

STATE OF OHIO

CASINO CONTROL COMMISSION



MOBILE MANAGEMENT SERVICES PROVIDER

&

MANAGEMENT SERVICES PROVIDER

LICENSE APPLICATION

**MOBILE MANAGEMENT SERVICES PROVIDER & MANAGEMENT SERVICES PROVIDER
LICENSE APPLICATION INSTRUCTIONS**

I. COMPLETING THE APPLICATION:

- A. Read each question carefully prior to answering. Answer every question completely. Do not leave blank spaces. If a question does not apply to you, indicate "Does not apply" in response to that question. If there is nothing to disclose in response to a particular question, write "None" in response to that question. **Note: The Commission will not review your Application unless you provide a response to every question.**
- B. The Commission will not review your Application if it is illegible or if you have modified any of the questions or pre-printed information in the Application.
- C. All requested attachments to the Application should be numbered to correspond to the question they are responsive to and attached to the back of the Application.
- D. If you have any questions about this Application or the licensing process, contact the Division of Licensing and Investigations at sportsgaming@casinocontrol.ohio.gov or (614) 387-5688.

II. BEFORE YOU SUBMIT THE APPLICATION TO THE COMMISSION, BE SURE THAT:

- A. Every question was answered completely, including all necessary appendices.
- B. A duly authorized representative has signed the Authorization, Certification, and Waiver document in the Application.
- C. A completed copy of the Application is retained for the Applicant's records.

III. FILING THE APPLICATION WITH THE COMMISSION

- A. A complete Application for a Mobile Management Services Provider & Management Services Provider License consists of the complete Application (including all attachments), the application fee made electronically at the time of filing, and the cost of any required criminal-records checks. **The fees relating to a Mobile Management Services Provider & Management Services Provider License are as listed in [R.C. 3775.05](#) and [3775.051](#), respectively, and Ohio Adm.Code 3775-4 and are also located at the end of the Application in the form of Exhibit 1.**
- B. Upon the Commission's approval, the Applicant must pay an eLicense transaction fee of \$3.50, as required by [R.C. 125.18\(E\)](#), and post and maintain a surety bond of \$500,000 for Mobile Management Services Providers and \$100,000 for Management Services Providers, payable to the state, as required by Ohio Adm.Code 3775-4.
- C. All fees must be submitted in the form of an electronic funds transfer payable to the Treasurer of the State of Ohio, unless otherwise approved by the Executive Director.
- D. An Application and all notices regarding an Application must be filed electronically with the Commission, including via email to sportsgaming@casinocontrol.ohio.gov, via a physical media drive

(e.g., CD, thumb drive) mailed to the Commission's office at 100 E. Broad Street, 20th Floor, Columbus, Ohio 43215, or via secure online drop box, as approved by the Executive Director.

- E. Once an Application is accepted, it becomes the property of the Commission and may not be withdrawn without the permission of the Executive Director.

IV. IMPORTANT NOTICES

- A. Should you be unable to fully understand the Application in English, it is your responsibility to acquire adequate means of interpretation or translation.
- B. Each Applicant must make accurate statements and include all material facts. Any failure may result in the denial of the Application, the suspension or revocation of any license issued by the Commission, or the imposition of fines or penalties.
- C. Pursuant to [R.C. 3775.14](#), certain information submitted, collected, or gathered as part of an Application is confidential and not subject to disclosure as a record under [R.C. 149.43](#). **Each Applicant should clearly identify those portions that it deems to be confidential, proprietary commercial information, or trade secrets.** Non-confidential information provided to the Commission is open to public inspection to the extent permitted by [R.C. 149.43](#) and [3775.14](#).

V. ONGOING DUTIES

- A. The Commission may request information not requested, or in addition to that which is provided, in the Application. The Applicant must provide all information, documents, materials, and certifications at the Applicant's expense and cost.
- B. Pursuant to Ohio Adm.Code 3775-4-01, any person who applies for or holds a Mobile Management Services Provider & Management Services Provider License has **a continuing duty to update** the Commission of changes to any information that the person is required to provide or has provided to the Commission, including information contained in the Application, as well as to any information required by Ohio Adm.Code 3775-4-01. The Commission must be notified of any such change **in writing within ten (10) days of the change**.
- C. A Mobile Management Services Provider & Management Services Provider License expires five (5) years after the date of licensure. Renewal of a Mobile Management Services Provider & Management Services Provider License may be requested by submitting a completed Mobile Management Services Provider & Management Services Provider License Application no less than **one hundred eighty (180) days** before expiration of the License.
- D. A Mobile Management Services Provider & Management Services Provider License issued by the Commission is a revocable privilege and is not transferable. No licensee has a vested right in or under a Mobile Management Services Provider & Management Services Provider License issued by the Commission.

[Remainder of this page intentionally left blank.]

SECTION I. IDENTIFYING INFORMATION

1. Application Type

Check all that apply:

- Initial Mobile Management Services Provider Initial Management Services Provider
 Renewal Mobile Management Services Provider Renewal Management Services Provider

Are you applying for a provisional license? Yes No

If the Applicant is a mobile management services provider, select one of the following regarding its status:

- Designated First Mobile Management Services Provider Designated Second Mobile Management Services Provider

How many mobile management services provider and management services provider licenses is the Applicant seeking or has the Applicant been issued by the Commission:

- Number of Mobile Management Services Provider Licenses: _____
- Number of Management Services Provider Licenses: _____

Is the Applicant serving as a designee operator for an appointing professional sports organization?

- Yes No

If yes, attach as Appendix 1 the protocols and procedures in place with the appointing professional sports organization to ensure independence and avoid conflicts of interest in the operation of sports gaming in Ohio.

2. Business Information

Business Name <i>(including any prior business names used in the past ten years)</i>		Place of Incorporation or Formation	
DBA <i>(including any prior DBA(s) used in the past ten years)</i>		Date of Incorporation or Formation	
Business Registered as: (e.g., sole proprietorship, partnership, limited partnership, LTD, LLC, corporation, professional association)		Is the Applicant a nonprofit corporation or organization? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Ohio Secretary of State Registration Number	FEIN	Website	Business Phone Number
<u>Business Address <i>(provide the address where the Applicant primarily conducts business)</i></u>			
Street Address	City, State	Zip	County
<u>Mailing Address <i>(if different than the Applicant's business address)</i></u>			
Street Address	City, State	Zip	County

[Remainder of this page intentionally left blank.]

3. Primary Contact

Identify the person to be contacted in reference to this Application.

First Name	Last Name	Title
Telephone Number	Other Phone Number (if available)	E-mail Address
Street Address	City, State	Zip Country

4. Contracts

For Mobile Management Services Providers only:

Identify the type A sports gaming proprietor that the Applicant has entered into an agreement with to offer online sports gaming in Ohio as a designated first mobile management services provider:

Labeled as Appendix 4a provide a copy of the draft agreement(s) entered between the parties. The contract must contain a description of what duties under Chapter 3775. of the Revised Code and the rules adopted thereunder each party is responsible for. Please note that by disclosing this information, the Applicant waives any confidentiality regarding the identity of its type A sports gaming proprietor partner and consents to the Commission publicizing this information to the general public.

If not in a contract with a type A sports gaming proprietor, detail why in a letter labeled as Appendix 4a.

Has the Applicant entered into any agreement(s) with a type A sports gaming proprietor to offer online sports gaming in Ohio as a designated second mobile management services provider? Yes No

If yes, labeled as Appendix 4b, provide: (i) the name of the proprietor and the draft agreement(s) entered between the parties and (ii) all the following related to the requirements of the Applicant to demonstrate, in concert with the type A sports gaming proprietor, the incremental economic benefit that will be provided to the state:

- A. The additional actual or expected sports gaming tax revenue to be generated by the designated second mobile management services provider license (evidenced by a one-year forecast and three-year projection);
- B. The anticipated creation of jobs or other services procured in this state attributable to the designated second mobile management services provider conducting sports gaming here;
- C. Any capital investments made or intended to be made in the state by the designated second mobile management services provider; and
- D. How this agreement will not prevent any other type A sports gaming proprietor from securing a designated mobile management services provider.

For Management Services Providers only:

Identify the type B sports gaming proprietor that the Applicant has entered into an agreement with to offer land-based sports gaming in Ohio and provide the draft agreement(s) entered between the parties, labeled as Appendix 4c. The contract must contain a description of what duties under Chapter 3775. of the Revised Code and the rules adopted thereunder each party is responsible for. Please note that by disclosing this information, the Applicant waives any confidentiality regarding the identity of its type B sports gaming proprietor partner and consents to the Commission publicizing this information to the general public.

If not in contract with a type B sports gaming proprietor, detail why in a letter labeled as Appendix 4c.

[Remainder of this page intentionally left blank.]

5. Regulatory Compliance Documents

The Applicant certifies that the following materials will be provided in accordance with the timeframe listed below either by the Applicant or by the Applicant's Type A Sports Gaming Proprietor or Type B Sports Gaming Proprietor, as applicable, and as laid out in the Applicant's required written contract specifying the duties of each party. The Applicant further understands that a failure to timely submit the required materials may disqualify the Applicant from being issued a license at all or being issued a license before the universal start date established by the Executive Director.

Yes

No

To offer sports gaming on the universal start date, the Applicant must submit final and complete versions of the following to the Commission, using a method described in Instruction III.D, before the indicated timeframe:

- Required Procedures. Ohio Adm.Code 3775-10-02: November 2, 2022
- Disordered and Problem Gambling Plan. Ohio Adm.Code 3772-12-06: November 2, 2022
- House Rules. Ohio Adm.Code 3775-10-01: November 2, 2022
- Sports gaming equipment and system testing approvals. Ohio Adm.Code 3775-9-01 and 3775-9-02: November 2, 2022
- Proof of approved IT security insurance. Ohio Adm.Code 3775-16-15(B): November 2, 2022
- Approved sports gaming equipment and systems ready for Commission verification. Ohio Adm.Code 3775-16-01(F): December 2, 2022
- Sports gaming systems remote Commission access. Ohio Adm.Code 3775-16-01(D): December 2, 2022

For mobile management services providers only:

- The location-based technology provider, parameters used for geolocation, and evidence of completed testing according to the testing procedures prescribed by the Executive Director. Ohio Adm.Code 3775-17-01: November 2, 2022

For management services providers only:

- Sports gaming facility design plan. Ohio Adm.Code 3775-18-01: November 2, 2022
- Sports gaming facility surveillance remote Commission access. Ohio Adm.Code 3775-18-03(M): November 2, 2022

Stop here if Applicant is a Mobile Management Services Provider or Management Services Provider that has previously submitted a full application within the past twelve (12) months and proceed to the Authorization, Certification, and Waiver (page 10).

Otherwise, **proceed** to Section III. Background Information.

[Remainder of this page intentionally left blank.]

SECTION II. BACKGROUND INFORMATION

6. Description of Sports Gaming Business

Labeled as Appendix 6, describe the sports gaming business presently being conducted and the sports gaming business intended to be conducted by the Applicant or any person that controls it (or any other entities conducting business on its behalf) and the general development of such business during the past five (5) years. The description must also include information on matters such as the following:

- A. The principal products produced and services rendered by the Applicant and its parent companies, intermediaries, subsidiaries, affiliates or any other business entities conducting business on its behalf, the principal markets for said products or services and the methods of distribution;
- B. A list identifying by name, address, and telephone number all distributors, suppliers and/or vendors that provide or supply to the Applicant any sports gaming-related service, good or equipment, including parts, components, hardware, or software systems integral to the sports gaming-related purpose of the good produced or service rendered by the Applicant;
- C. A detailed account and list of the sports-gaming-related equipment, devices, goods, or services being provided or intended to be provided under the license for which the sports gaming license Application is being made;
- D. A list of the top three (3) value (\$) contracts or agreements that the Applicant has entered into in the past twelve (12) months; and
- E. A list of all addresses at which the Applicant currently conducts business.

7. Organizational Documents

Labeled as Appendix 7, submit copies of certified documents of all of the following, including any amendments or proposed amendments thereto, that apply to the Applicant: articles of incorporation, articles of organization, bylaws, charter, constitution, partnership agreement and operating agreement.

8. Ownership and Control

Labeled as Appendix 8, provide the following related to the ultimate ownership and control of the Applicant and its business operations:

- A. Organizational chart(s) for the Applicant illustrating its ownership, board management (if applicable), officers, and executive-level operations;
- B. For each Principal of the Applicant identified in the organizational charts, provide the name and title/position/partner type;
- C. Identify every natural person or entity having a direct or indirect interest of five (5) percent or more in the Applicant. Provide name, title/association, contact information, and percentage of ownership interest in applicable business entity and effective ownership interest in Applicant (as applicable); and
- D. Identify every natural person or entity having a direct or indirect voting interest of five (5) percent or more in the Applicant. Provide name, title/association, contact information, and percentage of voting interest in applicable business entity and effective voting interest in Applicant (as applicable), including a description of the nature/type of such voting interest and rights/obligations regarding each.

*Note: The Commission may grant a mobile management or management services provider license only once it has determined that each person in control of the Applicant, as defined in Ohio Adm.Code 3775-1-01(B)(10), has met the requirements of Ohio Adm.Code 3775-4-01(C). To do so, those individuals and entities must submit either the Key Sports Gaming Employee License Application or the Sports Gaming Holding Company Form in order to be found eligible, qualified, and suitable prior to the underlying Applicant's license being issued.

[Remainder of this page intentionally left blank.]

9. Gambling or Gaming-Related Licenses, Permits, Registrations, and Certifications

Has the Applicant ever applied for or been issued a sports gaming, gambling, or gaming-related permit, license, registration, certification, qualification, or other authorization in any jurisdiction (including Ohio)? You must answer "Yes" to this question if your application was returned to you for any reason or you withdrew your application from consideration. If additional fields are needed, please attach as Appendix 9.

Yes
 No

Type of License or Other Authorization	Date of Application
License or Other Authorization Number	Date of Disposition
Name on License or Other Authorization	Issuing Authority or Agency
Disposition of License or Other Authorization	

10. Fines, Penalties, and Settlements (Governmental Units or Regulatory Authorities)

Has the Applicant ever been fined by, penalized by, or entered into any settlement agreement with any gambling-related governmental unit or regulatory authority (including Ohio) or with any government unit or regulatory authority regarding gaming-related matters? If yes, provide the required information below for each instance. If additional fields are needed, please attach as Appendix 10.

Yes
 No

Type of Fine, Penalty, or Settlement	Date of Fine, Penalty, or Settlement
Name of Regulatory Authority and Location (<i>city, state</i>)	
Resolution Fine, Penalty, or Settlement	

11. Criminal History

Has the Applicant ever been arrested for, charged with, indicted for, or convicted of any offense¹ in any jurisdiction (including Ohio)? **DO NOT** include charges or convictions that have been expunged or officially sealed by a court. **DO** include all arrests that were not charged, all dismissed charges, or all charges that resulted in diversion or intervention or in lieu, whether you believe them to be correct or not. If yes, provide the required information for each instance. If additional fields are needed, please attach as Appendix 11.

Yes
 No

Type of Offense	Date of Offense	City, State (<i>where offense occurred</i>)
Disposition of Offense	Name of Investigating, Arresting, Charging, or Prosecuting Agency	Location of Investigating, Arresting, Charging, or Prosecuting Agency (<i>city, state</i>)

12. Civil Litigation History

Within the past 10 years, has the Applicant been named as a defendant in any civil legal action involving gaming; gambling; fraud; misrepresentation; falsification; conversion; racketeering; antitrust, trade regulation, or securities violations; breach of fiduciary duty; or any other civil legal action in any jurisdiction involving the Applicant's business practices in any amount greater than \$250,000? If yes, provide the required information below for each instance. If additional fields are needed, please attach as Appendix 12.

Yes
 No

Type of Legal Action	Other Parties to Action
Name of Court	Location of Court (<i>city, state</i>)
Disposition or Current Status	

¹ **Offense** includes all felonies, misdemeanors, municipal ordinance violations, military court martials, and violations of probation or other criminal court order. "Offense" does NOT include traffic offenses or violations, except for those related to driving under the influence of drugs or alcohol, driving with a revoked or suspended license, or leaving the scene of an accident. Failure to disclose any offense is a serious infraction and may result in legal action, including administrative proceedings related to the denial, suspension, or revocation of a license or the imposition of fines or penalties.

13. Liens, Judgments, or Garnishments

Within the past 10 years, has the Applicant had any financial liens or debt-related judgments filed against them? (Include state and federal tax liens, defaulted loans, garnishments, attachments, etc.) If yes, provide the required information for each instance below. If additional fields are needed, please attach as Appendix 13.

- Yes
 No

Type of Case/Matter	Name of Court
Location of Court (<i>city, state</i>)	Type of Obligation/Judgment
Disposition/Current Status of Lawsuit/Obligation	

14. Bankruptcies

Has the Applicant ever filed, or had filed against it, a petition for any type of bankruptcy or insolvency, or been adjudicated bankrupt or insolvent or been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt? If yes, provide the required information for each instance. If additional fields are needed, please attach as Appendix 14.

- Yes
 No

Type of Bankruptcy/Matter	Date Filed
Name of Court	Location of Court (<i>city, state</i>)

15. Financial History

Labeled as Appendix 15, attach proof of the Applicant's financial responsibility, stability, and integrity. This proof must include:

- A. Copies of audited financial statements and accompanying independent auditors reports for each of the Applicant's (and its parent corporation or parent entity, as applicable) two most recently completed fiscal years. If the Applicant is a joint venture or a group of affiliated companies, the information requested shall be provided with respect to each member or affiliate of such joint venture or group, as applicable. If two years are unavailable for any reason, indicate why the statements are unavailable and provide as many months or quarters of prepared financial statements as are available, whether audited or unaudited;
- B. A copy of the last quarterly unaudited financial statement for the Applicant and its parent corporation or parent entity, as applicable;
- C. A detailed outline of any debt issued or executed by the Applicant within the last twelve (12) months;
- D. A copy of the Applicant's insurance certificate as evidence that the Applicant has purchased and will maintain adequate liability and casualty insurance;
- E. A copy of the Applicant's surety bond certificate as evidence that the Applicant has provided an adequate bond issued by a surety licensed to do business in Ohio;
- F. A copy of the Applicant's most recent IRS tax return filing as evidence that the Applicant (or its consolidated parent company, as applicable) is in compliance with all federal tax filings and related requirements;
- G. A statement confirming that the Applicant is in compliance with all state of Ohio (and local) tax filings and related requirements; and
- H. If the Applicant is a subsidiary of a parent corporation or entity, a statement by the parent attesting to the Applicant's financial responsibility, stability, and integrity.

[Remainder of this page intentionally left blank.]

AUTHORIZATION, CERTIFICATION, AND WAIVER

1. I declare under penalty of law that I am the Applicant or the duly authorized representative thereof. I am authorized to provide all the information requested in the Mobile Management Services Provider & Management Services Provider License Application (“Application”) or separately by the Commission, and I am authorized to complete, execute, and sign this Application, including all certifications, authorizations, and waivers.
2. I certify under penalty of law that the information and material I have provided to be included in this Application is true, correct, and complete. I understand any false or misleading answers, misrepresentations, or omissions is ground for denial of a license or administrative action by the Commission.
3. I authorize the Ohio Casino Control Commission (“Commission”) to conduct a full investigation into the Applicant’s background and activities and to make inquiries and request and obtain information or records from any third parties and use such information or records obtained as, in the sole discretion of the Commission or its agent(s), is necessary to such investigation. This authorization includes any information or records that would otherwise be protected from public disclosure or dissemination.
4. I agree that the Commission may conduct investigations, which may include, without limitation, credit reviews; inspections of Applicant’s premises; copies of and inspections of records, including law-enforcement, governmental-entity, third-party, and Applicant-owned or -prepared records; and inquiries, questions, or interrogatories submitted to Applicant or any third party.
5. I release the Commission and its agent(s) from any civil or criminal liability whatsoever for seeking any requested information and for using and evaluating such information as it relates to the Applicant’s Application or License. Moreover, I discharge, save, and hold harmless the Commission and its agent(s) from any and all claims and damages, as well as any responsibility or liability of every nature and kind, resulting from or arising out of the Commission’s investigation. In addition, I release any third party and its agents and employees, both individually and collectively, from any and all liability or damages of whatever kind, which may result because of compliance with this Authorization, Certification, and Waiver.
6. I have read and understand the Application, including the Instructions, the Questions, and the Authorization, Certification, and Waiver, and agree to observe and be bound by them. I acknowledge that the Commission is not obligated to issue a license and can suspend or revoke the license in accordance with the law. Each holder of a license agrees to be bound by and observe the terms and conditions on the Application and comply with the applicable provisions of R.C. Chapters [3772](#) and [3775](#) and the rules adopted thereunder.
7. By printing and signing my name below, I, as the Applicant or on behalf thereof, confirm that I understand, agree to, and will comply with all requirements stated above.

Printed Name of Applicant or Authorized Representative	Title
Signature	Date Signed

Exhibit 1

Mobile Management Services Provider Fees	Application Fee for First Application	Application Fee After First Application	Upon Issuance of License	One Year After License Issued	Two Years After License Issued	Three Years After License Issued	Four Years After License Issued
Initial/Renewal – designated first mobile management services provider for a type A sports gaming proprietor that is a professional sports organization	\$150,000	\$75,000	\$1,000,000	\$250,000	\$250,000	\$250,000	\$250,000
Initial/Renewal – designated first mobile management services provider for any other type A sports gaming proprietor	\$150,000	\$75,000	\$750,000	\$187,500	\$187,500	\$187,500	\$187,500
Initial – designated second mobile management services provider for a type A sports gaming proprietor that is a professional sports organization	\$150,000	\$75,000	\$3,333,333	\$833,333	\$833,333	\$833,333	\$833,333
Initial – designated second mobile management services provider for any other type A sports gaming proprietor	\$150,000	\$75,000	\$2,500,000	\$625,000	\$625,000	\$625,000	\$625,000
Renewal – designated second mobile management services provider for a type A sports gaming proprietor that is a professional sports organization	\$150,000	\$75,000	\$1,000,000	\$250,000	\$250,000	\$250,000	\$250,000
Renewal – designated second mobile management services provider for any other type A sports gaming proprietor	\$150,000	\$75,000	\$750,000	\$187,500	\$187,500	\$187,500	\$187,500

Management Services Provider Fees	Application Fee for First Application	Application Fee After First Application	Upon Issuance of License	One Year After License Issued	Two Years After License Issued	Three Years After License Issued	Four Years After License Issued
Initial/Renewal – management services provider that is contracting with a type B sports gaming proprietor that is also a type A sports gaming proprietor	\$20,000	\$10,000	\$100,000	\$10,000	\$10,000	\$10,000	\$10,000
Initial/Renewal – any other management services provider	\$20,000	\$10,000	\$50,000	\$10,000	\$10,000	\$10,000	\$10,000