



Ohio Administrative Code

Rule 3770:2-5-05 Technology providers licenses; denial of license.

Effective: January 17, 2019

(A) Denial of license. If after a review of a technology provider 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 technology provider 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 technology provider license may be denied:

(1) A determination that an applicant or persons who will be involved in video lottery operations in the state is known to be affiliated with a video lottery sales agent or independent test lab licensed to provide testing services in the state which has been determined by the director to be an unacceptable affiliation and an applicant or a person who will be involved in video lottery in the state has refused to divest itself of the affiliation with the video lottery sales agent or independent test lab.

(2) A determination that an 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 in the state has been convicted of any other 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, or any of its principals or any person who the director has determined should be subjected to a criminal background check that have been convicted of any of the offenses set forth in divisions (C)(1) to (C)(5) and (E)(1) to (E)(2) of section 3770.05 of the Revised Code 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 deny the video lottery application. If the record of an applicant, or any of its video lottery principals or any person who the director has determined should be subjected to a criminal background check reveals an offense listed in divisions (C)(1) to (C)(5) and (E)(1) to (E)(2) of section 3770.05 of the Revised Code 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 affected by a decision to deny an application for a technology provider 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.

(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 application fee and licensing fee, as applicable, and shall only be submitted after any waiting period for reapplication, if any established by the director, has expired.