

**STATE OF OHIO  
CASINO CONTROL COMMISSION**

*In re:*

**JEREMY MADDOX,  
CASINO GAMING EMPLOYEE LICENSE  
APPLICANT**

Respondent.

Case No. 2012-0048

**ORDER DENYING CASINO GAMING EMPLOYEE LICENSE APPLICATION**

On April 10, 2012, Respondent Jeremy Maddox filed an application for a casino gaming employee license with the Ohio Casino Control Commission ("Commission"). (Hr'g Ex. A.) Thereafter, the Commission conducted a suitability investigation of Maddox to determine his eligibility for such a license.

During the suitability investigation, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Intent to Deny and Opportunity for Hearing ("Notice"), dated May 17, 2012. (See Hr'g Ex. B.) Maddox received the Notice, sent via certified mail, on May 19, 2012. (Hr'g Ex. C.) Pursuant to R.C. 119.07 and 3772.04, Maddox had the right to a hearing if requested within 30 days of the Notice's mailing. Maddox so requested and the Commission scheduled a hearing for May 31, 2012; and upon its own motion, the Commission continued the hearing until June 26, 2012. (Hr'g Ex. D.)

Maddox did not appear at the hearing but submitted an email and response to the charges listed in the Notice. Accordingly, the Commission held the hearing as scheduled before Hearing Examiner Thomas C. Montgomery ("Examiner").

After presentation and submission of the evidence at the hearing, the Examiner issued an Order on June 27, 2012 holding the record open until July 6, 2012, in order for Maddox to submit additional evidence. The Examiner issued another Order on July 10, 2012 holding the record open until July 26, 2012 for the same purpose. The Examiner closed the record on July 26, 2012 to prepare a Report and Recommendation ("R&R"), which he submitted on September 7, 2012. Therein, the Examiner found that Maddox: 1) submitted a Casino Gaming Employee License Application ("Application") that contained false information, in violation of R.C. 3772.10(C)(2); and 2) failed to prove his suitability for licensure by clear and convincing evidence, as required by 3772.10(B). (R&R p. 5.) As a result of these findings, the Examiner recommended that the Commission deny Maddox's Application. (Id.)

On September 10, 2012, the Commission sent Maddox, via certified mail, a copy of the R&R. (App. #1; App. #2.) Maddox received the R&R on September 17, 2012 (App. #2), giving him until October 17, 2012, to file objections, see R.C. 3772.04(A)(2). Maddox did so on September 17, 2012, (App. #3), and the Commission considered his filing before rendering this decision.

In accordance with R.C. 119.07 and 3772.04, the matter was submitted to the Commission on November 14, 2012, for final adjudication.

**WHEREFORE**, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **ADOPTS IN PART AND MODIFIES IN PART** the Examiner's R&R.

In his R&R, the Examiner recommended that the Commission deny Maddox's Application because Maddox failed to disclose a 2006 juvenile adjudication for felony burglary, in violation of R.C. 3772.10(C) and 3772.10(A)(4) (i.e. Allegation #1) and failed to prove his suitability for licensure by clear and convincing evidence (i.e., Allegation #3), as required by R.C. 3772.10(B) and (C)(7). (R&R p. 5). The Examiner, however, did not expressly address Notice Allegation #2—i.e., moral turpitude. Accordingly, for the reasons that follow, the Commission adopts the Examiner's findings pertaining to Allegation #3 and his recommendation denying Maddox's Application. However, the Commission hereby modifies to include a finding that there is no need at this time to address Allegation #2 and a finding that Maddox did not violate R.C. 3772.10(A)(4).

One point of modification here concerns Allegation #2. The Examiner recognized the presence of the allegation and that evidence concerning the allegation was presented at the hearing. However, the Examiner failed to include an express finding as to whether Maddox has been convicted of, or pleaded guilty or no contest to, one or more offenses having an element of moral turpitude, constituting a "disqualifying offense" as defined by R.C. 3772.07(D). Because it is the recommendation of the Examiner that Maddox's application be denied based upon his failure to disclose a 2006 juvenile adjudication for felony burglary and his failure to prove his suitability by clear and convincing evidence, it is unnecessary to rule upon Allegation #2 at this time.

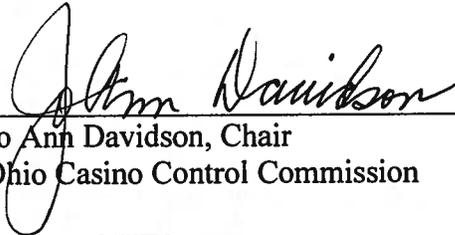
Another point of modification here concerns the conclusion of law reached by the Examiner concerning R.C. 3772.10(A)(4). The Examiner found Maddox's criminal records check obtained by the Commission pursuant to R.C. 3772.07 revealed certain criminal offenses, in violation of R.C. 3772.10(A)(4). R.C. 3772.10(A)(4) requires the Commission, in determining whether to grant a Casino Gaming Employee License, to consider whether "the applicant has been indicted, convicted, pleaded guilty or no contest, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor." R.C. 3772.10(A)(4) therefore operates as a list of factors that the Commission must consider in determining whether to grant or maintain a license issued under R.C. Chapter 3772, but does not establish express grounds for which the Commission must deny a license applicant. Thus, an applicant cannot be found in violation of R.C. 3772.10(A)(4); instead, the Commission must, as it has done here, consider R.C. 3772.10(A)(4) in determining whether to grant or deny a license. Accordingly, the Commission modifies the Examiner's conclusion of law that Maddox violated R.C. 3772.10(A)(4).

**WHEREFORE**, in consideration of the foregoing and upon a quorum and majority vote of the members, the Commission **ORDERS** as follows:

- 1) Maddox's Application is **DENIED**;
- 2) Maddox is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772;

- 3) Maddox is **PROHIBITED** from reapplying for licensure under R.C. Chapter 3772 for three years from the date this Order is served upon him, absent a waiver granted by the Commission commensurate with Ohio Adm. Code 3772-1-04; and
- 4) A certified copy of this Order shall be served upon Maddox, via certified mail, return receipt requested, and his counsel of record, if any, via ordinary mail.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
Jo Ann Davidson, Chair  
Ohio Casino Control Commission

**NOTICE OF APPEAL RIGHTS**

Respondent is hereby notified that pursuant to R.C. 119.12, this Commission Order may be appealed by filing a Notice of Appeal with the Commission setting forth the Order that Respondent is appealing from and stating that the Commission's Order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal may also include, but is not required to include, the specific grounds for the appeal. The Notice of Appeal must also be filed with the appropriate court of common pleas in accordance with R.C. 119.12. In filing the Notice of Appeal with the Commission or court, the notice that is filed may be either the original Notice of Appeal or a copy thereof. The Notice of Appeal must be filed within 15 days after the date of mailing of this Commission Order.