

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3772-4-02

Rule Type: Rescission

Rule Title/Tagline: Information that must be provided by a casino operator, management company, or holding company license applicant.

Agency Name: Ohio Casino Control Commission

Division:

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 8/7/2024
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3772.03, 3772.033, 3772.11
5. What statute(s) does the rule implement or amplify? 3772.07, 3772.10, 3772.11, 3772.111, 3772.15, 3772.18, 3772.27
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

The purpose of this rule is to ensure that entities provide the Commission with enough information for the agency to determine whether they are eligible, capable,

and suitable to obtain a license. The Commission is proposing rescission to reduce regulatory restrictions, as required by SB 9 of the 134th General Assembly.

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule specifies the substantive information that must be provided to the Commission for the issuance of an operator license. This rule is being rescinded to remove regulatory restrictions as required by SB 9 of the 134th General Assembly, as the rule is encompassed by R.C. 3772.11 .

- 9. Does the rule incorporate material by reference? No**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

Not Applicable.

Not Applicable.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not Applicable.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? No
- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes
- A. How many new regulatory restrictions do you propose adding to this rule? 0
 - B. How many existing regulatory restrictions do you propose removing from this rule? 29

3772-4-02(A) "The applicant must provide all materials required by section 3772.11 of the Revised Code."

3772-4-02(B) "The applicant must provide the location where it is requesting to conduct casino gaming. . ."

3772-4-02(C) "The applicant must provide its organization documents. . ."

3772-4-02(D) "The applicant must provide the names and addresses of all current principals associated with the applicant."

3772-4-02(E) "The applicant must provide information concerning the compensation of current principals."

3772-4-02(E) "The applicant must further provide compensation information for all employees who earn over one hundred and fifty thousand dollars."

3772-4-02(F) "The applicant must provide a description of its bonus, profit sharing. . ."

3772-4-02(G) "The applicant must provide all stock information requested in the application."

3772-4-02(H) "The applicant must disclose the ownership interests of current partners of the applicant."

3772-4-02(I) "The applicant must list the holder(s) and describe the nature of any long term debt."

3772-4-02(J) "The applicant must list the holder(s) of and describe the nature . . . of all outstanding loans. . . or security interests. . ."

3772-4-02(K) "The applicant must provide a detailed description of any options. . . with respect to securities issued by the applicant. . ."

3772-4-02(L) "The applicant must provide information concerning the beneficial owners of security options."

3772-4-02(M) The applicant must provide information with respect to each bank. . . in which the applicant has an account. . ."

3772-4-02(N) "The applicant must provide information with respect to all contracts. . . that the applicant has entered into. . . related to its casino facility."

3772-4-02(N) "All management agreements . . . must be provided."

3772-4-02(O) "The applicant must provide information for each change that occurred [in ownership] . . ."

3772-4-02(O) "The applicant must include changes resulting from (1) gift; (2) purchase. . ."

3772-4-02(P) "The applicant must provide information about any offenses . . . the applicant may have committed. . ."

3772-4-02(Q) "The applicant must provide information regarding whether the applicant has ever been called to testify. . . other than in response to minor misdemeanor traffic offenses."

3772-4-02(R) "The applicant must describe all existing litigation . . . over the last three years in which the applicant was a party. . ."

3772-4-02(R) "This description must include the title and docket number of the litigation. . ."

3772-4-02(R) "The applicant must list most recent litigation first."

3772-4-02(S) "The applicant must provide all information regarding a judgment. . . pertaining to a violation . . . of the federal antitrust. . . or securities laws. . . entered against it."

3772-4-02(T) "The applicant must provide the following information regarding any application filed by the applicant in any jurisdiction for a license. . . to participate in lawful gambling operations. . ."

3772-4-02(U) "The applicant must provide all information regarding bribes. . . during the last three years."

3772-4-02(U) "The applicant must also provide any bank accounts not reflected on its books. . ."

3772-4-02(V) "The applicant must submit any documents relating to . . . agreements entered on behalf of the applicant and any governmental entity. . . in Ohio."

3772-4-02(W) "An initial or new applicant must provide a description of any proposed casino gaming operation. . . "

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable