



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

Business Impact Analysis

Agency, Board, or Commission Name: Ohio Casino Control Commission
(“Commission”)

Rule Contact Name and Contact Information:

Matt Oyster, matt.oyster@casinocontrol.ohio.gov, (614) 387-5859

Regulation/Package Title (a general description of the rules’ substantive content):

2020 Five-Year Review (Regulatory Compliance: Complimentaries, Credit, Chips, and Table Games)

Rule Number(s): 3772-10-09, -20, -23, 3772-11-13, -14, -31, -33, -34, and -37.

Date of Submission for CSI Review: August 19, 2020

Public Comment Period End Date: September 2, 2020

Rule Type/Number of Rules:

New/___ rules

No Change/3 rules (FYR? Yes)

Amended/6 rules (FYR? Yes)

Rescinded/___ rules (FYR? ___)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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Reason for Submission

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☐ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☐ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☒ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☐ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

Regulatory Intent

2. Please briefly describe the draft regulation in plain language.

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

- **3772-10-09 (amendment)**, titled “Complimentaries.” This rule amplifies R.C. 3772.23, which explicitly requires promotional gaming credits to be subject to Commission oversight. The purpose of the rule is to establish a minimum threshold for authorizing and recording complimentaries based on the minimum threshold each casino already established in their own Commission-approved internal controls. The amendments to this rule repeal some unnecessary details in the valuation of promotional credits and in the exact recording of the personal information of who receives credits. Despite these changes, which will ease the impact of the rule on operators, the rule will still allow the Commission to ensure complimentaries are appropriately authorized and accurately recorded, are not offered to members of the voluntary exclusion program, and will still be subject to sufficient auditing.
- **3772-10-20 (amendment)**, titled “Unsecured currency, vouchers, tickets and coupons.” 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. The purpose is to ensure that unsecured currency is accurately reported and appropriately handled. The amendments to the rule remove some unnecessary requirements in exactly how operators handle unsecured

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currency, while maintaining internal control requirements on the subject, which each operator can set themselves with Commission approval.

- **3772-10-23 (amendment)**, titled “Credit.” 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 shall not issue credit to voluntarily excluded individuals, shall not extend credit to patrons delinquent in payments, and shall not circumvent the credit requirements by otherwise issuing credit to a patron in connection to casino gaming. The purpose of the rule is to allow each casino to establish the exact procedures it follows if it chooses to issue credit or markers to its patrons, subject to certain regulatory minimums. The amendments to this rule are all housekeeping amendments to streamline language and improve readability.
- **3772-11-13 (amendment)**, titled “Primary, secondary, and reserve sets of gaming chips.” This rule requires that the casino keep a primary and secondary set of value chips. The main amendment to this rule eliminates the requirement that the casinos have a set of non-value chips and a reserve set of non-value chips—instead opting for permissive language on non-value chips, which have less risk of counterfeiting. The amendment also removes an unnecessary notification provision. Finally, the rule sets forth certain conditions that would mandate the removal of a value or non-value chips set, by virtue of the set’s security or integrity being called into question, for example, the presence of a significant number of counterfeits. The purpose of this rule is to ensure the integrity of the casino’s cashless wagering system, as required by R.C. 3772.22.
- **3772-11-14 (amendment)**, titled “Exchange of value chips or non-value chips.” This rule details how chips can be exchanged in ways that will ensure the exchanges occur in monitored environments and requires casinos to come up with procedures for the acceptance of chips from other casinos. The amendments to the rule are largely intended to streamline the rule’s language and improve readability. The most substantive change gives the executive director some flexibility in approving alternative locations for chip issuance and exchanges, as needed. The purpose of this rule is to ensure the integrity of the casino’s cashless wagering system, as required by R.C. 3772.22.
- **3772-11-31 (no change)**, titled “Automated table fills.” This rule governs how casino operators will authorize, process, and conduct table game fills. While the rule requires some specific minimums, the rule also allows the casinos to detail certain more minute aspects of the process in their own Commission-approved internal controls. The purpose of this rule is to ensure the proper tracking and integrity controls when chips are moved onto a table. Many of the controls can be briefly summarized as requiring detailed documentation and ensuring that multiple individuals are involved in all aspects of the transaction.
- **3772-11-33 (no change)**, titled “Automated table credits.” The rule can briefly be described as the flipside of Ohio Adm.Code 3772-11-31 and governs how operators will

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authorize, process, and conduct table game credits—or when chips are transferred from a table to the cashier’s cage. The purpose of this rule is to ensure the proper tracking and integrity controls of these transactions. Again, the rule requires some specific minimums, while allowing the operators to detail certain more minute aspects in their own Commission-approved internal controls, and many of the requirements can be briefly summarized as requiring detailed documentation and ensuring that multiple individuals are involved in all aspects of the transaction.

- **3772-11-34 (amendment)**, titled “Table game layouts.” The rule sets certain minimums on how table game layouts are to appear. These minimums all relate to the purposes for this rule: ensuring surveillance can read the layouts when monitoring or reviewing gameplay and ensuring patrons understand the basic odds and payouts of the game from the layout. The amendment removes some requirements on how layouts that are not in use must be stored and how old layouts are to be destroyed—these requirements were determined not to meaningfully improve the integrity of casino gaming, at this time.
- **3772-11-37 (no change)**, titled “Minimum and maximum table game wagers.” This rule allows casino operators to set minimum and maximum wager amounts, but specifies that if they do, those amounts must be posted for patrons. It also contains a prohibition on operators accepting bets from non-recognized table positions to ensure bets are appropriately tracked. The purpose of this rule is to ensure the casinos can offer only those price points they wish to offer, while ensuring that patrons are clearly made aware of what the current price point on any product is.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

R.C. 3772.03, 3772.033

4. 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.

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

This question is not applicable to these rules because the federal government does not regulate casino gaming in this state. Rather, casino gaming is permitted pursuant to Article XV, Section 6(C) of the Ohio Constitution and is controlled by Ohio’s Casino Control Act (i.e., R.C. Chapter 3772).

6. 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)?

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Article XV, Section 6(C) of the Ohio Constitution and R.C. Chapter 3772 requires the Commission to ensure the integrity of casino gaming and to prescribe rules for how casino gaming should be conducted. In fact, R.C. 3772.03(D) specifically requires the Commission to adopt rules on many of the topics in this rule package. These rules are designed to continue to effectuate these mandates by streamlining regulatory compliance rules related to topics such as complimentaries, credit, chips, and table games.

7. 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 rules in terms of whether they help to ensure the integrity of casino gaming while recognizing the practical concerns casino operators face. This can be done in two ways: First, through evaluating whether the administrative cost of implementing and enforcing the rules outweighs their public benefit. Second, through analyzing the regulated community's comments about requests for waivers or variances from the rules once the amendments are implemented.

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No.

Development of the Regulation

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

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

Casino Operators

- Penn National Gaming, Inc. ("Penn"): Hollywood Casinos Columbus and Toledo
- JACK Entertainment, LLC ("JACK"): JACK Cleveland Casino
- Hard Rock Casino ("Hard Rock"): Hard Rock Casino Cincinnati

Casino operators were provided an opportunity to comment on the rules via e-mail on July 21, 2020. (Exhibit 1.) Comments were requested to be submitted, in writing, by 5:00 p.m. on July 31, 2020. Additionally, Commission staff conducted multiple phone calls with the casino operators prior to the comment deadline to answer questions and discuss the structure and intent of the rules. Finally, stakeholders had the opportunity to comment during the Commission's public meeting on August 19, 2020.

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

JACK submitted formal comments on July 31. Exhibit 2. These comments were confined solely to Ohio Adm.Code 3772-11-37(B). Additionally, staff had some informal discussions with other operators regarding the change as well. Given these thoughtful comments, the Commission decided to revert the entirety of the rule to its old language and to file as a no-change rule. Exhibit 3. This change seemed to alleviate any concerns from the stakeholders, as JACK's original comments stated they had no objection to the current rule and Hard Rock acknowledged they appreciated the Commission's review and consideration. Exhibit 4.

11. 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 rules because no scientific data was necessary to develop or measure their outcomes. Instead, Commission staff reviewed how other jurisdictions approached rules regarding complimentaries, credit, chips, and table games. Further, Commission staff considered past practice under the rules as presently written, whether the existing rules were the most efficient means by which to maintain the integrity of casino gaming in this context, and whether any waivers or variances had been requested and granted to the regulated community, all with an eye on its pivot towards regulatory oversight primarily by audit rather than prospective review and approval. In so doing, the Commission was able to use, as much as possible, rules the regulated community is accustomed to within the industry, with minor adaptations to remain in compliance with Ohio law.

12. 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?

Commission staff reviewed the rules adopted in other jurisdictions and the suggestions provided by the stakeholders and other members of the industry. Further, Commission staff considered any waivers or variances to existing rules that had been requested and granted. The rules are a conglomeration of the rules used in other jurisdictions with adaptations made for Ohio and are, in some cases, the result of discussions between Commission staff and the regulated community, including reflections of existing waivers or present practice.

13. 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.*

Many of these rules include a performance-based component wherein they set the floor for compliance but do not completely dictate how the casino operators are supposed to achieve compliance. Specifics are instead set in each operator's own Commission-approved internal controls or procedures, allowing each operator to account for specifics in their business model. Additionally, Ohio Adm.Code 3772-1-04 allows the casino operators to seek waivers

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and variances from these rules, which the Commission will evaluate on a case-by-case basis and may grant as long as it determines that doing so is in the public's best interest. The rules, however, are not entirely performance-based in that some detailed mandatory protocols are put in place in particularly important areas.

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

This question does not apply to these rules because no other regulations in this area currently exist with respect to casino gaming in this state. To the extent that this package amends existing administrative rules, several within the package bring clarity to requirements in R.C. Chapter 3772 and Ohio Adm.Code 3772 and codify existing waivers.

15. 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.

At each casino facility, there are gaming agents and auditors observing, evaluating, and investigating the operations. In addition, the Commission's Regulatory Compliance personnel consistently perform various operational audits, including table game and electronic gaming equipment audits. Any issues that arise in the gaming process (i.e., from manufacturing to the actual conducting of casino games) will be funneled to the Commission's central office in Columbus, Ohio, where the Executive Director and his division directors can coordinate a consistent response and conduct outreach to the regulated community.

Adverse Impact to Business

16. 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; and

The casino operators are the impacted business community with respect to these amendments.

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

The nature of the potential adverse impact from the amendments includes fines for noncompliance, costs for employer, time and payroll, and the potential for other monetary costs to the operators.

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

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“representative business.” Please include the source for your information/estimated impact.

3772-10-09 Complimentaries.

The purpose of this rule is to establish a minimum threshold for authorizing and recording complimentaries based on the minimum threshold each casino already established in their own Commission-approved internal controls. The amendments to this rule repeal some unnecessary details in the valuation of promotional credits and in the exact recording of the personal information of who receives credits. Because the casinos are already operating in compliance with self-imposed restrictions, no additional action is necessary as a result of the amendments. Further, the Commission anticipates only minimum economic impact to the regulated community, since the rule allows the casinos to set and follow their own procedures.

3772-10-20 Unsecured currency, voucher, tickets, and coupons.

The purpose of this rule is to ensure that unsecured currency is accurately reported and appropriately handled. The amendments to the rule remove some unnecessary requirements in exactly how operators handle unsecured currency, while maintaining internal control requirements on the subject, which each operator can set themselves with Commission approval. The Commission anticipates some minimal business impact from operators needing to record certain base information regarding the unsecured currency. However, unsecured currency is a topic rife with integrity issues, justifying the impact. Additionally, many of the more detailed requirements that had existed have been stripped out in this amendment. Therefore, the Commission anticipates an overall positive impact from this filing, as the casino operators have more flexibility in deciding how to appropriately handle unsecured currency.

3772-10-23 Credit.

The purpose of this rule is to allow each casino to establish the exact procedures it follows if it chooses to issue credit or markers to its patrons, subject to certain regulatory minimums. The amendments to this rule are all housekeeping amendments to streamline language and improve readability. The responsible issuance of credit is of monumental importance and is a rule the Commission was specifically required to adopt in R.C. 3772.03(D). However, the rule itself again opts for an internal control method of compliance, allowing operators to determine their own costs of compliance, so long as they meet the regulatory minimums. These minimums are all inherent in the very concept of the extension of credit, including proper recording of information, verification of income and credit history, and documentation of the reasons for the establishment of the specific credit amount. Therefore, the Commission does not anticipate an adverse impact on casino operations.

3772-11-13 Primary, secondary, and reserve sets of gaming chips.

The purpose of this rule to ensure the integrity of the casino’s cashless wagering system. The main amendments to this rule eliminate the requirement that the casinos

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have a set of non-value chips and a reserve set of non-value chips—instead opting for permissive language on non-value chips, which have less risk of counterfeiting. The amendment also removes an unnecessary notification provision. As the casinos are required to have a cashless wagering system under R.C. 3772.22 and the Commission is required to adopt rules on the design and identification of approved gaming supplies, the Commission does not anticipate an adverse impact to business from this rule. Instead, the impact of this amended rule will likely be positive, due to the eliminations noted above.

3772-11-14 Exchange of value chips or non-value chips.

The purpose of this rule is to ensure the integrity of the casino's cashless wagering system, as required by R.C. 3772.22. It does so by detailing how chips can be exchanged, specifically in ways that will ensure the exchanges occur in monitored environments, much like at a bank. The amendments to this rule are largely intended to streamline the rule's language and improve readability. Therefore, the Commission does not anticipate that these amendments will have a negative impact to business. As for the rule itself, the costs incurred by the operator in ensuring chip transactions occur in certain monitored environments are industry standard and as such will not impose an appreciable additional cost over and above those inherent in the business.

3772-11-31 Automated table fills.

This rule is not being amended. The rule details certain specific requirements on how chips will be moved onto a gaming table, including details related to security, surveillance, and audit. As is common with most Commission rules, the exact details of the procedures are left to each individual operator to set in their own Commission-approved internal controls. This allows each operator to find a process that works best for their business model—taking into account variances in technology, risk tolerance, and operational budgets. Operators incur costs related to employee time and payroll to complete the enumerated functions in the rule and in each operator's internal controls. However, these costs have been in place since the inception of casino gaming and all operators are used to these costs through their operation in Ohio or in other states with similar regulations.

3772-11-33 Automated table credits.

This rule is not being amended. The rule is the mirror of Ohio Adm.Code 3772-11-31 and details certain specific requirements on how chips will be moved from a gaming table to the cashier's cage, including details related to security, surveillance, and audit. As is common with most Commission rules, the exact details of the procedures are left to each individual operator to set in their own Commission-approved internal controls. This allows each operator to find a process that works best for their business model—taking into account variances in technology, risk tolerance, and operational budgets. Operators incur costs related to employee time and payroll to complete the enumerated functions in the rule and in each operator's internal controls. However, these costs have been in place since the inception of casino gaming and all operators are used to these

costs through their operation in Ohio or in other states with similar regulations.

3772-11-34 Table game layouts.

The purpose of this rule is to ensure surveillance can read the table game layouts when monitoring or reviewing gameplay and ensuring patrons understand the basic odds and payouts of the game from the layout. The amendments to this rule remove some requirements on how layouts that are not in use must be stored and how old layouts are to be destroyed as these requirements were determined not to meaningfully improve the integrity of casino gaming, at this time. As the rule largely implements the requirement that the Commission adopt rules on gaming supplies, in this case layouts, and the requirements in the rule are industry standard, the Commission does not anticipate an appreciable adverse impact to business from the rule. Rather, the impact of this amendment will likely be positive due to the elimination of some prior requirements.

3772-11-37 Minimum and maximum table game wagers.

This rule is not being amended. The purpose of this rule is to ensure the casinos can offer only those price points they wish to offer, while ensuring that patrons are clearly made aware of what the current price point on any product is. In so doing, the rule simply states the casino must post those price points on each product and follow them, so as to not mislead their patrons. This posting will result in minimal costs to the operator, but the posting is only required should the operator wish to implement table minimums and maximums. Further, not requiring posting of these prices would lead to unacceptable consumer confusion and is a justified impact.

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

Each of the rules in this package is being filed pursuant to the statutory five-year review requirement and any amendments are needed to correct current issues, such as conflicting provisions of law, or to clarify the Commission's interpretation of a particular rule. As stated in 16(C) above, many of the amendments actually reduce the business impact of the rules as currently in effect.

Additionally, the regulatory intent justifies any adverse impact because Article XV, Section 6(C) of the Ohio Constitution and R.C. Chapter 3772 require the Commission to ensure the integrity of casino gaming. Further, R.C. 3772.03(D) requires the Commission to adopt specific rules on the above topics, including credit, the design and identification of gaming supplies, the voluntary exclusion program, the maintenance of financial records, and surveillance and security standards.

Moreover, the regulatory intent justifies any adverse impact because casino gaming is a highly regulated industry. Unregulated gaming poses a threat to the public welfare and raises

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the potential for fraud and abuse. To mitigate these threats, the Commission, like other gaming regulatory bodies, is using its regulatory authority to establish a best practice framework. As stated in Questions 11 and 12, the Commission's rules are modeled after other jurisdictions with modifications for Ohio law—these rules are commonplace in the industry and built into the business models of the regulated community.

Regulatory Flexibility

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

Yes (indirectly), though it is unlikely this will be necessary since these proposed regulations only impact the casinos, none of which likely constitute a small business. Further, these amendments indirectly provide an exemption or alternative means of compliance through Ohio Adm.Code 3772-1-04, which permits the Commission, upon written request, to grant waivers and variances from the rules adopted under R.C. Chapter 3772, including these rules, if doing so is in the best interest of the public and will maintain the integrity of casino gaming in the State of Ohio. Additionally, as stated throughout, many of the more minute details of the Commission's regulations are accomplished through the operator's own Commission-approved internal controls, allowing smaller operators to propose alternative methods of compliance that may fit their business model better.

19. 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?

Though it is unlikely R.C. 119.14 will apply to these rules because the rules only impact the casinos, none of which likely constitute a small business, the Commission will adhere to the statutory requirements thereunder, if applicable.

To the extent R.C. 119.14 would apply to a violation of these rules, the Commission will provide verbal and written notification to the small business 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.

20. 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 casino gaming in this state. As a result, the following resources are available:

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- Commission's mailing address:
100 E. Broad Street, 20th Floor
Columbus, OH 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

Also, all members of the regulated community may, in accordance with Ohio Adm.Code 3772-2-04, request to address the Commission during a public meeting. Finally, all members of the regulated community may, pursuant to Ohio Adm.Code 3772-1-04, request waivers and variances from Commission regulations.

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Cox, William

From: Cox, William
Sent: Tuesday, July 21, 2020 2:00 PM
To: 'Sam Porter III - Ice Miller (samuel.porter@icemiller.com)'; Lynne Mackin - Hollywood Columbus (Lynne.Mackin@pngaming.com); Jessica McGrady; Matthew Spitnale; Robert Wamsley; Lisa Powers
Cc: Fleenor, Chris; Donahue, Craig; Oyster, Matt; Abbott, Catharine
Subject: Five-Year Rule Review Stakeholder Comment - Deadline July 31
Attachments: 10-09.docx; 10-20.docx; 10-23.docx; 11-13.docx; 11-14.docx; 11-31.docx; 11-33.docx; 11-34.docx; 11-37.docx

Good afternoon everyone,

Attached you will find a proposed rule-filing package. This package contains rules 3772-10-09, 10-20, 10-23, 11-13, 11-14, 11-31, 11-33, 11-34, and 11-37. These rules are being filed to comply with the state's five-year review requirement. As such, 11-31 and 11-33 are being shared with you, even though the Commission is currently proposing no changes to these rules.

We understand that there may be questions regarding this rule package. If you would like to discuss those questions, please feel free to reach out to Chris, Craig, or myself. **If, however, you would like to provide formal written comments, please respond directly to this email by 5:00 p.m. on July 31.**

Thank you all.



William J. Cox
Senior Legal Counsel
Ohio Casino Control Commission
(614) 387-0482

From: [Lisa Powers](#)
To: [Cox, William](#)
Cc: [Fleenor, Chris](#); [Donahue, Craig](#); [Scott Lokke](#); [Chris Volle](#); [Allyson Miller](#); [Tony Carolo](#)
Subject: RE: Five-Year Rule Review Stakeholder Comment - Deadline July 31
Date: Friday, July 31, 2020 4:56:59 PM
Attachments: [image001.jpg](#)
[image003.png](#)

Good Afternoon Will,

Thank you for the opportunity to review and provide comments on the proposed amendments. JACK Cleveland Casino ("JCL") respectfully would like to raise a concern with the proposed rule revision to OAC 3772-11-37(B). Please note, JCL raises no objection to the current rule or with its deletion. Our primary concern with the proposed rule change is that it will result in a perception by patrons that we are unfairly benefitting from a failure to follow our own posted rules/procedures when we take an accepted wager in its entirety that is over the posted table maximum. We believe that at no time should the casino accept a wager over the established table maximum and then subsequently benefit at the expense of fairness to a patron.

As described in JCL's Table Games Approved Procedures, should a wager over the posted table maximum be accepted and subsequently lose, the casino returns to the patron that portion of the losing wager over the posted table maximum before taking the wager. Both the casino and player should adhere to the posted rules related to table maximums in all cases and neither should unfairly benefit from the other's mistake. Furthermore, we would not want to allow individual dealers the ability to change our posted table maximums by either inadvertent or intentional (collusion) action.

For these reasons, we believe the procedures to pay or take up to a posted table maximum promotes the integrity of the game and maintains fairness. We respectfully request the opportunity to further discuss this change with the Commission staff at your earliest convenience.

Thank you,
Lisa

LISA POWERS
DIRECTOR OF COMPLIANCE
D: 216-297-4798
M: 513-667-4506
LISAPOWERS@JACKENTERTAINMENT.COM
100 PUBLIC SQUARE, CLEVELAND, OH, 44113
WWW.JACKENTERTAINMENT.COM
MAIN: 216-297-4777



From: William.Cox@casinocontrol.ohio.gov <William.Cox@casinocontrol.ohio.gov>
Sent: Tuesday, July 21, 2020 2:00 PM
To: 'Sam Porter III - Ice Miller (samuel.porter@icemiller.com)' <samuel.porter@icemiller.com>; Lynne.Mackin@pngaming.com; Jessica.McGrady@pngaming.com; Matthew.Spitnale@pngaming.com; robert.wamsley@hrcincinnati.com; Lisa Powers <LisaPowers@jackentertainment.com>
Cc: chris.fleenor@casinocontrol.ohio.gov; Craig.Donahue@casinocontrol.ohio.gov; Matt.Oyster@casinocontrol.ohio.gov; Caty.Abbott@casinocontrol.ohio.gov
Subject: Five-Year Rule Review Stakeholder Comment - Deadline July 31

Good afternoon everyone,

Attached you will find a proposed rule-filing package. This package contains rules 3772-10-09, 10-20, 10-23, 11-13, 11-14, 11-31, 11-33, 11-34, and 11-37. These rules are being filed to comply with the state's five-year review requirement. As such, 11-31 and 11-33 are being shared with you, even though the Commission is currently proposing no changes to these rules.

We understand that there may be questions regarding this rule package. If you would like to discuss those questions, please feel free to reach out to Chris, Craig, or myself. **If, however, you would like to provide formal written comments, please respond directly to this email by 5:00 p.m. on July 31.**

Thank you all.



CAUTION: This is an external email and may not be safe. If the email looks suspicious, please do not click links or open attachments and forward the email to csc@ohio.gov or click the Phish Alert Button if available.

Cox, William

From: Oyster, Matt
Sent: Friday, August 14, 2020 9:58 AM
To: 'Sam Porter III - Ice Miller (samuel.porter@icemiller.com)'; Mackin, Lynne; McGrady, Jessica; Matthew Spitnale; Robert Wamsley; Lisa Powers; Allyson Miller
Cc: Fleenor, Chris; Donahue, Craig; Abbott, Catharine; Cox, William
Subject: RE: Five-Year Rule Review Stakeholder Comment - Deadline July 31
Attachments: Ohio Adm.Code 3772-11-37.docx

Good Morning,

In response to stakeholder feedback, Commission staff has re-evaluated one of the rules included in the proposed rule-filing package provided for your review on July 21, 2020. More specifically, staff has eliminated all proposed amendments to Ohio Adm.Code 3772-11-37 and now plans to seek Commission approval to file the rule without any changes. (A copy of the no-change rule is attached for convenience.)

Staff's decision to revert to a no-change proposal is based on thoughtful comments regarding industry practice and procedural modifications that would be necessary to implement the amended version. That being said, the Commission is committed to patron protection and will continue to examine min-max-wager complaints on a case-by-case basis to ensure that fundamental fairness is achieved. Consequently, it is imperative that each casino has procedural safeguards in place to accept wagers within established min-max ranges and to immediately rectify those occasions in which it fails to do so.

Please let us know if you have any questions or wish to discuss this further.

Sincerely,



Matt Oyster

General Counsel and
Director of Licensing & Investigations
Ohio Casino Control Commission
(614) 387-5859

From: Cox, William <William.Cox@casinocontrol.ohio.gov>
Sent: Tuesday, July 21, 2020 2:00 PM
To: 'Sam Porter III - Ice Miller (samuel.porter@icemiller.com)' <samuel.porter@icemiller.com>; Mackin, Lynne <Lynne.Mackin@pngaming.com>; McGrady, Jessica <Jessica.McGrady@pngaming.com>; Matthew Spitnale <Matthew.Spitnale@pngaming.com>; Robert Wamsley <robert.wamsley@hrcincinnati.com>; Lisa Powers <LisaPowers@jackentertainment.com>
Cc: Fleenor, Chris <chris.fleenor@casinocontrol.ohio.gov>; Donahue, Craig <Craig.Donahue@casinocontrol.ohio.gov>; Oyster, Matt <Matt.Oyster@casinocontrol.ohio.gov>; Abbott, Catharine <Caty.Abbott@casinocontrol.ohio.gov>
Subject: Five-Year Rule Review Stakeholder Comment - Deadline July 31

Good afternoon everyone,

Attached you will find a proposed rule-filing package. This package contains rules 3772-10-09, 10-20, 10-23, 11-13, 11-14, 11-31, 11-33, 11-34, and 11-37. These rules are being filed to comply with the state's five-year review requirement.

As such, 11-31 and 11-33 are being shared with you, even though the Commission is currently proposing no changes to these rules.

We understand that there may be questions regarding this rule package. If you would like to discuss those questions, please feel free to reach out to Chris, Craig, or myself. **If, however, you would like to provide formal written comments, please respond directly to this email by 5:00 p.m. on July 31.**

Thank you all.



William J. Cox

Senior Legal Counsel
Ohio Casino Control Commission
(614) 387-0482

Cox, William

From: Robert Wamsley <Robert.Wamsley@hrcincinnati.com>
Sent: Friday, August 14, 2020 2:00 PM
To: Oyster, Matt
Cc: Fleenor, Chris; Donahue, Craig; Abbott, Catharine; Cox, William; Eric Skalski; George Goldhoff
Subject: RE: Five-Year Rule Review Stakeholder Comment - Deadline July 31

Good Afternoon Matt,

HRC and my team certainly do appreciate the review and consideration, and the great conversation we had as we proposed different ideas and suggestions. We will ensure that we follow our procedural safeguards and keep in communication with the Commission on this issue. Again, thank you.

Respectfully,

Robert

ROBERT WAMSLEY | Director of Compliance

D: 513.250.3117 | M: 513.609.7205

robert.wamsley@hrcincinnati.com

Hard Rock Casino Cincinnati

1000 Broadway Street | Cincinnati, Ohio 45202

<https://www.hardrockcasinocincinnati.com/>

From: Matt.Oyster@casinocontrol.ohio.gov <Matt.Oyster@casinocontrol.ohio.gov>

FUTURE HOME OF



Sent: Friday, August 14, 2020 9:58 AM

To: 'Sam Porter III - Ice Miller (samuel.porter@icemiller.com)' <samuel.porter@icemiller.com>; Lynne.Mackin@pngaming.com; Jessica.McGrady@pngaming.com; Matthew.Spitnale@pngaming.com; Robert Wamsley <Robert.Wamsley@hrcincinnati.com>; LisaPowers@jackentertainment.com; Allyson Miller <AllysonMiller@jackentertainment.com>

Cc: chris.fleenor@casinocontrol.ohio.gov; Craig.Donahue@casinocontrol.ohio.gov; Caty.Abbott@casinocontrol.ohio.gov; William.Cox@casinocontrol.ohio.gov

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Thank you all.



William J. Cox

Senior Legal Counsel
Ohio Casino Control Commission
(614) 387-0482

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