

**ORDER 2021-41
IN RE SETTLEMENT AGREEMENT**

**BETMGM, LLC d/b/a ROAR DIGITAL
21-ROAR-01**

After having reviewed the attached Settlement Agreement, the Indiana Gaming Commission hereby:

APPROVED

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

IT IS SO ORDERED THIS THE 23rd DAY OF MARCH, 2021.

THE INDIANA GAMING COMMISSION:



Michael B. McMains, Chair

ATTEST:



Jason Dudich, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)	
)	SETTLEMENT
BETMGM, LLC)	21-ROAR-01
d/b/a ROAR DIGITAL)	

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Sara Gonso Tait and BetMGM, LLC d/b/a Roar Digital (“Roar Digital”), (collectively, the “Parties”) desire to enter into this settlement agreement (“Agreement”) prior to the initiation of a disciplinary proceeding pursuant to 68 IAC 13-1-18(a). The Parties stipulate and agree that the following facts are true:

FINDINGS OF FACT

COUNT I

1. Chapter 2, Section 16(a) of the Emergency Rules for Sports Wagering provide all key persons and substantial owners of a sports wagering operator applicant must obtain a Level 1 occupational license.
2. Chapter 2, Section 16(d) provide except as outlined in this section, occupational licensing of an employee, independent contractor, agent, or subagent of a sports wagering operator shall be governed by IC 4-33-8 and 68 IAC 2-3.
3. 68 IAC 2-2-1(d) provides the applicant's key persons, substantial owners, and any other persons deemed necessary to allow the commission to ensure the applicant meets the statutory criteria for licensure set forth in IC 4-33, IC 4-35, and this title must complete and submit a Personal Disclosure Form 1 (PD1) application for occupational license under 68 IAC 2-3-1.
4. 68 IAC 2-2-4(b)(3) provides an application shall be deemed filed when the completed application forms, including all required documents, all personal disclosure forms, materials, photographs, and application fee have been submitted. The commission will not begin its background investigation until the application is filed.
5. On September 29, 2020, Roar Digital advised that a new individual was elected to the Board of Directors and the Commission subsequently requested Roar Digital submit a PD1 application for within thirty (30) days. This would make the due date October 30, 2020.
6. On September 30, 2020, Roar Digital’s Outside Counsel confirmed and said that the Saiber Law Firm would be filing the PD1 for the Board Member.

7. On December 28, 2020, the Commission reached out for the status of the PD1.
8. On December 29, 2020, a Paralegal for Saiber Law Firm stated they anticipated the filing to be in the next week and requested a “short extension”. No extension was requested between the original due date of October 30, 2020 and the question by the Commission on December 28, 2020.
9. On December 30, 2020, the Commission pointed out the application was originally due on October 30, 2020 and no extension was requested. The Commission then asked to have the completed PD1 submitted no later than January 8, 2021.
10. On January 7, 2021, the PD1 was submitted. Overall, the PD1 was due on October 30, 2020 and no contact was made for an extension until the Commission reached out on December 28, 2020, fifty-nine (59) days late.

COUNT II

11. IC 4-38-5-4(a) provides a certificate holder or vendor may accept wagers on professional and collegiate sporting events approved for sports wagering by the commission, and other events as approved by the commission. A certificate holder or vendor may use data selected in a manner approved by the commission to determine whether a wager is a winning wager.
13. Chapter 7, Section 1(a) of the Emergency Rules for Sports Wagering provide before accepting wagers on any event category from patrons, a sports wagering operator must receive event category approval from the executive director or the executive director’s designee. The sports wagering operator shall provide notice to the executive director or the executive director’s designee and such notice shall include the name of the sports governing body and a description of its policies and procedures regarding event integrity. The commission reserves the right to prohibit the acceptance of any wagers, and may order the cancellation of wagers and require refunds on any event for which wagering would be contrary to the public policies of the state.
 - (b) The commission will post approved event categories to its website.
14. On July 23, 2019, the Commission issued a directive on approved events for sports wagering which indicated that collegiate events shall be limited to NCAA Division I sports.
15. On December 1, 2020, the Commission’s Sports Wagering Division became aware of three (3) unapproved events being offered by Roar Digital. The NCAA Basketball Games involved non-Division I teams and are as follows: (1) Mary Hardin-Baylor, Division III at Texas State, Division 1, (2) Carver College, Independent Non-Division I at Kennesaw State University, Division I, (3) Toccoa Falls, Division II at Kennesaw State University, Division I.

TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Roar Digital by and through its agents as described herein constitute a breach of IC 4-38, 68 IAC, the Emergency Rules for Sports Wagering, and/or Roar Digital's approved internal control procedures. The Commission and Roar Digital hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Roar Digital.

Roar Digital shall pay to the Commission a total of \$5,500 (\$2,500 for Count I and \$3,000 for Count II) and ensure that all wagers placed on all unapproved events are voided and the original wager is returned to the player in consideration for the Commission foregoing disciplinary action based on the facts specifically described in the Findings of Fact contained in this Agreement. This Agreement extends only to those violations and findings of fact specifically alleged in the findings above. If the Commission subsequently discovers facts that give rise to additional or separate violations, the Commission may pursue disciplinary action for such violations even if the subsequent violations are similar or related to an incident described in the findings above.

Upon execution and approval of this Agreement, Commission staff shall submit this Agreement to the Commission for review and final action. Upon approval of the Agreement by the Commission, Roar Digital agrees to: 1) promptly remit payment in the amount of \$5,500; 2) ensure that all wagers placed on all unapproved events are voided and the original wager is returned to the player; and 3) waive all rights to further administrative or judicial review.

This Agreement constitutes the entire agreement between the Parties. No prior or subsequent understandings, agreements, or representations, oral or written, not specified or referenced within this document will be valid provisions of this Agreement. This Agreement may not be modified, supplemented, or amended, in any manner, except by written agreement signed by all Parties.

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original agreement and both of which shall constitute one and the same agreement. The counterparts of this Agreement may be executed and delivered by electronic mail, facsimile, or other electronic signature by either of the parties and the receiving party may rely on the receipt of such document so executed and delivered electronically as if the original had been received.

This Agreement shall be binding upon the Commission and Roar Digital.

IN WITNESS WHEREOF, the Parties have signed this Agreement on the date and year as set forth below.

Sara Gonso Tait, Executive Director
Indiana Gaming Commission

Charles LaBoy

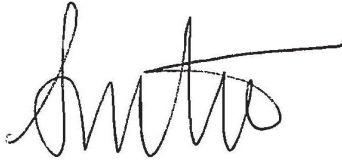
Charles LaBoy, VP of Compliance
Roar Digital

Date

March 15, 2021

Date

IN WITNESS WHEREOF, the Parties have signed this Agreement on the date and year as set forth below.



Sara Gonso Tait, Executive Director
Indiana Gaming Commission

3/23/21

Date

Charles LaBoy, VP of Compliance
Roar Digital

Date