3772-1-01 **Definitions.**

(A) Except as provided in paragraph (B) of this rule, the words and terms defined in section 3772.01 of the Revised Code are used in the rules adopted thereunder as defined in that section.

(B) The following words and terms, when used in agency 3772 of the Administrative Code with respect to casino gaming, have the following meanings, unless the context clearly indicates otherwise:

(1) "Application" means the total written materials, including the instructions, forms, and other documents issued by the commission, comprising the applicant's request for a license.

(2) "Casino operator" means "casino operator" and "management company" as those terms are defined in section 3772.01 of the Revised Code.

(3) "Chairperson" means the chairperson of the commission.

(4) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of casino gaming at a casino facility.

(5) "Control" means the power and ability to exercise authority over, or to direct the management and policies of, another person.

(6) "Indirect interest" means any interest in any other person that is deemed to be held by the holder, not through the holder's actual holdings in the person, but through the holder's holdings in any other person.

(7) "Individual" means any natural person.

~~(8) "Internal control system" means the administrative and accounting controls designed and utilized by a casino operator for the purpose of exercising control over the casino.~~

~~(9)~~(8) "License" means the complete and approved written document issued by the commission that indicates that an applicant has been chosen for licensure and has met all of the requirements set forth in Chapter 3772. of the Revised Code and the rules adopted thereunder.

~~(10)~~(9) "Licensee" means any person who is licensed under the provisions of Chapter 3772. of the Revised Code.

~~(11)~~(10) "Participate in conducting" means:

(a) To have a part in or a share of the backing, promoting, offering, organizing, managing, carrying on, sponsoring, or preparing the operation of casino gaming, including leasing an interest in a casino facility to a casino operator; or

(b) To manufacture, distribute, sell, lease, or otherwise supply or provide casino gaming equipment, goods, or services.

~~(12)~~(11) "Provisional license" means a written document issued by the commission that indicates that an applicant for a key employee or a casino gaming employee license has been chosen for temporary licensure in accordance with the requirements and conditions set forth in Chapter 3772. of the Revised Code and the rules adopted thereunder.

~~(13)~~(12) "Provisional license period" means any of the following, whichever is the shortest length of time:

(a) The period of time between the issuance of a provisional license and the issuance of a license or the issuance of a notice of intent to deny a license;

(b) Three months from the date of issuance if the commission does not renew the provisional license; or

(c) Six months from the date of issuance if the commission, at its discretion, renews the provisional license.

~~(14)~~(13) "Publicly traded company" means a corporation or other legal entity, except a natural person, that:

(a) Has one or more classes of security registered pursuant to section 12 of the Securities Exchange Act of 1934, (15 U.S.C. 781), or has executed a registration rights statement for registration at a future date; or

(b) Is required to file reports under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)); or

(c) Has one or more classes of securities traded in any open market in any foreign jurisdiction or regulated pursuant to a statute of any foreign jurisdiction that the commission determines to be substantially similar to either or both of the aforementioned federal statutes.

~~(15)~~(14) "Wager" means a sum of money or thing of value risked in a casino game at a casino facility.

3772-4-05 **Affirmative license standards.**

(A) An applicant for a casino operator, management company, or holding company license must establish, by clear and convincing evidence, the applicant's suitability for licensure and the suitability of all holding companies.

~~(B) An applicant for a casino operator, management company, or holding company license must establish, by clear and convincing evidence, the suitability of all holding companies.~~

~~(C)~~(B) An applicant for a casino operator, management company, or holding company license must establish, by clear and convincing evidence, the qualification and suitability of individuals holding the following or equivalent positions:

(1) Chief executive officer;

(2) Chief operating officer;

(3) Chief financial officer;

(4) Controller;

(5) Principal accounting officer;

(6) General counsel or chief legal officer;

(7) Chief compliance officer;

(8) Director of the applicant or its holdings companies;

(9) Member or partner;

(10) General manager of the casino facility; and

(11) Any other office or position that, as determined by the commission, exercises significant influence over the operations of the applicant or its holding companies.

~~(D)~~(C) An applicant for a casino operator, management company, or holding company license must establish, by clear and convincing evidence, the suitability of any other individual who holds more than five percent ownership interest in the applicant, who exercises significant influence over the casino operations in this state, who directly or indirectly controls the applicant, or any other individual identified by the commission.

~~(E)~~(D) In determining whether to grant, maintain, or renew a casino operator, management company, or holding company license, the commission will evaluate and consider the following factors in addition to those set forth in Chapter 3772. of the Revised Code:

(1) The reputation and business experience of the applicant and its holding companies;

(2) Whether the applicant and its holding companies possess good character, honesty, and integrity;

(3) Whether the applicant and its holding companies possess financial stability, integrity, and responsibility;

(4) The ability of the applicant to obtain and maintain adequate insurance coverage as required by rule 3772-7-01 of the Administrative Code;

(5) The ability of the applicant for a casino operator license to post and maintain a surety bond in the amount of one million dollars in accordance with the requirements in section 3772.112 of the Revised Code;

(6) The compliance history of the applicant, its holding companies, and its affiliates or affiliated companies with casino-related licensing requirements in this state or any other jurisdiction;

(7) The criminal history of the applicant and its holding companies in any jurisdiction;

(8) Whether and to what extent the applicant or its holding companies have associated with members of organized crime and other persons of disreputable character;

(9) Whether the applicant or its holding companies have filed or had filed against it a proceeding for bankruptcy or have ever been involved in any formal process to adjust, defer, suspend, or otherwise resolve the payment of any debt;

(10) Whether the applicant or its holding companies have been served with a complaint or other notice filed with any public body regarding a payment of any tax required under federal, state, or local law that has been delinquent for one or more years;

(11) Whether the applicant or its holding companies have been a defendant in litigation involving its business practices;

(12) The extent to which the applicant or its holding companies have cooperated with the commission in connection with the background investigation;

(13) The extent to which the applicant or its holding companies have provided accurate and complete information in the application;

(14) The suitability of the facilities or proposed facilities for the conducting of casino gaming;

(15) The prospective total revenue to be collected by the state for the conducting of casino gaming; and

(16) Whether awarding the license would undermine the public's confidence in the casino gaming industry in this state.

3772-9-05 **Transportation of electronic gaming machines to and from a casino facility.**

(A) As used in this rule, "electronic gaming machine" means the following:

(1) Slot machines; and

(2) Electronic table game terminals and stations.

(B) A casino operator must ~~notify the executive director at least five days in advance of a proposed and comply with any conditions imposed by the executive director~~ maintain documentation for the transportation of electronic gaming machines. The ~~notice~~documentation must include the following information:

(1) The full name and address of the licensee ~~causing~~ from which the transportation ~~of the electronic gaming machines~~originated;

(2) The full name and address of the entity receiving the electronic gaming machines;

(3) The manufacturer's serial number of each electronic gaming machine;

(4) The ~~expected~~ date the electronic gaming machines ~~will be transported~~left the location of origin; and

(5) The date of delivery.

~~(5)~~(C) Nothing in this rule prohibits the transportation of electronic gaming machines going to different destinations from being transported by the same carrier simultaneously, provided the electronic gaming machines for each destination are physically segregated.

3772-9-06 **Possession and storage of electronic gaming equipment.**

(A) Each casino operator must provide the commission with a comprehensive list of all electronic gaming equipment (EGE inventory list), in a format approved by the executive director, prior to the commencement of casino gaming. Each casino operator must provide updates to the EGE inventory list as changes occur. The EGE inventory list must include:

(1) Electronic gaming equipment ~~on the casino floor~~within the designated gaming area; and

(2) Electronic gaming equipment ~~off~~ not within the ~~casino floor but on the premises of the casino facility; and~~designated gaming area.

~~(3) Electronic gaming equipment at locations in this state, but off the premises of the casino facility.~~

(B) Access within electronic gaming equipment stored ~~on the casino floor~~within the designated gaming area must be secured and restricted to appropriate personnel.

(C) Electronic gaming equipment not stored ~~off~~ within the ~~casino floor~~designated gaming area must:

(1) Be secured and restricted to appropriate personnel;

(2) Not contain critical program storage media, unless the electronic gaming equipment is ~~on the casino premises and it is~~ secured in the same manner as ~~on~~ within the ~~casino floor~~designated gaming area;

(3) Not contain locks ~~that correlate to sensitive keys defined in the casino operator's internal controls,~~ unless ~~the electronic gaming equipment is on the operator's premises and~~ the locks are unable to be removed without the corresponding ~~sensitive~~ key; and

(4) Meet any other requirements as deemed appropriate by the executive director.

~~(D) Critical program storage media must be stored in a secure location on the casino operator's premises with access restricted to appropriate personnel.~~

3772-9-09 Installation, maintenance, or removal of electronic gaming equipment.

(A) ~~A casino operator must obtain approval from the executive director before installing or removing~~ Any installation of electronic gaming equipment ~~from the gaming floor~~that is to be, or has been, placed into operation at a casino facility must be performed by, or in the presence of, licensed key or casino gaming employees.

~~(B) Access within the secure area of electronic gaming equipment for the purpose of installation or removal must be logged, except for access associated with the scheduled removal of the equipment's bill validator canister. The log must include, but is not limited to:~~

~~(1) The electronic gaming equipment manufacturer's serial number;~~

~~(2) The electronic gaming equipment's asset number;~~

~~(3) Name of the employee who opened the secure area;~~

~~(4) Gaming license number of the employee who opened the secure area;~~

~~(5) Date and time of entry; and~~

~~(6) The reason for entry.~~

~~(C)~~(B) ~~Critical program storage media must be verified and sealed by a commission employee before any electronic gaming equipment is placed into service at a casino facility, unless otherwise approved by the executive director.~~Electronic gaming equipment must be suitable for operation and verified as approved in the commission's database before being placed into service at a casino facility. The method of verification must be approved by the executive director.

(C) Electronic gaming equipment is unsuitable for operation if there is any indication the integrity of the equipment is compromised due to tampering, damage, or any other defects.

(D) Electronic gaming equipment that is determined to be unsuitable for operation must be removed from service until returned to a suitable state. Electronic gaming equipment determined to be unsuitable due to an unexplainable malfunction must not be placed in service until a report is provided to the commission detailing the issue and describing how it was resolved.

~~(D)~~(E) The following must occur before removing electronic gaming equipment from the ~~gaming floor~~designated gaming area:

~~(1) The commission seal must be removed by a commission employee, unless otherwise approved by the executive director;~~

~~(2)~~(1) All currency and vouchers are removed from the electronic gaming equipment and transported to the count room;

~~(3)~~(2) All accounting meters are recorded by an online monitoring system or, in the event the monitoring system is unavailable, the accounting meters must be recorded manually; and

~~(4)~~(3) All credits remaining on the equipment are removed, with cashable credits being cashed out and processed as unsecured currency in accordance with the casino operator's internal control standards.

3772-10-02 **Internal controls.**

(A) ~~Each~~ Prior to initial operation, each casino operator must submit written internal controls, as required under agency 3772 of the Administrative Code, for approval by the commission at a meeting held under section 3772.02 of the Revised Code. No casino operator may operate without the commission's approval of these internal controls.

(B) Each casino operator may amend its commission approved internal controls with the approval of the ~~commission at a meeting held under section 3772.02 of the Revised Code. For amendments requiring immediate action, the~~ executive director ~~may discretionarily grant temporary approval. Such temporary approval will be subject to final consideration at the next scheduled commission meeting~~.

(C) The executive director may, at any time, require specific internal controls, or require a change to the internal controls to ensure compliance with Chapter 3772. of the Revised Code and the rules adopted thereunder.

3772-12-01 Definitions, purpose, and scope of the Ohio voluntary exclusion program.

(A) As used in agency 3772 of the Administrative Code, the following words have the following meanings, unless the context clearly indicates otherwise:

(1) "Excluded entity" means all casino ~~facilities~~operators, as defined in section 3772.01 of the Revised Code; all video lottery terminal ~~facilities~~operators, as authorized in section 3770.21 of the Revised Code; and all sports gaming conducted by sports gaming proprietors, as defined in section 3775.01 of the Revised Code and the rules adopted thereunder.

(2) "Excluded facilities" means the designated gaming areas at all casino facilities, as defined in section 3772.01 of the Revised Code; the designated gaming areas at all video lottery terminal facilities, as authorized in section 3770.21 of the Revised Code; and all sports gaming facilities, as defined in section 3775.01 of the Revised Code.

(3) "Ohio voluntary exclusion program" or "Ohio VEP" means the combined voluntary exclusion program, consisting of the Ohio casino control commission voluntary exclusion program, created pursuant to section 3772.03 of the Revised Code; the state lottery commission voluntary exclusion program, created pursuant to section 3770.03 of the Revised Code; and the sports gaming voluntary exclusion program, created pursuant to section 3775.02 of the Revised Code.

(4) "Ohio VEP application" means a prescribed contract that an individual must complete and agree to in order to participate in the Ohio VEP.

(B) The purpose of this chapter is to help curtail disordered and problem gambling in the state of Ohio by creating the Ohio voluntary exclusion program.

(C) Participants in the Ohio VEP agree to exclude themselves from both excluded facilities and any gambling offered by excluded entities, as further enumerated in this chapter and the associated Ohio VEP application.

(D) Except as described in rule 3772-12-07 of the Administrative Code, no person will be able to voluntarily exclude themselves from only certain aspects or portions of the Ohio VEP.

(E) Nothing in this chapter will prohibit participants in the Ohio VEP from entering an excluded facility for the purpose of carrying out the duties of their employment. Any such individual must submit notification of their employment in accordance with the procedure described on a prescribed form.

(F) The Ohio casino control commission or state lottery commission, in consultation with each other, may disclose anonymized information from the Ohio VEP and any legacy voluntary exclusion programs described in rule 3772-12-07 of the Administrative Code to one or more research entities selected by the Ohio casino control commission for the purpose of evaluating the effectiveness and ensuring the proper administration of the Ohio VEP.

(G) This chapter is to be read in tandem with Chapter 3770:2-8 of the Administrative Code.