

# OHIO CASINO CONTROL COMMISSION

Mike DeWine  
*Governor*



June E. Taylor  
*Chair*

## NOTICE OF PUBLIC HEARING

A public hearing will be held by the Ohio Casino Control Commission ("Commission") on **Thursday December 30, 2021 at 10:00 a.m.** at its main office, located at 100 E. Broad Street, 20<sup>th</sup> Floor, Columbus, Ohio 43215. The purpose of the hearing is to solicit public comment on the rules contained in ERF package number 191154, summaries of which are below.

All interested parties are invited to attend the hearing and present testimony. Written comments may also be submitted to the attention of William Cox, Deputy General Counsel, Ohio Casino Control Commission, at 100 E. Broad Street, 20<sup>th</sup> Floor, Columbus, OH 43215, or by electronic mail at [William.Cox@casinocontrol.ohio.gov](mailto:William.Cox@casinocontrol.ohio.gov).

---

### Rule Summaries

The rules presented here are being reviewed pursuant to the state's rule-review requirement in R.C. 106.03 and are those rules contained in Ohio Adm.Code Chapter 3772-10 (Internal Control Systems). Many of the revisions are meant to improve clarity or readability or to reduce redundancies in and between the Administrative and Revised Codes. Some consistent changes made throughout include better specifying when an action is required to be taken by the Commission at a public meeting, the executive director, or by staff of the agency. Additionally, many changes have been made to update, streamline, and standardize rule language.

- **3772-10-01 (amendment)**, titled "Definitions." This rule defines certain internal control-related definitions. The purpose of this rule is to create a clear set of definitions that apply throughout the Administrative Code. The amendments to this rule are largely intended to clarify and streamline rule language, including deleting definitions for terms that are not otherwise used. Definitions for "contractor" and "manual payout," which are terms used consistently in the Administrative Code have been added.
- **3772-10-02 (amendment)**, titled "Internal controls." This rule requires casino operators to submit internal controls for Commission approval prior to operating. The purpose of this rule is to implement all the statutorily required plans in R.C. Chapter 3772 and to allow the Commission to audit casino-gaming processes pursuant to its authority in R.C. 3772.033, while still allowing each operator to implement processes that best fit their unique business model. The amendments to this rule streamline and simplify rule language by removing specific references to where the requirements for certain internal controls can be found. The amendments also remove provisions that are already covered by other rules—for example, waivers, which are governed by Ohio Adm.Code 3772-1-06. Moreover, the rule helps streamline the Administrative Code, itself, by combining current 3772-10-28

100 E. Broad Street – 20<sup>th</sup> Floor – Columbus, OH 43215  
(855) 800-0058 toll-free  
[www.casinocontrol.ohio.gov](http://www.casinocontrol.ohio.gov)

(Amendments to internal control plans) into this rule. In so doing, the current amendment process requiring Commission approval of all amendments was retained, but an unnecessary waiver provision in paragraph (B) of 3772-10-28 was not.

- **3772-10-03 (amendment)**, titled “Casino operator’s organization.” Presently, this rule requires casino operators to maintain documentation of their internal organization, including charts and descriptions of duties. The rule also requires that the operators have certain requisite departments and positions and that all operator personnel are appropriately trained in all job duties relevant to each employee. The purpose of this rule is to ensure that operators have appropriate staff to complete each statutorily and rule required function, as well as to ensure that individuals who are completing these functions are trained on how to do so and are not put into incompatible functions (e.g., security and surveillance). The amendments to this rule are all minor wordsmithing changes, with the exception of the deletion of paragraph (B)(5). That provision is being deleted because it is duplicative of paragraph (D).
- **3772-10-04 (rescind)**, titled “Accounting records.” (rescind) This rule provides that casino operators must have internal controls for preparing accounting records and restates statutorily required provisions related to operators meeting their tax filing requirements. This rule is being rescinded as unnecessary. Paragraph (A) is covered by 3772-10-05. Paragraph (B) is outdated and unnecessary. Finally, paragraphs (C) and (D), while statutorily required, are capable of being simplified and thus were moved to new 3772-10-23 (other duties).
- **3772-10-04 (new)**, titled “Controlled demonstration.” This rule while “new” is comprised of the current provisions in 3772-10-27, with only minimal changes to that language. The rule provides that each casino operator must perform and pass a controlled demonstration to open to the public. The purpose of this rule is to ensure that new casino facilities can operate in compliance with R.C. Chapter 3772 and the rules adopted thereunder before the casino opens to the public. The amendments to this rule are solely housekeeping, including streamlining, updating, and standardizing language.
- **3772-10-05 (amendment)**, titled “Forms, records, and documents.” This rule contains requirements related to the maintenance of forms necessary to complete gaming and financial activities. The purpose of this rule is to allow the Commission to audit casino-gaming processes pursuant to its authority in R.C. 3772.033, while still allowing each casino operator to implement forms or processes that best fit their unique business model. Additionally, this rule helps ensure that R.C. 3772.03(D)(12)’s mandate that the Commission adopt rules requiring that records are maintained in a manner prescribed by the Commission is met. The amendments to this rule are mostly streamlining and organizational changes.
- **3772-10-06 (amendment)**, titled “Standard financial reports.” Presently, this rule requires each casino to file certain financial reports monthly, quarterly, and annually with the Commission. The purpose of this rule and these reports is to ensure the ongoing financial suitability and stability of a casino operator, as required by R.C. 3772.10, and to ensure

R.C. 3772.03(D)(12)'s requirement that financial statements and other records are maintained is met. The amendments to this rule are solely streamlining and wordsmithing.

- **3772-10-07 (amendment)**, titled “Annual audit; other reports; suspicious transaction reporting.” This rule requires casino operators to engage an independent certified public accountant annually to conduct a financial audit. The rule also requires that the Commission be notified of Securities and Exchange Commission reports filed and given copies of suspicious activity reports filed. Finally, the rule also allows the Commission to require an annual compliance audit, if necessary. The purpose of this rule is to ensure the integrity of casino gaming by having neutral third parties and the Commission conduct or receive audits, reports, and other important filings or documents. The rule also implements R.C. 3772.03(D)(22)'s requirement that the Commission adopt a rule prescribing standards to which operators keep accounts and standards to which casino accounts be audited. It also allows the Commission to audit casino-gaming processes pursuant to its R.C. 3772.033 authority. The amendments to the rule include two substantive changes. The first allows operators to notify the Commission of what auditor they plan to use for a financial audit under the rule, instead of seeking approval of that auditor on the front end; but the Commission maintains the authority to decertify or otherwise seek invalidation of this agreement. As such, staff believes this change will not meaningfully impact the integrity of casino gaming, while streamlining the audit engagement process. The second specifies that operators must undergo an audit of their IT and surveillance systems once per licensure period. These systems are the backbone of casino-gaming integrity and can often be the subject of attempted hacks and other types of cyberattacks, as such these added system audits are not only justified but increasingly important in the evolving digital world. The other amendments to this rule are largely streamlining, including removing requirements that exist otherwise in law.
- **3772-10-08 (amendment)**, titled “Procedures for monitoring and reviewing game operations.” This rule contains requirements a casino operator must have in its internal controls and must follow in monitoring and reviewing the operation of slot machines and table games. This includes operators comparing actual payout percentages to forecasted theoretical percentages and investigating any material variances. The purpose of this rule is to ensure that casino games are operating within those standards adopted pursuant to R.C. 3772.03(D)(8) and 3772.20 and to allow the Commission to meet its statutory mandate to audit casino-gaming processes pursuant to R.C. 3772.033. While many of the amendments to this rule are streamlining, one substantive change is that operators will no longer need to forecast theoretical payout percentages and will instead compare actual payout percentages to historical averages. This change will be less burdensome on operators but will also not meaningfully impact the integrity of casino gaming. Now that the state has a decade of casino gaming to look back on, historical averages should represent an accurate depiction of expected game operation.
- **3772-10-09 (amendment)**, titled “Complimentaries.” This rule governs the authorization, issuance, and recording of complimentaries. It allows each casino operator to set the specifics of these processes in their own Commission-approved internal controls, subject to certain minimums, including ensuring complimentaries are not issued to members of the

Voluntary Exclusion Program (“VEP”) or to individuals who the authorizer may have a relationship with. The purpose of this rule is to implement R.C. 3772.23’s statutory requirements that promotional gaming credits (or complimentaries) be subject to Commission oversight. The amendments to this rule are mostly streamlining or clarifying, including specifying that members of the Involuntary Exclusion List should also not be issued complimentaries.

- **3772-10-10 (amendment)**, titled “Patron financial transactions at the cashier’s cage.” This rule specifies that casino operators may process certain financial transactions, as designated in their internal controls, at the cashier’s cage and provides some detail on how such transactions are to be handled. The purpose of this rule is to allow the operators to determine which financial transactions they want to offer patrons while still ensuring the proper controls are in place for integrity’s sake, including ensuring transactions are not processed for voluntarily or involuntarily excluded individuals and that transactions are properly logged. This allows the Commission to meet its statutory duty to ensure records, particularly financial records, are properly maintained under R.C. 3772.03 and to audit casino-gaming operations under R.C. 3772.033. The amendments to this rule are largely streamlining, including most notably, moving certain requirements from current 3772-10-13 (patron deposits) into this rule. In so doing, those requirements, which relate to the receipting and logging of patron deposits and withdrawals, have been greatly streamlined, including removing requirements for internal controls on these processes.
- **3772-10-11 (new)**, titled “Credit.” This rule while “new” is comprised of the current provisions in 3772-10-23, with only minimal changes to that language. The rule provides the regulatory framework for the use, issuance, and payment of credit and markers in the casinos. The rule also contains three strict prohibitions: casino operators may not issue credit to voluntarily excluded individuals, extend credit to patrons delinquent in payments, and circumvent the credit requirements by otherwise issuing credit to a patron in connection to casino gaming. The purpose of the rule is to ensure casino credit is appropriately regulated and monitored, and is not offered to individuals on the VEP, as required by R.C. 3772.03(D)(10)(f) and (14). The amendments to this rule are mostly streamlining or clarifying, including specifying that members of the Involuntary Exclusion List should also not be issued credit.
- **3772-10-12 (new)**, titled “Access controls.” This rule while “new” is comprised of the current provisions in 3772-10-26, with only minimal changes to that language. The rule governs how access to assets, restricted areas, and sensitive keys must be maintained, allowing the casino to adopt many of the specifics on these points in their internal controls. The rule also specifies certain requirements regarding these access controls, including that access must be controlled by security and that certain records must be kept regarding access. The purpose of this rule is to ensure that all areas that are required to be kept restricted under R.C. Chapter 3772 and the rules adopted thereunder are so restricted. In addition to preventing any violations on the front end, this allows the Commission, pursuant to its R.C. 3772.033 authority, to appropriately investigate, audit, and inspect any potential violations, knowing who may have had the ability or access to cause the violation.

The amendments to this rule are solely housekeeping, including streamlining and standardizing language.

- **3772-10-13 (rescind)**, titled “Patron deposits.” Presently, this rule governs patron deposits and withdrawals, including requiring procedures for the receipt and logging of such transactions. The rule is being rescinded and combined with 3772-10-10 (Patron transactions at the cashier’s cage). For more information on that rule, see the above summary.
- **3772-10-13 (new)**, titled “Signature requirements.” This rule while “new” is comprised of the current provisions in 3772-10-24, with only minimal changes to that language. This rule specifies how each casino operator will issue and maintain a signature card for each licensed employee and how employees must sign documents when a signature is required under the law. The purpose of this rule is to ensure that both the operator and the Commission can quickly and confidently investigate any issues that may arise in an area where a signature is required by an employee, amplifying the Commission’s investigatory, inspection, and audit authority granted by R.C. 3772.033. The amendments to this rule remove requirements that the operator have detailed internal controls on the issuance and maintenance of these cards and streamline rule language.
- **3772-10-14 (amendment)**, titled “Internal audit standards.” This rule provides that each casino must have an internal audit department and lists the functions and duties of this department, including specifying that all major gaming areas (slot and table game revenue, cage procedures, IT, access controls, etc.) are audited on at least a semi-annual basis. The purpose of this rule is to ensure that casino operators are working internally to comply with R.C. Chapter 3772 and the rules adopted thereunder, amplifying the Commission’s R.C. 3772.033 audit power. The amendments to this rule are largely streamlining and clarifying in nature.
- **3772-10-15 (amendment)**, titled “Information technology controls.” This rule establishes the duties and responsibilities of a casino operator’s IT department. It also requires gaming-related IT systems to be appropriately secured and controlled, both when being accessed at the casino and remotely. The purpose of this rule is to ensure the integrity of the casino’s information technology systems, which serves as the backbone of many of the gaming-related and security and surveillance systems—all of which the Commission is mandated to prescribe requirements for under R.C. 3772.03. This rule also helps ensure that these processes are capable of being audited under the Commission’s R.C. 3772.033 authority. The amendments to this rule require the operators to provide the Commission with systems sufficient to access the operator’s systems and with a list of all gaming-related computer systems. Additionally, the amendments strike a requirement that vendors log remote-access sessions with casino equipment, since the operator is already doing so. Finally, the amendments contain some housekeeping changes to streamline and clarify rule language.
- **3772-10-16 (amendment)**, titled, “Security of the cashier’s cages, main bank, and count rooms.” This rule governs the casino facilities’ cashier’s cages, main banks, and count rooms, including requiring each facility to have a main cage adjacent to the gaming floor

and a main bank and count room located in secured areas. The rule further details security controls these facilities must have. The purpose of the rule is to ensure the integrity of the casinos' cages, main banks, and count rooms—these parts of the facility are where the casinos count, store, and distribute the funds they handle each day. Under R.C. 3772.03, the Commission is charged both with adopting rules regarding security and ensuring that winnings and revenue are properly computed—both of which are partially accomplished through this rule. The amendments to this rule remove the need for casino operators to detail things like the location of these facilities in internal controls and adds an explicit requirement that operators must always offer services for converting cashless wagering instruments into cash when the casino facility is open. The other amendments to the rule are largely housekeeping, in that they are aimed at streamlining and reorganizing language.

- **3772-10-17 (amendment)**, titled “Accounting controls for the cage, main bank, and redemption kiosks.” This rule governs the internal controls casino operators must have for operating cages, redemption kiosks, and the main bank. This includes ensuring variances are appropriately documented and, when needed, investigated and reported. Moreover, the rule ensures operators maintain adequate staffing and access controls to these sensitive areas. The purpose of the rule is to ensure the integrity of the casinos' cages, main banks, and count rooms—these parts of the facility are where the casinos count, store, and distribute the millions of dollars they handle each day. This rule also helps the Commission ensure that winnings and revenue are properly computed, as required by R.C. 3772.03. This rule also helps ensure that these processes are capable of being audited under the Commission's R.C. 3772.033 authority. The amendments to this rule are solely aimed at updating and harmonizing rule language.
- **3772-10-18 (amendment)**, titled “Table game drop boxes and electronic gaming equipment bill validator canisters: physical requirements and transportation.” This rule governs how table-game drop boxes and electronic-gaming-equipment bill-validator canisters are to be designed, stored, installed, and removed. This includes ensuring that these drop boxes and canisters are uniquely identifiable, tied to a specific game, secured, and maintained on a regular basis. Anytime these drop boxes or canisters are emptied and replaced, the casino operator must ensure it is done by at least two employees who must also be monitored by the Surveillance Department. The purpose of the rule is to ensure that drop boxes and bill-validator canisters, which hold the money received by these games, are closely monitored and are capable of being audited under the Commission's R.C. 3772.033 authority. This rule also helps ensure that winnings and revenue are properly computed, as required by R.C. 3772.03. The amendments to this rule, while numerous, are largely related to reorganization and streamlining. That being said, there are minor substantive changes, including no longer requiring a table-games supervisor to be one of the two employees present when drop boxes are emptied and replaced.
- **3772-10-19 (amendment)**, titled “Count Procedures.” This rule details the procedures that a casino operator must follow when conducting a count of the proceeds from casino gaming, including who may be present during the count, conditions on how the count must occur, and what must be done at the conclusion of the count. The rule allows operators to put further specifics related to the count in their internal controls. The purpose of this rule

is to ensure that all winnings, compensation from casino gaming, and gross revenue is accurately computed and reported as required by R.C. 3772.03(D). This rule also helps ensure that these processes are capable of being audited under the Commission's R.C. 3772.033 authority. The amendments to this rule are largely housekeeping, including reorganization and rephrasing of certain provisions. However, some minor changes have been made, including removing a requirement on the rotation of count-team members.

- **3772-10-20 (amendment)**, titled “Unsecured currency.” This rule describes how a casino operator will handle “unsecured currency,” or currency found in a game but outside of the game’s drop box or bill-validator canister, ensuring that these pieces of currency are recording and ultimately counted as gaming proceeds. The purpose is to ensure that that all winnings, compensation from casino gaming, and gross revenue is accurately computed and reported as required by R.C. 3772.03(D). The amendments to the rule are largely streamlining, but the amendments also remove the requirement that operators have detailed internal controls on how this information is recorded.
- **3772-10-21 (amendment)**, titled “Manual game payouts.” This rule details how casino operators must handle manual payouts—or payouts not made directly from the game itself (including any taxable jackpot). This includes each operator adopting internal procedures on manual payouts. These procedures must ensure that manual payouts are only made to properly identified patrons and are properly documented, taxed, and verified. The purpose of this rule is to ensure that all winnings, compensation from casino gaming, and gross revenue is accurately computed and reported as required by R.C. 3772.03(D)(17) and that casinos are meeting their obligations to ensure patrons pay taxes on winnings over certain federal thresholds. This rule also helps ensure that these processes are capable of being audited under the Commission’s R.C. 3772.033 authority. The amendments to this rule are largely streamlining changes; however, two substantive changes have been made, including requiring that the Surveillance Department monitor all payouts over \$10,000 and that Security Department escorts are made available to patrons who obtain manual payouts. These changes have been made pursuant to the Commission’s obligation to adopt security and surveillance requirements.
- **3772-10-22 (amendment)** – titled “Tips and gratuities.” This rule governs tips and gratuities, including prohibiting table-game dealers from soliciting tips and supervisors from accepting any tips. The rule also governs how tips to dealers will be handled, including requiring that the tips be placed in transparent boxes and ultimately split pro rata amongst the dealers. The purpose of this rule is to ensure the integrity of casino gaming by ensuring that any tips received by employees do not influence or give the appearance of influencing any employee to change the outcome of any game. The amendments to this rule are largely housekeeping changes, including reorganization and streamlining. However, the amendments also remove a requirement that casino operators adopt further detailed approved procedures on tips and gratuities.
- **3772-10-23 (rescind)**, titled “Credit.” The present version of the rule is being “rescinded” to move the rule’s language to new Ohio Adm.Code 3772-10-11.

- **3772-10-23 (new)**, titled “Other duties.” This rule, while “new,” is a greatly streamlined amalgamation of three prior rules: 3772-10-04, -25, and -30. The rule covers the decertification process for contractors, how casino operators handle unclaimed funds, and operator compliance with the Tax Code and with the Tax Commissioner. The purpose of this rule is to comply with certain Commission rule-adoption requirements (R.C. 3772.03(D)(17) and (24)) and to ensure that operators are aware of requirements under other parts of Ohio law (tax and unclaimed funds), without adding any substantive, overlapping requirements.
- **3772-10-24 (rescind)**, titled “Signature requirements.” The present version of the rule is being “rescinded” to move the rule’s language to new Ohio Adm.Code 3772-10-13.
- **3772-10-25 (rescind)**, titled “Unclaimed winnings.” The present version of the rule is being “rescinded” to combine the rule’s language into new Ohio Adm.Code 3772-10-23. In so doing the requirements of the rule were greatly simplified, including removing a requirement that casino operators have internal procedures on how to handle unclaimed winnings.
- **3772-10-26 (rescind)**, titled “Access controls.” The present version of the rule is being “rescinded” to move the rule’s language to new Ohio Adm.Code 3772-10-12.
- **3772-10-27 (rescind)**, titled “Controlled demonstration.” The present version of the rule is being “rescinded” to move the rule’s language to new Ohio Adm.Code 3772-10-04.
- **3772-10-28 (rescind)**, “Amendments to internal control plans.” The present version of the rule is being “rescinded” to combine the rule’s language into Ohio Adm.Code 3772-10-02. In so doing, an unnecessary waiver provision was removed, as already being covered by Ohio Adm.Code 3772-1-04.
- **3772-10-30 (rescind)**, titled “Investigation and certification of contractors by casino operators.” The present version of this rule is being “rescinded” to combine the rule’s language into new Ohio Adm.Code 3772-10-23. In so doing, the requirements have been greatly streamlined. Instead of casino operators having internal procedures to investigate and certify certain contractors, based on the level of business the contractor has with the operator, the new rule simply allows the Commission to decertify any contractors that it becomes aware have violated the law. This still comports with the Commission’s R.C. 3772.03(D)(24) statutory mandate, while greatly reducing unnecessary administrative burdens on the operators and those businesses casino operators may be looking to contract with.