



Ohio Administrative Code

Rule 3770:2-5-06 Technology providers licenses; suspension or revocation.

Effective: March 28, 2019

(A) Suspension or revocation. A technology provider 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 technology provider 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 of 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 technology provider 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 maintain adequate and sufficient security for video lottery terminals or video lottery games provided in the state;

(f) Providing or participating in the installation of a video lottery game that has not been approved by the director or commission, as applicable;

(g) Providing or participating in the installation of devices for the sale of video lottery at a facility not approved for a video lottery license or providing or participating in the installation of devices for the sale of video lottery at a 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;

(h) Failure to provide any required notice or failure to obtain any required approval prior to relocation or transportation of a video lottery terminal;

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

(j) 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 technology provider license if any person who the director has determined should be subjected to a criminal background check is convicted of any of the offenses set forth in divisions (C)(1) to (C)(3), (C)(5), (E)(1), or (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 license if, at any time after issuance of a technology provider license, the director determines that a licensee 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) Fines. Any suspension or revocation under this section may be in addition to or in lieu of the imposition of a fine under rule 3770:2-5-07 of the Administrative Code.

(C) Right to hearing. When required to do so by the Administrative Procedure Act, the director shall afford a hearing to a licensee affected by an order to suspend or revoke a 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 license may be waived under circumstances 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 licensee a subsequent opportunity for an adjudication hearing.

(D) Re-application. If a technology provider's license is revoked, a technology provider 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.