



Ohio Administrative Code

Rule 3770:2-4-05 Video lottery sales agent employee licenses; denial of license.

Effective: January 17, 2019

(A) Denial of license. If after a review of a video lottery sales agent employee application and consideration of any other factors deemed relevant to the efficient and proper operation of video lottery, the director determines that an applicant has not met the requirements for issuance of a video lottery sales agent employee license, the director may deny the application or may request that the application be revised and reviewed for further consideration.

(B) Grounds for refusal. In addition to the grounds for refusal to grant an applicant's request for a license in divisions (C)(1) to (C)(5), (D)(1) to (D)(3) and (E)(1) to (E)(2) of section 3770.05 of the Revised Code, and except as provided in paragraph (C) of this rule, in the event any of the following are determined by the director, an application for a video lottery license may be denied:

(1) An applicant is affiliated with a technology provider or other vendor engaged in the operation of video lottery gaming in the state which has been determined by the director to be an unacceptable affiliation.

(2) A determination that a video lottery applicant has made a misrepresentation regarding a fact material to an application or has failed to disclose information regarding a fact material to an application.

(3) A determination that an applicant or person who will be involved in video lottery operations at the video lottery applicant's facility has been convicted of any criminal violation which as determined by the director may negatively impact the integrity of the lottery.

(C) Sealing of record. The director may require an applicant who has been convicted of any of the offenses referenced in paragraph (B) of this rule to obtain an order from a court of competent jurisdiction to have the record of such offense sealed. If such an order is not obtained during the time specified by the director, the director may refuse the application. However, if the record of an applicant contains an offense set forth in paragraph (B) of this rule which is at least ten years old,



the director may disregard the offense and may license the applicant.

(D) Right to hearing. When required to do so by the Administrative Procedure Act, the director shall afford a hearing to an applicant for a license affected by a decision to deny an application for a video lottery sales agent employee license. Such hearings shall be conducted by the director or a hearing examiner designated by the director and shall comply with the requirements for adjudication hearings set out in the Administrative Procedure Act. Nothing contained herein shall require the director to afford the employer or potential employer of an applicant for a license a hearing or an opportunity to be heard on any decision relating specifically to an application for a license.

(E) Reapplication. If an application is denied, an applicant may reapply, but any subsequent application shall require submission of a new application and payment of a separate fee, and shall only be submitted after any waiting period for reapplication, if any, established by the director, has expired.