



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Sean McCullough**, Director

## Business Impact Analysis

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

**Rule Contact Name and Contact Information:**

Andromeda Morrison, 614-387-5616, [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov)

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

OCCC 2021 FYR Batch 7 (Ohio Adm.Code 3772-15 (Independent Testing Laboratories) & 3772-20 (Security Services))

**Rule Number(s):** 3772-15-01 (amendment), 3772-15-02 (rescind & new), 3772-15-03 (rescind & new), 3772-15-04 (rescind & new), 3772-15-05 (rescind), 3772-15-06 (rescind), 3772-20-01 (amendment), 3772-20-02 (amendment), 3772-20-03 (amendment), 3772-20-04 (amendment), 3772-20-05 (amendment), 3772-20-06 (amendment), 3772-20-07 (amendment), 3772-20-08 (amendment)

**Date of Submission for CSI Review:** 1/20/2022

**Public Comment Period End Date:** 2/4/2022

**Rule Type/Number of Rules:**

New/ 3 rules

No Change/ 0 rules (FYR? N/A)

Amended/ 9 rules (FYR? Yes)

Rescinded/ 5 rules (FYR? Yes)

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

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

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

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.

### **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.*

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 Chapters 3772-15 (Independent Testing Laboratories) and 3772-20 (Security Services). 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.

- **3772-15-01 (amendment)**, titled "Independent testing laboratory certification." This rule allows independent testing laboratories to apply for certification to the Commission to test

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

**CSIPublicComments@governor.ohio.gov**

electronic gaming equipment for compliance with R.C. Chapter 3772. and the rules adopted thereunder. The purpose of this rule is to carry out the Commission's statutory mandate to certify independent testing laboratories under R.C. 3772.31 and to set the standards and duties of these labs under R.C. 3772.03. The amendment to this rule makes a number of changes. First, it broadens a current clarification, stating that certification to test equipment or goods in any other gaming industry does not grant authority for a lab to test casino gaming equipment. Currently, this clarification only directly captures skill-based amusement machines. Next, it pulls several provisions from Ohio Adm.Code 3772-15-02 and 3772-15-03 into this rule to better streamline the Code. As a result of this and additional changes to 3772-15-04, current 3772-15-02 and -03 are being rescinded. In so doing, this amendment raises the fee for certification from \$2,000 to \$5,000, while also raising the length of certifications from three years to five. This is the first time this fee has been raised since the inception of casino gaming. The new fee is still in-line with the low end of what other jurisdictions charge and will better approximate staff's actual costs in evaluating and certifying a testing lab. Other than the fee and certification-length changes, the other provisions pulled from 3772-15-02 and 3772-15-03 have only minimal streamlining and language standardization changes made. These provisions include the method by which labs can request certification renewal and the requirement that labs undergo a compliance investigation at least once per certification period.

- **3772-15-02 (rescind)**, titled "Independent testing laboratory information, certification period, and certification renewal." This rule is being rescinded and combined into the amended version of Ohio Adm.Code 3772-15-01 and the new version of 3772-15-02 (previous 3772-15-04). As such, those moved provisions are summarized in those rules.
- **3772-15-02 (new)**, titled "Compliance investigation of an independent testing laboratory." This rule, while "new," consists solely of those provisions in current Ohio Adm.Code 3772-15-04, combined with some provisions from the current 3772-15-02. 3772-15-04 currently provides the factors the Commission will consider when conducting a background investigation of an independent testing laboratory, including the laboratory's ability to test for the technical requirements under R.C. Chapter 3772. and the rules adopted thereunder, the lab's corporate structure, its policies and procedures, its staff experience and expertise, its equipment, and its financial viability. As to those provisions brought over from 3772-15-02, those provisions specify that any lab seeking certification must provide the Commission with any documents requested at the labs cost and that any confidential information contained in those documents should be marked as such. The purpose of this rule is to ensure testing laboratories meet the requirements R.C. 3772.31, as well as those standards for labs that the Commission adopted by rule under its R.C. 3772.03 statutory mandate. The changes to these currently existing provisions are solely aimed at streamlining and standardizing rule language.
- **3772-15-03 (rescind)**, titled "Certification fees." This rule is being rescinded and combined into amended Ohio Adm.Code 3772-15-01. As such, the former provisions of this rule are summarized there.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

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

- **3772-15-03 (new)**, titled “Requirements of certification.” This rule, while “new,” consists solely of the previous provisions of current Ohio Adm.Code 3772-15-05. Those provisions provide the requirements that certified independent testing laboratories must agree to or must meet in order to obtain and maintain certification. These conditions include, among others, obtaining professional liability insurance, ensuring consistent testing, maintaining accreditation, maintaining testing records, and providing assistance and training to the Commission. The purpose of this rule is to ensure testing laboratories meet the requirements R.C. 3772.31, as well as those standards for labs that the Commission adopted by rule under its R.C. 3772.03 statutory mandate. The amendments to this rule consist of changes largely intended to streamline, standardize, or better organize rule language. The substantive changes to the rule include removing two provisions that have proven unnecessary regarding a requirement that labs provide twenty-four-hour assistance and that labs have internal controls regarding separating individual duties for review and approval of equipment. Of note, several changes have been made to lab’s record-retention periods. Generally speaking, labs must keep records for at least five-years, which corresponds to the standard five-year records-retention requirement for all casino gaming in Ohio Adm.Code 3772-1-07. However, the amendment states that certain records must be kept longer. For instance, labs must maintain records related to approved gaming equipment for five-years after the associated approval is no longer in effect.. Labs must also maintain for a period of five years after the relevant certification period all software and associated source code submitted for testing, but not subsequently approved by the commission. These longer retention schedules are justified because the labs are “standing in the shoes” of the Commission as the testers of casino equipment and gaming equipment often continues in use long past five years. As such, these records must be kept to ensure the integrity of casino gaming.
- **3772-15-04 (new)**, “Duties of a certified independent testing laboratory.” This rule, while “new,” consists solely of the previous provisions of current Ohio Adm.Code 3772-15-06. Those provisions provide for the general duties of a certified independent testing laboratory. These duties include to test electronic gaming equipment for compliance with R.C. Chapter 3772 and the rules adopted thereunder; providing reports to the Commission of test results; serving as a witness in legal proceedings; and adopting internal procedures to ensure the suitability of the laboratories’ procedures, equipment, and employees. The purpose of this rule is to ensure testing laboratories meet the requirements R.C. 3772.31, as well as those standards for labs that the Commission adopted by rule under its R.C. 3772.03 statutory mandate. The amendments to this rule are largely intended to streamline and standardize must language; however, a requirement that testing labs run a credit check on its employees has been removed as unnecessary.
- **3772-20-01 (amendment)**, titled “Security department.” This rule specifies that casino operators must have a security department to provide unarmed security at the casino and lays out the duties that the department must accomplish. These duties include protecting people and property; assisting, notifying, and reporting to the Commission certain crimes or suspected crimes; and maintaining procedures for reports, asset protection, and common disturbances at the casinos. Finally, the rule lays out a general prohibition on the

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

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

permittance of a firearm onto casino property, while encapsulating certain statutory or safety-sensitive exceptions. The purpose of this rule is to prescribe security requirements as required by R.C. 3772.03, to protect the safety of Ohioans and the integrity of casino gaming, and to assist the Commission in accomplishing several of its statutory powers under R.C. 3772.033. The amendment to this rule is largely intended to streamline and standardize rule language. The larger changes include moving paragraph (B) of the current rule to Ohio Adm.Code 3772-15-02, requiring immediate notification to the Commission of inquiries by law enforcement or regulators regarding an applicant or licensee's conduct, and better clarifying the duties of a security guard in halting a person whose actions may cause bodily harm.

- **3772-20-02 (amendment)**, titled "Security department staffing." This rule specifies that the casino operator shall maintain sufficient security staffing to ensure both safety and the integrity of casino gaming. The purpose of this rule is to prescribe security requirements as required by R.C. 3772.03, to protect the safety of Ohioans and the integrity of casino gaming, and to assist the Commission in accomplishing several of its statutory powers under R.C. 3772.033. The amendment to this rule moves previous Ohio Adm.Code 3772-20-01(B), requiring security staff to hold a valid Commission license and be casino employees, to this rule. It also removes the specific considerations of when security officer staffing should be increased, opting for a more generalized standard of as necessary to meet business demands and to ensure both safety and the integrity of casino gaming. It also gives the Executive Director the ability to raise the minimum required staffing in the security plan. Finally, the amendment also removes a duplicative provision requiring a Director of Security at each casino.
- **3772-20-03 (amendment)**, titled "Training." This rule specifies that each casino operator must provide training to all members of its security department, including training on the other rules in the Chapter and on the awareness and detection of suspected human trafficking. The purpose of this rule is to prescribe security requirements as required by R.C. 3772.03, to protect the safety of Ohioans and the integrity of casino gaming, and to assist the Commission in accomplishing several of its statutory powers under R.C. 3772.033. The amendment to this rule removes a requirement that this training must be laid out in a plan for Commission approval. Otherwise, the amendment is solely intended to standardize rule language.
- **3772-20-04 (amendment)**, titled "Security plan." This rule specifies that each casino operator must have a security plan, approved by the Commission and containing certain information, before the commencement of casino gaming. The plan must include an organizational chart, the duties of each position, provisions for staffing, and an emergency operations plan, among others. The purpose of this rule is to prescribe security requirements as required by R.C. 3772.03, to protect the safety of Ohioans and the integrity of casino gaming, and to assist the Commission in accomplishing several of its statutory powers under R.C. 3772.033. The amendments to this rule are solely intended to standardize rule language.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

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



- **3772-20-05 (amendment)**, titled “Emergency operations plan.” This rule specifies that the casino operator must have an emergency-operations plan to deal with certain emergency situations, including severe storms, fires, and active shooter scenarios. Further, the rule specifies that the Commission should be notified at the time that an emergency arises. The purpose of this rule is to prescribe security requirements as required by R.C. 3772.03, to protect the safety of Ohioans and the integrity of casino gaming, and to assist the Commission in accomplishing several of its statutory powers under R.C. 3772.033. The amendment to this rule is solely intended to streamline or standardize rule language
- **3772-20-06 (amendment)**, titled “Incident reports.” This rule requires casino operators to prepare reports regarding specific kinds of incidents at the casino, including injuries, underage gambling, removal of patrons, and several different types of illegal activity. The rule further specifies what information the report must contain and that each report must be provided to the Commission. The purpose of this rule is to prescribe security requirements as required by R.C. 3772.03, to protect the safety of Ohioans and the integrity of casino gaming, and to assist the Commission in accomplishing several of its statutory powers under R.C. 3772.033. The amendment to this rule is largely aimed at streamlining or standardizing rule language. Two more substantive changes include the casino operator needing to generate an incident report anytime an unescorted underage individual is found in a gaming area and changing the way in which the operator makes these reports available to the Commission, which is in line with current actual practice.
- **3772-20-07 (amendment)**, titled “Security detention area.” This rule specifies that the security department must have at least one designated security detention area and that if a person is being detained, then a member of the security department must be present. The rule further specifies that the area be safe, secure, and monitored by surveillance. The purpose of this rule is to prescribe security requirements as required by R.C. 3772.03, to protect the safety of Ohioans and the integrity of casino gaming, and to assist the Commission in accomplishing several of its statutory powers under R.C. 3772.033. The amendment to this rule is largely to standardize rule language. The amendment also includes a specification that the executive director must designate and approve the detention area.
- **3772-20-08 (amendment)**, titled “Communications system.” This rule specifies that each casino operator must have a communications system that allows all members of the department to communicate and that is useable by the Commission upon request. The purpose of this rule is to prescribe security requirements as required by R.C. 3772.03, to protect the safety of Ohioans and the integrity of casino gaming, and to assist the Commission in accomplishing several of its statutory powers under R.C. 3772.033. The amendment to this rule is solely to standardize rule language.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

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

- 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.**

3772.01, 3772.03, 3772.31, 3772.033, and 3772.99.

- 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 amendments 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)?**

Article XV, Section 6(C) of the Ohio Constitution and R.C. Chapter 3772 require the Commission to ensure the integrity of casino gaming and to prescribe rules for how casino gaming should be conducted, including those related to the use of electronic gaming equipment, certifying independent testing laboratories, safety protocols, and requirements regarding security services. To ensure the integrity of casino gaming, it is imperative to protect casino patrons. It is also imperative—and the Commission's constitutional and statutory duty—to ensure the integrity of electronic gaming equipment, by ensuring the equipment meets the statutory requirements of R.C. Chapter 3772. These rules and the proposed amendments are designed to continue to effectuate these constitutional and statutory mandates.

- 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 these rules in terms of whether they help to ensure the integrity of casino gaming. This can be done in two ways: First, through evaluating whether the public benefit of implementing and enforcing the proposed rules outweighs their administrative and business costs. And second, through analyzing the regulated community's comments about requests for amendments to the rules or for waivers or variances to or from the rules.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

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

- 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.*

In reviewing these rules, an email was sent on November 18, 2021, to over 100 stakeholders. (Exhibits 1 and 2). Stakeholders were asked to submit any written comments on the rules by 5:00 p.m. on December 3, 2021. (Exhibit 1). These stakeholders included employees or representatives from casino operators, management companies, holding companies, gaming-related vendors, and independent testing laboratories. Finally, stakeholders had the opportunity to comment during the Commission's public meeting on January 19, 2022.

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

As it relates to 3772-15, the Commission received stakeholder comments from two testing laboratories and one licensed manufacturer (Exhibit 3). As a result of those comments, the Commission made several changes to the draft rules. Those of note include:

- Adding the provision that the Executive Director must provide the purpose for any potential increase in the certification fee for independent testing laboratories. Rule 3772-15-01(D).
- Extending the independent testing laboratories certification timeframe from three years to five years. Rule 3772-15-01(G).
- Allowing the results from a compliance investigation completed within the year prior to a renewal certification request to be applied to the renewal certification request at the executive director's discretion. Rule 3772-15-01(F).
- Changing the timeframe that an independent testing laboratory must maintain certain records from indefinitely to set timeframes that relate to the five-year certification timeframe. Rule 3772-15-03(A)(12).
- Changing a requirement that the labs must provide verification tools to the Commission to instead require labs to use verification methods the Commission approves, ensuring the Commission has the tools necessary to verify any results. Rule 3772-15-03(A)(7).

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

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



- Specifying that labs can recoup costs accrued in assisting the Commission in investigations and that labs need only assist the Commission in the accounting, auditing, compliance, security, technology, and verification practices of EGE that was submitted to the specific lab in question. Rule 3772-15-03(A)(13) and (14)

As it pertains to 3772-20, the Commission received stakeholder comments from two Ohio casinos (Exhibit 3). As a result of those comments, the Commission made changes to the draft rules including:

- Clarifying that a casino operator's security department must only assist gaming agents or law enforcement officers in the prevention of an offense—instead of assisting “the Commission.” Rule 3772-20-01(B)(5).
- Changing the minimum amount of security officers from ten to a “sufficient” amount as specified in the security plan and that may be increased at the discretion of the Executive Director. Rule 3772-20-02(B).

**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 the Commission's statutory mandates and looked at how other jurisdictions approached the topics in these rules. Further, staff considered whether existing rules were the most efficient means by which to maintain the integrity of casino gaming and whether any requests for amendments, waivers, or variances had been requested or granted to the regulated community. In so doing, the Commission was able to use, as much as possible, rules the regulated community is accustomed to in other jurisdictions, 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?**

When first adopting these rules, Commission staff carefully reviewed and gave thorough consideration to the rules adopted in other jurisdictions. In reviewing these rules, staff considered past practices of the Commission, any comments on the rules, any waivers or variances to existing rules that had been requested and granted, and current trends in the casino regulatory environment. As such, these rules are a conglomeration of the rules used in other jurisdictions with adaptations made for Ohio law and current industry trends.

**13. Did the Agency specifically consider a performance-based regulation? Please explain.**

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

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

***Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

The rules include a performance-based component wherein they largely set the floor for compliance but do not completely dictate how the casino operators are to achieve compliance, instead leaving those details to the operator's internal controls or standard operating procedures. Additionally, Ohio Adm. Code 3772-1-04 allows the casino operators to seek waivers 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 Commission considers the past performance of casino operators and their ability to comply with the law in evaluating internal controls, amendments to internal controls, and waivers or variances to or from these rules.

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

This question largely does not apply to these rules because no other regulations in these areas currently exist with respect to casino gaming. To the extent that this package amends existing administrative rules, many of those amendments are meant to ensure these rules are not duplicative of the Casino Control Law or other Administrative Code requirements adopted thereunder.

**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.**

The rules in this package largely relate to regulatory compliance, which is handled by the Commission's regulatory compliance staff and overseen by a director in the Commission's central office. Further, to ensure ongoing compliance, there are gaming agents, auditors, and office managers stationed at each of the casinos observing, evaluating, and investigating casino operations. Any issues that arise at the facilities are funneled to the Commission's central office where the Executive Director and their division directors can coordinate a consistent response and conduct outreach to the regulated community. Finally, if necessary, any sanctions could only be approved by the Commission at a public meeting through a vote. As such, the regulated community can expect consistent and transparent compliance work from the Commission.

**Adverse Impact to Business**

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

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

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

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

The casino operators, gaming-related vendors, and testing laboratories are the impacted stakeholders.

**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 these rules includes fees for testing laboratory certification; fines for noncompliance; costs for employer time and payroll for, among other things, training and sending notifications and reports to the Commission; and the potential for other monetary costs to the casino operators, as described more fully below.

**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.*

**3772-15-01 Independent testing laboratory certification. (amendment)**

The Commission anticipates a minimal adverse impact to business as it relates to the certification of independent testing laboratories. This rule allows independent testing laboratories to apply for certification to the Commission to test electronic gaming equipment for compliance with R.C. Chapter 3772. The amendment to this rule makes a number of changes. First, it pulls several provisions from Ohio Adm.Code 3772-15-02 and 3772-15-03 into this rule to better streamline the Code. Additionally, this amendment raises the fee for certification from \$2,000 to \$5,000, while also raising the length of certifications from three years to five.

While the Commission acknowledges the increased fee cost in this rule, this cost is outweighed by the Commission’s statutory mandate under R.C. 3772.31 to certify independent testing laboratories, and the fee is intended to cover the cost of certification, without which a laboratory cannot legally conduct testing for compliance with R.C. Chapter 3772 and the rules adopted thereunder. This is the first time this fee has been raised since the inception of casino gaming. The new fee is still in-line with the low-end of what other jurisdictions charge, will better approximate staff’s actual costs in evaluating and certifying a testing lab, and is commensurate with the increase in certification length. Other than the fee and certification-length changes, the other provisions pulled from 3772-15-02 and 3772-15-03 have only minimal impact on business and are largely process-oriented.

**3772-15-02 Independent testing laboratory information, certification period, and certification renewal. (rescind)**

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

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

The present version of this rule is being rescinded to move a revised version of it to new Ohio Adm.Code 3772-15-01. Therefore, there is little business impact from this rescission, although the overall streamlined rules will create a slight positive impact.

**3772-15-02 Compliance investigation of an independent testing laboratory. (new)**

This rule, while “new,” consists solely of those provisions in current Ohio Adm.Code 3772-15-04, combined with some provisions from the current 3772-15-02. 3772-15-04 currently provides the factors the Commission will consider when conducting a background investigation of an independent testing laboratory. Given that the rule merely provides clear guidelines by which laboratories will be evaluated, based on the R.C. 3772.31 statutory mandate, the Commission does not anticipate an adverse impact on business from this rule.

As to those provisions brought over from 3772-15-02, including costs related to compliance investigations, the Commission anticipates a minimal adverse business impact from this rule. The 15-02 provisions specify that any lab seeking certification must provide the Commission with any documents requested at the lab’s cost and that any confidential information contained in those documents should be marked as such. While the Commission acknowledges the cost of submitting information for certification and undergoing an investigation, this cost is outweighed by the Commission’s statutory mandate under R.C. 3772.31 to certify independent testing laboratories. The changes to these currently existing provisions are solely aimed at streamlining and standardizing rule language.

**3772-15-03 Certification fees. (rescind)**

This rule is being rescinded and combined into amended Ohio Adm.Code 3772-15-01. Therefore, there is little business impact from this rescission, although the overall streamlined rules will create a slight positive impact.

**3772-15-03 Requirements of certification. (new)**

The Commission anticipates a minimal adverse impact from this rule related to the requirements for certification. This rule, while “new,” consists solely of the previous provisions of current Ohio Adm.Code 3772-15-05 which provide the requirements that certified independent testing laboratories must agree to or must meet in order to obtain and maintain certification. While this rule does place conditions on obtaining and maintaining certification, the rule is necessary to ensure the laboratories can appropriately and effectively test to the standards in R.C. Chapter 3772 and the rules adopted thereunder. To be clear, this rule only impacts those independent testing laboratories who have obtained certification from the Commission, a voluntary business decision.

Finally, the Commission does not expect adverse impact to business from the database/record retention requirement, as record retention procedures are already currently in practice for all certified independent testing laboratories. However, the Commission acknowledges that the

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

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

amendments to this rule do require certain records to be kept longer than previously explicitly stated. These records are all necessary to ensure the integrity of casino gaming, and the longer retention period is justified because the labs are “standing in the shoes” of the Commission as the testers of casino equipment, which often continues in use long past five years.

**3772-15-04 Background investigation of an independent testing laboratory. (rescind)**

This rule is being rescinded and combined with current Ohio Adm.Code 3772-15-02 into new 3772-15-02. Therefore, there is little business impact from this rescission, although the overall streamlined rules will create a slight positive impact.

**3772-15-04 Duties of a certified independent testing laboratory. (new)**

The Commission does not anticipate an adverse impact on business from this rule. This rule, while “new,” consists solely of the previous provisions of current Ohio Adm.Code 3772-15-06. These provisions merely implement R.C. 3772.31’s requirement that these certified labs conduct the testing, evaluation, and other duties necessary to ensure the integrity of casino gaming under the law. This rule ensures those statutorily based duties are specifically enumerated in one place, to best guide a certified independent testing laboratory to compliance. The amendments to this rule are largely intended to streamline and standardize must language.

**3772-15-05 Conditions of certification. (rescind)**

This rule is being rescinded and moved to new Ohio Adm.Code 3772-15-03. Therefore, there is little business impact from this rescission, although the overall streamlined rules will create a slight positive impact.

**3772-15-06 Duties of a certified independent testing laboratory. (rescind)**

This rule is being rescinded and moved to new Ohio Adm.Code 3772-15-04. Therefore, there is little business impact from this rescission, although the overall streamlined rules will create a slight positive impact.

**3772-20-01 Security department. (amendment)**

The Commission anticipates a minimal adverse impact from this rule. This rule specifies that casino operators must have a security department to provide unarmed security at the casino and lays out the duties that the department must accomplish, as required by R.C. 3772.03. As such, negligible costs of compliance exist including certain administrative requirements related to preparation of and adherence to Commission-approved internal controls and employee time and payroll for the security department. However, these costs are blunted, since rules on the provision of unarmed security services is required by statute and is inherent to the nature of casino gaming. Moreover, each casino operator already has these approved controls in place, so no changes are currently necessary as a result of this rule filing, unless a casino operator chooses to make them. The amendments to the rule are largely intended to streamline and

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

standardize rule language, as well as taking into account stakeholder comment, as described in Question 10.

**3772-20-02 Security department staffing. (amendment)**

The Commission anticipates a minimal business impact from this rule, related to the employee time and payroll necessary to properly staff the casino facilities. However, R.C. 3772.03 tasks the Commission with adopting rules requiring casinos to have unarmed security services, which blunts this rule's business impact. Each casino operator has a security staff and works closely with the Commission to maintain the balance between appropriate staffing and casino expenditures. The costs related to ensuring adequate staffing vary depending on salary, number of employees, and other factors unique to each casino facility. However, the rule defers to each casino operator to make that business decisions on sufficient staffing under the guidance provided—as requested by the operators. This allows flexibility while still ensuring the safety of casino patrons, staff, and assets.

**3772-20-03 Training. (amendment)**

The Commission does not anticipate an adverse impact from this rule. This rule specifies that each casino operator must provide training to all members of its security department, which is again a statutorily required rule under R.C. 3772.03. As such, although the casino operators will face costs related to employee time and payroll to complete these trainings—those costs are statutorily contemplated or even required. As for the amendment to this rule, it removes a requirement that this training must be laid out in a plan for Commission approval. Removing the requirement that this training be laid out in Commission-approved plan should result in a slight reduction in the rule's business impact. Otherwise, the amendment is solely intended to standardize rule language.

**3772-20-04 Security plan. (amendment)**

The Commission does not anticipate an adverse impact from this rule. Negligible costs of compliance include certain administrative requirements related to preparation of and adherence to Commission-approved internal controls. However, these costs are blunted, as the rule merely implements the R.C. 3772.03 statutory requirement that casino operators must have standards and requirements for the provision of security. Moreover, each casino operator already has these approved controls in place so no changes are necessary unless the operator chooses to make them. The amendments to this rule are solely intended to standardize rule language and will not have an impact on business.

**3772-20-05 Emergency operations plan. (amendment)**

The Commission does not anticipate an adverse impact from this rule. While there will be negligible costs of compliance include certain administrative requirements related to preparation of and adherence to Commission-approved internal controls, each casino operator already has these approved internal controls in place. Moreover, this plan is necessary to ensure

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

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



the casino operators have proper security standards, as required by R.C. 3772.03. The amendment to this rule will have no business impact as it is solely intended to streamline or standardize rule language

#### **3772-20-06 Incident reports. (amendment)**

The Commission anticipates a minimal adverse impact from this rule, related to the employee time and payroll necessary for casino operators to prepare reports regarding specific kinds of incidents at the casino, including injuries, underage gambling, removal of patrons, and several different types of illegal activity. These types of reports are common in the casino industry and allows each casino to properly document these major incidents, both for their own business purposes and to ensure the Commission can appropriately investigate and audit these incidents, pursuant to its R.C. 3772.033 statutory duty. The amendment to this rule is largely aimed at streamlining or standardizing rule language, but two more substantive changes include the casino operator needing to generate an incident report anytime an unescorted underage individual is found in a gaming area and changing the way in which the operator makes these reports available to the Commission, both of which are in line with current actual practice and should not have any business impact.

#### **3772-20-07 Security detention area. (amendment)**

The Commission does not anticipate an adverse impact on business from this rule. This rule specifies that the security department must have at least one designated security detention area and that if a person is being detained, then a member of the security department must be present. The costs from this rule are of course those related to the building and maintaining of the approved area. However, while the rule does require a separate room for detention purposes, the casinos were designed with this requirement in mind and each detention room has already been built, leading to little or no additional costs for the casino operators as a result of this rule. Moreover, the presence of such security-focused detention rooms are already into the casino-gaming business model.

#### **3772-20-08 Communications system. (amendment)**

The Commission anticipates a minimal adverse impact from this rule. This rule specifies that each casino operator must have a communications system that allows all members of the department to communicate and that is useable by the Commission upon request. The amendment to this rule is solely to standardize rule language. Costs related to the purchase of equipment will vary, depending on item, quantity, and other factors unique to each casino facility. However, given the size of each facility, this rule will enable each security department to adequately safeguard the people and assets in the casino and will also ensure that the Commission can participate, as necessary. Therefore, the security benefits of this provision greatly outweigh the costs related to it. Moreover, having a communications system such as this is built into the casino-gaming business model, further blunting these costs.

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

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, specifically by ensuring certain minimum standards for conducting gaming are met. Many of these minimum standards are laid out as mandatory rules the Commission must adopt under R.C. 3772.03. These rules are also designed to enable the Commission to accomplish its R.C. 3772.033 statutory authority to audit gaming operations, by implementing standards and procedures to which these operations must be held. Moreover, the regulatory intent justifies any adverse impact because casino gaming is a highly regulated industry and is accustomed to these regulations in every jurisdiction in which casinos operate. Unregulated gaming poses a threat to the public welfare and raises 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. Finally, the amendments in this package further lessen any business impact, including removing certain restrictions and streamlining redundancies. For a more detailed analysis of the individual justifications applicable to each rule, please see the answers given in 16.c.

**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 regulations only directly impact casino operators, none of which likely constitute a small business. These amendments indirectly provide 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.

**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 amendments because the rules only directly impact casino operators and independent testing laboratories, 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 amendments, the Commission will provide verbal and written notification to the small business to correct the paperwork

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

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

violation. Thereafter, the Commission would allow the small business a reasonable amount of 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:

- Commission's mailing address: 100 E. Broad St., 20<sup>th</sup> 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](mailto:info@casinocontrol.ohio.gov)
- Commission's casino gaming listserv:  
<https://ohio.us7.list-manage.com/subscribe?u=1c618d44ec5c718843ae2e7bb&id=3d36674d21>

Also, all members of the regulated community and public 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 the Commission's casino gaming regulations.

**From:** [Ohio Casino Control Commission](#)  
**To:** [Cox, William](#)  
**Subject:** Casino Gaming Rules for Comment  
**Date:** Thursday, November 18, 2021 1:50:24 PM

---

[View this email in your browser](#)



Casino Gaming Stakeholders,

As you may know, Ohio law generally requires rules to be reviewed and refiled at least once every five years. Pursuant to that requirement, the rules in Ohio Adm.Code Chapters 3772-15 (Independent Testing Laboratories) and 3772-20 (Security) have been reviewed by Commission staff and are now being put forward for comment. The proposed versions of those rules can be found [here](#).

As always, please feel free to forward this communication to anyone else you think

may be interested in these rules. Additionally, anyone may sign up for the Commission's casino-gaming listserv themselves [here](#). If you would like to unsubscribe from this listserv, you may do so using the link located at the bottom of this email.

We understand that you may have questions or would like additional information before commenting, and if that is the case, we encourage you to reach out to your normal contacts at the Commission or to Andromeda Morrison, (614) 387-5616 or [andromeda.morrison@casinocontrol.ohio.gov](mailto:andromeda.morrison@casinocontrol.ohio.gov), at your earliest convenience. If, in the end, you would like to provide formal written comments, please email them to Andromeda by **5:00 p.m. on December 3.**

While you will have some additional chances to comment on these rules, including when they are filed with the state's Common Sense Initiative Office, please note that it is much easier for the Commission and for stakeholders to work out any questions or comments directly before the rules start the formal rule filing process.

Thank You.



Follow us on Facebook

*Copyright © 2021 Ohio Casino Control Commission, All rights reserved.*

You are receiving this email because the Ohio Casino Control Commission identified you as a casino gaming stakeholder.

**Our mailing address is:**

Ohio Casino Control Commission  
100 East Broad Street  
20th Floor  
Columbus, OH 43215

[Add us to your address book](#)

[unsubscribe from this list](#) [update subscription preferences](#)



**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](mailto:csc@ohio.gov) or click the Phish Alert Button if available.



**Exhibit 2**

Email Address	First Name	Last Name
rong@genesigaming.com	Ron	G
bbenson@GalaxyGaming.com	Bruce	Benson
Jeffj@eclipsestesting.com	Jeff	J
chris.soriano@pngaming.com	Chris	Soriano
Crystal.Fite@hrccincinnati.com	Chrystal	Fite
OfficeOfRegulatoryAffairs@scientificgames.com	Reg Affairs	Scientific Games
HJackson@foxrothschild.com	Harry	Jackson
bgleye1@yahoo.com	Bruce	Loprete
ComplianceRegReview@igt.com	Carrie	Porterfield
licensing@playags.com	AGS	Licensing
Caty.Abbott@casinocontrol.ohio.gov	Caty	Abbott
nyoung@galaxygaming.com	Nicole	Young
jim.meier@acrestechonology.com	Jim	Meier
Chris.Fleenor@casinocontrol.ohio.gov	Chris	Fleenor
Wendi.McGee@pngaming.com	Wendy	McGee
Bcarney@apollo.com	Brian	Carney
John.Oberle@icemiller.com	John	Oberle
ChadBarnhill@jackentertainment.com	Chad	Barnhill
GARRYPREBYNSKI@jackentertainment.com	Garry	Prebynski
William.Cox@casinocontrol.ohio.gov	William	Cox
gary.dewitt@hrccincinnati.com	Gary	DeWitt
John.Muir@pngaming.com	John	Muir
Bennie.Mancino@hrccincinnati.com	Bennie	Mancino
ALLYSONMILLER@JACKENTERTAINMENT.COM	Allyson	Miller
Sunita.Sailor@hrccincinnati.com	Sunita	Sailor
AnnaMarin.Russell@casinocontrol.ohio.gov	Anna Marin	Russell
ahuysmans@GalaxyGaming.com	Ann	Huysmans
Ben.Humann@pngaming.com	Ben	Humann
Regulator.Notices@aristocrat.com	Notices	Aristocrat
Kevin.Goskowsky@shrss.com	Kevin	Goskowsky
debs@genesigaming.com	Debie	S
jingoli0616@konamigaming.com	Thomas	Jingoli
Craig.Donahue@casinocontrol.ohio.gov	Craig	Donahue
Matthew.Spitnale@pngaming.com	Matt	Spitnale
lisapowers@jackentertainment.com	Lisa	Powers
PerryMontesi@jackentertainment.com	Perry	Montesi
sutherland0705@konamigaming.com	Steve	Sutherland
BComin@gpi-gaming.com	B	Comin
EdDick@jackentertainment.com	Ed	Dick
mstarr@bhfs.com	Mark	Starr
Deborah.Davis@hrccincinnati.com	Deborah	Davis
k.mullally@gaminglabs.com	Kevin	Mullally
Jessica.McGrady@pngaming.com	Jessica	McGrady
Ilkim.Hincer@hardrock.com	Ilkim	Hincer
Chris.Dziak@pngaming.com	Chris	Dziak
JeffreyKnapp@jackentertainment.com	Jeff	Knapp

monica.wilcoxen@casinocontrol.ohio.gov	Monica	Wilcoxen
rdove@keglerbrown.com	Robert	Dove
d.daniels@gaminglabs.com	Dave	Daniels
lisa.caserta@everi.com	Lisa	Caserta
tracy.caballero@jcmglobal.com	Tracy	Caballero
john.acres@acres4.com	John	Acres
MZatezalo@keglerbrown.com		
ABartlett@boselaw.com	Ali	Bartlett
r.mcadoo@gaminglabs.com	Robert	Mc Adoo
gerald.papaj@pngaming.com	Gerald	Papaj
robert.wamsley@hrccincinnati.com	Robert	Wamsley
NCasiello@foxrothschild.com	Nicholas	Casiello
m.robbs@pngaminglabs.com	Mike	Robbins
Nicole.Forte@interblockgaming.com	Nicole	Forte
danreinhard@jackentertainment.com	Dan	Reinhard
Michael.brunet@gameco.com	Michael	Brunet
IGT-RCMailings@IGT.com	Compliance	IGT
tracey.white@shrss.com	Tracey	White
FDiGiacomo@duanemorris.com	Frank	DiGiacomo
Mark.Begrin@pngaming.com	Mark	Begrin
d.golda@gaminglabs.com	Diana	Golda
Brian.Jeffries@pngaming.com	Brian	Jeffries
debie.west@aruze-gaming.com	Debie	West
Eric.Skalski@hrccincinnati.com	Eric	Skalski
Cory.Simmons@pngaming.com	Cory	Simmons
Jay.Tarbell@pngaming.com	Jay	Tarbell
Bruce.loprete@pngaming.com	Bruce	Loprete
AdamLeuschen@jackentertainment.com	Adam	Leuschen
Jeff.Barbin@phelps.com	Jeff	Barbin
Ryan.Hinthorne@pngaming.com	Ryan	Hinthorne
Tim.Kelley@pngaming.com	Tim	Kelley
ComplianceLV@agtslots.com	Compliance LV	AGT
Samuel.Porter@icemiller.com	Sam	Porter
tdifuntorum@galaxygaming.com		
Lisa.Burton@pngaming.com	Lisa	Burton
Anthony.Blanton@hrccincinnati.com	Tony	Blanton
mfurillo@glpropinc.com	Melissa	Furillo
Susan.Foster@pngaming.com	Susan	Foster
LeslieCook@jackentertainment.com	Leslie	Cook
AnthonyCarolo@jackentertainment.com	Tony	Carolo
jim.nasca@hrccincinnati.com	Jim	Nasca
JAMESKARA@JACKENTERTAINMENT.COM	James	Kara
Derek.Smith@BMM.com	Derek	Smith
deana.beal@usplayingcard.com	Deana	Beal
DRuttenberg@itsgames.com	Daymon	Ruttenberg
George.Goldhoff@hrccincinnati.com	George	Goldhoff
DanCoil@jackentertainment.com	Dan	Coil

Chris.Riley@pngaming.com	Chris	Riley
eelliott@bhfs.com	Erin	Elliott
Jason.birney@pngaming.com	Jason	Birney
compliance@casinocontrol.ohio.gov		
TCox@gpi-gaming.com	T	Cox
Joel.Newhouse@pngaming.com	Joel	Newhouse
ABerger@duanemorris.com	Adam	Berger
Licensing@everi.com	Licensing	Everi
erika.dinapoli@bmm.com	Erika	DiNapoli
PSicuso@boselaw.com	Philip	Sicuso
licensingteam@aristocrat.com	Licensing	Aristocrat
OMAR.KHOURY@EVERI.COM	OMAR	KHOURY
Lynne.Mackin@pngaming.com	Lynne	Mackin
lj.williams3@globalpay.com	LJ	Williams
SCOTTLOKKE@jackentertainment.com	Scott	Lokke
Miha.Pancur@interblockgaming.com	Miha	Pancur
Pete.Boldin@hrccincinnati.com	Pete	Boldin
brian.hopkins@pngaming.com	Brian	Hopkins
PAULYVANDERCICA@jackentertainment.com	Pauly	Vandercica
slui@mintz.com	Shirley	Lui
jessica.franks@casinocontrol.ohio.gov		
olk0321@konamigaming.com		
Kathy.Haynes@jcmglobal.com	Kathy	Haynes
StephanieKrummert@usplayingcard.com		
MJones@foxrothschild.com		
Aleah.Page@casinocontrol.ohio.gov		
bhopcroft@nrttech.com	Brenda	Hopcroft

**From:** [Erika DiNapoli](#)  
**To:** [Morrison, Andromeda](#); [Franks, Jessica](#)  
**Cc:** [Melissa Shuba](#); [Derek Smith](#)  
**Subject:** BMM Testlabs Comments - Casino Gaming Rules for Comment  
**Date:** Friday, December 3, 2021 2:59:24 PM  
**Attachments:** [BMM Testlabs Ohio Reg Draft 03DEC2021 Final.pdf](#)

---

Hi Andromeda and Jessica, Attached please find BMM Testlabs' comments to the draft regulations. Thank you for including BMM in this opportunity. We greatly appreciate the visibility to contribute.

FYI, I have recently joined the BMM team as their Government Affairs Analyst. Please note my new contact information below.

Have a great weekend and please let me know if you have any questions regarding our comments.

Erika DiNapoli | Government Affairs Analyst

**BMM Testlabs** | 815 Pilot Road, Suite G, Las Vegas, NV 89119

t: +1 702 407 2420 | f: +1 702 407 2421

[erika.dinapoli@bmm.com](mailto:erika.dinapoli@bmm.com) | [www.bmm.com](http://www.bmm.com)

This e-mail message is a confidential communication from BMM Testlabs and is intended only for the named recipient(s) above and may contain information that is a trade secret, proprietary or privileged. If you have received this message in error, or are not the named or intended recipient(s), please immediately notify the sender at 702-407-2420 and delete this e-mail message and any attachments from your workstation or network mail system.

---

**From:** Ohio Casino Control Commission <[Jessica.franks@casinocontrol.ohio.gov](mailto:Jessica.franks@casinocontrol.ohio.gov)>

**Sent:** Thursday, November 18, 2021 10:50 AM

**To:** DiNapoli, Erika

**Subject:** Casino Gaming Rules for Comment

[View this email in your browser](#)

Casino Gaming Stakeholders,

As you may know, Ohio law generally requires rules to be reviewed and refiled at least once every five years. Pursuant to that requirement, the rules in Ohio Adm.Code Chapters 3772-15 (Independent Testing Laboratories) and 3772-20 (Security) have been reviewed by Commission staff and are now being put forward for comment. The proposed versions of those rules can be found [here](#).

As always, please feel free to forward this communication to anyone else you think may be interested in these rules. Additionally, anyone may sign up for the Commission's casino-gaming listserv themselves [here](#). If you would like to unsubscribe from this listserv, you may do so using the link located at the bottom of this email.

We understand that you may have questions or would like additional information before commenting, and if that is the case, we encourage you to reach out to your normal contacts at the Commission or to Andromeda Morrison, (614) 387-5616 or [andromeda.morrison@casinocontrol.ohio.gov](mailto:andromeda.morrison@casinocontrol.ohio.gov), at your earliest convenience. If, in the end, you would like to provide formal written comments, please email them to Andromeda by **5:00 p.m. on December 3.**

While you will have some additional chances to comment on these rules, including when they are filed with the state's Common Sense Initiative Office, please note that it is much easier for the Commission and for stakeholders to work out any questions or comments directly before the rules start the formal rule filing process.

Thank You.



[Follow us on Facebook](#)

*Copyright © 2021 Ohio Casino Control Commission, All rights reserved.*

You are receiving this email because the Ohio Casino Control Commission identified you as a casino gaming stakeholder.

**Our mailing address is:**

Ohio Casino Control Commission  
100 East Broad Street  
20th Floor  
Columbus, OH 43215

[Add us to your address book](#)

[unsubscribe from this list](#) [update subscription preferences](#)



**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](mailto:csc@ohio.gov) or click the Phish Alert Button if available.

<u>Category</u>	<u>Section</u>	<u>Quote From Standards</u>	<u>BMM Testlabs Feedback</u>
ITL Certification	Rule 3772-15-01 (A)	(A) An independent testing laboratory <del>may</del> <u>must</u> request to be certified by the commission to scientifically test and technically evaluate <del>slot machines, mechanical, electromechanical or electronic table games, slot accounting systems and other</del> electronic gaming equipment <u>to be used in casino gaming</u> for compliance with Chapter 3772. of the Revised Code and the rules adopted thereunder.	<p>While it can work as drafted, reducing the collective scope of this requirement to “electronic gaming equipment” (EGE) could become problematic if/when a manufacturer decides to request certification only for a subset of the EGE (components) within their gaming devices. For example, on its own, a touchscreen is not specifically gaming equipment. Does the Commission intend to allow exchanging of touchscreens on a slot machine without certification? As an ITL, this could add significant complexity to product submissions. BMM suggests the following minimal change to help address this concern:</p> <p>“(A) An independent testing laboratory <del>may</del><u>must</u> request to be certified by the commission to scientifically test and technically evaluate <del>slot machines, mechanical, electromechanical or electronic table games, slot accounting systems and other</del> electronic gaming <u>devices and</u> equipment <u>to be used in casino gaming</u> for compliance with Chapter 3772. of the Revised Code and the rules adopted thereunder.”</p> <p>This minimal change could easily be applied to the similar language in (B) as follows:  “(B) ...does not grant authority to test or <u>technically</u> evaluate <del>slot machines, mechanical, electromechanical or electronic table games, slot accounting systems and other</del> electronic gaming <u>devices or</u> equipment <u>to be used in casino gaming.</u>”</p>
ITL Certification	Rule 3772-15-01 (C) – (F)	<del>(C) An independent testing laboratory requesting certification or electronic table games, slot accounting systems and other electronic gaming equipment for renewal certification must pay a nonrefundable certification fee of five thousand dollars.</del>	BMM appreciates the efficiency achieved by combining rules 3772-15-02 and 3772-15-03 within this rule, and we recognize the need for a fee increase to offset the increased investigative costs to the State. However, an increase of this significance is unusual without implementing additional clarity of purpose and similarly accommodating change to benefit all parties.



Category	Section	Quote From Standards	BMM Testlabs Feedback
		<p><u>(D) The certification fee may be increased to the extent that the cost of the background investigation exceeds the certification fee set forth in paragraph (C) of this rule. The executive director must advise the independent testing laboratory in writing that an additional certification fee is required and the amount of the additional fee. The commission will not certify an independent testing laboratory until the entirety of the certification fee is paid.</u></p> <p><u>(E) Unless otherwise approved by the executive director, all fees must be submitted by electronic funds transfer payable to the treasurer of the state of Ohio.</u></p> <p><u>(F) Independent testing laboratory certification expires three years after the date of certification.</u></p>	<p><i>Given the clear intent for this change, we suggest also adjusting the duration of the certification period to five years. This will further reduce the cost burden for the State and lessen the timing and cost impact on the ITLs. Considering that subset (D) maintains the Executive Director's ability to increase these fees should cost exceed the initial amount, there is little to no negative effect for such a duration change.</i></p> <p><i>BMM's recommendation:</i>  <i>"(C) ...</i>  <i>(D) The certification fee may be increased ... The executive director must advise the independent testing laboratory in writing that an additional certification fee is required and the amount <u>and purpose</u> of the additional fee. The commission will not certify an independent testing laboratory until the entirety of the certification fee is paid.</i></p> <p><i>(F) Independent testing laboratory certification expires <u>three-five</u> years after the date of certification."</i></p>
ITL Certification and Compliance Investigation	<p>Rule 3772-15-01 (H) and</p> <p>Rule 3772-15-02 (A)</p>	<p><del>(B)</del><u>(H) A certified independent testing laboratory must undergo a compliance investigation at least once every three years, as determined by the executive director, to verify</u> compliance with Chapter 3772. of the Revised Code and the rules adopted thereunder.</p> <p><del>(1) Before an</del><u>(A) An</u> independent testing laboratory <del>is certified by the commission, it shall undergo an investigation to determine its competency and qualifications to conduct testing under Chapter 3772.</del> requesting of the</p>	<p><i>For continuity, BMM suggests exchanging 3772-15-01(H) with 3772-15-02(A). This will retain certification/renewal focus within 3772-15-01 and compliance investigation focus within 3772-15-02.</i></p> <p><i>To address the compliance investigation aspect of the certification/renewal process, we suggest the following edits when moving these sections between rules:</i></p> <p><i>"3772-15-01(H) An independent testing laboratory requesting certification or requesting renewal certification must undergo a compliance investigation <u>in accordance with Rule 3772-15-02. The</u> independent testing laboratory's <del>sole expense and cost, and</del> must bear <u>all cost above the initial fee</u></i></p>

Category	Section	Quote From Standards	BMM Testlabs Feedback
		<p><del>Revised Code and the rules adopted thereunder.</del></p> <p><del>(B) The commission may obtain and use information gathered by another gaming jurisdiction in its decision to approve or deny certification of an independent testing laboratory or requesting renewal certification must provide all information, documents and materials required by the executive director, at the independent testing laboratory's sole expense and cost, and must bear the cost of the investigation.</del></p>	<p><del>for the cost of</del> the investigation. <u>Results from a compliance investigation completed within the year prior to a renewal certification request may be applied to the renewal certification request at the executive director's discretion."</u></p> <p>"3772-15-02(A) <u>At least once every three years, as determined by the executive director, A</u> certified independent testing laboratory must undergo a compliance investigation <del>at least once every three years, as determined by the executive director,</del> to verify compliance with Chapter 3772. of the Revised Code and the rules adopted thereunder. <u>The certified independent testing laboratory must provide all information, documents and materials required by the executive director, at the independent testing laboratory's sole expense, and must bear the cost of the investigation.</u>"</p>
Certification Requirement	Rule 3772-15-03 (A)(12)(a) – (d)	<p><u>(12) Maintain all records for a minimum of five years unless otherwise specified as follows:</u></p> <p><u>(a) Maintain indefinitely, as determined by the executive director, any other records, information, or conditions necessary to ensure the integrity of casino gaming;</u></p> <p><del>(a)</del><u>(b) Maintain indefinitely,</u> an electronic database containing testing data, reports, and related materials and provide access to the commission. Data, reports, and related materials <del>shall</del><u>must</u> be provided in a format and through a mechanism required by the commission;</p> <p><del>(M)-(c)</del> <u>Maintain all records about previous and current submissions for a minimum indefinitely an inventory of five years;</u></p>	<p><i>BMM observes that, despite the five-year duration initially indicated in subset (12), all sections under (12) are preceded by "Maintain indefinitely".</i></p> <p><i>As a rule, this should provide a measurable duration within which compliance is mandatory. Asserting an open-ended, cost bearing obligation on any regulated entity is unsustainable. Please consider the complexity as written:</i></p> <ol style="list-style-type: none"> <li><i>1. It is logistically and operationally impossible to maintain an indefinite inventory of gaming equipment. Such an inventory would rapidly exceed any reasonable physical capacity.</i></li> <li><i>2. It is fiscally unsustainable to maintain an indefinite, ever-growing library of submitted software and associated data, reports and materials.</i></li> <li><i>3. Maintenance of hardware and software is the responsibility of the manufacturer and, as such, any</i></li> </ol>

Category	Section	Quote From Standards	BMM Testlabs Feedback
		<p><del>(b) Agree to not subcontract testing of any electronic gaming equipment to be used in a casino facility without the prior written approval of the commission; and authorized versions of software submitted for testing; and</del></p> <p><del>(N) Maintain any other records, information or conditions the commission determines is necessary to ensure the integrity of casino gaming; and</del></p> <p><del>(d) Provide immediate notification to the commission of any breach or failure to meet any condition of certification listed in this rule and any</del> Maintain indefinitely all software, along with the documentation and source code, submitted for testing in an archived manner which is secure and readily accessible to appropriately approved laboratory personnel;</p>	<p><i>maintenance requirement placed on the ITL for such materials is redundant.</i></p> <p><i>While we understand the concern the Commission seeks to address with this collection of products and information, we must request a measurable duration. No maintenance requirement should exceed the lifecycle of the product or record needing to be maintained.</i></p> <p><i>BMM Recommends:</i>  <i>"(12) Maintain all records, <u>for the greater duration of a minimum of five years or as long as an associated commission approval remains in effect,</u> unless otherwise specified as follows:</i>  <i>(a) <u>Maintain indefinitely, as</u>As determined by the executive director, any other records, information, or conditions necessary to ensure the integrity of casino gaming;</i>  <i>(b) <u>Maintain indefinitely, an</u>An electronic database containing testing data, reports, and related materials and provide access to the commission. Data, reports, and related materials must be provided in a format and through a mechanism required by the commission;</i>  <i>(c) <u>Maintain indefinitely</u>If not available from the manufacturer, any <u>inventory of</u> gaming equipment and authorized versions of software submitted for testing <u>to be used in casino gaming</u>; and</i>  <i>(d) <u>Maintain indefinitely</u>alf not available from the manufacturer, all software, along with the documentation and source code, submitted for testing in an archived manner which is secure and readily accessible to appropriately approved laboratory personnel;</i></p>
ITL Duties	Rule 3772-15-04 (B)	(B) A certified independent test laboratory <del>shall</del> <b>must</b> provide a report to the commission of its test results for each	<i>BMM understands this requirement as applicable to submissions that qualify for certification and possible approval. As such we suggest the following minor edit:</i>

<u>Category</u>	<u>Section</u>	<u>Quote From Standards</u>	<u>BMM Testlabs Feedback</u>
		submission. The report <del>shall</del> <u>must</u> be provided in a format approved by the commission. No submission <del>shall</del> <u>will</u> be considered approved for use in Ohio until approved by the commission.	“(B) A certified independent test laboratory <del>shall</del> <u>must</u> provide a report to the commission of its test results for each submission <u>receiving certification to be used in casino gaming</u> . The report <del>shall</del> <u>must</u> be provided in a format approved by the commission. No submission <del>shall</del> <u>will</u> be considered approved for use in Ohio until approved by the commission.”

**From:** [Kevin Mullally](#)  
**To:** [Morrison, Andromeda](#)  
**Cc:** [Fleenor, Chris](#)  
**Subject:** Comments on proposed changes to independent testing laboratory certification rules  
**Date:** Friday, December 3, 2021 12:34:06 PM

---

Good afternoon Andromeda:

I hope this finds you doing well. On behalf of GLI we respectfully submit the following comments to the proposed rule amendments for testing laboratory certification.

1. 3772-14-03(A)(6) requires an independent testing laboratory (ITL) to provide the commission with verification tools as a condition of being certified. Verification tools have become a specialized area of product development. As a result, GLI no longer offers verification tools, but instead purchases them from specialized vendors such as Kobetron. We request that the rule be amended to allow the ITL to bill the commission for the actual cost of acquiring such tools. Otherwise, there should be a fiscal impact assigned to this rule as it will impose additional cost on the ITL.
2. 3772-15-03(A)(12)(c) requires the ITL to maintain indefinitely “an inventory of gaming equipment and authorized versions of software **submitted for testing**” [**emphasis added**]. There are a number of other rules that require information to be maintained indefinitely. While GLI’s current practice is to maintain all testing data and related records, we note that a requirement to maintain information indefinitely is unusual and we are unable to identify another jurisdiction globally with such a requirement. Although we believe a more appropriate standard for testing data retention would be “20 years, unless otherwise determined by the executive director”, GLI’s current practices for testing data align with the proposed requirement. However, this is not the case with all gaming equipment. Requiring an ITL to maintain hardware, EPROMS, and other physical components that have been submitted for testing, regardless of whether the equipment or software was withdrawn or rejected, would impose a costly and unnecessary burden on the ITL. Moreover, we are not able to identify any public policy objective for retaining equipment or software indefinitely if it has been withdrawn or rejected. We respectfully suggest that the requirement for physical equipment and software be amended as follows:
  - a. “Maintain an inventory of gaming equipment and authorized versions of software submitted for testing for at least 10 years, unless otherwise determined by the executive director. If gaming equipment or software has been withdrawn or rejected, the independent testing laboratory may release, return, destroy, or otherwise discard the equipment or software when at least ninety (90) days have elapsed since the withdrawal or rejection of the submission, unless the laboratory has been ordered by the executive director to retain with equipment or software.”
3. In alignment with the comments in 2), GLI requests the commission to reconsider imposing a requirement to maintain software, along with documentation and source code, for all submissions. In addition to the questionable practice of maintaining forever software that was withdrawn or rejected, this requirement places GLI in the position of being a permanent custodian of software that may no longer be in use in Ohio and serves no regulatory objective. Moreover, it imposes substantial liability exposure to GLI, which could pose problems with obtaining the required levels of insurance mandated by many regulatory agencies. GLI respectfully suggests that a retention period of 10 years unless otherwise determined by the executive director is an adequate risk control policy.
4. 3772-15-03(A)(13) and (14) appear to require the ITL to provide costly professional services at no charge. Forensic investigations, expert analysis, and training are premium services that GLI is uniquely positioned to offer, and which are in high demand. Regarding forensic services, we request OCCC to consider allowing these to be billed to the impacted supplier, which is the standard practice in most jurisdictions. Training is an especially high demand service area, especially with the introduction of sports betting and online gaming. Moreover, the GLI personnel performing these services are senior members of our staff that are globally recognized for their expertise. To require GLI to provide these services free of charge not only imposes a significant economic burden, it also precludes GLI from being able to offer these services to paying clients during the time OCCC may be mandating GLI to perform such services in Ohio. Finally, it creates a level of unfairness as other ITLs either do not offer such services or they are rarely requested from

them as GLI is the clear leader in this line of services.

GLI values its long history of service to OCCC and appreciates the opportunity to offer these comments. If you have any questions or are interested in discussing this in more detail, please contact me at 702-236-9508 or via email.

Very Best Regards,

**Kevin Mullally**

Senior Vice-President of Government Relations & General Counsel

[www.gaminglabs.com](http://www.gaminglabs.com)

o 732-719-1133

c 702-236-9508



---

The information contained in this message may contain privileged, and confidential information, and be protected from disclosure. If you are not the intended recipient, or an employee, or agent responsible for delivering this message to the intended recipient, you are hereby notified that reading, using, copying, disseminating or, distributing this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by return e-mail or by calling 732-942-3999 and permanently delete the message and any attachments from your computer.

**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](mailto:csc@ohio.gov) or click the Phish Alert Button if available.



**From:** [Daron Dorsey](#)  
**To:** [Morrison, Andromeda](#)  
**Cc:** [Alisha Ray](#)  
**Subject:** Comments to Proposed Rules  
**Date:** Friday, December 3, 2021 11:32:14 AM  
**Attachments:** [ainsworth\\_corporate\\_registeredlogo\\_colour\\_870a4b58-de6c-4b30-ae5c-5f21496995d9.png](#)

---

Andromeda:

I write in reference to the recently-posted proposed rules for Independent Testing Laboratories (ITLs) and the forthcoming rulemaking process by the OCCC. While the proposed rules are related to ITLs, not licensed manufacturers, Ainsworth Game Technology wishes to comment about certain portions of the proposed rules, namely 3772-15-03(12).

In that proposed section/subsection, the time limitation for data retention, including source code and related documentation, is set forth as “indefinitely” for a variety of items. A period of time that is uncertain and possibly perpetual could be problematic, especially for the categories of information set forth in subsection (d) of 3772-15-03(12) that could encompass materials and source code for products that were never authorized or made available to the public within the OCCC jurisdiction. The uncertainty and perpetual nature of the term “indefinitely” is something we as a manufacturer wish to bring to the OCCC’s attention despite these proposed rules being targeted to ITLs, for we believe a certain defined time period of recordkeeping may be more appropriate.

I have copied our Director of Compliance for the Americas, Alisha Ray, on this communication, for she has also spoken with Mr. Fleener on the topic. Ainsworth appreciates the opportunity to conduct business within the OCCC jurisdiction and to provide our thoughts on the above-referenced proposed rules. If the OCCC needs additional information from Ainsworth or wishes to hear directly from other manufacturers or related organizations, please let us know.

Regards,

Daron

**Daron Dorsey**  
SVP, General Counsel & Group Compliance Officer

**D:** 702-954-3062  
**M:** 702-439-3033  
**T:** 702-954-3000  
**E:** [DDorsey@agtslots.com](mailto:DDorsey@agtslots.com)  
**W:** [www.agtslots.com](http://www.agtslots.com)



**Ainsworth Game Technology**  
5800 Rafael Rivera Way  
Las Vegas, NV US 89118



Please consider the environment before printing this email

The information contained in or attached to this message is solely for the use of the intended addressee. If you are not an intended recipient, any use, disclosure or copying of this information is unauthorized and prohibited. The information contained herein is confidential and may be legally privileged. If you receive this message in error, please notify us immediately and delete all copies from your computer. A message mistakenly sent does not constitute a waiver of confidentiality or privilege. The information contained in this message is not an expressed view of AGT, or any of its subsidiaries, unless clearly stated to be so.

**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](mailto:csc@ohio.gov) or click the Phish Alert Button if available.

**From:** [Matthew Spitnale](#)  
**To:** [Morrison, Andromeda](#)  
**Cc:** [Donahue, Craig](#); [Fleenor, Chris](#)  
**Subject:** Penn Comments on Proposed Revisions to 3772-20  
**Date:** Friday, December 3, 2021 4:51:53 PM

---

Andromeda,

Thank you for the opportunity to provide comments on the proposed changes to OAC 3772-20-02 ("Rule"). Hollywood Casino Columbus and Toledo respectfully request commission staff reevaluate the Rule which would require casinos to maintain ten or more Security staff when open for business, or maintain a number above ten at the discretion of the executive director. We also would like to recommend a small revision to clarify Security's role in 20-01.

### **Rule 3772-20-02**

On a recent call commission staff emphasized two important duties each casino's Security team executes. First, and most importantly, is maintaining a security presence to ensure the overall safety and well-being of both patrons and staff. When reopening in the summer of 2020, under the direction of commission leadership, both casinos started a dialogue with local police that would significantly increase their presence to 24/7 availability. With this presence, casino Security and commission agents are afforded a consistent additional layer of support that otherwise might be delayed based on officer availability in the area. This investment, while considerable, makes both casinos more secure than any other time since our grand openings. Second, commission staff wants to ensure the compliance duties assigned to Security are adequately met. Each casino's Director/Manager of Security meets weekly with our General Managers and I to discuss any issues they are experiencing. While recruitment of new officers is often discussed, an inability to meet regulatory and/or operational demands with existing minimum staffing has not been an issue. With that, we believe current staffing minimums are sufficient to ensure proper operations.

We believe each casino's unique circumstances should be considered when determining minimum staffing levels. For example, a casino with fewer entry points may require a smaller security presence. Conversely, a casino located directly in a downtown setting is likely to see greater strain on security resources and therefore require a larger presence. We believe these differences are built into Columbus and Toledo's existing controls and do not warrant modification. To that extent, we would welcome continued dialog with commission staff to consider each casino's unique size, patron volume and geographic location across the state to establish security staffing minimums.

As a general observation, Penn notes a trend in the commission's recent rule reviews of affording the executive director and staff greater discretion in the enforcement of gaming regulations. Penn appreciates this movement, as it allows flexibility through circumstances unique to an operator or period of time. Penn continues to operate through one of these unusual times and is concerned that the specific nature of the proposed change will eliminate this discretion and operational flexibility. The pandemic has drastically shifted national labor markets that impact our ability to not only staff our security departments, but all other departments as well. Security remains a department for which our talent acquisition teams are instructed to always leave the spout "open." As discussed

with commission staff, both casinos strive to schedule Security with a number of officers above established minimums. We have developed, and the commission has approved, a number of unique approaches to ensure staffing stays at or above established minimums. Still, our ability to maintain these minimums remains a challenge. We fear that an increased minimum staffing requirement will exacerbate that challenge.

We believe the commission presently has the necessary regulatory tools to ensure each casino provides sufficient security and that a rule change is not necessary. For all these reasons, we recommend the commission not proceed with the proposed Rule, but instead work with the casinos across the state to use the existing workable regulations and our required security internal controls.

Alternatively, we would propose a modification that would require all operators to have minimum staffing of 8 Security team members, with discretion still afforded to the executive director to increase this number as needed. In either scenario, be it 10 or 8 required security officers, we would respectfully request that language be included in the Rule that allows the casinos to modify their security staffing levels based on a prepared staffing plan submitted to the commission for their consideration and approval that ensures the delineation of security staffing duties and responsibilities are adequately covered, and any other factors as deemed relevant by the commission.

#### **Rule 3772-20-01**

-

In an effort to clarify the circumstances in which Security is enlisted to assist in critical situations, we propose the following change to 20-01:

(B) The casino operator's security department must do the following:

(5) Assist the commission as requested by a gaming agent or law enforcement, in the prevention, halting, or investigation of an offense, include halting a person's actions if necessary to prevent injury to a person.

Penn shares the commission's commitment to ensuring staff and patron safety and that operations are compliant with state gaming regulations. We appreciate commission staff providing an opportunity to give input on these rule changes.

Sincerely,

**Matt Spitnale**

Ohio Regional Director of Compliance

Penn National Gaming, Inc.

Mobile: 614-813-9587 | Office: 614-308-4476

Matthew.Spitnale@pngaming.com



**Confidentiality Notice:** This email and all attachments may be confidential information and are intended solely for the individual or entity named in the email address. If you receive this email in error or if it is improperly forwarded to you, please notify the sender immediately by reply email, and delete/destroy the original and all copies, including any attachments. Any unauthorized review, use, disclosure, reproduction, or distribution in part or in whole, is strictly prohibited and may be unlawful.

**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](mailto:csc@ohio.gov) or click the Phish Alert Button if available.

**From:** [Lisa Powers](#)  
**To:** [Morrison, Andromeda](#)  
**Cc:** [Donahue, Craig](#); [Fleenor, Chris](#); [Scott Lokke](#); [Chris Volle](#); [Garry Prebyski](#); [Adam Leuschen](#)  
**Subject:** Rules Review Comments - OAC 3772-20-02  
**Date:** Friday, December 3, 2021 4:56:17 PM

---

Good Afternoon Andromeda,

JACK Cleveland Casino respectfully submits the following comment to Ohio Admin. Code 3772-20-02 Security department staffing:

Paragraph B – We propose that the casino security department must be staffed with a minimum of eight security staff on duty any time the casino is open. Please note, the proposal changes the distinction of “security officers” to “security staff” to include Security leadership (Supervisors and above). This number aligns with our currently approved minimum staffing levels, which includes one Security team member at the employee entrance/dispatch, one at each podium (three podiums), three rovers, and a Security Supervisor or above. We want to ensure the language in the rule represents a true minimum staffing level, while we increase the number of Security team members on-duty based on business needs and when staffing levels permit.

Please let me know if you have any questions or require additional information. We appreciate your review and consideration of our comments.

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](http://WWW.JACKENTERTAINMENT.COM)



**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](mailto:csc@ohio.gov) or click the Phish Alert Button if available.