753.02 of the Revised Code within a period of one year 5767
after the due date for remitting the tax, the Ohio casino control 5768
commission may suspend the casino operator's license. 5769

Sec. 5753.08. If a casino operator who is liable for the tax 5770
levied under section 5753.02 of the Revised Code sells the casino 5771

facility, disposes of the casino facility in any manner other than 5772
in the regular course of business, or quits the casino gaming 5773
business, any tax owed by that person becomes immediately due and 5774
payable, and the person shall pay the tax due, including any 5775
applicable penalties and interest. The person's successor shall 5776
withhold a sufficient amount of the purchase money to cover the 5777
amounts due and unpaid until the predecessor produces a receipt 5778
from the tax commissioner showing that the amounts due have been 5779
paid or a certificate indicating that no taxes are due. If the 5780
successor fails to withhold purchase money, the successor is 5781
personally liable, up to the purchase money amount, for amounts 5782
that were unpaid during the operation of the business by the 5783
predecessor. 5784

Sec. 5753.09. The tax commissioner shall administer and 5785
enforce this chapter. In addition to any other powers conferred 5786
upon the tax commissioner by law, the tax commissioner may: 5787

(A) Prescribe all forms that are required to be filed under 5788
this chapter; 5789

(B) Adopt rules that are necessary and proper to carry out 5790
this chapter; and 5791

(C) Appoint professional, technical, and clerical employees 5792
as are necessary to carry out the tax commissioner's duties under 5793
this chapter. 5794

Sec. 5753.10. The tax commissioner may prescribe requirements 5795
for the keeping of records and pertinent documents, for the filing 5796
of copies of federal income tax returns and determinations, and 5797
for computations reconciling federal income tax returns with the 5798
return required by section 5753.04 of the Revised Code. The tax 5799
commissioner may require a casino operator, by rule or by notice 5800
served on the casino operator, to keep records and other documents 5801

that the tax commissioner considers necessary to show the extent 5802
to which the casino operator is subject to this chapter. The 5803
records and other documents shall be open to inspection by the tax 5804
commissioner on demand, and shall be preserved for a period of 5805
four years unless the tax commissioner, in writing, consents to 5806
their destruction within that period, or by order served on the 5807
casino operator requires that they be kept longer. If the records 5808
are normally kept electronically by the casino operator, the 5809
casino operator shall provide the records to the tax commissioner 5810
electronically at the tax commissioner's request. 5811

Any information required by the tax commissioner under this 5813
section is confidential under section 5703.21 of the Revised Code. 5814

Section 2. That existing sections 101.70, 102.02, 102.03, 5815
109.572, 109.71, 109.77, 109.79, 121.60, 126.45, 1705.48, 3793.02, 5816
4301.355, 4301.62, 4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5817
5703.19, 5703.21, 5703.70, and 5747.02 of the Revised Code are 5818
hereby repealed. 5819

Section 3. The first return filed under section 5753.04 of 5820
the Revised Code shall reflect the tax period consisting of or 5821
beginning on the day on which operations of the casino facility 5822
commence. 5823

Section 4. The General Assembly, applying the principle 5824
stated in division (B) of section 1.52 of the Revised Code that 5825
amendments are to be harmonized if reasonably capable of 5826
simultaneous operation, finds that the following sections, 5827
presented in this act as composites of the sections as amended by 5828
the acts indicated, are the resulting versions of the sections in 5829
effect before the effective date of the sections as presented in 5830

this act:	5831
Section 109.572 of the Revised Code as amended by both Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	5832 5833
Section 109.77 of the Revised Code as amended by both Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	5834 5835
Section 4301.62 of the Revised Code as amended by both Am. Sub. H.B. 562 and Sub. S.B. 150 of the 127th General Assembly.	5836 5837