

# CSI - Ohio

The Common Sense Initiative

## Business Regulation Impact Analysis

Agency Name: Ohio Casino Control Commission (“Commission”)

Regulation/Package Title: Skill-based amusement machine key employee licensing  
Rule Number(s) 3772-50-05

Date: May 21, 2018

**Rule Type:**

☐ New

☐ 5-Year Review

☒ Amended

☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Regulatory Intent**

**1. Please briefly describe the draft regulation in plain language.**

*Please include the key provisions of the regulation as well as any proposed amendments.*

The proposed rule, 3772-50-05, titled “Skill-based amusement machine key employee licensure” is part of the Commission’s regulation of skill-based amusement machines. This rule establishes the licensing factors used by the Commission to evaluate the suitability for licensure of skill-based amusement machine key employees. The rule further describes the process for obtaining a license as a skill-based amusement machine key employee, including applying through the state of Ohio’s eLicense system, an application fee of two hundred fifty dollars, and a license fee of two hundred fifty dollars. The proposed amendments to this rule eliminate a previous requirement that a skill-based amusement machine key employee obtain a BCI/FBI criminal background check. The purpose of the rule is to provide guidance as to the application and

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[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

licensing procedure used by the Commission to license a person as a skill-based amusement machine key employee.

**2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

R.C. 3772.03

**3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

*If yes, please briefly explain the source and substance of the federal requirement.*

Not applicable.

**4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

This question does not apply to these proposed rules because the federal government does not regulate skill-based amusement machines. Rather, skill-based amusement machines are governed under R.C. Chapters 2915. and 3772.

**5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

The rules became necessary with the passage of H.B. 64 (131<sup>st</sup> General Assembly) wherein the General Assembly required the Commission to regulate skill-based amusement machines in a manner consistent with its ability to do the same with respect to casino gaming. The rule allows the Commission to fulfill its statutory obligation to regulate skill-based amusement machines and ensure the integrity of skill-based amusement machine gaming in Ohio. The amendment to the rule removes a previous requirement that key employee applicants be fingerprinted as part of a criminal background check.

**6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

Overall, the Commission will measure the success of the rule in terms of whether it helps to ensure the integrity of skill-based amusement machine gaming. The Commission will consider the regulation successful if the Commission is able to validate those persons who conduct or participate in the conduct of skill-based amusement machine gaming in compliance with Ohio law (i.e. R.C. Chapters 2915. and 3772.) and eliminates illegal casinos (such as slot machine parlors that masquerade as skill-based amusement machine parlors). The Commission will evaluate the number of applications received, number of licenses issued, and complaints received regarding key employee applicants and licensees. The Commission will also analyze the regulated community's comments about requests for waivers or variances from these rules once they are implemented.

**Development of the Regulation**

**7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

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*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

Rule 3772-50-05 was provided to stakeholders by e-mail on April 27, 2018, with a requested response date of May 4, 2018. A list of the contacted stakeholders is incorporated as Attachment A.

**8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

The overall response by the responding stakeholders supported the proposed amendments to rule 3772-50-05. As such, no changes to the amendments were made. Copies of the stakeholder feedback are included as Attachment B.

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

This question does not apply to these amendments to the rule because no scientific data was necessary to develop or measure the outcome of the rule as it solely relates to licensing of key employees.

**10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

The alternative to the proposed amendments to the rule would be to maintain the current requirement that key employee applicants obtain a BCI/FBI criminal background check. The amendments remove that requirement as the Commission has identified a method of obtaining criminal background data without the onus being on the applicant to get their fingerprints taken and to pay for it.

**11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

Rule 3772-50-05 does not include performance-based regulation as the rule simply establishes key employee licensing requirements. The draft rules are crafted to create a licensing process that applies to all stakeholders in a licensing category. This process creates consistency as it is applied to all stakeholders.

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

As the General Assembly has tasked the Commission with the oversight and regulation of skill-based amusement machines in Ohio, there are no other regulations that govern key employee licensing.

**13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

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The Commission provides notice to the stakeholder community through e-mail, phone calls, meetings, and presentations at legal and trade forums regarding proposed and final-filed rules and will engage in outreach with stakeholders when rules are filed or become effective. Finally, the Commission's Division of Skill Games, under the direction and supervision of the Executive Director, will be responsible for the consistent and predictable implementation of the proposed regulation. Any issues that arise in the compliance process will be reviewed by Commission staff to coordinate a consistent response and conduct outreach to the regulated community.

### **Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

**a. Identify the scope of the impacted business community;**

Skill-based amusement machine key employees.

**b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

The proposed amendments have no adverse impact as the amendments simply remove a previously required background check.

**c. Quantify the expected adverse impact from the regulation.**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.*

The proposed amendments remove a requirement to obtain a BCI/FBI background check. This should result in a positive impact as key employee applicants are no longer required to spend the time to be fingerprinted or to pay for the costs of obtaining the criminal background check.

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The Commission has identified another method of obtaining the criminal background history at no cost (in terms of both money and time) to the key employee applicants. As such, there is no need for applicants to obtain the background check themselves.

### **Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

Yes (indirectly). The proposed rule indirectly provides exemptions or alternative means of compliance through rule 3772-50-10, which permits the Commission, upon written request, to grant waivers and variances, from the rules adopted under R.C. Chapter 3772-50, including

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**[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)**

rule 3772-50-05, if doing so is in the best interest of the public and will maintain the integrity of skill-based amusement machine gaming in the State of Ohio.

**17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

To the extent R.C. 119.14 would apply to a violation of the proposed rules, the Commission will provide verbal and written notification to the small business in an attempt to correct the paperwork violation. Thereafter, the Commission would allow the small business a reasonable time to correct the violation. The Commission and its staff would also offer any additional assistance necessary to aid in remediation of the violation. No further action would be taken unless the small business fails to remedy the violation within the reasonable time allotted by the Commission.

**18. What resources are available to assist small businesses with compliance of the regulation?**

The Commission and its staff are dedicated to working with members of the regulated community and the public to effectively and efficiently regulate skill-based amusement machine gaming in this state. As a result, the following resources are available:

- Commission's mailing address:  
100 E. Broad Street, 20<sup>th</sup> Floor  
Columbus, Ohio 43215
- Commission's toll free telephone number: (855) 800-0058
- Commission's fax number: (614) 485-1007
- Commission's website: <http://www.casinocontrol.ohio.gov/>
- Commission's email: [info@casinocontrol.ohio.gov](mailto:info@casinocontrol.ohio.gov)

Also, all members of the regulated community may, in accordance with rule 3772-2-04, request to address the Commission during a public meeting. Finally, all members of the regulated community may, pursuant to rule 3772-50-10, request waivers and variances from Commission regulations.

# Attachment A

First Name	Last Name
Tammy	Jordan
TIM	Morrow
Jennifer	Tock
Michael	Sliwinski
Meredith	Martin
Linda	Troy
Kevin	Bachus
Karen	Cincione
Phil	Craig
Bob	Davis
Kevin	Futryk
Joshua	Askew
David	George
Bill	Kraft
Luther	Liggett
Kevin	McHenry
Lawrence	Miltner, Esq
Kevin	Morse
Thomas	Niehaus
Lloyd	Pierre-Louis
Scott	Shaffer
Amanda	Sines
Johnathan	Smith
Jay	Tobin
Steve	Tugend
Madge	Vail
Anne	Vitale
Jon	Oberle
Lora	Miller
Dan	Reinhard
Andromeda	Morrison
Berena	Seifert
Jessica	Franks
Elise	Spriggs
Leah	Pappas Porner
Pete	Thomas
Charles	Febus
Rich	Labrocca
Kevin	Mullally
Tom	Pappas
Chad	Belter
Nick	Farley
Al	Kress
Bil	
Seprina	Brown
Christy	Prince

Rich	Bitonte
Randy	Allen
Tom	Frick
Chad	Hawley
Troy	Judy
Courtney	Burton
Kevin	Braig
Apollo	Amusement
Rick	Johnson
Penny	Tipps
Ian	Heyman
Mary	Tran
Glenn	Gable
Drew	Maniscalco
Paula	Rinker
Sal	Mirando
Scott	
Paul	Williams
Tiffany	Mastrodonato
Lauren	Fabbri
Meredith	Yu
Tammi	Krebs
Ralph	Gagliardi
joe	Shmo
Tom	Revolinsky
Donna	Lee
Jim	Doe
Ron	DiPietro
Don	Malarcik
Bill	Stathakaros
Traci	McDade
josef	mitschke
suwoei	hsu
Kevin	Frank
Stuart	Jordan
Kevin	Sharp
Janice	Farley
Sunny	Charwnia
rajab	kotadia
Michael	Saadeh
Adam	Foust
David	Reese
Elisa	Harmon
David	Sauber
anthony	grassia
Brent	Lewanski
Dominic	Vitantonio

Michael	McGraw
Nick	Bellino
Kristal	Rovira
Nicole	Kostura
les	onan
sam	Ferruccio
Game	Licensee
David	Waddell
Daniel	Files
William	Brown
Tom	Watson
Todd	Richard
Bill	Vega
Gladys	Hartman
Jeremy	Burgin
Abraham	Vandiver
Pankaj	Patel
Pankaj	Patel
Chase	Crane
Charles	Brooks
Eddy	Wilcox
Bob	Dipipi
DON	TESKE
Richard	Listash
Andrew	Eloff
Gert	Wilms
Bailey	Luke
paul	andreozi
Joe	Camarota
Louise	Howe
Priya	Amin
Shane	Thompson
Stephen	Lipscomb
HENRY	Orr
Raj	Singh
Timothy	Woodford
Renee	Mancino
james	noll
Roxy	Espo
Kathleen	Lenhardt
Celeste	Fontana
Dave	Renick
Ryan	Willis
Michael	Moneypenny
JC	Elgin
Michael	Flickinger
Daniel	Martin



Tina	Chavez
Stephen	Kurimski
Kim	Mitchem
david	finley
Gaurav	Patel
Allison	Carr
Brooks	Lee
Raymond	Antoon
Ronald	Brown
Daniel	Fioramonti
Chris	Stewart
GREG	MARTIN
Daniel	Brown
Rachel	Shaked
Amin	Porbunderwala
Jeff	Hudson
Wallis	Finger
J.J.	Burchman
francisco	fernandez
Kelly	Macke
Victor	Kannan
Lenny	Lennox
mike	ford
Vic	Valencheck
steve	baker
David	Koback
David	Corey
John	Pascaretti
Wayne	King
Zulfikar	Vendani
Jay	Monie
Anthony	Garcia
Michael	Bear
Brent	Howard
Robert	DeSanto
Megan	Dowdell
Rhonda	Best
Kathryn	Collins
Dewey	Laughlin
James	Finley
Doug	Brooks
Diann	Shafer
Steve	Ryan
Luke	Adams
Mike	Schaller
Chris	Barker
Kevin	Lord

Jeff	McCaw
Lori	Brozonis
Eric	Black
Gregory	Nolan
Peter	Wolff
Stewart	Isaacs
Jeff	Siegel
Nathaniel	Young
John	Jefferies
Brian	Rednour
Michael	Rosen
Paul	Jones
Dale	Wilcox
Tim	Duska
Grant	Forsythe
Bruce	Aster
Morgan	Beckman
Pam	Harris
Robert	Flowers
John	Yocono
John	Humphrey
William	Keely
Andy	Shaffer
Michael	Hall
Ahmed	Abjani
Jim	Bubutiev
Bethany	Sanders
Gina	Dougherty
Tim	Bechtold
George	Hicks
Maryellen	Corbett
Dustin	Zink
Joseph	Petrycki
Rich	Gerhardt
Doug	Olmstead
Richard	Wolfe II
Dave	Reese
David	Raber
Jill	Valachovic
Karen	Cincione
Dave	Sword
Daniel	Jones
Steve	Blust
Perry	Wheeler
Shannon	Dean
Sandra	Pinkerton
Patrick	Denier

Zahid	Siddiqi
Sharon	Hanrahan
Sam	Porter
Cory	Steinmetz
Marc	Myers
Rob	Broeren
Alison	Boggs
Lisa	Messner
Karen	Sheffer
Hugh	Greentree
Nathan	Gordon
Robert	Muniak
Mike	Shockley
Steve	Baia
Tyson	Draper
Russell	Young JR.
Russell	Young
Kyle	Shepherd
Jason	Via
Allison	Bennett
Marc	Ross
Stacy	Wall
Joseph	Moore
Brian	Gravunder
Joseph	Gibson
Joseph	Gibson
Jonathan	Horwitz
Jeff	Moore
Steven	Runge
Kurt	Hasselbach
Breanne	Parcels
Michael	Zappa
Sean	Blake
Steve	Marston
Bob	Kinzer
Donnie	Barrera
Charles	Hudson
Connie	Pelletier
Derek	Longmeier
Joni	Poindexter
Mary	Smith
James	Armstrong
Jason	Rearick
CJ	Stantz
Cory	Seiler
John	Scavelli
Megan	Raber

Joanne	Paulino
Jack	Felgenhauer
Kevin	Bower
James	Richard
Kathleen	Seminatore
Bob	Rajcan
Steve	Minich
Dennis	Acbaugh
Kim	Haines
Chris	Hummel
Eric	McFarren
Jason	Rearick
Bob	Switalski
Randy	Stukus
Ray	Suarez
Traci	Timko Sabau
Barbara	McNeil
Ray	Harris
Michael	Wright
Leonard	Hall
Patrick	Wilson
Terry	Swauger
Christopher	Sammarone
Ernest	Wilson
Anthony	Colucci
Victoria	Sage
Eric	Merkel
Ted	McClain
Jay	Macejko
Larry	Maynard
Joe	Smith
Jen	Lonsway
Chris	DeSarro
Don	Ward
J.D.	Melvin
Julie	Lee
Frank	Nannicola
Amanda	Deery
Erik	Breunig
Jeff	Hastings
Kevin	Kaucheck
David	Menn
Jerry	Infalvi
Allan	Moon
Megan	Matthews
Danielle	Swisher
Marty	Garrow

Charles	Calliccoat
Anthony	Calabrese JR.
Christopher	Scafidi
Darren	Huggins
William	Riedthaler
Carla	Tricarichi
John	Comella
John	Gielink
Willa	Hemmons
Brian	Weisman
Jonathan	Lieber
Frederick	Szabo
B. Greg	Cline
Seneca	Konturas
Neil	Sarczyk
Ryan	Kimrey
Robert	Modic
Susan	Lutz
Greg	Kolocin
Richard	Kirby
Danny	Kappelman
Carrie	Boldman
Heather	Kunte
Steve	Gerold
Daniel	Austin
James	Bremer
Natalie	Mitchell
Pamela	Cohen
Melissa	Purpura
George	Wilber
Paul	Riddle
David	Busick
Kenneth	Harsanje JR.
Stuart	O'Hara
Yvonne	Tertel
Joseph	Urenovitch
Doug	Hartman
Curtis	Schober
Kenneth	Wenninger
Richard	Cohen
John	Arnsby
Mark	Stuckey
Jason	Wilson
Scott	Sheridan
Sarah	Valasek
Torbet	Keith
Dennis	Clough

Stephen	Lipscomb
Kelly	Niese
Peter	Previte
John	Payne
Scott	Welch
Eric	Wolf
James	Rode
Ryan	Burkholder
Mathew	Oglesbee
Theresa	Von Sossan
Jim	Cox
John	Kimmel
Robert	Johns
David	Lohr
Ashley	Mathys
Kelly	Norton
Joseph	Morrison
Shelly	Cox
Jodi	West
Salim	Punjani
Portia	Bagby
Bruce	Hales
Dick	Bajai
Jessica	White
Michael	Zatezalo
Akber	Mithani
Norm	Towson
Sylvia	Humphrey
Stacey	Frohnafel-Hasson
Nav	Kamal
Benjamin	Madsen
Tim	Nolan
Linda	Scott
Edward	Brydle
Key	Snodgress
Andy	Chak
Michael	Lemke
John	DeCree
Earl	Morris
Howard	Shafron
Melanie	Torok
Emile	Bourgoyne
Nick	Sarioglou
Jason	Bogavich
norm	towson
Phillip	Elum
Chris	Ferruso

brent	reichel
Dave	Thomas
Nick	Sarioglou
Charles	Brooks
Mark	Jefferson
Candis	Lamar
Gopal	Patel
William	Riedthaler
Scott	Pullins
Peter	Gustafson
matthew	philippsen
James	Hodge
dom	cho
Harishkumar	Patel
Jon	Reed
Joseph	Filak
Jessica	Feil
Chris	Felix
Cliff	Phillips
Joan	Green Turner
Ivan	Sergeev
John	izzo
Zach	Eastham
JASVINDER	BAJWA
Ken	Hirani

## Attachment B

**From:** [Raider Fann](#)  
**To:** [Morrison, Andromeda](#)  
**Subject:** Am I considered a "Stakeholder?"  
**Date:** Sunday, April 29, 2018 1:28:53 PM

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Hi Andromeda,

In regards to the email sent out on 4/27/18 concerning the amendment to delete paragraphs B and F of the SBAM key licensure, Code 3772-50-05, if I am considered a Stakeholder, then I agree with the proposed amendment.

Thank you,

John Yocono

PS Does this mean I should not start the key employee licensure paperwork until this amendment is finalized? If yes, when should I hear about the final decision?

Or should I submit all of the licensure paperwork now except the fingerprinting?

--

John Yocono S.M.

Cyberdyne Systems LLC

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**From:** [Keith Torbet](#)  
**To:** [Morrison, Andromeda](#)  
**Cc:** [WPD](#)  
**Subject:** Amendments to Rule 3772-50-05  
**Date:** Monday, May 07, 2018 11:15:51 AM

---

Andromeda,

As a law enforcement officer for 34 years and a Law enforcement executive for the past 20, I believe that the rule should not be amended. There are only two reasons that the industry wants to eliminate this rule. One is the cost for the process as i am sure there is a high turnover rate in these positions. Secondly and probably the most important is to allow criminals to possess licenses.

These machines are already in a very gray area as far as I am concerned and I personally do not want criminals using them to fleece our citizens out of their hard earned money. I hope that the casino commission sticks to the original rule concerning SBAMS.

Sincerely,

Chief Keith C. Torbet, CLEE  
Wauseon Police Department  
2015-2016 OACP Past President

**From:** [pam.cohen](#)  
**To:** [Morrison, Andromeda](#)  
**Subject:** Casino Control  
**Date:** Friday, May 04, 2018 7:33:54 PM

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In response to your email I am Pamela Cohen. My husband Stuart and I own M&G Amusement LLC. Our business has been in our family for 30 years and we are a small business. We were at the meeting that was held in Maumee Ohio last month. Regarding the finger printing issue; my husband has a carry permit and we both have Passports and a Nexis card and were finger printed for that. I hope that you are willing to look at other issues that are before us concerning our business. I have spoken to Bob Muniak, he is our main sales rep. and personal friend. I know he is working with you on several matters as well. I am more then willing to sit down with you as well as Bob Muniak to work on certain issues that impact our business. If you have any questions please call me 419-349-6200.

Sincerely Pamela Cohen  
M&G Amusement LLC

**From:** [Mike Zappa](#)  
**To:** [Morrison, Andromeda](#)  
**Subject:** Finger Printing  
**Date:** Monday, April 30, 2018 5:22:33 AM

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I think this amendment is good idea. I have always felt fingerprinting was really a over reach and not practical for this purpose.

Thanks

Mike Zappa

**From:** [Scott](#)  
**To:** [Morrison, Andromeda](#)  
**Subject:** Comments  
**Date:** Friday, April 27, 2018 11:41:19 PM

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Eliminate key employee licensure altogether and just stick to location licensure.

Sent from my iPhone

**From:** [Dale Wilcox](#)  
**To:** [Morrison, Andromeda](#)  
**Subject:** Key employee Licensure  
**Date:** Saturday, April 28, 2018 6:19:20 PM

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In response to your inquiry for feedback on the Amendments to Rule 3772-50-05:

I agree finger printing is excessive and should be removed as a requirement particularly for FEC's which is my perspective. Also, with respect to #8

(8) If the applicant or licensee has been indicted, convicted, or pleaded guilty or no contest concerning any criminal offense under the laws of any jurisdiction, excluding minor traffic violations

I think this statement is also excessive and may cause unintended problems. I know many adults who have a misdemeanor on their records from college for example possess of alcohol as a minor or urinating in public or silly things that happened in our youth. The way the statement is written such things could disqualify a person. I think you would want to consider things of a more serious nature such has a felony and perhaps within a certain time frame.

Thanks for soliciting feedback.

Dale Wilcox

[Lazer Kraze](#) – *Fun for All Ages*

*"You can discover more about a person in an hour of play than in a year of conversation." -- Plato*

(Mason) - 7082 Columbia Rd, Maineville OH 513-339-1030

(Northern Ky) -1335 Donaldson Hwy, Erlanger KY 859-371-5729

(Columbus North) - 459 Orange Point Drive, Lewis Center OH 740-548-7788

(Columbus East) – 5524 North Hamilton Rd, Gahanna OH 614-656-8216

**From:** [Mike](#)  
**To:** [Morrison, Andromeda](#)  
**Subject:** key employee skill machines  
**Date:** Friday, April 27, 2018 9:14:42 PM

---

I am a little confused if a person with a criminal background can work for the Casino in Ohio, then why cant he or she work as a key employee at a skill based game room?

**From:** [Braig, Kevin P.](#)  
**To:** [Morrison, Andromeda](#)  
**Subject:** RE: Amendments to Rule 3772-50-05  
**Date:** Monday, April 30, 2018 11:48:33 AM

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Andromeda:

I support eliminating the fingerprint requirement for skill-based amusement machine key employee applicants. It think the benefits of the fingerprint requirement do not outweigh the burden created for the industry and discourages operators and locations from applying for a license.

Kevin

**Kevin P. Braig | Shumaker**

Attorney at Law

Huntington Center, Suite 2400

41 South High Street | Columbus, Ohio 43215-6104

Direct 614.628.4433 | Fax 614.463.1108

kbraig@slk-law.com | [bio](#) | [LinkedIn](#)

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**From:** Ohio Casino Control Commission

[mailto:Andromeda.Morrison=casinocontrol.ohio.gov@mail146.suw14.mcdlv.net] **On Behalf Of** Ohio Casino Control Commission

**Sent:** Friday, April 27, 2018 8:04 PM

**To:** Braig, Kevin P.

**Subject:** Amendments to Rule 3772-50-05

[View this email in your browser](#)

Stakeholders,

The Ohio Casino Control Commission ("Commission") is seeking feedback on amendments to Ohio Adm. Code 3772-50-05, Skill-based amusement machine key employee licensure. The amendment deletes in its entirety paragraphs (B) and (F) of the [current rule](#). The purpose of the amendment is to eliminate the requirement for skill-based amusement machine key employee applicants to be fingerprinted as part of a criminal background check. The language of the amended rule can be found below.

**3772-50-05 Skill-based amusement machine key employee licensure.**

(A) A person seeking a skill-based amusement machine key employee license shall apply for licensure via the state of Ohio eLicense website at [www.elicense.ohio.gov](http://www.elicense.ohio.gov), comply with all instructions, and pay a non-refundable application fee of two hundred fifty dollars.

(B) An applicant for a skill-based amusement machine key employee license shall establish, by clear and convincing evidence, the applicant's suitability for licensure.

(C) In determining whether to grant or maintain the privilege of a skill-based amusement machine key employee license, the commission shall evaluate each applicant and licensee in a manner consistent with the commission's authority to do the same with respect to casino gaming, including:

- (1) Whether the applicant or licensee possesses good character, honesty, and integrity;
- (2) Whether the applicant or licensee possesses financial stability, integrity, and responsibility;
- (3) The criminal history of an applicant or licensee;
- (4) The extent to which the applicant or licensee has cooperated with the commission;
- (5) Whether the applicant or licensee has provided accurate and complete information as required by the commission or submitted false or misleading information to the commission;
- (6) If the applicant or licensee has shown a disregard of or otherwise failed to comply with the laws and regulations of this state or any other jurisdiction;
- (7) If awarding or maintaining a license would undermine the public's confidence in skill-based amusement machine gaming in this state; and
- (8) If the applicant or licensee has been indicted, convicted, or pleaded guilty or no contest concerning any criminal offense under the laws of any jurisdiction, excluding minor traffic violations.

(D) A skill-based amusement machine key employee licensee must maintain his or her suitability at all times during the licensure period.

(E) Upon determination by the commission that an applicant for a new or renewal skill-based amusement machine key employee license is suitable to be issued a license, the applicant shall pay an upfront non-refundable license fee of two hundred fifty dollars.



(F) If the commission determines that a person is suitable to be issued a skill-based amusement machine key employee license and all other requirements of this chapter have been met, the commission shall issue a license for not more than five years.

This draft has **not** been finalized. Commission staff will review all comments submitted and may revise the rule amendments based on your feedback. After this comment and revision process, you will have additional opportunities to provide comment.

All comments on the amended rule should be submitted **no later than 4:00 p.m., May 4**. Please direct your comments to Andromeda Morrison, Director of Skill Games at [Andromeda.Morrison@casinocontrol.ohio.gov](mailto:Andromeda.Morrison@casinocontrol.ohio.gov).

Thank you.



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