



STATE OF OHIO
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MARC DANN, ATTORNEY GENERAL

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November 13, 2007

VIA FIRST CLASS MAIL

Ricky A. Lertzman
Matthew D. Lertzman
31980 Jackson Road
Moreland Hills, Ohio 44022

Dr. Bradford A. Pressman
9776 Riverwood Lane
Chagrin Falls, Ohio 44023

Re: Proposed Initiative Petition to Amend The
Ohio Constitution to Allow Casino Gambling

Dear Committee Member:

In accordance with the provisions of Section 3519.01(A) of the Ohio Revised Code, a written petition to initiate a constitutional amendment to allow casino gambling in Clinton County was submitted for my examination, together with a summary of that initiated amendment.

Having considered only the language of the summary that you propose to submit with the initiative petition, the Attorney General has determined that the summary is not a fair and truthful statement of the proposed statute. Therefore, the Attorney General cannot certify the summary.

I note that the summary consists of eight paragraphs, each one briefly describing the text of the proposed constitutional amendment. However, Section (C)(2) of the amendment itself provides that the licensing fee, which could be as high as \$15 million, is treated as an interest free advance on the tax levied on casino receipts. The summary only mentions that a licensing fee of up to \$15 million may be established. It does not mention that this fee is offset against the taxes levied against the casino. In addition, Section (C)(2) of the amendment also provides that no fee shall be charged for applying for or renewing a casino license. The summary fails to mention anything whatsoever about this limitation.

For this summary to be fair and truthful and properly advise any signatory of what he or she is signing, it must advise such individuals of these sections of the amendment. This summary is not a fair and truthful statement of the measure to be proposed because it fails to include statements about the advance against future casino taxes and the prohibition against

fees for applying for or renewing a casino license. As a result, the Attorney General must reject the summary as submitted.

Sincerely,

Marc Dann
Attorney General



Thomas R. Winters
First Assistant Attorney General

cc: Eleanor Speelman, General Counsel to the Secretary of State