

**STATE OF OHIO
CASINO CONTROL COMMISSION**

In re:

**JAMES BOYLE III,
CASINO GAMING EMPLOYEE LICENSE
APPLICANT**

Applicant.

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Case No. 2013-058

ORDER REVOKING CASINO GAMING EMPLOYEE LICENSE

On April 5, 2012, James Boyle III filed with the Ohio Casino Control Commission (“Commission”) an application for a Casino Gaming Employee License. The Commission conducted a suitability investigation of Boyle to determine his eligibility for such a license. Having found Boyle suitable for licensure, the Commission issued a Casino Gaming Employee License to him on April 18, 2012.

During a subsequent administrative investigation of Boyle, the Commission discovered sufficient derogatory information to warrant issuance of a Notice of Intent to Take Administrative Action and Opportunity for Hearing (“Notice”), dated September 11, 2013. (Exhibit A.) Boyle received the Notice, sent via certified mail, on September 12, 2013. (Exhibit B.) Pursuant to R.C. 119.07 and 3772.04, Boyle had the right to a hearing if requested within 30 days of the Notice’s mailing; Boyle failed to do so. However, on October 15, 2013 (4 days after the 30 day deadline) the Commission received a letter from Boyle wherein he requested a hearing. (Exhibit C). Due to the untimeliness of Boyle’s request, 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) The results of the Commission’s administrative investigation revealed that Boyle submitted a Casino Gaming Employee License Application (“Application”) that contained false information, to wit, he:
 - A) Failed to disclose in Question 8 of the Application that he was convicted of, and/or pled guilty or no contest to, a “disorderly conduct; conduct which presents risk” violation on or about October 1, 2002, in the Toledo Municipal Court;
 - B) Failed to disclose in Question 8 of the Application that he was convicted of, and/or pled guilty or no contest to, a “liquor/beer order/pay/share if under 21” violation on or about August 27, 2003, in the Toledo Municipal Court;

- C) Failed to disclose in Question 8 of the Application that he was arrested for and/or charged with a “complicity” violation on or about May 25, 2003, which resulted in a conviction of, and/or plea of guilty or no contest to, a “disorderly conduct” violation on or about July 1, 2003, in the Oregon Municipal Court;
- D) Failed to disclose in Question 8 of the Application that he was arrested for and/or charged with ten separate “passing bad check” violations on or about April 4, 2011, in the Toledo Municipal Court;
- E) Failed to disclose in Question 16 of the Application that he had a lien or judgment filed against him on behalf of Capital One Bank, in the amount of \$675.00, on or about November 10, 2008, in the Oregon Municipal Court; and
- F) Failed to disclose in Question 16 of the Application that he had a lien or judgment filed against him on behalf of Thomas J. Szyperski, Esq., in the amount of approximately \$500.00, on or about May 14, 2007, in the Lucas County Municipal Court,

in violation of R.C. 3772.10(C)(2) and (F).

- 2) Based on the results of the Commission’s administrative investigation, Boyle 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). In addition to the findings and conclusions outlined above, Boyle:
 - A) Was terminated from employment at the Hollywood Casino Toledo (“Hollywood”) on or about July 15, 2013, for a violation of Hollywood policy and procedures, specifically section 707 TOGV “Drug and Alcohol Testing” of the Hollywood Team Member Guidance Manual;
 - B) Failed to notify the Commission of his termination from employment at Hollywood, in violation of his duty to update pursuant to Ohio Adm. Code 3772-8-04(A)(8) and (B);
 - C) Was arrested for and/or charged with “fail to reinstate operator license,” in violation of R.C. 4510.21(A), a misdemeanor in the first degree, on or about July 15, 2013, for which the case is currently pending in the Perrysburg Municipal Court; and
 - D) Failed to notify the Commission of the above arrest and/or charge and pending case, in violation of your duty to update pursuant to Ohio Adm. Code 3772-8-04(A)(5) and (B).
- 3) Boyle failed to notify the Commission of his termination from employment at Hollywood and his arrest and/or charge and pending case in the Perrysburg Municipal Court, in violation of Ohio Adm. Code 3772-8-04(A)(5), (8), and (B).

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

- 1) Boyle's Casino Gaming Employee License is **REVOKED**;
- 2) Boyle shall immediately **SURRENDER** his license credential to the Commission;
- 3) Boyle is **PROHIBITED** from working or otherwise serving in any capacity that requires a license under R.C. Chapter 3772;
- 4) Boyle is **PROHIBITED** from reapplying for licensure under R.C. Chapter 3772 for 3 years from the date the 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 the Order shall be served upon Boyle, 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, the 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 the Commission Order.