

As Introduced

130th General Assembly
Regular Session
2013-2014

H. B. No. 491

Representatives Buchy, Blessing

—

A BILL

To amend sections 119.12, 2915.01, 2915.03, 2915.06, 1
2915.061, 3770.01, 3770.02, 3770.05, 3772.01, 2
3772.02, 3772.03, 3772.032, 3772.033, 3772.04, 3
3772.06, 3772.07, 3772.10, 3772.12, 3772.121, 4
3772.15, 3772.17, 3772.21, 3772.23, 3772.31, and 5
3772.99 and to enact sections 2915.062 and 3772.14 6
of the Revised Code to make various changes to the 7
Gambling Law, Lottery Law, and Casino Law. 8

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

Section 1. That sections 119.12, 2915.01, 2915.03, 2915.06, 9
2915.061, 3770.01, 3770.02, 3770.05, 3772.01, 3772.02, 3772.03, 10
3772.032, 3772.033, 3772.04, 3772.06, 3772.07, 3772.10, 3772.12, 11
3772.121, 3772.15, 3772.17, 3772.21, 3772.23, 3772.31, and 3772.99 12
be amended and sections 2915.062 and 3772.14 of the Revised Code 13
be enacted to read as follows: 14

Sec. 119.12. Any party adversely affected by any order of an 15
agency issued pursuant to an adjudication denying an applicant 16
admission to an examination, or denying the issuance or renewal of 17
a license or registration of a licensee, or revoking or suspending 18
a license, or allowing the payment of a forfeiture under section 19
4301.252 of the Revised Code may appeal from the order of the 20

agency to the court of common pleas of the county in which the 21
place of business of the licensee is located or the county in 22
which the licensee is a resident, except that appeals from 23
decisions of the liquor control commission, the Ohio casino 24
control commission, the state medical board, state chiropractic 25
board, and the board of nursing shall be to the court of common 26
pleas of Franklin county. If any party appealing from the order is 27
not a resident of and has no place of business in this state, the 28
party may appeal to the court of common pleas of Franklin county. 29

Any party adversely affected by any order of an agency issued 30
pursuant to any other adjudication may appeal to the court of 31
common pleas of Franklin county, except that appeals from orders 32
of the fire marshal issued under Chapter 3737. of the Revised Code 33
may be to the court of common pleas of the county in which the 34
building of the aggrieved person is located and except that 35
appeals under division (B) of section 124.34 of the Revised Code 36
from a decision of the state personnel board of review or a 37
municipal or civil service township civil service commission shall 38
be taken to the court of common pleas of the county in which the 39
appointing authority is located or, in the case of an appeal by 40
the department of rehabilitation and correction, to the court of 41
common pleas of Franklin county. 42

This section does not apply to appeals from the department of 43
taxation. 44

Any party desiring to appeal shall file a notice of appeal 45
with the agency setting forth the order appealed from and stating 46
that the agency's order is not supported by reliable, probative, 47
and substantial evidence and is not in accordance with law. The 48
notice of appeal may, but need not, set forth the specific grounds 49
of the party's appeal beyond the statement that the agency's order 50
is not supported by reliable, probative, and substantial evidence 51
and is not in accordance with law. The notice of appeal shall also 52

be filed by the appellant with the court. In filing a notice of appeal with the agency or court, the notice that is filed may be either the original notice or a copy of the original notice. Unless otherwise provided by law relating to a particular agency, notices of appeal shall be filed within fifteen days after the mailing of the notice of the agency's order as provided in this section. For purposes of this paragraph, an order includes a determination appealed pursuant to division (C) of section 119.092 of the Revised Code. The amendments made to this paragraph by Sub. H.B. 215 of the 128th general assembly are procedural, and this paragraph as amended by those amendments shall be applied retrospectively to all appeals pursuant to this paragraph filed before ~~the effective date of those amendments~~ September 13, 2010, but not earlier than May 7, 2009, which was the date the supreme court of Ohio released its opinion and judgment in *Medcorp, Inc. v. Ohio Dep't. of Job and Family Servs.* (2009), 121 Ohio St.3d 622.

The filing of a notice of appeal shall not automatically operate as a suspension of the order of an agency. If it appears to the court that an unusual hardship to the appellant will result from the execution of the agency's order pending determination of the appeal, the court may grant a suspension and fix its terms. If an appeal is taken from the judgment of the court and the court has previously granted a suspension of the agency's order as provided in this section, the suspension of the agency's order shall not be vacated and shall be given full force and effect until the matter is finally adjudicated. No renewal of a license or permit shall be denied by reason of the suspended order during the period of the appeal from the decision of the court of common pleas. In the case of an appeal from the Ohio casino control commission, the state medical board, or the state chiropractic board, the court may grant a suspension and fix its terms if it appears to the court that an unusual hardship to the appellant

will result from the execution of the agency's order pending 86
determination of the appeal and the health, safety, and welfare of 87
the public will not be threatened by suspension of the order. This 88
provision shall not be construed to limit the factors the court 89
may consider in determining whether to suspend an order of any 90
other agency pending determination of an appeal. 91

The final order of adjudication may apply to any renewal of a 92
license or permit which has been granted during the period of the 93
appeal. 94

Notwithstanding any other provision of this section, any 95
order issued by a court of common pleas or a court of appeals 96
suspending the effect of an order of the liquor control commission 97
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 98
suspends, revokes, or cancels a permit issued under Chapter 4303. 99
of the Revised Code or that allows the payment of a forfeiture 100
under section 4301.252 of the Revised Code shall terminate not 101
more than six months after the date of the filing of the record of 102
the liquor control commission with the clerk of the court of 103
common pleas and shall not be extended. The court of common pleas, 104
or the court of appeals on appeal, shall render a judgment in that 105
matter within six months after the date of the filing of the 106
record of the liquor control commission with the clerk of the 107
court of common pleas. A court of appeals shall not issue an order 108
suspending the effect of an order of the liquor control commission 109
that extends beyond six months after the date on which the record 110
of the liquor control commission is filed with a court of common 111
pleas. 112

Notwithstanding any other provision of this section, any 113
order issued by a court of common pleas or a court of appeals 114
suspending the effect of an order of the Ohio casino control 115
commission issued under Chapter 3772. of the Revised Code that 116
limits, conditions, restricts, suspends, revokes, denies, not 117

renews, fines, or otherwise penalizes an applicant, licensee, or 118
person excluded or ejected from a casino facility in accordance 119
with section 3772.031 of the Revised Code shall terminate not more 120
than six months after the date of the filing of the record of the 121
Ohio casino control commission with the clerk of the court of 122
common pleas and shall not be extended. The court of common pleas, 123
or the court of appeals on appeal, shall render a judgment in that 124
matter within six months after the date of the filing of the 125
record of the Ohio casino control commission with the clerk of the 126
court of common pleas. A court of appeals shall not issue an order 127
suspending the effect of an order of the Ohio casino control 128
commission that extends beyond six months after the date on which 129
the record of the Ohio casino control commission is filed with the 130
clerk of a court of common pleas. 131

Notwithstanding any other provision of this section, any 132
order issued by a court of common pleas suspending the effect of 133
an order of the state medical board or state chiropractic board 134
that limits, revokes, suspends, places on probation, or refuses to 135
register or reinstate a certificate issued by the board or 136
reprimands the holder of the certificate shall terminate not more 137
than fifteen months after the date of the filing of a notice of 138
appeal in the court of common pleas, or upon the rendering of a 139
final decision or order in the appeal by the court of common 140
pleas, whichever occurs first. 141

Within thirty days after receipt of a notice of appeal from 142
an order in any case in which a hearing is required by sections 143
119.01 to 119.13 of the Revised Code, the agency shall prepare and 144
certify to the court a complete record of the proceedings in the 145
case. Failure of the agency to comply within the time allowed, 146
upon motion, shall cause the court to enter a finding in favor of 147
the party adversely affected. Additional time, however, may be 148
granted by the court, not to exceed thirty days, when it is shown 149

that the agency has made substantial effort to comply. The record 150
shall be prepared and transcribed, and the expense of it shall be 151
taxed as a part of the costs on the appeal. The appellant shall 152
provide security for costs satisfactory to the court of common 153
pleas. Upon demand by any interested party, the agency shall 154
furnish at the cost of the party requesting it a copy of the 155
stenographic report of testimony offered and evidence submitted at 156
any hearing and a copy of the complete record. 157

Notwithstanding any other provision of this section, any 158
party desiring to appeal an order or decision of the state 159
personnel board of review shall, at the time of filing a notice of 160
appeal with the board, provide a security deposit in an amount and 161
manner prescribed in rules that the board shall adopt in 162
accordance with this chapter. In addition, the board is not 163
required to prepare or transcribe the record of any of its 164
proceedings unless the appellant has provided the deposit 165
described above. The failure of the board to prepare or transcribe 166
a record for an appellant who has not provided a security deposit 167
shall not cause a court to enter a finding adverse to the board. 168

Unless otherwise provided by law, in the hearing of the 169
appeal, the court is confined to the record as certified to it by 170
the agency. Unless otherwise provided by law, the court may grant 171
a request for the admission of additional evidence when satisfied 172
that the additional evidence is newly discovered and could not 173
with reasonable diligence have been ascertained prior to the 174
hearing before the agency. 175

The court shall conduct a hearing on the appeal and shall 176
give preference to all proceedings under sections 119.01 to 119.13 177
of the Revised Code, over all other civil cases, irrespective of 178
the position of the proceedings on the calendar of the court. An 179
appeal from an order of the state medical board issued pursuant to 180
division (G) of either section 4730.25 or 4731.22 of the Revised 181

Code, or the state chiropractic board issued pursuant to section 182
4734.37 of the Revised Code, or the liquor control commission 183
issued pursuant to Chapter 4301. or 4303. of the Revised Code, or 184
the Ohio casino control commission issued pursuant to Chapter 185
3772. of the Revised Code shall be set down for hearing at the 186
earliest possible time and takes precedence over all other 187
actions. The hearing in the court of common pleas shall proceed as 188
in the trial of a civil action, and the court shall determine the 189
rights of the parties in accordance with the laws applicable to a 190
civil action. At the hearing, counsel may be heard on oral 191
argument, briefs may be submitted, and evidence may be introduced 192
if the court has granted a request for the presentation of 193
additional evidence. 194

The court may affirm the order of the agency complained of in 195
the appeal if it finds, upon consideration of the entire record 196
and any additional evidence the court has admitted, that the order 197
is supported by reliable, probative, and substantial evidence and 198
is in accordance with law. In the absence of this finding, it may 199
reverse, vacate, or modify the order or make such other ruling as 200
is supported by reliable, probative, and substantial evidence and 201
is in accordance with law. The court shall award compensation for 202
fees in accordance with section 2335.39 of the Revised Code to a 203
prevailing party, other than an agency, in an appeal filed 204
pursuant to this section. 205

The judgment of the court shall be final and conclusive 206
unless reversed, vacated, or modified on appeal. These appeals may 207
be taken either by the party or the agency, shall proceed as in 208
the case of appeals in civil actions, and shall be pursuant to the 209
Rules of Appellate Procedure and, to the extent not in conflict 210
with those rules, Chapter 2505. of the Revised Code. An appeal by 211
the agency shall be taken on questions of law relating to the 212
constitutionality, construction, or interpretation of statutes and 213

rules of the agency, and, in the appeal, the court may also review 214
and determine the correctness of the judgment of the court of 215
common pleas that the order of the agency is not supported by any 216
reliable, probative, and substantial evidence in the entire 217
record. 218

The court shall certify its judgment to the agency or take 219
any other action necessary to give its judgment effect. 220

Sec. 2915.01. As used in this chapter: 221

(A) "Bookmaking" means the business of receiving or paying 222
off bets. 223

(B) "Bet" means the hazarding of anything of value upon the 224
result of an event, undertaking, or contingency, but does not 225
include a bona fide business risk. 226

(C) "Scheme of chance" means a slot machine unless authorized 227
under Chapter 3772. of the Revised Code, lottery unless authorized 228
under Chapter 3770. of the Revised Code, numbers game, pool 229
conducted for profit, or other scheme in which a participant gives 230
a valuable consideration for a chance to win a prize, but does not 231
include bingo, a skill-based amusement machine, or a pool not 232
conducted for profit. "Scheme of chance" includes the use of an 233
electronic device to reveal the results of a game entry if 234
valuable consideration is paid, directly or indirectly, for a 235
chance to win a prize. Valuable consideration is deemed to be paid 236
for a chance to win a prize in the following instances: 237

(1) Less than fifty per cent of the goods or services sold by 238
a scheme of chance operator in exchange for game entries are used 239
or redeemed by participants at any one location; 240

(2) Less than fifty per cent of participants who purchase 241
goods or services at any one location do not accept, use, or 242
redeem the goods or services sold or purportedly sold; 243

(3) More than fifty per cent of prizes at any one location 244
are revealed to participants through an electronic device 245
simulating a game of chance or a "casino game" as defined in 246
section 3772.01 of the Revised Code; 247

(4) The good or service sold by a scheme of chance operator 248
in exchange for a game entry cannot be used or redeemed in the 249
manner advertised; 250

(5) A participant pays more than fair market value for goods 251
or services offered by a scheme of chance operator in order to 252
receive one or more game entries; 253

(6) A participant may use the electronic device to purchase 254
additional game entries; 255

(7) A participant may purchase additional game entries by 256
using points or credits won as prizes while using the electronic 257
device; 258

(8) A scheme of chance operator pays out in prize money more 259
than twenty per cent of the gross revenue received at one 260
location; or 261

(9) A participant makes a purchase or exchange in order to 262
obtain any good or service that may be used to facilitate play on 263
the electronic device. 264

As used in this division, "electronic device" means a 265
mechanical, video, digital, or electronic machine or device that 266
is capable of displaying information on a screen or other 267
mechanism and that is owned, leased, or otherwise possessed by any 268
person conducting a scheme of chance, or by that person's 269
partners, affiliates, subsidiaries, or contractors. 270

(D) "Game of chance" means poker, craps, roulette, or other 271
game in which a player gives anything of value in the hope of 272
gain, the outcome of which is determined largely by chance, but 273

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| does not include bingo. | 274 |
| (E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo. | 275 276 277 |
| (F) "Gambling device" means any of the following: | 278 |
| (1) A book, totalizer, or other equipment for recording bets; | 279 |
| (2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet; | 280 281 |
| (3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance; | 282 283 284 |
| (4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes; | 285 286 |
| (5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter; | 287 288 |
| <u>(6) Skill-based amusement machines or slot machines used in violation of this chapter or Chapter 3772. of the Revised Code.</u> | 289 290 |
| (G) "Gambling offense" means any of the following: | 291 |
| (1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, <u>2915.062</u> , 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 <u>or of division (D), (E), or (F) of section 3772.99</u> of the Revised Code; | 292 293 294 295 |
| (2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division (G)(1) of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996; | 296 297 298 299 300 |
| (3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, | 301 302 |

of which gambling is an element; 303

(4) A conspiracy or attempt to commit, or complicity in 304
committing, any offense under division (G)(1), (2), or (3) of this 305
section. 306

(H) Except as otherwise provided in this chapter, "charitable 307
organization" means either of the following: 308

(1) An organization that is, and has received from the 309
internal revenue service a determination letter that currently is 310
in effect stating that the organization is, exempt from federal 311
income taxation under subsection 501(a) and described in 312
subsection 501(c)(3) of the Internal Revenue Code; 313

(2) A volunteer rescue service organization, volunteer 314
firefighter's organization, veteran's organization, fraternal 315
organization, or sporting organization that is exempt from federal 316
income taxation under subsection 501(c)(4), (c)(7), (c)(8), 317
(c)(10), or (c)(19) of the Internal Revenue Code. 318

To qualify as a "charitable organization," an organization 319
shall have been in continuous existence as such in this state for 320
a period of two years immediately preceding either the making of 321
an application for a bingo license under section 2915.08 of the 322
Revised Code or the conducting of any game of chance as provided 323
in division (D) of section 2915.02 of the Revised Code. 324

(I) "Religious organization" means any church, body of 325
communicants, or group that is not organized or operated for 326
profit and that gathers in common membership for regular worship 327
and religious observances. 328

(J) "Veteran's organization" means any individual post or 329
state headquarters of a national veteran's association or an 330
auxiliary unit of any individual post of a national veteran's 331
association, which post, state headquarters, or auxiliary unit is 332
incorporated as a nonprofit corporation and either has received a 333

letter from the state headquarters of the national veteran's 334
association indicating that the individual post or auxiliary unit 335
is in good standing with the national veteran's association or has 336
received a letter from the national veteran's association 337
indicating that the state headquarters is in good standing with 338
the national veteran's association. As used in this division, 339
"national veteran's association" means any veteran's association 340
that has been in continuous existence as such for a period of at 341
least five years and either is incorporated by an act of the 342
United States congress or has a national dues-paying membership of 343
at least five thousand persons. 344

(K) "Volunteer firefighter's organization" means any 345
organization of volunteer firefighters, as defined in section 346
146.01 of the Revised Code, that is organized and operated 347
exclusively to provide financial support for a volunteer fire 348
department or a volunteer fire company and that is recognized or 349
ratified by a county, municipal corporation, or township. 350

(L) "Fraternal organization" means any society, order, state 351
headquarters, or association within this state, except a college 352
or high school fraternity, that is not organized for profit, that 353
is a branch, lodge, or chapter of a national or state 354
organization, that exists exclusively for the common business or 355
sodality of its members. 356

(M) "Volunteer rescue service organization" means any 357
organization of volunteers organized to function as an emergency 358
medical service organization, as defined in section 4765.01 of the 359
Revised Code. 360

(N) "Charitable bingo game" means any bingo game described in 361
division (O)(1) or (2) of this section that is conducted by a 362
charitable organization that has obtained a license pursuant to 363
section 2915.08 of the Revised Code and the proceeds of which are 364
used for a charitable purpose. 365

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| (O) "Bingo" means either of the following: | 366 |
| (1) A game with all of the following characteristics: | 367 |
| (a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space. | 368 369 370 371 372 373 374 |
| (b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator. | 375 376 377 |
| (c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets. | 378 379 380 381 382 383 384 385 |
| (d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in division (O)(1)(c) of this section, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by the participant. | 386 387 388 389 390 391 |
| (2) Instant bingo, punch boards, and raffles. | 392 |
| (P) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or <u>a sweepstakes, or a skill-based amusement machine.</u> | 393 394 395 396 |

(Q) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.

(R) "Participant" means any person who plays bingo.

(S) "Bingo session" means a period that includes both of the following:

(1) Not to exceed five continuous hours for the conduct of one or more games described in division (O)(1) of this section, instant bingo, and seal cards;

(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (S)(1) of this section.

(T) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization

for at least two years prior to conducting bingo. 428

(2) The person who purchases the food or beverage receives 429
nothing of value except the food or beverage and items customarily 430
received with the purchase of that food or beverage. 431

(3) The food and beverages are sold at customary and 432
reasonable prices. 433

(U) "Security personnel" includes any person who either is a 434
sheriff, deputy sheriff, marshal, deputy marshal, township 435
constable, or member of an organized police department of a 436
municipal corporation or has successfully completed a peace 437
officer's training course pursuant to sections 109.71 to 109.79 of 438
the Revised Code and who is hired to provide security for the 439
premises on which bingo is conducted. 440

(V) "Charitable purpose" means that the net profit of bingo, 441
other than instant bingo, is used by, or is given, donated, or 442
otherwise transferred to, any of the following: 443

(1) Any organization that is described in subsection 444
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 445
and is either a governmental unit or an organization that is tax 446
exempt under subsection 501(a) and described in subsection 447
501(c)(3) of the Internal Revenue Code; 448

(2) A veteran's organization that is a post, chapter, or 449
organization of veterans, or an auxiliary unit or society of, or a 450
trust or foundation for, any such post, chapter, or organization 451
organized in the United States or any of its possessions, at least 452
seventy-five per cent of the members of which are veterans and 453
substantially all of the other members of which are individuals 454
who are spouses, widows, or widowers of veterans, or such 455
individuals, provided that no part of the net earnings of such 456
post, chapter, or organization inures to the benefit of any 457
private shareholder or individual, and further provided that the 458

net profit is used by the post, chapter, or organization for the 459
charitable purposes set forth in division (B)(12) of section 460
5739.02 of the Revised Code, is used for awarding scholarships to 461
or for attendance at an institution mentioned in division (B)(12) 462
of section 5739.02 of the Revised Code, is donated to a 463
governmental agency, or is used for nonprofit youth activities, 464
the purchase of United States or Ohio flags that are donated to 465
schools, youth groups, or other bona fide nonprofit organizations, 466
promotion of patriotism, or disaster relief; 467

(3) A fraternal organization that has been in continuous 468
existence in this state for fifteen years and that uses the net 469
profit exclusively for religious, charitable, scientific, 470
literary, or educational purposes, or for the prevention of 471
cruelty to children or animals, if contributions for such use 472
would qualify as a deductible charitable contribution under 473
subsection 170 of the Internal Revenue Code; 474

(4) A volunteer firefighter's organization that uses the net 475
profit for the purposes set forth in division (K) of this section. 476

(W) "Internal Revenue Code" means the "Internal Revenue Code 477
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 478
amended. 479

(X) "Youth athletic organization" means any organization, not 480
organized for profit, that is organized and operated exclusively 481
to provide financial support to, or to operate, athletic 482
activities for persons who are twenty-one years of age or younger 483
by means of sponsoring, organizing, operating, or contributing to 484
the support of an athletic team, club, league, or association. 485

(Y) "Youth athletic park organization" means any 486
organization, not organized for profit, that satisfies both of the 487
following: 488

(1) It owns, operates, and maintains playing fields that 489

satisfy both of the following: 490

(a) The playing fields are used at least one hundred days per 491
year for athletic activities by one or more organizations, not 492
organized for profit, each of which is organized and operated 493
exclusively to provide financial support to, or to operate, 494
athletic activities for persons who are eighteen years of age or 495
younger by means of sponsoring, organizing, operating, or 496
contributing to the support of an athletic team, club, league, or 497
association. 498

(b) The playing fields are not used for any profit-making 499
activity at any time during the year. 500

(2) It uses the proceeds of bingo it conducts exclusively for 501
the operation, maintenance, and improvement of its playing fields 502
of the type described in division (Y)(1) of this section. 503

(Z) "Bingo supplies" means bingo cards or sheets; instant 504
bingo tickets or cards; electronic bingo aids; raffle tickets; 505
punch boards; seal cards; instant bingo ticket dispensers; and 506
devices for selecting or displaying the combination of bingo 507
letters and numbers or raffle tickets. Items that are "bingo 508
supplies" are not gambling devices if sold or otherwise provided, 509
and used, in accordance with this chapter. For purposes of this 510
chapter, "bingo supplies" are not to be considered equipment used 511
to conduct a bingo game. 512

(AA) "Instant bingo" means a form of bingo that shall use 513
folded or banded tickets or paper cards with perforated break-open 514
tabs, a face of which is covered or otherwise hidden from view to 515
conceal a number, letter, or symbol, or set of numbers, letters, 516
or symbols, some of which have been designated in advance as prize 517
winners, and may also include games in which some winners are 518
determined by the random selection of one or more bingo numbers by 519
the use of a seal card or bingo blower. In all "instant bingo" the 520

prize amount and structure shall be predetermined. "Instant bingo" 521
does not include any device that is activated by the insertion of 522
a coin, currency, token, or an equivalent, and that contains as 523
one of its components a video display monitor that is capable of 524
displaying numbers, letters, symbols, or characters in winning or 525
losing combinations. 526

(BB) "Seal card" means a form of instant bingo that uses 527
instant bingo tickets in conjunction with a board or placard that 528
contains one or more seals that, when removed or opened, reveal 529
predesignated winning numbers, letters, or symbols. 530

(CC) "Raffle" means a form of bingo in which the one or more 531
prizes are won by one or more persons who have purchased a raffle 532
ticket. The one or more winners of the raffle are determined by 533
drawing a ticket stub or other detachable section from a 534
receptacle containing ticket stubs or detachable sections 535
corresponding to all tickets sold for the raffle. "Raffle" does 536
not include the drawing of a ticket stub or other detachable 537
section of a ticket purchased to attend a professional sporting 538
event if both of the following apply: 539

(1) The ticket stub or other detachable section is used to 540
select the winner of a free prize given away at the professional 541
sporting event; and 542

(2) The cost of the ticket is the same as the cost of a 543
ticket to the professional sporting event on days when no free 544
prize is given away. 545

(DD) "Punch board" means a board containing a number of holes 546
or receptacles of uniform size in which are placed, mechanically 547
and randomly, serially numbered slips of paper that may be punched 548
or drawn from the hole or receptacle when used in conjunction with 549
instant bingo. A player may punch or draw the numbered slips of 550
paper from the holes or receptacles and obtain the prize 551

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| established for the game if the number drawn corresponds to a | 552 |
| winning number or, if the punch board includes the use of a seal | 553 |
| card, a potential winning number. | 554 |
| (EE) "Gross profit" means gross receipts minus the amount | 555 |
| actually expended for the payment of prize awards. | 556 |
| (FF) "Net profit" means gross profit minus expenses. | 557 |
| (GG) "Expenses" means the reasonable amount of gross profit | 558 |
| actually expended for all of the following: | 559 |
| (1) The purchase or lease of bingo supplies; | 560 |
| (2) The annual license fee required under section 2915.08 of | 561 |
| the Revised Code; | 562 |
| (3) Bank fees and service charges for a bingo session or game | 563 |
| account described in section 2915.10 of the Revised Code; | 564 |
| (4) Audits and accounting services; | 565 |
| (5) Safes; | 566 |
| (6) Cash registers; | 567 |
| (7) Hiring security personnel; | 568 |
| (8) Advertising bingo; | 569 |
| (9) Renting premises in which to conduct a bingo session; | 570 |
| (10) Tables and chairs; | 571 |
| (11) Expenses for maintaining and operating a charitable | 572 |
| organization's facilities, including, but not limited to, a post | 573 |
| home, club house, lounge, tavern, or canteen and any grounds | 574 |
| attached to the post home, club house, lounge, tavern, or canteen; | 575 |
| (12) Payment of real property taxes and assessments that are | 576 |
| levied on a premises on which bingo is conducted; | 577 |
| (13) Any other product or service directly related to the | 578 |
| conduct of bingo that is authorized in rules adopted by the | 579 |

attorney general under division (B)(1) of section 2915.08 of the Revised Code. 580
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(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized. 582
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(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction. 585
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(JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction. 589
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(KK) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following: 593
594

(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state; 595
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597

(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state. 598
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(LL) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale. 601
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(MM) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (O)(1) of this section plus the annual net profit derived from the conduct of bingo described in division (O)(2) of this section. 605
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(NN) "Instant bingo ticket dispenser" means a mechanical 609

device that dispenses an instant bingo ticket or card as the sole 610
item of value dispensed and that has the following 611
characteristics: 612

(1) It is activated upon the insertion of United States 613
currency. 614

(2) It performs no gaming functions. 615

(3) It does not contain a video display monitor or generate 616
noise. 617

(4) It is not capable of displaying any numbers, letters, 618
symbols, or characters in winning or losing combinations. 619

(5) It does not simulate or display rolling or spinning 620
reels. 621

(6) It is incapable of determining whether a dispensed bingo 622
ticket or card is a winning or nonwinning ticket or card and 623
requires a winning ticket or card to be paid by a bingo game 624
operator. 625

(7) It may provide accounting and security features to aid in 626
accounting for the instant bingo tickets or cards it dispenses. 627

(8) It is not part of an electronic network and is not 628
interactive. 629

(00)(1) "Electronic bingo aid" means an electronic device 630
used by a participant to monitor bingo cards or sheets purchased 631
at the time and place of a bingo session and that does all of the 632
following: 633

(a) It provides a means for a participant to input numbers 634
and letters announced by a bingo caller. 635

(b) It compares the numbers and letters entered by the 636
participant to the bingo faces previously stored in the memory of 637
the device. 638

(c) It identifies a winning bingo pattern. 639

(2) "Electronic bingo aid" does not include any device into 640
which a coin, currency, token, or an equivalent is inserted to 641
activate play. 642

(PP) "Deal of instant bingo tickets" means a single game of 643
instant bingo tickets all with the same serial number. 644

(QQ)(1) "Slot machine" means either of the following: 645

(a) Any mechanical, electronic, video, or digital device that 646
is capable of accepting anything of value, directly or indirectly, 647
from or on behalf of a player who gives the thing of value in the 648
hope of gain; 649

(b) Any mechanical, electronic, video, or digital device that 650
is capable of accepting anything of value, directly or indirectly, 651
from or on behalf of a player to conduct bingo or a scheme or game 652
of chance. 653

(2) "Slot machine" does not include a skill-based amusement 654
machine or an instant bingo ticket dispenser. 655

(RR) "Net profit from the proceeds of the sale of instant 656
bingo" means gross profit minus the ordinary, necessary, and 657
reasonable expense expended for the purchase of instant bingo 658
supplies, and, in the case of instant bingo conducted by a 659
veteran's, fraternal, or sporting organization, minus the payment 660
by that organization of real property taxes and assessments levied 661
on a premises on which instant bingo is conducted. 662

(SS) "Charitable instant bingo organization" means an 663
organization that is exempt from federal income taxation under 664
subsection 501(a) and described in subsection 501(c)(3) of the 665
Internal Revenue Code and is a charitable organization as defined 666
in this section. A "charitable instant bingo organization" does 667
not include a charitable organization that is exempt from federal 668

income taxation under subsection 501(a) and described in 669
subsection 501(c)(3) of the Internal Revenue Code and that is 670
created by a veteran's organization, a fraternal organization, or 671
a sporting organization in regards to bingo conducted or assisted 672
by a veteran's organization, a fraternal organization, or a 673
sporting organization pursuant to section 2915.13 of the Revised 674
Code. 675

(TT) "Game flare" means the board or placard that accompanies 676
each deal of instant bingo tickets and that has printed on or 677
affixed to it the following information for the game: 678

(1) The name of the game; 679

(2) The manufacturer's name or distinctive logo; 680

(3) The form number; 681

(4) The ticket count; 682

(5) The prize structure, including the number of winning 683
instant bingo tickets by denomination and the respective winning 684
symbol or number combinations for the winning instant bingo 685
tickets; 686

(6) The cost per play; 687

(7) The serial number of the game. 688

(UU)(1) "Skill-based amusement machine" means a mechanical, 689
video, digital, or electronic device that rewards the player or 690
players, if at all, only with merchandise prizes or with 691
redeemable vouchers redeemable only for merchandise prizes, 692
provided that with respect to rewards for playing the game all of 693
the following apply: 694

(a) The wholesale value of a merchandise prize awarded as a 695
result of the single play of a machine does not exceed ten 696
dollars; 697

(b) Redeemable vouchers awarded for any single play of a 698

machine are not redeemable for a merchandise prize with a 699
wholesale value of more than ten dollars; 700

(c) Redeemable vouchers are not redeemable for a merchandise 701
prize that has a wholesale value of more than ten dollars times 702
the fewest number of single plays necessary to accrue the 703
redeemable vouchers required to obtain that prize; and 704

(d) Any redeemable vouchers or merchandise prizes are 705
distributed at the site of the skill-based amusement machine at 706
the time of play. 707

A card for the purchase of gasoline is a redeemable voucher 708
for purposes of division (UU)(1) of this section even if the 709
skill-based amusement machine for the play of which the card is 710
awarded is located at a place where gasoline may not be legally 711
distributed to the public or the card is not redeemable at the 712
location of, or at the time of playing, the skill-based amusement 713
machine. 714

(2) A device shall not be considered a skill-based amusement 715
machine and shall be considered a slot machine if it pays cash or 716
one or more of the following apply: 717

(a) The ability of a player to succeed at the game is 718
impacted by the number or ratio of prior wins to prior losses of 719
players playing the game. 720

(b) Any reward of redeemable vouchers is not based solely on 721
the player achieving the object of the game or the player's score; 722

(c) The outcome of the game, or the value of the redeemable 723
voucher or merchandise prize awarded for winning the game, can be 724
controlled by a source other than any player playing the game. 725

(d) The success of any player is or may be determined by a 726
chance event that cannot be altered by player actions. 727

(e) The ability of any player to succeed at the game is 728

determined by game features not visible or known to the player. 729

(f) The ability of the player to succeed at the game is 730
impacted by the exercise of a skill that no reasonable player 731
could exercise. 732

(3) All of the following apply to any machine that is 733
operated as described in division (UU)(1) of this section: 734

(a) As used in division (UU) of this section, "game" and 735
"play" mean one event from the initial activation of the machine 736
until the results of play are determined without payment of 737
additional consideration. An individual utilizing a machine that 738
involves a single game, play, contest, competition, or tournament 739
may be awarded redeemable vouchers or merchandise prizes based on 740
the results of play. 741

(b) Advance play for a single game, play, contest, 742
competition, or tournament participation may be purchased. The 743
cost of the contest, competition, or tournament participation may 744
be greater than a single noncontest, competition, or tournament 745
play. 746

(c) To the extent that the machine is used in a contest, 747
competition, or tournament, that contest, competition, or 748
tournament has a defined starting and ending date and is open to 749
participants in competition for scoring and ranking results toward 750
the awarding of redeemable vouchers or merchandise prizes that are 751
stated prior to the start of the contest, competition, or 752
tournament. 753

(4) For purposes of division (UU)(1) of this section, the 754
mere presence of a device, such as a pin-setting, ball-releasing, 755
or scoring mechanism, that does not contribute to or affect the 756
outcome of the play of the game does not make the device a 757
skill-based amusement machine. 758

(VV) "Merchandise prize" means any item of value, but shall 759

not include any of the following: 760

(1) Cash, gift cards, or any equivalent thereof; 761

(2) Plays on games of chance, state lottery tickets, bingo,
or instant bingo; 762
763

(3) Firearms, tobacco, or alcoholic beverages; or 764

(4) A redeemable voucher that is redeemable for any of the 765
items listed in division (V)(1), (2), or (3) of this section. 766

(WW) "Redeemable voucher" means any ticket, token, coupon,
receipt, or other noncash representation of value. 767
768

(XX) "Pool not conducted for profit" means a scheme in which 769
a participant gives a valuable consideration for a chance to win a 770
prize and the total amount of consideration wagered is distributed 771
to a participant or participants. 772

(YY) "Sporting organization" means a hunting, fishing, or 773
trapping organization, other than a college or high school 774
fraternity or sorority, that is not organized for profit, that is 775
affiliated with a state or national sporting organization, 776
including but not limited to, the league of Ohio sportsmen, and 777
that has been in continuous existence in this state for a period 778
of three years. 779

(ZZ) "Community action agency" has the same meaning as in 780
section 122.66 of the Revised Code. 781

(AAA)(1) "Sweepstakes terminal device" means a mechanical, 782
video, digital, or electronic machine or device that is owned, 783
leased, or otherwise possessed by any person conducting a 784
sweepstakes, or by that person's partners, affiliates, 785
subsidiaries, or contractors, that is intended to be used by a 786
sweepstakes participant, and that is capable of displaying 787
information on a screen or other mechanism. A device is a 788
sweepstakes terminal device if any of the following apply: 789

| | |
|--|---------------------------------|
| (a) The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries. | 790 791 792 |
| (b) The device utilizes software such that the simulated game influences or determines the winning of or value of the prize. | 793 794 |
| (c) The device selects prizes from a predetermined finite pool of entries. | 795 796 |
| (d) The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry. | 797 798 |
| (e) The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed. | 799 800 801 |
| (f) The device utilizes software to create a game result. | 802 |
| (g) The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded. | 803 804 805 |
| (h) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered. | 806 807 |
| (2) As used in this division and in section 2915.02 of the Revised Code: | 808 809 |
| (a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes. | 810 811 |
| (b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed. | 812 813 814 |
| (c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize. | 815 816 817 818 819 |

(d) "Sweepstakes terminal device facility" means any location 820
in this state where a sweepstakes terminal device is provided to a 821
sweepstakes participant, except as provided in division (G) of 822
section 2915.02 of the Revised Code. 823

(BBB) "Sweepstakes" means any game, contest, advertising 824
scheme or plan, or other promotion where consideration is not 825
required for a person to enter to win or become eligible to 826
receive any prize, the determination of which is based upon 827
chance. "Sweepstakes" does not include bingo as authorized under 828
this chapter, pari-mutuel wagering as authorized by Chapter 3769. 829
of the Revised Code, lotteries conducted by the state lottery 830
commission as authorized by Chapter 3770. of the Revised Code, and 831
casino gaming as authorized by Chapter 3772. of the Revised Code. 832

Sec. 2915.03. (A) No person, being the owner or lessee, or 833
having custody, control, or supervision of premises, shall: 834

(1) Use or occupy such premises for gambling in violation of 835
section 2915.02, 2915.06, or 2915.062 or of division (E)(12) of 836
section 3772.99 of the Revised Code; 837

(2) Recklessly permit such premises to be used or occupied 838
for gambling in violation of section 2915.02, 2915.06, or 2915.062 839
or of division (E)(12) of section 3772.99 of the Revised Code. 840

(B) Whoever violates this section is guilty of operating a 841
gambling house, a ~~misdemeanor~~ felony of the ~~first~~ fifth degree. If 842
the offender previously has been convicted of a gambling offense, 843
operating a gambling house is a felony of the ~~fifth~~ fourth degree. 844

(C) Premises used or occupied in violation of this section 845
constitute a nuisance subject to abatement pursuant to sections 846
3767.01 to 3767.99 of the Revised Code. 847

Sec. 2915.06. (A) No person shall give to another person any 848
item described in division (VV)(1), (2), (3), or (4) of section 849

2915.01 of the Revised Code in exchange for a noncash prize, toy, 850
or novelty received as a reward for playing or operating a 851
skill-based amusement machine or for a free or reduced-price game 852
won on a skill-based amusement machine. 853

(B) No person shall conduct, or participate in the conduct 854
of, a skill-based amusement machine without first obtaining a 855
license under Chapter 3772. of the Revised Code. 856

(C) Whoever violates division (A) of this section is guilty 857
of skill-based amusement machine prohibited conduct. A violation 858
of division (A) of this section is a ~~misdemeanor~~ felony of the 859
~~first~~ fifth degree for each redemption of a prize that is involved 860
in the violation. If the offender previously has been convicted of 861
a gambling offense, violation of division (A) of this section, ~~a~~ 862
~~violation of that division~~ is a felony of the ~~fifth~~ fourth degree 863
for each redemption of a prize that is involved in the violation. 864
The maximum fine authorized to be imposed for a felony of the 865
~~fifth~~ fourth degree shall be imposed upon the offender. 866

(D) Whoever violates division (B) of this section is guilty 868
of conducting an illegal skill-based amusement machine, a felony 869
of the fifth degree. If the offender previously has been convicted 870
of a gambling offense, violation of division (B) of this section 871
is a felony of the fourth degree. 872

(E) Premises used or occupied in violation of this section 873
constitute a nuisance subject to abatement under Chapter 3767. of 874
the Revised Code. 875

Sec. 2915.061. Any regulation of skill-based amusement 876
machines shall be governed by this chapter and Chapter 3772. of 877
the Revised Code and not by Chapter 1345. of the Revised Code. 878

Sec. 2915.062. (A) Except as otherwise expressly permitted by 879

law, no person shall conduct, or participate in the conduct of, a 880
casino game, as defined in section 3772.01 of the Revised Code, 881
without first obtaining a license under Chapter 3772. of the 882
Revised Code. 883

(B) Whoever violates this section is guilty of conducting an 884
illegal casino game, a felony of the fifth degree. If the offender 885
previously has been convicted of a gambling offense, violation of 886
this section is a felony of the fourth degree. 887

(C) Premises used or occupied in violation of this section 888
constitute a nuisance subject to abatement under Chapter 3767. of 889
the Revised Code. 890

Sec. 3770.01. (A) There is hereby created the state lottery 891
commission consisting of nine members appointed by the governor 892
with the advice and consent of the senate. No more than five 893
members of the commission shall be members of the same political 894
party. Of the additional and new appointments made to the 895
commission pursuant to the amendment of August 1, 1980, three 896
shall be for terms ending August 1, 1981, three shall be for terms 897
ending August 1, 1982, and three shall be for terms ending August 898
1, 1983. Thereafter, terms of office shall be for three years, 899
each term ending on the same day of the same month of the year as 900
did the term which it succeeds. 901

(B) Each member shall hold office from the date of 902
appointment until the end of the term for which the member was 903
appointed. Any member appointed to fill a vacancy occurring prior 904
to the expiration of the term for which the member's predecessor 905
was appointed shall hold office for the remainder of that term. 906
Any member shall continue in office subsequent to the expiration 907
date of the member's term until the member's successor takes 908
office, or until a period of sixty days has elapsed, whichever 909

occurs first. 910

(C) All members of the commission shall be citizens of the 911
United States and residents of this state. The members of the 912
commission shall represent the various geographic regions of the 913
state. No member of the commission shall have any pecuniary 914
interest in any contract or license awarded by the commission. One 915
person appointed as a member of the commission shall ~~represent an~~ 916
~~organization that deals with~~ have experience or training in the 917
area of problem gambling or other addictions and ~~assists in~~ 918
assistance to recovering gambling or other addicts. Each person 919
appointed as a member of the commission, except the member 920
appointed as a representative of an organization that deals with 921
problem gambling and assists recovering gambling addicts, shall 922
have prior experience or education in business administration, 923
management, sales, marketing, or advertising. 924

(D) The commission shall elect annually one of its members to 925
serve as chairperson for a term of one year. Election as 926
chairperson shall not extend a member's appointive term. Each 927
member of the commission shall receive an annual salary of five 928
thousand dollars, payable in monthly installments. Each member of 929
the commission also shall receive the member's actual and 930
necessary expenses incurred in the discharge of the member's 931
official duties. 932

(E) Each member of the commission, before entering upon the 933
discharge of the member's official duties, shall give a bond, 934
payable to the treasurer of state, in the sum of ten thousand 935
dollars with sufficient sureties to be approved by the treasurer 936
of state, which bond shall be filed with the secretary of state. 937

(F) The governor may remove any member of the commission for 938
malfeasance, misfeasance, or nonfeasance in office, giving the 939
member a copy of the charges against the member and affording the 940
member an opportunity to be publicly heard in person or by counsel 941

in the member's own defense upon not less than ten days' notice. 942
If the member is removed, the governor shall file in the office of 943
the secretary of state a complete statement of all charges made 944
against the member and the governor's finding on the charges, 945
together with a complete report of the proceedings, and the 946
governor's decision on the charges is final. 947

(G) The commission shall maintain offices at locations in the 948
state as it may consider necessary for the efficient performance 949
of its functions. The director shall maintain an office in 950
Columbus to coordinate the activities of the state lottery 951
commission with other state departments. 952

Sec. 3770.02. (A) Subject to the advice and consent of the 953
senate, the governor shall appoint a director of the state lottery 954
commission who shall serve at the pleasure of the governor. The 955
director shall devote full time to the duties of the office and 956
shall hold no other office or employment. The director shall meet 957
all requirements for appointment as a member of the commission and 958
shall, by experience and training, possess management skills that 959
equip the director to administer an enterprise of the nature of a 960
state lottery. The director shall receive an annual salary in 961
accordance with pay range 48 of section 124.152 of the Revised 962
Code. 963

(B)(1) The director shall attend all meetings of the 964
commission and shall act as its secretary. The director shall keep 965
a record of all commission proceedings and shall keep the 966
commission's records, files, and documents at the commission's 967
principal office. All records of the commission's meetings shall 968
be available for inspection by any member of the public, upon a 969
showing of good cause and prior notification to the director. 970

(2) The director shall be the commission's executive officer 971
and shall be responsible for keeping all commission records and 972

supervising and administering the state lottery in accordance with 973
this chapter, and carrying out all commission rules adopted under 974
section 3770.03 of the Revised Code. 975

(C)(1) The director shall appoint an assistant director, 976
deputy directors of marketing, operations, sales, finance, public 977
relations, security, and administration, and as many regional 978
managers as are required. The director may also appoint necessary 979
professional, technical, and clerical assistants. All such 980
officers and employees shall be appointed and compensated pursuant 981
to Chapter 124. of the Revised Code. Regional and assistant 982
regional managers, sales representatives, and any lottery 983
executive account representatives shall remain in the unclassified 984
service. 985

(2) The director, in consultation with the director of 986
administrative services, may establish standards of proficiency 987
and productivity for commission field representatives. 988

(D) The director shall request the bureau of criminal 989
identification and investigation, the department of public safety, 990
or any other state, local, or federal agency to supply the 991
director with the criminal records of any job applicant and may 992
periodically request the criminal records of commission employees. 993
At or prior to the time of making such a request, the director 994
shall require a job applicant or commission employee to obtain 995
fingerprint cards prescribed by the superintendent of the bureau 996
of criminal identification and investigation at a qualified law 997
enforcement agency, and the director shall cause these fingerprint 998
cards to be forwarded to the bureau of criminal identification and 999
investigation and the federal bureau of investigation. The 1000
commission shall assume the cost of obtaining the fingerprint 1001
cards and shall pay to each agency supplying criminal records for 1002
each investigation under this division a reasonable fee, as 1003
determined by the agency. 1004

(E) The director shall license lottery sales agents pursuant 1005
to section 3770.05 of the Revised Code and, when it is considered 1006
necessary, may revoke or suspend the license of any lottery sales 1007
agent. The director may license video lottery technology 1008
providers, independent testing laboratories, and gaming employees, 1009
and promulgate rules relating thereto. When the director considers 1010
it necessary, the director may suspend or revoke the license of a 1011
video lottery technology provider, independent testing laboratory, 1012
or gaming employee, including suspension or revocation without 1013
affording an opportunity for a prior hearing under section 119.07 1014
of the Revised Code when the public safety, convenience, or trust 1015
requires immediate action. 1016

(F) The director shall confer at least once each month with 1017
the commission, at which time the director shall advise it 1018
regarding the operation and administration of the lottery. The 1019
director shall make available at the request of the commission all 1020
documents, files, and other records pertaining to the operation 1021
and administration of the lottery. The director shall prepare and 1022
make available to the commission each month a complete and 1023
accurate accounting of lottery revenues, prize money disbursements 1024
and the cost of goods and services awarded as prizes, operating 1025
expenses, and all other relevant financial information, including 1026
an accounting of all transfers made from any lottery funds in the 1027
custody of the treasurer of state to benefit education. 1028

(G) The director may enter into contracts for the operation 1029
or promotion of the lottery pursuant to Chapter 125. of the 1030
Revised Code. 1031

(H)(1) Pursuant to rules adopted by the commission under 1032
section 3770.03 of the Revised Code, the director shall require 1033
any lottery sales agents to deposit to the credit of the state 1034
lottery fund, in banking institutions designated by the treasurer 1035
of state, net proceeds due the commission as determined by the 1036

director. 1037

(2) Pursuant to rules adopted by the commission under Chapter 1038
119. of the Revised Code, the director may impose penalties for 1039
the failure of a sales agent to transfer funds to the commission 1040
in a timely manner. Penalties may include monetary penalties, 1041
immediate suspension or revocation of a license, or any other 1042
penalty the commission adopts by rule. 1043

(I) The director may arrange for any person, or any banking 1044
institution, to perform functions and services in connection with 1045
the operation of the lottery as the director may consider 1046
necessary to carry out this chapter. 1047

(J)(1) As used in this chapter, "statewide joint lottery 1048
game" means a lottery game that the commission sells solely within 1049
this state under an agreement with other lottery jurisdictions to 1050
sell the same lottery game solely within their statewide or other 1051
jurisdictional boundaries. 1052

(2) If the governor directs the director to do so, the 1053
director shall enter into an agreement with other lottery 1054
jurisdictions to conduct statewide joint lottery games. If the 1055
governor signs the agreement personally or by means of an 1056
authenticating officer pursuant to section 107.15 of the Revised 1057
Code, the director then may conduct statewide joint lottery games 1058
under the agreement. Before the governor directs the director to 1059
enter into an agreement, the commission may begin discussions and 1060
the planning process for a statewide joint lottery game, but the 1061
commission shall not file the rules for the game under division 1062
(B) or (H) of section 119.03 of the Revised Code before the 1063
governor directs the director to enter into the agreement. 1064

(3) The entire net proceeds from any statewide joint lottery 1065
games shall be used to fund elementary, secondary, vocational, and 1066
special education programs in this state. 1067

(4) The commission shall conduct any statewide joint lottery games in accordance with rules it adopts under division (B)(5) of section 3770.03 of the Revised Code. 1068
1069
1070

(K)(1) The director shall enter into an agreement with the department of mental health and addiction services under which the department shall provide a program of gambling addiction services on behalf of the commission. The commission shall pay the costs of the program provided pursuant to the agreement. 1071
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(2) As used in this section, "gambling addiction services" has the same meaning as in section 5119.01 of the Revised Code. 1076
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Sec. 3770.05. (A) As used in this section, "person" means any person, association, corporation, partnership, club, trust, estate, society, receiver, trustee, person acting in a fiduciary or representative capacity, instrumentality of the state or any of its political subdivisions, or any other combination of individuals meeting the requirements set forth in this section or established by rule or order of the state lottery commission. 1078
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(B) The director of the state lottery commission may license any person as a lottery sales agent. No license shall be issued to any person or group of persons to engage in the sale of lottery tickets as the person's or group's sole occupation or business. 1085
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Before issuing any license to a lottery sales agent, the director shall consider all of the following: 1089
1090

(1) The financial responsibility and security of the applicant and the applicant's business or activity; 1091
1092

(2) The accessibility of the applicant's place of business or activity to the public; 1093
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(3) The sufficiency of existing licensed agents to serve the public interest; 1095
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(4) The volume of expected sales by the applicant; 1097

| | |
|--|------|
| (5) Any other factors pertaining to the public interest, | 1098 |
| convenience, or trust. | 1099 |
| (C) Except as otherwise provided in division (F) of this | 1100 |
| section, the director of the state lottery commission shall refuse | 1101 |
| to grant, or shall suspend or revoke, a license if the applicant | 1102 |
| or licensee: | 1103 |
| (1) Has been convicted of a felony or has been convicted of a | 1104 |
| crime involving moral turpitude; | 1105 |
| (2) Has been convicted of an offense that involves illegal | 1106 |
| gambling; | 1107 |
| (3) Has been found guilty of fraud or misrepresentation in | 1108 |
| any connection; | 1109 |
| (4) Has been found to have violated any rule or order of the | 1110 |
| commission; or | 1111 |
| (5) Has been convicted of illegal trafficking in supplemental | 1112 |
| nutrition assistance program benefits. | 1113 |
| (D) Except as otherwise provided in division (F) of this | 1114 |
| section, the director of the state lottery commission shall refuse | 1115 |
| to grant, or shall suspend or revoke, a license if the applicant | 1116 |
| or licensee is a corporation and any of the following applies: | 1117 |
| (1) Any of the corporation's directors, officers, or | 1118 |
| controlling shareholders has been found guilty of any of the | 1119 |
| activities specified in divisions (C)(1) to (5) of this section; | 1120 |
| (2) It appears to the director of the state lottery | 1121 |
| commission that, due to the experience, character, or general | 1122 |
| fitness of any director, officer, or controlling shareholder of | 1123 |
| the corporation, the granting of a license as a lottery sales | 1124 |
| agent would be inconsistent with the public interest, convenience, | 1125 |
| or trust; | 1126 |
| (3) The corporation is not the owner or lessee of the | 1127 |

business at which it would conduct a lottery sales agency pursuant 1128
to the license applied for; 1129

(4) Any person, firm, association, or corporation other than 1130
the applicant or licensee shares or will share in the profits of 1131
the applicant or licensee, other than receiving dividends or 1132
distributions as a shareholder, or participates or will 1133
participate in the management of the affairs of the applicant or 1134
licensee. 1135

(E)(1) The director of the state lottery commission shall 1136
refuse to grant a license to an applicant for a lottery sales 1137
agent license and shall revoke a lottery sales agent license if 1138
the applicant or licensee is or has been convicted of a violation 1139
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 1140

(2) The director shall refuse to grant a license to an 1141
applicant for a lottery sales agent license that is a corporation 1142
and shall revoke the lottery sales agent license of a corporation 1143
if the corporation is or has been convicted of a violation of 1144
division (A) or (C)(1) of section 2913.46 of the Revised Code. 1145

(F) The director of the state lottery commission shall 1146
request the bureau of criminal identification and investigation, 1147
the department of public safety, or any other state, local, or 1148
federal agency to supply the director with the criminal records of 1149
any applicant for a lottery sales agent license, and may 1150
periodically request the criminal records of any person to whom a 1151
lottery sales agent license has been issued. At or prior to the 1152
time of making such a request, the director shall require an 1153
applicant or licensee to obtain fingerprint impressions on 1154
fingerprint cards prescribed by the superintendent of the bureau 1155
of criminal identification and investigation at a qualified law 1156
enforcement agency, and the director shall cause those fingerprint 1157
cards to be forwarded to the bureau of criminal identification and 1158
investigation, to the federal bureau of investigation, or to both 1159

bureaus. The commission shall assume the cost of obtaining the fingerprint cards.

The director shall pay to each agency supplying criminal records for each investigation a reasonable fee, as determined by the agency.

The commission may adopt uniform rules specifying time periods after which the persons described in divisions (C)(1) to (5) and (D)(1) to (4) of this section may be issued a license and establishing requirements for those persons to seek a court order to have records sealed in accordance with law.

(G)(1) Each applicant for a lottery sales agent license shall do both of the following:

(a) Pay fees to the state lottery commission, if required by rule adopted by the director under Chapter 119. of the Revised Code ~~and the controlling board approves the fees;~~

(b) Prior to approval of the application, obtain a surety bond in an amount the director determines by rule adopted under Chapter 119. of the Revised Code or, alternatively, with the director's approval, deposit the same amount into a dedicated account for the benefit of the state lottery. The director also may approve the obtaining of a surety bond to cover part of the amount required, together with a dedicated account deposit to cover the remainder of the amount required. The director also may establish an alternative program or policy, with the approval of the commission by rule adopted under Chapter 119. of the Revised Code, that otherwise ensures the lottery's financial interests are adequately protected. If such an alternative program or policy is established, an applicant or lottery sales agent, subject to the director's approval, may be permitted to participate in the program or proceed under that policy in lieu of providing a surety bond or dedicated amount.

A surety bond may be with any company that complies with the 1191
bonding and surety laws of this state and the requirements 1192
established by rules of the commission pursuant to this chapter. A 1193
dedicated account deposit shall be conducted in accordance with 1194
policies and procedures the director establishes. 1195

A surety bond, dedicated account, other established program 1196
or policy, or any combination of these resources, as applicable, 1197
may be used to pay for the lottery sales agent's failure to make 1198
prompt and accurate payments for lottery ticket sales, for missing 1199
or stolen lottery tickets, for damage to equipment or materials 1200
issued to the lottery sales agent, or to pay for expenses the 1201
commission incurs in connection with the lottery sales agent's 1202
license. 1203

(2) A lottery sales agent license is effective for at least 1204
one year, but not more than three years. 1205

A licensed lottery sales agent, on or before the date 1206
established by the director, shall renew the agent's license and 1207
provide at that time evidence to the director that the surety 1208
bond, dedicated account deposit, or both, required under division 1209
(G)(1)(b) of this section has been renewed or is active, whichever 1210
applies. 1211

Before the commission renews a lottery sales agent license, 1212
the lottery sales agent shall submit a renewal fee to the 1213
commission, if one is required by rule adopted by the director 1214
under Chapter 119. of the Revised Code ~~and the controlling board~~ 1215
~~approves the renewal fee.~~ The renewal fee shall not exceed the 1216
actual cost of administering the license renewal and processing 1217
changes reflected in the renewal application. The renewal of the 1218
license is effective for at least one year, but not more than 1219
three years. 1220

(3) A lottery sales agent license shall be complete, 1221

accurate, and current at all times during the term of the license. 1222
Any changes to an original license application or a renewal 1223
application may subject the applicant or lottery sales agent, as 1224
applicable, to paying an administrative fee that shall be in an 1225
amount that the director determines by rule adopted under Chapter 1226
119. of the Revised Code, ~~that the controlling board approves,~~ and 1227
that shall not exceed the actual cost of administering and 1228
processing the changes to an application. 1229

(4) The relationship between the commission and a lottery 1230
sales agent is one of trust. A lottery sales agent collects funds 1231
on behalf of the commission through the sale of lottery tickets 1232
for which the agent receives a compensation. 1233

(H) Pending a final resolution of any question arising under 1234
this section, the director of the state lottery commission may 1235
issue a temporary lottery sales agent license, subject to the 1236
terms and conditions the director considers appropriate. 1237

(I) If a lottery sales agent's rental payments for the 1238
lottery sales agent's premises are determined, in whole or in 1239
part, by the amount of retail sales the lottery sales agent makes, 1240
and if the rental agreement does not expressly provide that the 1241
amount of those retail sales includes the amounts the lottery 1242
sales agent receives from lottery ticket sales, only the amounts 1243
the lottery sales agent receives as compensation from the state 1244
lottery commission for selling lottery tickets shall be considered 1245
to be amounts the lottery sales agent receives from the retail 1246
sales the lottery sales agent makes, for the purpose of computing 1247
the lottery sales agent's rental payments. 1248

Sec. 3772.01. As used in this chapter: 1249

(A) "Applicant" means any person who applies to the 1250
commission for a license under this chapter. 1251

(B) "Casino control commission fund" means the casino control
commission fund described in Section 6(C)(3)(d) of Article XV,
Ohio Constitution, the money in which shall be used to fund the
commission and its related affairs.

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

(D) "Casino game" means any slot machine or table game as
defined in this chapter.

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

(F) "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.

(G) "Casino operator" means any person, trust, corporation,
partnership, limited partnership, association, limited liability
company, or other business enterprise that directly or indirectly
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 1283
contractually restricted from conducting casino gaming. 1284

(H) "Central system" means a computer system that provides 1285
the following functions related to casino gaming equipment used in 1286
connection with casino gaming authorized under this chapter or 1287
skill-based amusement machine equipment used in accordance with 1288
this chapter and Chapter 2915. of the Revised Code: security, 1289
auditing, data and information retrieval, and other purposes 1290
deemed necessary and authorized by the commission. 1291

(I) "Cheat" means to alter the result of a casino game, the 1292
element of chance, the operation of a machine used in a casino 1293
game, or the method of selection of criteria that determines (a) 1294
the result of the casino game, (b) the amount or frequency of 1295
payment in a casino game, (c) the value of a wagering instrument, 1296
or (d) the value of a wagering credit. "Cheat" does not include an 1297
individual who, without the assistance of another individual or 1298
without the use of a physical aid or device of any kind, uses the 1299
individual's own ability to keep track of the value of cards 1300
played and uses predictions formed as a result of the tracking 1301
information in the individual's playing and betting strategy. 1302

(J) "Commission" means the Ohio casino control commission. 1303

(K) "Gaming agent" means a peace officer employed by the 1304
commission that is vested with duties to enforce this chapter and 1305
conduct other investigations into the conduct of the casino gaming 1306
and the maintenance of the equipment that the commission considers 1307
necessary and proper and is in compliance with section 109.77 of 1308
the Revised Code. 1309

(L) "Gaming-related vendor" means any individual, 1310
partnership, corporation, association, trust, or any other group 1311
of individuals, however organized, who supplies gaming-related 1312
equipment, goods, or services to a casino operator or management 1313

company, that are directly related to or affect casino gaming 1314
authorized under this chapter, including, but not limited to, the 1315
manufacture, sale, distribution, or repair of slot machines and 1316
table game equipment, or who supplies skill-based amusement 1317
machine equipment, goods, or services to a skill-based amusement 1318
machine operator. 1319

(M) "Holding company" means any corporation, firm, 1320
partnership, limited partnership, limited liability company, 1321
trust, or other form of business organization not a natural person 1322
which directly or indirectly does any of the following: 1323

(1) Has the power or right to control a casino operator, 1324
management company, skill-based amusement machine operator, or 1325
gaming-related vendor license applicant or licensee; 1326

(2) Holds an ownership interest of five per cent or more, as 1327
determined by the commission, in a casino operator, management 1328
company, skill-based amusement machine operator, or gaming-related 1329
vendor license applicant or licensee; 1330

(3) Holds voting rights with the power to vote five per cent 1331
or more of the outstanding voting rights of a casino operator, 1332
management company, skill-based amusement machine operator, or 1333
gaming-related vendor applicant or licensee. 1334

(N) "Initial investment" includes costs related to 1335
demolition, engineering, architecture, design, site preparation, 1336
construction, infrastructure improvements, land acquisition, 1337
fixtures and equipment, insurance related to construction, and 1338
leasehold improvements. 1339

(O) "Institutional investor" means any of the following 1340
entities owning five per cent or more, but less than fifteen per 1341
cent, of an ownership interest in a casino facility, casino 1342
operator, management company, skill-based amusement machine 1343
operator, gaming-related vendor, or holding company: a 1344

corporation, bank, insurance company, pension fund or pension fund 1345
trust, retirement fund, including funds administered by a public 1346
agency, employees' profit-sharing fund or employees' 1347
profit-sharing trust, any association engaged, as a substantial 1348
part of its business or operations, in purchasing or holding 1349
securities, including a hedge fund, mutual fund, or private equity 1350
fund, or any trust in respect of which a bank is trustee or 1351
cotrustee, investment company registered under the "Investment 1352
Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective 1353
investment trust organized by banks under Part Nine of the Rules 1354
of the Comptroller of the Currency, closed-end investment trust, 1355
chartered or licensed life insurance company or property and 1356
casualty insurance company, investment advisor registered under 1357
the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., 1358
and such other persons as the commission may reasonably determine 1359
to qualify as an institutional investor for reasons consistent 1360
with this chapter, and that does not exercise control over the 1361
affairs of a licensee and its ownership interest in a licensee is 1362
for investment purposes only, as set forth in division (E) of 1363
section 3772.10 of the Revised Code. 1364

(P) "Key employee" means any executive, employee, or agent 1365
who has the power to exercise significant influence over decisions 1366
concerning any part of the operation of a casino operator ~~or,~~ 1367
management company licensee ~~having the power to exercise~~ 1368
~~significant influence over decisions concerning any part of the~~ 1369
~~operation of such licensee,~~ skill-based amusement machine 1370
operator, holding company, or gaming-related vendor, including: 1371

(1) An officer, director, trustee, or partner of a person 1372
that has applied for or holds a casino operator, management 1373
company, skill-based amusement machine operator, or gaming-related 1374
vendor license or of a holding company that has control of a 1375
person that has applied for or holds a casino operator, management 1376

company, skill-based amusement machine operator, or gaming-related 1377
vendor license; 1378

(2) A person that holds a direct or indirect ownership 1379
interest of more than one per cent in a person that has applied 1380
for or holds a casino operator, management company, skill-based 1381
amusement machine operator, or gaming-related vendor license or 1382
holding company that has control of a person that has applied for 1383
or holds a casino operator, management company, skill-based 1384
amusement machine operator, or gaming-related vendor license; 1385

(3) A managerial employee who performs the function of 1386
principal executive officer, principal operating officer, 1387
principal accounting officer, or an equivalent officer or other 1388
person the commission determines has the power to exercise 1389
significant influence over decisions concerning any part of the 1390
operation of a person that has applied for or holds a casino 1391
operator, management company, skill-based amusement machine 1392
operator, or gaming-related vendor license in Ohio, or a 1393
~~managerial employee~~ of a holding company that has control of a 1394
person that has applied for or holds a ~~casino operator or~~ 1395
~~gaming related vendor license in Ohio, who performs the function~~ 1396
~~of principal executive officer, principal operating officer,~~ 1397
~~principal accounting officer, or an equivalent officer or other~~ 1398
~~person the commission determines to have the power to exercise~~ 1399
~~significant influence over decisions concerning any part of the~~ 1400
~~operation of such licensee~~ a license. 1401

The commission shall determine whether an individual whose 1402
duties or status varies from those described in this division also 1403
is considered a key employee. 1404

(Q) "Licensed casino operator" means a casino operator that 1405
has been issued a license by the commission and that has been 1406
certified annually by the commission to have paid all applicable 1407
fees, taxes, and debts to the state. 1408

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

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

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

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

(V) "Problem casino gambling and addictions fund" means the state problem gambling and addictions fund described in Section 6(C)(3)(g) of Article XV, Ohio Constitution, the money in which shall be used for treatment of problem gambling and substance

abuse, and for related research. 1441

(W) "Promotional gaming credit" means a slot machine or table 1442
game credit, discount, or other similar item issued to a patron to 1443
enable the placement of, or increase in, a wager at a slot machine 1444
or table game. 1445

(X) "Skill-based amusement machine" has the same meaning as 1446
in section 2915.01 of the Revised Code. 1447

(Y) "Skill-based amusement machine operator" means a person 1448
that provides skill-based amusement machines to a player or 1449
participant. 1450

(Z) "Slot machine" means any mechanical, electrical, or other 1451
device or machine which, upon insertion of a coin, token, ticket, 1452
or similar object, or upon payment of any consideration, is 1453
available to play or operate, the play or operation of which, 1454
whether by reason of the skill of the operator or application of 1455
the element of chance, or both, makes individual prize 1456
determinations for individual participants in cash, premiums, 1457
merchandise, tokens, or any thing of value, whether the payoff is 1458
made automatically from the machine or in any other manner, but 1459
does not include any device that is a skill-based amusement 1460
machine, as defined in section 2915.01 of the Revised Code. 1461

~~(Y)~~(AA) "Table game" means any game played with cards, dice, 1462
or any mechanical, electromechanical, or electronic device or 1463
machine for money, casino credit, or any representative of value. 1464
"Table game" does not include slot machines. 1465

~~(Z)~~(BB) "Upfront license" means the first plenary license 1466
issued to a casino operator. 1467

~~(AA)~~(CC) "Voluntary exclusion program" means a program 1468
provided by the commission that allows persons to voluntarily 1469
exclude themselves from the gaming areas of facilities under the 1470
jurisdiction of the commission by placing their name on a 1471

voluntary exclusion list and following the procedures set forth by 1472
the commission. 1473

Sec. 3772.02. (A) There is hereby created the Ohio casino 1474
control commission described in Section 6(C)(1) of Article XV, 1475
Ohio Constitution. 1476

(B) The commission shall consist of seven members appointed 1477
within one month of ~~the effective date of this section~~ September 1478
10, 2010, by the governor with the advice and consent of the 1479
senate. The governor shall forward all appointments to the senate 1480
within twenty-four hours. 1481

(1) Each commission member is eligible for reappointment at 1482
the discretion of the governor. No commission member shall be 1483
appointed for more than three terms in total. 1484

(2) Each commission member shall be a resident of Ohio. 1485

(3) At least one commission member shall be experienced in 1486
law enforcement and criminal investigation. 1487

(4) At least one commission member shall be a certified 1488
public accountant experienced in accounting and auditing. 1489

(5) At least one commission member shall be an attorney 1490
admitted to the practice of law in Ohio. 1491

(6) At least one commission member shall be a resident of a 1492
county where one of the casino facilities is located. 1493

(7) Not more than four commission members shall be of the 1494
same political party. 1495

(8) No commission member shall have any affiliation with an 1496
Ohio casino operator or facility. 1497

(C) Commission members shall serve four-year terms, except 1498
that when the governor makes initial appointments to the 1499
commission under this chapter, the governor shall appoint three 1500

members to serve four-year terms with not more than two such 1501
members from the same political party, two members to serve 1502
three-year terms with such members not being from the same 1503
political party, and two members to serve two-year terms with such 1504
members not being from the same political party. 1505

(D) Each commission member shall hold office from the date of 1506
appointment until the end of the term for which the member was 1507
appointed. Any member appointed to fill a vacancy occurring before 1508
the expiration of the term for which the member's predecessor was 1509
appointed shall hold office for the remainder of the unexpired 1510
term. Any member shall continue in office after the expiration 1511
date of the member's term until the member's successor takes 1512
office, or until a period of sixty days has elapsed, whichever 1513
occurs first. A vacancy in the commission membership shall be 1514
filled in the same manner as the original appointment. 1515

(E) The governor shall select one member to serve as 1516
chairperson and the commission members shall select one member 1517
from a different party than the chairperson to serve as 1518
vice-chairperson. The governor may remove and replace the 1519
chairperson at any time. No such member shall serve as chairperson 1520
for more than six successive years. The vice-chairperson shall 1521
assume the duties of the chairperson in the absence of the 1522
chairperson. The chairperson and vice-chairperson shall perform 1523
but shall not be limited to additional duties as are prescribed by 1524
commission rule. 1525

(F) A commission member is not required to devote the 1526
member's full time to membership on the commission. Each member of 1527
the commission shall receive compensation of ~~sixty~~ thirty thousand 1528
dollars per year, payable in monthly installments ~~for the first~~ 1529
~~four years of the commission's existence~~. Each member shall 1530
receive the member's actual and necessary expenses incurred in the 1531
discharge of the member's official duties. 1532

(G) The governor shall not appoint an individual to the 1533
commission, and an individual shall not serve on the commission, 1534
if the individual has been convicted of or pleaded guilty or no 1535
contest to a disqualifying offense as defined in section 3772.07 1536
of the Revised Code. Members coming under indictment or bill of 1537
information of a disqualifying offense shall resign from the 1538
commission immediately upon indictment. 1539

(H) At least five commission members shall be present for the 1540
commission to meet. The concurrence of four members is necessary 1541
for the commission to take any action. All members shall vote on 1542
the adoption of rules, and the approval of, and the suspension or 1543
revocation of, the licenses of casino operators or management 1544
companies, unless a member has a written leave of absence filed 1545
with and approved by the chairperson. 1546

(I) A commission member may be removed or suspended from 1547
office in accordance with section 3.04 of the Revised Code. 1548

(J) Each commission member, before entering upon the 1549
discharge of the member's official duties, shall make an oath to 1550
uphold the Ohio Constitution and laws of the state of Ohio and 1551
shall give a bond, payable by the commission, to the treasurer of 1552
state, in the sum of ten thousand dollars with sufficient sureties 1553
to be approved by the treasurer of state, which bond shall be 1554
filed with the secretary of state. 1555

(K) The commission shall hold one regular meeting each month 1556
and shall convene other meetings at the request of the chairperson 1557
or a majority of the members. A member who fails to attend at 1558
least three-fifths of the regular and special meetings of the 1559
commission during any two-year period forfeits membership on the 1560
commission. All meetings of the commission shall be open meetings 1561
under section 121.22 of the Revised Code except as otherwise 1562
allowed by law. 1563

Sec. 3772.03. (A) To ensure the integrity of casino gaming 1564
and skill-based amusement machines, the commission shall have 1565
authority to complete the functions of licensing, regulating, 1566
investigating, and penalizing casino operators, management 1567
companies, holding companies, key employees, casino gaming 1568
employees, skill-based amusement machine operators, and 1569
gaming-related vendors. The commission also shall have 1570
jurisdiction over all persons participating in casino gaming 1571
authorized by Section 6(C) of Article XV, Ohio Constitution, and 1572
this chapter and in skill-based amusement machine operations 1573
authorized by this chapter and Chapter 2915. of the Revised Code. 1574

(B) All rules adopted by the commission under this chapter 1575
shall be adopted under procedures established in Chapter 119. of 1576
the Revised Code. The commission may contract for the services of 1577
experts and consultants to assist the commission in carrying out 1578
its duties under this section. 1579

(C) ~~Within six months of September 10, 2010, the~~ The 1580
commission shall adopt ~~initial~~ rules as are necessary for 1581
completing the functions stated in division (A) of this section 1582
and for addressing the subjects enumerated in division (D) of this 1583
section. 1584

(D) The commission shall adopt, and as advisable and 1585
necessary shall amend or repeal, rules that include all of the 1586
following: 1587

(1) The prevention of practices detrimental to the public 1588
interest; 1589

(2) Prescribing the method of applying, and the form of 1590
application, that an applicant for a license under this chapter 1591
must follow as otherwise described in this chapter; 1592

(3) Prescribing the information to be furnished by an 1593

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| applicant or licensee as described in section 3772.11 of the | 1594 |
| Revised Code <u>this chapter</u> ; | 1595 |
| (4) Describing the certification standards and duties of an | 1596 |
| independent testing laboratory certified under section 3772.31 of | 1597 |
| the Revised Code and the relationship between the commission, the | 1598 |
| laboratory, the gaming-related vendor, and the casino operator, | 1599 |
| <u>management company, or skill-based amusement machine operator</u> ; | 1600 |
| (5) The minimum amount of insurance that must be maintained | 1601 |
| by a casino operator, management company, <u>skill-based amusement</u> | 1602 |
| <u>machine operator</u> , holding company, or gaming-related vendor; | 1603 |
| (6) The approval process for a significant change in | 1604 |
| ownership or transfer of control of a licensee as provided in | 1605 |
| section 3772.091 of the Revised Code; | 1606 |
| (7) The design of <u>casino gaming and skill-based amusement</u> | 1607 |
| <u>machine</u> supplies, devices, and equipment to be distributed by | 1608 |
| gaming-related vendors; | 1609 |
| (8) Identifying the casino gaming that is permitted, | 1610 |
| identifying the <u>casino gaming and skill-based amusement machine</u> | 1611 |
| supplies, devices, and equipment, that are permitted, defining the | 1612 |
| area in which the permitted casino gaming may be conducted, and | 1613 |
| specifying the method of operation according to which the | 1614 |
| permitted casino gaming is to be conducted as provided in section | 1615 |
| 3772.20 of the Revised Code, and requiring <u>casino gaming and</u> | 1616 |
| <u>skill-based amusement machine</u> devices and equipment to meet the | 1617 |
| standards of this state; | 1618 |
| (9) Tournament play in any casino facility; | 1619 |
| (10) Establishing and implementing a voluntary exclusion | 1620 |
| program that provides all of the following: | 1621 |
| (a) Except as provided by commission rule, a person who | 1622 |
| participates in the program shall agree to refrain from entering a | 1623 |

casino facility. 1624

(b) The name of a person participating in the program shall 1625
be included on a list of persons excluded from all casino 1626
facilities. 1627

(c) Except as provided by commission rule, no person who 1628
participates in the program shall petition the commission for 1629
admittance into a casino facility. 1630

(d) The list of persons participating in the program and the 1631
personal information of those persons shall be confidential and 1632
shall only be disseminated by the commission to a casino operator 1633
and the agents and employees of the casino operator for purposes 1634
of enforcement and to other entities, upon request of the 1635
participant and agreement by the commission. 1636

(e) A casino operator shall make all reasonable attempts as 1637
determined by the commission to cease all direct marketing efforts 1638
to a person participating in the program. 1639

(f) A casino operator shall not cash the check of a person 1640
participating in the program or extend credit to the person in any 1641
manner. However, the program shall not exclude a casino operator 1642
from seeking the payment of a debt accrued by a person before 1643
participating in the program. 1644

(g) Any and all locations at which a person may register as a 1645
participant in the program shall be published. 1646

(h) A person who enters a casino facility while participating 1647
in the program shall surrender any money or thing of value that 1648
the person has converted or attempted to convert into a wagering 1649
instrument, including, but not limited to, chips, tokens, prizes, 1650
jackpots, non-complimentary pay vouchers, cash, cash equivalents, 1651
electronic credits, and vouchers representing electronic credits, 1652
to the commission for deposit in the problem casino gambling and 1653
addictions fund. 1654

(11) Requiring the commission to adopt standards regarding 1655
the marketing materials of a licensed casino operator and 1656
skill-based amusement machine operator, including allowing the 1657
commission to prohibit marketing materials that are contrary to 1658
the adopted standards; 1659

(12) Requiring that the records, including financial 1660
statements, of any casino operator, management company, 1661
skill-based amusement machine operator, holding company, and 1662
gaming-related vendor be maintained in the manner prescribed by 1663
the commission and made available for inspection upon demand by 1664
the commission, but shall be subject to section 3772.16 of the 1665
Revised Code; 1666

(13) Permitting a licensed casino operator, management 1667
company, skill-based amusement machine operator, key employee, or 1668
casino gaming employee to question a person suspected of violating 1669
this chapter; 1670

(14) The chips, tokens, tickets, electronic cards, or similar 1671
objects that may be purchased by means of an agreement under which 1672
credit is extended to a wagerer by a casino operator; 1673

(15) Establishing standards for provisional key employee 1674
licenses for a person who is required to be licensed as a key 1675
employee and is in exigent circumstances and standards for 1676
provisional licenses for casino gaming employees who submit 1677
complete applications and are compliant under an instant 1678
background check. A provisional license shall be valid not longer 1679
than three months. A provisional license may be renewed one time, 1680
at the commission's discretion, for an additional three months. In 1681
establishing standards with regard to instant background checks 1682
the commission shall take notice of criminal records checks as 1683
they are conducted under section 311.41 of the Revised Code using 1684
electronic fingerprint reading devices. 1685

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| (16) Establishing approval procedures for third-party engineering or accounting firms, as described in section 3772.09 of the Revised Code; | 1686 1687 1688 |
| (17) Prescribing the manner in which winnings, compensation from casino gaming, and gross revenue must be computed and reported by a licensee as described in Chapter 5753. of the Revised Code <u>and in which winnings or compensation from skill-based amusement machine operations must be computed and reported by a licensee under this chapter;</u> | 1689 1690 1691 1692 1693 1694 |
| (18) Prescribing conditions under which a licensee's license may be suspended or revoked as described in section 3772.04 of the Revised Code; | 1695 1696 1697 |
| (19) Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner; | 1698 1699 |
| (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; | 1700 1701 1702 1703 1704 1705 |
| (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; | 1706 1707 1708 1709 |
| (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>and standards according to which skill-based amusement machine operators shall keep accounts and standards according to which</u> | 1710 1711 1712 1713 1714 1715 1716 |

such accounts shall be audited; 1717

(23) Defining penalties for violation of commission rules and 1718
a process for imposing such penalties subject to the review of the 1719
joint committee on gaming and wagering; 1720

(24) Establishing standards for decertifying contractors that 1721
violate statutes or rules of this state or the federal government; 1722

(25) Establishing standards for the repair of casino gaming 1723
equipment and skill-based amusement machines; 1724

(26) Establishing procedures to ensure that casino operators, 1725
management companies, and holding companies are compliant with the 1726
compulsive and problem gambling plan submitted under section 1727
3772.18 of the Revised Code; 1728

(27) Prescribing, for institutional investors in or holding 1729
companies of a casino operator, management company, skill-based 1730
amusement machine operator, holding company, or gaming-related 1731
vendor that fall below the threshold needed to be considered an 1732
institutional investor or a holding company, standards regarding 1733
what any employees, members, or owners of those investors or 1734
holding companies may do and shall not do in relation to casino 1735
facilities and casino gaming or skill-based amusement machines in 1736
this state, which standards shall rationally relate to the need to 1737
proscribe conduct that is inconsistent with passive institutional 1738
investment status; 1739

(28) Providing for any other thing necessary and proper for 1740
successful and efficient regulation of casino gaming and 1741
skill-based amusement machines under this chapter. 1742

(E) The commission shall employ and assign gaming agents as 1743
necessary to assist the commission in carrying out the duties of 1744
this chapter and Chapter 2915. of the Revised Code. In order to 1745
maintain employment as a gaming agent, the gaming agent shall 1746
successfully complete all continuing training programs required by 1747

the commission and shall not have been convicted of or pleaded 1748
guilty or no contest to a disqualifying offense as defined in 1749
section 3772.07 of the Revised Code. 1750

(F) The commission, as a law enforcement agency, and its 1751
gaming agents, as law enforcement officers as defined in section 1752
2901.01 of the Revised Code, shall have authority with regard to 1753
the detection and investigation of, the seizure of evidence 1754
allegedly relating to, and the apprehension and arrest of persons 1755
allegedly committing gaming violations of this chapter or gambling 1756
offenses as defined in section 2915.01 of the Revised Code or 1757
violating any other law of this state that may affect the 1758
integrity of casino gaming or the operation of skill-based 1759
amusement machines, and shall have access to casino facilities and 1760
skill-based amusement machine operators' facilities to carry out 1761
the requirements of this chapter. 1762

(G) The commission may eject or exclude or authorize the 1763
ejection or exclusion of and a gaming agent may eject a person 1764
from a casino facility for any of the following reasons: 1765

(1) The person's name is on the list of persons voluntarily 1766
excluding themselves from all casinos in a program established 1767
according to rules adopted by the commission; 1768

(2) The person violates or conspires to violate this chapter 1769
or a rule adopted thereunder; or 1770

(3) The commission determines that the person's conduct or 1771
reputation is such that the person's presence within a casino 1772
facility may call into question the honesty and integrity of the 1773
casino gaming operations or interfere with the orderly conduct of 1774
the casino gaming operations. 1775

(H) A person, other than a person participating in a 1776
voluntary exclusion program, may petition the commission for a 1777
public hearing on the person's ejection or exclusion under this 1778

chapter. 1779

(I) A casino operator or management company shall have the 1780
same authority to eject or exclude a person from the management 1781
company's casino facilities as authorized in division (G) of this 1782
section. The licensee shall immediately notify the commission of 1783
an ejection or exclusion. 1784

(J) The commission shall submit a written annual report with 1785
the governor, president and minority leader of the senate, speaker 1786
and minority leader of the house of representatives, and joint 1787
committee on gaming and wagering before the first day of September 1788
each year. The annual report shall include a statement describing 1789
the receipts and disbursements of the commission, relevant 1790
financial data regarding casino gaming, including gross revenues 1791
and disbursements made under this chapter, actions taken by the 1792
commission, an update on casino operators', management companies', 1793
and holding companies' compulsive and problem gambling plans and 1794
the voluntary exclusion program and list, and any additional 1795
information that the commission considers useful or that the 1796
governor, president or minority leader of the senate, speaker or 1797
minority leader of the house of representatives, or joint 1798
committee on gaming and wagering requests. 1799

(K) ~~Notwithstanding any law to the contrary, beginning on~~ 1800
~~July 1, 2011, the~~ The commission shall ~~assume~~ have jurisdiction 1801
over and oversee the regulation of skill-based amusement machines 1802
as is provided in the law of this state. 1803

Sec. 3772.032. (A) The permanent joint committee on gaming 1804
and wagering is established. The committee consists of six 1805
members. The speaker of the house of representatives shall appoint 1806
to the committee three members of the house of representatives and 1807
the president of the senate shall appoint to the committee three 1808
members of the senate. Not more than two members appointed from 1809

each chamber may be members of the same political party. The 1810
chairperson shall be from the opposite house as the chairperson of 1811
the joint committee on agency rule review. If the chairperson is 1812
to be from the house of representatives, the speaker of the house 1813
of representatives shall designate a member as the chairperson and 1814
the president of the senate shall designate a member as the 1815
vice-chairperson. If the chairperson is to be from the senate, the 1816
president of the senate shall designate a member as the 1817
chairperson and the speaker of the house of representatives shall 1818
designate a member as the vice-chairperson. 1819

(B) The committee shall: 1820

(1) Review all constitutional amendments, laws, and rules 1821
governing the operation and administration of casino gaming and 1822
skill-based amusement machines and all authorized gaming and 1823
wagering activities and recommend to the general assembly and 1824
commission any changes it may find desirable with respect to the 1825
language, structure, and organization of those amendments, laws, 1826
or rules; 1827

(2) Make an annual report to the governor and to the general 1828
assembly with respect to the operation and administration of 1829
casino gaming and skill-based amusement machines; 1830

(3) Review all changes of fees and penalties as provided in 1831
this chapter and rules adopted thereunder; and 1832

(4) Study all proposed changes to the constitution and laws 1833
of this state and to the rules adopted by the commission governing 1834
the operation and administration of casino gaming and skill-based 1835
amusement machines, and report to the general assembly on their 1836
adequacy and desirability as a matter of public policy. 1837

(C) Any study, or any expense incurred, in furtherance of the 1838
committee's objectives shall be paid for from, or out of, the 1839
casino control commission fund or other appropriation provided by 1840

law. The members shall receive no additional compensation, but 1841
shall be reimbursed for actual and necessary expenses incurred in 1842
the performance of their official duties. 1843

Sec. 3772.033. In carrying out the responsibilities vested in 1844
the commission by this chapter, the commission may do all the 1845
following and may designate any such responsibilities to the 1846
executive director, to the commission's employees, or to the 1847
gaming agents: 1848

(A) Inspect and examine all premises where casino gaming is 1849
conducted, skill-based amusement machines are operated, or where 1850
casino gaming or skill-based amusement machine supplies, devices, 1851
or equipment are manufactured, sold, or distributed; 1852

(B) Inspect all casino gaming or skill-based amusement 1853
machine supplies, devices, and equipment in or about a casino 1854
facility or skill-based amusement machine operator facility; 1855

(C) Summarily impound and seize and remove from the casino 1856
facility or skill-based amusement machine operator facility 1857
premises casino gaming or skill-based amusement machine supplies, 1858
devices, and equipment for the purpose of examination and 1859
inspection; 1860

(D) Determine any facts, or any conditions, practices, or 1861
other matters, as the commission considers necessary or proper to 1862
aid in the enforcement of this chapter or of a rule adopted 1863
thereunder; 1864

(E) Audit casino gaming or skill-based amusement machine 1865
operations, including those that have ceased operation; 1866

(F) Investigate, for the purpose of prosecution, any 1867
suspected violation of this chapter or rules adopted thereunder or 1868
of Chapter 2915. of the Revised Code or any other law of this 1869
state that may affect the integrity of casino gaming or operation 1870

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| <u>of skill-based amusement machines;</u> | 1871 |
| (G) Investigate as appropriate to aid the commission and to seek the executive director's advice in adopting rules; | 1872 1873 |
| (H) Secure information as is necessary to provide a basis for recommending legislation for the improvement of this chapter; | 1874 1875 |
| (I) Make, execute, and otherwise effectuate all contracts and other agreements, including contracts for necessary purchases of goods and services. Except for any contract entered into with independent testing laboratories under section 3772.31 of the Revised Code, the commission shall ensure use of Ohio products or services in compliance with sections 125.09 and 125.11 of the Revised Code and all rules adopted thereunder. | 1876 1877 1878 1879 1880 1881 1882 |
| (J) Employ the services of persons the commission considers necessary for the purposes of consultation or investigation, and fix the salaries of, or contract for the services of, legal, accounting, technical, operational, and other personnel and consultants; | 1883 1884 1885 1886 1887 |
| (K) Secure, by agreement, information and services as the commission considers necessary from any state agency or other unit of state government; | 1888 1889 1890 |
| (L) Acquire furnishings, equipment, supplies, stationery, books, and all other things the commission considers necessary or desirable to successfully and efficiently carry out the commission's duties and functions; and | 1891 1892 1893 1894 |
| (M) Perform all other things the commission considers necessary to effectuate the intents and purposes of this chapter <u>and Chapter 2915. of the Revised Code</u> . This section shall not prohibit the commission from imposing administrative discipline, including fines and suspension or revocation of licenses, on licensees under this chapter if the licensee is found to be in violation of the commission's rules. | 1895 1896 1897 1898 1899 1900 1901 |

Sec. 3772.04. (A)(1) If the commission concludes that a license required by this chapter should be limited, conditioned, restricted, suspended, revoked, denied, or not renewed, the commission may, and if so requested by a licensee or applicant, shall, conduct a hearing in an adjudication under Chapter 119. of the Revised Code. After notice and opportunity for a hearing, the commission may limit, condition, restrict, suspend, revoke, deny, or not renew a license under rules adopted by the commission. The commission may reopen a licensing adjudication at any time.

(2) The commission shall appoint a hearing examiner to conduct the hearing in the adjudication. A party to the adjudication may file written objections to the hearing examiner's report and recommendations not later than the thirtieth day after they are served upon the party or the party's attorney or other representative of record. The commission shall not take up the hearing examiner's report and recommendations earlier than the thirtieth day after the hearing examiner's report and recommendations were submitted to the commission.

(3) If the commission finds that a person fails or has failed to meet any requirement under this chapter or a rule adopted thereunder or under Chapter 2915. of the Revised Code, or violates or has violated this chapter or a rule adopted thereunder or Chapter 2915. of the Revised Code or a rule adopted thereunder, the commission may issue an order:

(a) Limiting, conditioning, restricting, suspending, revoking, denying, or not renewing, a license issued under this chapter;

(b) 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

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| casino facility; or | 1933 |
| (c) Fining a licensee or other person according to the penalties adopted by the commission. | 1934 1935 |
| (4) An order may be judicially reviewed under section 119.12 of the Revised Code. | 1936 1937 |
| (B) Without in any manner limiting the authority of the commission to impose the level and type of discipline the commission considers appropriate, the commission may take into consideration the following: | 1938 1939 1940 1941 |
| (1) If the licensee knew or reasonably should have known that the action complained of was a violation of any law, rule, or condition on the licensee's license; | 1942 1943 1944 |
| (2) If the licensee has previously been disciplined by the commission; | 1945 1946 |
| (3) If the licensee has previously been subject to discipline by the commission concerning the violation of any law, rule, or condition of the licensee's license; | 1947 1948 1949 |
| (4) If the licensee reasonably relied upon professional advice from a lawyer, doctor, accountant, or other recognized professional that was relevant to the action resulting in the violation; | 1950 1951 1952 1953 |
| (5) If the licensee or the licensee's employer had a reasonably constituted and functioning compliance program; | 1954 1955 |
| (6) If the imposition of a condition requiring the licensee to establish and implement a written self-enforcement and compliance program would assist in ensuring the licensee's future compliance with all statutes, rules, and conditions of the license; | 1956 1957 1958 1959 1960 |
| (7) If the licensee realized a pecuniary gain from the violation; | 1961 1962 |

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| (8) If the amount of any fine or other penalty imposed would result in disgorgement of any gains unlawfully realized by the licensee; | 1963 1964 1965 |
| (9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation; | 1966 1967 1968 |
| (10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee; | 1969 1970 1971 |
| (11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the activity that resulted in the violation; | 1972 1973 1974 |
| (12) If the licensee's action substantially deviated from industry standards and customs; | 1975 1976 |
| (13) The extent to which the licensee cooperated with the commission during the investigation of the violation; | 1977 1978 |
| (14) If the licensee has initiated remedial measures to prevent similar violations; | 1979 1980 |
| (15) The magnitude of penalties imposed on other licensees for similar violations; | 1981 1982 |
| (16) The proportionality of the penalty in relation to the misconduct; | 1983 1984 |
| (17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations; | 1985 1986 |
| (18) Any mitigating factors offered by the licensee; and | 1987 |
| (19) Any other factors the commission considers relevant. | 1988 |
| (C) 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 | 1989 1990 1991 |

section 121.22 of the Revised Code. The commission shall give 1992
notice of all public hearings in such manner as will give actual 1993
notice to all interested parties. 1994

(D)(1) For the purpose of conducting the hearing in an 1995
adjudication under division (A) of this section, or in the 1996
discharge of any duties imposed by this chapter, the commission 1997
may require that testimony be given under oath and administer such 1998
oath, issue subpoenas compelling the attendance of witnesses and 1999
the production of any papers, books, and accounts, directed to the 2000
sheriffs of the counties where such witnesses or papers, books, 2001
and accounts are found and cause the deposition of any witness. 2002
The subpoenas shall be served and returned in the same manner as 2003
subpoenas in criminal cases are served and returned. The fees of 2004
sheriffs shall be the same as those allowed by the court of common 2005
pleas in criminal cases. 2006

(2) In the event of the refusal of any person without good 2007
cause to comply with the terms of a subpoena issued by the 2008
commission or refusal to testify on matters about which the person 2009
may lawfully be questioned, the prosecuting attorney of the county 2010
in which such person resides, upon the petition of the commission, 2011
may bring a proceeding for contempt against such person in the 2012
court of common pleas of that county. 2013

(3) Witnesses shall be paid the fees and mileage provided for 2014
in section 119.094 of the Revised Code. 2015

(4) All fees and mileage expenses incurred at the request of 2016
a party shall be paid in advance by the party. 2017

(E) When conducting a public hearing, the commission shall 2018
not limit the number of speakers who may testify. However, the 2019
commission may set reasonable time limits on the length of an 2020
individual's testimony or the total amount of time allotted to 2021
proponents and opponents of an issue before the commission. 2022

(F) The commission may rely, in whole or in part, upon 2023
investigations, conclusions, or findings of other casino gaming 2024
commissions or other government regulatory bodies in connection 2025
with licensing, investigations, or other matters relating to an 2026
applicant or licensee under this chapter. 2027

(G) Notwithstanding anything to the contrary in this chapter, 2028
and except with respect to a casino operator, management company, 2029
or holding company of or affiliated with a casino facility, the 2030
executive director may issue an emergency order for the 2031
suspension, limitation, or conditioning of any license, 2032
registration, approval, or certificate issued, approved, granted, 2033
or otherwise authorized by the commission under Chapter 3772. of 2034
the Revised Code or the rules adopted thereunder, requiring the 2035
inclusion of persons on the commission's exclusion list provided 2036
for under section 3772.031 of the Revised Code and the rules 2037
adopted thereunder, and requiring a casino facility not to pay a 2038
licensee, registrant, or approved or certified person any 2039
remuneration for services or any share of profits, income, or 2040
accruals on that person's investment in the casino facility. 2041

(1) An emergency order may be issued when the executive 2042
director finds either of the following: 2043

(a) A licensee, registrant, or approved or certified person 2044
has been charged with a violation of any of the criminal laws of 2045
this state, another state, or the federal government; 2046

(b) Such an action is necessary to prevent a violation of 2047
this chapter or a rule adopted thereunder. 2048

(2) An emergency order issued under division (G) of this 2049
section shall state the reasons for the commission's action, cite 2050
the law or rule directly involved, and state that the party will 2051
be afforded a hearing if the party requests it within thirty days 2052
after the time of mailing or personal delivery of the order. 2053

(3)(a) Not later than the next business day after the 2054
issuance of the emergency order, the order shall be sent by 2055
registered or certified mail, return receipt requested, to the 2056
party at the party's last known mailing address appearing in the 2057
commission's records or personally delivered at any time to the 2058
party by an employee or agent of the commission. 2059

(b) A copy of the order shall be mailed to the attorney or 2060
other representative of record representing the party. 2061

(c) If the order sent by registered or certified mail is 2062
returned because the party fails to claim the order, the 2063
commission shall send the order by ordinary mail to the party at 2064
the party's last known address and shall obtain a certificate of 2065
mailing. Service by ordinary mail is complete when the certificate 2066
of mailing is obtained unless the order is returned showing 2067
failure of delivery. 2068

(d) If the order sent by registered, certified, or ordinary 2069
mail is returned for failure of delivery, the commission shall 2070
either make personal delivery of the order by an employee or agent 2071
of the commission or cause a summary of the substantive provisions 2072
of the order to be published once a week for three consecutive 2073
weeks in a newspaper of general circulation in the county where 2074
the last known address of the party is located. 2075

(i) Failure of delivery occurs only when a mailed order is 2076
returned by the postal authorities marked undeliverable, address 2077
or addressee unknown, or forwarding address unknown or expired. 2078

(ii) When service is completed by publication, a proof of 2079
publication affidavit, with the first publication of the summary 2080
set forth in the affidavit, shall be mailed by ordinary mail to 2081
the party at the party's last known address and the order shall be 2082
deemed received as of the date of the last publication. 2083

(e) Refusal of delivery of the order sent by mail or 2084

personally delivered to the party is not failure of delivery and 2085
service is deemed to be complete. 2086

(4) The emergency order shall be effective immediately upon 2087
service of the order on the party. The emergency order shall 2088
remain effective until further order of the executive director or 2089
the commission. 2090

(5) The commission may, and if so requested by the person 2091
affected by the emergency order shall, promptly conduct a hearing 2092
in an adjudication under Chapter 119. of the Revised Code. 2093

Sec. 3772.06. (A)(1) The commission shall appoint an 2094
executive director who shall serve at the pleasure of the 2095
commission. The executive director is in the unclassified service, 2096
shall devote full time to the duties of the office, and shall hold 2097
no other office or employment. The executive director shall, by 2098
experience and training, possess management skills that equip the 2099
executive director to administer an enterprise of the nature of 2100
the commission. The executive director shall not have a pecuniary 2101
interest in any business organization that holds a license under 2102
this chapter, or that does business with any person licensed under 2103
this chapter. A member of the general assembly, a person who holds 2104
an elective office, or an office holder of a political party is 2105
ineligible to be appointed executive director at the same time as 2106
being such a member or holding such an office. The executive 2107
director shall receive an annual salary in accordance with pay 2108
range 48 of section 124.152 of the Revised Code. 2109

(2) The executive director, before entering upon the 2110
discharge of the executive director's official duties, shall give, 2111
and thereafter shall maintain, bond in the amount of twenty-five 2112
thousand dollars, payable to the state, conditioned upon the 2113
executive director's faithful and proper performance of the 2114
executive director's official duties. The bond shall be issued by 2115

a surety authorized to do business in this state and shall be 2116
filed with the secretary of state. The bond may be an individual 2117
bond or a schedule or blanket bond. 2118

(B)(1) The executive director or a deputy designated in 2119
writing by the executive director shall attend all meetings of the 2120
commission and shall act as its secretary. The executive director 2121
shall keep a record of all commission proceedings and shall keep 2122
the commission's records, files, and documents at the commission's 2123
principal office. 2124

(2) The executive director shall be the chief executive 2125
officer and shall be responsible for keeping all commission 2126
records and supervising and administering casino gaming and 2127
skill-based amusement machines in accordance with this chapter and 2128
Chapter 2915. of the Revised Code, and enforcing all commission 2129
rules adopted under this chapter. 2130

(3) The executive director shall hire staff, including an 2131
assistant director or deputy directors, as necessary to assist the 2132
executive director in the executive director's duties under this 2133
chapter. In appointing employees, the executive director is 2134
subject to section 3772.061 of the Revised Code. The executive 2135
director may employ employees as necessary, unless the commission 2136
determines otherwise. Except as otherwise provided in this 2137
chapter, all costs of administration incurred by the executive 2138
director and the executive director's employees shall be paid out 2139
of the casino control commission fund. 2140

(C) A state agency or other unit of state government shall 2141
cooperate with the commission, and shall provide the commission 2142
with information and services the commission considers necessary 2143
to carry out the commission's duties and functions under this 2144
chapter. 2145

(D) The executive director shall confer at least once each 2146

month with the commission, at which time the executive director 2147
shall advise it regarding the operation and administration of the 2148
commission and casino gaming. The executive director shall make 2149
available at the request of the commission all documents, files, 2150
and other records pertaining to the operation and administration 2151
of the commission ~~and~~, casino gaming, and skill-based amusement 2152
machines. The executive director shall prepare and make available 2153
to the commission each month a complete and accurate accounting of 2154
gross casino gaming revenues, and all other relevant financial 2155
information, including an accounting of all transfers made from 2156
the casino control commission fund. 2157

Sec. 3772.07. The following appointing or licensing 2158
authorities shall obtain a criminal records check of the person 2159
who is to be appointed or licensed: 2160

(A) The governor, before appointing an individual as a member 2161
of the commission; 2162

(B) The commission, before appointing an individual as 2163
executive director or a gaming agent; 2164

(C) The commission, before issuing a license for a key 2165
employee or casino gaming employee, and before issuing a license 2166
for each investor, except an institutional investor, for a casino 2167
operator, management company, skill-based amusement machine 2168
operator, holding company, or gaming-related vendor; 2169

(D) The executive director, before appointing an individual 2170
as a professional, technical, or clerical employee of the 2171
commission. 2172

Thereafter, such an appointing or licensing authority shall 2173
obtain a criminal records check of the same individual at 2174
three-year intervals. 2175

The appointing or licensing authority shall make available to 2176

each person of whom a criminal records check is required a copy of 2177
the form and the standard fingerprint impression sheet prescribed 2178
under divisions (C)(1) and (2) of section 109.572 of the Revised 2179
Code. The person shall complete the form and impression sheet and 2180
return them as directed by the appointing or licensing authority. 2181
If a person fails to complete and return the form and impression 2182
sheet within a reasonable time, the person is ineligible to be 2183
appointed or licensed or to continue in the appointment or 2184
licensure. 2185

The appointing or licensing authority shall cause the 2186
completed form and impression sheet to be forwarded to the 2187
superintendent of the bureau of criminal identification and 2188
investigation. The appointing or licensing authority shall request 2189
the superintendent also to obtain information from the federal 2190
bureau of investigation, including fingerprint-based checks of the 2191
national crime information databases, and from other states and 2192
the federal government under the national crime prevention and 2193
privacy compact as part of the criminal records check. 2194

For all criminal records checks conducted under this section, 2195
the applicant for a casino operator, management company, 2196
skill-based amusement machine operator, holding company, 2197
gaming-related vendor, key employee, or casino gaming employee 2198
license shall pay the fee charged by the bureau of criminal 2199
identification and investigation or by a vendor approved by the 2200
bureau to conduct a criminal records check based on the 2201
applicant's fingerprints in accordance with division (A)(15) of 2202
section 109.572 of the Revised Code. If the applicant for a key 2203
employee or casino gaming employee license is applying at the 2204
request of a casino operator, management company, skill-based 2205
amusement machine operator, holding company, or gaming-related 2206
vendor, the casino operator, management company, skill-based 2207
amusement machine operator, holding company, or gaming-related 2208

vendor shall pay the fee charged for all criminal records checks 2209
conducted under this section. 2210

The appointing or licensing authority shall review the 2211
results of a criminal records check. An appointee for a commission 2212
member shall forward the results of the criminal records check to 2213
the president of the senate before the senate advises and consents 2214
to the appointment of the commission member. The appointing or 2215
licensing authority shall not appoint or license or retain the 2216
appointment or licensure of a person a criminal records check 2217
discloses has been convicted of or has pleaded guilty or no 2218
contest to a disqualifying offense. A "disqualifying offense" 2219
means any gambling offense, any theft offense, any offense having 2220
an element of fraud or misrepresentation, any offense having an 2221
element of moral turpitude, and any felony not otherwise included 2222
in the foregoing list, ~~except as otherwise provided in section~~ 2223
~~3772.10 of the Revised Code.~~ 2224

The report of a criminal records check is not a public record 2225
that is open to public inspection and copying. The commission 2226
shall not make the report available to any person other than the 2227
person who was the subject of the criminal records check; an 2228
appointing or licensing authority; a member, the executive 2229
director, or an employee of the commission; or any court or 2230
agency, including a hearing examiner, in a judicial or 2231
administrative proceeding relating to the person's employment or 2232
application for a license under this chapter. 2233

Sec. 3772.10. (A) In determining whether to grant or maintain 2234
the privilege of a ~~casino operator, management company, holding~~ 2235
~~company, key employee, casino gaming employee, or gaming related~~ 2236
~~vendor~~ license issued under this chapter, the ~~Ohio casino control~~ 2237
commission shall consider all of the following, as applicable: 2238

(1) The reputation, experience, and financial integrity of 2239

the applicant, its holding company, if applicable, and any other 2240
person that directly or indirectly controls the applicant; 2241

(2) The financial ability of the applicant to purchase and 2242
maintain adequate liability and casualty insurance and to provide 2243
an adequate surety bond; 2244

(3) The past and present compliance of the applicant and its 2245
affiliates or affiliated companies with casino-related licensing 2246
requirements in this state or any other jurisdiction, including 2247
whether the applicant has a history of noncompliance with the 2248
casino licensing requirements of any jurisdiction; 2249

(4) If the applicant has been indicted, convicted, pleaded 2250
guilty or no contest, or forfeited bail concerning any criminal 2251
offense under the laws of any jurisdiction, either felony or 2252
misdemeanor, not including traffic violations; 2253

(5) If the applicant has filed, or had filed against it a 2254
proceeding for bankruptcy or has ever been involved in any formal 2255
process to adjust, defer, suspend, or otherwise work out the 2256
payment of any debt; 2257

(6) If the applicant has been served with a complaint or 2258
other notice filed with any public body regarding a payment of any 2259
tax required under federal, state, or local law that has been 2260
delinquent for one or more years; 2261

(7) If the applicant is or has been a defendant in litigation 2262
involving its business practices; 2263

(8) If awarding a license would undermine the public's 2264
confidence in the casino gaming industry in this state; 2265

(9) If the applicant meets other standards for the issuance 2266
of a license that the commission adopts by rule, which shall not 2267
be arbitrary, capricious, or contradictory to the expressed 2268
provisions of this chapter. 2269

(B) All applicants for a license under this chapter shall 2270
establish their suitability for a license by clear and convincing 2271
evidence. If the commission determines that a person is eligible 2272
under this chapter to be issued a license ~~as a casino operator,~~ 2273
~~management company, holding company, key employee, casino gaming~~ 2274
~~employee, or gaming related vendor,~~ the commission shall issue 2275
such license for not more than three years, as determined by 2276
commission rule, if all other requirements of this chapter have 2277
been satisfied. 2278

(C) The commission shall not issue a ~~casino operator,~~ 2279
~~management company, holding company, key employee, casino gaming~~ 2280
~~employee, or gaming related vendor~~ license under this chapter to 2281
an applicant if: 2282

(1) The applicant has been convicted of a disqualifying 2283
offense, as defined in section 3772.07 of the Revised Code. 2284

(2) The applicant has submitted an application for license 2285
under this chapter that contains false information. 2286

(3) The applicant is a commission member. 2287

(4) The applicant owns an ownership interest that is unlawful 2288
under this chapter, unless waived by the commission. 2289

(5) The applicant violates specific rules adopted by the 2290
commission related to denial of licensure. 2291

(6) The applicant is a member of or employed by a gaming 2292
regulatory body of a governmental unit in this state, another 2293
state, or the federal government, or is employed by a governmental 2294
unit of this state. This division does not prohibit a casino 2295
operator from hiring special duty law enforcement officers if the 2296
officers are not specifically involved in gaming-related 2297
regulatory functions. 2298

(7) The commission otherwise determines the applicant is 2299

ineligible for the license. 2300

(D)(1) The commission shall investigate the qualifications of 2301
each applicant under this chapter before any license is issued and 2302
before any finding with regard to acts or transactions for which 2303
commission approval is required is made. The commission shall 2304
continue to observe the conduct of all licensees and all other 2305
persons having a material involvement directly or indirectly with 2306
a ~~casino operator, management company, or holding company~~ licensee 2307
to ensure that licenses are not issued to or held by, or that 2308
there is not any material involvement with a ~~casino operator,~~ 2309
~~management company, or holding company~~ licensee by, an 2310
unqualified, disqualified, or unsuitable person or a person whose 2311
operations are conducted in an unsuitable manner or in unsuitable 2312
or prohibited places or locations. 2313

(2) The executive director may recommend to the commission 2314
that it deny any application, or limit, condition, or restrict, or 2315
suspend or revoke, any license or finding, or impose any fine upon 2316
any licensee or other person according to this chapter and the 2317
rules adopted thereunder. 2318

(3) A license issued under this chapter is a revocable 2319
privilege. No licensee has a vested right in or under any license 2320
issued under this chapter. The initial determination of the 2321
commission to deny, or to limit, condition, or restrict, a license 2322
may be appealed under section 2505.03 of the Revised Code. 2323

(E)(1) An institutional investor may be found to be suitable 2324
or qualified by the commission under this chapter and the rules 2325
adopted under this chapter. An institutional investor shall be 2326
presumed suitable or qualified upon submitting documentation 2327
sufficient to establish qualifications as an institutional 2328
investor and upon certifying all of the following: 2329

(a) The institutional investor owns, holds, or controls 2330

securities issued by a licensee or holding, intermediate, or 2331
parent company of a licensee or in the ordinary course of business 2332
for investment purposes only. 2333

(b) The institutional investor does not exercise influence 2334
over the affairs of the issuer of such securities nor over any 2335
licensed subsidiary of the issuer of such securities. 2336

(c) The institutional investor does not intend to exercise 2337
influence over the affairs of the issuer of such securities, nor 2338
over any licensed subsidiary of the issuer of such securities, in 2339
the future, and that it agrees to notify the commission in writing 2340
within thirty days if such intent changes. 2341

(2) The exercise of voting privileges with regard to 2342
securities shall not be deemed to constitute the exercise of 2343
influence over the affairs of a licensee. 2344

(3) The commission shall rescind the presumption of 2345
suitability for an institutional investor at any time if the 2346
institutional investor exercises or intends to exercise influence 2347
or control over the affairs of the licensee. 2348

(4) This division shall not be construed to preclude the 2349
commission from requesting information from or investigating the 2350
suitability or qualifications of an institutional investor if: 2351

(a) The commission becomes aware of facts or information that 2352
may result in the institutional investor being found unsuitable or 2353
disqualified; or 2354

(b) The commission has any other reason to seek information 2355
from the investor to determine whether it qualifies as an 2356
institutional investor. 2357

(5) If the commission finds an institutional investor to be 2358
unsuitable or unqualified, the commission shall so notify the 2359
investor and the casino operator, holding company, management 2360

company, skill-based amusement machine operator, or gaming-related 2361
vendor licensee in which the investor invested. The commission 2362
shall allow the investor and the licensee a reasonable amount of 2363
time, as specified by the commission on a case-by-case basis, to 2364
cure the conditions that caused the commission to find the 2365
investor unsuitable or unqualified. If during the specified period 2366
of time the investor or the licensee does not or cannot cure the 2367
conditions that caused the commission to find the investor 2368
unsuitable or unqualified, the commission may allow the investor 2369
or licensee more time to cure the conditions or the commission may 2370
begin proceedings to deny, suspend, or revoke the license of the 2371
casino operator, holding company, management company, skill-based 2372
amusement machine operator, or gaming-related vendor in which the 2373
investor invested or to deny any of the same the renewal of any 2374
such license. 2375

(6) A private licensee or holding company shall provide the 2376
same information to the commission as a public company would 2377
provide in a form 13d or form 13g filing to the securities and 2378
exchange commission. 2379

(F) Information provided on the application shall be used as 2380
a basis for a thorough background investigation of each applicant. 2381
A false or incomplete application is cause for denial of a license 2382
by the commission. All applicants and licensees shall consent to 2383
inspections, searches, and seizures and to the disclosure to the 2384
commission and its agents of confidential records, including tax 2385
records, held by any federal, state, or local agency, credit 2386
bureau, or financial institution and to provide handwriting 2387
exemplars, photographs, fingerprints, and information as 2388
authorized in this chapter and in rules adopted by the commission. 2389

(G) The commission shall provide a written statement to each 2390
applicant for a license under this chapter who is denied the 2391
license that describes the reason or reasons for which the 2392

applicant was denied the license. 2393

(H) Not later than January 31 in each calendar year, the 2394
commission shall provide to the general assembly and the governor 2395
a report that, for each type of license issued under this chapter, 2396
specifies the number of applications made in the preceding 2397
calendar year for each type of such license, the number of 2398
applications denied in the preceding calendar year for each type 2399
of such license, and the reasons for those denials. The 2400
information regarding the reasons for the denials shall specify 2401
each reason that resulted in, or that was a factor resulting in, 2402
denial for each type of license issued under this chapter and, for 2403
each of those reasons, the total number of denials for each such 2404
type that involved that reason. 2405

Sec. 3772.12. (A) A person may apply for a gaming-related 2406
vendor license. All applications shall be made under oath. 2407

(B) A person who holds a gaming-related vendor's license is 2408
authorized to sell ~~or, lease, or otherwise provide~~, and to 2409
contract to sell ~~or, lease, or otherwise provide~~, equipment, 2410
~~goods,~~ and ~~supplies~~ services to any licensee involved in the 2411
ownership or management of a casino facility or skill-based 2412
amusement machine operator facility. 2413

(C) ~~Gambling supplies and Casino gaming and skill-based~~ 2414
amusement machine equipment and goods shall not be distributed in 2415
this state unless ~~supplies and the~~ equipment and goods conform to 2416
standards adopted in rules adopted by the commission. 2417

Sec. 3772.121. (A) The commission may issue a gaming-related 2418
vendor's license under this chapter to an applicant who has: 2419

(1) Applied for the gaming-related vendor's license; 2420

(2) Paid a nonrefundable license fee as described in section 2421
3772.17 of the Revised Code, which shall cover all actual costs 2422

generated by each licensee and all background checks; 2423

(3) Submitted two sets of the applicant's fingerprints; and 2424

(4) Been determined by the commission as eligible for a 2425
gaming-related vendor's license. 2426

(B) A gaming-related vendor shall furnish to the commission a 2427
list of all equipment, ~~devices~~ goods, and ~~supplies~~ services 2428
offered for sale ~~or, lease, or otherwise provided~~ in connection 2429
with casino games authorized under this chapter or skill-based 2430
amusement machines authorized under this chapter and Chapter 2915. 2431
of the Revised Code. 2432

~~(C) A gaming-related vendor's equipment, devices, or supplies~~ 2433
~~that are used by a person in an unauthorized casino gaming~~ 2434
~~operation shall be forfeited to the state.~~ 2435

Sec. 3772.14. (A) A person may apply for a skill-based 2436
amusement machine operator license. All applications shall be made 2437
under oath and be on a form prescribed by and contain all of the 2438
information required by the commission. 2439

(B) The commission may issue a skill-based amusement machine 2440
operator license under this chapter to an applicant who has done 2441
all of the following: 2442

(1) Applied for the skill-based amusement machine operator 2443
license; 2444

(2) Paid a nonrefundable license fee as described in section 2445
3772.17 of the Revised Code; 2446

(3) Submitted two sets of the applicant's fingerprints; and 2447

(4) Been determined by the commission to be eligible for a 2448
skill-based amusement machine operator license. 2449

(C) A person who holds a skill-based amusement machine 2450
operator license may offer skill-based amusement machines at a 2451

location approved by the commission and as authorized by this 2452
chapter and the rules adopted thereunder and by Chapter 2915. of 2453
the Revised Code and as approved by the commission. 2454

(D) A skill-based amusement machine operator shall only 2455
purchase, lease, or otherwise acquire or obtain skill-based 2456
amusement machine equipment, goods, and services from a 2457
gaming-related vendor licensed under this chapter. 2458

(E) Upon written request from and good cause shown, as 2459
determined by the commission, by a person that is required to 2460
apply for and obtain a skill-based amusement machine operator 2461
license under this chapter, the commission may grant a waiver or 2462
variance from one or more of the skill-based amusement machine 2463
operator licensure requirements. 2464

(1) A waiver or variance request submitted under this 2465
division shall contain all of the following: 2466

(a) The requestor's name, mailing address, telephone number, 2467
facsimile number, and electronic mail address, as available; 2468

(b) A contact person and that person's mailing address, 2469
telephone number, facsimile number, and electronic mail address, 2470
as available; 2471

(c) A detailed description of the specific requirement or 2472
requirements that the requestor is seeking to have waived or to 2473
vary from and the reason or reasons justifying the request; 2474

(d) The requestor's signature or the signature of a duly 2475
authorized agent, employee, or representative of the requestor; 2476
and 2477

(e) Any other information required by the commission. 2478

(2) The commission may consider any properly submitted waiver 2479
or variance request at a meeting held under section 3772.02 of the 2480
Revised Code or designate such responsibility to the commission 2481

chairperson or the executive director. If such a designation 2482
occurs, the commission chairperson or the executive director shall 2483
provide a written response to the requestor indicating whether the 2484
waiver or variance has been granted or denied. 2485

(3) The commission, or the commission chairperson or 2486
executive director, if designated, shall retain sole authority to 2487
grant or deny a waiver or variance request submitted under this 2488
division. The request may be denied for any reason except that no 2489
denial under this division shall be done in an arbitrary or 2490
capricious manner. 2491

(4) Denial of any waiver or variance request submitted under 2492
this division shall not require notice and an opportunity for 2493
hearing nor shall it be considered an adjudication or final 2494
appealable order for purposes of Chapter 119. or section 2505.03 2495
of the Revised Code. 2496

Sec. 3772.15. (A) Unless a license issued under this chapter 2497
is suspended, expires, or is revoked, the license shall be renewed 2498
for three years, as determined by commission rule, after a 2499
determination by the commission that the licensee is in compliance 2500
with this chapter and rules authorized by this chapter and after 2501
the licensee pays a fee. The commission may assess the license 2502
renewal applicant a reasonable fee in ~~the~~ an amount set by rule 2503
that is necessary to cover the commission's costs associated with 2504
the review of the license renewal application. 2505

(B) A licensee shall undergo a complete investigation at 2506
least every three years, as determined by commission rule, to 2507
determine that the licensee remains in compliance with this 2508
chapter or Chapter 2915. of the Revised Code. 2509

(C) Notwithstanding division (B) of this section, the 2510
commission may investigate a licensee at any time the commission 2511
determines it is necessary to ensure that the licensee remains in 2512

compliance with this section. 2513

(D) The holder of a license shall bear the cost of an 2514
investigation, except key employees that are employed by a casino 2515
operator, management company, skill-based amusement machine 2516
operator, holding company, or gaming-related vendor and casino 2517
gaming employees who are employed by a casino operator or 2518
management company, in which case the ~~casino operator~~ employer 2519
shall pay the investigation cost. 2520

Sec. 3772.17. (A) The upfront license fee to obtain a license 2521
as a casino operator shall be fifty million dollars per casino 2522
facility and shall be paid upon each casino operator's filing of 2523
its casino operator license application with the commission. The 2524
upfront license fee, once paid to the commission, shall be 2525
deposited into the economic development programs fund, which is 2526
created in the state treasury. 2527

(B) ~~New License and renewal license fees for a new casino~~ 2528
~~operator, management company, and holding company license and~~ 2529
~~renewal license fees of or affiliated with a casino facility~~ shall 2530
be set by rule, subject to the review of the joint committee on 2531
gaming and wagering. If an applicant for a license as a management 2532
company or holding company is related through a joint venture or 2533
controlled by or under common control with another applicant for a 2534
license as a casino operator, management company, or holding 2535
company for the same casino facility and the applicant for a 2536
license as a management company or holding company was reviewed 2537
for suitability as part of the investigation of the casino 2538
operator, only one license fee shall be assessed against both 2539
applicants for that casino facility. 2540

(C) The fee to obtain an application for a casino operator, 2541
management company, or holding company license shall be one 2542
million five hundred thousand dollars per application. The 2543

application fee for a casino operator, management company, or 2544
holding company license may be increased to the extent that the 2545
actual review and investigation costs relating to an applicant 2546
exceed the application fee set forth in this division. If an 2547
applicant for a license as a management company or holding company 2548
is related through a joint venture or controlled by or under 2549
common control with another applicant for a license as a casino 2550
operator, management company, or holding company for the same 2551
casino facility, with the exception of actual costs of the review 2552
and investigation of the additional applicant, only one 2553
application fee shall be required of such applicants for that 2554
casino facility. The application fee shall be deposited into the 2555
casino control commission fund. The application fee is 2556
nonrefundable. 2557

(D) The license fees for a skill-based amusement machine 2558
operator shall be set by rule, subject to review by the joint 2559
committee on gaming and wagering. Additionally, the commission may 2560
assess an applicant a reasonable fee in the amount necessary to 2561
process a skill-based amusement machine operator application. 2562

(E) The license fees for a gaming-related vendor shall be set 2563
by rule, subject to the review of the joint committee on gaming 2564
and wagering. Additionally, the commission may assess an applicant 2565
a reasonable fee in the amount necessary to process a 2566
gaming-related vendor license application. 2567

~~(E)~~(F) The license fees for a key employee shall be set by 2568
rule, subject to the review of the joint committee on gaming and 2569
wagering. Additionally, the commission may assess an applicant a 2570
reasonable fee in the amount necessary to process a key employee 2571
license application. If the license is being sought at the request 2572
of a casino operator, such fees shall be paid by the casino 2573
operator. 2574

~~(F)~~(G) The license fees for a casino gaming employee shall be 2575

set by rule, subject to the review of the joint committee on 2576
gaming and wagering. If the license is being sought at the request 2577
of a casino operator, the fee shall be paid by the casino 2578
operator. 2579

Sec. 3772.21. (A) Casino gaming or skill-based amusement 2580
machine equipment, goods, and supplies customarily used in 2581
conducting casino gaming services shall only be purchased ~~or,~~ 2582
leased only, or otherwise acquired or obtained from gaming-related 2583
vendors licensed under this chapter. A management company owning 2584
casino gaming devices, supplies, and equipment shall be licensed 2585
as a gaming-related vendor under this chapter. 2586

(B) A licensed gaming-related vendor shall provide only 2587
casino gaming and skill-based amusement machine equipment, goods, 2588
and services that have been approved by the commission. 2589

(C) Annually, a gaming-related vendor shall furnish to the 2590
commission a list of all equipment, devices, and supplies offered 2591
for sale ~~or,~~ lease, or are otherwise offered in connection with 2592
casino gaming authorized under this chapter and skill-based 2593
amusement machines authorized under this chapter and Chapter 2915. 2594
of the Revised Code. 2595

~~(C)~~(D) A gaming-related vendor shall keep books and records 2596
for the furnishing of equipment, devices, and supplies to casino 2597
gaming and skill-based amusement machine operations separate from 2598
books and records of any other business operated by the 2599
gaming-related vendor. A gaming-related vendor shall file a 2600
quarterly return with the commission listing all sales and leases. 2601
A gaming-related vendor shall permanently affix the gaming-related 2602
vendor's name to all of the gaming-related vendor's equipment, 2603
devices, and ~~supplies for casino gaming operations~~ goods. 2604

~~(D)~~(E) A gaming-related vendor's equipment, ~~devices,~~ or 2605
~~supplies~~ goods that are used by a person in an unauthorized casino 2606

gaming or skill-based amusement machine operation shall be 2607
forfeited to the commission. 2608

Sec. 3772.23. (A) All tokens, chips, or electronic cards that 2609
are used to make wagers shall be purchased from the casino 2610
operator or management company while at a casino facility that has 2611
been approved by the commission. Chips, tokens, tickets, 2612
electronic cards, or similar objects may be used while at the 2613
casino facility only for the purpose of making wagers on casino 2614
games. 2615

(B) Casino operators and management companies may provide 2616
promotional gaming credits to their patrons. Promotional gaming 2617
credits shall be subject to oversight by the commission. 2618

(C) Casino operators ~~and~~, management companies, and 2619
skill-based amusement machine operators shall not do any of the 2620
following: 2621

(1) Obtain a license to operate a check-cashing business 2622
under sections 1315.01 to 1315.30 of the Revised Code; 2623

(2) Obtain a license to provide loans under sections 1321.01 2624
to 1321.19 of the Revised Code; 2625

(3) Obtain a license to provide loans under sections 1321.35 2626
to 1321.48 of the Revised Code. 2627

Sec. 3772.31. (A) The commission, by and through the 2628
executive director of the commission and as required under section 2629
125.05 of the Revised Code, may enter into contracts necessary to 2630
ensure the proper operation and reporting of all casino gaming 2631
authorized under this chapter and all skill-based amusement 2632
machines authorized under this chapter and Chapter 2915. of the 2633
Revised Code. The commission shall not require use of a central 2634
system by a casino operator, management company, or skill-based 2635
amusement machine operator if the casino operator, management 2636

company, or skill-based amusement machine operator is in 2637
compliance with this chapter or Chapter 2915. of the Revised Code, 2638
as applicable. If the commission determines, after written notice 2639
to the casino operator, management company, or skill-based 2640
amusement machine operator and a hearing under section 3772.04 of 2641
the Revised Code, that a casino operator, management company, or 2642
skill-based amusement machine operator is not in compliance with 2643
this chapter or Chapter 2915. of the Revised Code, as applicable, 2644
the commission may determine it is necessary to require the casino 2645
operator, management company, or skill-based amusement machine 2646
operator to install and implement a central system under such 2647
conditions as the commission may require. Before any such hearing, 2648
the commission shall provide the ~~casino operator~~ party with 2649
written notice that the ~~casino operator~~ party is not in compliance 2650
with a specific requirement of this chapter or Chapter 2915. of 2651
the Revised Code, as applicable, describe the requirement, and 2652
provide the ~~casino operator~~ party at least thirty days to cure the 2653
noncompliance or, if the cure cannot be reasonably rectified 2654
within thirty days, require the ~~casino operator~~ party to 2655
demonstrate to the commission's satisfaction that the ~~casino~~ 2656
~~operator~~ party is diligently pursuing the required cure. The 2657
system shall be operated by or under the commission's control. If 2658
the commission determines that a central system is necessary and 2659
adopts rules authorizing a central system, casino operators or 2660
management companies shall be responsible for the costs of the 2661
central system as it relates to casino facilities and skill-based 2662
amusement machine operators shall be responsible for the costs of 2663
the central system as it relates to skill-based amusement 2664
machines. 2665

(B) The commission shall certify independent testing 2666
laboratories to scientifically test and technically evaluate all 2667
slot machines, mechanical, electromechanical, or electronic table 2668

games, slot accounting systems, and other electronic gaming 2669
equipment for compliance with this chapter and all skill-based 2670
amusement machines and related equipment and goods for compliance 2671
with this chapter and Chapter 2915. of the Revised Code. The 2672
certified independent testing laboratories shall be accredited by 2673
a national accreditation body. The commission shall certify an 2674
independent testing laboratory if it is competent and qualified to 2675
scientifically test and evaluate electronic gaming equipment for 2676
compliance with this chapter and Chapter 2915. of the Revised 2677
Code, as applicable, and to otherwise perform the functions 2678
assigned to an independent testing laboratory under this chapter. 2679
An independent testing laboratory shall not be owned or controlled 2680
by, or have any interest in, a gaming-related vendor ~~of electronic~~ 2681
~~gaming equipment.~~ The commission shall prepare a list of certified 2682
independent testing laboratories from which independent testing 2683
laboratories shall be chosen for all purposes under this chapter. 2684

Sec. 3772.99. (A) The commission shall levy and collect 2685
penalties for noncriminal violations of this chapter. Noncriminal 2686
violations include using the term "casino" in any advertisement in 2687
regard to a facility operating video lottery terminals, as defined 2688
in section 3770.21 of the Revised Code, in this state. Moneys 2689
collected from such penalty levies shall be credited to the 2690
general revenue fund. 2691

(B) If a ~~licensed casino operator, management company,~~ 2692
~~holding company, gaming-related vendor, or key employee licensee~~ 2693
violates this chapter or engages in a fraudulent act, the 2694
commission may suspend or revoke the license and may do either or 2695
both of the following: 2696

(1) Suspend, revoke, or restrict the casino gaming operations 2697
of a casino operator or management company or the skill-based 2698
amusement machine operations of a skill-based amusement machine 2699

| | |
|--|--|
| <u>operator;</u> | 2700 |
| (2) Require the removal of a management company, key employee, or discontinuance of services from a gaming-related vendor. | 2701 2702 2703 |
| (C) The commission shall impose civil penalties against a person who violates this chapter under the penalties adopted by commission rule and reviewed by the joint committee on gaming and wagering. | 2704 2705 2706 2707 |
| (D) A person who <u>purposely or</u> 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: | 2708 2709 2710 2711 |
| (1) Makes a false statement on an application submitted under this chapter; | 2712 2713 |
| (2) Permits a person less than twenty-one years of age to make a wager at a casino facility; | 2714 2715 |
| (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; | 2716 2717 2718 |
| (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; | 2719 2720 2721 |
| (5) Is a casino operator or employee and participates in casino gaming other than as part of operation or employment. | 2722 2723 |
| (E) A person who <u>purposely or</u> 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. | 2724 2725 2726 2727 2728 2729 |

- (1) Uses or possesses with the intent to use a device to assist in projecting the outcome of the casino 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 casino game, except as permitted by the commission;
- (2) Cheats at a casino game;
- (3) Manufactures, sells, or distributes any cards, chips, dice, game, or device that is intended to be used to violate this chapter;
- (4) 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;
- (5) Places, increases, or decreases 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;
- (6) Aids a person in acquiring the knowledge described in division (E)(5) of this section for the purpose of placing, increasing, or decreasing a wager contingent on the outcome of a casino game;
- (7) 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;
- (8) Claims, collects, or takes an amount of money or thing of value of greater value than the amount won in a casino game;
- (9) Uses or possesses counterfeit chips, tokens, or cashless wagering instruments in or for use in a casino game;
- (10) Possesses a key or device designed for opening,

entering, or affecting the operation of a casino game, skill-based amusement machine, drop box, or an electronic or a mechanical device connected with the casino game or skill-based amusement machine or removing coins, tokens, chips, or other contents of a casino game or skill-based amusement machine. This division does not apply to a casino operator, management company, skill-based amusement machine operator, or gaming-related vendor or their agents and employees in the course of agency or employment.

(11) Possesses materials used to manufacture a device intended to be used in a manner that violates this chapter or Chapter 2915. of the Revised Code;

(12) 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 or a skill-based amusement machine operation in a manner other than the manner required under this chapter or Chapter 2915. of the Revised Code.

(F) The possession of more than one of the devices described in division (E)(9), (10), or (11) of this section creates a rebuttable presumption that the possessor intended to use the devices for cheating.

(G) A person who purposely or knowingly ~~or intentionally~~ does any of the following commits a felony of the third degree. If the person is a licensee under this chapter, the commission shall revoke the person's license after the first offense. A public servant or party official who is convicted under this division is forever disqualified from holding any public office, employment, or position of trust in this state.

(1) Offers, promises, or gives anything of value or benefit to a person who is connected with the casino operator, management company, skill-based amusement machine operator, holding company, or gaming-related vendor, including their officers and employees,

under an agreement to influence or with the intent to influence 2791
the actions of the person to whom the offer, promise, or gift was 2792
made in order to affect or attempt to affect the outcome of a 2793
casino game or skill-based amusement machine or an official action 2794
of a commission member, agent, or employee; 2795

(2) Solicits, accepts, or receives a promise of anything of 2796
value or benefit while the person is connected with a casino 2797
facility or skill-based amusement machine, including an officer or 2798
employee of a casino operator, management company, skill-based 2799
amusement machine operator, or gaming-related vendor, under an 2800
agreement to influence or with the intent to influence the actions 2801
of the person to affect or attempt to affect the outcome of a 2802
casino game or skill-based amusement machine or an official action 2803
of a commission member, agent, or employee; 2804

(H) A person who is convicted of a felony described in this 2805
chapter or Chapter 2915. of the Revised Code may be barred for 2806
life from entering a casino facility by the commission. 2807

Section 2. That existing sections 119.12, 2915.01, 2915.03, 2808
2915.06, 2915.061, 3770.01, 3770.02, 3770.05, 3772.01, 3772.02, 2809
3772.03, 3772.032, 3772.033, 3772.04, 3772.06, 3772.07, 3772.10, 2810
3772.12, 3772.121, 3772.15, 3772.17, 3772.21, 3772.23, 3772.31, 2811
and 3772.99 of the Revised Code are hereby repealed. 2812

Section 3. Section 3772.10 of the Revised Code is presented 2813
in this act as a composite of the section as amended by both Am. 2814
Sub. H.B. 386 and Am. Sub. S.B. 337 of the 129th General Assembly. 2815
The General Assembly, applying the principle stated in division 2816
(B) of section 1.52 of the Revised Code that amendments are to be 2817
harmonized if reasonably capable of simultaneous operation, finds 2818
that the composite is the resulting version of the section in 2819
effect prior to the effective date of the section as presented in 2820
this act. 2821