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**3770:2-3-05      Video lottery licenses; suspension or revocation.**

(A) Suspension or revocation. A video lottery license may be suspended or revoked as set forth in this rule:

- (1) Non-compliance. The director may suspend or revoke a license of a video lottery sales agent who does not comply with the Lottery act, all rules, terms and conditions, policies, orders and directives adopted, promulgated or issued by the commission or the director, or any state or federal law, including but not limited to the following:
  - (a) Failure to pay any required licensing fee;
  - (b) Failure to maintain any required surety bond, dedicated non-revocable letter of credit, or other form of credit authorized or required by the director;
  - (c) Failure to maintain any insurance, coverage and/or bonds required by the director;
  - (d) Making a false statement, omission, or misrepresentation of a material fact in connection with a video lottery application for, or renewal of, a license, in any reports or to any person, in connection with a lottery transaction or investigation;
  - (e) Failure to promptly and accurately settle the accounts of lottery transactions and/or pay to the commission the amounts due the commission from video lottery sales, unclaimed credit vouchers or other amounts due the commission in accordance with the procedures established by the director;
  - (f) Failure to credit or pay a winning video lottery participant as required by commission rule, regulation, policy, order or directive;
  - (g) Allowing an individual under the age of twenty-one to play video lottery games or to be paid a video lottery prize payment;
  - (h) Failure to maintain adequate and sufficient security at the video lottery sales agent's licensed facility;
  - (i) Offering a video lottery game that has not been approved by the director or commission, as applicable;
  - (j) Maintaining, installing or operating devices for the sale of video lottery at the facility approved for a video lottery license other than video lottery terminals authorized and approved by the director for use in connection with video lottery;
  - (k) Failing to purchase, lease, maintain or timely repair the minimum number of video lottery terminals as required by the director or purchasing, leasing or maintaining an amount of video lottery terminals in excess of a maximum number authorized by the lottery act, all rules, terms and conditions, policies, orders and directives adopted, promulgated or issued by the commission or the director;
  - (l) Failure to comply with the terms and conditions of "The Americans with Disabilities Act of 1990," 104. stat. 327, 42 U.S.C. 12101 to 12213;
  - (m) Failure to provide any required notice or failure to obtain any required approval prior to relocation or transportation of a video lottery terminal;
  - (n) Failure to make capital improvements as required by commission rule, regulation, policy, order or directive, and/or fail to meet financial obligations necessary for the continued operation of video

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lottery;

(o) Acting in a manner that impacts or has the likelihood of impacting the efficient operation or integrity of video lottery;

(p) Failure to adhere to all the terms and conditions as set forth in the licensing agreement, including any amendments or modifications thereto.

(2) The director may suspend or revoke a video lottery license if a video lottery sales agent, or any of its video lottery principals or any person who the director has determined should be subjected to a criminal background check are 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, or any other criminal violation which as determined by the director may negatively impact the integrity of the lottery.

(3) The director may suspend or revoke a video lottery license if, at any time after issuance of a video lottery license, the director determines that a video lottery sales agent no longer meets the requirements and standards for issuance of a video lottery license as set forth in the Lottery Act, commission rules, regulations, policies, orders and directives adopted, promulgated or issued by the commission or the director.

(B) Any suspension or revocation under this section may be in addition to or in lieu of the imposition of a fine under rule 3770:2-3-06 of the Administrative Code.

(C) When required to do so by the Administrative Procedure Act, the director shall afford a hearing to a video lottery sales agent affected by an order to suspend or revoke a video lottery 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. The requirement of the Administrative Procedure Act that adjudication hearings be afforded prior to a final decision by the director to suspend or revoke a video lottery license may be waived under circumstances such as non-payment of funds owed by a video sales lottery agent, or for reasons related to the public safety, convenience or trust which require immediate action. Further, as necessary for reasons related to public safety, convenience or trust which require immediate action, the director may order the immediate and indefinite disabling of all or a portion of the video lottery operations and/or removal of video lottery equipment at a video lottery sales agent's video lottery facility. The director, however, must continue to comply with the requirements of the Administrative Procedure Act in affording the video lottery agent a subsequent opportunity for an adjudication hearing.

(D) If a video lottery sales agent's video lottery license is revoked, a video lottery sales agent may reapply, but any subsequent application shall require submission of a new application and payment of a new licensing fee, and shall only be submitted after any waiting period for reapplication, if any, established by the director, has expired.