

STATE OF OHIO

CASINO CONTROL COMMISSION



TYPE C

SPORTS GAMING PROPRIETOR

LICENSE APPLICATION

**TYPE C SPORTS GAMING PROPRIETOR
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 Type C Sports Gaming Proprietor License consists of the complete Application, including all attachments, and the application fee made electronically at the time of filing. The fees relating to a Type C Sports Gaming Proprietor License are as follows:
 - 1. Upon submission of the Application to the Commission, the Applicant must pay a nonrefundable application fee of \$15,000 for an initial and renewal type C sports gaming proprietor license and all fees necessary to cover the cost of any required criminal-records checks.
 - 2. Upon the Commission's approval, the Applicant must pay a nonrefundable license fee of \$100,000 for an initial type C sports gaming proprietor license or \$25,000 for a renewal type C sports gaming proprietor license.
 - 3. 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 an amount necessary to cover all future license fees owed, payable to the state, as required by [R.C. 3775.04\(E\)](#).

- B. 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.
- C. 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.
- D. 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 Type C Sports Gaming Proprietor 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 Type C Sports Gaming Proprietor License expires five (5) years after the date of licensure. Renewal of a Type C Sports Gaming Proprietor License may be requested by submitting a completed Type C Sports Gaming Proprietor License Application no less than **one hundred eighty (180) days** before expiration of the License.
- D. A Type C Sports Gaming Proprietor License issued by the Commission is a revocable privilege and is not transferable. No licensee has a vested right in or under a Type C Sports Gaming Proprietor License issued by the Commission.

SECTION I. IDENTIFYING INFORMATION

1. Application Type

Check the appropriate box:

Initial Type C Sports Gaming Proprietor

Renewal Type C Sports Gaming Proprietor

Are you applying for a provisional license? Yes No

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
Business Address <i>(provide the address where the Applicant primarily conducts business)</i>			
Street Address	City, State	Zip	County
Mailing Address <i>(if different than the Applicant's business address)</i>			
Street Address	City, State	Zip	County

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

Does the Applicant intend to enter into a contract with the Ohio Lottery Commission to offer lottery sports gaming, pending licensure by the Ohio Casino Control Commission? Yes No

If yes, detail all efforts made to obtain such a contract including discussions related to product offerings and copies of any draft contracts or agreements, as applicable, labeled as Appendix 4a. Please note that receiving a license does not guarantee an Applicant a contract, or any specific terms, with the Ohio Lottery Commission to operate lottery sports gaming. The Applicant must still engage with the Ohio Lottery Commission under R.C. 3770.24 to ensure that it can operate lottery sports gaming in Ohio.

Does the Applicant have any agreement(s) with any type C sports gaming hosts to provide sports gaming terminals or kiosks in Ohio, pending regulatory approvals? Yes No

If yes, provide a list of all type C sports gaming hosts that the Applicant has any agreement(s) with along with the number of proposed sports gaming terminals or kiosks to be placed at each location, labeled as Appendix 4b. If no, provide the status of the efforts to obtain such contracts: _____

SECTION II. ECONOMIC DEVELOPMENT INFORMATION

5. Economic Development

An Applicant for an initial or renewal type C sports gaming proprietor license must provide the following, labeled as Appendix 5, related to the economic development considerations for licensure, including detailed descriptions and supporting documentation of:

- A. The nature of the Applicant's current or intended physical presence in Ohio, including the establishment and maintenance of any facilities or information regarding capital expenditures that have been or will be made towards physical infrastructure in Ohio over the next three (3) years. Please include any records filed with a governmental entity or otherwise related to these expenditures and any valuation records procured or produced, such as appraisals, valuations for tax or financial statement depreciation purposes, or governmental valuations for property tax purposes, related to these expenditures in this state as well as any tax incentives (including abatements) received as a result;
- B. The length of time and at what locations, if any, the Applicant has been doing any kind of business in Ohio;
- C. The historical revenue collected in Ohio inclusive of any of the Applicant's Ohio-based operations as evidenced by audited or unaudited financial statements, filings with the Ohio Department of Taxation or other relevant taxing authorities, or other supporting information for a period covering at least the last two years;
- D. The prospective total revenue to be collected in Ohio for the conducting of sports gaming evidenced by a one-year, two-year, and three-year projection, including any supporting documents, calculations, studies, and market analyses;
- E. The historical total taxable income having been earned by the Applicant's employees in Ohio as evidenced by the most recent filing with the Ohio Department of Taxation or other relevant taxing authority;
- F. A prospective statement of the number of employees the Applicant plans to employ in Ohio, and the expected amount of taxable income to be earned by those employees identified including any supporting documents, calculations, studies, and market analyses;
- G. The Applicant's current or intended local and statewide economic involvement in Ohio, including any contributions to, or extent of, any physical capital, goods, or services, or any other quantifiable economic involvement; and
- H. The Applicant's current or intended contributions to Ohio, including business development, the promotion of tourism, and promotion of charitable causes.

*Note: The Commission's ability to adequately evaluate the Application will be impacted by the level of information provided and quality of the verifiable supporting documentation. The Commission will place an emphasis on information and supporting documentation provided by or on behalf of applicants that has been verified by independent sources or is available to be confirmed through third parties. Information provided may be verified by an independent certified public accounting firm or an independent law firm according to applicable professional standards.

SECTION III. 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.

[Remainder of this page intentionally left blank.]

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 ownership 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 type C sports gaming proprietor 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.

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 governmental unit or regulatory authority regarding gambling-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	

[Remainder of this page intentionally left blank.]

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 an 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	

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>)

¹ **Offense** includes all felonies, misdemeanors, municipal ordinance violations, military court martial, and violations of probation or other criminal court order. "Offense" does NOT include traffic offenses and 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.

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 Type C Sports Gaming Proprietor 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](#), [3775](#), and [3770](#) 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