

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re:

**MICHAEL RUSSELL,
CASINO GAMING EMPLOYEE LICENSEE**

Licensee.

:
:
:
:
:
:

Case No. 2013-051

ORDER REVOKING CASINO GAMING EMPLOYEE LICENSE

On March 22, 2012, Michael Russell filed with the Ohio Casino Control Commission (“Commission”) an application for a Casino Gaming Employee License. The Commission conducted a suitability investigation of Russell to determine his eligibility for such a license. Having found Russell suitable for licensure, the Commission issued a Casino Gaming Employee License to Russell on April 18, 2012.

During a subsequent administrative investigation of Russell, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Intent to Take Administrative Action and Opportunity for Hearing (“Notice”), dated July 24, 2013. (Exhibit A.) The Notice was sent via certified mail return receipt requested to the address Russell had on file with the Commission, but was returned to the Commission marked “FORWARD TIME EXP” “RETURN TO SENDER” on July 31, 2013. (Exhibit B.) As a result of Russell’s failure to update the Commission as to his change of address, the Commission issued an Amended Notice of Intent to Take Administrative Action and Opportunity for Hearing (“Amended Notice”), dated August 1, 2013. (See Exhibit C.) The Commission sent the Amended Notice via certified mail return receipt requested to a different address believed to be Russell’s new address, but it was returned to the Commission marked “UNCLAIMED” “RETURN TO SENDER” on August 28, 2013. (*Id.*) The Commission re-sent the Amended Notice on August 28, 2013, via ordinary mail with a certificate of mailing. (Exhibit D.) The Amended Notice was not returned to the Commission for failure of delivery.

Pursuant to R.C. 119.07 and 3772.04, Russell had the right to a hearing if requested within 30 days of the Commission obtaining the certificate of mailing. Russell failed to do so, however. Accordingly, no hearing was held and the matter was brought before the Commission on October 16, 2013, for final adjudication. R.C. 119.07 and 3772.04(A).

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

- 1) Based on the results of the Commission’s administrative investigation, Russell is no longer suitable for licensure as a Casino Gaming Employee in this state, as required by R.C. 3772.10(B), (C)(7), and (D)(1), to wit, Russell:

- A) Was observed in the Horseshoe Casino Cleveland (“Horseshoe”), on June 22, 2013, participating in casino gaming at two separate blackjack tables, during which time he was employed as a table games dealer at Horseshoe, in violation of R.C. 3772.99(D)(5) and Ohio Adm. Code 3772-11-04(A);
 - B) Executed an Acknowledgment of Receipt of Horseshoe’s Team Member Handbook, on April 18, 2012, and accepted responsibility for compliance with all of Horseshoe’s regulations, policies, and procedures, including Rule 7: “Gambling by Team Members,” which specifically prohibits gambling at the property in which an employee works;
 - C) Attended an employee suspension meeting, on June 23, 2013, with Shane Rader, Horseshoe Table Games Manager, and Commission Gaming Agents Fossaceca and Tingley, during which he acknowledged participating in casino gaming while off duty on June 22, 2013, and that he was aware of not being permitted to do so as an employee of Horseshoe;
 - D) Was terminated from employment by Horseshoe on July 1, 2013, due to his participation in casino gaming on June 22, 2013;
 - E) Failed to notify the Commission of his termination from Horseshoe, in violation of his duty to update pursuant to Ohio Adm. Code 3772-8-04(A)(8) and (B); and
 - F) Failed to notify the Commission of his change of home address, in violation of his duty to update pursuant to Ohio Adm. Code 3772-8-04(A)(2) and (B).
- 2) Based on the results of the Commission’s administrative investigation, Russell failed to notify the Commission of his termination from Horseshoe and of his change of home address, in violation of his duty to update pursuant to Ohio Adm. Code 3772-8-04(A)(8), (2), and (B).

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

- 1) Russell’s Casino Gaming Employee License is **REVOKED**;

- 2) Russell shall immediately **SURRENDER** his license credential to the Commission;
- 3) Russell is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772;
- 4) Russell 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
- 5) A certified copy of this Order shall be served upon Russell, 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

The Party 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 the Party 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.