



## Ohio Administrative Code

### Rule 3772-10-30 Investigation and certification of contractors by casino operators.

Effective: November 26, 2017

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- (A) "Contractor" means any individual or entity that provides goods or services to a casino facility.
- (B) Each casino operators internal controls shall include procedures for the investigation and certification of contractors that will provide goods and/or services worth in excess of one hundred thousand dollars to a casino facility.
- (C) Except as provided in paragraph (D) of this rule, no casino operator shall conduct business with a contractor that will provide goods and/or services worth in excess of one hundred thousand dollars to a casino facility in a twelve month rolling period unless the contractor first certifies all of the following:
- (1) That the contractor's owners, officers, or directors have not been convicted of or pleaded guilty to any felony, any gambling offense or any theft offense;
  - (2) That the contractor's owners, officers, or directors have not been convicted of or pleaded guilty to any offense under section 2921.43 of the Revised Code;
  - (3) That the contractor's owners, officers, or directors are not on the states involuntary exclusion list;
  - (4) That the contractor does not have an unresolved finding for recovery pursuant to section 9.24 of the Revised Code;
  - (5) That the contractor has met all tax or other monetary obligations to the federal government, to this state, and to any applicable local governments of this state;
  - (6) That the contractor has all approvals, licenses, or other qualifications needed to conduct business in this state and that all are current;



(7) That the contractor will immediately notify the casino operator if at any time during the term of the contract any information provided in the contractor's certification changes; and

(8) That the contractor agrees and acknowledges that the contract is subject to immediate termination if the contractor provided any false or misleading information in its certification or if there is a subsequent material change to the certification.

(D) This rule does not apply to the following individuals or entities:

(1) Any person licensed or otherwise found suitable under Chapter 3772. of the Revised Code and the rules adopted thereunder;

(2) Licensed professional service firms, including attorneys, architects, engineers, and accountants;

(3) Regulated insurance companies;

(4) Employee benefit or retirement plan providers, including the plan administrator;

(5) Regulated banks, credit unions, or savings and loan associations;

(6) Regulated utilities;

(7) Federal, state, and local governments;

(8) Employee labor unions;

(9) Publicly-traded companies listed on a national securities exchange in the United States; and

(10) Any other regulated entity as requested in writing by a casino operator and approved by the executive director or executive director's designee.

(E) Certification documents shall be prepared and signed by an employee of the contractor who is directly authorized to sign on behalf of the contractor.



(F) Certification documents, including all of the statements required by this rule, shall be collected by the casino contractor at the following times:

(1) Before a contractor provides goods and/or services when it is known, or at the time in which it becomes known, that the goods and/or services to be provided to a casino facility will be worth in excess of one hundred thousand dollars in a rolling twelve month period;

(2) Whenever any of the certification statement responses required by this rule change; and

(3) Whenever directed by the executive director or executive directors designee.

(G) A casino operator shall include in its internal controls procedures for monitoring the certification statement responses from contractors to ensure accuracy and completeness.

(H) The casino operator shall notify the commission within five business days, if it receives notification pursuant to paragraph (C)(7) of this rule, terminates a contract pursuant to paragraph (C)(8) of this rule, or discovers that a contractor has provided false or misleading information in its certification.

(I) The casino operator shall maintain the certification documents required by this rule for five years and shall make all documents available to the commission upon request.