

3772-4-02

**Information that must be provided by a casino operator, management company, or holding company license applicant.**

(A) The applicant must provide all materials required by section 3772.11 of the Revised Code.

~~(A)~~(B) The applicant ~~shall~~must provide the location where it is requesting to conduct casino gaming and proof that it is the property owner or is authorized by the property owner to operate casino gaming at the designated location.

~~(B) The applicant shall provide its name, principal address, business telephone number, social security number or federal tax identification number, contact person and its attorney and its attorney's contact information as requested.~~

(C) The applicant ~~shall~~must provide its organization documents, including its other names and addresses, all businesses operated by the applicant, all holding companies, intermediaries, subsidiaries, affiliates or other business type entities, and any other states where the applicant conducts business.

(D) The applicant ~~shall~~must provide the names and addresses of all current ~~and former~~ principals associated with the applicant ~~within the last ten years~~.

(E) The applicant ~~shall~~must provide information concerning the compensation of current principals. The applicant ~~shall~~must further provide compensation information for all employees who earn over one hundred and fifty thousand dollars.

(F) The applicant ~~shall~~must provide a description of its bonus, profit sharing, pension, retirement, deferred compensation, and any other similar plans.

(G) The applicant ~~shall~~must provide all stock information requested in the application.

(H) The applicant ~~shall~~must disclose the ownership interests of current ~~and former~~ partners of the applicant ~~in the last ten years~~.

(I) The applicant ~~shall~~must list the ~~holders~~holder(s) and describe the nature of any long term debt. Long term debt means debt ~~which~~that matures more than one year from the date of issuance or which, by its terms, is renewable for a period of more than one year from the date of issuance.

(J) The applicant ~~shall~~must list the holder(s) of and describe the nature, type, terms, conditions and covenants of all outstanding loans, mortgages, trust deeds, pledges, lines of credit, or other evidence of indebtedness or security interests, other than those described previously, utilized by the applicant and any holding companies, intermediary subsidiaries, affiliates, and any other similar business entities of the applicant.

- (K) The applicant ~~shall~~must provide a detailed description of any options existing or to be created with respect to securities issued by the applicant ~~which description shall include, but not be limited to, including~~ the title and amount of securities subject to options; the year or years during which the options were or will be granted; the conditions under which the options were or will be granted; the consideration for granting the option; ~~and the year or years during which;~~ and the terms under which; optionees became or will become; entitled to exercise the options; and when such options expire.
- (L) The applicant ~~shall~~must provide information concerning the beneficial owners of security options.
- ~~(M) The applicant shall identify all principals not otherwise identified in the application. Such principals shall include any person as defined in section 3772.01 of the Revised Code that has a five per cent or greater, direct or indirect, ownership interest in the applicant if the applicant is a publicly traded company, or that has a three per cent or greater, direct or indirect, ownership interest in the applicant if the applicant is a privately held company including all children and spouses pursuant to section 3772.11 of the Revised Code.~~
- ~~(N)~~(M) The applicant ~~shall~~must provide information with respect to each bank, savings and loan association, or other financial institution, whether domestic or foreign, in which the applicant has ~~or has had~~ an account ~~over the last ten year period~~ regardless of whether such account ~~was~~is held in the name of the applicant, a nominee of the applicant, or ~~was~~is otherwise under the direct or indirect control of the applicant.
- ~~(O)~~(N) The applicant ~~shall~~must provide information with respect to all contracts, agreements, and management agreements, written or oral, that the applicant has entered into or intends to enter into related to its casino facility. This includes all contracts or agreements of one hundred thousand dollars or more in value or from whom the corporation has received one hundred thousand dollars or more in goods or services in the ~~past six~~last twelve months. All management agreements, regardless of compensation level, must be provided.
- ~~(P) The applicant shall provide information about each company in which the applicant, applicant's spouse, or applicant's children hold an equity interest of greater than five per cent.~~
- ~~(Q)~~(O) The applicant ~~shall~~must provide information for each change that occurred within the last ~~five~~three years, ~~prior to this application,~~ in the beneficial ownership of the equity securities of the applicant on the part of any person who is indirectly or directly a beneficial owner of more than five per cent of any class of an equity security of the applicant or who is or was within that period a director or officer of the corporation.

The applicant must include changes resulting from (1) gift, (2) purchase, (3) sale, (4) exercise of an option to purchase, (5) exercise of an option to sell, (6) grant or receipt of a put, or (7) grant or receipt of a call.

~~(R)~~(P) The applicant ~~shall~~must provide information about any offenses or charges the applicant or any of its subsidiaries or entities with whom there is a management agreement or any of its principals may have committed or had filed against them. ~~Prior to answering this question, the applicant should carefully review the definitions and instructions that are listed in the application.~~

~~(S)~~(Q) The applicant ~~shall~~must provide information regarding whether the applicant ~~and any of its subsidiaries and principals who have~~has ever been called to testify before, been the subject of an investigation conducted by, or requested to take a polygraph exam by any governmental agency, court, committee, grand jury, or investigatory body (municipal, state, county, provincial, federal, national, etc.) other than in response to minor misdemeanor traffic-related offenses.

~~(T)~~(R) The applicant ~~shall~~must describe all existing litigation and any settled or closed legal action over the ~~past five~~last three years in which the applicant, ~~its parent, affiliate, holding company, or any subsidiary~~ is or was a party, whether in this state or in another jurisdiction. This description must include the title and docket number of the litigation, the name and location of the court before which it is pending, the identity of all parties to the litigation, the general nature of all claims being made and the nature of any judgments or court dispositions. The applicant must list most recent litigation first.

~~(U)~~(S) The applicant must provide all information regarding a judgment, order, consent decree, or consent order pertaining to a violation or alleged violation of the federal antitrust, trade regulation or securities laws, or similar laws of any state, province or country entered against it.

~~(V)~~ The applicant ~~must provide the requested information concerning the amount, type of tax, the taxing agency, and times involved if the applicant has filed or been served with a complaint or notice filed with a public body concerning a delinquency in the payment of or a dispute over a filing concerning the payment of a tax required under federal, state, or local law.~~

~~(W)~~ The applicant ~~must provide the requested information regarding any civil or administrative action or proceeding in bankruptcy that it ever filed or had filed against it, including, but not limited to, the name and location of the court, the case caption, the docket number, and the disposition of the action.~~

~~(X)~~(T) The applicant must provide the following information regarding any application filed by the applicant, ~~its principals, or entities with whom the applicant executed a management agreement~~ in any jurisdiction for a license, permit, or other authorization to participate in lawful gambling operations within the last ~~ten~~three year period:

- (1) The type of license, permit, or authorization;
- (2) The name and location of the governmental agency from which the license, permit, or authorization was sought;
- (3) The application number;
- (4) Whether the license, permit, or other authorization was issued or denied and the date of disposition;
- (5) If a license, permit, or authorization was denied, the reasons for denial;
- (6) If a license, permit, or authorization was issued, the license, permit, or authorization number, current status, and location of each licensed, permitted or authorized facility;
- (7) If a license, permit, or authorization was issued, whether it was subsequently revoked or suspended and the reasons for revocation or suspension; and
- (8) If a license, permit, or authorization was issued, whether the holder of such license, permit, or authorization was fined, penalized, or otherwise sanctioned and the reasons and circumstances for such fine, penalization, or sanction.

~~(Y)~~(U) The applicant ~~shall~~must provide all information regarding bribes or kick backs made or alleged to have been made by ~~the applicant or any principal, or employee or any third party acting~~ on behalf of ~~any of the foregoing applicant~~ during the ~~previous ten~~last three years. The applicant must also provide any bank accounts not reflected on its books and records regarding contributions, disbursements, and accounts.

~~(Z)~~(V) The applicant ~~shall provide all information concerning any political contribution, loan, donation, or other payment of one hundred dollars or more made by the applicant in the year immediately prior to filing this application to a statewide office holder, a member of the general assembly, a local government official elected in a jurisdiction where the casino facility is located, or any ballot issue~~must submit any documents relating to any oral or written agreements entered on behalf of the applicant and any governmental entity or subdivision thereof in Ohio.

~~(AA)~~(W) An initial or new applicant ~~shall~~must provide a description of any proposed casino gaming operation ~~and related~~at a casino enterprises facility, including: ~~the type of~~

~~casino facility, location, expected economic benefit to the community, anticipated or actual number of employees, a statement regarding compliance with federal and state affirmative action guidelines, projected or actual admissions, projected or actual gross receipts, scientific market research, and its responsible gaming plan.~~

- (1) Detailed operational plans, including responsible gambling, employment, background checks, and training;
- (2) A facility plan with a drawing of the facility;
- (3) Estimated start-up costs and proposed capitalization, including the cost of casino construction through which an initial applicant must demonstrate proposed compliance with the investment requirements set forth in section 3772.27 of the Revised Code; and
- (4) The expected date for successful completion of the facility.

Replaces: 3772-4-03, 3772-4-04

Effective:

Five Year Review (FYR) Dates: 4/26/2021

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Certification

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Date

Promulgated Under: 119.03

Statutory Authority: 3772.03, 3772.033, 3772.11

Rule Amplifies: 3772.07, 3772.10, 3772.11, 3772.111, 3772.15,  
3772.18, 3772.27

Prior Effective Dates: 08/19/2011, 10/01/2016