



# Common Sense Initiative

**Mike DeWine**, Governor  
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## Business Impact Analysis

Agency, Board, or Commission Name: Ohio Casino Control Commission (“Commission”)

Rule Contact Name and Contact Information:

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Regulation/Package Title (a general description of the rules’ substantive content):

OCCC 2022 Sports Gaming Rules Batch 5 – (Ohio Adm.Code Chapters 3775-16 (General Proprietor Duties) and rules 3775-1-01, 3775-4-02.1, 3775-4-03.1, and 3775-10-02)

Rule Number(s): 3775-1-01, 3775-4-02.1, 3775-4-03.1, 3775-10-02, 3775-16-01, 3775-16-03, 3775-16-04, 3775-16-05, 3775-16-06, 3775-16-07, 3775-16-08, 3775-16-09, 3775-16-11, 3775-16-12, 3775-16-13, 3775-16-14, 3775-16-15, 3775-16-16, 3775-16-17, 3775-16-18, 3775-16-19, 3775-16-20, 3775-16-21.

Date of Submission for CSI Review: 05/04/2022

Public Comment Period End Date: 05/18/2022

Rule Type/Number of Rules:

New/ 23 rules

No Change/ 0 rules (FYR? N/A)

Amended/ 0 rules (FYR? N/A)

Rescinded/ 0 rules (FYR? N/A)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing

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regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Reason for Submission**

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a.  Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b.  Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c.  Requires specific expenditures or the report of information as a condition of compliance.
- d.  Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

### **Regulatory Intent**

2. Please briefly describe the draft regulation in plain language.

*Please include the key provisions of the regulation as well as any proposed amendments.*

These rules are the Commission’s fifth batch of sports gaming rules, related to definitions, supplemental type A and B sports gaming proprietor licenses, required procedures, and generally applicable sports gaming proprietor duties. The rules are adopted pursuant to House Bill 29 of the 134<sup>th</sup> General Assembly (“HB 29”). That bill set a comprehensive licensing and regulatory framework for sports gaming, under the jurisdiction and broad rulemaking authority of the Commission. The bill also requires that this business sector start by January 1, 2023, under the Commission’s regulation. To implement HB 29 in a timely manner, the Commission is advancing the below rules for approval. The summaries of the rules for consideration are detailed below.

#### *Definitions*

- **3775-1-01 (new), titled “Definitions.”** This rule defines words of general application for the purpose of providing consistent terminology throughout Ohio Adm.Code Agency

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3775. Many of these definitions are common in the industry or are borrowed from Ohio's other gaming regulations, to better comport with the law. The definitions range from fairly straightforward terms like applicant, licensee, or person, to more technical terms used in sports gaming like suspicious sports gaming activity or unusual sports gaming activity. The purpose of this rule is to provide clear and consistent definitions of common phrases regarding casino gaming, which will create a more streamlined and easy-to-use Administrative Code.

#### *Licensing*

- **3775-4-02.1 (new), titled “Additional type A sports gaming proprietor licenses.”** This rule governs the process by which the Commission may grant additional type A sports gaming proprietor licenses beyond the initial cap of twenty-five in statute. Per the statute, the Commission can only issue additional type A sports gaming proprietor licenses once all the initial twenty-five licenses have been issued and an eligible applicant demonstrates that the market needs an additional type A sports gaming proprietor. R.C. 3775.04. As such, this rule builds off this statutory language requiring these potential proprietors to submit evidence proving the market need such as, market share analyses, reports by qualified third parties showing any market benefits to the state, or other information requested by the Commission. If this information demonstrates the need for more than twenty-five type A sports gaming proprietors, then the Commission may issue an additional license. The purpose of this rule is to implement R.C. section 3775.04 and its requirement that the Commission cap the number of type A licenses at twenty-five absent this evidence of market need—ensuring those conducting sports gaming in the state of Ohio are doing so for the benefit of the state and its citizens.
- **3775-4-03.1 (new), titled, “County population exception for type B sports gaming proprietor license.”** This rule governs the process by which a person may apply for a type B sports gaming proprietor license despite not meeting HB 29's general county population limits. The statute, and therefore the rule, allows a person to still obtain the license and open a sports gaming facility if they meet a specific carve out for counties with certain population levels and a specific amount of tourism. To do so, the applicant must submit information from the Department of Development, proving the tourism requirement of five million tourists or more has been met. The purpose of this rule is to implement that statutory carve out, largely echoing the language in R.C. 3775.04.

#### *Required Procedures*

- **3775-10-02 (new), titled, “Required procedures.”** This rule states the requirements surrounding a proprietor's internal controls or required procedures, including how those procedures are to be documented, maintained, and provided to the Commission for approval. While procedures must be approved by the executive director prior to

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implementation, the rule considers the nature of online sports gaming and allows any procedures to take effect without explicit executive director approval if the proprietor has not received a response within five days of submission. The substantive procedures themselves are listed in statute or in other rules. The purpose of this rule is to allow proprietors to set their own procedures governing the administration of their operations, as contemplated in R.C. 3775.02 and 3775.10, while allowing the Commission to approve the procedures as sufficient to meet the requirements of the sports gaming control law.

#### *Generally Applicable Proprietor Duties*

- **3775-16-01 (new), titled, “Sports gaming systems.”** This rule states the requirements of sports gaming systems or the equipment necessary to allow a participant to place, review, or modify wagers. The system, since it is equipment, must be approved by the Commission. The rule also details some of the design specifications of the system, ensuring certain statutory or other requirements are met, including being designed to identify access by prohibited or authorized persons. The rule also implements one of the required procedures for proprietors that the system is secure, can meet requirements of ODJFS’s or the Attorney General’s data match programs, and can detect attempts to launder currency. The purpose of this rule is to meet R.C. 3775.02’s requirement for the Commission to adopt rules that govern a proprietor’s sports gaming system and to ensure the system meets all the statutory and rule-based requirements for sports gaming equipment. This will ensure the integrity of sports gaming system—the backbone of any proprietor’s offering.
- **3775-16-03 (new), titled, “Sports gaming accounts.”** This rule governs the use of and requirements for sports gaming accounts. The rule specifically governs online accounts, digital wallets, and account registrations for in-person gaming above the anonymous wager threshold. The requirements of the rule largely center around ensuring an individual’s identity is verified and that any individual establishing an account or placing wagers through an account are not a prohibited person. To that end, the rule states the general requirements of accounts, including ensuring proprietors gather standard identification data and perform a standard identification check of the patron, either through a data match or through examination of a government-issued identification. Additionally, the rule ensures that patrons are provided with responsible gambling information. For accounts that are deposit-enabled (online accounts or digital wallets), the rule also implements some further consumer protections, including limit setting, greater data collection for identity verification and contact, and protections like multi-factor authentication and prompt payment requirements. The purpose of this rule is to implement several of the required rules and provisions of R.C. 3775.02, including ensuring that wagers are accepted appropriately, there are protections for patrons placing wagers, proprietors are promoting methods to ensure responsible gambling, and that patron identities are being verified. Moreover, the rule implements R.C. 3775.11 and 3775.12’s requirements that online wagers are placed through accounts and in-person wagers are placed through a patron’s registration with the proprietor, unless the wager is

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below the anonymous wager threshold set in Ohio Adm.Code 3775-18-05.

- **3775-16-04 (new), titled, “Wager rules.”** This rule governs how wagers may be accepted, funded, cancelled, voided, and paid. The rule also requires that wagers not be accepted on events for which the outcome has already been accepted. Like accounts, the rule requires all wagers, whether required to be placed through accounts or not knowingly accepted from prohibited individuals and are not placed in violation of any state or federal law, including proxy betting. Importantly, the rule also provides patron and proprietor protections by ensuring that wagers are not cancelled by either party unless an obvious error has occurred or the patron and proprietor agree to the cancellation, in accordance with a proprietor’s procedures. The purpose of this rule is to meet R.C. 3775.02’s requirement that the Commission adopt rules related to wagers on sports events and protections for players placing wagers.
- **3775-16-05 (new), titled, “Tickets.”** This rule governs the tickets sports gaming proprietors must issue when accepting a wager, including the information the ticket must contain. This information includes the name of the proprietor, when the wager was placed, the patron choices involved in the wager, the amount of wagers, and a problem gambling message. Moreover, this rule contains provisions intended to implement R.C. 3775.10’s requirement that wagers expire one year from the last day a sporting event is held and that the unclaimed winnings then be paid to the Commission for deposit in the sports gaming revenue fund. The purpose of this rule is to implement R.C. 3775.02’s required rules related to the types of tickets proprietors may issue and the manner in which wagering tickets are issued, as well as rules related to patron protections and measures to promote responsible gambling.
- **3775-16-06 (new), titled, “Reserve funds.”** This rule governs the patron reserve that must be maintained by a proprietor to ensure that the proprietor can cover all amounts accepted by the proprietor as bets, all winning bets not yet paid, and any funds held in patron accounts. The rule allows proprietors to hold the funds in several different industry-standard methods, so long as they are held separate from operational funds. Finally, the rule requires sports gaming proprietors to notify the Commission no less than ninety days prior to ceasing operations and to provide the commission with a plan to settle any outstanding patron liabilities. The purpose of this rule is to ensure R.C. 3775.10’s requirements that a proprietor maintain sufficient funds to conduct sports gaming and pay patrons are met—ensuring no Ohioan is left in the cold should a sports gaming proprietor fail.
- **3775-16-07 (new), titled, “Tournaments.”** This rule governs how sports gaming proprietors may conduct tournaments, including only using approved wagers and events and ensuring rules regarding the tournament are made available to patrons in advance. The purpose of this rule is to establish patron protections for those placing tournament style wagers, pursuant to the Commission’s R.C. 3775.02 authority.

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- **3775-16-08 (new), titled, “Advertising.”** This rule governs sports gaming proprietor’s advertisements requiring them to follow standard advertising requirements including ensuring that the advertisement is clear and not misleading. Moreover, the rule implements several statutory considerations aimed at ensuring advertisements do not target underage individuals or individuals with a gambling problem. This includes provisions related to not directly advertising to VEPs, not targeting advertising to college campuses, and not allowing proprietors to put their logos or trademarks on products made primarily for children. Finally, the rule also applies its requirements to affiliate marketers while explicitly carving those marketers out of licensure. The purpose of this rule is to implement R.C. 3775.02’s required rules on advertisements, better detailing what activities violate those requirements and protecting vulnerable citizens.
- **3775-16-09 (new), titled, “Promotions and bonuses.”** This rule describes the manner and conditions under which sports gaming proprietors may offer promotions or bonuses. This includes ensuring that the promotions and bonuses, like advertisements, are clear and not misleading. In particular, the Commission is borrowing from its sister jurisdictions and barring the use of words like “free” or “risk free,” when the promotion does require patron risk and ensuring patrons never have to bet their own funds to withdraw them from any account. Finally, the rule requires proprietors to adopt rules around all promotions and required procedures on how promotions or bonuses may be offered. The purpose of this rule is to ensure R.C. 3775.02’s advertising requirements on promotion are met and to establish the Commission’s oversight of promotional gaming credits contemplated by R.C. 3775.10.
- **3775-16-11 (new), titled, “Sports gaming event and wager type requests.”** This rule governs how sports gaming event and wager type requests will be processed by the Commission, including specifying that any pending and denied requests will be available for proprietors on the Commission’s website. The rule then requires that proprietors not resubmit any pending requests; it also requires proprietors to not resubmit requests that have been denied for a period of time listed in the catalogue. The purpose of this rule is to more fully describe the duties of proprietors in requesting the Commission to add sporting events or wager types to its Ohio Adm.Code 3775-11-01 (as pending) sports gaming catalogue. This will provide proprietors with clear rules on how the Commission will exercise its R.C. 3775.01 authority to approve wagers and events.
- **3775-16-12 (new), titled, “Sports governing body prohibited persons.”** This rule states the duties and responsibilities of sports gaming proprietors and sports governing bodies in ensuring certain defined individuals involved in underlying sporting events are not wagering on those events. Paragraphs (A)(1)-(3) are directly reiterated from statute. Paragraph (B) gives the executive director authority to approve the manner in which sports governing bodies provide the personally identifiable information of individuals involved in sporting events, focusing on the protection of that information. The purpose of this rule is to adopt and implement R.C. 3775.13’s requirement that the Commission adopt a rule on this subject and to ensure individuals with insider information do not

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engage in sports gaming in Ohio.

- **3775-16-13 (new), titled, “Sports governing body data requests.”** This rule states how sports governing bodies may request data from a sports gaming proprietor if the governing body has reason to believe the integrity of one of its sporting events is in question. If the request is made in a proper manner, the sports gaming proprietor must provide the information, free of any patron identifying information. If the parties cannot come to an agreement as to whether a request is proper, the Commission will become the arbiter. Finally, the rule protects this information and ensures that the information will not be used for any other purposes. The purpose of this rule is to adopt and implement R.C. 3775.02 and 3775.10’s required rule on sports governing body data requests, allowing these governing bodies to ensure the integrity of their own events.
- **3775-16-14 (new), titled, “State university data requests.”** This rule states how state universities may request data from a sports gaming proprietor if the state university is either assisting the Commission, at the Commission’s request, or is seeking to improve the state’s problem gambling services. If the request is made in a proper manner, the sports gaming proprietor must provide the information, free of any patron identifying information. If the parties cannot come to an agreement as to whether a request is proper, the Commission will become the arbiter. Finally, the rule protects this information and ensures that the information will not be used for any other purposes. The purpose of this rule is to adopt and implement R.C. 3775.02 and 3775.10’s required rule on state university data requests, allowing state university to research and inform the Commission and the state’s problem gambling services.
- **3775-16-15 (new), titled, “Information technology.”** This rule governs sports gaming proprietors’ information technology department, ensuring that sports gaming proprietors are adequately protecting the extensive personally identifiable information and patron funds they will be storing. The rule requires proprietors to maintain IT security insurance, but allows the amount to be set flexibly, based on the size and risk exposure of the proprietor. It further requires proprietors to ensure that employee duties of the department, and procedures used in the department, are able to monitor, detect, and resolve any errors or security incidents. The purpose of this rule is to ensure the safety and security of patron information and funds, as well as the security of sports gaming equipment, implementing R.C. 3775.02 and 3775.10’s requirements on equipment and system safety as well as those sections’ patron protection requirements.
- **3775-16-16 (new), titled, “Security and safety of confidential information.”** This rule states that sports gaming proprietors must have a privacy policy governing its use of patron confidential information and must ensure compliance with any applicable state and federal privacy and security requirements regarding patrons and their accounts. The purpose of this rule is to establish patron protections for patrons and their information, pursuant to the Commission’s R.C. 3775.02 patron protection authority.

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- **3775-16-17 (new), titled, “Incident reporting.”** This rule governs how sports gaming proprietors report certain required incidents to the Commission, including requiring reporting for wager violations, any conduct undermining betting outcomes, and any IT or physical security breaches. The rule also requires proprietors have procedures regarding anti-money laundering. The purpose of this rule is to implement the required reporting proprietors must undertake under R.C. 3775.10 and to ensure that any breaches regarding patron or patron information safety are promptly reported pursuant to the Commission’s R.C. 3775.02 authority.
- **3775-16-18 (new), titled, “Accounting and revenue audit.”** This rule governs the procedures and record keeping of a proprietor’s accounting and gaming records, requiring the records include all transactions, contain certain information, and be maintained in a double-entry system. The rule also requires proprietors to comply with Ohio’s tax law and any requests from the tax commissioner, as the Commission often works hand in glove with the Department of Taxation in ensuring proper revenue reporting. The purpose of this rule is to implement the Commission’s R.C. 3775.02 authority to set how financial records are to be kept and to ensure all financial records are in a position to be audited in accordance with R.C. 3775.10’s requirements. This will ensure the accurate reporting of all revenue and taxes under the law.
- **3775-16-19 (new), titled, “Internal audit.”** This rule states that sports gaming proprietors must maintain either an internal audit department or contracted third-party accounting firm to audit and assess the proprietor’s compliance with sports gaming law. The audit must be in accordance with general audit standards, be performed at least annually, and be documented. Additionally, the auditor must perform follow-up examinations to verify any corrective actions. Finally, the rule grants the Commission the authority to invalidate auditor agreements if the auditor lack the qualification, independence, or capacity to meet the standards of the rule. The purpose of this rule is to implement R.C. 3775.10’s required audit of a sports gaming proprietor’s operations—ensuring proprietors are meeting the requirements of sports gaming law.
- **3775-16-20 (new), titled, “External audits and other reports.”** This rule governs how sports gaming proprietors, excluding appointing professional sports organizations; mobile management services providers; and management services providers will have their annual financial statements audited. The audit must be in accordance with general accounting principles, be on a comparative basis, and be submitted within one-hundred-and-twenty days of the end of any entity’s fiscal year. The rule also governs how sports gaming proprietors will have their IT operations audited annually and how the executive director may require any special audits. Like the internal audit rule, the Commission maintains the authority to terminate any audit engagement if it determines the auditor lacks the necessary qualifications, independence, or capacity necessary to perform any required functions. The purpose of this rule is to implement the required financial and information technology audits by R.C. 3775.10 and best practices in other jurisdictions to ensure that entities are fiscally able to and technologically capable of conducting sports

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gaming.

- **3775-16-21 (new), titled, “Patron complaints.”** This rule states the processes and procedures sports gaming proprietors must use in responding to patron complaints, while largely deferring any substantive requirements to the proprietors themselves. The rule is largely borrowed from other jurisdictions and allows proprietors to handle patron complaints in a flexible manner, so long as they are ultimately investigated and responded to. The purpose of this rule is to establish patron protections, pursuant to the Commission’s R.C. 3775.02 patron protection authority.

**3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

R.C. 3775.01, 3775.02, 3775.04, 3775.10, 3775.11, 3775.12, 3775.13.

**4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

*If yes, please briefly explain the source and substance of the federal requirement.*

Not Applicable.

**5. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

This question is not applicable because the federal government does not regulate sports gaming in this state. Rather, sports gaming is permitted and controlled by Ohio’s Sports Gaming Control Act (i.e., R.C. Chapter 3775).

**6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

R.C. Chapter 3775 requires the Commission to ensure the integrity of sports gaming and to prescribe rules for how sports gaming should be conducted, including rules related to licensing, internal controls/required procedures, and sports gaming proprietor duties. To ensure the integrity of sports gaming and requirements of R.C. Chapters 3772 and 3775, it is imperative to protect sports gaming patrons by ensuring that sports gaming is only conducted properly licensed proprietors meeting the criteria laid out by the General Assembly in R.C. Chapter 3775. Moreover, it is also imperative to protect sports gaming patrons by ensuring sports gaming proprietors comply with important, statutorily contemplated consumer protections. These include verifying patron identity and account information, protecting patron funds and information, undergoing sufficient financial and operational auditing, and advertising and promoting sports gaming in a responsible manner. R.C. 3775.02, 3775.10-3775.13.

Moreover, these rules implement the General Assembly’s statutory directives for the Commission to stand up the regulatory framework for sports gaming by January 1, 2023—as the Commission will need to license the sports gaming suppliers and employees and approve

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house rules well ahead of this date. For the sports gaming facility rules, the quick implementation of these rules is necessary so that the sports gaming proprietors can prepare their required procedures and have clear and consistent expectations going into a launch required to begin no later January 1, 2023.

**7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

Overall, the Commission will measure the success of these rules in terms of whether they help the Commission meet its statutory mission to ensure the integrity of sports gaming. This can be done in two ways: first, through evaluating whether the public benefit of implementing and enforcing these rules outweigh their administrative and business costs. And second, through analyzing the regulated community's comments about requests for amendments to the rules or for waivers or variances to or from the rules.

**8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

*If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.*

No.

**Development of the Regulation**

**9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

Even before the passage of HB 29 on December 8, 2021, the Commission took several steps to engage with the stakeholder community regarding the sports gaming market and the development of potential regulations. This included several meetings, phone calls, and emails, exchanged with several different stakeholders, ranging from sports teams, Ohio's current casinos and racinos, sportsbook operators, small retail establishments, vendors and suppliers in the space, and—most importantly—Ohio's general citizenry.

This engagement continued after the passage of HB 29, where the Commission then further provided information to stakeholders through more formal means. Soon after the bill's passage, the Commission created its [sports gaming webpage](#), where it continues to post relevant information related to sports gaming for all members of the public, including its draft rules, FAQs, and presentations it has made to the Commission, explaining both HB 29 and the process the Commission will use to implement the sports gaming regulations. Moreover, this website is not something stakeholders have to proactively check for updates, the Commission has created a [sports gaming listserv](#) to ensure all interested parties can be notified when the Commission posts new drafts of rules or new information on sports gaming. The link to the listserv is publicly available on the Commission's website. To help build this listserv, the Commission also sent emails to its casino gaming and fantasy sports listservs, notifying those stakeholders (of which the Commission expects significant cross pollination) of the new sports

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gaming-specific listserv and how to sign up. This listserv now has almost four hundred different stakeholders. All of these outreach efforts have led to additional calls, emails, and meetings, regarding the Commission's draft regulations.

Using the listserv and website posting, the Commission sent each batch of rules for two rounds of informal stakeholder comment. In between each round, staff compiled and reviewed all comments received. These comments were then held up against HB 29 and evaluated based on whether they comport with the statute, help ensure the integrity of sports gaming, and whether any potential business impact of the rules or comments are justified. Changes made between rounds were redlined for stakeholders, so they could see the results of a comment round. The Commission plans to continue allowing ample feedback from stakeholders even before the formal process starts with CSI while still moving quickly to accomplish a sports gaming market launch ahead of the January 1, 2023, mandate. During this time, staff is also taking phone calls and meetings, as well as answering emails, regarding specific questions stakeholders may have about the rule drafts.

In reviewing these specific rules, the Commission's website was updated and an email was sent on March 7, 2022, to the Commission's sports gaming listserv. (Exhibits 1 & 2). Stakeholders were asked to submit any written comments on these rules by 5:00 p.m. on March 18, 2022. These stakeholders included employees or representatives from casinos, racinos, sportsbooks, and suppliers. As discussed above, this first round of comments was reviewed by staff, changes were made with redlines, and the rules were sent back out to stakeholders. This second round was sent out on March 28, 2022, with comments due by 5:00 p.m. on April 8, 2022. (Exhibits 3 & 4). Again, staff reviewed all comments, made any changes, and the rules were then prepared to begin the formal filing process, including consideration at a public Commission meeting on May 4, 2022.

With respect to proposed rule 3775-1-01, Definitions, this rule was provided for each round of stakeholder feedback beginning in December 2021 and concluding with the March 28, 2022 round of comments. Please refer to the Commission's previous Business Impact Analyses filed on February 16, March 16, April 6, and April 20 for copies of all comments received during those comment periods. Changes to proposed rule 3775-1-01 were reviewed with each group of rules prior to being included with this batch for consideration at a public Commission meeting on May 4, 2022.

**10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

As discussed in Question 9 above, the initial draft of Batch 5, itself, was a direct result of engagement with and input from the stakeholder community, and the initial draft included many thoughts, comments, and ideas provided by stakeholders. Additionally, the Commission received written comments from 29 stakeholders, enclosed as Exhibits 5 (round 1) and 6 (round 2). As a result of those comments, the Commission made several changes to the draft rules. Some examples of these changes include:

- Specifying that applicants for the type B proprietor county population exception need only submit information for the most recent calendar year in which data is available. 3775-4-03.1(B)(1).

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- Clarifying and better arranging requirements of deposit-enabled accounts (accounts that can hold patron funds) vs accounts used to make wagers over the anonymous wager threshold. 3775-16-03 throughout.
- Amending the identity verification requirements to only require reverification upon reasonable suspicion that the patron's identification or account has been compromised. 3775-16-03(C)(2).
- Clarifying when government-issued IDs must be examined and documented in verifying identity. 3775-16-03(D)(1)(e)
- Adding a requirement that proprietors provide responsible gambling materials to persons upon account closure. 3775-16-03(D)(4).
- Modifying the account history requirements to only require proprietors to provide one year of account history on demand and only provide a five-year history if requested. 3775-16-03(D)(5).
- Amending the requirement that a person give a full social security number or tax-identification number to proprietors to verify identity to only require the last four digits of a social security number. 3775-16-03(E)(4)(c).
- Modifying the multi-factor authentication requirement to be an option offered to patrons instead of a requirement for all patrons to access their account. 3775-16-03(E)(5).
- Clarifying that an adjustment is a manual proprietor change to the amount of funds in an account. 3775-16-03(F).
- Removing the word immediately from the requirements that proprietors pay refunds and deposit winnings in sports gaming accounts. 3775-16-04(G) and (H).
- Allowing proprietors to cancel wagers if those requests are patron-initiated and in accordance with a proprietor's house rules. 3775-16-04(F).
- Further clarifying that tickets involving multiple events expire one year from the last day or the last event. 3775-16-05(B).
- Clarifying that paragraphs (C) and (D) of 3775-16-05 modify paragraph (B).
- Amending the requirement that reserve funds be greater than the amount of outstanding liabilities to state the fund must be at least equal to that amount. 3775-16-06(A)
- Clarifying that the outstanding amount that reserve funds must cover the amounts accepted on wagers, winnings not yet paid, and amounts held in patron accounts instead of requiring amounts be held for any potential prospective futures wins. 3775-16-06(A).
- Removing the requirement that reserve funds be held in a manner not accessible to the creditors of a proprietor. 3775-16-06(C).
- Permitting proprietors to depict individuals under 21 in their advertisements, if the depiction is live footage or images of athletes in competitions on which wagering is permitted and is not used in a way that would constitute an endorsement from those underage individuals. 3775-16-08(B)(1).
- Amending the prohibition on college campus advertisements to recognize generally available radio, television, or digital advertisements, so long as those do not target the campus area. 3775-16-08(E).

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- Amending the requirement that proprietors not advertise on jerseys to instead require they not advertise or use their logo on products primarily intended for children, including sports equipment and clothing. 3775-16-08(F).
- Adding the term “risk-free” as a prohibited term to describe promotions or bonuses when they require the patron to incur loss or risk their own money. 3775-16-09(C).
- Clarifying that proprietors may require patrons to “play through” promotional or bonus funds, while ensuring they do not restrict patrons from withdrawing nonpromotional funds or winnings. 3775-16-09(D).
- Specifying that a list of pending or denied wager or event requests will be made available on the Commission’s website. 3775-16-11(A).
- Amending the time period over which duplicate requests cannot be made from one year in all circumstances to a flexible approach based on what the denied request was. 3775-16-11(C).
- Specifying that the internal audit department of a proprietor may be from the proprietor’s parent company. 3775-16-19(A)(1).
- Removing the ability of the Executive Director to require additional audit work be done in conjunction with the annual financial audit. 3775-16-20(D).
- Adding a requirement that proprietors submit an initial IT audit within 90 days of commencing operating 3775-16-20(E).
- Clarifying how sports gaming proprietors may make patrons aware of their ability to file complaints. 3775-16-21(A).
- Extending the time in which proprietors have to initially investigate these complaints from 10 days to 10 business days. 3775-16-21(B).

**11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

This question does not apply to these rules because no scientific data was necessary to develop or measure their outcomes. Instead, Commission staff reviewed the Commission’s statutory mandates, the rules currently in effect in its other regulatory frameworks, and looked at how other jurisdictions approached the topics in these rules. This included several jurisdictions stakeholders themselves recommended to the Commission, including New Jersey, Arizona, Colorado, Michigan, Indiana, and Illinois. Additionally, as outlined above, staff also reviewed, considered, and used the comments of stakeholders in developing these rules. In so doing, the Commission was able to use, as much as possible, rules the regulated community is accustomed to in other jurisdictions, with minor adaptations to remain in compliance with Ohio law and the Commission’s general procedures.

**12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn’t the Agency consider regulatory alternatives?**

Commission staff carefully reviewed and considered the statutes and rules adopted in other jurisdictions, in particular those jurisdictions listed in Question 11. In reviewing these statutes and rules, staff considered past practices of the Commission in its other regulatory frameworks,

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any stakeholder comments, and the current trends in the sports gaming regulatory environment. As such, these rules are a conglomeration of the rules used in other jurisdictions with adaptations made for Ohio law and current industry trends.

**13. Did the Agency specifically consider a performance-based regulation? Please explain.**

*Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

As to the licensing-related rules in this batch, they are largely constrained by the statutory factors laid out by the General Assembly, including reviews of a person's eligibility and suitability for licensure. However, the Commission will consider the past and present performance of persons engaged in sports gaming and their ability to comply with the law in making licensing determinations. As for the required procedures and proprietor duty rules, these include a performance-based component as they largely set the floor for compliance but do not completely dictate how the sports gaming proprietors are supposed to achieve compliance. In particular, the proprietor duties and required procedures rules are the definition of performance-based, as they provide opportunities for each sports gaming proprietor to adopt and implement procedures most appropriate to each proprietor, in order to achieve compliance.

Moreover, Ohio Adm.Code 3775-1-04 allows the Commission to look at all regulations on a performance basis by allowing sports gaming proprietors to seek waivers and variances from these rules, which the Commission will evaluate on a case-by-case basis and may grant, as long as it determines that doing so is in the public's best interest. Past performance of a sports gaming proprietor may be considered in determining whether a waiver from any specific provisions of these rules could be granted.

**14. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

This question largely does not apply to these rules because no other regulations in these areas currently exist with respect to sports gaming. However, the Commission has reached out to and is working closely with several of the other named agencies in HB 29 to ensure that the Commission is not promulgating rules or standards that conflict with or encroach upon the regulatory authority of other Ohio agencies, particularly the Ohio Lottery Commission and the Department of Development. The Commission will continue to work with these agencies, as well as others, as the sports gaming rules make their way through the process.

**15. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

The Commission ensures any issues that arise are funneled through the respective division director and vetted with the Legal Division before being brought to the Executive Director, so that he can coordinate a consistent response and have staff conduct outreach to the regulated community. Specifically, those issues related to licensing are handled by the Commission's licensing staff, which is overseen by a single director in the Commission's central office. And

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any issues related to compliance are managed by the Commission’s compliance staff, again overseen by a single director in the Commission’s central office. Moreover, the issuance, denial, or sanctioning of any license (other than the issuance of provisional licenses) can only be approved by the Commission at a public meeting through a vote. Therefore, the regulated community can expect consistent and transparent licensing and compliance decisions.

### **Adverse Impact to Business**

**16. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

**a. Identify the scope of the impacted business community; and**

The regulated business community consists of all persons who may conduct sports gaming in Ohio, including proprietors, services providers, suppliers, or employees. These include Ohio’s professional sports teams and events, casinos and racinos, as well as small retail establishments, gaming-related supply or service companies, and sportsbook operators.

**b. Identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance,); and**

The nature of the potential adverse impact from these rules includes administrative costs related to the submission of applications and gathering of information. Sports gaming entities will also incur costs related to the purchase of equipment or employee time and payroll necessary to meet the compliance requirements of these rules. Finally, these entities may also face fines or other penalties related to noncompliance.

**c. Quantify the expected adverse impact from the regulation.**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.*

#### **3775-1-01 “Definitions.” (new)**

The Commission does not anticipate a negative impact on business from this rule itself. However, because these definitions set the base for the Commission’s sports gaming regulations, it is filing this rule and has made it available for stakeholder comment. Any potential business impact would likely be triggered by other rules’ substantive provisions.

#### **3775-4-02.1 “Additional type A sports gaming proprietor licenses.” (new)**

The Commission anticipates this rule will have an adverse impact on business, but that the impact is justified and statutorily authorized. This impact will come from potential additional sports gaming proprietors needing to submit evidence of a market need for additional type A sports gaming proprietor licenses. The costs for the submission of information, which will likely vary widely depending upon the business model of the proprietor, are necessary to meet R.C. 3775.04’s requirement that the Commission only issue twenty-five type A



proprietor licenses unless the proprietor can show that the sports gaming market needs additional proprietors.

**3775-4-03.1 “County population exception for type B sports gaming proprietor license.” (new)**

The Commission anticipates this rule will have a minimal adverse impact on business, but that the impact is justified and statutorily authorized. This impact will come from type B sports gaming proprietors needing to submit information from the Department of Development, from the most recent calendar year in which data is available, that the county in which they wish to operate sports gaming had sufficient tourism to meet the statutory exception to general county population limits. Given that this is a statutory requirement in R.C. 3775.04 that allows a proprietor to exempt themselves from statutory minimums, the business impact is justified.

**3775-10-02 “Required procedures.” (new)**

The Commission anticipates this rule will have a minimal adverse impact on business related to the submission and preparation of, as well as adherence to, required procedures, along with minor costs associated with submitting the procedures to the Commission for approval. This rule details how those procedures are to be maintained, adhered to, and approved. The substantive requirements of these procedures are then covered in the compliance duties in Ohio Adm.Code Chapters 3775-16, 3775-17, and 3775-18. Administrative costs related to these procedural requirements will vary depending on how the sports gaming proprietor chooses to implement different aspects of sports gaming in this state. As such, this rule is the definition of a performance-based regulation, allowing proprietors to set their own rules and own processes, subject to Commission approval. Moreover, this rule is necessary for consumer protections, wager transparency, and the integrity of sports gaming. In adopting this rule, the Commission considered and largely mitigated any costs that might be associated with waiting on approval before moving forward with a procedure change by setting a ceiling on the length of time the Commission has to respond at five days, as absent objection within those five days, all changes are deemed approved. Finally, the establishment of internal controls, or as the rule deems them “required procedures,” is required by R.C. 3775.02, which requires the Commission to adopt a rule establishing minimum internal controls, including specifying certain required areas of internal controls. R.C. 3775.10 and 3775.11 then further contemplate areas of internal controls or required procedures that proprietors must adopt.

**3775-16-01 “Sports gaming systems.” (new)**

The Commission anticipates this rule will have an adverse impact. These impacts will be based on proprietors needing to ensure the system meets certain design requirements, adopt and adhere to certain required procedures, and provide the Commission with read-only access to the system. The system requirements and required procedures are more general in nature, allowing proprietors different methods to achieve compliance and to make decisions specific to their business model, blunting the business cost. Moreover, many of the

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requirements or procedures are required by, and all are at least contemplated by statute, including preventing underage or otherwise prohibited access, preventing money laundering, and ensuring intercept procedures are in place for child support and amounts owed to the state. The cost of read-only remote access should be negligible as these accounts are common in the industry. Moreover, the Commission was specifically required to adopt a rule on sports gaming systems and internal controls for systems in R.C. 3775.02. The General Assembly further recognized the importance of the sports gaming system by subjecting individuals who make system alterations or changes (i.e. hackers) to felony convictions. As such, the business impacts of this rule are statutorily authorized, common to the industry, and justified by the importance of the sports gaming system to the integrity of gaming in this state.

### **3775-16-03 “Sports gaming accounts.” (new)**

The Commission anticipates an adverse business impact from this rule. These costs will vary based on the sports gaming proprietor’s business, the types of accounts proprietors decide to allow, and the procedures proprietors institute to implement the rule. However, the requirement for sports gaming proprietors to have accounts through which wagers are to be placed is statutorily required by R.C. 3775.11 and further elucidated in R.C. 3775.12 when describing funded or deposit-enabled accounts, where the proprietor holds funds in a digital wallet on behalf of the patron. Most of the requirements in the rule ensure accounts are only created by, and are verified as only being used by, of-age individuals who are not otherwise prohibited from gaming (e.g. athletes, VEPs, etc). These requirements, again, are made to comport with the statute and build off other state’s requirements for accounts. Finally, there are further security and identity requirements for deposit-enabled or funded accounts, ensuring those accounts, and the patron money in them, are more fully protected and promptly paid. Again, those requirements are common in the industry and include important problem gambling protections including allowing patrons to engage in personalized limit setting. These costs, which will take the form of system builds and upkeep, are again statutorily authorized and common in the industry for account-based wagering.

### **3775-16-04 “Wager rules.” (new)**

The Commission anticipates a minimal adverse impact from this R.C. 3775.02 required rule. This rule specifies how proprietors may accept, cancel, void, or pay wagers. Those requirements on accepting wagers come directly from state or federal law, including requiring accounts for wagers over the anonymous threshold, prohibiting proxy betting, and prohibiting betting on known or predetermined events. The requirements around cancelling and voiding wagers are industry standard and allow proprietors to set definitions, requirements, and processes for these requirements in their own house rules or required procedures. Therefore, proprietors may minimize business impacts through their own processes and efficiencies. Finally, the payment requirements are straightforward and amount to ensuring that patrons are actually paid for their wagers and that payment is verified and tracked to ensure no duplicative payments or other issues. As such, the Commission does

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not anticipate an appreciable business impact—the requirements are in statute, common to industry, or performance-based requirements set by the proprietors themselves.

**3775-16-05 “Tickets.” (new)**

The Commission anticipates an adverse business impact from this R.C. 3775.02 required rule. These costs will largely come from making a physical or virtual wagering ticket (or receipt) available to patrons upon their purchase of a wagering option. These costs will vary based on the ticket being virtual or physical and the wager types a bet has been placed on. The rule, building off the requirement in R.C. 3775.02, ensures the receipt includes the name of the seller, the product purchased, when the product becomes payable, a purchase order number, the date on which the product becomes no longer payable, and a responsible gambling number. Given the straightforward nature of these requirements and the fact that they are common to the gaming industry, if not all industries generally, the Commission does not anticipate a meaningful impact from these specific requirements. The rest of the rule relates to proprietors ensuring prompt payment of expired wagers to the Commission on a periodic basis for deposit in the sports gaming revenue fund, as required by R.C. 3775.10. Given the industry standard nature of this rule and its statutory basis, this rule’s minimal business impact is justified.

**3775-16-06 “Reserve funds.” (new)**

The Commission anticipates an adverse impact from this rule related to the maintenance of a reserve fund and the requirement to notify patrons of plans to settle outstanding patron liabilities ninety days in advance of closure, should a proprietor cease doing business in the state. The requirement that proprietors maintain sufficient, dedicated funds to pay patrons their wagers, winnings, or amounts in funded wallets is standard in the gaming industry when wagers are not payable immediately. The cost of this requirement will vary widely by proprietor based upon the funds held for patrons. Moreover, the maintenance of required patron funds is a requirement under R.C. 3775.10. The rule is also permissive and allows these funds to be held in a myriad of ways, so long as they are separate from operational funds. Finally, the requirement related to the notification and plan to pay patron their funds is a fundamental patron protection and still allows a quick timetable for the complete cessation of business. Given the bare minimum patron protection this represents and the statutory basis, the business impact of this rule is justified.

**3775-16-07 “Tournaments.” (new)**

The Commission anticipates a minimal adverse impact to business from this rule related to proprietors creating house rules, and making them available to patrons, should the proprietor seek to offer a tournament. The cost will vary based on the complexity of the tournament the proprietor offers, but creating contest rules and providing them to those participating is

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inherent to offering any tournament. As such, this minimal business impact is justified and is statutorily authorized by R.C. 3775.02's required rule on patron protections.

**3775-16-08 “Advertising.” (new)**

The Commission anticipates an adverse impact to business from this R.C. 3775.02 required rule. These requirements will not largely directly impact a proprietor's business, but instead will indirectly affect a proprietor's business by disallowing them from targeting minors as future customers or those with gambling problems as current customers. The requirements will take up some space in advertisements, too, including ensuring material terms are disclosed and that a problem gambling helpline is included. Notably, the Commission is being flexible on the helpline front, hoping the proprietors can use one national helpline for problem gambling, cutting down business costs while ensuring those with gambling problems more efficiently and effectively get the help they need. The rule includes another notable provision limiting business costs in that it explicitly exempts all affiliate marketers from licensure, which would otherwise cost \$25,000 in fees plus other expenses. In many jurisdictions at least a certain subsection of these marketers, if not all of them, must be licensed. Since this rule is statutorily required, is largely built around indirect business costs that are outweighed by policy concerns, and contains cost savings provisions, this rule's business impact is justified.

**3775-16-09 “Promotions and bonuses.” (new)**

This rule has an impact on business from this R.C. 3775.02 required rule related to the creation, provision, and maintenance of rules surrounding providing patrons with promotions or bonuses. The impact will vary based on each business' frequency of promotional use, the types of promotions, and the rules a proprietor decides to use regarding their promotions. Like tournaments, these rules are inherent in providing these promotions or bonuses. Moreover, many of the protections in this rule come from other states and known fact patterns, including ensuring “risk-free” promotions do not require patron risk. The requirements have been crafted to recognize industry standard practices, including when paythrough may be required. Moreover, proprietors will incur costs from the procedures required from the issuance, acceptance, and tracking of promotions, this again is standard to the industry and would be implemented by proprietors anyway to ensure employees are not issuing unauthorized free play. Moreover, this requirement is justified since free play does create tax deductions in future years and will need to be appropriately monitored to ensure appropriate tax payments. As such, the business impacts of this rule are statutorily contemplated, can be controlled by the proprietor using their own rules and procedures, and are necessary to combat past industry improper practices—justifying the business impacts of the rule.

**3775-16-11 “Sports gaming event and wager type requests.” (new)**

This rule will have a minimal and indirect business impact related to disallowing proprietors from making duplicative event or wager type requests. However, this indirect cost is outweighed by the positive cost savings associated in not making duplicative requests and from

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the Commission posting currently pending requests or denied requests. As such, the business impact of this rule is justified.

**3775-16-12 “Sports governing body prohibited persons – compliance with R.C. 3775.13(F).” (new)**

This rule will have a minimal and indirect business impact related to disallowing proprietors from accepting wagers from certain statutorily defined prohibited persons who participate in underlying events. However, this is a required rule by R.C. 3775.13(F) and is largely directly taken from that statutory provision. The rule only clarifies the statute by adding the requirement that the executive director approve the procedure used by sports governing bodies to provide personally identifiable information of these persons so that they can be prevented from participating in gaming. However, this is preferable to the alternative which would be to require a one-size-fits-all standard. As such, the business impact of this rule is justified as directly required by statute and is blunted by the performance-based procedure regulation adopted by the Commission instead of a direct mandate regarding how to meet this requirement.

**3775-16-13 “Sports governing body data requests.” (new)**

This R.C. 3775.02 required rule will have a business impact related to proprietors needing to provide data to sports governing bodies to ensure the integrity of the underlying events. The business impact will vary based on the types of events a sports gaming proprietor offers wagers on, unforeseen circumstances such as when an integrity issue might have occurred, and the ability of these two private businesses to agree to terms of a request. The Commission’s rule tries to blunt these costs by requiring that the requests are narrowly tailored and limiting Commission involvement unless the private business parties cannot come to an agreement on whether a request is proper or not, while still ensuring the requirements on sports governing bodies, as businesses, are appropriately tailored themselves. As such, this business impact on both parties is statutorily required and is implemented in such a way to limit government involvement and business impact from government action.

**3775-16-14 “State university data requests.” (new)**

This R.C. 3775.02 required rule will have a business impact similar to 3775-16-13 and is related to proprietors providing data to state universities, to assist the Commission or to improve the state’s problem gambling services. The business impact will vary based on the types of events a sports gaming proprietor offers wagers on and the ability of these parties to agree to terms of a request. The Commission’s rule tries to blunt these costs by requiring that the requests are narrowly tailored, ensuring requests that are made to “assist the Commission” follow a direct request of the Commission, and limiting Commission back-end interaction on these requests to those that cannot be worked out between the parties. As such, this business

impact is statutorily required and is implemented in such a way to limit Commission impact on business.

**3775-16-15 “Information technology.” (new)**

This rule will have an impact on business related to ensuring proprietors maintain an IT department and adequately protecting the extensive personally identifiable information and patron funds they will be storing. The costs will vary widely based on the type of operation a proprietor is engaged in and the amount of business the proprietor is doing, which will help inform the amount of information and funds he proprietor must protect. The rule will also require proprietors to undergo costs to maintain IT security insurance, but allows the amount to be set flexibly, again based on the size and risk exposure of the proprietor. However, these costs are justified by ensuring the safety and security of patron information and funds, as well as the security of sports gaming equipment, implementing R.C. 3775.02 and 3775.10’s requirements on equipment and system safety as well as those sections’ patron protection requirements.

**3775-16-16 “Security and safety of confidential information.” (new)**

This rule will have a minimal business impact related to sports gaming proprietors creating, maintaining, and providing a privacy policy governing their use of patron confidential information and otherwise complying with applicable laws regarding this topic. However, this cost is contemplated in R.C. 3775.02’s grant of patron protection authority to the Commission and is blunted by the fact that the Commission has largely deferred to other laws on the topic. Moreover, the provision of privacy policies is standard in the gaming industry and in most online businesses—as such this minimal business impact is justified.

**3775-16-17 “Incident reporting.” (new)**

This rule will have a business impact related to sports gaming proprietors reporting certain incidents to the Commission, including required reporting for wager violations, any conduct undermining betting outcomes, and any IT or physical security breaches. The costs associated with this rule will vary based on the incidents occurring at the proprietor’s business and the procedures and processes in place to ensure these incidents do not occur in the first place. The rule also requires proprietors to have procedures regarding anti-money laundering, again allowing proprietors to set their own performance-based procedures, based on risk tolerance and business practices. These costs are statutorily justified and outweighed by the required reporting proprietors must undertake under R.C. 3775.10 and to ensure that any breaches regarding patron funds or patron information safety are promptly reported pursuant to the Commission’s R.C. 3775.02 authority.

**3775-16-18 “Accounting and revenue audit.” (new)**

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The Commission anticipates a business impact on this rule related to the procedures and recordkeeping of a proprietor's accounting and gaming records. However, these requirements are standard for gaming businesses and implement the Commission's R.C. 3775.02 authority to set how financial records are to be kept and to ensure all financial records are in a position to be audited in accordance with R.C. 3775.10's requirements. This will ensure the accurate reporting of all revenue and taxes under the law. Moreover, the rule also minimizes its business impact by allowing each proprietor to implement forms or processes that best fit their unique business model. As such, this rule's business impact is justified as statutorily contemplated and common in the industry.

**3775-16-19 “Internal audit.” (new)**

This rule will have a business impact in the form of proprietors either maintaining an internal audit department or contracting with a third-party accounting firm to audit and assess the proprietor's compliance with sports gaming law. The size of the business impact will vary based on whether the proprietor chooses to have an internal or external auditor and the risk profile of the entity. The rule has lessened business impacts by allowing for third party auditors and auditors of one's parent company to serve as the auditor of the proprietor. This rule implements R.C. 3775.10's required annual audit of a sports gaming proprietor's total operations. Because this rule is statutory required and is implemented in a way to create maximum flexibility on audit engagement, the business impact of this rule is justified.

**3775-16-20 “External audit and other reports.” (new)**

This rule will have a business impact in the form of proprietors and services providers needing to engage an auditor to perform annual financial statement audits and third parties to perform IT audits. The cost will again vary based upon the business model of the entity, the third parties that the entity chooses to engage, and the size of the entity's business. Financial statement audits have been a consistent and common requirement in gaming regulation for years and IT audits have become standard, especially in sports gaming regulation, given the move to digital wallets, online gaming, and the general risk profile involved in gaming and burgeoning online markets. Moreover, this rule helps implement R.C. 3775.10's required audits through the best practices that the Commission has reviewed in other jurisdictions. Given the statutory basis of this rule and its standard application in sports gaming regulations, the business impact of this rule is justified.

**3775-16-21 “Patron complaints.” (new)**

The rule will have a minimal business impact from the processes and procedures sports gaming proprietors must use in responding to patron complaints. However, while the rule requires the proprietor to have processes and procedures, it largely defers any substantive requirements to the proprietors themselves, so long as they meet certain minimums of informing patrons of the ability to file complaints and of timely responses. Therefore, the cost of this rule is highly variable and will depend upon the process and procedures put in place by a proprietor and the

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number of complaints the proprietor faces in the first place. Moreover, this business impact is further blunted by the fact that rule is largely borrowed from other jurisdictions (i.e. common to the industry) and is a standard patron protection, adopted pursuant to the Commission's R.C. 3775.02 authority, that is common even beyond gaming. Given the standard nature of this rule in business generally, its common application in the sports gaming space, and its statutory basis, the minimal business impact of this rule is justified.

**17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The regulatory intent justifies any adverse impact because HB 29 requires the Commission to ensure the integrity of sports gaming, specifically by licensing, regulating, investigating, and penalizing those involved in sports gaming in a manner consistent with the Commission's authority to do the same with respect to casino gaming. Moreover, the bill gives the Commission broad authority to adopt rules that cover topics such as licensure, required procedures, and proprietor duties. As such, any business impact is justified as statutorily contemplated and inherent in the business of sports gaming.

Moreover, the regulatory intent justifies any adverse impact because sports gaming is a highly regulated industry and is accustomed to detailed regulations in every jurisdiction. Unregulated gaming poses a threat to the public welfare and raises the potential for fraud and abuse. To mitigate these threats, the Commission, like other gaming regulatory bodies, is using its regulatory authority to establish a best practice framework in consultation with the regulated community. For a more detailed analysis of the individual justifications applicable to this specific rule, please see the answer given in Question 16c.

**Regulatory Flexibility**

**18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

Yes, these rules provide exemption or alternative means of compliance through Ohio Adm. Code 3775-1-04 (as pending), which permits the Commission, upon written request, to grant waivers and variances from the rules adopted under R.C. Chapter 3775, including these rules, if doing so is in the best interest of the public and will maintain the integrity of sports gaming in the State of Ohio.

**19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

To the extent R.C. 119.14 would apply to a violation of these rules, the Commission will provide verbal and written notification to the small business to correct the paperwork violation. Thereafter, the Commission would allow the small business a reasonable amount of time to correct the violation. The Commission and its staff would also offer any additional assistance necessary to aid in remediation of the violation. No administrative action would be taken unless the small business fails to remedy the violation within the reasonable time allotted by the Commission.

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## 20. What resources are available to assist small businesses with compliance of the regulation?

The Commission and its staff are dedicated to working with members of the regulated community, and the public, to regulate sports gaming effectively and efficiently in this state. As a result, the following resources are available:

- Commission's mailing address: 100 E. Broad St., 20<sup>th</sup> Floor, Columbus, OH 43215
- Commission's toll-free telephone number: (855) 800-0058
- Commission's fax number: (614) 485-1007
- Commission's sports gaming webpage:  
<https://casinocontrol.ohio.gov/sportsgaming.aspx>, including [FAQs](#), [staff's presentation](#) on HB 29 and the rule making process, and all currently available draft regulations.
- Commission's email: [info@casinocontrol.ohio.gov](mailto:info@casinocontrol.ohio.gov)
- Commission's sports gaming listserv:  
<https://casinocontrol.ohio.gov/sportsgaming.aspx>

**Cox, William**

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**From:** Ohio Casino Control Commission <Jessica.Franks@casinocontrol.ohio.gov>  
**Sent:** Monday, March 7, 2022 10:10 AM  
**To:** Cox, William  
**Subject:** Sports Gaming Rules for Comment

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# OHIO CASINO CONTROL COMMISSION

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Sports Gaming Stakeholders,

The Commission is sending out its fifth batch of sports gaming rules for the first round of stakeholder comment. As outlined in the Commission's [original sports gaming presentation](#), rules are being batched out according to subject matter and stakeholders will have the opportunity to review and comment on rules twice before the formal statutory process starts. The rules being provided for comment in this batch concern supplemental Type-A and -B proprietor licensing, required procedures and general proprietor duties.

The proposed versions of those rules can be found [here](#).

Please feel free to forward this communication to anyone else you think may be interested in these rules. Additionally, anyone may sign up for the Commission's sports-gaming listserv themselves [here](#). If you would like to unsubscribe from this listserv, you may do so using the link located at the bottom of this email.

If after reading and reviewing these rules you would like to provide written comments, please email them to [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov) by **March 18 at 5:00 PM.**

While you will have additional chances to comment on these rules, including when they are filed with the state's Common Sense Initiative Office ("CSI"), please note that it is much easier and faster for the Commission and for stakeholders to work out any questions or comments directly before the rules start the formal process with CSI.



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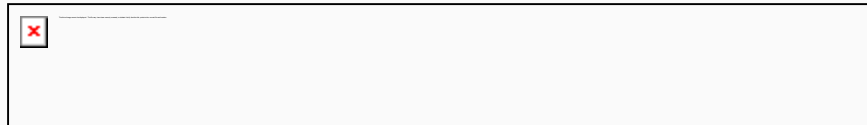
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**Exhibit 2**

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**From:** Ohio Casino Control Commission <Jessica.Franks@casinocontrol.ohio.gov>  
**Sent:** Monday, March 28, 2022 10:11 AM  
**To:** Cox, William  
**Subject:** Sports Gaming Rules for Comment

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# OHIO CASINO CONTROL COMMISSION

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Sports Gaming Stakeholders,

The Commission is sending out its fifth batch of sports gaming rules for the second round of stakeholder comment. As outlined in the Commission's [original sports gaming presentation](#), rules are being batched out according to subject matter and stakeholders will have the opportunity to review and comment on rules twice before the formal statutory process starts. The rules being provided for comment in this batch concern supplemental Type-A and Type-B proprietor licensing, required procedures, and general proprietor duties.

The proposed versions of those rules can be found [here](#).

Please feel free to forward this communication to anyone else you think may be interested in these rules. Additionally, anyone may sign up for the Commission's sports-gaming listserv themselves [here](#). If you would like to unsubscribe from this listserv, you may do so using the link located at the bottom of this email.

If after reading and reviewing these rules you would like to provide written comments, please email them to [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov) by **April 8 at 5:00 PM.**

While you will have additional chances to comment on these rules, including when they are filed with the state's Common Sense Initiative Office ("CSI"), please note that it is much easier and faster for the Commission and for stakeholders to work out any questions or comments directly before the rules start the formal process with CSI.



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You are receiving this email because you expressed interest in receiving updates regarding sports gaming from the Commission.

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# OHIO CASINO CONTROL COMMISSION

## Sports Gaming Rules – Batch 5, Comment Round 1

### Supplemental Type A and B Proprietor Licensing, Required Procedures, and General Proprietor Duties

Comment Period: March 7, 2022 – March 18, 2022.

## Cox, William

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**From:** Richard Gotlieb <Richard.Gotlieb@bhnetwork.com>  
**Sent:** Thursday, March 17, 2022 9:50 AM  
**To:** Rule Comments  
**Subject:** Stakeholder Comment from Blackhawk Network

Attn: Ohio Casino Control Commission

In response to the March 7, 2022 email and the fifth batch of sports gaming rules, we suggest the addition of the words “including prepaid cards” after “Credit or Debit cards” in subpart (B)(2) of Rule 3775-16-03, as shown below. This change would align Ohio’s rules with the Pennsylvania Gaming Control Board’s Final Regulations (Title 58, Part VII, Subpart L, Section 812a.7).

Ohio: Rule 3775-16-03 | Sports gaming accounts:

(A) Each sports gaming proprietor must have procedures for ensuring sports gaming accounts comply with this rule and any other requirements of Chapter 3775. Of the Revised Code and the rules adopted thereunder. (B) A patron’s sports gaming account may be funded through the use of: (1) Deposit of cash or vouchers at an approved cashiering or kiosk location; (2) Credit or debit card, including prepaid cards; (3) Promotional credit; (4) Winnings; (5) Corrections made by the sports gaming proprietor with documented notification to the patron; (6) ACH transfer; (7) Wire transfer; or (8) Any other means approved by the executive director.

Prepaid cards are themselves debit cards, but state regulators have taken conflicting positions as to whether the term “debit card” in statute or regulation is meant to include prepaid cards. We would request that Ohio include the suggested parenthetical to make clear that prepaid cards are an acceptable method of funding sports betting accounts.

Blackhawk Network is one of the largest distributors of prepaid and stored-value products in North America, and our largest retail grocery distribution partner is Ohio-based The Kroger Company. Kroger is planning to sell various prepaid sports betting cards in Ohio, as they do in the majority of states where sports betting is legal.

We appreciate your consideration of this request.

Sincerely yours,

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**Richard Gotlieb**  
VP, Lottery & Sports Betting

m: 925.315.1372  
e: richard.gotlieb@bhnetwork.com

**Blackhawk Network**  
6220 Stoneridge Mal Road  
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[BlackhawkNetwork.com](https://www.BlackhawkNetwork.com)

This information is confidential and proprietary to Blackhawk Network.

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## Cox, William

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**From:** Matt Carle <Matt@chwadvisors.com>  
**Sent:** Thursday, March 17, 2022 11:54 AM  
**To:** Rule Comments  
**Subject:** NFL Comments on Sports Gaming Rules – Batch 5, Comment Round 1  
**Attachments:** NFL OH Final LSB Comments 3-18-22 52259.pdf

Dear Commissioners:

We appreciate the opportunity to provide feedback on the Commission’s proposed draft sports gaming rules, and your willingness to engage with our organization to work on the future of sports betting in Ohio. As a stakeholder and partner in the process, we are grateful for your help in ensuring the integrity of our games remains protected. We further appreciate the Commission’s expedient and transparent rulemaking process. The ability to engage directly in developing the ideal legalized sports betting framework for Ohio is one that we look forward to being a part of.

While the other batches of rules have not directly impacted our priorities, we have recognized that Round 1 of Batch 5 has some direct implications on the NFL, and we wanted to provide comment to address those concerns. Our comments are contained in the attached document and, as always, if you have questions, thoughts or ideas that you’d like to share with us, please don’t hesitate to call.

Very best regards,  
Matt Carle



Matt Carle, Esq.  
PARTNER

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March 18, 2022

Ohio Casino Control Commission  
EMAILED TO [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov)

**Re: NFL Comments on Sports Gaming Rules – Batch 5, Comment Round 1**

Dear Commissioners:

We appreciate the opportunity to provide feedback on the Commission’s proposed draft sports gaming rules, and your willingness to engage with our organization to work on the future of sports betting in Ohio. As a stakeholder and partner in the process, we are grateful for your help in ensuring the integrity of our games remains protected.

We further appreciate the Commission’s expedient and transparent rulemaking process. The ability to engage directly in developing the ideal legalized sports betting framework for Ohio is one that we look forward to being a part of. While the other batches of rules have not directly impacted our priorities, we have recognized that Round 1 of Batch 5 has some direct implications on the NFL, and we wanted to provide comment to address those concerns.

Our suggested edits to the Batch 5 Rules are set forth below (in sequential order of the corresponding regulations):

**1. Rule 3775-1-01 | Definitions**

- We would request that section (15) (b) be revised to read as follows:
  - *(15)(b) The sports gaming equipment the proprietor uses to review, manage, and report information related to user accounts, wager placement, or wager outcome. This does not include the equipment or communications technology simply used to access the sports gaming system, the intermediary software that connects the user to their financial institution, or official league data provided by sports governing bodies or their designees; and*
  - This simple clarification would ensure that sports leagues and data providers are not unintentionally included in registration or licensing requirements that are intended solely for equipment and system providers. This approach is also aligned with the supplier requirements in place in other states that have legalized sports wagering.

2. **Rule 3775-16-12 | Sports governing body prohibited persons – information sharing.**

- We would request that Section (B) be revised to read as follows:
  - *(B) A sports governing body that elects to provide the commission a list of persons who are involved in sporting events, including those persons' full legal names, dates of birth, and social security numbers, for the purpose of preventing those persons from engaging in sports gaming, must follow the applicable procedures established by the commission. The commission will make the list available to each sports gaming proprietor and to the state lottery commission. The Ohio casino control commission, the state lottery commission, and each sports gaming proprietor must keep the information in the list confidential.*
  - This revision is simply intended to recognize that providing the commission such personally identifiable information may implicate certain privacy laws, as well as collectively bargained contractual limitations, and as such we would respectfully request that such disclosures are not made generally compulsory.

Thank you again for providing us an opportunity to submit our comments. We welcome the opportunity to meet with you to discuss our concerns in greater detail. Please contact Jonathan Nabavi ([Jonathan.Nabavi@nfl.com](mailto:Jonathan.Nabavi@nfl.com)) or Marvin Yates ([Marvin.Yates@nfl.com](mailto:Marvin.Yates@nfl.com)) with any questions.

Sincerely,  
Jonathan D. Nabavi  
Vice President, Public Policy and Government Affairs  
National Football League

## Cox, William

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**From:** Tory Key <t.key@elysgame.com>  
**Sent:** Thursday, March 17, 2022 1:12 PM  
**To:** Rule Comments  
**Subject:** Parts C and D of Rule 3775-18-05

Hi,

I'm reaching out to comment on C and D in the below.

### **Rule 3775-18-05 | Sports gaming facility restrictions.**

- (A) A type B sports gaming proprietor may only accept wagers from individuals physically present at the sports gaming facility and not known to be included on any exclusion or prohibited lists.
- (B) A type B sports gaming proprietor must have procedures for verifying that all patrons in the sports gaming facility are not to detect and prohibit voluntarily or involuntarily excluded or otherwise prohibited individuals from entering the sports gaming facility. These procedures must include the digital examination of the patron's identification using identification verification software. A type B sports gaming proprietor's chosen identification verification software must be approved by the executive director.
- (C) A type B sports gaming proprietor must not accept a establish an anonymous wager of more than threshold, which in no case may exceed one hundred thousand dollars, unless. Wagers exceeding the patron making the anonymous wager has threshold must be made by patrons who have established a player's sports gaming account with the type B sports gaming proprietor in accordance with Chapter 3775. of the Revised Code and the rules adopted thereunder.
- (D) A type B sports gaming proprietor must have procedures designed to identify and refuse wagers for patrons attempting to make multiple wagers to avoid establishing a player's a sports gaming account, as required by this rule.

Having a maximum wager of only \$1,000 for the anonymous retail environment will significantly hurt the Type B license holders. The reason why bettors choose to go to retail locations instead of using apps is because of the anonymity. We are not saying there shouldn't be a limit, but \$1,000 is entirely too low. We believe that our process in Washington, D.C. provides the proper balance between bettor anonymity and also bettor documentation when needed. At our DC location we require a bettor's documentation when they've bet more than \$3,000 in one day (D.C.'s max is \$5,000 actually) and also they must provide documentation if their payout is \$10,000 or more. At this location kiosks can only take a wager that is \$3,000 or less. If the bettor would like to bet more, they must go to a ticket window to place the wager and provide documentation to be logged. It's also important to differentiate logging and creating player accounts.

Creating player accounts is typically tied to mobile solutions, which is the Type A license in Ohio. In regards to retail sports betting across the country, it's required that bettors be logged if they go above a certain



threshold, but it does not mean you create accounts for them. The only time accounts are created is when the retail operation would also like to use a mobile solution to push promotions to those individuals. It's key that the bettor is logged when necessary, but that is completely different from creating a player account unless your intention is for the player account to be a logging of whenever a player exceeds the threshold set.

We'd be happy to discuss this further, but anonymity is crucial to the success of the retail Type B locations.

Cheers,



**Tory Key**  
**Business Development Project Leader**

**Mobile: 434.987.0642**

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## Cox, William

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**From:** Mike Ruffing <ruffingconsulting@gmail.com>  
**Sent:** Thursday, March 17, 2022 3:46 PM  
**To:** Rule Comments  
**Subject:** Batch 5 comments

Good afternoon,

Please consider these comments when finalizing rules within Batch 5.

Page 11 :When signing up for an account, what deems satisfactory available responsible gaming resources? Do we have satisfactory resources that specifically educate about the risks and odds of sports betting?

Page 19: Do these advertising parameters apply to social media posts by operators? Do they apply to paid endorsement posts by athletes and celebrities on social media? I question whether odds and limiting factors are available from within one click of these types of social media posts and advertisements

Page 19: Does advertising have the ability to include any additional support resources other than an 800-number? Given the prominence of mobile sports betting, I recommend additional mobile-friendly resources such as text to chat or an email address to request help.

Page 21: Consider limiting the free-play bonuses or sign-up bonuses to a certain multiple of the initial investment. Perhaps the operator can only offer bonuses that are 3x or 5x the initial buy-in, as to limit the temptation to those at-risk for problem gambling.

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Mike Ruffing  
Founder, Maverick LLC  
330-958-0601  
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## Cox, William

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**From:** Cole Wogoman <colew@ncpgambling.org>  
**Sent:** Thursday, March 17, 2022 3:53 PM  
**To:** Rule Comments  
**Cc:** dlongmeier; Brianne Doura-Schawohl  
**Subject:** NCPG Comments on Batch 5  
**Attachments:** 2022.03.17 NCPG Comments on OH Regs.pdf

Hello,

Attached please find the National Council on Problem Gambling's comments on Sports Gaming Rules –Batch 5.

Thank you,

Cole Wogoman  
Government Relations Manager  
National Council on Problem Gambling  
730 11th Street, NW, Suite 601  
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D: 202.470.1877  
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## **NCPG Comments on Sports Gaming Rules –Batch 5**

March 17, 2022

Dear Members of the Ohio Casino Control Commission,

On behalf of the National Council on Problem Gambling (NCPG), thank you for allowing us to provide comments on the proposed rules to the Ohio sports gambling general provisions. NCPG is a nonprofit organization, founded in 1972, that is the national advocate in the development of comprehensive policy and programs for all those affected by problem gambling. NCPG is neutral on legalized gambling and works to improve health and wellness by reducing the personal, social and economic costs of problem gambling.

NCPG is generally supportive of this batch of rules and is pleased to see their responsible gambling provisions. Below are some comments on particularly advantageous provisions.

First, NCPG supports the limit setting provisions in Rule 3775-16-03 at (H). Limits on payments are an important responsible gambling tool. Limits are a consumer-centric approach that emphasizes player control, information, and shared responsibility. For limits to be effective they must be able to apply across accounts and types of gambling regardless of the method of payment. Providing players with information and guidance around risks and norms helps them set more meaningful limits. All approved technological systems must provide all players with a solution to set limits (both time and money). Operators should encourage and even incentivize the player to set payment limits. NCPG is supportive of the version of this rule.

In addition, NCPG supports the ban on sports betting advertising on college campuses and on jerseys sold in the state in Rule 3775-16-08 at (E). The risks associated with gambling are more pronounced for younger patrons. NCPG's forthcoming National Surveys on Gambling Attitudes and Gambling Experience (NGAGE) found that 15% of gamblers between the ages of 18 and 44 answered "many times" when asked if they lied to hide their gambling, and 10% of that age group answered "many times" when asked if they relied on others to pay their debts. The NGAGE survey also found that sports bettors tend to be of a younger and more impressionable demographic than other bettors and show more likelihood of engaging in problematic play than the average bettor. A younger audience is found on college campuses, and younger fans often purchase jerseys of their favorite team. NCPG is supportive of the version of this rule. It is worth noting that the countries of Spain, Italy, and Australia have banned gambling sponsorships on jerseys as a result of concerns around undue influence on youth that could lead to an increase in problem gambling.

NCPG is also supportive of the provisions in Rule 3775-16-09 at (B), (C), and (D). We have seen in other states use of the term "risk-free" in promotions from sports gambling proprietors that draw customers in, only for the patrons to later realize there is fine print involved that often restricts their access to their funds and requires them to gamble their own money to be able to



withdraw any funds. NCPG believes other states should model their rules after this provision and is supportive of the version of this rule. New York has implemented similar rules in their regulations, and NCPG believes that, if adopted, New York and Ohio's rules should be looked to as national leaders on combatting misleading advertising.

Finally, NCPG is especially supportive of the university data-sharing provisions in Rule 3775-16-14. NCPG long advocated for anonymized data to be shared with qualified researchers to encourage studies that will assist in creating targeted and effective policy to reduce the rate of problem gambling. Data and research are the first steps in giving policymakers the tools to accomplish this goal. NCPG is supportive of the version of this rule.

NCPG believes that these provisions will result in the creation of a safer and more sustainable gambling market for the state of Ohio.

On behalf of NCPG, I would like to thank the Commission for the opportunity to submit my remarks for the record. I would be happy to discuss at greater length should you have any questions or concerns.

Sincerely,

Keith Whyte, Executive Director

Cc: Cole Wogoman, Government Relations Manager, NCPG  
Derek Longmeier, Executive Director, Problem Gambling Network of Ohio

## Cox, William

---

**From:** David Miller <DavidMiller@pgatourhq.com>  
**Sent:** Friday, March 18, 2022 7:31 AM  
**To:** Rule Comments  
**Cc:** Dan Sullivan; Tom Pappas  
**Subject:** Comment from PGA TOUR and Memorial Tournament on Fifth Batch of Sports Gaming Rules  
**Attachments:** PGA TOUR-Memorial Tournament Comment Letter on Sports Gaming Rules (Fifth Batch).pdf

Please see the attached comment letter from the PGA TOUR and Memorial Tournament on the fifth batch of the Sports Gaming Rules.

--

### David Miller

Senior Vice President &  
Assistant General Counsel

PGA TOUR  
112 PGA TOUR Blvd.  
Ponte Vedra Beach, FL 32082  
Office: 904.543.5198  
Mobile: 904.400.1489



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March 18, 2022

Ohio Casino Control Commission  
100 East Broad Street, 20th Floor  
Columbus, Ohio 43215  
Email: [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov)

Re: Sports Gaming Rules, Batch 5 – Jersey Advertising Rule

Dear Ladies and Gentlemen,

We are writing for the PGA TOUR and Memorial Tournament regarding the proposed Sports Gaming Rule 3775-16-08, which prohibits operators from advertising on jerseys, uniforms and apparel of players competing in Ohio. The PGA TOUR and Memorial share the Commission's focus on responsible advertising – but believe this rule is problematic and could dissuade PGA TOUR players, who are contractors, from competing in the Memorial and other Ohio events.

The PGA TOUR does not prescribe the apparel that players, as contractors, must wear in competition. The PGA TOUR does, however, restrict sensitive categories such as gambling. In 2019, as states began legalizing sports wagering, the PGA TOUR carefully developed a policy that allows players to profit from their name, image and likeness in a responsible, socially-conscious manner. Players are permitted to have one modestly-sized wagering-related logo on their clothing, without any gambling-related depiction. The policy is attached as Exhibit A. The PGA TOUR has already thoughtfully regulated player advertising – as have other leagues – and has received no complaints from governmental officials, fans/parents or anti-gambling groups.

Under the PGA TOUR policy, several players wear wagering operator logos. With the proposed rule, these players would be required to have different clothing created for Ohio events and could not count Ohio events towards their contractual minimum events for their operator sponsors. The PGA TOUR and Memorial are concerned that these players, who choose where to play as contractors, may forego competing in the Memorial and other Ohio events, thus reducing their economic and charitable impact on the State of Ohio.

We would be happy to further discuss our concerns with the Commission.

Sincerely,

David Miller  
Senior Vice President & Assistant General Counsel  
PGA TOUR, Inc.

Dan Sullivan  
Executive Director  
Memorial Tournament



## Exhibit A

### PGA TOUR Policy on Gambling Advertisements on Player Apparel

A player may have sponsorships by casinos, sports betting, daily fantasy and other legal gambling companies, subject to the following terms and conditions:

- All sponsorships by gambling companies require the prior approval of the PGA TOUR. All sponsorships must be submitted to the PGA TOUR Competitions department in advance for review and approval.
- The gambling company must be in compliance with all applicable gambling laws.
- A player may display on the player's apparel, headwear, golf bag or golf equipment any name, brand, logo or other identifier of a gambling company.
- No visual representation of any gambling-related product (e.g., cards or dice) may appear on a player's headwear, apparel, golf bag or golf equipment.
- A player may not display on the player's apparel, headwear, golf bag or golf equipment more than one gambling-related identifier in the aggregate at any time.

All names, brands, logos and other marks and identifiers ("marks") on a player's apparel, headwear, golf bag and golf equipment must be in good taste as to content, size, location and quantity, as reasonably determined by the PGA TOUR. Further, all marks must satisfy the following specific terms and conditions:

- A mark (other than a mark on a golf bag) may not exceed three by five inches (3"x5").
- Marks on upper torso apparel (including shirts, sweaters, outerwear and upper torso underwear, but excluding, for clarity, belts and headwear) may appear only at the following seven locations: right and left breast, right and left sleeve, right and left collar, and the yoke of the back (i.e., just below the collar). Only one mark may appear at each such location (i.e., seven logos total are permitted for upper torso apparel).
- Marks on belts may appear only on the buckle or front buckle area. Only one mark may appear on a belt.
- Marks on lower torso apparel (including pants and outerwear, but excluding, for clarity, belts and footwear) may appear only at the following locations: the right or left back pocket area (but not both back pocket areas) and below the right or left knee (but not below both knees). Only one mark may appear at each such location (i.e., two logos total are permitted for lower torso apparel).

## Cox, William

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**From:** Cynthia Hays <cynthia.hays@betfred.com>  
**Sent:** Friday, March 18, 2022 8:44 AM  
**To:** Rule Comments  
**Subject:** Rules - Batch 5, Round 1

Good morning. We have a question regarding multi-factor authentication. Does 3775-16-03(J) just mean that we need to give the customer the option? If customers have to receive a code every time they log-in, it is a bad player experience. (Think about how many times a customer will log in to their account during Superbowl or over this weekend. They need to be able to get in quickly to track their bets and do in-game wagering.)

Just looking for a little clarity on what this means exactly. Thanks!



**Cynthia J. Hays**  
Vice President of Compliance

105 East Reno Ave, Suite 8, Las Vegas, NV 89119

**Mobile:** 725-221-0161

**Email:** [cynthia.hays@betfred.com](mailto:cynthia.hays@betfred.com)

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Done Brothers (Cash Betting) Limited (t/as Betfred) (Registered number 1277703).  
Registered Office: The Spectrum, 56-58 Benson Road, Birchwood, Warrington, WA3 7PQ.  
Registered in England and Wales.

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## Cox, William

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**From:** Rob Eshenbaugh <reshenbaugh@capitoladvocates.net>  
**Sent:** Friday, March 18, 2022 10:38 AM  
**To:** Rule Comments  
**Cc:** Cox, William; Elizabeth Suever; Dan Leite; Courtney Saunders; Kurt Leib  
**Subject:** Bally's Comments Batch 5  
**Attachments:** Bally's Batch 5 Sports Betting Comments.pdf

Please see the attached comments from Bally's on the Batch 5 Sports Betting rules. Thank you for allowing Bally's to provide comment. Please call with any questions or concerns.

Rob

Rob Eshenbaugh  
Capitol Advocates  
37 W. Broad Street, Suite 420  
Columbus, OH 43215  
O: 614-224-9900  
M: 614-406-7858  
Email: [Reshenbaugh@Capitoladvocates.net](mailto:Reshenbaugh@Capitoladvocates.net)  
Twitter: @robeshen  
[www.Capitoladvocates.net](http://www.Capitoladvocates.net)

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Matthew T. Schuler  
Executive Director  
Ohio Casino Control Commission  
100 East Broad Street  
20th Floor  
Columbus, OH 43215

*Via email: [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov)*

***RE: Sports Gaming Rules- Batch 5—Supplemental Type A and B Proprietor Licensing, Required Procedures, and General Proprietor Duties***

Dear Director Schuler,

Thank you for the opportunity to provide comment on Batch 5 of Ohio’s Sports Gaming Rules on behalf of Bally’s Corporation. We would like to respectfully request the deletion of Rule 3775-16-08(E)(2) regarding advertising.

Rule 3775-16-08(E)(2) prohibits sports gaming proprietor advertising “on the official jersey, uniform, or apparel of any person or team competing in sporting events in Ohio or made available for sale to the public in Ohio.” As a sports betting proprietor, Bally’s partners with teams that are members of centralized sports governing bodies that have enacted and enforce robust sports gaming policies that Ohio teams must follow, including with respect to sports gaming advertising. While league policies vary by sport, many leagues currently prohibit sports gaming advertising on official jerseys and apparel, and there are also near-universal prohibitions on endorsements by players of sports gaming companies and products. Further, sports betting proprietors continue to invest in their responsible betting initiatives in conjunction with the teams and leagues’ own responsible gaming initiatives. Since there are stringent advertising standards by both the sports betting proprietors, sports governing bodies and the sports teams, this rule is unnecessary.

Currently over 30 states have legalized sports betting, but none have included a prohibition against sports betting advertising on jerseys or sports uniforms. As a result, Ohio sports teams participating in leagues that allow this type of advertising would be at a disadvantage as compared to their counterparts other states where sports gaming is permitted. A potential unintended consequence of this advertising prohibition is that it could limit players’ and teams’ ability to compete in Ohio due to their contractual obligations to wear certain logos on their apparel. Players and teams could be left to decide whether to forgo competing in Ohio or violate contractual obligations to their sponsors, which could have a negative economic impact on the world class sporting events hosted in Ohio.

For the reasons listed above, Bally's respectfully requests that matters of jersey, uniform, and apparel sponsorships remain in the regulatory purview of professional sports governing bodies. Once again, thank you for the opportunity to provide public comment on this batch of sports gaming rules. Please feel free to reach out with any questions you may have regarding this public comment.

Sincerely,

*Elizabeth Suever*

Elizabeth Suever

Vice President, Government Relations

Bally's Corporation

## Cox, William

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**From:** Matthew Lenz <MLenz@theesa.com>  
**Sent:** Friday, March 18, 2022 10:49 AM  
**To:** Rule Comments  
**Cc:** Michael Warnecke; Greg Bennett  
**Subject:** RE: Public comment - Sports Gaming Rules – Batch 5, Comment Round 1  
**Attachments:** ESA 3.18.2022 ltr to OCCC - FINAL.pdf

Attached, please find ESA's comments in regards to Sports Gaming Rules – Batch 5, Comment Round 1.

Thank you,

Matt Lenz



entertainment  
software  
association

**Matthew Lenz**

Director, State Government Affairs  
401-965-0439

**Entertainment Software Association**

601 Massachusetts Avenue NW | Suite 300W | Washington, DC 20001

[www.theESA.com](http://www.theESA.com)



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March 18, 2022

By email to [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov)

Ohio Casino Control Commission  
100 East Broad Street  
20th Floor  
Columbus, Ohio 43215

**Re: Sports Gaming Rules – Batch 5, Comment Round 1**

Dear Ohio Casino Control Commission:

I am writing on behalf of the Entertainment Software Association, a trade association that represents publishers of video games, including leading publishers of many of the major titles used in esports tournaments around the country and throughout the world.<sup>1</sup>

The recently passed HB 29 included “esports events” among the sports on which wagering activity would be permitted, subject to the law’s various requirements, including that the sport is regulated by a sports governing body. But that law creates some ambiguities related to esports that we would like to see addressed in the rulemaking.

The law defined “esports event” as “an organized video game competition that is regulated by a sports governing body and that is held between professional players who play individually or as teams.” And it defined “sports governing body” (SGB) as “a regional, national, or international organization having ultimate authority over the rules and codes of conduct with respect to a sporting event and the participants in the sporting event.”

The definition of SGB, in particular, raises interpretive issues that need to be resolved in order for wagering on esports to proceed. Esports are different from traditional sports. Esports competitions harness creative works that are protected by copyright and other IP rights. Unlike traditional sports, each game is the unique creation of a specific publisher, which owns the underlying IP to that game. This is a key distinction from traditional sports, where the underlying game is not IP in and of itself; no one owns the games of football, basketball, or hockey. In addition, given the variety of game genres that are played as esports, to impose one SGB over all of them would be like having one SGB with oversight of tennis, boxing, and diving. It does not make sense.

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<sup>1</sup> For a list of ESA members, please visit <https://www.theesa.com/about-esa/#membership>.

***To be clear, there is no entity authorized by our member-publishers to represent the U.S. video game industry as a sports governing body over esports.***

As creators and owners of the games driving global esports growth, video game publishers are uniquely positioned to be the appropriate entity to provide oversight of the games, such as safeguarding the integrity of gameplay.

We recognize that the statutory definitions are beyond the scope of this rulemaking. We are not asking for those to be changed here. Rather, we are asking that as you develop rules implementing various duties and privileges of the SGB, that you consider how this concept would map to the esports context.

Specifically, we would like to see a future batch of rules provide some practical guidance on application to esports and that would permit the game publisher to serve as the “sports governing body” for its particular esports title. Resolving the ambiguity on this question would advance the State’s interest in clearing a pathway for wagering on esports in Ohio.

ESA would be pleased to further engage in the rulemaking process to help resolve this ambiguity and share additional perspective on related issues as the rulemaking progresses.

Sincerely,



Michael Warnecke  
Chief Counsel, Tech Policy  
Entertainment Software Association

[mwarnecke@theesa.com](mailto:mwarnecke@theesa.com)



## Cox, William

---

**From:** Blackford, Amanda  
**Sent:** Friday, March 18, 2022 11:58 AM  
**To:** Cox, William  
**Cc:** Kerscher, Martin; Brown, Cory  
**Subject:** Batch 5 Comments

Will,

I received the following comment from Dr. Amanda Burke from Kent State regarding our Batch 5 rules:

This comment is directly referencing batch 5 rule 3775-16-08 which covers advertising provisions. I work at an Ohio university, and sports gaming is a current concern even without legal means to participate. College students are at risk for developing an issue with problem gambling, don't often have direct access or knowledge of treatment services, and are often financially unstable. Across the country, the majority of college athletic directors, coaches, and players are asking for college students to be protected from predatory sports gaming marketing/advertising. Most Ohio colleges/universities have already requested to keep sports gaming away from student-athletes, as the pressure on student-athletes is already immense. Maintaining the regulation to not permit college sports gaming partnerships, not allow advertising on college/university campuses, and keep uniforms advertisement free are responsible decisions. I am requesting these provisions in the batch 5 rules remain.

Amanda Burke, Ph.D., CTRS, CHES  
Associate Professor  
Health Education and Promotion  
ESG Rho Chapter Advisor  
Kent State University  
1225 Theatre Drive  
135 Nixson Hall  
Kent, Ohio 44242

#ReadySetSaveJett @curemsd.org

330-672-7017 (O)  
[www.kent.edu](http://www.kent.edu) (w)



**Amanda Blackford**  
Director of Operations & Problem Gambling Services  
Ohio Casino Control Commission  
(614) 387-5693

Ohio Problem Gambling Helpline: 1-800-589-9966

## Cox, William

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**From:** Karen.Lewis@bet365.com  
**Sent:** Friday, March 18, 2022 11:51 AM  
**To:** Cox, William  
**Subject:** bet365 Comments on Batch 5 Sections on Advertising, Marketing, and Promotions  
**Attachments:** bet365 Comments Batch 5 - Ads and Marketing.pdf

Will,

Thank you again for your consideration of our comments. I really appreciate the opportunity to share some of our global learnings with you. In the twenty years we have been operating, we have seen many jurisdictions learn “the hard way” how failing to set up clear and comprehensive rules around advertising and marketing from the start can lead to backlash from politicians, journalists, other stakeholders, and most importantly, the consumer. One very current situation is in Ontario, where the market is due to launch on April 4<sup>th</sup> and the regulator (AGCO) has been so concerned that this week they have strongly clarified their rules around any advertising, bonuses, and promotions in response. They’ve actually prohibited the presentation of bonuses and promotions, other than on the proprietor’s website – i.e. you cannot advertise promotions on television, print, or social media. We recognize that this would be a major departure from the norm in the U.S., but it is an example of how seriously some regulators have had to respond to certain trends in the industry. I’m happy to share Ontario’s rules with you if they’d be useful to this process.

In Italy, ultimately advertising was fully banned, and in other European countries, bans have been adopted or are being seriously considered. Responsibility in advertising and marketing is also a core value of our company (and a passion of mine) and we believe strongly that setting a robust foundation is a key driver of a sustainable and healthy online sports betting market.

On behalf of bet365, I’d like to submit these comments on the first round of Batch 5 rules on Advertising and Promotions. Other members of the team will be submitting further comments on other sections. We would welcome the opportunity to discuss these comments and share examples, as well as other global learnings, with the Commission if this would be useful.

Again, thank you.

Karen

### Karen Lewis

Development – U.S.  
Hillside (Shared Services US) LLC  
d: **+1(856) 982-8267**  
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**bet365.com**

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## Rule 3775-16-08 | Advertising

(A) All sports gaming advertisements must:

- (1) Clearly convey the conditions under which sports gaming is being offered, including information about the cost to participate and the nature of any promotions and information to assist patrons in understanding the odds of winning. Any material conditions or limiting factors must be clearly and conspicuously specified. If an advertisement is not of sufficient size or duration to permit inclusion of such information, that advertisement shall refer to a website or application that does prominently include such information within one click;
- (2) Disclose the identity of the sports gaming proprietor, mobile management services provider, or management services provider, with their license status as applicable; and
- (3) Clearly and conspicuously include messages designed to prevent problem gambling which appear for an appropriate period of time and provide information about how to access resources related to problem gambling, including one of the following:
  - (a) The national council on problem gambling's twenty-four hour confidential helpline;
  - (b) The problem gambling helpline number established under section 3772.062 of the Revised Code; or
  - (c) Another helpline approved by the executive director that is free of charge to the caller;-
  - (d) Messaging confirming permitted legal ages to bet (21+) ; and
  - (e) The requirement to be located in the state of Ohio in order to place bets.

**Commented [KL1]:** This is industry best practice.

**Commented [KL2]:** While this isn't a requirement in New Jersey, it has become standard practice for most operators there and strengthens these requirements – we suggest it be codified in Ohio.

(B) All sports gaming advertisements must not:

- (1) Depict any individual under the age of ~~twenty-five~~twenty-one;
- (2) Target individuals under the age of twenty-one, other individuals who are ineligible to participate in sports gaming, individuals with gambling problems, or other vulnerable individuals;
- (3) Obscure any material fact;
- (4) Be false, deceptive, or misleading; or
- (5) Promote irresponsible or excessive participation in sports gaming, or suggest that social, financial, or personal success is enhanced guaranteed by engaging in sports gaming.

**Commented [KL3]:** Industry best practice is to have an even higher age requirement for gambling advertising to discourage any appeal to under 21 year olds. For instance, one jurisdiction where the legal age to bet on sports is 18 requires advertisements to show only people over 25, and another jurisdiction requires use of any 'role models' in advertising to be 35+ to definitively avoid catering to minors.

~~(C) Each advertisement, disseminated to a specific individual or individuals, must clearly and conspicuously describe a method by which an individual may opt out of receiving future advertisements. If the advertisement is sent via electronic mail, the described opt out method~~

~~must include either electronic mail or a linked online website.~~

~~(C)~~ Patrons must be provided an opt-in process whereby they actively consent to receiving any direct advertising and marketing of inducements, bonuses, and credits. The opt-in process must be specific to the product (e.g. legal sports betting) and cannot be transferred from another site (e.g. daily fantasy sports.)

~~(D)~~ Patrons must be provided a clear and conspicuous method to withdraw their consent or opt-out of receiving advertising and marketing. The described opt-out method must be available on a linked online or mobile website.

~~(E)~~ Patrons who are added to the self-exclusion list must be removed from any direct advertising or marketing in as short a time as practical and within a maximum of 24 hours.

~~(F)~~ A sports gaming proprietor must act upon a request for opt out pursuant to paragraph ~~(D)~~ of this rule within ~~fifteen days~~ 48 hours of receipt to ensure the individual will no longer receive advertisements.

~~(G)~~ A sports gaming proprietor must not advertise or promote on:

- (1) Ohio college or university campuses; or
- (2) On the official jersey, uniform, or apparel of any person or team competing in sporting events in Ohio or made available for sale to the public in Ohio.

~~(H)~~ A sports gaming proprietor must cease the dissemination of an advertisement upon discovery that the advertisement fails to continue to comply with these rules or if required by the executive director because the advertisement fails to comply with chapter 3775 of the Revised Code, or the rules adopted thereunder, or otherwise undermines the integrity of sports gaming.

~~(I)~~ Sports gaming advertisements can only be disseminated in Ohio for sports gaming proprietor applicants or licensees, unless otherwise approved by the executive director.

~~(J)~~ Affiliate marketers must comply with all aspects of these rules and must not otherwise advertise forms of illegal gambling or gaming in Ohio. The commission may require a sports gaming proprietor to terminate an affiliate marketer contract if the affiliate marketer has violated Chapter 3775. of the Revised Code or the rules adopted thereunder.

~~(K)~~ All advertising and marketing, including bonuses and promotions, must, in addition to the above, be in accordance with the Ohio Consumer Sales Practices Act. Sports gaming proprietors will be required to certify adherence to the Ohio Consumer Sales Practices Act as a part of licensure and on an annual basis thereafter.

**Commented [KL4]:** We strongly believe that the default should be that patrons must opt-in to receiving direct advertising and marketing. Industry best practice would also not allow operators to market one product to patrons who have only opted-in for marketing of another product.

There should also be a reasonably simple and accessible process to opt-out or withdraw consent at any time, and we'd suggest that operators are required to offer digital channels to do so, given the nature of the business and interactions with the patron.

**Commented [KL5]:** While we know separate regulations exist around self-exclusion, we suggest explicitly calling this out in the advertising rules to protect customers who self-exclude.

**Commented [KL6]:** Fifteen days is a significant length to make these changes – we would suggest two days.

**Commented [KL7]:** Making this explicit ensures that proprietors are aware that all gambling advertisements are subject to the OCSA as well as the additional requirements written herein- rather than these rules superseding the OCSA.

**Rule 3775-16-09 | Promotions and bonuses.**

~~(A)~~ As a part of their advertising and marketing, Ssports gaming proprietors may offer promotions and bonuses.

**Commented [KL8]:** We'd suggest making clear that bonuses and promotions fall under advertising and marketing and are also beholden to the requirements in Rule 3775-16-08.

~~(A)(B)~~ Sports gaming proprietors must disclose all material conditions of the promotion or bonus at its first presentation on the sports gaming product with all other conditions and limitations no more than one click away. These material terms and conditions must be in close proximity to the headline offer and must be provided in a conspicuous and visible manner.

**Commented [KL9]:** There can be significant variation in how proprietors present their bonus offers which could, under the original text, allow operators to bury terms and conditions 'below the fold' meaning the patron is required to scroll past the screen holding the offer to find terms and conditions – we would encourage this level of clarity in the rules to avoid the confusion this can create for patrons. We would welcome the opportunity to discuss this issue further and share examples, as we believe this to be a key element of responsible promotions and bonuses.

~~(B)(C)~~ The promotion or bonus rules must be clear and unambiguous, and include:

- (1) Date and time the promotion or bonus is active and expires;
- (2) Rules of play;
- (3) Nature and value of prizes or awards;
- (4) Eligibility restrictions or limitations;
- (5) Wagering and redemption requirements, including any limitations;
- (6) Eligible events or wagers;
- (7) Cancellation requirements; and

~~(8)~~ Terms and conditions that are full, accurate, concise, transparent, and easily understandable, and do not contain misleading information.

- a) Terms and conditions should be prioritized in a way that clearly defines the material terms to facilitate the patron's understanding of the most relevant stipulations or limitations

**Commented [KL10]:** This rule will prevent any confusion for the patron where there are multiple pages of terms and conditions and ensures transparency in communicating the details of the offer.

~~(D)~~ Promotions or bonuses described as free must not require the patron to incur any loss or risk their own money.

~~(C)(E)~~ Promotions or bonuses should not be described as risk-free if the patron has to incur any loss or risk their own money to use or withdraw winnings from the risk-free bet.

**Commented [KL11]:** We suggest a separate line to cover 'risk free' offerings in addition to 'free.'

~~(F)~~ Promotions or bonuses must not restrict the patron from withdrawing their own funds or withdrawing winnings from wagers placed using their own funds.

**Commented [KL12]:** This is industry best practice and we strongly agree with it.

~~(G)~~ Proprietors must not offer promotions or bonuses which are not reasonably attainable without significant losses or excessive gambling.

**Commented [KL13]:** Some offers require patrons to play through hundreds of thousands of dollars to cash out on an offer. Best practice is to limit these type of promotions.

~~(E)~~(H) Sports gaming proprietors must make the promotion or bonus rules available to patrons and the commission

~~(E)~~(I) Sports gaming proprietors must have procedures for the issuance, acceptance, and tracking of ~~promotions~~ bonuses.

~~(F) A sports gaming proprietor must cease the offering of a promotion or bonus upon discovery that the promotion or bonus fails to comply with this rule or if required by the executive director because the promotion or bonus fails to comply with Chapter 3775 of the Revised Code or the rules adopted thereunder or otherwise undermines the integrity of sports gaming.~~

(J) Upon discovery that a promotion or bonus fails to comply with this rule, or if required by the executive director because the promotion or bonus fails to comply with Chapter 3775 of the Revised Code or the rules adopted thereunder or otherwise undermines the integrity of sports gaming, a sports gaming proprietor must:

(1) Immediately cease the offering of the relevant promotion or bonus; and

(2) Provide any new advertising and marketing material to the commission for review in advance of issuance.

**Commented [KL14]:** Industry best practices would create a process by which the commission can monitor future advertisements for proprietors who fail to comply with these rules – this reserves that option if required.

## Cox, William

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**From:** Peter.Wolff@bet365.com  
**Sent:** Friday, March 18, 2022 4:09 PM  
**To:** Rule Comments  
**Subject:** bet365 Batch 5 Round 1 rule comment

To Whom it Concerns,

Hello and thank you for the opportunity to provide comments on the sports wagering regulations for the state of Ohio. Below is a selection of regulations from Batch 5 which we would like to suggest amended language for, or are asking for clarity on. Please note that any new language is highlighted and in bold while suggested deletions are indicated in red and strikethrough. If you have any questions or would like to discuss please let us know. Thanks and have a great upcoming weekend.

### Suggested Amendments

#### **Rule 3775-16-01 | Sports gaming systems.**

~~(D) Each sports gaming proprietor must provide read-only remote access to its sports gaming systems and any hardware or software required to facilitate this access to the commission in a manner prescribed by the executive director. All costs associated with providing this access are the sole responsibility of the sports gaming proprietor.~~

It has not been common practice to provide this level of remote access over an entire sports gaming system. In addition to having to support a remote connection point to guarantee the system's security, there would also be a significant amount of training and/or support required to facilitate any evaluation being performed by the regulator, as all operators systems are not the same. Instead, some states have chosen to require test accounts to be created for the regulator to conduct evaluations prior to go live or as they see needed if/when issues arise, or a more focused point of access to the reporting portion of the systems to be able to pull data for analysis as needed. The majority of US states however have not required any levels of access to the system, and instead rely on the certification process from an approved Independent Test Lab to cover these types of evaluation. As ITL certification is a requirement within the Ohio regulations, we are suggesting that this section be removed in its entirety. If this is not a possibility, it is recommended that the level of access be focussed to test accounts or reporting functionality as described above.

#### **Rule 3775-16-03 | Sports gaming accounts.**

(J) ~~Access to patron accounts must be protected by~~ **The option to enable** multi-factor authentication **or other authentication features such as personal identification numbers or biometric data must be available for the patron to protect their account** as approved by the executive director.

As currently written, the requirement would seem to imply that multi-factor authentication (MFA) could be applicable for all player account logins. Typically when MFA has been mentioned in mobile based sports wagering regulations, it has either been required as an option for a patron to enable if they choose to do so, or a requirement to unlock a patron's account should it is ever put into a locked state. We are proposing the changes made above which we feel still covers the intent of ensuring the patron's account is secured with additional forms of authentication should they choose to enable such functionality.

### Requests for Confirmation on Current Understanding; or Clarity

#### **Rule 3775-16-17 | Incident Reporting**

In rule 3775-16-17(A)(3), it is written that any IT security breach or other compromising IT risk must be immediately reported to the commission. It would be good to have clarity on what would be considered a "compromising IT risk", as this language is general enough where it could cover a great deal of scenarios. Some risks when caught internally can



also be resolved prior to there being any threat of a real world external impact. We don't believe it is the commission's intent to have these scenarios reported, but it would be good to have this confirmed.

**Rule 3775-16-20 | External audits and other reports.**

In rule 3775-16-20(F) and (G), it is written that a sports gaming proprietor must contract with an independent third party to perform an IT audit, and provide a report of that audit annually. It is our understanding that an assessment performed by a recognized and approved security testing house against a security standard such as ISO27001 or the applicable sections of GLI-33 Appendix B could be used to meet this requirement with nothing additional needed, but it would be good to have this confirmed.

**Peter Wolff**

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1/2373, Level G, Quantum House, 75 Abate Rigord Street, Ta' Xbiex XBX 1120, Malta. For residents of Mexico, this email is sent on behalf of Ganador Azteca, S.A.P.I. de C.V., a Mexican corporation of variable capital incorporated under the laws of Mexico, with address at Periférico Sur 4121, Fuentes del Pedregal, Tlalpan, 14140, Mexico City, Mexico.

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## Cox, William

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**From:** Bob.Moncrief@bet365.com  
**Sent:** Friday, March 18, 2022 4:17 PM  
**To:** Rule Comments  
**Subject:** bet365 Batch 5 Round 1 rule comment

Below please find feedback from bet365 on certain portions of the rules contained in Batch 5 Round 1. Where there are suggested changes to the specific language in a rule deletions are indicated with strikethrough as ~~thus~~ and additions are in bold and underlines as **thus**. We are available to discuss any of these items if necessary.

Thank you for the opportunity to submit our comments and thoughts.

### Rule 3775-10-02 Required procedures

Could the Commission provide more specificity as to what required procedures this section governs? If this section applies to all Internal Controls, it is suggested that all changes to those Internal controls not require express approval by the Executive Director. Because online sports gaming technology, and operational responses to potential fraud or misconduct often require immediate responses, the preapproval of all changes to Internal Controls could not only hamper an operators ability to make commercial changes to their operation, but it could also delay changes that relate to misconduct that is uncovered or potential security issues. As written, a change cannot be implemented until it receives express approval or no response is provided for 5 days. If a time sensitive change were needed to respond to something industry wide, the express approval requirement would place a heavy burden on the Commission given the amount of potential operators in the market and could result in a delay in implementation that could have a negative impact on the industry as a whole.

### Rule 3775-16-01 Sports gaming systems

(A) Sports gaming proprietors must use a sports gaming system approved by the commission.  
No wagers may be accepted in the event of a system failure or unavailability.

(B) Sports gaming proprietors must use a sports gaming system designed to prevent and detect the following:

(1) **Knowingly permitting** the ~~U~~unauthorized use of an account by someone other than the account holder;

Comment – An element of culpability is suggested in the above language. As written if an account holder gave another individual their credentials to use their account, and that use came to light at a later date, the existing language would impose a strict liability standard on a sports gaming proprietor even if there were no way to detect that unauthorized use. If a proprietor utilizes all required procedures and follows best practices they should not be held to a strict liability standard.

### Rule 3775-16-03 Sports gaming accounts

(H) Patrons must be provided with an easy and obvious method, immediately upon initial account registration and at all times through the sports gaming proprietor's website or application, to impose limitations for betting parameters including, but not limited to, deposits, wagers, and time-based limitations. The self-imposed limitation method must provide the following functionality:

Comment – Could guidance be provided regarding the expectation on how the limitation on “wagers” will work? Is the expectation that this is a limit on the quantity or dollar value of wagers that can be placed in a given time or is the a limit on the dollar value on any single wager that can be placed? It is recommended that these limits be uniform across providers to not only insure a level playing field between proprietors, but also to make sure the protections in place for patrons are up to the same standard on all sites.

#### **Rule 3775-16-11 | Sports gaming event and wager type requests.**

(A) A sports gaming proprietor must check the list of pending and denied requests before submitting a request for an addition to the sports gaming catalogue.

(B) A sports gaming proprietor must not submit a request for the addition of any item that is has been previously submitted and is currently in pending status.

(C) A sports gaming proprietor may not request the addition of any previously denied sports gaming event or wager type for a period of one year following the date of denial **unless there is a material change of circumstances regarding that event or wager type.**

Comment – The events of the past two years with the mass cancellation of sporting events because of the Covid-19 pandemic have shown how unforeseen circumstances can have a devastating effect on the gaming industry. As such, it is respectfully suggested that some flexibility be added to subsection C of the above rule to allow for resubmission of a request if there is a material change in circumstances. The Covid-19 pandemic resulted in many regulatory agencies allowing wagers on events that had previously been denied for a variety of reasons. As a result of them being permitted during the pandemic, many of those wagers and events are still permitted today, which shows that a regulatory bodies opinion regarding events and wager types can change rapidly. Further, it is possible that a proprietor requests wagering on an event that the Commission may deny because there are insufficient integrity controls surrounding the event, or the proprietors submission is deficient in some way or some other reason. In such a scenario that should not prevent another proprietor from renewing that request if there is a change and the event in question is now overseen by a governing body with sufficient integrity controls, or if the subsequent proprietor includes information that was not in the original request.

#### **Rule 3775-16-13 | Sports governing body data requests**

Comment – We would recommend that, rather than requiring requests from a governing body initially go to a proprietor and then only to the Commission if there is a problem, these requests should first go to the Commission. Subsection (A) of this rule allows a governing body to request anonymized data from a proprietor when they “believe the integrity of one of its sporting events is in question.” If a sports governing body believes so strongly that there is an integrity issue with one of its events, that request should be submitted to, and evaluated by, the Commission as the top regulatory authority in the State of Ohio.

#### **Rule 3775-16-14 | State university data requests**

Comment – We would recommend that requests for data related to sports gaming under this section be first sent to the Commission for evaluation rather than to sports gaming proprietors. The Commission would be in a much better place to evaluate the qualification of the university requesting the data than any proprietor. Further, if a University sends requests to multiple proprietors it is very likely that the responses to the requests may not be uniform. If the requests are received and evaluated by the Commission that would result in a consistent method of evaluation and response.

**Bob Moncrief**

Legal and Regulatory Counsel - US  
Hillside (Shared Services US) LLC  
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## Cox, William

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**From:** Dean Hestermann <DHestermann@caesars.com>  
**Sent:** Friday, March 18, 2022 12:47 PM  
**To:** Rule Comments  
**Cc:** Amy Ankerson; John Walker; Trevor Hayes; Lisa Rankin; Jeffrey P. Hendricks; Patrick Markovich; rhillis@gpgrhr.com  
**Subject:** Sports betting regulatory language, batch 5, round 1  
**Attachments:** Ohio batch 5 round 1 Caesars.docx

Dear Sir or Madam,

On behalf of Caesars Entertainment and Scioto Downs, I again thank you for the opportunity to comment on Ohio's proposed rules for sports betting. The attached comments refer to language circulated on March 7, 2022 in the fifth batch of sports gaming rules for the first round of stakeholder comment.

Dean Hestermann



**Dean Hestermann** | *Vice President, Issues Management and Strategic Communications*

O 901-652-8787

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### Batch Five, Round One Comments

Rule Number	Rule Title	Existing Language	Proposed Changes	Justification
Rule 3775-1-01	Definitions	N/A	<p>“Self-service sports betting terminal” shall mean a commission approved self-service mechanical, electrical, or computerized terminal, device, apparatus, or piece of equipment that is directly tied to the sports gaming system of a sports gaming proprietor, which allows a patron to (i) deposit funds into a sports gaming user account, (ii) place a sports wager, (iii) determine the outcome of a sports wager <u>and</u> (iv) receive payment for a successful sports wager or otherwise withdraw funds from a sports gaming user account, through creation of a voucher or otherwise. “Self-service sports betting terminal” does not include a personal computer, mobile phone, or other device owned and used by a player to wager on a sports event, nor does it include a deposit-only kiosk.</p> <p>“Deposit-only kiosk” shall mean a commission approved self-service mechanical, electrical, or computerized terminal, device, apparatus, or piece of equipment that allows a patron to access a sports gaming user account and deposit funds into such account, but does not permit (i) the placement of a sports wager or (ii) payment for a successful sports wager or withdrawal of funds from a sports gaming user account, through creation of a voucher or otherwise.</p>	Suggested definitional language to accompany the change proposed below with respect to sports gaming accounts.



Rule Number	Rule Title	Existing Language	Proposed Changes	Justification
Rule 3775-16-03(B)	Sports gaming accounts	(B) A patron's sports gaming account may be funded through the use of: (1) Deposit of cash or vouchers at an approved cashiering or kiosk location;	(B) A patron's sports gaming account may be funded through the use of: (1) Deposit of cash or vouchers at an approved cashiering location, <b>including without limitation, a self-service sports betting terminal or deposit-only kiosk;</b>	We wish to clarify the definition of "kiosk" to distinguish between self-service terminals we expect to be utilized at licensed retail sports books and deposit-only kiosks that may be used as a funding method but not to place sports wagers. In creating this distinction, we allow the commission the flexibility to determine different sets of eligible locations for the deployment of these separate device categories
Rule 3775-16-04 (F)	Wager rules.	(F) If a patron wishes to void a ticket written prior to the start of an event, and the void request is approved by the sports gaming proprietor, the ticket must be verified by the sports wagering system and a refund must be given to the patron. For printed tickets, a void designation must be branded on the ticket.	(F) If a patron wishes to void a ticket written prior to the start of an event, and the void request is approved by the sports gaming proprietor, the ticket must be verified by the sports wagering system and a refund must be given to the patron. For printed tickets, a void designation must be branded <b>or stamped</b> on the ticket.	We wish to confirm and clarify that the physical branding of voided tickets may be performed automatically by the Sports Wagering System or manually by the Sportsbook employee processing the void request.

Rule Number	Rule Title	Existing Language	Proposed Changes	Justification
Rule 3775-16-06 (A)	Reserve funds	(A) Each sports gaming proprietor must always maintain a reserve in an amount that is greater than the amount necessary to ensure the sports gaming proprietor's ability to cover the sum of all outstanding sports gaming liabilities and the funds held for patron accounts.	(A) Each sports gaming proprietor must always maintain a reserve in an amount that is greater than the amount necessary to ensure the sports gaming proprietor's ability to cover the sum of all outstanding sports gaming liabilities and the <b>cash</b> funds held for patron accounts.	We believe the suggested language is more reasonable and wouldn't compromise any policy goal or consumer protection outcome.
Rule 3775-16-08 (A)	Advertising	(c) Another helpline approved by the executive director that is free of charge to the caller.	(c) Another helpline, <b>QR code, or website address</b> approved by the executive director that is free of charge to <del>the caller</del> <b>access</b> .	We think it important to build in flexibility here, as we are aware of and support efforts toward consistency in RG messaging on ads across jurisdictions. This effort may result in adoption of a model that is different from the current telephone helpline model.

Rule Number	Rule Title	Existing Language	Proposed Changes	Justification
Rule 3775-16-08 (B)	Advertising	(B) All sports gaming advertisements must not: (1) Depict any individual under the age of twenty-one;	(B) All sports gaming advertisements must not: (1) Depict any individual under the age of twenty-one, <b>except live footage or images of athletes in competitions on which sports wagering is permitted;</b>	Many providers of sports wagering in Ohio should be expected to have rights agreements with teams and/or leagues that permit them to re-broadcast highlights and images from athletic competitions. This is often accomplished via social media posts. The proposed change would permit such licensees to, for example, distribute an image of an NBA player who may be younger than 21.

Rule Number	Rule Title	Existing Language	Proposed Changes	Justification
Rule 3775-16-08 (E)	Advertising	(E) A sports gaming proprietor must not advertise or promote on: (1) Ohio college or university campuses; or (2) On the official jersey, uniform, or apparel of any person or team competing in sporting events in Ohio or made available for sale to the public in Ohio.	(E) A sports gaming proprietor must not advertise or promote on: (1) Ohio college or university campuses <b>without the express permission of the college or university</b> ; or (2) On the official jersey, uniform, or apparel of <del>any person or team</del> <b>an Ohio-based team</b> competing in sporting events in Ohio <del>or made available for sale to the public in Ohio.</del>	<p>We believe (1) should be amended to allow for certain signage or other marketing opportunities for Ohio colleges and universities, should the college or university decide to pursue them.</p> <p>Our preference would be for (2) to be eliminated in its entirety, as it rules out certain marketing opportunities for Ohio teams. As an alternative, however, we propose eliminating the reference to a “person,” so that, for example, a PGA player might wear certain branded clothing during an event in Ohio. We also propose limiting the scope of this rule to Ohio-based teams. We also propose the elimination of the retail prohibition here</p>

Rule Number	Rule Title	Existing Language	Proposed Changes	Justification
Rule 3775-16-13 (A)	Sports governing body data requests.	(A) A sports governing body may request anonymized sports gaming data from a sports gaming proprietor if the sports governing body believes that the integrity of one of its sporting events is in question. This request must be appropriately tailored and must include:	(A) A sports governing body may request <b>the commission to obtain</b> anonymized sports gaming data from a sports gaming proprietor if the sports governing body believes that the integrity of one of its sporting events is in question. This request must be appropriately tailored and must include:	<p>A sports governing body is a separate private entity with no right to access a sports gaming proprietor's information. If a sports governing body has a reason to obtain the information, it should notify the regulator and the regulator can determine if the information request is justified.</p> <p>We recognize that were this suggestion accepted, additional changes may be required to this section for consistency.</p>

## Cox, William

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**From:** Dan Dodd <dandodd@zhfconsulting.com>  
**Sent:** Friday, March 18, 2022 2:21 PM  
**To:** Rule Comments  
**Subject:** Batch 5 Comments - 22 Ventures / Bet 22  
**Attachments:** Batch 5 Comments for CCC - Bet 22.pdf

On behalf of 22 Ventures / Bet 22, please find attached comments regarding Batch 5 of the sports gaming rules.

Please don't hesitate to let me know if I can be of any further assistance.

Best wishes,

Dan

Dan Dodd  
Vice President of Government Relations  
ZHF Consulting

41 S. High St., Ste. 3625  
Columbus, OH 43215  
740-973-5930 (Mobile)  
614-782-1554 (Direct)

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To Whom it May Concern,

On behalf of Bet 22, an LLC owned and operated by 22 Ventures, please find comments below regarding Batch 5 of the proposed Sports Gaming rules, specifically proposed Ohio Administrative Code section 3775-4-02.1 regarding additional Type A sports gaming proprietor licenses, and proposed OAC 3775-1-01(B)(9) regarding the definitions of applicant and person for purposes of applying for licensure.

In HB 29, the General Assembly granted authority to the Casino Control Commission (“the Commission”) to approve additional Type A licenses for “eligible applicants who demonstrate to the commission that the sports gaming market in this state needs additional type A sports gaming proprietors.” ORC 3775.04(A)(2)(b). In its wisdom, by not spelling out specific criteria that must be considered or factored in via statute, the authority granted by the General Assembly allows the Commission to craft criteria used to determine when the market needs additional proprietors, or the Commission may use the circumstances that exist at the time of the application for an additional Type A license at the time of application to make that determination.

The rule as drafted unnecessarily places too much emphasis on the economic returns that may develop as a result of granting additional licenses. The statutory language does not place an economic test on the granting of additional licenses like the test for a second mobile management services provider. Simply put, the use of the term “market” and the application of that term to proprietors, rather than a need for additional management services providers, encompasses a broader set of factors for consideration. Accordingly, the statutory test of demonstrating an “incremental economic benefit” for the authorization of a second provider focuses specifically on the economic benefits that a provider will create. However, when one considers the language of the rule regarding a second provider and the language regarding additional Type A proprietors, the Commission treats them as substantially similar. If the General Assembly had intended the tests to be the same, the statute could have reflected that. By placing different burdens on the different proof needed for licenses, it is our opinion that intent was to make the additional proprietor licenses more accessible.

As it stands right now, the twenty-one entities given preference on their applications for the twenty-five available Type A licenses, plus another publicly traded company that has sought publicity about its intent to receive a Type A license, all share one trait: they do not reflect the racial or gender diversity found within Ohio in any way.

With a minority population of nearly 20% (according to Census figures), Ohio is a diverse state. However, between the statutory application preferences and the severe limiting of the additional licenses to merely economic considerations, the Commission is handcuffing its ability to determine that the sports gaming market needs to reflect the diversity of this state. Such diversity is not limited to diversity based on race. Women-owned businesses, veteran-owned businesses, and qualified businesses

fitting into other categories also deserve consideration for licensure through an additional proprietor license because they are needed in the market.

Bet 22 would also urge to consider expanding the definition of “person” found in proposed OAC 3775-1-01(B)(9) to include “any limited liability company or other corporate entity created for legitimate business purposes by an otherwise qualified applicant and not for the purpose of the avoidance of licensure by any person or persons affiliated with the business.” Ohio is a national leader in creating opportunities for Ohio businesses to share in the success of a quality sports gaming market. Those Ohio businesses are already successful corporate entities in fields unrelated to sports gaming. However, requiring those successful owners to bring sports gaming into their existing businesses does not make a whole lot of sense from a liability or management perspective. Measures to hold proprietors accountable already exist in statute and in other rules without folding sports gaming into the existing business entity.

The use of “person” and equating it to section 3772.01 of the Revised Code should also be considered in a proper perspective. When casino owners were being considered for licensure, which would be the similar level of license as a sports gaming proprietor, there were two owners for four casinos. Those owners, through the benefit of a constitutional amendment, were able to structure their entity however they wanted because they were given a monopoly by the voters. To use the same definition for sports gaming proprietors in the context of “person” and “applicant” ignores the very different context in which sports gaming proprietors are applying for licenses. Continuing to use this narrow definition will prevent otherwise qualified applicants from applying for these licenses, thereby decreasing the participation of Ohioans that the General Assembly intended with its legislation.

The Type A application to be submitted by 22 Ventures / Bet 22 stands on its own and the company is confident in its ability to qualify for one of the four Type A licenses that do not have an assigned preference. It is also understood that there will be several qualified applicants competing for these licenses. It would be incredibly unfortunate if successful entrepreneurs such as Michael Redd, a Columbus native, Ohio State alum, NBA all-star, and Olympic gold medalist, were discouraged (if not prevented altogether) from applying for a proprietor’s license due to bureaucratic rules that do nothing to protect the integrity of sports betting here in the Buckeye State. The Commission has the ability and authority to consider the entirety of the proprietor licenses it issues and give due consideration to ensuring the representation of Ohio’s diverse population in the sports gaming market.

Please do not hesitate to contact me with any questions you may have. Thank you for your consideration of these comments and for your service to Ohio.

Sincerely,



Dan Dodd

Government Relations Consultant for 22 Ventures / Bet 22



## Cox, William

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**From:** Miller, Shelly <mmiller@mgmnorthfieldpark.com>  
**Sent:** Friday, March 18, 2022 2:33 PM  
**To:** Rule Comments  
**Cc:** Andrea.Sousa@betmgm.com; Jeremy Kolman  
**Subject:** MGM Batch 5 - Round 1 Comments  
**Attachments:** OCCC - MGM BetMGM Batch5 Round 1 Comments.docx

Good Afternoon,

On behalf of MGM Northfield Park and BetMGM please find the attached comments for Batch 5 Round 1.

### Shelly Miller

Compliance Manager  
MGM Northfield Park  
10777 Northfield Road | P.O. Box 670830  
Northfield, OH 44067  
Direct Line: (330) 908-7887  
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# Sports Gaming Rules – Batch 5, Comment Round 1

## Supplemental Type A and B Proprietor Licensing, Required Procedures, and General Proprietor Duties

Comment Period: March 7, 2022 – March 18, 2022.

### **Proposed Rule: 3775-1-01 Definitions**

...

*(16) “Suspicious sports gaming activity” means unusual sports gaming activity that cannot be explained and is indicative of any of the following: match fixing, the manipulation of a sport, misuse of inside information, a potential breach of a sports governing body’s internal rules or code of conduct pertaining to sports gaming, any other conduct that corrupts the outcome of a sport, and any other prohibited activity.*

*(17) “Unusual sports gaming activity” means an abnormal betting or wagering activity or pattern exhibited by a patron or patrons. This activity or pattern may include abnormal wager amounts or changes to wager volume based upon expected wager amount, sport type, or wager type.*

**Comment:** The definitions include the terms "unusual sports gaming activity" and "suspicious sports gaming activity" but does not use the phrase "unusual sports gaming activity" in subsequent rules. *Id.* at (B)(17). The phrase disappeared from Batch 4 (round 2) where Integrity Monitoring resided, but that is not reflected batch 2's redlining. So it is unclear whether the Commission has removed integrity monitoring entirely. If the Commission intended to keep that section, then we request a chance to square "unusual activity" against definitions of "suspicious activity" used by the commission and FinCEN.

### **Proposed Rule: 3775-16-01 Sports wagering systems**

**Comment:** This section reads as if proprietors will use one system for retail and online operations. This rule should allow that retail proprietors may use the same prevention and detection procedures that currently exist in the casino environment.

## Proposed Rule- 3775-16-03 Sports Gaming Accounts

...

*(M) A patron must be allowed to withdraw the funds maintained in his or her account, whether such account is open or closed, within five business days of the request, unless the sports gaming proprietor believes in good faith that the patron engaged in either fraudulent conduct or other conduct that would put the sports gaming proprietor in violation of the law. In such cases, the sports gaming proprietor must:*

*(1) Provide notice to the patron of the nature of the investigation of the account; and*

*(2) Conduct its investigation in a reasonable and expedient fashion, providing the patron additional written notice of the status of the investigation every tenth business day starting from the day the original notice was provided to the patron.*

**Comment:** It appears that this rule is intended to be for online wagering account only and would benefit from a clarification on that. One specific issue arises if this rule is not tailored to online accounts. Particularly, subsection (M) requires that “a patron must be allowed to withdraw funds within five days of the request...” That wording creates logistical problems with an online patron requesting a refund via a brick-and-mortar property’s cage. The systems involved may not be connected, compressing the time for the property to respond.

## Proposed Rule- Rule 3775-16-06 | Reserve funds

**General Comment:** This section appears to be aimed at a subset of proprietors not reflected in the rule. The OCCC does not currently require that casinos maintain a reserve fund even though the liabilities there can exceed the liabilities for sports. We recommend clarifying which licenses this rule applies to or clarifying that a proprietor’s cage bankroll may satisfy this rule if approved by the executive director.

*(A) Each sports gaming proprietor must always maintain a reserve in an amount that is greater than the amount necessary to ensure the sports gaming proprietor’s ability to cover the sum of all outstanding sports gaming liabilities and the funds held for patron accounts.*

**Comment as to subsection (A):** Each sports gaming proprietor must always maintain a reserve in an amount that is ~~greater than~~ equal to at least the amount necessary to ensure the sports gaming proprietor’s ability to cover the sum of all outstanding sports gaming liabilities and the funds held for patron accounts.

Also, we recommend clarifying this rule to ensure that a casino or racino’s existing bankroll may satisfy this rule if approved by the executive director.

*(C) The reserve funds must be held in the form of cash, cash equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond, or a combination thereof in a manner that the reserve funds are not accessible to the creditors of the sports gaming proprietor, other than the patrons whose benefit the reserve is established.*

**Question as to subsection (C):** Do letters of credit need to be established solely for the purposes of Ohio patrons? Could an operator establish a letter of credit protecting patrons across multiple jurisdictions?

**Proposed Rule: Rule 3775-16-08 | Advertising.**

*(E) A sports gaming proprietor must not advertise or promote on:*

*(1) Ohio college or university campuses; or*

*(2) On the official jersey, uniform, or apparel of any person or team competing in sporting events in Ohio or made available for sale to the public in Ohio.*

**Comment:** This section states that it prohibits companies from advertising "on the official jersey, uniform, or apparel of any person or team competing in sporting events in Ohio or made available for sale to the public in Ohio." *Id.* at (E)(2) That provision suffers a few problems, including that it likely (1) impairs existing contract rights between gaming entities and individuals and/or teams competing in Ohio (e.g., PGA golfers sponsored by BetMGM, Caesars, Draft kings and wearing their logos); (2) exceeds the legislature's guidance on advertising restrictions in ORC 3775.02(B)(10); and (3) is likely unenforceable on Commerce Clause and First Amendment grounds. We recommend removal.

**Proposed Rule: Rule 3775-16-15 | Information technology.**

...

*(B) Each sports gaming proprietor must maintain IT security insurance as approved by the executive director.*

**Comment:** This section requires "IT security insurance as approved by the executive director." This appears directed at online operators, as there is no counterpart applied to the casino operators. Retail operators would benefit from the clarification.

**Proposed Rule: Rule 3775-16-17 | Incident Reporting**

*(A) Sports gaming proprietors must have procedures to prevent, detect, and report to the commission attempts to launder money through any of its Ohio licensed sports gaming offerings.*

**Comment:** Proposed rule 3775-16-20(L) regarding external audits similarly provides that mobile management services providers must submit suspicious activity reports. That raises a question: does filing those reports under 16-20 satisfy the reporting requirement under 16-17?

## Cox, William

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**From:** Sang Nguyen <Sang.Nguyen@mvgrllc.com>  
**Sent:** Friday, March 18, 2022 2:51 PM  
**To:** Rule Comments  
**Cc:** Craig Robinson; Gary DeWitt; Roger Bryant; John Worthington; Luisa Woods (DN); Andrew Silver; Chad Riney (CDI); Lou Frascogna (CDI)  
**Subject:** Rules  
**Attachments:** Sports Gaming Rules Batch 5 Comments MVGR.DOCX

Dear Ohio Casino Control Commission,

Thank you for the opportunity to comment on Sports Gaming Rules Batch 5. Miami Valley Gaming and Racing LLC would like to propose the following changes.

Thank you.

### Sang Nguyen

Director of Compliance | Miami Valley Gaming & Racing LLC | 6000 State Route 63 Lebanon, OH 45036  
Office: (513) 934-7196 | Email: [Sang.Nguyen@mvgrllc.com](mailto:Sang.Nguyen@mvgrllc.com) | <https://miamivalleygaming.com>



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March 18, 2022

Ohio Casino Control Commission  
100 E. Broad St Fl 20  
Columbus, OH 453215

Re: Sports Gaming Rules Batch 5

Dear Ohio Casino Control Commission,

Thank you for the opportunity to comment on Sports Gaming Rules Batch 5.

Miami Valley Gaming and Racing LLC would like to propose the following changes;

**3775-10-02**

**Comment:** Rule 3775-10-02 discusses “procedures for applicable processes required by Chapter 3775.” Will the Commission clarify whether this is a reference to Section 3775.10 of the statute, or some other section? Alternatively, will the commission list out the specific processes contemplated by this rule?

**3775-16-01**

**Comment:** Rule 3775-16-01(C)(2) requires a description of physical and logical security of the sports gaming servers. We ask for clarification on whether this is for onsite server or online mobile service provider.

**3775-16-03**

**Comment:** Rule 3775-16-03(C)(7) requires Taxpayer Identification Number for account setup. We would propose that this rule be clarified to require only the last 4 digits of the patron’s social security number, as opposed to all digits.

**Comment:** Rule 3775-16-03(I) requires a statement of all patron activity during the past five years. We request the historical activity period be reduced to 1 year.

**3775-16-04**

**Comment:** Rule 3775-16-04(G) and (H) both use the word “immediately”. We request the language be changed to “as soon as practically possible”.

**3775-16-05**

**Comment:** Rule 3775-16-05(A)(8) requires the “expiration period” to be printed on each ticket. Will the commission clarify and confirm that it is sufficient for the “fine print” of the ticket to specify that all winning tickets expire one year from the last day of the last event on the ticket (per statute), as opposed to requiring that the precise unique expiration date be printed on each ticket?

**Comment:** Rule 3775-16-05(B) discusses that tickets expire one year from the last day of the sporting event. We would suggest adding a clarifying sentence after the first sentence that states when a ticket involves multiple events (such as a parlay), the expiration date is one year from the end of the last event on the ticket. The following is proposed language for the Commission’s consideration: *“For avoidance of doubt, for tickets involving multiple sporting events (such as parlay tickets), the expiration date is one year from the last day on which the last relevant sporting event on the ticket is held.”*

**Comment:** Rule 3775-16-05(C) discusses the means by which the Commission should be paid for expired tickets, but the subsection does not explicitly state that the payments relate to expired tickets, as opposed to something else. We propose inserting the ***bold italicized*** language to clarify: “Unless otherwise approved by the executive director, all payments ***for expired sports gaming tickets required by rule 3775-16-05(B) of the Administrative Code*** must be in the form of an electronic funds transfer payable to the treasurer of the state of Ohio.”

### **3775-16-06**

Rule 3775-16-06(A) states that each sports gaming proprietor must always maintain a reserve in an amount that is greater than the amount necessary to ensure the sports gaming proprietor’s ability to cover the sum of all outstanding sports gaming liabilities and the funds held for patron accounts.

**Comment:** We request the language change to “Each sports gaming proprietor must always maintain a reserve in an amount that is greater than the amount necessary to ensure the sports gaming proprietor’s ability to cover the sum of all outstanding sports gaming net liabilities and the funds held for patron accounts.”

### **3775-16-11**

**Comment:** Rule 3775-16-11 discusses “the list of pending and denied requests” for new sporting event and wager types. Can the Commission clarify either in this rule or elsewhere where this list will be made available to operators?

### **3775-16-15**

**Comment:** Rule 3775-16-11 discusses Information Technology requirements. We ask for clarification on whether these requirements are for retail establishments or online mobile providers.

### **3775-16-21**

**Comment:** Rule 3775-16-21 requires responses to patron complaints within 10 days. We request modifying this to 10 business days.

Miami Valley and Gaming LLC appreciates the Ohio Casino Control Commission providing us this opportunity to comment on the proposed rules on Sports Gaming in Ohio and your consideration of the points made in these comments.

Sincerely,

Sang Nguyen  
Director of Compliance  
Miami Valley Gaming and Racing LLC  
513-934-7196

cc: Craig Robinson, MVGR  
Gary DeWitt, MVGR  
Roger Bryant, MVGR  
John Worthington, DNC  
Luisa Woods, DNC  
Lou Frascogna, CDI  
Chad Riney, CDI  
Andrew Silver, CDI

## Cox, William

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**From:** Rachel Kasper <rachel.kasper@pointsbet.com>  
**Sent:** Friday, March 18, 2022 3:06 PM  
**To:** Rule Comments  
**Cc:** Compliance US  
**Subject:** Ohio Batch 5\_Comment Round 1 - Official Comment  
**Attachments:** Ohio Sports Gaming Rules Batch 5\_Comment Round 1 - PointsBet.pdf

Dear Executive Director Schuler,

Attached you will find PointsBet's submission of official comment to the fifth batch of rules for the first round of comment issued by the Ohio Casino Control Commission. Thank you for your time with this matter.

Kind regards,

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March 18, 2022

Matthew T. Schuler  
Executive Director  
Ohio Casino Control Commission  
100 E. Broad St., 20th Fl.  
Columbus, OH 43215  
Sent via Email: [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov)

**Re: Sports Gaming Rules – Batch 5, Comment Round 1**

Dear Executive Director Schuler,

As always, PointsBet welcomes the opportunity to provide official comment regarding the ongoing proposed administrative rules being drafted by the Ohio Casino Control Commission (“Commission”). Please accept the below as our official comments regarding five proposed administrative rules and their relevant sub-parts that were disseminated for public comment on March 7, 2022, as part of Batch 5.

**Proposed Ohio Administrative Code rule 3775-1-01:**

The definition of “affiliate marketer” under the proposed rule “means a person who conducts a promotion, marketing, or user recruitment for a sports gaming proprietor in this state either... [t]hrough a website or mobile application; or... [i]n exchange for a commission or variable fee based upon the number of users recruited, wagering activity generated, revenue generated, or any other metric.” PointsBet would like to propose that the rule be changed, so that an individual would qualify under the definition by meeting both provisions and not simply one. We would propose that that the definition be changed to the following:

(2) “Affiliate marketer” means a person who conducts a promotion, marketing, or user recruitment for a sports gaming proprietor in this state through a website or mobile application, and in exchange for a commission or a variable fee based upon the number of users recruited, wagering activity generated, revenue generated, or any other metric.

This change will avoid capturing any unpaid individual that a proprietor may not even have a contractual relationship with. Proposed OAC rule 3775-16-08(H) supports this position, as it says that the “commission may require a sports gaming proprietor to terminate an affiliate marketer contract.”

**Proposed Ohio Administrative Code rule 3775-16-03:**

Sub-section (B) of proposed Ohio Administrative Code (“OAC”) rule 3775-16-03 addresses the variety of ways a patron may fund their sports gaming account. The rule outlines a comprehensive list of ways to fund a sports gaming account and includes a catchall that allows for executive director approval of any other means. PointsBet would like to propose an addition to the rule to account for e-wallets/online or mobile payment systems, a form of account funding very frequently used by

patrons in other jurisdictions. The Commission could consider language similar to that utilized in Virginia<sup>1</sup> or Tennessee<sup>2</sup> that provides for funding through “online or mobile payment systems that supports online money transfers.” Or the Commission could consider the use of the term “e-wallet” as employed by New York<sup>3</sup>.

PointsBet appreciates the necessity and importance of accurately verifying the identity of patrons prior to account creation and maintaining accurate patron information within the sports gaming system. Most of the patron information required to be kept pursuant to proposed OAC rule 3775-16-03(C) reflects industry standards. Subsection (9) of this proposed rule requires “[a] scanned image of the government-issued identification examined.” PointsBet, like most operators, utilize the services of a third-party vendor to conduct initial Know Your Customer (“KYC”) services. As part of this process, the vendor may receive (and store) a copy of the customer’s government-issued identification, if the customer elects to provide during the KYC process (our understanding is alternative forms of identification verification can be used to satisfy the KYC process, as is anticipated by proposed OAC rule 3775-16-03(D)(2)). If a user does not elect a scanned identification service, then there would be no scanned image of the government-issued identification on file with the vendor. Additionally, if a scanned image of a government-issued identification is used, for data privacy and security reasons, the scanned images are generally only kept on file with the third-party vendor, so as to avoid unnecessary dissemination of sensitive information.

Pursuant to subsection (F) of proposed OAC rule 3775-16-03, sports gaming proprietors would be required to re-verify a patron’s identification periodically, as well as upon reasonable suspicion. PointsBet would propose that the Commission consider bringing this rule into alignment with the New Jersey rule that states “[a] casino licensee shall periodically reverify a patron’s identification upon reasonable suspicion that the patron’s identification has been compromised.”<sup>4</sup> Most jurisdictions only require re-verification upon reasonable suspicion that the identification has been compromised, and not additionally on a periodic basis. This would assist operators in consistently implementing re-verification procedures across a variety of jurisdictions.

Proposed OAC rule 3775-16-03(H)(4) requires that “[p]atrons must be provided with an easy and obvious method, immediately upon initial account registration and at all times through the sports gaming proprietor's website or application, to impose limitations for betting parameters including, but not limited to, deposits, wagers, and time-based limitations. The self-imposed limitation method must provide the following functionality...[including] an option...for patrons to set automatically renewing self-imposed limits.” PointsBet’s system does not allow a patron to log into their account during a self-imposed time limitation period. As such, if a patron were to engage an automatic renewal for any time-based limitation the system would never allow them access to their account again, as it would renew in perpetuity. Due to our responsible gaming internal controls, our employees would not be able to turn it off for the patron, and thus locking them out forever. We have certain time-based limitations that a patron may be able to select and provide self-exclusion resources for any patron

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<sup>1</sup> [11 VAC 5-70-290\(G\)\(4\).](#)

<sup>2</sup> [Tenn. Admin. Code R. 1350-01-.08\(07\)\(c\).](#)

<sup>3</sup> [9 NYCRR §§ 5330.37\(d\)\(11\).](#)

<sup>4</sup> [N.J.A.C. 13:690-1.3\(m\).](#)

who requires a more indefinite timeframe. PointsBet would suggest this provision be struck from the proposed rule.

Additionally, we would also propose a change to proposed OAC rule 3775-16-03(I), which requires patrons have access to their activity from the past five years. PointsBet does not oppose the timeframe for patron activity but would ask that the Commission consider revising the rule so that it reads as follows, “patrons must be able to obtain a statement of all patron activity during the past five years.” By eliminating the “by and through the website or application,” it allows operators to provide an alternative method for patrons to obtain such a statement while minimizing the amount of historic data kept active and online.

PointsBet understands the importance of providing multi-factor authentication as a security option for patron accounts. We would ask the Commission to consider a revision to proposed Ohio Administrative Rule 3775-16-03(J) that would provide that “access to patron accounts must be protected by the **ability to enable** multi-factor authentication as approved by the executive director.” This would allow patrons to choose this option to heighten account security but would not make it mandatory.

The last sub-section for which we would like to submit comment under this proposed rule is (M) and pertains to the right of the patron to withdraw funds in their account, absent a belief by the proprietor that the patron engaged in either fraudulent conduct or other conduct that would put the proprietor in violation of the law. The rule goes on to require the proprietor to provide notice to the patron of the nature of the investigation and that the investigation must be conducted in an expeditious fashion with updates to the patron every tenth business day. PointsBet takes any patron inquiry seriously as well as the right of the consumer to receive funds as soon as is legally possible. We would ask the Commission to consider a change to sub-section (M)(2) that would require the proprietor to “[c]onduct its investigation in a reasonable and expedient fashion, providing the patron additional written notice of the status of the investigation **at periodic intervals**.” This change would allow for a more flexible approach based on the investigation and could be outlined by proprietors within their individual internal controls.

**Proposed Ohio Administrative Code rule 3775-16-04:**

This proposed provision governs wager rules and references in sub-section (H) “winnings from anonymous wagers.” PointsBet does not accept anonymous wagers, as it would be impossible for us to comply with patron identification requirements in all jurisdictions. We would like to request that anonymous wager be defined to provide greater understanding for those operating in Ohio.

**Proposed Ohio Administrative Code rule 3775-16-05:**

Further, proposed rule 3775-16-05 requires that “upon completion of a sports gaming wager, the patron must receive an unalterable virtual or printed wager record from the sports gaming system which must contain...[a] problem gambling message.” PointsBet is happy to comply with all elements outlined in this proposed rule but would like to seek clarification as to digital form. We provide this information to our patrons through the player account history, which is a digital log of wagers

including all required information outlined in the rule. The problem gaming message included appears at the bottom of the player account history and not next to each entry on the log. Any clarification that may be provided about how the Commission expects operators to comply would be greatly appreciated.

**Proposed Ohio Administrative Code rule 3775-16-19:**

Finally, the proposed rule governing internal audit requirements states that “[s]ports gaming proprietors must maintain one of the following to annually assess compliance with sports gaming law.” The rule goes on to allow the proprietor to use a separate internal audit department that is independent from the sports gaming operation or a contracted third party. We have a separate internal audit department and would like to seek some clarification regarding the expectations set forth in this rule. As many proprietors may have separate audit obligations in other jurisdictions, would a proprietor be allowed to leverage any overlapping requirements from other audits to fulfill this rule requirement, or does this rule anticipate that an Ohio-specific internal audit is conducted? Also, does the Commission envision expansion of this rule to include specific areas of the regulations to be audited, or will this be a full internal audit of the rules annually? Certain jurisdictions highlight targeted areas of interest to be addressed annually in the internal audit versus the entirety of the regulations.

Thank you for your time and consideration in reference to these comments. We look forward to any clarification the Commission thinks may be warranted within the proposed rules.

Sincerely,

*Rachel Kasper*

Rachel Kasper  
Legal Counsel

**Cox, William**

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**From:** Samuel.Porter@icemiller.com  
**Sent:** Friday, March 18, 2022 3:10 PM  
**To:** Rule Comments  
**Subject:** Penn Commentary\_OCCC Rules (Batch 5 Round 1)\_3.18.2022  
**Attachments:** Penn Commentary\_OCCC Rules (Batch 5 Round 1)\_3.18.2022-c.pdf

Good Afternoon,

For the Commission’s consideration, enclosed with this email please find comments for Batch 5, Round 1.

Thanks,  
Sam



**Samuel H. Porter, III** | Partner | Arena District | 250 West Street | Columbus, OH 43215  
P: 614.462.1078 | Cell: 614.286.9241 | [Samuel.Porter@icemiller.com](mailto:Samuel.Porter@icemiller.com)

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Ohio Casino Control Commission - 1st Round Sports Gaming Rules (Batch 5)

Area	Rule Reference	Existing Rule Language	Proposed Language	Reason for Change
Definitions	Rule 3775-1-01(B)(2)	(2) "Affiliate marketer" means a person who conducts a promotion, marketing, or user recruitment for an online sports pool or a sports gaming facility proprietor in this state either:  (a) Through a website or mobile application; or  (b) In exchange for a commission or variable fee based upon the number of users recruited, wagering activity generated, revenue generated, or any other metric.	(2) "Affiliate marketer" means a person who conducts a promotion, marketing, or <b>directing of business to user-recruitment</b> for an online sports pool or a sports gaming facility proprietor in this state either:  (a) <del>Through a website or mobile application; or</del> <b>and has an agreement with a sports gaming proprietor to be compensated based</b>  (b) <del>In exchange for a commission or variable fee based upon the number of registrations users recruited, wagering activity generated, sports gaming revenue generated, or a percentage of sports gaming revenue generated any other metric.</del>	Penn recommends amending this rule to clarify the definition of "Affiliate Marketer." As currently written, the definition is overly inclusive and broad. The definition of an "Affiliate Marketer" utilized in other states includes those persons involved in a promotion for an online sports pool or sports gaming facility proprietor, in exchange for compensation based on new users registered, deposits made, revenue generated, or a percentage share of revenue generated. Amending this definition accordingly benefits the commission and sports gaming proprietors as it provides clarity as to which entities constitute an affiliate marketer. The amended language still captures those entities which would serve the commission's regulatory purpose.
Required Procedures	Rule 3775-10-02(A)	(A) Type A and type B proprietors must have procedures for the applicable processes required by Chapter 3775. of the Revised Code and the rules adopted thereunder that must be designed to protect the integrity of sports gaming. These procedures must be documented and maintained by the proprietor in a form prescribed by the executive director.	(A) <del>Type A and type B Sports gaming</del> proprietors must have procedures for the applicable processes required by Chapter 3775. of the Revised Code and the rules adopted thereunder that must be designed to protect the integrity of sports gaming. These procedures must be documented and maintained by the proprietor in a form prescribed by the executive director.	Penn recommends amending this rule to clarify that all sports gaming proprietors, including contracted mobile management services providers ("MMSP") or management services providers ("MSP"), are to maintain required procedures. As type A and type B sports gaming proprietors may contract with an MMSP or MSP, respectively, to offer sports gaming on its behalf, amending this rule ensures that such contracted entities are encompassed by the requirement.
Funding/Withdrawals	Rule 3775-16-03(B)(8)	(B) A patron's sports gaming account may be funded through the use of: (1) Deposit of cash or vouchers at an approved cashiering or kiosk location; (2) Credit or debit card; (3) Promotional credit; (4) Winnings; (5) Corrections made by the sports gaming proprietor with documented notification to the patron; (6) ACH transfer; (7) Wire transfer; or (8) Any other means approved by the executive director.	(B) A patron's sports gaming account may be funded through the use of: (1) Deposit of cash or vouchers at an approved cashiering or kiosk location; (2) Credit or debit card; (3) Promotional credit; (4) Winnings; (5) Corrections made by the sports gaming proprietor with documented notification to the patron; (6) ACH transfer; (7) Wire transfer; or (8) <b>A patron's reloadable prepaid cash card, which has been verified as being issued to the patron and is non-transferable; or</b> (9) <del>Any other means approved by the executive director.</del>	Penn recommends adding the option to fund sports gaming accounts using a reloadable prepaid card which has been verified as being issued to the patron and is non-transferable. This method of funding is permitted in states such as Colorado, Indiana, Illinois and New Jersey. This amended language fits within the regulatory scheme contemplated by the commission does not create additional risk.
Sports Gaming Accounts/Registration	Rule 3775-16-03(C)	(C) The sports gaming account must include the following information for each patron, and the sports gaming proprietor must update this information each time it becomes aware of changes.	(C) The sports gaming account <b>utilized for online sports gaming</b> must include the following information for each patron, and the sports gaming proprietor must update this information each time it becomes aware of changes.	Penn recommends amending this rule to make it applicable to online sports gaming, where such registration requirements are industry standard. Penn's intent is to ensure the use of "account" is not conflated with the registration requirement for non-anonymous wagering in the retail setting.
Sports Gaming Accounts/Registration	Rule 3775-16-03(C)(D)	(C) The sports gaming account must include the following information for each patron, and the sports gaming proprietor must update this information each time it becomes aware of changes.  (1) Full legal name; (2) Date of birth; (3) Primary Address; (4) Telephone Number; (5) Electronic mail address; (6) Sports gaming account number or username; (7) Taxpayer identification number; (8) Type of government-issued identification examined, if obtained pursuant to paragraph (D) of this rule, and the identification number; (9) A scanned image of the government-issued identification, if obtained pursuant to paragraph (D) of this rule; (10) The method and any other information used to verify the patron's identity; (11) The date of identify verification; and (12) A history of the wagers placed.  (D) A sports gaming proprietor must verify and document the identity of each patron upon creating a patron sports gaming account. Verifying and documenting the patron's identity must include:  (1) Examining and subjecting the patron's government issued identification to verification software designed to confirm the authenticity of the identification; or (2) Methodology for multi-source authentication, which may include third party and governmental databases, as approved by the executive director.	(C) The sports gaming account must include the following information for each patron, and the sports gaming proprietor must update this information each time it becomes aware of changes.  (1) Full legal name; (2) Date of birth; (3) Primary Address; (4) Telephone Number; (5) Electronic mail address; (6) Sports gaming account number or username; (7) Taxpayer identification number; (8) <del>Type of government-issued identification examined, if obtained pursuant to paragraph (D) of this rule, and the identification number;</del> (9) <del>A scanned image of the government-issued identification, if obtained pursuant to paragraph (D) of this rule;</del> (10) <del>The method and any other information used to verify the patron's identity;</del> (11) <del>The date of identify verification; and</del> (12) <del>A history of the wagers placed.</del>  (D) A sports gaming proprietor must verify and document the identity of each patron upon creating a patron sports gaming account. <b>If the sports gaming proprietor verifies the identity of a patron pursuant to paragraph (D)(1), the type of government-issued identification examined, and the identification number, must be documented in accordance with the proprietor's approved internal controls.</b> Verifying and documenting the patron's identity must include:  (1) Examining and subjecting <b>an image or copy of</b> the patron's government issued identification to verification software designed to confirm the authenticity of the identification; or (2) Methodology for multi-source authentication, which may include third party and governmental databases, as approved by the executive director.	Penn recommends the following:  (1) Amending this rule so that a sports gaming proprietor must require the submission of a patron's government-issued identification only if a sports gaming proprietor verifies the identity of a patron registering for an online sports gaming account in accordance with Rule 3775-16-03(D)(1). In lieu of each patron submitting their government-issued identification, it is industry standard for sports gaming proprietors to utilize a multi-source authentication process to confirm each patron's identity when registering for an online sports gaming account. The multi-source authentication process, which includes utilizing third party and governmental databases, shall be described in a sports gaming proprietor's internal controls provided to the commission for approval. In a situation where a sports gaming proprietor's multi-source authentication method fails to verify a patron's identity, a sports gaming proprietor will require the submission of a government issued identification, which will be documented in accordance with the sports gaming proprietor's commission-approved internal controls.  (2) In accordance with industry standards, amending this rule to add flexibility for patrons and sports gaming proprietors, alike. Requiring a "scanned image" is overly restrictive, as many patrons registering for an online sports gaming account will not own or otherwise have access to a scanner. In the 12 jurisdictions in which Penn operates online sports gaming, an image or copy of a government issued identification is permitted. Amending this rule will create a more efficient process for remote patron registration, resulting in greater participation in sports gaming and maximizing taxable revenue for the state.
Sports Gaming Accounts/Suspicious Activity	Rules 3775-16-03(F)	(F) Each sports gaming proprietor must periodically re-verify a patron's identification at an interval approved by the executive director and upon reasonable suspicion that the patron's identification or account has been compromised.	(F) <b>Upon reasonable suspicion that the patron's identification or account has been compromised,</b> Each sports gaming proprietor must periodically re-verify a patron's identification at an interval approved <b>in the sport's gaming proprietor's Internal Controls</b> by the executive director and upon reasonable suspicion that the patron's identification or account has been compromised.	Penn recommends amending this rule so that a patron's identity must only be re-verified when there is reasonable suspicion that the patron's identity and/or sports gaming account has been compromised. This practice is seen in other states in which Penn operates online sports gaming, such as Colorado, Indiana, New Jersey, and Tennessee. As a patron's identity must be verified and documented during account creation, it is overly burdensome to require sports gaming proprietors to re-verify this information without reasonable cause to do so.
Sports Gaming Account/Multi-Factor Authentication	Rule 3775-16-03(J)	(J) Access to patron accounts must be protected by multi-factor authentication as approved by the executive director.	(J) <del>Access to patrons</del> <b>shall be given the option to protect their sports gaming accounts must be protected</b> by multi-factor authentication as approved by the executive director.	Penn interprets this rule to require multi-factor authentication each time a patron accesses their online sports gaming account. Penn recommends amending this rule to align with industry standards whereby patrons are given the option to enable multi-factor authentication for each login. None of the 12 jurisdictions in which Penn currently operates online sports wagering requires that a patron utilize multi-factor authentication for each login to their sports gaming account. Penn understands the importance of patron protection; however, patrons should be given the option to require multi-factor authentication when accessing their online sports gaming account. If mandated upon every log-in attempt, it will cause poor player experience.

Ohio Casino Control Commission - 1st Round Sports Gaming Rules (Batch 5)

Area	Rule Reference	Existing Rule Language	Proposed Language	Reason for Change
Sports Gaming Accounts/Responsible Gaming Limits	Rule 3775-16-03(H)(4)	(H) Patrons must be provided with an easy and obvious method, immediately upon initial account registration and at all times through the sports gaming proprietor's website or application, to impose limitations for betting parameters including, but not limited to, deposits, wagers, and time-based limitations. The self-imposed limitation method must provide the following functionality:  (4) An option must be available for patrons to set automatically renewing self-imposed limits.	(H) Patrons must be provided with an easy and obvious method, immediately upon initial account registration and at all times through the sports gaming proprietor's website or application, to impose limitations for betting parameters including, but not limited to, deposits, wagers, and time-based limitations. The self-imposed limitation method must provide the following functionality:  (4) An option must be available for patrons to set automatically renewing self-imposed limits, <b>or a similar functionality that is approved by the executive director to satisfy this requirement</b> .	Penn recommends amending this rule to ensure existing functionality, in accordance with GLI-33 V1.1 standards, may be utilized.  Penn believes that our current functionality meets the intent of this requirement, and suggests the amended change to authorize the executive director the discretion to approve each platform's functionality. As platforms will naturally offer different functionalities, platforms may differ in how they meet the intent of the rule.  As additional background, Penn Sports Interactive's "limits" functionality is built in accordance with GLI-33 V1.1 standards, and approved in all 12 jurisdictions where we offer online sports gaming. Our functionality as it relates to meeting the intent of this rule is outlined below for context:  <i>For time/period-based limits, patrons are able to set Daily, Weekly, and Monthly limits on items such as deposits and wagers. These limits will remain in effect after the specified period has elapsed, and until a patron otherwise makes a modification.</i>  <i>Example: A Monthly Deposit Limit of \$2,000. After 30 days, the patron can deposit another \$2,000. That limit will remain in effect without the patron being required to renew it. Additionally, if a patron wishes to make a limit less restrictive (i.e., increasing the amount that can be deposited monthly), that change will not go into effect until the limit period has elapsed (30 days). More restrictive updates (i.e. decreasing the monthly deposit limit) are effective immediately.</i>
Wager Rules/In-person manual payouts	Rule 3775-16-04(I)	(I) For type B sports gaming proprietors, in the case of a sports gaming system or power failure, tickets may be manually paid. All manually paid tickets must be marked as "paid" and entered into the sports gaming system as soon as possible to verify the accuracy of the payout. All manually paid tickets must be reviewed as part of the daily audit process. A log for all manually paid tickets must be maintained and include:	(I) For type B sports gaming proprietors <b>and/or management services providers</b> , in the case of a sports gaming system or power failure, tickets may be manually paid. All manually paid tickets must be marked as "paid" and entered into the sports gaming system as soon as possible to verify the accuracy of the payout. All manually paid tickets must be reviewed as part of the daily audit process. A log for all manually paid tickets must be maintained and include:	Penn recommends expanding subsection (I) to include management services providers. According to section 3775.051(A) of the Revised Code, a licensed type B sports gaming proprietor may contract with a management services provider to offer in-person sports gaming on its behalf. Amending this rule to include management services providers ensures such licensees are afforded the same ability to manually pay tickets during a system or power failure when contracted to offer in-person sports gaming on behalf of a type B sports gaming proprietor.
Ticket Contents	Rule 3775-16-05 (A)	(A) Upon completion of a sports gaming wager, the patron must receive an unalterable virtual or printed wager record from the sports gaming system which must contain, at a minimum, the following information: (1) Sports gaming proprietor name; (2) The date and time the wager was placed; (3) The date and time the event is expected to occur; (4) Any patron choices involved in the wager, including: (a) Wager selection; (b) Type of wager and line postings; (c) Any special condition(s) applying to the wager; and (d) Pay out, applicable at the time the wager is placed; (5) Total amount wagered, including any promotional credits, if applicable; (6) Sporting event identifier; (7) Unique identification number of the wager record; (8) Expiration period; (9) A problem gambling message compliant with paragraph (A)(3) of rule 3772-16-07 of the Administrative Code; and (10) The unique sports gaming device ID that issued the wager record, if applicable.	(A) Upon completion of a sports gaming wager, the patron must receive an unalterable virtual or printed wager record from the sports gaming system which must contain, at a minimum, the following information: (1) Sports gaming proprietor name; (2) The date and time the wager was placed; (3) The date and time the event is expected to occur; (4) Any patron choices involved in the wager, including: (a) Wager selection; (b) Type of wager and line postings; (c) Any special condition(s) applying to the wager; and (d) Pay out, applicable at the time the wager is placed; (5) Total amount wagered, including any promotional credits, if applicable; (6) Sporting event identifier, <b>if applicable</b> ; (7) Unique identification number of the wager record; (8) <b>For printed sports gaming wager records, the following must also be included:</b> <b>(a) Sports gaming proprietor name;</b> <b>(b) Expiration period;</b> <b>(9) (c) A problem gambling message compliant with paragraph (A)(3) of rule 3772-16-07 of the Administrative Code; and</b> <b>(10) (d) The unique sports gaming device ID that issued the wager record, if applicable.</b>	Penn recommends the following changes to Rule 3775-16-05(A):  (1) As many sports gaming systems will not have rotation numbers ("sporting event identifiers") for every event and market offered, this should only be required to be maintained in the wager record, as applicable.  (2) Aligning this section with industry standards to account for the variances between online and retail sports gaming. As online wagers will not expire, nor will they be issued by a sports gaming device, Penn recommends these items be specifically required for "printed" wager records that will be issued at an in-person sports gaming location.  (3) Penn understands the importance of including a problem gambling message on wagering records, however, a problem gambling message should only be required to be present on physical tickets as a digital record is limited in space, and the responsible gaming message will be prominently displayed throughout a patron's online session in other parts of the online sports gaming platform.
Sports Gaming Proprietor Reserve Funds	Rule 3775-16-06(C)	(C) The reserve funds must be held in the form of cash, cash equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond, or a combination thereof in a manner that the reserve funds are not accessible to the creditors of the sports gaming proprietor, other than the patrons whose benefit the reserve is established.	(C) The reserve funds must be held in the form of cash, cash equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond, <b>a guaranty letter</b> , or a combination thereof in a manner that the reserve funds are not accessible to the creditors of the sports gaming proprietor, other than the patrons whose benefit the reserve is established.	Penn recommends amending this rule to permit sports gaming proprietors more flexibility to meet the required reserve. Allowing sports gaming proprietors more optionality to satisfy reserve requirements via cash, letter of credit, guaranty letter, etc., or a combination thereof, encompasses practices permitted in Colorado, Illinois, Indiana, and Iowa. Additionally, Penn is a publicly traded company on the Nasdaq stock exchange and currently has a market capitalization of over \$7 billion. As a large, geographically diversified company, the risk of not being able to individually meet its sports wagering obligations is remote. Penn believes its inherent fiscal strength, backed by a corporate guaranty, will more than satisfy the requirements of this rule and ensure the requisite funds are maintained to properly protect consumers in Ohio. This proposed amendment would also benefit financially stable and solvent Ohio casinos and other prospective sports gaming proprietors.
Advertising	Rule 3775-16-08(C)	(C) Each advertisement, disseminated to a specific individual or individuals, must clearly and conspicuously describe a method by which an individual may opt out of receiving future advertisements. If the advertisement is sent via electronic mail, the described opt out method must include either electronic mail or a linked online website. All other advertisements must include at least one of the following methods to opt out:	(C) Each advertisement, disseminated to a specific individual or individuals, must clearly and conspicuously describe a method by which an individual may opt out of receiving future advertisements. If the advertisement is sent via electronic mail, the described opt out method must include either electronic mail or a linked online website. All other advertisements <b>disseminated to a specific individual or individuals</b> must include at least one of the following methods to opt out:	Penn recommends amending this rule to provide consistency that only advertisements disseminated to a specific individual or individuals is required to include a method of opting-out. In accordance with industry standards, only advertisements that target a specific individual(s) must give the patron the option to opt-out of receiving such advertisements. As general advertisements such as, organic social media, television, radio, billboards, etc. are not targeting a specific individual(s), it is impractical for such advertisements to include a method for patrons to opt-out of receiving them.
Advertising	Rule 3775-16-08(E)	(E) A sports gaming proprietor must not advertise or promote on:  (1) Ohio college or university campuses; or  (2) On the official jersey, uniform, or apparel of any person or team competing in sporting events in Ohio or made available for sale to the public in Ohio.	(E) A sports gaming proprietor must not advertise or promote on:  (1) <b>In a manner which targets underaged college students and student-athletes</b> Ohio college or university campuses; or  (2) On the official jersey, uniform, or apparel of any person or team competing in <b>collegiate</b> sporting events in Ohio or made available for sale to the public in Ohio.	Penn recommends the following:  (1) Amending this rule to prohibit advertisements that target college students and student-athletes. Prohibiting advertisements on Ohio college or university campuses, generally, is overly broad and burdensome as campus borders are often ambiguous and often expand beyond regions predominantly utilized by college students and student-athletes (e.g., Ohio State University). Narrowing this rule to prohibit advertisements that target college students and student-athletes will successfully protect this demographic from targeted sports gaming advertisements while providing sports gaming proprietors clarity as to their restrictions and the freedom to advertise in populous areas of the state in which patrons of legal age are present.  (2) Amending this rule to limit the prohibition of such advertising on uniforms to collegiate sports. Penn is unaware of this restriction being in place in any jurisdiction in which sports gaming is legal in the United States. Narrowing this prohibition to collegiate sports aligns with the prohibition on sports gaming proprietors targeting college students and student-athletes in Rule 3775-16-08(E)(1).



Ohio Casino Control Commission - 1st Round Sports Gaming Rules (Batch 5)

Area	Rule Reference	Existing Rule Language	Proposed Language	Reason for Change
Requesting New Wagers	Rule 3775-16-11(C)	(A) A sports gaming proprietor must check the list of pending and denied requests before submitting a request for an addition to the sports gaming catalogue. (B) A sports gaming proprietor must not submit a request for the addition of any item that is has been previously submitted and is currently in pending status. (C) A sports gaming proprietor may not request the addition of any previously denied sports gaming event or wager type for a period of one year following the date of denial.	(A) A sports gaming proprietor must check the list of pending and denied requests before submitting a request for an addition to the sports gaming catalogue. (B) A sports gaming proprietor must not submit a request for the addition of any item that is has been previously submitted and is currently in pending status. (C) <del>A sports gaming proprietor may not request the addition of any previously denied sports gaming event or wager type for a period of one year following the date of denial.</del>	Penn recommends removing subsection (C) to give sports gaming proprietors and the commission flexibility as it relates to approving new sports gaming events. Penn understands the commission's concern with possibly receiving multiple requests for previously denied events, but as evidenced in other states who post previously denied requests, Penn believes this will not be a concern when the market opens. There may be times where a previously denied sporting event develops adequate integrity standards to justify it being available for wagering in the state, within one year. The industry is continuously evolving and new information may become available demonstrating the event meets the standards of the commission. Ensuring Ohio has a competitive market will also ensure the black market is less attractive to Ohio patrons.  An example is the creation of the United States Football League ("USFL"). If this league was requested for wagering in January, it would have been denied due to lack of integrity standards in place. In the last month, the USFL engaged Sportradar to provide integrity services. As a result, the USFL has now been approved for wagering in over 15 jurisdictions. According to the current language of Rule 3775-16-11(C), if a previous request to approve the USFL for wagering two months ago was denied, this would prohibit the USFL from being offered this season in Ohio.
State University Data Requests	Rule 3775-16-14(A)	(A) A state university, as defined in section 3345.011 of the Revised Code, may submit a request to receive anonymized data from a sports gaming proprietor. Valid requests must clearly fulfill one of the following purposes and must be appropriately tailored for the stated purpose: (1) To assist the commission, at the request of the executive director, in ensuring the integrity of sports gaming; or (2) To improve state-funded services related to responsible gambling and problem gambling.	(A) A state university, as defined in section 3345.011 of the Revised Code, may submit a request to receive anonymized data from a sports gaming proprietor. Valid requests must clearly fulfill one of the following purposes and must be appropriately tailored for the stated purpose: (1) To assist the commission, <del>at the request of the executive director, in</del> <b>with</b> ensuring the integrity of sports gaming, <del>upon determination of good cause and request by the executive director;</del> or (2) To improve state-funded services related to responsible gambling and problem gambling. (3) <del>With regards to a request made pursuant to (A)(1), "good cause" shall include, but is not limited to, information that indicates a credible threat to sports gaming in the state of Ohio that is beyond the control of the commission to preemptively remedy or mitigate.</del>	Penn is committed to ensuring events are properly investigated for integrity related issues and fully appreciates the benefit in sharing anonymized data. However, the rule as written fails to provide a standard which would trigger a data request. Penn recommends amending this rule to ensure any request made by a state university for integrity related purposes is validated for substantial reasons. Penn has provided a "good cause" standard utilized in Indiana whereby requests for anonymized data are granted if the integrity concern exceeds past a point the appropriate party can remedy or mitigate the perceived concern in question.
Internal Audit	Rule 3775-16-19 (A)-(D)	(A) Sports gaming proprietors must maintain one of the following to annually assess compliance with sports gaming law: (1) A separate internal audit department which is independent of the sports gaming operation; or (2) A contracted third party independent registered certified public accounting firm licensed to practice in this state, whose name and lead audit partner or other person responsible for the engagement are reported to the commission before the start of the engagement.  (B) The internal audit department or contracted third party must audit the sports gaming proprietor's compliance with Chapter 3775, of the Revised Code and the rules adopted thereunder, the house rules, required procedures, and any other applicable rules and regulations, as required by the executive director.  (C) The internal audit department or contracted third party must follow the standards, conventions, and rules governing audits in the United States.  (D) The audit satisfying the requirements of this rule must be performed at least annually with the results documented in an audit report that must be provided to the commission.	(A) <del>Sports gaming proprietors must maintain one of the following to annually assess compliance with sports gaming law:                      (1) A separate internal audit department which is independent of the sports gaming operation; or                      (2) A contracted third party independent registered certified public accounting firm licensed to practice in this state, whose name and lead audit partner or other person responsible for the engagement are reported to the commission before the start of the engagement.                       (B) The internal audit department or contracted third party must audit the sports gaming proprietor's compliance with Chapter 3775, of the Revised Code and the rules adopted thereunder, the house rules, required procedures, and any other applicable rules and regulations, as required by the executive director.                       (C) The internal audit department or contracted third party must follow the standards, conventions, and rules governing audits in the United States.                       (D) The audit satisfying the requirements of this rule must be performed at least annually with the results documented in an audit report that must be provided to the commission.</del>  (A) <b>Sports gaming proprietors must maintain one of the following to annually assess compliance with sports gaming law:</b> (1) <b>A separate internal audit department which is independent of the sports gaming operation; or</b> (2) <b>A contracted third party independent registered certified public accounting firm licensed to practice in this state, whose name and lead audit partner or other person responsible for the engagement are reported to the commission before the start of the engagement.</b>  (B) <b>The commission shall require annual compliance reports to be prepared by the internal audit department or contracted third party, or both, and submitted in a manner and form prescribed by the commission. The annual compliance report must address all the following areas as it relates to compliance with Chapter 3775 of the Revised Code and the rules adopted thereunder:</b> (1) <b>Compliance with procedures to ascertain that sports gaming receipts are determined and state and local taxes or payments are paid, in conformity with the law and these rules.</b> (2) <b>Compliance with applicable ordinances and agreements with other governmental authorities.</b> (3) <b>Compliance with internal control procedures, accounting procedures, credit procedures, dispute procedures, and commission-imposed security and safety requirements.</b> (4) <b>A material deviation from the internal control procedures, accounting procedures, credit and dispute procedures, and commission-imposed security and safety requirements.</b> (5) <b>Corrective action taken to resolve deficiencies observed in subdivisions (a) to (d) of this subrule.</b> (6) <b>If the sports gaming proprietor is a casino operator, the annual compliance report must address the areas included in Rule 3772-10-14 of the Revised Code.</b>  (C) <b>The reporting year-end of the sports gaming proprietor is December 31 unless otherwise approved by the commission. Annual reports must be submitted no later than 120 days after the reporting year-end.</b>	Penn recommends amending the internal audit requirements for online sports gaming proprietors to align with industry standards and the practices outlined in section 3772-10-14 of the Revised Code. None of the 12 jurisdictions in which Penn currently operates sports gaming require an annual audit as it relates to compliance with the entirety of the applicable sports gaming law and regulations. Section 3772-10-14 of the Revised Code provides greater specificity as to which areas of operation a casino operator must conduct an annual internal audit.
External Audits and Other Reports	Rule 3775-16-20(F)	(F) Each sports gaming proprietor must contract with an independent third party to perform an IT audit. The third party must be approved by the executive director as qualified, independent, and capable of performing the audit. The audits must be performed, and a copy of the report provided to the commission, at least once each year.	(F) Each sports gaming proprietor must contract with an independent third party to perform an IT audit. The third party must be approved by the executive director as qualified, independent, and capable of performing the audit. The audits must be performed, and a copy of the report provided to the commission, at least once <del>each year</del> <b>every licensure period</b> .	Penn recommends amending this rule to align external audit requirements with those established in 3772-10-07(F) for a more streamlined and consistent audit process for the commission.



Ohio Casino Control Commission - 1st Round Sports Gaming Rules (Batch 5)

Area	Rule Reference	Existing Rule Language	Proposed Language	Reason for Change
Patron Complaints	Rule 3775-16-21(A)	(A) Whenever a sports gaming proprietor refuses payment of alleged winnings to a patron or there is otherwise a dispute with a patron regarding their patron account, wagers, wins, or losses from sports gaming, and the sports gaming proprietor and the patron are unable to resolve the dispute to the satisfaction of the patron, the sports gaming proprietor must notify the patron of their right to file a written complaint. The notice must include the procedure for filing a written complaint and the sports gaming proprietor's complaint resolution process.	(A) Whenever a sports gaming proprietor refuses payment of alleged winnings to a patron or there is otherwise a dispute with a patron regarding their patron account, wagers, wins, or losses from sports gaming, and the sports gaming proprietor and the patron are unable to resolve the dispute to the satisfaction of the patron, the sports gaming proprietor must notify the patron of their right to file a written complaint. The notice must include the procedure for filing a written complaint and the sports gaming proprietor's complaint resolution process. <u>Procedures for filing a written complaint and the sports gaming proprietor's complaint resolution process may be included in a sports gaming proprietor's house rules.</u>	Penn recommends amending this rule to allow patron complaint escalation procedures to be included in a sports gaming proprietor's house rules. Amending this rule accordingly maintains the commission's regulatory oversight as house rules must be approved prior to a sports gaming proprietor commencing operations. By allowing these procedures to be included in house rules, the commission will have the discretion to determine whether they are adequate. Additionally, this increases patron protection as patrons will be made aware of their rights regarding written complaints in the readily accessible house rules.
Patron Complaints	Rule 3775-16-21(B)	(B) Upon receipt of a written complaint, the sports gaming proprietor must investigate and provide a written response to the patron within ten days.	(B) Upon receipt of a written complaint, the sports gaming proprietor must <u>promptly</u> investigate and provide a written response to the patron <u>upon completion of the investigation within ten days.</u>	Penn recommends amending this rule to allow sports gaming proprietors greater flexibility to resolve written complaints. In some situations, written complaints will require further investigation which might involve assistance from a third-party (e.g., a fraudulent deposit from a credit card). When this is necessary, the period for full investigation may span longer than ten days for reasons out of the sports gaming proprietor's control. This amendment adds flexibility and ensures that sports gaming proprietors are given adequate time for a full and complete investigation into patron complaints.

## Cox, William

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**From:** Kevin Cochran <kcochran@draftkings.com>  
**Sent:** Friday, March 18, 2022 4:12 PM  
**To:** Rule Comments  
**Cc:** Christopher Cipolla  
**Subject:** DraftKings Comments on Sports Gaming Rules Batch 5, Round 1  
**Attachments:** DraftKings - Sports Gaming Batch 5 Round 1 Comments - 3-18-2022.pdf

Good afternoon,

Thank you for the opportunity to provide comments on the Sports Gaming Rules, Batch #5, Round #1. Please find DraftKings Inc.'s ("DraftKings") comments attached. We appreciate your consideration of our comments and do not hesitate to reach out to us if you have any questions regarding our submitted comments or anything else related to sports gaming.

Thanks and have a nice weekend,

**KEVIN COCHRAN**

Director, Legal and Government Affairs  
DraftKings Inc.  
215-290-4428



**CAUTION:** This is an external email and may not be safe. If the email looks suspicious, please do not click links or open attachments and forward the email to [csc@ohio.gov](mailto:csc@ohio.gov) or click the Phish Alert Button if available.



March 18, 2022

Via E-Mail to [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov)

Executive Director Matt Schuler  
Deputy Executive Director Rick Anthony  
Ohio Casino Control Commission  
100 East Broad Street, 20th Floor  
Columbus, OH 43215

**Re: Initial Sports Gaming Rules, Batch #5, Round #1**

Dear Executive Director Schuler and Deputy Executive Director Anthony,

Following receipt of the Ohio Casino Control Commission's ("Commission") request for input on the Initial Sports Gaming Rules, Batch #5, Round #1, DraftKings Inc. ("DraftKings") submits the following comments for consideration. As a leading sports wagering operator in the United States, DraftKings has first-hand experience with sports wagering regulatory frameworks, and submits these comments based on its operational knowledge in multiple regulated markets.

**Rule 3775-1-01 Definitions.**

Rule: 3775-1-01(B)(1)

Rationale: DraftKings respectfully requests amending the definition of advertisements to expressly exclude notifications and popups on a sports gaming proprietor's website or mobile application (app). Importantly, these changes will clarify that the requirements found in Rule 3775-16-08 do not apply to the sports gaming proprietor's app and website communications. Also, the draft rules provide other requirements that would apply to the sports gaming proprietor's app or website communications; for example, if those communications detail a promotion or bonus Rule 3775-16-09 will apply.

Existing Rule Language/Proposed Rule Language:

*(1) "Advertisement" means an external notice, announcement, or communication to the public, or any specific member(s) thereof, designed to solicit or entice a person to participate in the sports gaming offerings of a sports gaming proprietor through broadcasting, publication, or any other means of dissemination, **but does not include communication through a sports gaming proprietor's website or application.***



### **Rule 3775-16-03 Sports gaming accounts.**

Rule: 3775-16-03(I)

Rationale: DraftKings respectfully requests the requirement for player access to their account history be modified to align with industry standards. For example, [1 CCR 207-2 Rule 7.11\(9\)\(a\)](#) requires players have at least six months of prior activity immediately available and can request at any time a statement detailing their history of all activity for longer time period. The proposed changes below reflect that standard and are modeled after Colorado's rule. In aligning the proposed rule with similar requirements found in other jurisdictions it ensures that the public policy goal of the rule is accomplished while avoiding unnecessary operational hurdles for sports gaming proprietors.

Existing Rule Language/Proposed Rule Language:

*(I) Patrons must have access to, through the sports gaming proprietor's website or application, a statement of all patron activity **for at least the prior six months. In addition, a sports gaming system shall, upon request, be capable of providing a summary statement of all patron activity during the past five years.** ~~during the past five years.~~*

Rule: 3775-16-03(J)

Rationale: DraftKings respectfully requests amending the multi-factor authentication requirement to allow for more consumer choice. Some players do not prefer to apply multi-factor authentication to their accounts and as a result some states have found a compromise by requiring multi-factor authentication in certain scenarios, but not requiring a player use multi-factor authentication on every log on. For example, Illinois has two different regulations on this topic, the first regulation ([Section 1900.1220\(b\)\(3\)\(B\)](#)) requires sports wagering operators to provide the option to establish a password and means of two-factor authentication, and the option to always require two-factor authentication. A second, complementary, regulation ([Section 1900.1230\(c\)](#)) requires that two-factor authentication must be used when a sports wagering account logs in through a specific device for the first time. These regulations strike a balance between protecting against situations that could have a higher fraud rate, first-time access from a device, and allowing players to retain the choice over how they want to regularly use their account.

*(J) ~~Access to patron accounts must be protected by multi-factor authentication as approved by the executive director.~~ **Patrons must have the option to establish multi-factor***



**authentication for patron accounts and a sports gaming proprietor shall require multi-factor authentication when a patron logs into their patron account through a specific device for the first time.**

**Rule 3775-16-04 Wager rules.**

Rule: 3775-16-04(E)

Rationale: DraftKings respectfully requests discretion to cancel wagers as described in the sports gaming proprietor’s required procedures. While obvious error by the sports gaming proprietor would be one scenario that may require cancelation of a wager, there could be other scenarios such as issues with the customer experience or with prohibited patrons, particularly in a mobile sports wagering environment. For example, if a player “fat fingers” an extra “0,” and ends up placing a \$1,000 wager instead of a \$100 wager, and the player contacts customer service immediately, an operator could change that wager as authorized in their house rules, which will have been approved by the Commission. As currently written, sports gaming proprietors could be required to receive approval to cancel those wagers as well as abandoned game markets and non-participating player bets as they may not be considered an “obvious error,” even though required procedures and house rules will specify these markets will be cancelled.

Existing Rule Language/Proposed Rule Language:

*(E) Except for obvious error, **other reasons documented in a sports gaming proprietor’s required procedures,** or as otherwise required under Chapter 3775. of the Revised Code and the rules adopted thereunder, the sports gaming proprietor must not unilaterally cancel any wager without prior written approval of the executive director.*

**Rule 3775-16-06 Reserve funds.**

Rule Reference: 3775-16-06(C)

Rationale: DraftKings respectfully requests removing the requirement that reserve funds must be held in a “manner” not accessible to creditors of sports gaming proprietors. Typically, sports wagering operators are required to hold reserve funds in an account entirely separate from operating and other business funds, similar to draft requirement 3775-16-06(B). The fact that funds are held in these separate accounts, which are established solely for the benefit of players, protects these funds, as the funds do not belong to sports wagering operators. However, sports wagering operators do not hold these reserve funds in a specific “manner” that makes them inaccessible to



creditors. DraftKings believes that making the requested changes will not impact the protection of player funds in Ohio and only serves to provide clarity for sports gaming proprietors.

Existing Rule Language/Proposed Rule Language:

*(C) The reserve funds must be held in the form of cash, cash equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond, or a combination thereof ~~in a manner that the reserve funds are not accessible to the creditors of the sports gaming proprietor, other than the patrons whose benefit the reserve is established.~~*

**Rule 3775-16-08 Advertising.**

Rule Reference: 3775-16-08(E)(2)

Rationale: DraftKings respectfully requests this requirement be stricken in its entirety as the requirement as written has broad implications for private contracts outside of Ohio. As written, the rule is broad and could drastically impact commercial contracts formed in other states and the retail portion of this trigger could be inadvertently triggered without knowledge. Also, because of commercial agreements already in place between sports wagering operators and teams/athletes, this requirement could negatively impact the sporting events held in Ohio as teams/players could face decisions over whether to compete in Ohio potentially in breach of a contract. DraftKings respectfully submits that this proposed rule goes further than any advertising regulation in the sports wagering jurisdictions where DraftKings currently operates and could have significant commercial ramifications to current commercial agreements formed outside the state of Ohio. Even without this provision, the draft rules set forth strong advertising requirements, including but not limited to: providing transparency in promotions, disclosing persons offering advertisements, displaying responsible gaming information conspicuously, restricting depictions of anyone under 21 or advertising on college campuses, and asserting strong jurisdiction and safeguards over affiliate marketers. For the foregoing reasons, DraftKings respectfully requests the entire provision be removed.

Existing Rule Language/Proposed Rule Language:

~~*(E) A sports gaming proprietor must not advertise or promote on:*~~

~~...~~

~~*(2) On the official jersey, uniform, or apparel of any person or team competing in sporting events in Ohio or made available for sale to the public in Ohio.*~~



**Rule 3775-16-09 Promotions and Bonuses.**

Rule Reference: 3775-16-09(D)

Rationale: DraftKings respectfully requests the following requirement be removed as there are industry-standard promotions and bonuses that require playthrough requirements before a player withdraws their own funds. While some promotions and bonuses will not appear in a player account until they have met their playthrough requirements, sometimes ad hoc bonuses are directly deposited into a player account accompanied by a playthrough requirement at the player's preference. Of note, these promotions fully comply with 3775-16-09(B). For the foregoing reasons, DraftKings respectfully requests this requirement be removed in its entirety.

Existing Rule Language/Proposed Rule Language:

*~~(D) Promotions or bonuses must not restrict the patron from withdrawing their own funds or withdrawing winnings from wagers placed using their own funds.~~*

**Rule 3775-16-18 Accounting and revenue audit.**

Rule Reference: 3775-16-18(B)

Reason for Change: DraftKings respectfully requests clarification on this provision, as the majority of sports wagering operators' records are digital and may not default to having all of the required fields. If any kind of form, record, document or data is required to be submitted or reviewed by the Commission, sports gaming proprietor can ensure the correct fields are addressed in any submission to comply with this requirement.

Existing Rule Language/Proposed Rule Language:

*(B) All books, forms, records, documents, and stored data submitted to the commission must have the name of the entity, date of completion, and the title of the book, form, record, document, or stored data.*

**Rule 3775-16-19 Internal audit.**

Rule Reference: 3775-16-19(B)



Rationale: DraftKings respectfully requests clarifying changes to the scope of the annual audit requirements. Section 3775-10-02(A) of the draft rules sets forth that Type A and Type B sports gaming proprietors must have procedures for the applicable processes required by Chapter 3775 and the rules adopted thereunder. Further, Section 3775-10-02(E) authorizes the executive director authority to require changes to required procedures to ensure compliance at any time. In order to ensure sports gaming proprietors are continuing to audit the correct procedures to remain compliant, DraftKings respectfully requests the following changes be adopted, limiting the annual internal audit to documented required procedures.

Existing Rule Language/Proposed Rule Language:

*(B) The internal audit department or contracted third party must audit the sports gaming proprietor's compliance with **the applicable provisions of** Chapter 3775. of the Revised Code and the rules adopted thereunder, **and any other applicable rules and regulations, as required by the executive director, as documented in** the house rules,~~the **and** required procedures, and any other applicable rules and regulations, as required by the executive director.~~*

### **Rule 3775-16-20 External audits and other reports.**

Rule Reference: 3775-16-20(D)

Rationale: DraftKings respectfully requests clarification of this requirement to ensure that the executive director submit any requests for additional specific reports to licensees to allow licensees the ability to submit these requests to their independent registered certified public accounting firm.

Existing Rule Language/Proposed Rule Language:

*(D) The audit must include any additional specific reports required by the executive director.*

Rationale: 3775-16-20(E)

Rationale: DraftKings respectfully requests clarification on the IT audit requirement. Sports wagering operators are required to perform annual penetration testing and receive certain certifications that are accompanied by annual reviews, such as the ISO 27001. DraftKings respectfully requests clarification on if those annual tests and certifications would satisfy the contemplated IT Audit requirement.





Existing Rule Language/Proposed Rule Language:

*(F) Each sports gaming proprietor must contract with an independent third party to perform an IT audit. The third party must be approved by the executive director as qualified, independent, and capable of performing the audit. The audits must be performed, and a copy of the report provided to the commission, at least once each year. The audits and corresponding report must assess the following:*

- (1) The design, controls, maintenance, and security of the sports gaming proprietor's IT systems;*
- (2) The sports gaming proprietor's compliance with the IT requirements of this chapter; and*
- (3) Any other subject required by the executive director.*

**Rule 3775-16-21 Patron complaints.**

Rule Reference: 3775-16-21(A)

Rationale: DraftKings respectfully requests amending the patron complaint requirements to allow sports gaming proprietors to house all required information on their platform. Sports wagering operators display patron complaint pages in different locations, for instance, at DraftKings this could be the DraftKings Help Center, but housing state-specific information related to the complaint process in a location where players may go for help and directing players to that location when patrons inquire about complaints in the event their complaints are not resolved provides the player the most relevant information without providing an overwhelming or irrelevant amount of information to the player.

*(A) A sports gaming proprietor must include on its website and application a clear mechanism to advise authorized participants of their right to make a complaint against the sports gaming proprietor, including information explaining how complaints can be filed, how complaints are resolved, and how the patron may submit a complaint to the board. ~~Whenever a sports gaming proprietor refuses payment of alleged winnings to a patron or there is otherwise a dispute with a patron regarding their patron account, wagers, wins, or losses from sports gaming, and the sports gaming proprietor and the patron are unable to resolve the dispute to the satisfaction of the patron, the sports gaming proprietor must notify the patron of their right to file a written complaint. The notice must include the procedure for filing a written complaint and the sports gaming proprietor's complaint resolution process.~~*



\* \* \* \* \*

Thank you for your consideration of DraftKings' comments regarding the Commission's Initial Sports Gaming Rules, Batch #5, Round #1, and please reach out if we can be a resource in any way.

Sincerely,

DraftKings Inc.

## Cox, William

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**From:** Blackford, Amanda  
**Sent:** Friday, March 18, 2022 3:48 PM  
**To:** Cox, William  
**Cc:** Brown, Cory; Kerscher, Martin  
**Subject:** Fw: PGNO Comments - Sports Gaming Rules Batch 5 , Comment Round 1  
**Attachments:** PGNO Comments\_Sports Gaming Rules\_Batch 5\_Round 1.docx; ATT00001.htm



### Amanda Blackford

Director of Operations & Problem Gambling Services  
Ohio Casino Control Commission  
(614) 387-5693

Ohio Problem Gambling Helpline: 1-800-589-9966

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**From:** Derek Longmeier <dlongmeier@pghnohio.org>  
**Sent:** Friday, March 18, 2022 3:18 PM  
**To:** Blackford, Amanda <Amanda.Blackford@casinocontrol.ohio.gov>  
**Cc:** Brown, Cory <Cory.Brown@casinocontrol.ohio.gov>; board@pghnohio.org <board@pghnohio.org>; colew@ncpgambling.org <colew@ncpgambling.org>  
**Subject:** PGNO Comments - Sports Gaming Rules Batch 5 , Comment Round 1

Dear Ms. Blackford,

Please see the attached comments from PGNO regarding Sports Gaming Rules Batch 5.

We appreciate your continued support and engagement on these important issues.

Sincerely,  
Derek Longmeier, MBA, OCPC, ICPS  
Executive Director, Problem Gambling Network of Ohio  
355 E. Campus View Blvd., Suite 285  
Columbus, OH 43235  
614.750.9899 ext. 101  
[DLongmeier@PGNOhio.org](mailto:DLongmeier@PGNOhio.org)  
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[Twitter](#)  
[LinkedIn](#)

Ohio Problem Gambling Helpline - 800-589-9966

Rule 3775-16-03 | Sports gaming accounts.

(A) Each sports gaming proprietor must have procedures for ensuring sports gaming accounts comply with this rule and any other requirements of Chapter 3775. of the Revised Code and the rules adopted thereunder.

(B) A patron's sports gaming account may be funded through the use of:

- (1) Deposit of cash or vouchers at an approved cashiering or kiosk location;
- (2) Credit or debit card;
- (3) Promotional credit;
- (4) Winnings;
- (5) Corrections made by the sports gaming proprietor with documented notification to the patron;
- (6) ACH transfer;
- (7) Wire transfer; or
- (8) Any other means approved by the executive director.

(C) The sports gaming account must include the following information for each patron, and the sports gaming proprietor must update this information each time it becomes aware of changes.

- (1) Full legal name;
- (2) Date of birth;
- (3) Primary Address;
- (4) Telephone Number;
- (5) Electronic mail address;
- (6) Sports gaming account number or username;
- (7) Taxpayer identification number;
- (8) Type of government-issued identification examined, if obtained pursuant to paragraph (D) of this rule, and the identification number;
- (9) A scanned image of the government-issued identification, if obtained pursuant to paragraph (D) of this rule;
- (10) The method and any other information used to verify the patron's identify;
- (11) The date of identify verification;
- (12) and A history of the wagers placed.

(D) A sports gaming proprietor must verify and document the identity of each patron upon creating a patron sports gaming account. Verifying and documenting the patron's identity must include:

- (1) Examining and subjecting the patron's government issued identification to verification software designed to confirm the authenticity of the identification; or
- (2) Methodology for multi-source authentication, which may include third party and governmental databases, as approved by the executive director.

**Commented [d1]:** PGNO is appreciative that pre-paid cards and gift cards are not permitted to fund a gaming account and request that the executive director not permit them in the future, as they might lead to unintended consequences, such as youth access or the impact on responsible gambling, and could bypass the Know Your Customer (KYC) elements of Ohio's sports gaming system.

**Commented [d2]:** PGNO believes this is a typo and should state 'identity'.

**Commented [d3]:** PGNO believes this is a typo and should state 'identity'.

(E) Each sports gaming proprietor must take commercially reasonable steps to ensure an individual who falls into a category of a prohibited person under section 3775.13 of the Revised Code is not permitted to create a sports gaming account, or permitted to continue to make wagers once they become prohibited, for as long as that status applies.

(F) Each sports gaming proprietor must periodically re-verify a patron's identification at an interval approved by the executive director and upon reasonable suspicion that the patron's identification or account has been compromised.

(G) Upon account registration the following actions must take place:

(1) The patron must certify to the sports gaming proprietor that that the information provided to the sports gaming proprietor is accurate and they are not an excluded or otherwise prohibited sports gaming participant. The sports gaming proprietor must document this certification;

(2) The patron must acknowledge that the legal age for sports betting is twenty-one years of age, and that they are prohibited from allowing any other person to access or use their sports betting account. The sports gaming proprietor must document this acknowledgment;

(3) The patron must be notified of available responsible gaming resources; and

(4) Notification of the establishment of a sports gaming account must be provided to the patron via electronic mail or regular mail.

**Commented [d4]:** PGNO supports and is appreciative of this provision.

(H) Patrons must be provided with an easy and obvious method, immediately upon initial account registration and at all times through the sports gaming proprietor's website or application, to impose limitations for betting parameters including, but not limited to, deposits, wagers, and time-based limitations. The self-imposed limitation method must provide the following functionality:

(1) Upon receiving any self-imposed limitation request, the sports gaming proprietor must ensure that all specified limits are correctly implemented immediately or at the point in time that was clearly indicated by the patron;

(2) The self-imposed limitations set by a patron must not override more restrictive sports gaming proprietor-imposed limitations. The more restrictive limitations must take priority;

(3) Once established by a patron and implemented by the sports gaming system, it must only be possible to reduce the severity of self-imposed limitations upon the expiration of the self-imposed period; and

(4) An option must be available for patrons to set automatically renewing self-imposed limits.

(I) Patrons must have access to, through the sports gaming proprietor's website or application, a statement of all patron activity during the past five years.

(J) Access to patron accounts must be protected by multi-factor authentication as approved by the executive director.

(K) Sports gaming proprietors must not permit a patron to transfer funds from a patron account to another patron account.

(L) Sports gaming proprietors must have procedures to review all adjustments to patron accounts for amounts of \$500.00 or less. All other adjustments must be authorized by supervisory personnel prior to being entered.

(M) A patron must be allowed to withdraw the funds maintained in his or her account, whether such account is open or closed, within five business days of the request, unless the sports gaming proprietor believes in good faith that the patron engaged in either fraudulent conduct or other conduct that would put the sports gaming proprietor in violation of the law. In such cases, the sports gaming proprietor must:

- (1) Provide notice to the patron of the nature of the investigation of the account; and
- (2) Conduct its investigation in a reasonable and expedient fashion, providing the patron additional written notice of the status of the investigation every tenth business day starting from the day the original notice was provided to the patron.

(N) A request for withdrawal will be considered honored if it is processed by the sports gaming proprietor notwithstanding a delay by a payment processor, credit card issuer, or the custodian of a financial account.

(O) Patrons must have access to a readily accessible method for closing a patron account through the sports gaming proprietor's website or application or upon contact to the proprietor's customer service team. Any balance remaining in a patron's sports gaming account closed by a patron must be refunded according to the account withdrawal requirements of this rule.

**Commented [d5]:** PGNO requests the consideration of including responsible gaming resources at account closure.

Rule 3775-16-04 | Wager rules.

(A) Sports gaming wagers must only be accepted from a verified patron account unless otherwise permitted under Chapter 3775. of the Revised Code and the rules adopted thereunder.

(B) A sports gaming wager must not be knowingly accepted from a person who is placing the wager for the benefit of another or is placing the sports wager in violation of state or federal law.

(C) A sports gaming wager must not be accepted on events for which the outcome has already been determined.

(D) The sports gaming proprietor may, but need not, cancel an accepted wager for obvious error as defined in the proprietor's house rules. If a wager is cancelled for obvious error, the sports gaming proprietor must clearly convey the reason for cancellation to the patron.

(E) Except for obvious error or as otherwise required under Chapter 3775. of the Revised Code and the rules adopted thereunder, the sports gaming proprietor must not unilaterally cancel any wager without prior written approval of the executive director.

(F) If a patron wishes to void a ticket written prior to the start of an event, and the void request is approved by the sports gaming proprietor, the ticket must be verified by the sports wagering system and a refund must be given to the patron. For printed tickets, a void designation must be branded on the ticket.

(G) Upon verification by the sports gaming proprietor, winnings from patron account wagers must be immediately deposited into the patron account.

(H) Winnings from anonymous wagers must be immediately payable to the patron upon validation of the ticket by the sports gaming system and verification by the sport gaming proprietor.

(I) For type B sports gaming proprietors, in the case of a sports gaming system or power failure, tickets may be manually paid. All manually paid tickets must be marked as "paid" and entered into the sports gaming system as soon as possible to verify the accuracy of the payout. All manually paid tickets must be reviewed as part of the daily audit process. A log for all manually paid tickets must be maintained and include:

- (1) The unique transaction identified;
- (2) Date and time;
- (3) Amount of the payout; and
- (4) Employee name.

**Commented [d6]:** PGNO requests that prop bets not be permitted for individual athletes competing professionally and not permitted at all for collegiate and amateur athletic competitions.

Rule 3775-16-05 | Tickets.

(A) Upon completion of a sports gaming wager, the patron must receive an unalterable virtual or printed wager record from the sports gaming system which must contain, at a minimum, the following information:

- (1) Sports gaming proprietor name;
- (2) The date and time the wager was placed;
- (3) The date and time the event is expected to occur;
- (4) Any patron choices involved in the wager, including:
  - (a) Wager selection;
  - (b) Type of wager and line postings;
  - (c) Any special condition(s) applying to the wager; and
  - (d) Pay out, applicable at the time the wager is placed;
- (5) Total amount wagered, including any promotional credits, if applicable;
- (6) Sporting event identifier;
- (7) Unique identification number of the wager record;
- (8) Expiration period;
- (9) A problem gambling message compliant with paragraph (A)(3) of rule 3772-16-07 of the Administrative Code; and
- (10) The unique sports gaming device ID that issued the wager record, if applicable.

(B) As required under Chapter 3775. of the Revised Code, all winning sports gaming tickets expire one year from the last day on which the relevant sporting event is held. Each sports gaming proprietor must, on the last business day of each month, pay the winnings from all tickets which have expired to the commission, which will deposit them into the sports gaming revenue fund.

(C) Unless otherwise approved by the executive director, all payments must be in the form of an electronic funds transfer payable to the treasurer of the state of Ohio.

(D) The sports gaming proprietor must notify the commission of payments made for expired sports gaming tickets and provide supporting information for the payments in the format prescribed by the executive director.

**Commented [d7]:** PGNO supports and is appreciative of this provision.



Rule 3775-16-08 | Advertising.

(A) All sports gaming advertisements must:

- (1) Clearly convey the conditions under which sports gaming is being offered, including information about the cost to participate and the nature of any promotions and information to assist patrons in understanding the odds of winning. Any material conditions or limiting factors must be clearly and conspicuously specified. If an advertisement is not of sufficient size or duration to permit inclusion of such information, that advertisement shall refer to a website or application that does prominently include such information within one click;
- (2) Disclose the identity of the sports gaming proprietor, mobile management services provider, or management services provider, as applicable; and
- (3) Clearly and conspicuously include messages designed to prevent problem gambling and provide information about how to access resources related to problem gambling, including one of the following:
  - (a) The national council on problem gambling's twenty-four hour confidential helpline;
  - (b) The problem gambling helpline number established under section 3772.062 of the Revised Code; or
  - (c) Another helpline approved by the executive director that is free of charge to the caller.

**Commented [d8]:** PGNO supports this provision and views it as necessary for consumer clarity.

**Commented [d9]:** While one helpline would be ideal, PGNO recognizes the need for multiple options. The most critical element of the provision is that the messages be included both clearly and conspicuously.

(B) All sports gaming advertisements must not:

- (1) Depict any individual under the age of twenty-one;
- (2) Target individuals under the age of twenty-one, other individuals who are ineligible to participate in sports gaming, individuals with gambling problems, or other vulnerable individuals;
- (3) Obscure any material fact;
- (4) Be false, deceptive, or misleading; or
- (5) Promote irresponsible or excessive participation in sports gaming, or suggest that social, financial, or personal success is guaranteed by engaging in sports gaming.

**Commented [d10]:** PGNO supports these provisions and view them as critical for mitigating harms caused by problem sports gaming, particularly among those under the age of majority. Additionally, the provisions reinforce the integrity of the Ohio's sports gaming system.

**Commented [d11]:** PGNO supports this provision.

(C) Each advertisement, disseminated to a specific individual or individuals, must clearly and conspicuously describe a method by which an individual may opt out of receiving future advertisements. If the advertisement is sent via electronic mail, the described opt out method must include either electronic mail or a linked online website. All other advertisements must include at least one of the following methods to opt out:

- (1) Telephone;
- (2) Regular U.S. mail;
- (3) Online website or mobile application; or
- (4) Electronic mail.

(D) A sports gaming proprietor must act upon a request for opt out pursuant to paragraph (C) of this rule within fifteen days of receipt to ensure the individual will no longer receive advertisements.

(E) A sports gaming proprietor must not advertise or promote on:

(1) Ohio college or university campuses; or

(2) On the official jersey, uniform, or apparel of any person or team competing in sporting events in Ohio or made available for sale to the public in Ohio.

(F) A sports gaming proprietor must cease the dissemination of an advertisement upon discovery that the advertisement fails to continue to comply with this rule or if required by the executive director because the advertisement fails to comply with chapter 3775 of the Revised Code, or the rules adopted thereunder, or otherwise undermines the integrity of sports gaming.

(G) Sports gaming advertisements can only be disseminated in Ohio for sports gaming proprietor applicants or licensees, unless otherwise approved by the executive director.

(H) Affiliate marketers must comply with all aspects of this rule and must not otherwise advertise forms of illegal gambling or gaming in Ohio. The commission may require a sports gaming proprietor to terminate an affiliate marketer contract if the affiliate marketer has violated Chapter 3775. of the Revised Code or the rules adopted thereunder.

**Commented [d12]:** PGNO supports this provision and views it as necessary to ensure adherence to provision (B) (2) above, as the majority of undergraduate students on college or university campuses are under the age of 21. Furthermore, we know from our own statewide prevalence survey that those 18-25 years old are at increased risk for developing a gambling problem. This recent [Bloomberg](https://www.bloomberg.com/news/articles/2022-03-15/gambling-on-march-madness-concern-grows-as-apps-target-college-students?utm_campaign=mb&utm_medium=newsletter&utm_source=morning_brew) article further underscores the importance of prohibiting advertising on college campuses - [https://www.bloomberg.com/news/articles/2022-03-15/gambling-on-march-madness-concern-grows-as-apps-target-college-students?utm\\_campaign=mb&utm\\_medium=newsletter&utm\\_source=morning\\_brew](https://www.bloomberg.com/news/articles/2022-03-15/gambling-on-march-madness-concern-grows-as-apps-target-college-students?utm_campaign=mb&utm_medium=newsletter&utm_source=morning_brew).

**Commented [d13]:** PGNO supports this provision, particularly do to problems that have arisen in the UK, which has led to efforts there to ban advertisements on jerseys. This [article](https://www.sports.legal/2020/10/gambling-sponsorship-and-advertising-shakeup-in-spanish-football/) further expands on the importance of limiting gambling advertising on jerseys - <https://www.sports.legal/2020/10/gambling-sponsorship-and-advertising-shakeup-in-spanish-football/>.

Rule 3775-16-09 | Promotions and bonuses.

(A) Sports gaming proprietors may offer promotions and bonuses.

(B) The promotion or bonus rules must be clear and unambiguous, and include:

- (1) Date and time the promotion or bonus is active and expires;
- (2) Rules of play;
- (3) Nature and value of prizes or awards;
- (4) Eligibility restrictions or limitations;
- (5) Wagering and redemption requirements, including any limitations;
- (6) Eligible events or wagers;
- (7) Cancellation requirements; and
- (8) Terms and conditions that are full, accurate, concise, transparent, and do not contain misleading information.

**Commented [d14]:** PGNO supports these provisions, as they provide consumer clarity.

(C) Promotions or bonuses described as free must not require the patron to incur any loss or risk their own money to use or withdraw winnings from the free wager.

**Commented [d15]:** PGNO supports this provision as it protects consumers.

(D) Promotions or bonuses must not restrict the patron from withdrawing their own funds or withdrawing winnings from wagers placed using their own funds.

(E) Sports gaming proprietors must make the promotion or bonus rules available to patrons and the commission.

(F) Sports gaming proprietors must have procedures for the issuance, acceptance, and tracking of promotions or bonuses.

(G) A sports gaming proprietor must cease the offering of a promotion or bonus upon discovery that the promotion or bonus fails to comply with this rule or if required by the executive director because the promotion or bonus fails to comply with Chapter 3775. of the Revised Code or the rules adopted thereunder or otherwise undermines the integrity of sports gaming.

## Cox, William

---

**From:** Robert Wamsley <Robert.Wamsley@hrcincinnati.com>  
**Sent:** Friday, March 18, 2022 4:26 PM  
**To:** Rule Comments  
**Cc:** George Goldhoff; Jon Lucas; Ilkim Hincer (EVP & Chief Legal Officer); Paul Stegner; Tracey White; Jones, Marie J.; danielle boyd; Eric Newcomer  
**Subject:** HRC: Comments - Sports Gaming Rules Batch 5, Comment Round 1  
**Attachments:** Ohio CCC SGR-B5R1 with proposed Commentary-C - V5 rw added comment and responses.pdf

Good Afternoon OCCC Team,

Pursuant to discussion with Hard Rock International, Hard Rock Digital and Hard Rock Cincinnati Executive Team, attached are our comments for Sport Gaming Rules – Batch 5 Comment Round 1. Please let me know if you have any questions or need additional information. We appreciate, as always, the opportunity to engage in this important commentary period.



**CINCINNATI**

Respectfully,

Robert

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# OHIO CASINO CONTROL COMMISSION

## Sports Gaming Rules – Batch 5, Comment Round 1

### Supplemental Type A and B Proprietor Licensing, Required Procedures, and General Proprietor Duties

Comment Period: March 7, 2022 – March 18, 2022.

Please note that the comment period closes at 5:00 PM on March 18, 2022. All comments must be submitted to [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov) before the cut-off date and time to be considered.



**Ohio Casino Control Commission**  
**Sports Gaming Rules – Batch 5, Comment Round 1**

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\* All rule numbers and titles are tentative.

**Rule 3775-1-01 | Definitions.**

- (A) The words and terms defined in section 3775.01 of the Revised Code are used in this agency as they are defined in that section, unless otherwise specified.
- (B) As used in Chapter 3775. of the Revised Code and rules adopted thereunder, the following words have the following meanings, unless the context clearly indicates otherwise:
- (1) “Advertisement” means a notice, announcement, or communication to the public, or any specific member(s) thereof, designed to solicit or entice a person to participate in the sports gaming offerings of a sports gaming proprietor through broadcasting, publication, or any other means of dissemination.
  - (2) “Affiliate marketer” means a person who conducts a promotion, marketing, or user recruitment for a sports gaming proprietor in this state either:
    - (a) Through a website or mobile application; or
    - (b) In exchange for a commission or variable fee based upon the number of users recruited, wagering activity generated, revenue generated, or any other metric.
  - (3) “Application” means the total written materials, including the instructions, forms, and other documents issued by the commission, comprising an applicant’s request for a license.
  - (4) “Appointing professional sports organization” means a professional sports organization that is a member of a league, association, or organization that prevents the professional sports organization from being subject to the regulatory control of the Ohio casino control commission or from otherwise operating under a sports gaming proprietor license.
  - (5) “Beneficial and proprietary interest” means a direct or indirect interest of five per cent or more.
  - (6) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of sports gaming in this state and includes participating in the conduct at issue.
  - (7) “License” or “plenary license” means the complete and approved document issued by the commission that indicates that an applicant has been chosen for licensure and has met all requirements set forth in Chapter 3775. of the Revised Code and the rules adopted thereunder.
  - (8) "Licensee" means any person who holds a valid plenary or provisional license.
  - (9) "Person" has the same meaning as in section 3772.01 of the Revised Code.



- (10) “Person in control” means any person meeting division (C) of sections 3775.03 of the Revised Code but does not include persons in control of an appointing professional sports organization.
- (11) “Provisional license” means a complete and approved document issued by the Commission that indicates an applicant has been chosen for temporary licensure in accordance with Section 4 of Amended House Bill 29 of the 134<sup>th</sup> General Assembly.
- (12) “Sports gaming employee” means any individual required to obtain a sports gaming occupational license under Chapter 3775. of the Revised Code and the rules adopted thereunder.
- (13) “Sports gaming equipment” has the same meaning in division (P) of section 3775.01 of the Revised Code, but does not include any device, software, or component that does not affect the operational integrity of sports gaming, as determined by the executive director.
- (14) “Sports gaming proprietor” has the same meaning as in division (T) of section 3775.01 of the Revised Code and includes “mobile management services provider” and “management services provider” to the extent any sports gaming proprietor has contracted its rights, duties, and liabilities to the mobile management services provider or management services provider under division (E) of sections 3775.05 and 3775.051 of the Revised Code.
- (15) “Sports gaming system” means:
- (a) The sports gaming equipment necessary to allow a participant to place, review, or modify wagers, as allowed by the sports gaming proprietor, as well as be paid for winning wagers; and
  - (b) The sports gaming equipment the proprietor uses to review, manage, and report information related to user accounts, wager placement, or wager outcome. This does not include the equipment or communications technology simply used to access the sports gaming system or the intermediary software that connects the user to their financial institution; and
  - (c) Any other sports gaming equipment that the executive director determines is related to the sports gaming system.
- (16) “Suspicious sports gaming activity” means unusual sports gaming activity that cannot be explained and is indicative of any of the following: match fixing, the manipulation of a sport, misuse of inside information, a potential breach of a sports governing body’s internal rules or code of conduct pertaining to sports gaming, any other conduct that corrupts the outcome of a sport, and any other prohibited activity.
- (17) “Unusual sports gaming activity” means an abnormal betting or wagering activity or pattern exhibited by a patron or patrons. This activity or pattern may include abnormal

wager amounts or changes to wager volume based upon expected wager amount, sport type, or wager type.

\*\*\*Please note that the Commission will continue to update this rule as more definitions become necessary. This rule will be provided with all rule batches submitted for stakeholder review and will be updated accordingly.

**Rule 3775-4-02.1 | Additional type A sports gaming proprietor licenses.**

- (A) Except as otherwise provided in paragraph (B) of this rule, the commission must not license more than twenty five type A sports gaming proprietors at any one time.
- (B) Once twenty five type A sports gaming proprietors are licensed in this state, the commission may, in its sole discretion, issue additional type A sports gaming proprietor licenses only if the potential applicant(s) can demonstrate that:
- (1) There is a **substantial, considerable, and** ongoing need for additional type A sports gaming proprietors evidenced by quantifiable sports gaming market data gathered in this state consisting of:
    - (i) Market share analyses;
    - (ii) Reports performed by a qualified third party on the projected amount of additional contributions to economic development, taxable revenue, and job creation that will be generated resulting in a further substantial benefit to this state; and
    - (iii) Any other information so requested by the commission to aid in its determination; and
  - (2) They meet all requirements for licensure under Chapter 3775. of the Revised Code and the rules adopted thereunder.

**Rule 3775-4-03.1 | County population exception for type B sports gaming proprietor license.**

- (A) Except as otherwise provided in paragraph (B) of this rule, the commission must not license a type B sports gaming proprietor with a sports gaming facility located in a county with a population of less than one hundred thousand, as determined by the 2010 federal decennial census.
- (B) If a type B sports gaming proprietor has a sports gaming facility located in a county with a population of fifty thousand or more but less than one hundred thousand, as determined by the 2010 federal decennial census, the commission may issue a type B sports gaming proprietor license if:
- (1) The type B sports gaming proprietor obtains and submits information from the department of development attesting that the county where the proposed or current sports gaming facility is located received at least five million visitors for purposes of tourism during the most recent calendar year; and
  - (2) They meet all requirements for licensure under Chapter 3775. of the Revised Code and the rules adopted thereunder.

**Rule 3775-10-02 | Required procedures.**

- (A) Type A and type B proprietors must have procedures for the applicable processes required by Chapter 3775. of the Revised Code and the rules adopted thereunder that must be designed to protect the integrity of sports gaming. These procedures must be documented and maintained by the proprietor in a form prescribed by the executive director.
- (B) The current version of the proprietor's required procedures must always be on file or otherwise immediately available to the commission.
- (C) A proprietor must submit its required procedures to the commission in a manner and form required by the executive director and receive approval from the executive director prior to offering sports gaming.
- (D) Any proposed changes to the required procedures must be approved by the executive director prior to implementation. If the proprietor has not received a response from the executive director regarding the proposed changes within five business days, the changes will be deemed approved.
- (E) The executive director may, at any time, require a change to the required procedures in order to ensure compliance with Chapter 3775. of the Revised Code and the rules adopted thereunder.

**Rule 3775-16-01 | Sports gaming systems.**

- (A) Sports gaming proprietors must use a sports gaming system approved by the commission. No wagers may be accepted in the event of a system failure or unavailability.
- (B) Sports gaming proprietors must use a sports gaming system designed to prevent and detect the following:
  - (1) Unauthorized use of an account by someone other than the account holder;
  - (2) Unauthorized withdrawals from patron accounts;
  - (3) Wagering by persons under the age of twenty-one;
  - (4) Wagering by members of the involuntary or voluntary exclusion lists; and
  - (5) Wagering by other prohibited persons.
- (C) Sports gaming proprietors must have procedures governing its sports gaming system. The procedures must include:
  - (1) A description of, and the inter-relationships and dependencies of, the sports gaming system, hardware, software, and all integrated supplier modules;
  - (2) A description of physical and logical security of the sports gaming servers;
  - (3) How it will respond to a failure of the sports gaming system;
  - (4) Risk management procedures;
  - (5) Change management procedures;
  - (6) Procedures for complying with the data match requirements of sections 3123.90 and 3775.16 of the Revised Code; and
  - (7) Procedures for the prevention and detection of attempts to launder currency.
- (D) Each sports gaming proprietor must provide read-only remote access to its sports gaming systems and any hardware or software required to facilitate this access to the commission in a manner prescribed by the executive director. All costs associated with providing this access are the sole responsibility of the sports gaming proprietor.
- (E) Each sports gaming proprietor must test the recovery procedures of the sports gaming system on a sample basis at least annually. The results must be documented and available to the commission upon request.

**Rule 3775-16-03 | Sports gaming accounts.**

(A) Each sports gaming proprietor must have procedures for ensuring sports gaming accounts comply with this rule and any other requirements of Chapter 3775. of the Revised Code and the rules adopted thereunder.

(B) A patron's sports gaming account may be funded through the use of:

- (1) Deposit of cash or vouchers at an approved cashiering or kiosk location;
- (2) Credit or debit card;
- (3) Promotional credit;
- (4) Winnings;
- (5) Corrections made by the sports gaming proprietor with documented notification to the patron;
- (6) ACH transfer;
- (7) Wire transfer; or
- (8) Any other means approved by the executive director.

(C) The sports gaming account must include the following information for each patron, and the sports gaming proprietor must update this information each time it becomes aware of changes.

- (1) Full legal name;
- (2) Date of birth;
- (3) Primary Address;
- (4) Telephone Number;
- (5) Electronic mail address;
- (6) Sports gaming account number or username;
- (7) Taxpayer identification number;
- (8) Type of government-issued identification examined, if obtained pursuant to paragraph (D) of this rule, and the identification number;

- (9) A scanned image of the government-issued identification, if obtained pursuant to paragraph (D) of this rule;
  - (10) The method and any other information used to verify the patron's identify;
  - (11) The date of identify verification; and
  - (12) A history of the wagers placed.
- (D) A sports gaming proprietor must verify and document the identity of each patron upon creating a patron sports gaming account. Verifying and documenting the patron's identity must include:
- (1) Examining and subjecting the patron's government issued identification to verification software designed to confirm the authenticity of the identification; or
  - (2) Methodology for multi-source authentication, which may include third party and governmental databases, as approved by the executive director.
- (E) Each sports gaming proprietor must take commercially reasonable steps to ensure an individual who falls into a category of a prohibited person under section 3775.13 of the Revised Code is not permitted to create a sports gaming account, or permitted to continue to make wagers once they become prohibited, for as long as that status applies.
- (F) Each sports gaming proprietor must periodically re-verify a patron's identification at an interval approved by the executive director and upon reasonable suspicion that the patron's identification or account has been compromised.
- (G) Upon account registration the following actions must take place:
- (1) The patron must certify to the sports gaming proprietor that that the information provided to the sports gaming proprietor is accurate and they are not an excluded or otherwise prohibited sports gaming participant. The sports gaming proprietor must document this certification;
  - (2) The patron must acknowledge that the legal age for sports betting is twenty-one years of age, and that they are prohibited from allowing any other person to access or use their sports betting account. The sports gaming proprietor must document this acknowledgment;
  - (3) The patron must be notified of available responsible gaming resources; and
  - (4) Notification of the establishment of a sports gaming account must be provided to the patron via electronic mail or regular mail.
- (H) Patrons must be provided with an easy and obvious method, immediately upon initial account registration and at all times through the sports gaming proprietor's website or application, to



impose limitations for betting parameters including, but not limited to, deposits, wagers, and time-based limitations. The self-imposed limitation method must provide the following functionality:

- (1) Upon receiving any self-imposed limitation request, the sports gaming proprietor must ensure that all specified limits are correctly implemented immediately or at the point in time that was clearly indicated by the patron;
  - (2) The self-imposed limitations set by a patron must not override more restrictive sports gaming proprietor-imposed limitations. The more restrictive limitations must take priority;
  - (3) Once established by a patron and implemented by the sports gaming system, it must only be possible to reduce the severity of self-imposed limitations upon the expiration of the self-imposed period; and
  - (4) An option must be available for patrons to set automatically renewing self-imposed limits.
- (I) Patrons must have access to, through the sports gaming proprietor's website or application, a statement of all patron activity during the past five years.
- (J) Access to patron accounts must be protected by multi-factor authentication as approved by the executive director.
- (K) Sports gaming proprietors must not permit a patron to transfer funds from a patron account to another patron account.
- (L) Sports gaming proprietors must have procedures to review all adjustments to patron accounts for amounts of \$500.00 or less. All other adjustments must be authorized by supervisory personnel prior to being entered.
- (M) A patron must be allowed to withdraw the funds maintained in his or her account, whether such account is open or closed, within five business days of the request, unless the sports gaming proprietor believes in good faith that the patron engaged in either fraudulent conduct or other conduct that would put the sports gaming proprietor in violation of the law. In such cases, the sports gaming proprietor must:
- (1) Provide notice to the patron of the nature of the investigation of the account; and
  - (2) Conduct its investigation in a reasonable and expedient fashion, providing the patron additional written notice of the status of the investigation every tenth business day starting from the day the original notice was provided to the patron.
- (N) A request for withdrawal will be considered honored if it is processed by the sports gaming proprietor notwithstanding a delay by a payment processor, credit card issuer, or the

custodian of a financial account.

- (O) Patrons must have access to a readily accessible method for closing a patron account through the sports gaming proprietor's website or application or upon contact to the proprietor's customer service team. Any balance remaining in a patron's sports gaming account closed by a patron must be refunded according to the account withdrawal requirements of this rule.

**Rule 3775-16-04 | Wager rules.**

- (A) Sports gaming wagers must only be accepted from a verified patron account unless otherwise permitted under Chapter 3775. of the Revised Code and the rules adopted thereunder.
- (B) A sports gaming wager must not be knowingly accepted from a person who is placing the wager for the benefit of another or is placing the sports wager in violation of state or federal law.
- (C) A sports gaming wager must not be accepted on events for which the outcome has already been determined.
- (D) The sports gaming proprietor may, but need not, cancel an accepted wager for obvious error as defined in the proprietor's house rules. If a wager is cancelled for obvious error, the sports gaming proprietor must clearly convey the reason for cancellation to the patron.
- (E) Except for obvious error or as otherwise required under Chapter 3775. of the Revised Code and the rules adopted thereunder, the sports gaming proprietor must not unilaterally cancel any wager without prior written approval of the executive director.
- (F) If a patron wishes to void a ticket written prior to the start of an event, and the void request is approved by the sports gaming proprietor, the ticket must be verified by the sports wagering system and a refund must be given to the patron. For printed tickets, a void designation must be branded on the ticket.
- (G) Upon verification by the sports gaming proprietor, winnings from patron account wagers must be immediately deposited into the patron account.
- (H) Winnings from anonymous wagers must be immediately payable to the patron upon validation of the ticket by the sports gaming system and verification by the sport gaming proprietor.
- (I) For type B sports gaming proprietors, in the case of a sports gaming system or power failure, tickets may be manually paid. All manually paid tickets must be marked as "paid" and entered into the sports gaming system as soon as possible to verify the accuracy of the payout. All manually paid tickets must be reviewed as part of the daily audit process. A log for all manually paid tickets must be maintained and include:
  - (1) The unique transaction identified;
  - (2) Date and time;
  - (3) Amount of the payout; and
  - (4) Employee name.

**Rule 3775-16-05 | Tickets.**

- (A) Upon completion of a sports gaming wager, the patron must receive an unalterable virtual or printed wager record from the sports gaming system which must contain, at a minimum, the following information:
- (1) Sports gaming proprietor name;
  - (2) The date and time the wager was placed;
  - (3) The date and time the event is expected to occur;
  - (4) Any patron choices involved in the wager, including:
    - (a) Wager selection;
    - (b) Type of wager and line postings;
    - (c) Any special condition(s) applying to the wager; and
    - (d) Pay out, applicable at the time the wager is placed;
  - (5) Total amount wagered, including any promotional credits, if applicable;
  - (6) Sporting event identifier;
  - (7) Unique identification number of the wager record;
  - (8) Expiration period;
  - (9) A problem gambling message compliant with paragraph (A)(3) of rule 3772-16-07 of the Administrative Code; and
  - (10) The unique sports gaming device ID that issued the wager record, if applicable.
- (B) As required under Chapter 3775. of the Revised Code, all winning sports gaming tickets expire one year from the last day on which the relevant sporting event is held. Each sports gaming proprietor must, on the last business day of each month, pay the winnings from all tickets which have expired to the commission, which will deposit them into the sports gaming revenue fund.
- (C) Unless otherwise approved by the executive director, all payments must be in the form of an electronic funds transfer payable to the treasurer of the state of Ohio.

- (D) The sports gaming proprietor must notify the commission of payments made for expired sports gaming tickets and provide supporting information for the payments in the format prescribed by the executive director.

**Rule 3775-16-06 | Reserve funds**

- (A) Each sports gaming proprietor must always maintain a **reserve** in an amount that is greater than the amount necessary to ensure the sports gaming proprietor's ability to cover the sum of all outstanding sports gaming liabilities and the funds held for patron accounts.
- (B) Reserve funds must be held separate from operational funds in a manner approved by the commission. Any changes to the manner in which reserve funds are segregated from corporate or business funds must be approved by the executive director.
- (C) The reserve funds must be held in the form of cash, cash equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond, or a combination thereof in a manner that the reserve funds are not accessible to the creditors of the sports gaming proprietor, other than the patrons whose benefit the reserve is established.

**Rule 3775-16-07 | Tournaments.**

- (A) Sports gaming proprietors may conduct sports gaming tournaments. Only sporting events and wager types listed as approved in the commission's catalogue are authorized for use in a tournament.
- (B) Sports gaming proprietors must maintain and make the tournament rules available to all tournament patrons prior to the beginning of the tournament.
- (C) The tournament rules and procedures must include but are not limited to:
  - (1) Qualification or selection criteria that limit the eligibility of tournament patrons;
  - (2) Regulations of the tournament (e.g., beginning and ending times, number of events, entry fee, elimination factors, cash handling procedures, etc.); and
  - (3) Prizes to be awarded.

**Rule 3775-16-08 | Advertising.**

(A) All sports gaming advertisements must:

- (1) Clearly convey the conditions under which sports gaming is being offered, including information about the cost to participate and the nature of any promotions and information to assist patrons in understanding the odds of winning. Any material conditions or limiting factors must be clearly and conspicuously specified. If an advertisement is not of sufficient size or duration to permit inclusion of such information, that advertisement shall refer to a website or application that does prominently include such information within one click;
- (2) Disclose the identity of the sports gaming proprietor, mobile management services provider, or management services provider, as applicable; and
- (3) Clearly and conspicuously include messages designed to prevent problem gambling and provide information about how to access resources related to problem gambling, including one of the following:
  - (a) The national council on problem gambling's twenty-four hour confidential helpline;
  - (b) The problem gambling helpline number established under section 3772.062 of the Revised Code; or
  - (c) Another helpline approved by the executive director that is free of charge to the caller.

(B) All sports gaming advertisements must not:

- (1) Depict any individual under the age of twenty-one;
- (2) Target individuals under the age of twenty-one, other individuals who are ineligible to participate in sports gaming, individuals with gambling problems, or other vulnerable individuals;
- (3) Obscure any material fact;
- (4) Be false, deceptive, or misleading; or
- (5) Promote irresponsible or excessive participation in sports gaming, or suggest that social, financial, or personal success is guaranteed by engaging in sports gaming.

(C) Each advertisement, disseminated to a specific individual or individuals, must clearly and conspicuously describe a method by which an individual may opt out of receiving future advertisements. If the advertisement is sent via electronic mail, the described opt out method must include either electronic mail or a linked online website. All other advertisements must



include at least one of the following methods to opt out:

- (1) Telephone;
- (2) Regular U.S. mail;
- (3) Online website or mobile application; or
- (4) Electronic mail.

(D) A sports gaming proprietor must act upon a request for opt out pursuant to paragraph (C) of this rule within fifteen days of receipt to ensure the individual will no longer receive advertisements.

(E) A sports gaming proprietor must not advertise or promote on:

- (1) Ohio college or university campuses; or
- (2) On the official jersey, uniform, or apparel of any person or team competing in sporting events in Ohio or made available for sale to the public in Ohio.

(F) A sports gaming proprietor must cease the dissemination of an advertisement upon discovery that the advertisement fails to continue to comply with this rule or if required by the executive director because the advertisement fails to comply with chapter 3775 of the Revised Code, or the rules adopted thereunder, or otherwise undermines the integrity of sports gaming.

(G) Sports gaming advertisements can only be disseminated in Ohio for sports gaming proprietor applicants or licensees, unless otherwise approved by the executive director.

(H) Affiliate marketers must comply with all aspects of this rule and must not otherwise advertise forms of illegal gambling or gaming in Ohio. The commission may require a sports gaming proprietor to terminate an affiliate marketer contract if the affiliate marketer has violated Chapter 3775. of the Revised Code or the rules adopted thereunder.

**Rule 3775-16-09 | Promotions and bonuses.**

- (A) Sports gaming proprietors may offer promotions and bonuses.
- (B) The promotion or bonus rules must be clear and unambiguous, and include:
  - (1) Date and time the promotion or bonus is active and expires;
  - (2) Rules of play;
  - (3) Nature and value of prizes or awards;
  - (4) Eligibility restrictions or limitations;
  - (5) Wagering and redemption requirements, including any limitations;
  - (6) Eligible events or wagers;
  - (7) Cancellation requirements; and
  - (8) Terms and conditions that are full, accurate, concise, transparent, and do not contain misleading information.
- (C) Promotions or bonuses described as free must not require the patron to incur any loss or risk their own money to use or withdraw winnings from the free wager.
- (D) Promotions or bonuses must not restrict the patron from withdrawing their own funds or withdrawing winnings from wagers placed using their own funds.
- (E) Sports gaming proprietors must make the promotion or bonus rules available to patrons and the commission.
- (F) Sports gaming proprietors must have procedures for the issuance, acceptance, and tracking of promotions or bonuses.
- (G) A sports gaming proprietor must cease the offering of a promotion or bonus upon discovery that the promotion or bonus fails to comply with this rule or if required by the executive director because the promotion or bonus fails to comply with Chapter 3775. of the Revised Code or the rules adopted thereunder or otherwise undermines the integrity of sports gaming.

**Rule 3775-16-11 | Sports gaming event and wager type requests.**

- (A) A sports gaming proprietor must check the list of pending and denied requests before submitting a request for an addition to the sports gaming catalogue.
- (B) A sports gaming proprietor must not submit a request for the addition of any item that has been previously submitted and is currently in pending status.
- (C) A sports gaming proprietor may not request the addition of any previously denied sports gaming event or wager type for a period of one year following the date of denial.

**Rule 3775-16-12 | Sports governing body prohibited persons – information sharing.**

As enumerated in division (F) of section 3775.13 of the Revised Code:

- (A) A sports gaming proprietor must employ commercially reasonable methods to prevent any person involved in a sporting event with respect to which sports gaming is permitted from engaging in any sports gaming with the sports gaming proprietor, based on publicly available information and any information garnered under paragraph (B) of this rule.
- (B) A sports governing body must have a procedure for providing to the commission a list of persons who are involved in sporting events, including those persons' full legal names, dates of birth, and social security numbers, for the purpose of preventing those persons from engaging in sports gaming. The commission will make the list available to each sports gaming proprietor and to the state lottery commission. The Ohio casino control commission, the state lottery commission, and each sports gaming proprietor must keep the information in the list confidential.
- (C) The executive director must approve the procedure in paragraph (B) of this rule and must ensure that any procedure adequately protects the personally identifiable information of the persons involved in sporting events.

**Rule 3775-16-13 | Sports governing body data requests.**

- (A) A sports governing body may request anonymized sports gaming data from a sports gaming proprietor if the sports governing body believes that the integrity of one of its sporting events is in question. This request must be appropriately tailored and must include:
- (1) The name of the sports governing body;
  - (2) The contact information of an individual who the sports gaming proprietor or commission may contact if additional information is needed;
  - (3) The particular sporting event or events at issue;
  - (4) The data requested, including the specific data types or fields;
  - (5) A brief description of the reason for the sports governing body's belief and how the data requested will be of assistance;
  - (6) Procedures for how the sports governing body will protect the confidentiality of the data; and
  - (7) Any other information that may be requested on a specified form.
- (B) Data provided under this rule must be anonymized and free of any patron personal information.
- (C) Upon receipt of a valid request for data, a sports gaming proprietor must promptly provide the requested data. If the sports governing body and the sports gaming proprietor cannot come to an agreement on whether the request is valid, the request must be sent to the commission for review. The executive director will determine if the request is valid and will notify the sports governing body and sports gaming proprietor of this decision. If the executive director determines that the request is valid the sports gaming proprietor must promptly provide the requested data.
- (D) Any information or data provided by a sports governing body or a sports gaming proprietor pursuant to this rule is confidential and is not to be shared or used for any reason or purpose not contained here, except as otherwise required by law or order of the commission, or pursuant to an agreement between a sports governing body and a sports gaming proprietor.

**Rule 3775-16-14 | State university data requests.**

- (A) A state university, as defined in section 3345.011 of the Revised Code, may submit a request to receive anonymized data from a sports gaming proprietor. Valid requests must clearly fulfill one of the following purposes and must be appropriately tailored for the stated purpose:
- (1) To assist the commission, at the request of the executive director, in ensuring the integrity of sports gaming; or
  - (2) To improve state-funded services related to responsible gambling and problem gambling.
- (B) The state university's request must include the following information:
- (1) The name of the state university;
  - (2) The contact information of an individual who the sports gaming proprietor or commission may contact if additional information is needed;
  - (3) The data requested including the specific data types or fields;
  - (4) The research purpose of the request, including a specific description of how the data will be used to meet a permitted purpose under paragraph (A);
  - (5) Who, if anyone, the data may be shared with outside of the university;
  - (6) Procedures for how the university will protect the confidentiality of the data; and
  - (7) Any other information required by the executive director.
- (C) Data provided under this rule must be anonymized and free of any patron personal information.
- (D) Upon receipt of a valid request for data, a sports gaming proprietor must promptly provide the requested data to the state university. If the state university and the sports gaming proprietor cannot come to an agreement on if the request is valid, the request must be sent to the commission for review. The executive director will determine if the request is valid and will notify the state university and sports gaming proprietor of this decision. If the executive director determines that the request is valid the sports gaming proprietor must promptly provide the requested data.
- (E) Any information or data provided by a sports gaming proprietor to a state university may not be used or shared, except as provided in division (B)(13) of section 3775.02 of the Revised Code.

**Rule 3775-16-15 | Information technology.**

- (A) Sports gaming proprietors must maintain an information technology department that is responsible for the quality, reliability, and accuracy of all electronic systems used in the operation.
- (B) Each sports gaming proprietor must maintain IT security insurance as approved by the executive director.
- (C) Sports gaming proprietors must ensure that duties in the information technology department are adequately segregated and monitored to detect procedural errors, unauthorized access to financial transactions and assets, and to prevent the concealment of fraud.
- (D) The information technology environment and infrastructure must be maintained in a secured physical location that is restricted to authorized employees.
- (E) Sports gaming proprietors must adopt procedures for responding to, monitoring, investigating, resolving, documenting, and reporting security incidents associated with information technology systems.

**Rule 3775-16-16 | Security and safety of confidential information.**

- (A) Sports gaming proprietors must maintain and make available to patrons a privacy policy governing its use and storage of patron confidential information.
- (B) Sports gaming proprietors must ensure compliance with applicable state and federal requirements and industry standards for protecting the privacy and security of sports gaming patrons and their accounts.



**Rule 3775-16-17 | Incident Reporting**

- (A) Sports gaming proprietors must immediately report to the commission in a manner prescribed by the executive director, any information in the sports gaming proprietor's possession related to any of the following:
- (1) Any wager in violation of Chapter 3775. of the Revised Code or the rules adopted thereunder or of federal law;
  - (2) Any conduct that corrupts a betting outcome of a sporting event for purposes of financial gain;
  - (3) Any IT security breach or other compromising IT risk;
  - (4) Any breaches of confidentiality of a patron's personal information;
  - (5) Any physical security breach or other compromising risk to patrons, employees, or the commission; and
  - (6) Any other incident type required by the executive director.
- (B) Sports gaming proprietors must have procedures to prevent, detect, and report to the commission attempts to launder money through any of its Ohio licensed sports gaming offerings.

**Rule 3775-16-18 | Accounting and revenue audit.**

- (A) Each sports gaming proprietor must have procedures and systems for the preparation, use, and maintenance of complete, accurate, and legible accounting and gaming records, which must include all transactions.
- (B) All books, forms, records, documents, and stored data must have the name of the entity, date of completion, and the title of the book, form, record, document, or stored data.
- (C) General accounting records must be maintained on a double-entry system of accounting with transactions recorded on a basis consistent with generally accepted accounting principles.
- (D) Each sports gaming proprietor must comply with Chapter 5753. of the Revised Code and with any requests of the tax commissioner.
- (E) Each sports gaming proprietor must have documented revenue audit procedures. Documentation must be maintained evidencing the performance of all revenue audit procedures, any exceptions noted, and follow-up of all exceptions. The executive director will prescribe the method of documentation and may require additions or modifications to revenue audit procedures.

**Rule 3775-16-19 | Internal audit.**

- (A) Sports gaming proprietors must maintain one of the following to annually assess compliance with sports gaming law:
- (1) A separate internal audit department which is independent of the sports gaming operation; or
  - (2) A contracted third party independent registered certified public accounting firm licensed to practice in this state, whose name and lead audit partner or other person responsible for the engagement are reported to the commission before the start of the engagement.
- (B) The internal audit department or contracted third party must audit the sports gaming proprietor's compliance with Chapter 3775. of the Revised Code and the rules adopted thereunder, the house rules, required procedures, and any other applicable rules and regulations, as required by the executive director.
- (C) The internal audit department or contracted third party must follow the standards, conventions, and rules governing audits in the United States.
- (D) The audit satisfying the requirements of this rule must be performed at least annually with the results documented in an audit report that must be provided to the commission.
- (E) Documentation must be maintained to evidence all work performed as it relates to the requirements of this rule, including all instances of noncompliance.
- (F) Follow-up observations and examinations must be performed to verify that corrective action has been taken regarding all instances of noncompliance. The verification must be performed within six months following the date of notification.
- (G) The commission may require the termination of any audit engagement under this rule due to lack of qualification, independence, or capacity or a finding that the contract or conduct performed thereunder poses a material risk to the integrity of sports gaming in this state. The invalidation process is an action against the sports gaming proprietor that is subject to the hearing procedures and disciplinary actions provided for under rules 3772-1-07 and 3772-1-08 of the Administrative Code, respectively. If an audit engagement contract is terminated, the sports gaming proprietor must enter into a new audit engagement contract to ensure the requirements of this rule are met.

**Rule 3775-16-20 | External audits and other reports.**

- (A) Each sports gaming proprietor, excluding an appointing professional sports organization; mobile management services provider; and management services provider must have its annual financial statements audited by an independent registered certified public accounting firm licensed to practice in this state. The audit must be in accordance with generally accepted auditing standards and, when applicable, the standards of the accountancy board. The sports gaming proprietor, mobile management services provider, or management services provider must report to the commission the name of the independent registered certified public accounting firm as well as the lead audit partner or other individual taking primary responsibility for the financial statement audit engagement before the start of the engagement.
- (B) The lead audit partner or other individual taking primary responsibility for the financial statement audit engagement may serve a maximum of five years in such a position before being required to rotate off the engagement.
- (C) The annual financial statements audit must be prepared on a comparative basis for the current and prior fiscal years and present financial position and results of operations in conformity with generally accepted accounting principles.
- (D) The audit must include any additional specific reports required by the executive director.
- (E) The audit and any reports, as required by paragraphs (A) and (D) of this rule, must be filed with the commission, in a format determined by the executive director, within one hundred twenty days following the end of the fiscal year.
- (F) Each sports gaming proprietor must contract with an independent third party to perform an IT audit. The third party must be approved by the executive director as qualified, independent, and capable of performing the audit. The audits must be performed, and a copy of the report provided to the commission, at least once each year. The audits and corresponding report must assess the following:
  - (1) The design, controls, maintenance, and security of the sports gaming proprietor's IT systems;
  - (2) The sports gaming proprietor's compliance with the IT requirements of this chapter; and
  - (3) Any other subject required by the executive director.
- (G) The sports gaming proprietor must file with the commission the report required by paragraph (F) of this rule in a format determined by the executive director within one hundred twenty days following the end of the fiscal year or upon receipt, whichever is earlier.
- (H) At any time, the executive director may require a special audit of a sports gaming proprietor, mobile management services provider, or management services provider by commission personnel, an independent registered certified public accounting firm, or any other third party

the executive director approves as qualified, independent, and capable of performing the special audit. The scope, procedures, and reporting requirements of any special audit are to be established by the executive director.

- (I) The sports gaming proprietor, mobile management services provider, or management services provider must notify the commission of any report that is filed, or required to be filed, with the securities and exchange commission or other securities regulatory agency.
- (J) All audits and reports required by this rule are to be prepared at the sole expense of the sports gaming proprietor, mobile management services provider, or management services provider.
- (K) The commission may require the termination of any audit engagement under this rule due to lack of qualification, independence, or capacity or a finding that the contract or conduct performed thereunder poses a material risk to the integrity of sports gaming in this state. The invalidation process is an action against the sports gaming proprietor, mobile management services provider, or management services provider that is subject to the hearing procedures and disciplinary actions provided for under rules 3775-1-07 and 3775-1-08 of the Administrative Code, respectively. If an audit engagement contract is terminated, the sports gaming proprietor, mobile management services provider, or management services provider must enter into a new audit engagement contract to ensure the requirements of this rule are met.
- (L) Each sports gaming proprietor, mobile management services provider, or management services provider must file with the commission a copy of any suspicious activity report filed with the Internal Revenue Service related to the conduct of sports gaming in this state.

**Rule 3775-16-21 | Patron complaints.**

- (A) Whenever a sports gaming proprietor refuses payment of alleged winnings to a patron or there is otherwise a dispute with a patron regarding their patron account, wagers, wins, or losses from sports gaming, and the sports gaming proprietor and the patron are unable to resolve the dispute to the satisfaction of the patron, the sports gaming proprietor must notify the patron of their right to file a written complaint. The notice must include the procedure for filing a written complaint and the sports gaming proprietor's complaint resolution process.
- (B) Upon receipt of a written complaint, the sports gaming proprietor must investigate and provide a written response to the patron within ten days.

## Cox, William

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**From:** Dan Dodd <dandodd@zhfconsulting.com>  
**Sent:** Friday, March 18, 2022 4:46 PM  
**To:** Rule Comments  
**Subject:** Batch 5 Comments - iDEA Growth  
**Attachments:** iDEA Comments - Batch 5.pdf

On behalf of iDEA Growth, please find the attached comments regarding Batch 5. Thank you for your consideration.

Dan

Dan Dodd  
Vice President of Government Relations  
ZHF Consulting

41 S. High St., Ste. 3625  
Columbus, OH 43215  
740-973-5930 (Mobile)  
614-782-1554 (Direct)

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March 18, 2022

Rick Anthony  
Deputy Director  
Ohio Casino Control Commission  
100 E. Broad St.  
Columbus, OH 43215

Dear Rick,

On behalf of the iDevelopment and Economic Association (iDEA Growth), thank you for the opportunity to provide comments on Batch 5 of the proposed sports wagering rules. We continue to appreciate the opportunity to work with the staff of the Casino Control Commission (CCC) and look forward to more productive conversations in the future.

In our review of the proposed Batch 5 rules, most of the advertising restrictions contained appear to be relatively straightforward and align with the statutory requirements. The prohibitions within division (E) of this section, however, are concerning for two reasons. First, it has the potential to impact market access and marketing agreements within Ohio (particularly with professional sports teams that can contract with up to two Mobile Manages Services Providers), but also agreements that have been made by online sports operators with sports teams in other states. Next, the prohibition appears to exceed the bounds of advertising limitations defined in the statute and will likely violate two prongs that the Joint Committee on Agency Rule Review (JCARR) will use to examine the new rules.

Ohio Revised Code (ORC) 3775.02(B)(10) governs the CCC's oversight over sports gaming advertising. The CCC may impose restrictions to ensure that advertisements meet all of the following requirements:

- (a) They clearly convey the conditions under which sports gaming is being offered, including information about the cost to participate and the nature of any promotions and information to assist patrons in understanding the odds of winning;
- (b) They disclose the identity of the sports gaming proprietor and, if applicable, the mobile management services provider or management services provider;
- (c) They do not target individuals under twenty-one years of age, other individuals who are ineligible to participate in sports gaming, problem gamblers, or other vulnerable individuals;
- (d) They include messages designed to prevent problem gambling and provide information about how to access resources related to problem gambling;
- (e) They are not false, misleading, or deceptive to a reasonable consumer.



Division (E) of Section 3775-16-08 of the proposed rule, on the other hand, imposes the following prohibitions on advertisements or promotions:

- (1) Ohio college or university campuses; or
- (2) On the official jersey, uniform, or apparel of any person or team competing in sporting events in Ohio or made available for sale to the public in Ohio.

A plain reading of the statute leads a reasonable observer to conclude that the CCC is exceeding its authority when it imposes jersey, uniform, or apparel restrictions for any person or team, amateur or professional, competing in sporting events in Ohio.

Even given its most charitable reading under division (B)(10)(c) of this section, such sponsorships do not target consumers under 21 years of age, which is the limiting term used in the statute. The vast majority of sporting event viewership (college or professional) are peoples aged 21 and above. Even on college campuses, students, typically make up a small minority of attendees at sporting events, with those under 21 making up an even smaller percentage. The same can be said for live and television viewers of Ohio professional and collegiate sporting events. To claim that advertisements are “targeting” people under 21 is not supported by any substantial evidence and is contrary to statute.

We would strongly urge the commission to abandon division (E)(10) of this section altogether.

Thank you for the opportunity to share our thoughts on this rule. As always, we are happy to be a resource for the Commission and utilize the national and international experience of our members to help Ohio craft a sensible, safe, and enjoyable sports gaming system for Ohioans and visitors alike.

Sincerely,



Jeff Ifrah  
Founder, iDEA Growth

## Cox, William

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**From:** Andrew Winchell <andrew.winchell@fanduel.com>  
**Sent:** Friday, March 18, 2022 4:49 PM  
**To:** Rule Comments  
**Cc:** Cory Fox  
**Subject:** FanDuel Comments on Batch 5 - Round 1 Ohio Sports Gaming Rules  
**Attachments:** FanDuel Comments on Batch 5-Round 1 Proposed Ohio Sports Wagering Rules 3.18.22.pdf

Dear Executive Director Schuler,

Thank you for the opportunity to provide comments for the first round of review on the Ohio Casino Control Commission's Sports Gaming Rules – Batch 5. Attached please find our comments and please do not hesitate to contact me if you have any questions or need any additional information from us regarding our comments.

Sincerely,

**Andrew J. Winchell**  
Director, Government Affairs  
845.325.6235 | [andrew.winchell@fanduel.com](mailto:andrew.winchell@fanduel.com)



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Cory Fox  
[cory.fox@fanduel.com](mailto:cory.fox@fanduel.com)

March 18, 2022

*Via Email to [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov)*  
Matt Schuler, Executive Director  
Ohio Casino Control Commission  
100 East Broad Street, 20<sup>th</sup> Floor  
Columbus, OH 43215

**Re: FanDuel comments on proposed “Sports Gaming Rules, Batch 5 – Round 1 – Supplemental Type A and B Proprietor Licensing, Required Procedures, and General Proprietor Duties.”**

Dear Executive Director Schuler:

I write to provide comments on behalf of FanDuel Group, Inc. (“FanDuel”) regarding the Ohio Casino Control Commission’s (“Commission”) proposed “Sports Gaming Rules, Batch 5 – Round 1 – Supplemental Type A and B Proprietor Licensing, Required Procedures, and General Proprietor Duties.” (“Proposed Rules”). Based on our extensive experience as an operator in the online casino gaming, sports betting and fantasy sports industries and collaborator with regulators of sports betting in many states in the development of their regulations, we offer constructive feedback on ways in which the Proposed Rules can be improved for effectiveness and consistency with other state regulations.

Following the Supreme Court’s decision to strike down the Professional and Amateur Sports Protection Act (PASPA) in May of 2018, FanDuel has now become the leading sports wagering operator, and the largest online real-money gaming operator, in the United States. FanDuel currently operates twenty-five (25) brick and mortar sportsbooks in fourteen (14) states and online sports wagering in fifteen (15) states. We appreciate the opportunity to share our perspective on sports betting regulation with you and have arranged our comments in two parts. Part I is focused on issues of concern in the Proposed Rules that may significantly impact the ability of sports wagering operators to successfully operate in Ohio. Part II is focused requests for clarification.

All changes will be shown as follows: proposed additional text will be bolded and underlined and all text to be deleted will be bolded, bracketed, and struck through. For the sake of clarity where we are suggesting edits to a section that the Commission has also provided edits to, our suggested edits will be in red, and the Commission’s edits will be in black.

## **Part I – Operational Concerns.**

- ***Issue 1 – Requirement to periodically re-verify a patron’s identification***

Section 3775-16-03(F) of the Proposed Rules requires sports gaming proprietors to “periodically re-verify a patron’s identification at an interval approved by the executive director and upon reasonable suspicion that the patron’s identification or account has been compromised.” While we understand and agree with the requirement to re-verify a patron’s identification if there is suspicion that the identification or account has been compromised, it is not a standard requirement to perform periodic re-verifications of all patrons. We suggest that the Commission implement language that is similar to requirements in Arizona<sup>1</sup>, Michigan<sup>2</sup>, and Virginia<sup>3</sup>. To address this concern, we suggest the following edits:

Section 3775-16-03(F):

“(F) Each sports gaming proprietor must **[periodically]** re-verify a patron’s identification **[at an interval approved by the executive director and]** upon reasonable suspicion that the patron’s identification has been compromised.”

- ***Issue 2 – Prohibition on advertisements depicting an individual under the age of 21.***

Section 3775-16-08(B)(1) of the Proposed Rules prohibits a sports gaming proprietor from using an advertisement or promotion which depicts an individual who is, or appears to be, under the age of 21. While we certainly understand and agree with the concern of the Commission to prevent the targeting of advertisements to minors, this language of this provision ignores the fact that there are numerous athletes, including professional athletes, who are under 21 and participate in sports events in which wagering is allowed. For example, the Tampa Bay Rays have a shortstop, Wander Franco, who just turned 21 years old (March 1<sup>st</sup>). In the NHL there are a number of players under 21, including All-Star Jack Hughes (20). Additionally, there were 6 individuals on the US 2018 Winter Olympic team who were 17 at the time of the Olympics<sup>4</sup>, and 6 individuals on the US 2016 Summer Olympic team who were under 18 at the time of those Olympics as well<sup>5</sup>.

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<sup>1</sup> Michigan Administrative Code R432.756(2)

<sup>2</sup> A.A.C. R19-4-133(G)

<sup>3</sup> 11 VAC 5-70-290(N)

<sup>4</sup> <https://www.teamusa.org/pyeongchang-2018-olympic-winter-games/team-usa/athletes>

<sup>5</sup> <https://www.teamusa.org/road-to-rio-2016/team-usa/athletes>

We suggest that the age prohibition be reduced from 21 to 18 and to allow for the depiction of individuals who are participants in sports events upon which wagering has been approved by the Commission. To address this concern, we suggest the following edits:

Section 3775-16-08(B):

“(B) All sports gaming advertisements must not:

(1) Depict any individual under the age of ~~[twenty-one]~~ **eighteen, unless the individual is a participant in a sporting event upon which a wager may be placed;**”

- ***Issue 3 – Requirement for opt-out methods for advertisements***

Section 3775-16-08(C) of the Proposed Rules requires that sports gaming proprietors offer “opt-out” methods for all forms of advertising. While providing an “unsubscribe” option for email marketing is a standard practice, the requirement for a similar “opt-out” of all other advertisements is not standard in other US jurisdictions. For some other forms of advertising, it may be a significant burden or impractical. To address this concern, we suggest limiting the “opt-out” provision to email marketing as follows:

Section 3775-16-08(C):

“(C) Each advertisement, disseminated **via email** to a specific individual or individuals, must clearly and conspicuously describe a method by which an individual may opt out of receiving future advertisements. ~~[If the advertisement is sent via electronic mail, the]~~ **The** described opt out method must include either electronic mail or a linked online website. ~~[All other advertisements must include at least one of the following methods to opt out:~~

~~(1) Telephone;~~

~~(2) Regular U.S. mail;~~

~~(3) Online website or mobile application; or~~

~~(4) Electronic mail.]~~

- ***Issue 4 – Prohibition on advertising on an Ohio college or university campus or the official jersey or uniform of a person or team competing in Ohio.***

Section 3775-16-08(E) of the Proposed Rules prohibits advertising on Ohio college or university campuses or “on the official jersey, uniform, or apparel of any person or team competing in sporting events in Ohio or made available for sale to the public in Ohio. We strongly suggest that the Commission reconsider this rule in its entirety as operators in other states have been able to successfully partner with colleges and universities in other states (for example in Colorado and

Louisiana). Additionally, as the language of (E)(2) is written, this appears to prohibit contracts between operators and any sports team, no matter where they are located, for jersey or uniform sponsorships if the team is scheduled to play any game or match, at any point, in the state of Ohio. Finally, this language would also appear to prohibit athletes who are independent contractors in their sports (i.e., golf) and who have sponsorship agreements with sports gaming proprietors, from participating in events held in Ohio.

To address these concerns, we suggest the removal of section 3775-16-08(E) in its entirety.

- ***Issue 5 – Prohibition on dissemination of sports gaming advertisements in Ohio unless by a sports gaming proprietor applicant or licensee.***

Section 3775-16-08(G) of the Proposed Rules provides that “Sports gaming advertisements can only be disseminated in Ohio for sports gaming proprietor applicants or licensees, unless otherwise approved by the executive director.” This is problematic as four of the five states which border Ohio have authorized sports betting, including mobile sports betting, and as such there are robust advertising and marketing campaigns by operators in those states, which include advertisement in formats that are either impractical, or impossible, to prevent from crossing the border into Ohio (for example television and radio). As such, we strongly suggest that the Commission consider removing this requirement.

## **Part II - Requests for Clarification.**

- ***Issue 1 – Clarification of the definition of “advertisement”***

Section 3775-1-01(B)(1) of the Proposed Rules provides for an expansive definition of the term “advertisement” which appears to include both paid and unpaid communications to the public and is not limited to the state of Ohio. The definition as written could capture far more than what one would traditionally view as an advertisement. Arguably it could include customer service chat discussions with customers, all social media feeds, all public statements by company employees, etc. We suggest the following edits to limit the scope of the term “advertisement”:

### Section 3775-1-01(B)(1):

“(1) “Advertisement” means a **paid** notice, announcement, or communication to the public, or any specific member(s) thereof, designed to solicit or entice a person to participate in the sports gaming offerings of a sports gaming proprietor through broadcasting, publication, or any other means of dissemination **in the state of Ohio.**”

- ***Issue 2 – Clarification of the definition of “affiliate marketer”***

Section 3775-01-1(B)(2) of the Proposed Rules includes the definition of the term “affiliate marketer.” This definition includes anyone who promotes a sports gaming proprietor through a website or mobile application or in exchange for a commission or variable fee based upon a metric. Other jurisdictions, like Arizona<sup>6</sup> and Michigan<sup>7</sup>, which have looked at this issue, have generally tied the definition of “affiliate marketer” to the payment of the commission or variable fee. We suggest the Commission clarify this definition by changing the “or” to “and” to ensure that the definition does not inadvertently capture individuals who are not generally subject to licensure in other jurisdictions. To address this concern, we suggest the following edits:

Section 3775-01-1(B)(2):

“(2) “Affiliate marketer” means a person who conducts a promotion, marketing, or user recruitment for a sports gaming proprietor in this state **[either]**:

(a) Through a website or mobile application; **[or] and**

(b) In exchange for a commission or variable fee based upon the number of users recruited, wagering activity generated, revenue generated, or any other metric.”

- ***Issue 3 – Adding online or mobile payment systems as authorized forms of funding sports gaming accounts.***

Section 3775-16-3(B) of the Proposed Rules provides for the ways a patron may fund their sports gaming account. The list includes many funding forms that are accepted in other jurisdictions, and we appreciate that the Commission included language to provide the Executive Director the flexibility to approve additional forms of funding as new technology develops. However, we suggest the Commission follow the lead of a number of states, including Virginia<sup>8</sup>, in expressly including the authorization of online and mobile payment systems like PayPal and Venmo in the Proposed Rules. To address this concern, we suggest the following edit:

Section 3775-16-03(B):

“(B) A patron’s sports gaming account may be funded through the use of:

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<sup>6</sup> A.A.C. R19-4-101(20)

<sup>7</sup> Michigan Administrative Code R 321.711(b)

<sup>8</sup> 11 VAC 290(G)(4)

- (1) Deposit of cash or vouchers at an approved cashiering or kiosk location;
- (2) Credit or debit card;
- (3) Promotional credit;
- (4) Winnings;
- (5) Corrections made by the sports gaming proprietor with documented notification to the patron;
- (6) ACH transfer;
- (7) Online or mobile payment systems that support online money transfers;
- (8) Wire transfer; or
- ~~[(8)]~~ (9) Any other means approved by the executive director.”

- ***Issue 4 – Clarification on providing taxpayer identification number to create a sports gaming account.***

Section 3775-16-03(C)(7) of the Proposed Rules requires that sports gaming accounts include a patron’s taxpayer identification number. While many jurisdictions require the inclusion of an identification number associated with a patron, we suggest that the Commission adopt language similar to Michigan<sup>9</sup> and Indiana<sup>10</sup> which allow for the use of only the last four digits of a patron’s social security number. Many patrons may not wish to provide their full social security number, and in most cases, identity verification can be successfully done using only the last four digits. To address this concern, we suggest the following edits:

Section 3775-16-03(C)(7):

“(C) The sports gaming account must include the following information for each patron, and the sports gaming proprietor must update this information each time it becomes aware of changes.

...

(7) Social Security number, or the last 4 digits of the Social Security number, or an equivalent identification number for a noncitizen patron, such as a passport or [F] taxpayer identification number;”

- ***Issue 5 – Clarification on notification to customers in event of investigation.***

Section 3775-16-03(M)(1) of the Proposed Rules requires sports gaming proprietors to “Provide notice to the patron of the nature of the investigation of the account” when a sports gaming

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<sup>9</sup> Michigan Administrative Code R432.755(a)

<sup>10</sup> 68 IAC 27-12-4



proprietor does not honor a request for withdrawal due to an investigation. We suggest that the Commission clarify that this notification be of the “general nature” of the investigation to ensure that such notification does not hinder the efforts of the investigation. To address this concern, we suggest the following edits:

Section 3775-16-03(M)(1):

“(1) Provide notice of the **general** nature of the investigation of the account; and...”

- ***Issue 6 – Clarification on the calculation of the reserve required to be maintained by the sports gaming proprietor.***

Section 3775-16-06(A) provides for the calculation of the required reserve that a sports gaming proprietor must maintain. This provision requires the sports gaming proprietor to cover “all outstanding sports gaming liabilities” and the funds held for patron accounts. We suggest the Commission clarify what is included in “all outstanding sports gaming liabilities” similar to language used in Virginia<sup>11</sup>, which includes amounts accepted on wagers that have not yet been determined and amounts owed but unpaid on wagers whose results have been determined. To address this concern, we suggest the following edits:

Section 3775-16-06(A):

“(A) Each sports gaming proprietor must always maintain a reserve in an amount that is greater than the amount necessary to ensure the sports gaming proprietor’s ability to cover the sum of [~~all outstanding sports gaming liabilities~~] **the amount of funds accepted by the sports gaming proprietor as wagers on sports events with outcomes that have not been determined, money owed but unpaid by the sports gaming proprietor to patrons on winning wagers,** and the funds held for patron accounts.”

- ***Issue 7 – Clarification on “free” promotions.***

Section 3775-16-09(C) of the Proposed Rules provides that “promotions or bonuses described as free must not require the patron to incur any loss or risk their own money to use or withdraw winnings from the free wager.” We suggest that rather than banning such promotions, the Commission clarify that any conditions be clearly disclosed in the terms of the offer, similar to requirements in Colorado<sup>12</sup>. To address this concern, we suggest the following edits:

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<sup>11</sup> 11 VAC 5-70-140(B)

<sup>12</sup> CCR 207-2 Rule 9.4(c)

Section 3775-16-09(C):

“(C) Promotions or bonuses described as free must not require the patron to incur any loss or risk their own money to use or withdraw winnings from the free wager **unless such conditions are made clear to the patron in the offer itself.**”

- ***Issue 8 – Clarification on conduct of internal audit.***

Section 3775-16-19(A)(1) of the Proposed Rules provides that an annual assessment of compliance may be done by a separate internal audit department. We suggest that the Commission clarify that this may be done by the internal audit department of a sports gaming proprietor’s parent company. To address this concern, we suggest the following edits:

Section 3775-16-19(A)(1):

“(A) Sports gaming proprietors must maintain one of the following to annually assess compliance with sports gaming law:

(1) A separate internal audit department which is independent of the sports gaming operation, **this may be the internal audit department of a parent company of the sports gaming proprietor;** or...”

\*\*\*\*\*

We appreciate your time and consideration of our comments and would be happy to discuss at your convenience.

Sincerely,



Cory Fox  
Government Affairs and Product Counsel Vice President

**From:** [Lisa Powers](#)  
**To:** [Rule Comments](#)  
**Subject:** Sports Gaming Rules - Batch 5, Round 1  
**Date:** Friday, March 18, 2022 5:00:29 PM

---

Good Afternoon,

JACK Cleveland Casino and JACK Thistledown Racino respectfully submit the following comments for consideration:

**Sports Gaming Rules – Batch 5, Comment Round 1**

-  
**Rule 3775-16-03 | Sports gaming accounts.**

1. 3775-16-03(B) – We respectfully request adding third-party payment providers, or something similar, to include PayPal, Venmo, and other similar payment providers to fund accounts.
2. 3775-16-03(C) – We respectfully request adding a rule to distinguish between a sports gaming account and an incomplete sports gaming account (or something similar), the latter would not be permitted to make wagers using the account until all sports gaming account information was provided and verified.
3. 3775-16-03(C) – We respectfully request removal of the requirement to “update this information each time it becomes aware of changes.” Due to a sports gaming proprietor’s different lines of business, the sports gaming proprietor’s casino or racino guest may notify the casino/racino of an updated address in accordance with casino/racino procedures—however, the information would not have met the same verification requirements as the patron information in a sports gaming account. Since the patron information contained in the sports gaming account is the most accurate (considering the required use for multi-source authentication or verification software), an updated address reported to the casino/racino should not trigger an update to a patron’s sports gaming account. If a patron wants to update their sports gaming account, there will be specific methods to complete such updates, all subject to the original verification requirements.
4. 3775-16-03(I) – We respectfully request reducing the timeframe for access to patron activity to be limited to the past six months, based on what we have seen in other sports betting websites/applications. This is also specifically referring to the patron history of every transaction, which is a lot of detailed information. Having a patron’s win/loss statement available for past years is much less data. Additionally, the sports gaming proprietor will still be required to maintain such betting activity pursuant to records retention requirements.
5. 3775-16-03(J) – We respectfully request additional language in this rule to require multi-factor authentication for certain situations such as, first-time login or password reset, but not required every time. This is to align with other jurisdictions and other financial institution applications and to eliminate a customer friction point because other applications/websites do not require multi-factor authentication for each login.
6. 3775-16-03(M)(1) – We respectfully propose a revision to provide notice to the patron of an investigation of the account; removing the language “the nature of.” This is because the nature of the investigation could reveal confidential information related to “a SAR or information that would reveal the existence of a SAR” in violation of Title 31.

**Rule 3775-16-04 | Wager rules.**

1. 3775-16-04(C) – We respectfully propose a revision for a sports gaming wager to not be accepted on events for which *the sports gaming proprietor knows* the outcome has already been determined.

**Rule 3775-16-06 | Reserve funds.**

1. 3775-16-06 – We respectfully request an exception to the reserve fund requirements in paragraphs (A) – (C) for a sports gaming proprietor that is also a casino operator or video lottery sales agent. Due to the nature of those businesses, we must always maintain enough funds to cover all outstanding liabilities and funds held for patron accounts. We respectfully request to not be further subject to requirements for a separate reserve fund.

**Rule 3775-16-08 | Sports gaming event and wager type requests.**

1. 3775-16-08(E)(2) – We respectfully request deletion of the extra “on” preceding the sentence. Additionally, to further clarify the rule, we suggest separating the two clauses, such as:
  - (2) *The official jersey, uniform, or apparel of any person or team competing in sporting events in Ohio; or*
  - (3) *The official jersey, uniform, or apparel of any person or team made available for sale to the public in Ohio.*

**Rule 3775-16-11 | Sports gaming event and wager type requests.**

1. 3775-16-11(C) – We respectfully request the ability to request the additional of any previously denied sports gaming event or wager type for ninety days following the date of denial due to the speed in which things change in this industry.

**Rule 3775-16-15 | Information technology.**

1. 3775-16-15(B) – We respectfully request removing “as approved by the executive director” for the IT security insurance. There are no minimum coverage requirements for cyber security insurance, but the approval language suggests there could be a minimum amount or type of coverage enforced. Considering cyber insurance is becoming a very volatile product to obtain and it may become cost prohibitive to maintain certain types of coverage, we are requesting the flexibility to determine our own coverage level.

**Rule 3775-16-16 | Security and safety of confidential information.**

1. 3775-16-16(B) – We respectfully request a revision to limit paragraph (B) to the “personally identifiable information” or “confidential information” of sports gaming patrons and their accounts.

**Rule 3775-16-17 | Incident Reporting.**

1. 3775-16-17(A) – We respectfully request a revision to clarify paragraphs (1) – (6) apply to sports gaming instead of more generally. For example, paragraph (A)(3) is likely intended to cover any IT security breach or other compromising IT risk related to sports gaming. Same with paragraph (A)(4), where this is intended for a breach of confidentiality of a sports gaming patron’s personal information, not necessarily any patron of the sports gaming proprietor’s

other line of business. A proposed revision would be, "...information in the sports gaming proprietor's possession related to *sports gaming* and any of the following..."

Please let me know if you have any questions or require additional information.

Thank you,

Lisa

**LISA POWERS**

DIRECTOR OF COMPLIANCE

D: 216-297-4798

M: 513-667-4506

LISAPOWERS@JACKENTERTAINMENT.COM

100 PUBLIC SQUARE, CLEVELAND, OH, 44113

[WWW.JACKENTERTAINMENT.COM](http://WWW.JACKENTERTAINMENT.COM)



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## Cox, William

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**From:** Blackford, Amanda  
**Sent:** Saturday, March 19, 2022 8:59 AM  
**To:** Cox, William; Kerscher, Martin  
**Subject:** Fw: Comments on Sports Wagering Rules  
**Attachments:** EPIC Risk Management US Comments on Ohio.pdf



### Amanda Blackford

Director of Operations & Problem Gambling Services  
Ohio Casino Control Commission  
(614) 387-5693

Ohio Problem Gambling Helpline: 1-800-589-9966

---

**From:** Brianne Doura-Schawohl <brianne@epicriskmanagement.com>  
**Sent:** Friday, March 18, 2022 6:57 PM  
**To:** Blackford, Amanda <Amanda.Blackford@casinocontrol.ohio.gov>  
**Cc:** Paul Buck <Paul@epicriskmanagement.com>  
**Subject:** Comments on Sports Wagering Rules

Good Evening Amanda -

I hope this email finds you well. Please find attached EPIC's comments about the batch 5 proposed rules for sports wagering in Ohio. We appreciate this opportunity to comment and appreciate your review of our memo. We are happy to answer all questions that you may have.

Warmest Regards,  
Brianne



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**EPIC Risk Management US, PBC**

101 Hudson Street  
Jersey City, NJ 07302

## **EPIC Comments on Sports Betting Proposed Rules**

Dear Members of Ohio Gaming Control Commission,

On behalf of EPIC Risk Management US, PBC, we thank you for this opportunity to provide commentary on your proposed rules for Ohio sports wagering. EPIC Risk Management US, PBC is a global harm prevention consultancy, with lived experience at the heart of all that we do, we deliver ground-breaking harm minimization programs across the globe (25 countries and counting) to help individuals and organizations across the highest risk sectors in the sports wagering ecosystem minimize the risks posed by gambling harm.

EPIC works with the National Football League Players Association (NFLPA), NCAA, and Major League Soccer's Chicago Fire and many others to provide expertise and guidance to the harms that the U.S. betting and gaming industry could potentially experience in this period of unprecedented growth.

EPIC remains neutral on legalized gambling but would like to offer our strong support of the following provisions included in the batch of rules currently under consideration. We are elated to see so many considerations to address problem gambling. First, we support in Rule 3775-16-03 (H). The requirement of operators to provide easy and accessible tools for consumers to set limits of their play, we cannot emphasize the importance of this and applauded it enough. Research provides insights that consumers who utilize these tools will more likely play within their means and instruments such as these can be helpful in reducing the negative consequences that can come from gambling, including excessive gambling expenditures. Consumers should receive incentives to utilize these features on platforms as often as possible.

Additionally, EPIC is encouraged to see regulations that address advertising. Rule 3775-16-08 (A, 3) is to be commended as it ensures that consumers who are vulnerable or in need of help can be directed somewhere and to someone who is able to assist, 24/7/365. This will be achievable via the prominent placement of a national twenty-four-hour helpline on all materials. Additionally, following other international jurisdictions looking to address concerns around advertising and problem gambling, we support the restriction of advertisements including anyone under the age of twenty-one (B, 1), advertising that targets vulnerable individuals where there is the possibility of increased harm (B-2) and banning the practice of misleading the public about the risks that come with gambling and the encouragement of irresponsible and excessive participation (B-4 & 5). Especially for individuals who may be at risk, currently or previously enrolled in self-exclusion programs, in their quest to stay healthy and safe, it's imperative that individuals be able to minimize and reduce the amount of marketing materials they are subject to. For that reason and others, EPIC supports (C-1-4). Numerous international jurisdictions as means of preventing and reducing harm rates, especially for youth and within the younger population, have restricted gambling advertisements on sports jerseys. Research highlights that the younger someone is exposed to and engages with gambling, the greater chance they have of developing a problem with gambling later in life. For that reason and others, with the best intentions of protecting public health, we support the restrictions of advertisements on



university campuses and on official jerseys and apparel worn by athletes in Ohio, as we know many children and vulnerable individuals would otherwise be exposed. (E-1-2)

We believe these provisions and others that you have drafted will help Ohio become a leader in the nation, helping to prevent and reduce the harm that can and will come for some individuals from legalized sports wagering. We appreciate this opportunity to comment. We'd be happy to answer all questions or concerns that you may have.

Sincerely,

*Paul Buck*

Paul Buck, CEO EPIC Risk Management



## Cox, William

---

**From:** Tom Pappas <tom@tompappas.com>  
**Sent:** Friday, March 18, 2022 3:39 PM  
**To:** Rule Comments  
**Cc:** Tom Pappas  
**Subject:** Rule 3775-16-08(E)(2) | Advertising.  
**Attachments:** Coalition OCCC Letter.docx

Please find attached comments to Rule 3775-16-08. Thank you for your consideration.

- TPP

TPP

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March 18, 2022

By Electronic Submission  
Ohio Casino Control Commission  
100 East Broad Street, 20th Floor  
Columbus, Ohio 43215  
Email: [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov)

Re: Sports Gaming Rules – Batch 5, Comment Round 1 (Supplemental Type A and B Proprietor Licensing, Required Procedures, and General Proprietor Duties)

Ladies and Gentlemen,

The undersigned Ohio based professional sports teams and organizations are grateful for the opportunity to participate in the discussion regarding the Sports Gaming Rules for Ohio. We also thank the Commission for its sustained expediency in releasing the draft rules, and look forward to continuing to engage with and support the Commission in its work to implement an optimal sports betting regulatory framework for Ohio. We appreciate the Commission’s consideration of the following comments in the Batch 5 Rules.

**Rule 3775-16-08(E)(2) | Advertising.**

We respectfully request that Rule 3775-16-08(B) of the Batch 5 Rules, which prohibits sports gaming proprietor advertising “on the official jersey, uniform, or apparel of any person or team competing in sporting events in Ohio or made available for sale to the public in Ohio” be removed from the Rules, for the reasons detailed below.

Along with ensuring the integrity of our competitions, consumer protections, including measures to combat problem gaming, are the top sports gaming priorities for our organizations and our respective leagues. As such, each of the centralized sports governing bodies with which our organizations are affiliated have enacted and enforced robust sports gaming policies that our Ohio organizations must follow, including with respect to sports gaming advertising and broader integrity protections. Each of our leagues has invested substantial resources in determining the optimal policy for its clubs, participants and consumers, and these policies vary by sport. Many leagues currently prohibit sports gaming advertising on official jerseys and apparel, and prohibitions on some or all player endorsements of sports gaming companies and products are also common across our leagues. These policies also uniformly require inclusion of prominent responsible gaming messaging accompanying sports gaming advertisements and expressly prohibit advertisements targeting underage consumers. Further, the leagues have each devoted significant funds and other resources in their responsible betting initiatives, and together with our organizations will continue to do so.

As a result of the strong policies already in place at the league level, we feel that the proposed rule, while well intentioned, is better left to the regulatory structures of the sports governing bodies. The rule would also have significant negative consequences for Ohio’s teams and the sporting events held here. This

rule would make Ohio an outlier among the more than 30 states that have legalized sports gaming, and would place Ohio teams in leagues that allow this type of advertising at a significant disadvantage as compared to their counterparts in the myriad of other states where sports gaming advertising on jerseys, uniforms and apparel, is permitted. The proposed rule is also likely to create a multitude of challenging issues for visiting teams playing in Ohio from states that allow sports gaming advertising on their uniforms, and could even have the unintended consequence of favoring visiting teams over their Ohio-based opponents.

A more direct consequence of this proposed rule would occur with respect to the members of our group whose athletes are independent contractors, rather than employees. Because these organizations have limited ability to control the individual endorsement opportunities of their participants, eliminating the category of sports gaming would significantly undermine the attractiveness of Ohio based events for world class athletes. To cite a specific example close to home, The Memorial Tournament, the celebrated international golf event in Columbus, could potentially lose several top participants were this rule to go into effect since those players would not be able to meet their individual sponsor obligations while playing in Ohio. Such a loss of top-tier talent would not only negatively impact the Memorial, but also undercut the economic impact of the tournament for the State of Ohio. The same can be said for the negative effect on the economic benefit of prominent auto races, tennis tournaments and other national and international tours and circuits holding their events in Ohio.

Economic impact for the State of Ohio was one of the core policy considerations of the General Assembly as it worked to enact legalized sports gaming legislation in our state. These policy principles are expressly reflected throughout the newly enacted statute. The proposed rule would undermine this important policy priority by placing Ohio based professional teams and events at a direct competitive disadvantage as compared teams in other states, and could also make it more difficult for Ohio based professional sports teams and organizations to attract national and international events to our state. The rule is also unnecessary in light of the robust regulatory frameworks implemented by each of the sports governing bodies to combat problem gaming. Each of our organizations, together with our respective leagues and associations, look forward to partnering with the Commission on important responsible gaming initiatives to protect consumers. However, we respectfully request that matters of jersey, uniform, and apparel sponsorships remain in the regulatory purview of the appropriate professional sports governing bodies.

Again, we appreciate all your work and the opportunity to work with the Commission on these important topics. Thank you again for your consideration and leadership.

Sincerely,

FC Cincinnati  
Cleveland Browns  
Cleveland Cavaliers

Columbus Blue Jackets  
Columbus Crew

The Memorial Tournament  
Mid-Ohio Sports Car Course



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Dear Ms. Franks,

Thank you for the opportunity to comment on the Ohio Casino Control Commission's proposed rules relating to Sports Gaming Rules – Batch 5 Round 1 procedures and requirements. On behalf of Gaming Laboratories International, LLC (GLI), please consider the following comments:

Original Rule Verbiage:

**Rule 3775-16-20 | External audits and other reports.**

(F) Each sports gaming proprietor must contract with an independent third party to perform an IT audit. The third party must be approved by the executive director as qualified, independent, and capable of performing the audit. The audits must be performed, and a copy of the report provided to the commission, at least once each year. The audits and corresponding report must assess the following:

- (1) The design, controls, maintenance, and security of the sports gaming proprietor's IT systems;
- (2) The sports gaming proprietor's compliance with the IT requirements of this chapter; and
- (3) Any other subject required by the executive director.

(G) The sports gaming proprietor must file with the commission the report required by paragraph (F) of this rule in a format determined by the executive director within one hundred twenty days following the end of the fiscal year or upon receipt, whichever is earlier.

**GLI Comments:**

We recommend an addition to part F to indicate that an initial security audit be completed prior to implementation of the live environment within 90 days of determined activation date. Similarly for section F(1) we would like to indicate that this indicate directly for including network penetration and vulnerability testing. Finally under part F(2), we recommend that including the applicable standards in the appendix of Rule 3775-9-01.

Proposed Verbiage Revision:

(F) Each sports gaming proprietor must contract with an independent third party to perform an IT audit. The third party must be approved by the executive director as qualified, independent, and capable of performing the audit. The audits must be performed, and a copy of the report provided to the



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commission, within 90 days of commencing operations and at least once each year. The audits and corresponding report must assess the following:

(1) The design, controls, maintenance, and security of the sports gaming proprietor's IT systems, including network penetration and vulnerability testing;

(2) The sports gaming proprietor's compliance with the IT requirements of this chapter, including the applicable standards in the appendix of Rule 3775-9-01; and

(3) Any other subject required by the executive director.

*(G) The sports gaming proprietor must file with the commission the report required by paragraph (F) of this rule in a format determined by the executive director within one hundred twenty days following the end of the fiscal year or upon receipt, whichever is earlier.*

GLI values its long history of service to OCCG and appreciates the opportunity to offer these comments. If you have any questions or are interested in discussing this in more detail, please contact me at 303-215-5822 or via email.

Very Best Regards,

Robert Mc Adoo



# OHIO CASINO CONTROL COMMISSION

## Sports Gaming Rules – Batch 5, Comment Round 2

### Supplemental Type A and B Proprietor Licensing, Required Procedures, and General Proprietor Duties

Comment Period: March 28, 2022 – April 8, 2022.

## Cox, William

---

**From:** David Miller <DavidMiller@pgatourhq.com>  
**Sent:** Tuesday, April 5, 2022 10:03 AM  
**To:** Rule Comments  
**Cc:** Dan Sullivan; Tom Pappas  
**Subject:** RE: Comment from PGA TOUR and Memorial Tournament on Fifth Batch of Sports Gaming Rules  
**Attachments:** PGA TOUR-Memorial Tournament Follow-Up Letter re Jersey Advertising Rule.pdf

Please see the attached follow-up letter from the PGA TOUR and Memorial Tournament regarding the jersey advertising rule.

--

**David Miller**  
Senior Vice President &  
Assistant General Counsel

PGA TOUR  
1 PGA TOUR Blvd.  
Ponte Vedra Beach, FL 32082  
Office: 904.543.5198  
Mobile: 904.400.1489

---

**From:** David Miller  
**Sent:** Friday, March 18, 2022 7:31 AM  
**To:** rulecomments@casinocontrol.ohio.gov  
**Cc:** Dan Sullivan <dsullivan@thememorialtournament.com>; Tom Pappas <tom@tompappas.com>  
**Subject:** Comment from PGA TOUR and Memorial Tournament on Fifth Batch of Sports Gaming Rules

Please see the attached comment letter from the PGA TOUR and Memorial Tournament on the fifth batch of the Sports Gaming Rules.

--

**David Miller**  
Senior Vice President &  
Assistant General Counsel

PGA TOUR  
112 PGA TOUR Blvd.  
Ponte Vedra Beach, FL 32082  
Office: 904.543.5198  
Mobile: 904.400.1489

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April 5, 2022

Ohio Casino Control Commission  
100 East Broad Street, 20th Floor  
Columbus, Ohio 43215  
Email: rulecomments@casinocontrol.ohio.gov

Re: Sports Gaming Rules – Jersey Advertising Rule

Dear Ladies and Gentlemen,

On behalf of the PGA TOUR and Memorial Tournament, we would like to thank the Commission staff for the proposed changes to Sports Gaming Rule 3775-16-08, which originally prohibited operators from advertising on jerseys, uniforms and apparel of players competing in Ohio.

The PGA TOUR and Memorial Tournament support the new language prohibiting sports gaming advertisements, including logos on any product, clothing, toys, games or equipment, intended primarily for persons under twenty-one years of age. We feel this language strikes the right balance of protecting youth from gaming advertisements, while not prohibiting PGA TOUR players, who are contractors, from profiting from their name, image and likeness in a responsible, socially conscious manner. Also, we believe this language will not dissuade PGA TOUR players from competing in the Memorial Tournament and other Ohio events.

Thank you for taking our comments into consideration.

Sincerely,  
David Miller  
Senior Vice President & Assistant General Counsel  
PGA TOUR

Dan Sullivan  
Executive Director  
Memorial Tournament

## Cox, William

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**From:** Dean Hestermann <DHestermann@caesars.com>  
**Sent:** Wednesday, April 6, 2022 6:24 PM  
**To:** Rule Comments  
**Cc:** Amy Ankerson; John Walker; Trevor Hayes; Lisa Rankin; Jeffrey P. Hendricks; Patrick Markovich; rhillis@gpgrhr.com  
**Subject:** Sports betting regulatory language, batch 5, round 2  
**Attachments:** Ohio batch 5 round 2 Caesars.docx

Dear Sir or Madam,

On behalf of Caesars Entertainment and Scioto Downs, I again thank you for the opportunity to comment on Ohio's proposed rules for sports betting. The attached comments refer to language circulated on March 28, 2022 in the fifth batch of sports gaming rules for the second round of stakeholder comment.

Dean Hestermann



**Dean Hestermann** | *Vice President, Issues Management and Strategic Communications*

O 901-652-8787

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**Batch Five, Round Two Comments**

Rule Number	Rule Title	Existing Language	Proposed Changes	Justification
Rule 3775-16-06 (A)	Reserve funds	Each sports gaming proprietor must always maintain a reserve in an amount that is equal to or greater than the amount necessary to ensure the sports gaming proprietor’s ability to cover the sum of all amounts accepted by a sports gaming proprietor on sporting events whose outcomes have not been determined, money owed but unpaid by the sports gaming proprietor to patrons on winning wagers, and the funds held for patron accounts.	Each sports gaming proprietor must always maintain a reserve in an amount that is equal to or greater than the amount necessary to ensure the sports gaming proprietor’s ability to cover the sum of all amounts accepted by a sports gaming proprietor on sporting events whose outcomes have not been determined, money owed but unpaid by the sports gaming proprietor to patrons on winning wagers, and the <b>CASH</b> funds held for patron accounts.	<p>When a sports betting operator issues a customer “free bets,” the funds are applied to their account balance and represented in a patron’s summary until the patron utilizes the offer. The current language would require us to cash fund these amounts in our reserve.</p> <p>These balances cannot be withdrawn for cash. Once wagered, their payout amount is reduced by the free amount used. For example, if a \$100 free wager pays \$110, the customer receives cash of only \$10.</p> <p>Our rough calculations suggest that in Ohio, the current language would require us to include in our reserve several hundred thousand dollars of cash that we neither received nor owe to a patron.</p> <p>We would propose the addition of the word “cash” to clarify that we are only liable to reserve cash for cash.</p>

## Cox, William

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**From:** Hoyer, Nicole <hoyerng@miamioh.edu>  
**Sent:** Thursday, April 7, 2022 2:52 PM  
**To:** Rule Comments  
**Cc:** Thomas, Randi Malcolm Esq Mr.  
**Subject:** 5th Batch of Rules Comments

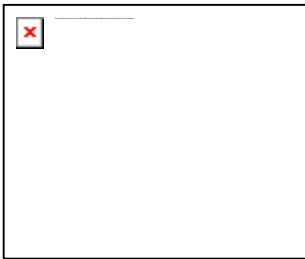
Good afternoon,

Below is a suggested revision to the section regarding Rule 3775-16-14 | State university data requests. This edit is to clarify that all non-identifying information on each individual wager will be provided .

**(C) Except for the player identifier number approved by the executive director, Data provided under this rule must be anonymized and free of any patron personal information, but must include all other available information about each individual wager.**

If you have any further questions, please let me know.

Thanks,



**Nicole Hoyer**  
*Assistant Director of Government Relations*  
ASPIRE  
Miami University  
410 E. High St.  
Oxford, OH 45056  
O/M: (513) 529-4151

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## Cox, William

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**From:** Samuel.Porter@icemiller.com  
**Sent:** Friday, April 8, 2022 10:35 AM  
**To:** Rule Comments  
**Subject:** Penn Commentary\_OCCC Sports Gaming Rules (Batch 5 Round 2) (004)  
**Attachments:** Penn Commentary\_OCCC Sports Gaming Rules (Batch 5 Round 2) (004).pdf

Good Morning,

Attached please find comments for Batch 5, Round 2.

Thanks,  
Sam



**Samuel H. Porter, III** | Partner | Arena District | 250 West Street | Columbus, OH 43215  
P: 614.462.1078 | Cell: 614.286.9241 | [Samuel.Porter@icemiller.com](mailto:Samuel.Porter@icemiller.com)

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Ohio Casino Control Commission - 2nd Round Sports Gaming Rules (Batch 5)				
Area	Rule Reference	Existing Rule Language	Proposed Language	Reason for Change
Definitions	Rule 3775-1-01(B) (2)	(2) "Affiliate marketer" means a person who conducts promotion, marketing, advertising, or patron recruitment for an online sports pool or a sports gaming facility proprietor in this state either:  (a) Through a website or mobile application; or  (b) In exchange for a commission or variable fee based upon the number of users recruited, wagering activity generated, revenue generated, or any other metric.	(2) "Affiliate marketer" means a person who conducts promotion, marketing, advertising, or patron recruitment for an online sports pool or a sports gaming facility proprietor in this state either:  (a) Through a website or mobile application; or <b>and has an agreement with a sports gaming proprietor to be compensated based on</b>  (b) <del>In exchange for a commission or variable fee based upon the number of users recruited</del> <b>registrations</b> , wagering activity generated, <b>sports gaming</b> revenue generated, or <b>a percentage of sports gaming revenue generated</b> , <del>any other metric</del> .	Penn submitted similar requested changes and comment for previous rules Batches and understood the Commission did not adopt those changes. Respectfully, Penn would like to re-offer these changes and comments for the Commission's consideration as we think they are important updates from an operational standpoint.  Penn recommends amending this rule to closer align with the industry standard definition of an "Affiliate Marketer." As currently written, the definition is overly inclusive. The standard industry definition of an "Affiliate Marketer" includes those persons involved in a promotion and marketing for an online sports pool or sports gaming facility proprietor, in exchange for compensation based on new users registered, deposits made, revenue generated, or a percentage share of revenue generated. Amending this definition accordingly benefits the commission and sports gaming proprietors as it provides clarity as to which entities constitute an affiliate marketer and are thus beholden to the obligations related to sports gaming advertisements, based on established industry precedent.
Sports Gaming Accounts/Responsible Gaming Limits	Rule 3775-16-03(I) (4)	(I) Patrons must be provided with an easy and obvious method, immediately upon initial account registration and at all times through the sports gaming proprietor's website or application, to impose limitations for betting parameters including, but not limited to, deposits, wagers, and time-based limitations. The self-imposed limitation method must provide the following functionality:  (4) An option must be available for patrons to set automatically renewing self-imposed limits.	(I) Patrons must be provided with an easy and obvious method, immediately upon initial account registration and at all times through the sports gaming proprietor's website or application, to impose limitations for betting parameters including, but not limited to, deposits, wagers, and time-based limitations. The self-imposed limitation method must provide the following functionality:  (4) <b>An option must be available for patrons to set automatically renewing self-imposed limits, or a similar functionality that is approved by the executive director to satisfy this requirement.</b>	Penn submitted similar requested changes and comment for Batch 5, Round 1 and understood the Commission did not adopt those changes. Respectfully, Penn would like to re-offer these changes and comments for the Commission's consideration as we think they are important updates from an operational standpoint.  Penn recommends amending this rule to ensure existing functionality, implemented in accordance with GLI-33 V1.1 standards, may be utilized. Penn's online sports gaming "limits" functionality is built in accordance with GLI-33 V1.1 standards, and approved in all 12 jurisdictions where Penn offers online sports gaming.  Penn believes its current functionality meets the intent of this rule as follows:  - For time/period-based limits, patrons are able to set Daily, Weekly, and Monthly limits on items such as deposits and wagers. Once set, these limits will remain in effect after the specified period has elapsed, unless and until a patron otherwise makes a modification.  - <i>Example: A patron sets a Monthly Deposit Limit of \$2,000. After 30 days, the patron can deposit another \$2,000. That limit will remain in effect without patron intervention being required to renew it. If a patron wishes to make a limit less restrictive (i.e., increasing the amount that can be Deposited monthly), that change will not go into effect until 30 days from the day the change was requested. More restrictive updates (i.e. decreasing the monthly deposit limit) are effective immediately.</i>  Summarily, Penn recommends permitting the executive director the discretion to approve each platform's self-imposed limits functionality. As various platforms will naturally offer different functionalities, each will differ in how they comply with this rule.
Wager Rules/In-person manual payouts	Rule 3775-16-04(I)	(I) For type B sports gaming proprietors, in the case of a sports gaming system or power failure, tickets may be manually paid. All manually paid tickets must be marked as "paid" and entered into the sports gaming system as soon as possible to verify the accuracy of the payout. All manually paid tickets must be reviewed as part of the daily audit process. A log for all manually paid tickets must be maintained and include:	(I) For type B sports gaming proprietors <b>and/or management services providers</b> , in the case of a sports gaming system or power failure, tickets may be manually paid. All manually paid tickets must be marked as "paid" and entered into the sports gaming system as soon as possible to verify the accuracy of the payout. All manually paid tickets must be reviewed as part of the daily audit process. A log for all manually paid tickets must be maintained and include:	Penn submitted the same requested changes and comment for Batch 5, Round 1 and understood the Commission did not adopt those changes. Respectfully, Penn would like to re-offer these same changes and comments for the Commission's consideration as we think they are important updates from an operational standpoint.  Penn recommends expanding subsection (I) to include management services providers. According to section 3775.051(A) of the Revised Code, a licensed type B sports gaming proprietor may contract with a management services provider to offer in-person sports gaming on its behalf. Amending this rule to include management services providers ensures such licensees are afforded the same ability to manually pay tickets during a system or power failure when contracted to offer in-person sports gaming on behalf of a type B sports gaming proprietor.
Ticket Contents	Rule 3775-16-05 (A)	(A) Upon completion of a sports gaming wager, the patron must receive an unalterable virtual or printed wager record from the sports gaming system which must contain, at a minimum, the following information:  (1) Sports gaming proprietor name; (2) The date and time the wager was placed; (3) The date and time the event is expected to occur; (4) Any patron choices involved in the wager, including: (a) Wager selection; (b) Type of wager and line postings; (c) Any special condition(s) applying to the wager; and (d) Pay out, applicable at the time the wager is placed; (5) Total amount wagered, including any promotional credits, if applicable; (6) Sporting event identifier; (7) Unique identification number of the wager record; (8) Expiration period; (9) A problem gambling message, including a helpline number compliant with paragraph (A)(3) of rule 3775-16-08 of the Administrative Code; and (10) The unique sports gaming device ID that issued the wager record, if applicable.	(A) Upon completion of a sports gaming wager, the patron must receive an unalterable virtual or printed wager record from the sports gaming system which must contain, at a minimum, the following information:  (1) Sports gaming proprietor name; (2) The date and time the wager was placed; (3) The date and time the event is expected to occur; (4) Any patron choices involved in the wager, including: (a) Wager selection; (b) Type of wager and line postings; (c) Any special condition(s) applying to the wager; and (d) Pay out, applicable at the time the wager is placed; (5) Total amount wagered, including any promotional credits, if applicable; (6) Sporting event identifier, <b>if applicable</b> ; (7) Unique identification number of the wager record; (8) <b>For printed sports gaming wager records, the following must also be included:</b> (a) Expiration period; (9) <b>(b)</b> A problem gambling message, including a helpline number compliant with paragraph (A) (3) of rule 3775-16-08 of the Administrative Code; and (10) <b>(c)</b> The unique sports gaming device ID that issued the wager record, if applicable.	Penn submitted similar requested changes and comment for Batch 5, Round 1 and understood the Commission did not adopt those changes. Respectfully, Penn would like to re-offer these changes and comments for the Commission's consideration as we think they are important updates from an operational and technological standpoint.  Penn recommends the following changes to Rule 3775-16-05(A):  (1) As many sports gaming systems will not have sporting event identifiers for every sporting event and market offered, this should only be required to be included on the virtual or printed wager record, if applicable. This ensures that a sporting event identifier is included for every sporting event that has such an identifier assigned to it.  (2) Aligning this section with industry standards to account for the differences between online and in-person sports gaming. As online wagers will not expire, nor will they be issued by a sports gaming device, Penn recommends that inclusion of these items be required only for "printed" wager records that will be issued at an in-person sports gaming facility.  (3) Penn understands the importance of including a problem gambling message on wager records; however, a problem gaming message should only be required to be included on printed tickets as a virtual or digital record is limited in space. Additionally, when a patron is wagering via website or mobile application the responsible gaming message will be prominently displayed throughout a patron's online session in other parts of the online sports gaming platform. This ensures that a patron is acutely aware of the responsible gaming measures and assistance available throughout their sports gaming session.

Ohio Casino Control Commission - 2nd Round Sports Gaming Rules (Batch 5)				
Area	Rule Reference	Existing Rule Language	Proposed Language	Reason for Change
Sports Gaming Proprietor Reserve Funds	Rule 3775-16-06(C)	(C) The reserve funds must be held in the form of cash, cash equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond, or a combination thereof.	(C) The reserve funds must be held in the form of cash, cash equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond, <b>a guaranty letter</b> , or a combination thereof.	<p>Penn submitted the same requested changes and comment for Batch 5, Round 1 and understood the Commission did not adopt those changes. Respectfully, Penn would like to re-offer these same changes and comments for the Commission's consideration as we think they are important updates from an operational standpoint.</p> <p>Penn recommends amending this rule to permit sports gaming proprietors to satisfy the required reserve via a guaranty letter. Allowing sports gaming proprietors more optionality to satisfy reserve requirements via cash, letter of credit, guaranty letter, etc., or a combination thereof, encompasses practices permitted in Colorado, Illinois, Indiana, and Iowa. Additionally, Penn is a publicly traded company on the Nasdaq stock exchange and currently has a market capitalization of over \$6 billion. As a large, geographically diversified company, the risk of not being able to individually meet its sports wagering obligations is remote. Penn believes its inherent fiscal strength, backed by a corporate guaranty, will more than satisfy the requirements of this rule and ensure the requisite funds are maintained to properly protect consumers in Ohio. This proposed amendment would also benefit financially stable and solvent Ohio casinos and other prospective sports gaming proprietors.</p>
Advertising	Rule 3775-16-08(E)	(E) A sports gaming proprietor must not advertise or promote on college or university campuses located in the state of Ohio.	(E) A sports gaming proprietor must not advertise or promote on college or university campuses located in the state of Ohio, <b>except for generally available television, radio, and digital advertising.</b>	<p>Penn submitted similar requested changes and comment for Batch 5, Round 1 and understood the Commission did not adopt those changes. Respectfully, Penn would like to offer similar changes and comments for the Commission's consideration as we think they are important amendments from an operational standpoint.</p> <p>Penn recommends amending this rule to permit the presence of generally available television, radio, and digital advertising on college or university campuses in Ohio. Prohibiting advertisements from Ohio college or university campuses, generally, is overly restrictive as campus borders are often ambiguous and expand beyond areas predominantly utilized by college students and student-athletes (e.g., Ohio State University). The rule as currently written would result in a significant operational burden for sports gaming proprietors to ensure generally available advertisements on mediums such as television, radio, and social media are not able to be consumed on college or university campuses.</p>
Advertising	Rule 3775-16-09(C)	(C) Promotions or bonuses described as free or risk-free must not require the patron to incur any loss or risk their own money to use or withdraw winnings from the free wager.	(C) Promotions or bonuses described as free or risk-free must not require the patron to incur any loss or risk their own money to use or withdraw winnings from the free wager, <b>unless the terms of the offer are easily accessible and described in unambiguous language to the players.</b>	<p>Penn recommends amending this rule to allow operators to describe an offer as "free" or "risk-free" as long as the terms of the offer are easily accessible and clearly described to the players. Offering players a wager that is fully insured with bonus cash and marketing it as a "risk-free" wager is a common industry practice. As amended, this rule permits this practice and maintains player protection by requiring all terms of such offers to be made readily available and unambiguous.</p>
Internal Audit	Rule 3775-16-19 (A)-(D)	<p>(A) Sports gaming proprietors must maintain one of the following to annually assess compliance with sports gaming law:</p> <p>(1) A separate internal audit department which is independent of the sports gaming operation and may be the internal audit department of a parent entity of the sports gaming proprietor; or</p> <p>(2) A contracted third party independent registered certified public accounting firm licensed to practice in this state, whose name and lead audit partner or other person responsible for the engagement are reported to the commission before the start of the engagement.</p> <p>(B) The internal audit department or contracted third party must audit the sports gaming proprietor's compliance with Chapter 3775. of the Revised Code and the rules adopted thereunder, the house rules, required procedures, and any other applicable rules and regulations, as required by the executive director.</p> <p>(C) The internal audit department or contracted third party must follow the standards, conventions, and rules governing audits in the United States.</p> <p>(D) The audit satisfying the requirements of this rule must be performed at least annually with the results documented in an audit report that must be provided to the commission.</p>	<p>(A) Sports gaming proprietors must maintain one of the following to annually assess compliance with sports gaming law:</p> <p>(1) A separate internal audit department which is independent of the sports gaming operation and may be the internal audit department of a parent entity of the sports gaming proprietor; or</p> <p>(2) A contracted third party independent registered certified public accounting firm licensed to practice in this state, whose name and lead audit partner or other person responsible for the engagement are reported to the commission before the start of the engagement.</p> <p><del>(B) The internal audit department or contracted third party must audit the sports gaming proprietor's compliance with Chapter 3775. of the Revised Code and the rules adopted thereunder, the house rules, required procedures, and any other applicable rules and regulations, as required by the executive director.</del></p> <p><del>(C) The internal audit department or contracted third party must follow the standards, conventions, and rules governing audits in the United States.</del></p> <p><del>(D) The audit satisfying the requirements of this rule must be performed at least annually with the results documented in an audit report that must be provided to the commission.</del></p> <p><b>(B) The commission shall require annual compliance reports to be prepared by the internal audit department or contracted third party, or both, and submitted in a manner and form prescribed by the commission. The annual compliance report must address all the following areas as it relates to compliance with Chapter 3775 of the Revised Code and the rules adopted thereunder:</b></p> <p><b>(1) Compliance with procedures to ascertain that sports gaming receipts are determined, and state and local taxes or payments are paid, in conformity with the law and these rules.</b></p> <p><b>(2) Compliance with applicable ordinances and agreements with other governmental authorities.</b></p> <p><b>(3) Compliance with internal control procedures, accounting procedures, credit procedures, dispute procedures, and commission-imposed security and safety requirements.</b></p> <p><b>(4) A material deviation from the internal control procedures, accounting procedures, credit and dispute procedures, and commission-imposed security and safety requirements.</b></p> <p><b>(5) Corrective action taken to resolve deficiencies observed in subdivisions (a) to (d) of this subrule.</b></p> <p><b>(6) If the sports gaming proprietor is a casino operator, the annual compliance report must address the areas included in Rule 3772-10-14 of the Revised Code.</b></p> <p><b>(C) The reporting year-end of the sports gaming proprietor is December 31 unless otherwise approved by the commission. Annual reports must be submitted no later than 120 days after the reporting year-end.</b></p>	<p>Penn submitted similar requested changes and comment for Batch 5, Round 1 and understood the Commission did not adopt those changes. Respectfully, Penn would like to re-offer these changes and comments for the Commission's consideration as we think they are important updates from an operational standpoint.</p> <p>Penn recommends amending the internal audit requirements to align with industry standards and the practices outlined in section 3772-10-14 of the Revised Code. This section of the Revised Code provides greater specificity as to which areas of the sports gaming operation are appropriate for an annual internal audit for existing Ohio casino operators. For states with online and retail sports gaming, the audit requirements typically differ, particularly if audit standards are already in place for other retail casino games. In 11 of the 12 jurisdictions in which Penn currently operates online sports gaming, an annual internal audit as it relates to compliance with the entirety of the applicable sports gaming law and regulations is not required.</p>

Ohio Casino Control Commission - 2nd Round Sports Gaming Rules (Batch 5)				
Area	Rule Reference	Existing Rule Language	Proposed Language	Reason for Change
Sports Gaming Accounts	Rule 3775-16-03 (D)	<p>(D) The sports gaming account must include the following information for each patron, and the sports gaming proprietor must update this information each time it becomes aware of changes.</p> <p>(1) Full legal name;  (2) Date of birth;  (3) Primary Address;  (4) Telephone Number, for accounts funded pursuant to paragraph (C) of this rule;  (5) Electronic mail address, for accounts funded pursuant to paragraph (C) of this rule;  (6) Sports gaming account number or username;  (7) Social security number, or the last four digits of the social security number, or an equivalent identification number; for a noncitizen patron, such as a passport or taxpayer identification number for accounts funded pursuant to paragraph (C) of this rule;  (8) Type of government-issued identification examined, if obtained pursuant to paragraph (E)(1) of this rule, and the government-issued identification number;  (9) A digital copy of the government-issued identification, if obtained pursuant to paragraph (E)(1) of this rule;  (10) The method and any other information used to verify the patron's identity;  (11) The date of identity verification; and  (12) A history of the wagers placed.</p>	<p>(D) The sports gaming account must include the following information for each patron, and the sports gaming proprietor must update this information each time it becomes aware of changes.</p> <p>(1) Full legal name;  (2) Date of birth;  (3) Primary Address;  (4) Telephone Number, for accounts funded pursuant to paragraph (C) of this rule;  (5) Electronic mail address, for accounts funded pursuant to paragraph (C) of this rule;  (6) Sports gaming account number or username;  (7) Social security number, or the last four digits of the social security number, or an equivalent identification number; for a noncitizen patron, such as a passport or taxpayer identification number for accounts funded pursuant to paragraph (C) of this rule;  (8) Type of government-issued identification examined, if obtained pursuant to paragraph (E)(1) of this rule, and the government-issued identification number, <b>for accounts funded pursuant to paragraph (C) of this rule</b>;  (9) A digital copy of the government-issued identification, if obtained pursuant to paragraph (E)(1) of this rule, <b>for accounts funded pursuant to paragraph (C) of this rule</b>;  (10) The method and any other information used to verify the patron's identity, <b>for accounts funded pursuant to paragraph (C) of this rule</b>;  (11) The date of identity verification, <b>for accounts funded pursuant to paragraph (C) of this rule</b>; and  (12) A history of the wagers placed.</p>	<p>In accordance with other revisions made by the Commission in Batch 5, Round 2, Penn recommends specifying that these account requirements should be applicable only to accounts funded pursuant to paragraph (C) of this rule (i.e., online sports gaming accounts). These revisions will align Ohio's sports gaming rules with the other eight jurisdictions where Penn offers both retail and online sports gaming.</p> <p>If the Commission does not accept Penn's recommendation for accounts not funded pursuant to paragraph (C) of this rule (e.g. non-funded accounts), Penn requests that any existing registration for an account not funded pursuant to paragraph (C) of this rule, established prior to the implementation of sports gaming in Ohio, not require the collection of a government-issued identification. If required to retroactively collect a government-issued identification, this will result in an operationally burdensome process for operators and patrons alike as Penn maintains hundreds of thousands of myChoice loyalty accounts originating in Ohio. Based on data from Penn's retail sportsbooks in other states, we estimate that at least 250,000 of those accounts will convert to sports wagering, resulting in the retroactive collection of government-issued identification for an exorbitant amount of patrons. Additionally, we note that any currently registered account not funded pursuant to paragraph (C) of this rule would have required review of a government-issued identification in order to establish the account.</p>
Sports Gaming Accounts	Rule 3775-16-03(E)	<p>(E) A sports gaming proprietor must verify and document the identity of each patron upon creating a patron sports gaming account. Verifying and documenting the patron's identity must include:</p> <p>(1) Digital or physical examination of the patron's government - issued identification, including the use of verification software designed to confirm the authenticity of the identification; or</p> <p>(2) Methodology for multi-source authentication, which may include third party and governmental databases, as approved by the executive director.</p>	<p>(E) <b>For accounts funded pursuant to paragraph (C) of this rule</b>, A sports gaming proprietor must verify and document the identity of each patron upon creating a patron sports gaming account. Verifying and documenting the patron's identity must include:</p> <p>(1) Digital or physical examination of the patron's government - issued identification, including the use of verification software designed to confirm the authenticity of the identification; or</p> <p>(2) Methodology for multi-source authentication, which may include third party and governmental databases, as approved by the executive director.</p>	
Sports Gaming Accounts	Rule 3775-16-03(H)	<p>(H) Upon account registration the following actions must take place:</p>	<p>(H) Upon <del>account registration</del> <b>establishment of a sports gaming account funded pursuant to paragraph (C) of this rule</b> the following actions must take place:</p>	
Sports Gaming Accounts	Rule 3775-16-03(I)	<p>(I) Patrons must be provided with an easy and obvious method, immediately upon initial account registration and at all times through the sports gaming proprietor's website or application, to impose limitations for betting parameters including, but not limited to, deposits, wagers, and time-based limitations. The self-imposed limitation method must provide the following functionality:</p>	<p>(I) <b>For accounts funded pursuant to paragraph (C) of this rule</b>, Patrons must be provided with an easy and obvious method, immediately upon initial account registration and at all times through the sports gaming proprietor's website or application, to impose limitations for betting parameters including, but not limited to, deposits, wagers, and time-based limitations. The self-imposed limitation method must provide the following functionality:</p>	
Sports Gaming Accounts	Rule 3775-16-03(J)	<p>(J) A sports gaming proprietor must provide patrons with on-demand access to a statement of all their patron activity during the past year. In addition, a sports gaming proprietor must provide patrons the ability to request a statement of all their patron activity during the past 5 years. On-demand access and requests must be accessible through the sports gaming proprietor's website, application, or, if applicable, sports gaming facility.</p>	<p>(J) <b>For accounts funded pursuant to paragraph (C) of this rule</b>, A sports gaming proprietor must provide patrons with <del>on-demand</del> <b>prompt</b> access to a statement of all their patron activity during the past year. In addition, <b>for sports gaming accounts funded pursuant to paragraph (C) of this rule</b>, a sports gaming proprietor must provide patrons the ability to request a statement of all their patron activity during the past 5 years. <del>On-demand</del> <b>Prompt</b> access and requests must be accessible through the sports gaming proprietor's website, application, or, if applicable, sports gaming facility.</p>	
Sports Gaming Accounts	Rule 3775-16-03(K)	<p>(K) Sports gaming proprietors must provide patrons the option to protect access to sports gaming accounts with multi-factor authentication as approved by the executive director.</p>	<p>(K) <b>For accounts funded pursuant to paragraph (C) of this rule</b>, Sports gaming proprietors must provide patrons the option to protect access to sports gaming accounts with multi-factor authentication as approved by the executive director.</p>	<p>In accordance with other revisions made by the Commission in Batch 5, Round 2, Penn recommends specifying that these account requirements should be applicable only to accounts funded pursuant to paragraph (C) of this rule (i.e., online sports gaming accounts). These revisions will align Ohio's sports gaming rules with the other eight jurisdictions where Penn offers both retail and online sports gaming.</p>
Sports Gaming Accounts	Rule 3775-16-03(L)	<p>(L) Sports gaming proprietors must not permit a patron to transfer funds from a sports gaming account to another sports gaming account.</p>	<p>(L) <b>For accounts funded pursuant to paragraph (C) of this rule</b>, Sports gaming proprietors must not permit a patron to transfer funds from a sports gaming account to another sports gaming account.</p>	
Sports Gaming Accounts	Rule 3775-16-03(M)	<p>(M) Sports gaming proprietors must have procedures to review the manual addition or subtraction of funds in a sports gaming account by a sports gaming proprietor, to patron accounts for amounts of \$500.00 or less. All other adjustments must be authorized by supervisory personnel prior to being entered.</p>	<p>(M) <b>For accounts funded pursuant to paragraph (C) of this rule</b>, Sports gaming proprietors must have procedures to review the manual addition or subtraction of funds in a sports gaming account by a sports gaming proprietor, to patron accounts for amounts of \$500.00 or less. All other adjustments must be authorized by supervisory personnel prior to being entered.</p>	



Ohio Casino Control Commission - 2nd Round Sports Gaming Rules (Batch 5)				
Area	Rule Reference	Existing Rule Language	Proposed Language	
			Reason for Change	
Sports Gaming Accounts	Rule 3775-16-03(N)	(N) A patron must be allowed to withdraw the funds maintained in his or her account, whether such account is open or closed, within five business days of the request, unless the sports gaming proprietor believes in good faith that the patron engaged in either fraudulent conduct or other conduct that would put the sports gaming proprietor in violation of the law. In such cases, the sports gaming proprietor must:  (1) Provide notice to the patron of the general nature of the investigation of the account; and (2) Conduct its investigation in a reasonable and expedient fashion, providing the patron additional written notice of the status of the investigation at least every tenth business day starting from the day the original notice was provided to the patron.	(N) <b>For accounts funded pursuant to paragraph (C) of this rule,</b> a patron must be allowed to withdraw the funds maintained in his or her account, whether such account is open or closed, within five business days of the request, unless the sports gaming proprietor believes in good faith that the patron engaged in either fraudulent conduct or other conduct that would put the sports gaming proprietor in violation of the law. In such cases, the sports gaming proprietor must:  (1) Provide notice to the patron of the general nature of the investigation of the account; and (2) Conduct its investigation in a reasonable and expedient fashion, providing the patron additional written notice of the status of the investigation at least every tenth business day starting from the day the original notice was provided to the patron.	
Sports Gaming Accounts	Rule 3775-16-03(O)	(O) A request for withdrawal will be considered honored if it is processed by the sports gaming proprietor notwithstanding a delay by a payment processor, credit card issuer, or the custodian of a financial account.	(O) <b>For accounts funded pursuant to paragraph (C) of this rule,</b> a request for withdrawal will be considered honored if it is processed by the sports gaming proprietor notwithstanding a delay by a payment processor, credit card issuer, or the custodian of a financial account.	
Sports Gaming Accounts	Rule 3775-16-03(P)	(P) Patrons must have access to a readily accessible method for closing a patron account through the sports gaming proprietor's website or application or upon contact to the proprietor's customer service team. Any balance remaining in a patron's sports gaming account closed by a patron must be refunded according to the account withdrawal requirements of this rule. Upon account closure, the patron must be notified of available responsible gaming resources, including a helpline number compliant with paragraph (A)(3) of rule 3775-16-08 of the Administrative Code.	(P) <b>For accounts funded pursuant to paragraph (C) of this rule,</b> patrons must have access to a readily accessible method for closing a patron account through the sports gaming proprietor's website or application or upon contact to the proprietor's customer service team. Any balance remaining in a patron's sports gaming account closed by a patron must be refunded according to the account withdrawal requirements of this rule. Upon account closure, the patron must be notified of available responsible gaming resources, including a helpline number compliant with paragraph (A)(3) of rule 3775-16-08 of the Administrative Code.	
Persons Involved in Sporting Events	Rule 3775-16-12(A)(3)	(A) As enumerated, described, and defined in division (F) of section 3775.13 of the Revised Code:  (3) A person is considered to be involved in a sporting event if the person is an athlete, participant, coach, referee, team owner, or sports governing body with respect to the sporting event; any agent or employee of such an athlete, participant, coach, referee, team owner, or sports governing body; and any agent or employee of an athlete, participant, or referee union with respect to the sporting event.	(A) As enumerated, described, and defined in division (F) of section 3775.13 of the Revised Code:  (3) A person is considered to be involved in a sporting event if the person is an athlete, participant, coach, referee, team owner <b>with a stake of 5% or more,</b> or sports governing body with respect to the sporting event; any agent or employee of such an athlete, participant, coach, referee, team owner <b>with a stake of 5% or more,</b> or sports governing body; and any agent or employee of an athlete, participant, or referee union with respect to the sporting event.	Penn recommends amending this rule to incorporate a team ownership threshold. As the Green Bay Packers are owned by a publicly traded nonprofit corporation (Green Bay Packers, Inc.), the current language of the rule would consider every shareholder of the corporation to be a "team owner" and therefore prohibited as a person involved in a sporting event. By incorporating an ownership threshold the Commission will ensure that only team owners with some form of controlling interest are considered involved in a sporting event.
State University Data Requests	Rule 3775-16-14(A)	(A) A state university, as defined in section 3345.011 of the Revised Code, may submit a request to receive anonymized data from a sports gaming proprietor. Valid requests must clearly fulfill one of the following purposes and must be appropriately tailored for the stated purpose:  (1) To assist the commission, at the request of the executive director, in ensuring the integrity of sports gaming; or (2) To improve state-funded services related to responsible gambling and problem gambling.	(A) A state university, as defined in section 3345.011 of the Revised Code, may submit a request to receive anonymized data from a sports gaming proprietor. Valid requests must clearly fulfill one of the following purposes and must be appropriately tailored for the stated purpose:  (1) To assist the commission— <del>at the request of the executive director, in</del> <b>with</b> ensuring the integrity of sports gaming, <b>upon determination of good cause and at the request of the executive director;</b> or (2) To improve state-funded services related to responsible gambling and problem gambling. <b>(3) With regards to a request made pursuant to (A)(1), "good cause" shall include, but is not limited to, information that indicates a credible threat to sports gaming in the state of Ohio that is beyond the control of the commission to preemptively remedy or mitigate.</b>	Penn submitted the same requested changes and comment for Batch 5, Round 1 and understood the Commission did not adopt those changes. Respectfully, Penn would like to re-offer these same changes and comments for the Commission's consideration as we think they are important updates from an operational standpoint.  Penn is committed to ensuring events are properly investigated for integrity related issues and fully appreciates the benefit in sharing anonymized data. However, the rule as written fails to provide a standard which would trigger a data request. Penn recommends amending this rule to ensure any request made by a state university for integrity related purposes is validated for substantial reasons. Penn has provided a "good cause" standard utilized in Indiana whereby requests for anonymized data are granted if the integrity concern expands beyond a point the appropriate party can remedy or mitigate the perceived concern in question.
Sports Gaming Accounts	Rule 3775-16-03(A)	(A) As required by paragraph (B) of section 3775.12 of the Revised Code, a patron must register with a type B sports gaming proprietor and place all wagers on sporting events with a type B sports gaming proprietor through that registration. This registration is to be a sports gaming account compliant with the provisions of this rule.	(A) As required by paragraph (B) of section 3775.12 of the Revised Code, a patron must register with a type B sports gaming proprietor and place all wagers on sporting events <b>subject to Rule 3775-18-04 (A)(3)</b> with a type B sports gaming proprietor through that registration. This registration is to be a sports gaming account compliant with the provisions of this rule <b>and include full legal name, date of birth, and primary address, upon registration.</b>	Penn recommends amending this rule to ensure the wagers subject to placement via registration are only those above the threshold set forth in Rule 3775-18-04 (A) (3). Additionally, Penn recommends specifying the requirements upon registration for an account that is not funded pursuant to paragraph (C) of this rule (i.e., retail sports gaming registration) so they are clearly delineated from those required for funded accounts (i.e., online sports gaming account). Full legal name, date of birth, and primary address are consistent with the requirements set forth in 3775.12 of the Revised Code for an account not funded pursuant to paragraph (C) of this rule.

## Cox, William

---

**From:** Tom Pappas <tom@tompappas.com>  
**Sent:** Friday, April 8, 2022 10:48 AM  
**To:** Rule Comments  
**Cc:** Tom Pappas  
**Subject:** Ohio Franchise Coalition letter of support for Sports Gaming Advertising Rule 3775-16-08  
**Attachments:** Coalition OCCC Letter Draft -- Batch 5 Round 2 [v.1 -- HSG Initial Draft].docx

On behalf of the Ohio Franchise Sports Coalition, please find attached comments in support of the Sports Gaming Advertising Rule 3775-16-08 (Round 2).

If you have any questions regarding these comments, please don't hesitate to contact me.

- TPP

TPP

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April 8, 2022

Ohio Casino Control Commission  
100 East Broad Street, 20th Floor  
Columbus, Ohio 43215  
Email: [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov)

Re: Sports Gaming Rules – Batch 5, Comment Round 2 (3775-16-08; Proposed Advertising Rule)

Dear Ohio Casino Control Commission,

Thank you for your continued expediency in releasing the Sports Gaming Rules, your responsiveness in revising them, and for providing multiple opportunities for comment. On behalf of the undersigned Ohio professional sports teams and organizations, we would like to express our support for the proposed changes recommended by the Commission to Sports Gaming Advertising Rule 3775-16-08.

We believe these changes strike the appropriate balance of protecting Ohio youth and recognizing the strength of national professional sports league regulations, while also not placing Ohio professional sports teams and organizations at a competitive disadvantage with their counterparts in other states.

Again, we appreciate the opportunity to work with the Commission on these important topics and are pleased to support these changes to the Batch 5 rules. Thank you as always for your consideration and leadership.

Sincerely,

FC Cincinnati  
Cleveland Browns  
Cleveland Cavaliers

Columbus Blue Jackets  
Columbus Crew

The Memorial Tournament  
Mid-Ohio Sports Car Course

## Cox, William

---

**From:** Robert Wamsley <Robert.Wamsley@hrcincinnati.com>  
**Sent:** Friday, April 8, 2022 12:02 PM  
**To:** Rule Comments  
**Cc:** Chinh Nguyen  
**Subject:** HRC: Comments - Sports Gaming Rules Batch 5, Comment Round 2  
**Attachments:** Sports Gaming Rules B5R2 Language - RW1.pdf

Good Afternoon OCCC Team,

Pursuant to discussion with Hard Rock International, Hard Rock Digital and Hard Rock Cincinnati Executive Team, attached are our comments for Sport Gaming Rules – Batch 5 Comment Round 2. Please let me know if you have any questions or need additional information. We appreciate, as always, the opportunity to engage in this important commentary period.



Respectfully,

Robert

**CINCINNATI**

### **ROBERT WAMSLEY | DIRECTOR OF COMPLIANCE**

D: 513.250.3117 | M: 513.609.7205

[Robert.wamsley@hrcincinnati.com](mailto:Robert.wamsley@hrcincinnati.com)

#### **Hard Rock Casino Cincinnati**

1000 Broadway Street | Cincinnati, Ohio 45202

<https://www.hardrockcasinocincinnati.com/>

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- (2) The patron must acknowledge that the legal age for sports betting is twenty-one years of age, and that they are prohibited from allowing any other person to access or use their sports betting account. The sports gaming proprietor must document this acknowledgment;
- (3) The patron must be notified of available responsible gaming resources; and
- (4) Notification of the establishment of a sports gaming account must be provided to the patron via electronic mail or regular mail.

~~(H)~~(I) Patrons must be provided with an easy and obvious method, immediately upon initial account registration and at all times through the sports gaming proprietor's website or application, to impose limitations for betting parameters including, but not limited to, deposits, wagers, and time-based limitations. The self-imposed limitation method must provide the following functionality:

- (1) Upon receiving any self-imposed limitation request, the sports gaming proprietor must ensure that all specified limits are correctly implemented immediately or at the point in time that was clearly indicated by the patron;
- (2) The self-imposed limitations set by a patron must not override more restrictive sports gaming proprietor-imposed limitations. The more restrictive limitations must take priority;
- (3) Once established by a patron and implemented by the sports gaming system, it must only be possible to reduce the severity of self-imposed limitations upon the expiration of the self-imposed period; and
- (4) An option must be available for patrons to set automatically renewing self-imposed limits.

~~(I)~~ Patrons A sports gaming proprietor must have provide patrons with on-demand access to, through the sports gaming proprietor's website or application, a statement of all their patron activity during the past five years.

~~(J)~~ Access year. In addition, a sports gaming proprietor must provide patrons the ability to request a statement of all their patron accounts must be protected by activity during the past 5 years. On-demand access and requests must be accessible through the sports gaming proprietor's website, application, or, if applicable, sports gaming facility.

~~(K)~~(K) Sports gaming proprietors must provide patrons the option to protect access to sports gaming accounts with multi-factor authentication as approved by the executive director.


~~(K)~~(L) Sports gaming proprietors must not permit a patron to transfer funds from a patronsports gaming account to another patronsports gaming account.

# Summary of Comments on Sports Gaming Rules B5R2 Language - RW1 (002).pdf

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Page: 12

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 Number: 1      Author: robert.wamsley      Subject: Inserted Text      Date: 4/8/2022 10:53:45 AM


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Looking for clarification or explanation of "on demand". Are we able to supply this information on request similar to a win/Loss statement?

**Rule 3775-16-04 | Wager rules.**

- (A) Sports gaming wagers must only be accepted from a verified patron account unless otherwise permitted under Chapter 3775. of the Revised Code and the rules adopted thereunder.
- (B) A sports gaming wager must not be knowingly accepted from a person who is placing the wager for the benefit of another or is placing the sports wager in violation of state or federal law.
- (C) A sports gaming wager must not be accepted on events for which the outcome has already been determined.
- (D) The sports gaming proprietor may, but need not, cancel an accepted wager for obvious error as defined in the proprietor's house rules. If a wager is cancelled for obvious error, the sports gaming proprietor must clearly convey the reason for cancellation to the patron.
- (E) Except for obvious error or as otherwise required under Chapter 3775. of the Revised Code and the rules adopted thereunder, the sports gaming proprietor must not unilaterally cancel any wager without prior written approval of the executive director.
- (F) If a patron wishes to void a ticket written prior to the start of an event, and the void request is approved by the sports gaming proprietor, the ticket must be verified by the sports wagering system and a refund must be given to the patron. For printed tickets, a void designation must be branded visible on the ticket.
- ~~(G) Upon Winnings from wagers placed from sports gaming accounts, funded pursuant to paragraph (C) of rule 3775-16-03, must be deposited into the sports gaming account upon verification by the sports gaming proprietor.~~
- ~~(G) For type B sports gaming proprietors, winnings from patron account wagers must be immediately deposited into the patron account.~~
- (H) ~~Winnings from~~ anonymous wagers, as described in paragraph (C) of rule 3775-18-05, must be ~~immediately~~ payable to the patron upon validation of the ticket by the sports gaming system and verification by the ~~sports~~ sports gaming proprietor. <sup>1</sup>
- (I) For type B sports gaming proprietors, in the case of a sports gaming system or power failure, tickets may be manually paid. All manually paid tickets must be marked as "paid" and entered into the sports gaming system as soon as possible to verify the accuracy of the payout. All manually paid tickets must be reviewed as part of the daily audit process. A log for all manually paid tickets must be maintained and include:
  - (1) The unique transaction identified;
  - (2) Date and time of the transaction;

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 Number: 1      Author: robert.wamsley      Subject: Inserted Text      Date: 4/8/2022 10:58:57 AM  
Will there be a cash voucher expiration similar to TITO today. 180 days from expiration of event?



**Rule 3775-16-06 | Reserve funds**

- (A) Each sports gaming proprietor must always maintain a reserve in an amount that is equal to or greater than the amount necessary to ensure the sports gaming proprietor's ability to cover the sum of all ~~outstanding sports gaming liabilities~~ amounts accepted by a sports gaming proprietor on sporting events whose outcomes have not been determined, money owed but unpaid by the sports gaming proprietor to patrons on winning wagers, and the funds held for patron accounts.<sup>1</sup>
- (B) Reserve funds must be held separate from operational funds in a manner approved by the ~~commission. Any changes to the manner in which reserve funds are segregated from corporate or business funds must be approved by the~~ executive director.
- (C) The reserve funds must be held in the form of cash, cash equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond, or a combination thereof ~~in a manner that the reserve funds are not accessible to the creditors of the sports gaming proprietor, other than the patrons whose benefit the reserve is established.~~

Will there be a cap on reserve funds such as Indiana has currently at \$500K. Also, is this all wagers or net liability on an outcome?

## Cox, William

---

**From:** Robert McAdoo <R.McAdoo@gaminglabs.com>  
**Sent:** Friday, April 8, 2022 12:16 PM  
**To:** Rule Comments  
**Cc:** Dave Daniels; James Luccarelli; Cynthia Burtis  
**Subject:** Rules Comments - Sports Gaming Rules – Batch 5 Round 2  
**Attachments:** GLI comments on OCCC proposed Sportsbook Batch 5 Round 2.pdf

Hello Ohio Casino Control Commission,

Please see the attached comments from GLI for the Sportbook Batch -5 round 2 request. Thank You.

**Robert Mc Adoo**

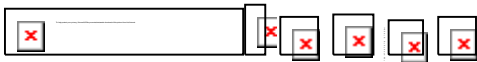
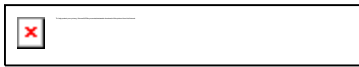
Senior Technical Compliance Engineer

[www.gaminglabs.com](http://www.gaminglabs.com)

o 303-277-1172 EXT 2122

d 303-215-5822

e [R.McAdoo@gaminglabs.com](mailto:R.McAdoo@gaminglabs.com)



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[www.gaminglabs.com](http://www.gaminglabs.com)

Dear Ms. Franks,

Thank you for the opportunity to comment on the Ohio Casino Control Commission's proposed rules relating to Sports Gaming Rules – Batch 5 Round 2 procedures and requirements. On behalf of Gaming Laboratories International, LLC (GLI), please consider the following comments:

Original Rule Verbiage:

**Rule 3775-16-20 | External audits and other reports.**

(F) Each sports gaming proprietor must contract with an independent third party to perform an IT audit. The third party must be approved by the executive director as qualified, independent, and capable of performing the audit. The audits must be performed, and a copy of the report provided to the commission, at least once each year. The audits and corresponding report must assess the following:

- (1) The design, controls, maintenance, and security of the sports gaming proprietor's IT systems;
- (2) The sports gaming proprietor's compliance with the IT requirements of this chapter; and
- (3) Any other subject required by the executive director.

(G) The sports gaming proprietor must file with the commission the report required by paragraph (F) of this rule in a format determined by the executive director within one hundred twenty days following the end of the fiscal year or upon receipt, whichever is earlier.

**GLI Comments:**

We recommend an addition to part F to indicate that an initial security audit be completed prior to implementation of the live environment within 90 days of determined activation date. Similarly for section F(1) we would like to indicate that this indicate directly for including network penetration and vulnerability testing. Finally under part F(2), we recommend that including the applicable standards in the appendix of Rule 3775-9-01.

Proposed Verbiage Revision:

(F) Each sports gaming proprietor must contract with an independent third party to perform an IT audit. The third party must be approved by the executive director as qualified, independent, and capable of performing the audit. The audits must be performed, and a copy of the report provided to the



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commission, within 90 days of commencing operations and at least once each year. The audits and corresponding report must assess the following:

(1) The design, controls, maintenance, and security of the sports gaming proprietor's IT systems, including network penetration and vulnerability testing;

(2) The sports gaming proprietor's compliance with the IT requirements of this chapter, including the applicable standards in the appendix of Rule 3775-9-01; and

(3) Any other subject required by the executive director.

*(G) The sports gaming proprietor must file with the commission the report required by paragraph (F) of this rule in a format determined by the executive director within one hundred twenty days following the end of the fiscal year or upon receipt, whichever is earlier.*

GLI values its long history of service to OCCG and appreciates the opportunity to offer these comments. If you have any questions or are interested in discussing this in more detail, please contact me at 303-215-5822 or via email.

Very Best Regards,

Robert Mc Adoo

## Cox, William

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**From:** Rachel Kasper <rachel.kasper@pointsbet.com>  
**Sent:** Friday, April 8, 2022 1:31 PM  
**To:** Rule Comments  
**Cc:** Compliance US  
**Subject:** Ohio Batch 5\_Comment Round 2 - Official Comment  
**Attachments:** Ohio Sports Gaming Rules Batch 5\_Comment Round 2 - PointsBet.pdf

Dear Executive Director Schuler,

Attached you will find PointsBet's submission of official comment to the fifth batch of rules for the second round of comment issued by the Ohio Casino Control Commission. Thank you for your time with this matter.

Kind regards,

**Rachel Kasper**

Legal Counsel

---

**PointsBet USA**

[rachel.kasper@pointsbet.com](mailto:rachel.kasper@pointsbet.com)

[www.pointsbet.com](http://www.pointsbet.com)

**POINTS***BET*

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April 8, 2022

Matthew T. Schuler  
Executive Director  
Ohio Casino Control Commission  
100 E. Broad St., 20th Fl.  
Columbus, OH 43215  
Sent via Email: [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov)

**Re: Sports Gaming Rules – Batch 5, Comment Round 2**

Dear Executive Director Schuler,

As always, PointsBet welcomes the opportunity to provide official comment regarding the ongoing proposed administrative rules being drafted by the Ohio Casino Control Commission (“Commission”). Please accept the below as our official comments regarding two proposed administrative rules that were disseminated during the second round of public comment on March 28, 2022, as part of Batch 5.

**Proposed Ohio Administrative Code rule 3775-16-12:**

PointsBet fully appreciates the necessity of maintaining the confidentiality of a sports governing body prohibited persons list. As such, PointsBet would like to propose that the Commission consider revising the proposed Ohio Administrative Code rule 3775-16-12(B) as follows:

(A) As enumerated, described, and defined in division (F) of section 3775.13 of the Revised Code:...

(2) A sports governing body must have a procedure for providing to the commission a list of persons who are involved in sporting events, including those persons’ full legal names, dates of birth, and social security numbers, for the purpose of preventing those persons from engaging in sports gaming. The commission will make the list available to each sports gaming proprietor and to the state lottery commission. The Ohio casino control commission, the state lottery commission, and each sports gaming proprietor must keep the information in the list confidential. **The list may only be used to achieve compliance with this rule.**<sup>1</sup>

There are times when a sports gaming proprietor may need to share the list with a third-party vendor to ensure that the individuals on the list are in fact prohibited from engaging in sports gaming. An example of this may be a licensed Know Your Customer (“KYC”) vendor requiring access to the list, so they may ensure that no person on the list is approved through the KYC process. Colorado has a rule with a similar provision that allows such a list to be used to achieve compliance with the rule.

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<sup>1</sup> See [1 CCR 207-2\(6.11\)\(1\)\(f\)](#).

**Proposed Ohio Administrative Code rule 3775-16-15:**

Additionally, PointsBet would like to suggest that the insurance requirement contained within the proposed Information Technology rule be revised to read as follows.

(B) Each sports gaming proprietor must maintain ~~IT security~~ insurance as approved by the executive director.

The type of insurance required by a licensee may vary greatly depending on whether they operate their own proprietary technology or that of a third-party. Altering the rule to require insurance generally within this provision, provides the Executive Director wide breadth to evaluate each licensee's circumstances and then appropriately approve any insurance that may be necessary on a case-by-case basis.

Thank you for your time and consideration in reference to these comments. We look forward to any clarification the Commission thinks may be warranted within the proposed rules.

Sincerely,

*Rachel Kasper*

Rachel Kasper  
Legal Counsel



## Cox, William

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**From:** Blackford, Amanda  
**Sent:** Friday, April 8, 2022 2:10 PM  
**To:** Cox, William; Morrison, Andromeda; Kerscher, Martin  
**Subject:** Fw: PGNO Comments Regarding Sports Gaming Rules - Batch 5\_Round 2  
**Attachments:** PGNO Comments\_Sports Gaming Rules\_Batch 5\_Round 2.docx; ATT00001.htm

For the matrix.



### Amanda Blackford

Director of Operations & Problem Gambling Services  
Ohio Casino Control Commission  
(614) 387-5693

Ohio Problem Gambling Helpline: 1-800-589-9966

---

**From:** Derek Longmeier <dlongmeier@pghio.org>  
**Sent:** Friday, April 8, 2022 1:43 PM  
**To:** Blackford, Amanda <Amanda.Blackford@casinocontrol.ohio.gov>  
**Cc:** Brown, Cory <Cory.Brown@casinocontrol.ohio.gov>  
**Subject:** PGNO Comments Regarding Sports Gaming Rules - Batch 5\_Round 2

Dear Ms. Blackford,

Attached you will find PGNO's comments regarding Sports Gaming Rules, Batch 5, Round 2.

We appreciate your consideration.

Sincerely,

Derek Longmeier, MBA, OCPC, ICPS  
Executive Director, Problem Gambling Network of Ohio  
355 E. Campus View Blvd., Suite 285  
Columbus, OH 43235  
614.750.9899 ext. 101

[DLongmeier@PGNOhio.org](mailto:DLongmeier@PGNOhio.org)

[Facebook](#)

[Twitter](#)

[LinkedIn](#)

Ohio Problem Gambling Helpline - 800-589-9966

Rule 3775-16-03 | Sports gaming accounts.

~~(Q)~~(P) Patrons must have access to a readily accessible method for closing a patron account through the sports gaming proprietor’s website or application or upon contact to the proprietor’s customer service team. Any balance remaining in a patron’s sports gaming account closed by a patron must be refunded according to the account withdrawal requirements of this rule. Upon account closure, the patron must be notified of available responsible gaming resources, including a helpline number compliant with paragraph (A)(3) of rule 3775-16-08 of the Administrative Code.

**Commented [d1]:** PGNO is appreciative of this inclusion.

Rule 3775-16-04 | Wager Rules

Rule 3775-16-05 | Tickets.

(9) A problem gambling message, including a helpline number compliant with paragraph (A)(3) of rule 33775-16-08 of the Administrative Code; and

**Commented [d2]:** PGNO requests that prop bets not be permitted for individual athletes competing professionally and not permitted at all for collegiate and amateur athletic competitions.

**Commented [d3]:** PGNO supports and is appreciative of this provision.

Rule 3775-16-08 | Advertising.

(E) A sports gaming proprietor must not advertise or promote on: college or university campuses located in the state of Ohio.

**Commented [d4]:** PGNO requests all advertising include responsible gaming resources, including a helpline number compliant with paragraph (A)(3) of rule 3775-16-08 of the Administrative Code.

~~(1) Ohio college or university campuses; or~~

~~(2) On the official jersey, uniform, or apparel of any person or team competing in sporting events in Ohio or made available for sale to the public in Ohio.~~

**Commented [d5]:** PGNO supports this provision and views it as necessary to ensure adherence to provision (B) (2) above, as the majority of undergraduate students on college or university campuses are under the age of 21. Furthermore, we know from our own statewide prevalence survey that those 18-25 years old are at increased risk for developing a gambling problem. This recent [Bloomberg](https://www.bloomberg.com/news/articles/2022-03-15/gambling-on-march-madness-concern-grows-as-apps-target-college-students?utm_campaign=mb&utm_medium=newsletter&utm_source=morning_brew) article further underscores the importance of prohibiting advertising on college campuses - [https://www.bloomberg.com/news/articles/2022-03-15/gambling-on-march-madness-concern-grows-as-apps-target-college-students?utm\\_campaign=mb&utm\\_medium=newsletter&utm\\_source=morning\\_brew](https://www.bloomberg.com/news/articles/2022-03-15/gambling-on-march-madness-concern-grows-as-apps-target-college-students?utm_campaign=mb&utm_medium=newsletter&utm_source=morning_brew).

(F) Sports gaming advertisements, including logos, trademarks, or brands must not be used, or licensed for use, on products, clothing, toys, games, or game equipment intended primarily for persons under twenty-one years of age.

**Commented [d6]:** PGNO supports the reinstatement of this provision; however, if it is not able to be reinstated, then PGNO strongly advises that all advertising, including advertising on official jersey, uniform or apparel of any person or team competing in sporting events in Ohio or made available for sale to the public in Ohio include, at a minimum, a helpline number compliant with (A)(3) of rule 3775-16-08 of the Administrative Code.

**Commented [d7]:** PGNO recommends the elimination of ‘primarily’ in this provision, as it allows for vague interpretation.

## Cox, William

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**From:** Rob Eshenbaugh <reshenbaugh@capitoladvocates.net>  
**Sent:** Friday, April 8, 2022 3:28 PM  
**To:** Rule Comments  
**Cc:** Elizabeth Suever; Kurt Leib; Dan Leite; Courtney Saunders; Cox, William  
**Subject:** Batch 5 Comment  
**Attachments:** Bally's Batch 5 Sports Betting Thank You.pdf

Please see the attached comments (thank you) on Batch 5, Round 2. Please contact us if you have any questions. Thank you.

Rob

Rob Eshenbaugh  
Capitol Advocates  
37 W. Broad Street, Suite 420  
Columbus, OH 43215  
O: 614-224-9900  
M: 614-406-7858  
Email: [Reshenbaugh@Capitoladvocates.net](mailto:Reshenbaugh@Capitoladvocates.net)  
Twitter: @robeshen  
[www.Capitoladvocates.net](http://www.Capitoladvocates.net)

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Matthew T. Schuler  
Executive Director  
Ohio Casino Control Commission  
100 East Broad Street  
20th Floor  
Columbus, OH 43215

*Via email: [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov)*

***RE: Sports Gaming Rules- Batch 5—Supplemental Type A and B Proprietor Licensing, Required Procedures, and General Proprietor Duties***

Dear Director Schuler,

On behalf of Bally's Corporation, I would simply like to express our thanks for your consideration of our input Batch 5 of Ohio's Sports Gaming Rules on behalf of Bally's Corporation regarding Rule 3775-16-08(E)(2). We understand that the Commission received voluminous input on this rule regarding advertising and believe the current version appropriately protects minors while not hindering sports gaming economic development in Ohio.

Thank you once again for your consideration in this matter.

Sincerely,

***Elizabeth Suever***

Elizabeth Suever  
Vice President, Government Relations  
Bally's Corporation

## Cox, William

---

**From:** Bob.Moncrief@bet365.com  
**Sent:** Friday, April 8, 2022 3:32 PM  
**To:** Rule Comments  
**Subject:** bet365 batch 5 round 2 comments

To whom it may concern,

Please find a suggested change to Rule 3775-16-19 submitted by bet365. The suggested change consists of additional language shown in bold and red text. The reason for this change is because the rule seems to cover an audit of the sports gaming proprietor's overall operations and compliance with legislative and regulatory requirements, rather than solely financial or tax related requirements. As a result, it is respectfully suggested that the Commission have the authority to allow for other entities such as independent test labs, or qualified firms with experience with sports wagering operations and technical requirements to be approved to conduct the required audit. By limiting this audit to CPA's, it may unintentionally rule out entities that the Commission would otherwise find suitable for conducting an audit of house rules, required procedures and other regulatory and legislative requirements which are of a non-financial nature.

We thank you for the opportunity to comment.

### Rule 3775-16-19 | Internal audit.

(A) Sports gaming proprietors must maintain one of the following to annually assess compliance with sports gaming law:

- (1) A separate internal audit department which is independent of the sports gaming operation; ~~or~~ and may be the internal audit department of a parent entity of the sports gaming proprietor; or
- (2) A contracted third party independent registered certified public accounting firm licensed to practice in this state, **or other entity approved by the Commission**, whose name and lead audit partner or other person responsible for the engagement are reported to the commission before the start of the engagement.

Thank you,  
Bob

### Bob Moncrief

Legal and Regulatory Counsel - US  
Hillside (Shared Services US) LLC  
m: (917) 776-6871  
e: bob.moncrief@bet365.com

**bet365.com**

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## Cox, William

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**From:** Kevin Cochran <kcochran@draftkings.com>  
**Sent:** Friday, April 8, 2022 3:39 PM  
**To:** Rule Comments  
**Cc:** Christopher Cipolla  
**Subject:** DraftKings Comments on Sports Gaming Rules Batch 5, Round 2  
**Attachments:** DraftKings - Sports Gaming Batch 5 Round 2 Comments - 4-8-2022.pdf

Good afternoon,

Thank you for the opportunity to provide comments on the Sports Gaming Rules, Batch #5, Round #2. Please find DraftKings Inc.'s ("DraftKings") comments attached. We appreciate your consideration of our comments and do not hesitate to reach out to us if you have any questions regarding our submitted comments or anything else related to sports gaming.

Thanks and have a nice weekend,

**KEVIN COCHRAN**

Director, Legal and Government Affairs  
DraftKings Inc.  
215-290-4428



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April 8, 2022

Via E-Mail to [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov)

Executive Director Matt Schuler  
Deputy Executive Director Rick Anthony  
Ohio Casino Control Commission  
100 East Broad Street, 20th Floor  
Columbus, OH 43215

**Re: Initial Sports Gaming Rules, Batch #5, Round #2**

Dear Executive Director Schuler and Deputy Executive Director Anthony,

Following receipt of the Ohio Casino Control Commission's ("Commission") request for input on the Initial Sports Gaming Rules, Batch #5, Round #2, DraftKings Inc. ("DraftKings") submits the following comments for consideration. As a leading sports wagering operator in the United States, DraftKings has first-hand experience with sports wagering regulatory frameworks, and submits these comments based on its operational knowledge in multiple regulated markets.

**Rule 3775-1-01 Definitions.**

Rule: 3775-1-01(B)(1)

Rationale: DraftKings respectfully requests amending the definition of advertisements to expressly exclude notifications and popups on a sports gaming proprietor's website or mobile application and that advertisements must be paid for by a sports gaming proprietor. The definition is broad, particularly the definition's inclusion of the term "communication," and as a result the definition could capture a lot of communications that could trigger this definition that are not at the request of a sports gaming proprietor or meant to be advertisements. Further, these changes will clarify that the requirements found in Rule 3775-16-08 do not apply to the sports gaming proprietor's website or application communications. Also, the draft rules provide other requirements that would apply to the sports gaming proprietor's website or application communications; for example, if those communications detail a promotion or bonus Rule 3775-16-09 will apply.

Existing Rule Language/Proposed Rule Language:

*(1) "Advertisement" means an external notice, announcement, or communication to the public, or any specific member(s) thereof, designed to solicit or entice a person to participate in the sports gaming offerings of a sports gaming proprietor through broadcasting,*





*publication, or any other means of dissemination, paid for by the sports gaming proprietor, but does not include communication through a sports gaming proprietor's website or application.*

Rule: 3775-1-01(B)(2)

Rationale: DraftKings respectfully requests the definition of “affiliate marketer” be amended to align with industry standards. In general, other sports wagering regulators focused their affiliate marketing regulation on persons promoting sports wagering in exchange for a variable fee tied to player activity (number of registrations, wagering activity and revenue share). For example, Arizona’s R19-4-101(B)(20) defines marketing affiliate in the following manner: “*a person who is involved in the promotion, marketing, and recruitment for event wagering business in exchange for a commission or other fee based on the number of registrations, wagering activity, or a percentage of adjusted gross event wagering receipts.*” DraftKings respectfully requests the below changes to ensure that all marketing is not covered under this definition which could lead to a near-endless number of vendors having to be licensed if the Commission determines affiliate marketers need to be licensed as suppliers.

Existing Rule Language/Proposed Rule Language:

*(2) “Affiliate marketer” means a person who conducts promotion, marketing, advertising or patron recruitment for a sports gaming proprietor in this state ~~either:~~*

*(a) Through a website or mobile application; ~~or~~ and*

*(b) In exchange for a commission or variable fee based upon the number of users recruited, wagering activity generated, or revenue generated, ~~or any other metric.~~*

### **Rule 3775-16-03 Sports gaming accounts.**

Rule: 3775-16-03(A)

Rationale: DraftKings respectfully requests amending the requirement to clarify that all wagers placed with Type B sports gaming proprietors must be placed after registering with the sports gaming proprietor except for wagers under the anonymous wager threshold set by rule 3775-18-05(C).

Existing Rule Language/Proposed Rule Language:



(A) As required by paragraph (B) of section 3775.12 of the Revised Code, a patron must register with a type B sports gaming proprietor and place all wagers on sporting events with a type B sports gaming proprietor through that registration, **except for wagers placed pursuant to the anonymous wager threshold as outlined in paragraph (C) of rule 3775-18-05.** This registration is to be a sports gaming account compliant with the provisions of this rule.

Rule: 3775-16-03(E)-(G), (I), (K), (M)-(O)

Rationale: DraftKings respectfully requests many of the requirements for sports gaming accounts be clarified to expressly state that they only apply to mobile sports gaming accounts. As currently written, many of the requirements in 3775-16-03 are not possible or applicable to retail sports gaming. For example, a sports gaming proprietor cannot enforce time limits for retail sports gaming nor require multi-factor authentication for all retail account registration. For these reasons, DraftKings respectfully requests inserting language contained in 3775-16-03(D)(4)-(5) to other requirements in 3775-16-03.

Existing Rule Language/Proposed Rule Language:

(E) A sports gaming proprietor must verify and document the identity of each patron upon creating a patron sports gaming account **for accounts funded pursuant to paragraph (C) of this rule.** Verifying and documenting the patron's identity must include:

...

(F) Each sports gaming proprietor must take commercially reasonable steps to ensure an individual who falls into a category of a prohibited person under section 3775.13 of the Revised Code is not permitted to create a sports gaming account **for accounts funded pursuant to paragraph (C) of this rule,** or permitted to continue to make wagers once they become prohibited, for as long as that status applies.

(G) Each sports gaming proprietor must re-verify a patron's identification **for accounts funded pursuant to paragraph (C) of this rule** upon reasonable suspicion that the patron's identification or account has been compromised.

(I) Patrons must be provided with an easy and obvious method, immediately upon initial account registration and at all times through the sports gaming proprietor's website or application **for accounts funded pursuant to paragraph (C) of this rule,** to impose limitations for betting parameters including, but not limited to, deposits, wagers, and time-based limitations. The self-imposed limitation method must provide the following functionality:

...



*(K) Sports gaming proprietors must provide patrons the option to protect access to sports gaming accounts with multi-factor authentication as approved by the executive director for accounts funded pursuant to paragraph (C) of this rule.*

...

*(M) Sports gaming proprietors must have procedures to review the manual addition or subtraction of funds in a sports gaming account by a sports gaming proprietor for accounts funded pursuant to paragraph (C) of this rule, to patron accounts for amounts of \$500.00 or less. All other adjustments must be authorized by supervisory personnel prior to being entered.*

*(N) A patron must be allowed to withdraw the funds maintained in his or her account for accounts funded pursuant to paragraph (C) of this rule, whether such account is open or closed, within five business days of the request, unless the sports gaming proprietor believes in good faith that the patron engaged in either fraudulent conduct or other conduct that would put the sports gaming proprietor in violation of the law. In such cases, the sports gaming proprietor must:*

...

*(O) A request for withdrawal for accounts funded pursuant to paragraph (C) of this rule will be considered honored if it is processed by the sports gaming proprietor notwithstanding a delay by a payment processor, credit card issuer, or the custodian of a financial account.*

Rule: 3775-16-03(P)

Rationale: DraftKings respectfully requests amending the account closure requirement to allow operators to provide a link to responsible gaming resources when account closures are linked to responsible gaming issues as not all account closures are responsible gaming-related. In instances where someone just does not want to sports bet anymore, it is not industry standard to provide responsible gaming messaging in an operator's account closure email, as such we request language similar to the amended draft language for 3775-16-21(A) is added.

Additionally, DraftKings respectfully requests this requirement is also amended to confirm it only applies to mobile sports gaming accounts, similar to our requested changes to 3775-16-03(E)-(G), (I), (K), (M)-(O).

Existing Rule Language/Proposed Rule Language:

*(O) Patrons must have access to a readily accessible method for closing a patron account through the sports gaming proprietor's website or application or upon contact to the*



proprietor's customer service team for accounts funded pursuant to paragraph (C) of this rule. Any balance remaining in a patron's sports gaming account closed by a patron must be refunded according to the account withdrawal requirements of this rule. Upon account closure for responsible gaming purposes, the patron must be notified of available responsible gaming resources or directed to responsible gaming information housed on the sports gaming proprietor's website or application, including a helpline number compliant with paragraph (A)(3) of rule 3775-16-08 of the Administrative Code.

### **Rule 3775-16-04 Wager rules.**

Rule: 3775-16-04(E)

Rationale: DraftKings respectfully requests discretion to cancel wagers as described in the sports gaming proprietor's required procedures. While obvious error by the sports gaming proprietor would be one scenario that may require cancelation of a wager, there could be other scenarios such as issues with the customer experience or with prohibited patrons, particularly in a mobile sports wagering environment. For example, if a player "fat fingers" an extra "0," and ends up placing a \$1,000 wager instead of a \$100 wager, and the player contacts customer service immediately, an operator could change that wager as authorized in their house rules, which will have been approved by the Commission. As currently written, sports gaming proprietors could be required to receive approval to cancel those wagers as well as abandoned game markets and non-participating player bets as they may not be considered an "obvious error," even though required procedures and house rules will specify these markets will be cancelled.

Existing Rule Language/Proposed Rule Language:

*(E) Except for obvious error, **other reasons documented in a sports gaming proprietor's approved required procedures**, or as otherwise required under Chapter 3775. of the Revised Code and the rules adopted thereunder, the sports gaming proprietor must not unilaterally cancel any wager without prior written approval of the executive director.*

### **Rule 3775-16-05 Tickets.**

Rule: 3775-16-05(A)(8)-(9)

Rationale: DraftKings respectfully requests amending two sports gaming requirements to ensure they are only applicable to printed tickets from retail sports gaming. Specifically, the expiration period and the responsible gaming message are traditionally items of information that are found



on printed tickets as opposed to virtual tickets, because (1) a virtual ticket does not expire and automatically settles; and (2) responsible gaming tools are accessible from nearly every screen on a sports gaming website or mobile application.

(8) Expiration period for printed wager records;

(9) A problem gambling message, including a helpline number compliant with paragraph

(A)(3) of rule 3775-16-08 of the Administrative Code for printed wager records; and

### **Rule 3775-16-09 Promotions and Bonuses.**

Rule: 3775-16-09(D)

Rationale: DraftKings appreciates the Commission’s review and updates to this provision from the first round of comments, and DraftKings respectfully requests an additional amendment to clarify applicability to certain promotions. While many promotions and bonuses will not appear in a player account until they have met their playthrough requirements, sometimes ad hoc bonuses are directly deposited into a player account accompanied by a playthrough requirement at the player’s preference. Of note, these promotions fully comply with 3775-16-09(B). For the foregoing reasons, DraftKings respectfully requests this requirement be amended to allow for the withdrawal of all winnings from wagers that are not tied to the bonus or promotion.

Existing Rule Language/Proposed Rule Language:

*(D) Promotions or bonuses may require promotion or bonus funds be played through in order to be withdrawn but must not restrict the patron from withdrawing their own funds or withdrawing winnings from wagers placed using their own funds not tied to the promotion or bonus.*

### **Rule 3775-16-19 Internal audit.**

Rule: 3775-16-19(B)

Rationale: DraftKings respectfully requests clarifying changes be made to the scope of the annual audit requirements. Section 3775-10-02(A) of the draft rules sets forth that Type A and Type B sports gaming proprietors must have procedures for the applicable processes required by Chapter 3775 and the rules adopted thereunder. Further, Section 3775-10-02(E) authorizes the executive director authority to require changes to required procedures to ensure compliance at any time. In order to ensure sports gaming proprietors are continuing to audit the correct procedures to remain



compliant, DraftKings respectfully requests the following changes be adopted, limiting the annual internal audit to documented required procedures.

Existing Rule Language/Proposed Rule Language:

*(B) The internal audit department or contracted third party must audit the sports gaming proprietor's compliance with **the applicable provisions of** Chapter 3775 of the Revised Code and the rules adopted thereunder, **and any other applicable rules and regulations, as required by the executive director, as documented in** the house rules; ~~the **and** required procedures, and any other applicable rules and regulations, as required by the executive director.~~*

**Rule 3775-16-21 Patron complaints.**

Rule: 3775-16-21(A)

Rationale: DraftKings respectfully requests amending the patron complaint requirements to allow sports gaming proprietors to house all required information on their platform and satisfy the Commission's notice requirement by directing players to that information. Sports wagering operators display state-specific player complaint pages in different locations on their websites and mobile applications, and this includes patron complaint information. DraftKings recognizes and appreciates the Commission's changes in Batch 5 Round 2, and respectfully asks that player communications linking to a location detailing the right to file a complaint and the complaint process meet this requirement instead of requiring a sports gaming proprietor to include the information in their direct communication. These changes would allow sports gaming proprietors to provide the player the most relevant information without providing an overwhelming or irrelevant amount of information to the player in the event their complaints are not resolved.

*(A) Whenever a sports gaming proprietor refuses payment of alleged winnings to a patron or there is otherwise a dispute with a patron regarding their patron account, wagers, wins, or losses from sports gaming, and the sports gaming proprietor and the patron are unable to resolve the dispute to the satisfaction of the patron, the sports gaming proprietor must notify the patron of their right to file a written complaint. The notice, which may **be satisfied by directing** a patron to **the required** information housed on the sports gaming proprietor's website or application, must include the procedure for filing a written complaint and the sports gaming proprietor's complaint resolution process.*

\* \* \* \* \*



Thank you for your consideration of DraftKings' comments regarding the Commission's Initial Sports Gaming Rules, Batch #5, Round #2, and please reach out if we can be a resource in any way.

Sincerely,

DraftKings Inc.

## Cox, William

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**From:** Andrea Sousa <Andrea.Sousa@betmgm.com>  
**Sent:** Friday, April 8, 2022 4:28 PM  
**To:** Rule Comments  
**Cc:** Jeremy Kolman; Martin, Patrick; 'Limardo, Rick'; Shelly Wright; Bliss, Cindy  
**Subject:** OCCC Batch 5 Round 2  
**Attachments:** Batch 5 Round 2 Comments.docx

Sir/Madam,

Attached please find our comments as to Batch 5 Round 2.

If you have any questions, please do not hesitate to contact us.  
Thank you.

Best,

**Andrea Sousa**  
Paralegal  
[Andrea.Sousa@betmgm.com](mailto:Andrea.Sousa@betmgm.com)



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# Sports Gaming Rules – Batch 5, Comment Round 2

## Supplemental Type A and B Proprietor Licensing, Required Procedures, and General Proprietor Duties

Comment Period: March 28, 2022 – April 8, 2022.

### Proposed Rule: Rule 3775-16-03 | Sports gaming accounts.

...

(N) A patron must be allowed to withdraw the funds maintained in his or her account, whether such account is open or closed, within five business days of the request, unless the sports gaming proprietor believes in good faith that the patron engaged in either fraudulent conduct or other conduct that would put the sports gaming proprietor in violation of the law. In such cases, the sports gaming proprietor must:

(1) Provide notice to the patron of the **general** nature of the investigation of the account;  
and

(2) Conduct its investigation in a reasonable and expedient fashion, providing the patron additional written notice of the status of the investigation **at least** every tenth business day starting from the day the original notice was provided to the patron

**Proposed Comment:** Remove (1) and (2). Operators are not allowed to disclose cases that are being investigated as suspicious activity to a patron, and operators are not privy to case status once they are passed on to law enforcement or FINCEN.

### Proposed Rule: Rule 3775-16-04 | Wager rules.

...

(C) A sports gaming wager must not be accepted on events for which the outcome has already been determined.

**Proposed Comment:** (C) A sports gaming wager must not be **knowingly** accepted on events for which the outcome has already been determined.

### Proposed Rule: Rule 3775-16-15 | Information technology.

...

(B) Each sports gaming proprietor must maintain IT security insurance as approved by the executive director.

**Proposed Comment:** This section requires “IT security insurance as approved by the executive director.” This appears directed at online operators, as there is no counterpart applied to the casino operators. Retail operators would benefit from the clarification.

Proposed Rule: Rule 3775-16-20 | External audits and other reports.

...

(K) Each sports gaming proprietor, mobile management services provider, or management services provider must file with the commission a copy of any suspicious activity report filed with the Internal Revenue Service related to the conduct of sports gaming in this state.

**Proposed Comment:** This section requires that we notify Internal Revenue Service, however a copy of any suspicious activity report is usually filed with FinCEN, never with the Internal Revenue Service.

## Cox, William

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**From:** Andrew Winchell <andrew.winchell@fanduel.com>  
**Sent:** Friday, April 8, 2022 4:27 PM  
**To:** Rule Comments  
**Cc:** Cory Fox  
**Subject:** FanDuel Comments on Batch 5 - Round 2 Proposed Ohio Sports Gaming Rules  
**Attachments:** FanDuel Comments on Batch 5-Round 2 Proposed Ohio Sports Wagering Rules 4.8.22.pdf

Dear Executive Director Schuler,

Thank you for the opportunity to provide comments for the second round of review on the Ohio Casino Control Commission's Sports Gaming Rules – Batch 5. Attached please find our comments and please do not hesitate to contact me if you have any questions or need any additional information from us regarding our comments.

Sincerely,

**Andrew J. Winchell**  
Director, Government Affairs  
845.325.6235 | [andrew.winchell@fanduel.com](mailto:andrew.winchell@fanduel.com)



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Cory Fox  
[cory.fox@fanduel.com](mailto:cory.fox@fanduel.com)

April 8, 2022

*Via Email to [rulecomments@casinocontrol.ohio.gov](mailto:rulecomments@casinocontrol.ohio.gov)*

Matt Schuler, Executive Director  
Ohio Casino Control Commission  
100 East Broad Street, 20<sup>th</sup> Floor  
Columbus, OH 43215

**Re: FanDuel comments on proposed “Sports Gaming Rules, Batch 5 – Round 2 – Supplemental Type A and B Proprietor Licensing, Required Procedures, and General Proprietor Duties.”**

Dear Executive Director Schuler:

I write to provide comments on behalf of FanDuel Group, Inc. (“FanDuel”) regarding the Ohio Casino Control Commission’s (“Commission”) proposed “Sports Gaming Rules, Batch 5 – Round 2 – Supplemental Type A and B Proprietor Licensing, Required Procedures, and General Proprietor Duties.” (“Proposed Rules”). Based on our extensive experience as an operator in the online casino gaming, sports betting and fantasy sports industries and collaborator with regulators of sports betting in many states in the development of their regulations, we offer constructive feedback on ways in which the Proposed Rules can be improved for effectiveness and consistency with other state regulations.

Following the Supreme Court’s decision to strike down the Professional and Amateur Sports Protection Act (PASPA) in May of 2018, FanDuel has now become the leading sports wagering operator, and the largest online real-money gaming operator, in the United States. FanDuel currently operates twenty-five (25) brick and mortar sportsbooks in fourteen (14) states and online sports wagering in fifteen (15) states. We appreciate the changes that the Commission made based on Round 1 feedback, especially in addressing the concerns raised by operators on jersey and uniform sponsorships. We thank the Commission for taking the time to understand the issue and consider the significant impacts such a regulation would have imposed. Additionally, we appreciate the opportunity to further share our perspective. We have arranged our comments in two parts. Part I is focused on issues of concern in the Proposed Rules that may significantly impact the ability of sports wagering operators to successfully operate in Ohio. Part II is focused requests for clarification.

All changes will be shown as follows: proposed additional text will be bolded and underlined and all text to be deleted will be bolded, bracketed, and struck through. For the sake of clarity our suggested edits will be in red, and the Commission’s edits will be in black.

### **Part I – Operational Concerns.**

- ***Issue 1 – Requirement for all wagers on sporting events placed with type B sports gaming proprietors to be through a registration and that the registration must be a sports gaming account.***

Section 3775-16-03(A) of the Proposed Rules appears to require all wagers placed by a patron with a type B sports gaming proprietor to be done through a sports gaming account which imposes a significant burden on operators. This differs from both the requirements under statute, which only required a registration for wagers above a threshold with type B sports gaming proprietors and the regulations as contained in rule 3775-18-05(C) of batch 4 of the sports gaming rules, which set the threshold at wagers exceeding \$1,000.

As we had stated in our previous comments on batch 4, while we understand this requirement stems from the provisions of division (B) of section 3775.12 of the Revised Code, the statute uses the term “registration” as opposed to “account.” The difference is not semantic, but in fact rather substantive, as a sports gaming account is specifically referenced in statute only in relation to type A sports gaming proprietors<sup>1</sup> and includes funds that have been deposited to the account from the player or received in the form of winnings. A sports gaming account also includes functionality like player self-limits. A registration on the other hand is only referenced in statute in relation to type B sports gaming proprietors and would be limited to only retaining the player and bet information<sup>2</sup>.

Additionally, the type B “registration” as envisioned in statute, appears to be compatible with the use of existing patron loyalty programs, which would ease the burden on type B sports gaming proprietors, as opposed to sports gaming accounts which require significantly more information. Beyond the differences between the accounts, it is unclear whether or not the patron of the type B sports gaming proprietor would be required to place their wagers through funds already on deposit in the account, or through direct payment at a window or kiosk. If the wagers are required to be placed through funds already on the account, this will increase the burden on operators and slow down the process for placing wagers. If the wagers are not required to be placed through funds

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<sup>1</sup> Revised Code Section 3775.11

<sup>2</sup> Revised Code Section 3775.12

already in the account, then requiring use of an account does not provide any appreciable difference as opposed to use of a registration.

We suggest the Commission amend this section to acknowledge the \$1,000 wager threshold created by rule 3775-18-05(C) and allow for type B sports gaming proprietors to have an alternative “registration” for customers who do not have a sports gaming account, or for type B sports gaming proprietors who are not also type A sports gaming proprietors.

To address these concerns, we suggest the following edits:

Section 3775-16-03(A):

**“(A) As required by paragraph (B) of section 3775.12 of the Revised Code, a patron must register with a type B sports gaming proprietor and place all wagers ~~above the threshold provided in rule 3775-18-05~~ on sporting events with a type B sports gaming proprietor through that registration. This registration is to be a sports gaming account compliant with the provisions of this rule ~~or a separate registration process approved by the executive director.~~**

- *Issue 2 – Prohibition on advertisements depicting an individual under the age of 21.*

Section 3775-16-08(B)(1) of the Proposed Rules prohibits a sports gaming proprietor from using an advertisement or promotion which depicts an individual who is, or appears to be, under the age of 21 unless it is live footage or images of athletes so long as they are not depicted in a way that may be construed to endorse sports gaming. While we greatly appreciate the Commission’s changes to this section to add the exception for athletes, we still are concerned that this prevents sponsorship opportunities for athletes who are independent contractors in their sport (i.e. tennis, golf, etc.). To address this concern, we suggest the following edits:

Section 3775-16-08(B):

“(B) ~~[All s]~~Sports gaming advertisements must not:

(1) Depict any individual under the age of twenty-one, ~~except~~ **[live footage or images of] athletes in sporting events on which sports gaming is permitted. [Any individual under the age of twenty-one may not be depicted in any way that may be construed as the underage individual participating in or endorsing sports gaming].**”

- *Issue 3 – Prohibition on advertising on an Ohio college or university campus.*

Section 3775-16-08(E) of the Proposed Rules prohibits advertising on Ohio college or university campuses. We thank the Commission for taking into consideration the concerns raised by the industry in the first round of comments and have just a minor additional request. The prohibition on advertising on college or university campuses arguably would require operators to prevent generally transmitted advertisements from being broadcast on campus (i.e., digital, television, radio, etc.). Preventing such transmission would range from being a significant burden on operators to being impossible (in the case of radio for example). We suggest the Commission adopt language similar to what has been proposed by the Arizona Department of Gaming<sup>3</sup> to address this issue:

Section 3775-16-08(E):

“(E) A sports gaming proprietor must not advertise or promote on[?] **college or university campuses located in the state of Ohio, except for generally available television, radio, and digital advertising.**”

**Part II - Requests for Clarification.**

• *Issue 1 – Clarification of the definitions of “advertisement” and “affiliate marketer”*

Section 3775-1-01(B)(1) of the Proposed Rules provides for an expansive definition of the term “advertisement” which appears to include both paid and unpaid communications to the public. The definition as written could capture far more than what one would traditionally view as an advertisement. Arguably it could include customer service chat discussions with customers, all social media feeds, all public statements by company employees including speeches, presentations at conferences, earnings calls of publicly traded companies and more.

Section 3775-01-1(B)(2) of the Proposed Rules includes the definition of the term “affiliate marketer.” This definition includes anyone who promotes a sports gaming proprietor through a website or mobile application or in exchange for a commission or variable fee based upon a metric. Other jurisdictions, like Arizona<sup>4</sup> and Michigan<sup>5</sup>, which have looked at this issue, have generally tied the definition of “affiliate marketer” to the payment of the commission or variable fee. We suggest the Commission clarify this definition by changing the “or” to “and” to ensure that the

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<sup>3</sup> Arizona Department of Gaming released draft final rule changes which include the referenced change to A.A.C. R19-4-110(G) – [https://gaming.az.gov/sites/default/files/Event%20Wagering%20Revised%20Final%20\(v1.0\).pdf](https://gaming.az.gov/sites/default/files/Event%20Wagering%20Revised%20Final%20(v1.0).pdf)

<sup>4</sup> A.A.C. R19-4-101(20)

<sup>5</sup> Michigan Administrative Code R 321.711(b)

definition does not inadvertently capture individuals who are not generally captured by the definition in other jurisdictions.

Of paramount concern is how both of these definitions interact with the advertising requirements in section 3775-16-08 of the Proposed Rules. For example, all “advertisements” are required to include a responsible gambling message. With the overly broad definition of “advertisement” it would appear that sports gaming proprietors would have to append a responsible gambling message to the contents of their earnings calls before disseminating them in the state of Ohio, or make such a disclaimer when a company employee gives a speech or presentation at an industry conference if it is taking place in Ohio, or the contents are being disseminated in Ohio. The same would be true of any public appearance of a company employee for any program (tv/radio/podcast/etc.) that is being disseminated in Ohio.

Beyond company employees however, the advertising rules also apply to affiliate marketers, even though they are not required to be licensed. section 3775-16-08(I) of the Proposed Rules explicitly provides that affiliate marketers “must comply with all aspects of this rule.” This means, for example, that any brand ambassador, when making any public comments in support of a sports gaming proprietor, must make sure to include a responsible gaming message that is compliant with the requirements of section 3775-16-08(A), their statements must be compliant with the requirements of section 3775-16-08(B), and they cannot make any public statements while on the premises of a college or university campus located in the state of Ohio without being at risk of violating section 3775-16-08(E). Additionally, even if they are promoting the sports gaming proprietor in another state, the affiliate marketer must then make sure that their comments are not being disseminated in the state of Ohio, otherwise they may need to include a disclaimer that their comments do not apply to Ohio to avoid violating section 3775-16-08(H).

These issues are completely avoidable if the Commission follows the lead of other jurisdictions and focuses on true advertisements and affiliate marketers. To address these concerns, we suggest the following edits to limit the scope of the term “advertisement” and the scope of individuals who are determined to be “affiliate marketers”:

Section 3775-1-01(B)(1):

“(1) “Advertisement” means a **paid** notice, announcement, or communication to the public, or any specific member(s) thereof, designed to solicit or entice a person to participate in the sports gaming offerings of a sports gaming proprietor through broadcasting, publication, or any other means of dissemination in this state.”

Section 3775-01-1(B)(2):

“(2) “Affiliate marketer” means a person who conducts [**a**] promotion, marketing, **advertising** or [**user**] **patron** recruitment for a sports gaming proprietor in this state [**either**]:



- (a) Through a website or mobile application; ~~[or]~~ **and**
- (b) In exchange for a commission or variable fee based upon the number of users recruited, wagering activity generated, revenue generated, or any other metric.”

• ***Issue 2 – Adding online or mobile payment systems as authorized forms of funding sports gaming accounts.***

Section 3775-16-03(C) of the Proposed Rules provides for the ways a patron may fund their sports gaming account. The list includes many funding forms that are accepted in other jurisdictions, and we appreciate that the Commission included language to provide the Executive Director the flexibility to approve additional forms of funding as new technology develops. However, we suggest the Commission follow the lead of a number of states, including Virginia<sup>6</sup>, in expressly including the authorization of online and mobile payment systems like PayPal and Venmo in the Proposed Rules. To address this concern, we suggest the following edit:

Section 3775-16-03(C):

“(C) A patron’s sports gaming account may be funded through the use of:

- (1) Deposit of cash or vouchers at an approved cashiering or kiosk location;
- (2) Credit or debit card;
- (3) Promotional credit;
- (4) Winnings;
- (5) Corrections made by the sports gaming proprietor with documented notification to the patron;
- (6) ACH transfer;
- (7) **Online or mobile payment systems that support online money transfers;**
- (8)** Wire transfer; or
- [(8)] (9)** Any other means approved by the executive director.”

• ***Issue 3 – Clarification on definition of “team owner” for prohibition of wagering by individuals “involved in a sporting event”***

Section 3775-16-12(A)(3) of the Proposed Rules adds a clarification on individuals who are deemed to be “involved in a sporting event” and thus are not allowed to place wagers on such an

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<sup>6</sup> 11 VAC 290(G)(4)

event. The language the Commission added is from statute, however, there is no definition in either statute or regulation of the term “team owner.” While of course majority team owners should be included, there are circumstances where individuals may hold an incredibly small ownership percentage. For example, the Green Bay Packers football team is a publicly held non-profit corporation and has more than 537,000 individual shareholders<sup>7</sup>. To require a sports governing body to add every fractional owner to a regularly updated database, and then to require sports gaming proprietors to prohibit these individuals from placing wagers on the Green Bay Packers, is an onerous burden that adds no real integrity benefit. We suggest that the Commission add language to establish a minimal threshold for the term “team owner”, for example a “beneficial and proprietary interest” which would be 5% or greater. To address this concern, we suggest the following edits:

Section 3775-16-12(A):

“(A) As enumerated, described, and defined in division (F) of section 3775.13 of the Revised Code:

...

**(4) For purposes of this rule, the term “team owner” means an individual with a beneficial and proprietary interest in the team.”**

- ***Issue 4 – Request for guidance on cybersecurity liability insurance requirement.***

Section 3775-16-15(B) of the Proposed Rules includes a requirement that sports gaming proprietors must maintain IT security insurance “as approved by the executive director.” We agree with this requirement, however, we would appreciate if the Commission could provide guidance around what level of insurance would be required.

- ***Issue 5 – Clarification on requirements for virtual tickets.***

Section 3775-16-05(A) of the Proposed Rules requires both printed and virtual tickets to contain a number of different pieces of information. However, some of the requirements are not as applicable to “virtual tickets” for wagers placed through sports gaming account. For example, there is no need for an “expiration period” for wagers placed through sports wagering accounts, as they must be deposited into the sports gaming account upon verification by the sports gaming proprietor under Section 3775-16-04(G). To address this concern, we suggest the following edits which would mirror the requirements in Colorado<sup>8</sup>:

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<sup>7</sup> <https://www.packers.com/community/shareholders>

<sup>8</sup> 1 CCR 207-2 Rule 7.6(8)



Section 3775-16-05(A):

“(A) Upon completion of a sports gaming wager, the patron must receive an unalterable virtual or printed wager record from the sports gaming system which must contain, at a minimum, the following information:

(1) Sports gaming proprietor name **for printed tickets**;

...

(8) Expiration period **for printed tickets**;

(9) A problem gambling message, including a helpline number compliant with paragraph (A)(3) of rule ~~[3772]~~ **3775**-16-~~[07]~~**08** of the Administrative Code **for printed tickets**; and

(10) The unique sports gaming device ID that issued the wager record **for printed tickets**, if applicable.”

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We appreciate your time and consideration of our comments and would be happy to discuss at your convenience.

Sincerely,

Cory Fox

Government Affairs and Product Counsel Vice President

## Cox, William

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**From:** Aleksandar Gajic <Aleksandar.Gajic@kambi.com>  
**Sent:** Friday, April 8, 2022 4:58 PM  
**To:** Rule Comments  
**Cc:** Regulatory Compliance; Regulatory Affairs  
**Subject:** Kambi / Ohio Sports Gaming Rules for Comment - Batch 5 Round 2  
**Attachments:** Ohio Reg comments - B5R2- 2022-04-08 (1).pdf

To whom it may concern,

On behalf of Sports Information Services Ltd d/b/a Kambi, please see attached our comments to the Ohio Control Commission in relation to the Ohio Sports Gaming Rules - Batch 5 Round 2. We look forward to continuing dialogue with the Commission on the rules.

Let us know if it would be helpful to discuss our submission further, or if we can be of assistance in any other way.

Kind regards,  
Aleksandar

**Aleksandar Gajic**  
Regulatory Compliance Counsel  
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# Kambi

Comments on Ohio Casino Control Commission 2nd Round Sports Gaming  
Rules Batch 5

April 8, 2022

On behalf of Sports Information Services Ltd d/b/a Kambi, I would like to express gratitude for the opportunity to submit comments to the Ohio Casino Control Commission (the **Commission**) in relation to the 2nd Round Sports Gaming Rules Batch 5 due April 8, 2022 (the **Draft Regulations**).

Area	Rule Reference	Existing Rule Language	Proposed Language	Reason for Change
Sports gaming accounts.	Rule 3775-16-03(A)	(A) As required by paragraph (B) of section 3775.12 of the Revised Code, a patron must register with a type B sports gaming proprietor and place all wagers on sporting events with a type B sports gaming proprietor through that registration. This registration is to be a sports gaming account compliant with the provisions of this rule.	(A) As required by paragraph (B) of section 3775.12 of the Revised Code, a patron must register with a type B sports gaming proprietor and place all wagers on sporting events with a type B sports gaming proprietor through that registration. <del>This registration is to be a sports gaming account compliant with the provisions of this rule.</del> <b>A registration shall require a type B sports gaming proprietor to identify the patron. The policies and procedures that will be implemented regarding registration shall be included in the type B sports gaming proprietor's internal controls.</b>	<p>Kambi recommends changes to Rule 3775-16-03(A).</p> <p>Kambi has previously proposed that the wording set forth in the proposed Rule 3775-18-05(C) is aligned with the verbiage in HB29 section 3775.12(B)(1). It was proposed that individuals making in-person sports wagers at a Type B facility shall be required to register with the sports gaming proprietor rather than establish a sports gaming account. Kambi stands by this view and proposes that the language in this Rule requiring a registration to be a sports gaming account is removed and replaced with the proposed language.</p> <p>In order to establish and keep the sports gaming industry efficient and adapted to the practical environment in which such is conducted, it is important, if not critical, that regulations correlate to that environment. Imposing requirements not suitable for that environment may jeopardise the conduct of sports gaming by hindering efficient operations.</p> <p>A “Type B sports gaming proprietor” means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports gaming at a sports gaming facility. This means that the relevant rule relates to retail sports betting in sports gaming facilities. The common practice throughout the US, a sports gaming account is required for online sports wagering, but not for retail sports wagering. The rationale behind this is usually that retail operators do not have the functionalities to provide</p>

				<p>online accounts within their facilities, nor is it proportionate to require a physical present person, able to identify themselves through documents such as drivers' licenses, to establish a gaming account.</p> <p>For example, pursuant to Rule 13:69N-1.12 of the New Jersey administrative code, a sports pool operator shall, prior to accepting any wager in excess of \$3,000 or making a payout in excess of \$3,000, create a patron identification file and identify the patron.</p> <p>Further, pursuant to Rule 22.061 of the Regulations of the Nevada Gaming Commission and Nevada Gaming Control Board, the book, i.e., the race book or sports pool, shall prior to accepting any nonpari-mutuel wager in excess of \$10,000 or making a payout in excess of \$10,000 on a nonpari-mutuel winning wager identify the patron as well as record and maintain records.</p> <p>Moreover, the Bank Secrecy Act requires a casino to identify, register and maintain a record of patrons in case transactions exceed specific thresholds to prevent the laundering of money and the financing of terrorism. This federal law does not require a casino to establish accounts of players in order to fulfill those requirements, but rather acknowledges that identification and registration of patrons is sufficient.</p> <p>The common denominator across these jurisdictions, and others, as well as the federal law is that the patron must be identified, which may be achieved by a registration.</p> <p>While Kambi do appreciate the importance of ensuring sports wagering integrity and limiting the risk of unlawful wagering, it</p>
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				<p>is also our opinion that sports wagering must be able to be conducted in an efficient manner, which is also in alignment with the common practice. Requiring retail operators to establish gaming accounts for all wagers exceeding \$1,000 would require further unfeasible technological developments. This would impact the sports wagering at a sports gaming facility in the state negatively and hinder the purpose of the industry in Ohio. However, in order to ensure the sports wagering integrity is addressed and monitored, Kambi do believe that each operator shall include the registration process in its internal controls.</p> <p>Kambi therefore, respectfully submit that Rule 3775-16-03(A) is revised in line with our proposed language.</p>
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Yours Faithfully,

Tommaso Di Chio

**Tommaso Di Chio**  
**SVP Regulatory Affairs and Compliance**  
**Sports Information Services Limited D/B/A Kambi**

## Document Information

### Document

Title	Ohio Reg comments - B5R2- 2022-04-08
ID	404404db-b903-4313-a595-567b8ea1e92a
Status	Signed
Sender	Aleksandar Gajic (aleksandar.gajic@kambi.com)
Dept/business	Kambi Legal
Dept/business ID	kambi-legal
PDF Certified	True

### Signers

Name	Authentication
Tommaso Di Chio <tommaso.dichio@kambi.com>	Email

### History

Event	Email	IP address	Date/Time
Ohio Reg comments - B5R2- 2022-04-08 created by Aleksandar Gajic	aleksandar.gajic@kambi.com	176.10.227.98	Fri, 8 Apr 2022 13:24:50 +0000
Ohio Reg comments - B5R2- 2022-04-08 emailed to Tommaso Di Chio	aleksandar.gajic@kambi.com		Fri, 8 Apr 2022 13:24:51 +0000
Aleksandar Gajic downloaded draft document Ohio Reg comments - B5R2- 2022-04-08	aleksandar.gajic@kambi.com	176.10.227.98	Fri, 8 Apr 2022 16:02:28 +0000
tommaso.dichio@kambi.com opened email for document Ohio Reg comments tommaso.dichio@kambi.com - B5R2- 2022-04-08			Fri, 8 Apr 2022 16:05:05 +0000
Ohio Reg comments - B5R2- 2022-04-08 visited by Tommaso Di Chio <tommaso.dichio@kambi.com>	tommaso.dichio@kambi.com	82.132.215.226	Fri, 8 Apr 2022 16:05:07 +0000
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Ticked checkbox for statement: I understand that accepting the terms conditions of this document creates a legally binding obligation.	tommaso.dichio@kambi.com	82.132.215.226	Fri, 8 Apr 2022 16:05:12 +0000
Signature applied (page 4)	tommaso.dichio@kambi.com	82.132.215.226	Fri, 8 Apr 2022 16:05:16 +0000

## Cox, William

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**From:** Randall Beals <randybeals@gmail.com>  
**Sent:** Friday, April 8, 2022 11:31 PM  
**To:** Rule Comments  
**Subject:** COMMENTS - Sports Gaming Rules – Batch 5, Comment Round 2 Supplemental Type A and B Proprietor Licensing, Required Procedures, and General Proprietor Duties Comment Period: March 28, 2022 – April 8, 2022.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Greetings,

It is necessary and should be made mandatory that ALL Type B Sportsbooks have a Type A license if desiring a mobile wagering license. The reason is that based on current data 80% of all wagers are placed via a mobile app and by the year 2025, over 95% of all wagers will be mobile wagers.

(source; Current National Data shows 80% of all bets are Mobile wagers ..and in 5 years it will be 95%. All retail Sportsbooks will go the way of extinct dinosaurs without mobile betting options. ..broke, bankrupt, and out of business!  
<https://ideagrowth.org/> ..mobile study link)

CONTACT - for more information <https://www.ifrahlaw.com/insights/guide-to-online-gaming-and-betting-in-united-states/>

A major reason for the Ohio sports betting bill is to foster economic activity for Ohio. Some of the type B retail licenses establishments will not be built because the return on investment is not there when 90% of wagers are being placed on the 25 competitors' mobile apps. THIS IS LOST TAX REVENUE FOR OHIO & LOST JOBS when up to 15 retail sportsbooks will NOT be built.

CHANGES for Rule 3775-4-02.1 | Additional type A sports gaming proprietor licenses.

Add Item - B. 3.) any retail type B license holder wanting a type A license will be granted this license if necessary to compete and stay financially solvent.

Sincerely, Randall - a proud Ohioan citizen.  
Thank you for considering my comments and suggestions.

cc; please send a copy of this email to William J. Cox

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