

INDIANA GAMING COMMISSION

BUSINESS MEETING

June 15, 2023

The Indiana Gaming Commission Business Meeting was stenographically taken down by me, Tonya Esparza, RPR, a Notary Public in and for the County of Hamilton, State of Indiana, at Horseshoe Indianapolis, 4300 North Michigan Road, Shelbyville, Indiana, commencing at the hour of 10:47 a.m., June 15, 2023. The following transcript is a true and accurate transcript of the proceedings held.

CIRCLE CITY REPORTING
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ON BEHALF OF THE GAMING COMMISSION:
Milton O. Thompson, Chairman
Chuck Cohen, Commissioner
Michael E. Williams, Commissioner
Adam Hill, Commissioner
Dan Housman, Commissioner (Telephonically)
Greg Small, Executive Director
Jennifer Reske, Deputy Director
Dennis Mullen, General Counsel

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1 CHAIRMAN THOMPSON: Good morning, everyone.
2 My name is Milt Thompson, and I am the chairman
3 of the Indiana State Gaming Commission and had a
4 remarkable first year as your Chair. It was at
5 the June meeting last year that I was introduced
6 and wanted to thank this wonderful staff here.
7 They keep me informed of everything. It's a
8 test. I'm not one -- as I've led several
9 organizations around the globe that I am not one
10 to want to read it in the newspaper the next day
11 without being informed, and they -- I think
12 they've taken me seriously with respect to that.
13 They've been wonderful in my first year. Thank
14 you so much for all of your patience with me as
15 my learning curve was steep, but once I got
16 there, I'm looking on the other side of the
17 mountain.

18 So with that, I want to call this June
19 meeting to order.

20 Would you, Mr. Small, please call the roll.

21 EXECUTIVE DIRECTOR SMALL: Yes. One second.
22 I would like to first thank the folks here at
23 Horseshoe Indianapolis for hosting us,
24 specifically Dan Nita and general manager
25 Trent McIntosh. Their hospitality is much

1 appreciated, and thank you for having us.

2 And now for the roll.

3 Chairman Thompson.

4 CHAIRMAN THOMPSON: I'm here.

5 EXECUTIVE DIRECTOR SMALL: Commissioner
6 Cohen.

7 COMMISSIONER COHEN: Here.

8 EXECUTIVE DIRECTOR SMALL: Commissioner
9 Williams.

10 COMMISSIONER WILLIAMS: Here.

11 EXECUTIVE DIRECTOR SMALL: Commissioner
12 Hill.

13 COMMISSIONER HILL: Here.

14 EXECUTIVE DIRECTOR SMALL: And participating
15 via telephone, Commissioner Housman.

16 COMMISSIONER HOUSMAN: Here.

17 EXECUTIVE DIRECTOR SMALL: Thank you. We
18 have a quorum.

19 CHAIRMAN THOMPSON: All right. I'd like to
20 call for approval of minutes for the March 9th
21 meeting in 2023.

22 Is there a motion to approve the minutes?

23 COMMISSIONER COHEN: Move to approve.

24 CHAIRMAN THOMPSON: A motion. Is there a
25 second?

1 COMMISSIONER HILL: I'll second.

2 CHAIRMAN THOMPSON: Motion and a second.

3 Any questions or comments or requests for
4 any changes in those minutes?

5 Hearing none, I'll call for the vote. All
6 those in favor of the approval of the minutes,
7 please signify by stating aye.

8 (Chorus of ayes.)

9 CHAIRMAN THOMPSON: All those opposed?

10 COMMISSIONER HOUSMAN: Aye.

11 CHAIRMAN THOMPSON: The ayes have it. The
12 minutes are approved.

13 Now having a quorum and having reported
14 those meetings, we'd like to have a report of the
15 executive director, Mr. Small.

16 EXECUTIVE DIRECTOR SMALL: Thank you very
17 much. I would first like to recognize a couple
18 new hires for the Commission.

19 First off in audit we have Karen Kidd.
20 She's a field auditor. She joined the Gaming
21 Commission with a great deal of experience in
22 accounting. She was previously employed by the
23 Indiana Family Health Council as a staff
24 accountant. She earned her bachelor's in
25 business from Wesleyan University, and her

1 knowledge and skill set is a wonderful addition
2 to our growing audit staff.

3 Next in charity gaming we have Heather
4 Ahnafield. She is our new assistant director of
5 the charity gaming division.

6 MS. RESKE: Stand up.

7 EXECUTIVE DIRECTOR SMALL: Absolutely.

8 MS. RESKE: Also Karen.

9 EXECUTIVE DIRECTOR SMALL: She has 17 years
10 of experience in program management,
11 administrative support, and customer service with
12 her last seven years being in state government.
13 She comes to us from the Indiana Department of
14 Administration where she was the director of
15 contract compliance. She has also worked with
16 the Family and Social Services Administration and
17 the Indiana Department of Health. Heather is
18 active in our community via service with the
19 local PTO, Girl Scouts, United Way, and Habitat
20 for Humanity.

21 Welcome both of you.

22 Reinvestigations. Our investigations
23 division has completed reinvestigations for
24 licensees Rush Street Interactive, United Tote,
25 and USPC. The confidential reports are in your

1 materials. Directors Brown and Leek are present
2 should you have any further questions.

3 Exclusions. Since the March 2023 business
4 meeting, commission staff has added 13
5 individuals to the exclusion list. With these
6 additions to the exclusion list, the total is now
7 at 994 individuals.

8 Waivers. The IGC has also granted 12
9 waivers to Indiana casinos since the previous
10 meeting. This information is included in your
11 materials and will also be posted on the
12 Commission's website.

13 That concludes my report.

14 CHAIRMAN THOMPSON: Thank you, Mr. Small.

15 Now that you're at the mic, would you please
16 administer the oath of all the presenters today.

17 EXECUTIVE DIRECTOR SMALL: Absolutely.

18 Anyone presenting for the Commission, if
19 you'd please stand.

20 I, state your name, do hereby solemnly
21 swear, subject to the penalties of perjury, to
22 tell the truth, the whole truth, and nothing but
23 the truth, so help me God.

24 Thank you all.

25 CHAIRMAN THOMPSON: Thank you all, and thank

1 you, Mr. Small.

2 First of all, I'd like to call see if
3 there's any old business before the Commission.
4 Any old business?

5 Hearing none, we'll go on to new business.
6 Any new business before the Commission?

7 Hearing none, we'll move on to patrons
8 report.

9 First, we'll have these patron matters,
10 attorney Angela Violi, would you please come and
11 present.

12 MS. VIOLI: Good morning, Commissioners.

13 CHAIRMAN THOMPSON: Good morning.

14 MS. VIOLI: You have before you
15 Order 2023-52 concerning the exclusion list
16 appeal of Mr. Christopher Carey. Mr. Carey is
17 currently on the exclusion list but submitted an
18 appeal back in the summer 2022. A hearing was
19 held with an administrative law judge, and the
20 recommended order for Mr. Carey was to -- that he
21 remain on the exclusion list.

22 Approving Order 2023-52 would have the
23 effect of confirming Mr. Carey's exclusion from
24 Indiana casinos.

25 CHAIRMAN THOMPSON: Thank you.

1 Is there a motion on Order 2023-52? Is
2 there a motion? Approve a motion?

3 COMMISSIONER WILLIAMS: I make a motion -- a
4 motion to extend the exclusion; is that correct?

5 CHAIRMAN THOMPSON: Correct.

6 COMMISSIONER WILLIAMS: I make that motion.

7 COMMISSIONER COHEN: I'll second.

8 CHAIRMAN THOMPSON: Been motioned and
9 second. Any discussion?

10 Hearing none, all those in favor of
11 extension on the motion on the exclusion list,
12 would you please signify by stating aye.

13 (Chorus of ayes.)

14 CHAIRMAN THOMPSON: Any opposed? Same sign?
15 Hearing none, motion is approved.

16 MS. VIOLI: Thank you.

17 CHAIRMAN THOMPSON: Licensing renewals.
18 Mr. Neal?

19 Thank you, counsel.

20 MR. NEAL: Good morning, Commissioners,
21 executive staff. You have before you
22 Order 2023-53 pursuant to Indiana Code Section
23 4-33-7-8 and 68 IAC Section 2-2-8. A supplier's
24 license must be renewed each year along with the
25 payment of the \$7500 renewal fee.

1 Each of the following licensees has
2 submitted a timely request for renewal along with
3 the required payment: That is EDF Compliance,
4 LLC, doing business as Odds On Compliance;
5 Bally's Interactive, LLC; White Hat Gaming;
6 Konami Gaming, Incorporated; Masque Publishing,
7 Incorporated; Everi Payments, Incorporated;
8 Ainsworth Game Technology; United States Playing
9 Card Company; Novomatic America Sales, LLC; NRT
10 Technology Corporation; Acres Manufacturing; VICI
11 Properties, Incorporated; and Kambi.

12 And approving Order 2023 would have the
13 effect of renewing the license of each of the
14 respective licensees for a period of one year.

15 And next on the agenda you have before you
16 Orders 2023-54 and 2023-55 regarding the renewal
17 of Hard Rock Northern Indiana and Horseshoe
18 Hammond casino owner's license renewals
19 respectively. And Hard Rock Northern Indiana and
20 Horseshoe Hammond have both filed the proper
21 paperwork and paid their renewal fee.

22 Previously by Orders 2022-63 and 2022-64,
23 the Commission had approved the written power of
24 attorney for Hard Rock Northern Indiana and
25 Horseshoe Hammond respectively. These approvals

1 expire upon the renewal of the casino owner's
2 license, and for that reason all casinos must
3 request renewal of the Commission's approval of
4 that written power of attorney concurrently with
5 the request for the renewal or present the
6 Commission with a new written power of attorney
7 naming a new trustee-in-waiting.

8 Hard Rock Northern Indiana and Horseshoe
9 Hammond have both stated their intent to maintain
10 their existing trustees-in-waiting and have not
11 presented any new or modifications to their power
12 of attorney.

13 Approving Orders 2023-54 and 2023-55 would
14 have the effect of renewing the license and
15 approving power of attorney for Hard Rock
16 Northern Indiana and Horseshoe Hammond for a
17 period of one year.

18 And next you have before you Orders -- or
19 Order 2023-56, and pursuant to Indiana Code
20 Section 4-38-8-1, a certificate of authority must
21 be renewed each year along with the payment of
22 \$50,000 renewal fee.

23 Hard Rock Northern Indiana has submitted a
24 timely request for renewal along with the
25 required payment.

1 Approving Order 2023-56 would have the
2 effect of renewing Hard Rock Northern Indiana's
3 certificate of authority for a period of one
4 year.

5 And next before you have -- next before you
6 you have Order 2023-57, pursuant to Indiana Code
7 Section 4-38-6-6, a vendor's license must be
8 renewed each year along with the payment of
9 \$50,000 renewal fee. Each of the following
10 licensees has submitted a timely request for
11 renewal along with the required payment. That
12 would be Penn Sports Interactive and Digital
13 Gaming Corporation doing business as Betway.

14 Approving Order 2023-57 would have the
15 effect of renewing the license of each of the
16 respective licensees for a period of one year.

17 And, finally, have you before you
18 Order 2023-58 pursuant to Indiana Code Section
19 4-33-24-15 and 68 Indiana Administrative Code
20 Section 26-3-10. A paid fantasy sports operator
21 license must be renewed each year along with a
22 payment of \$5,000 renewal fee. Each of the
23 following certificate holders has submitted
24 timely request for renewal along with the
25 required payment, and that would be DK Crown

1 Holdings, Incorporated, and FanDuel,
2 Incorporated.

3 Approving Order 2023-58 would have the
4 effect of renewing the license for each of the
5 respective licensees for a period of one year.
6 Thank you.

7 CHAIRMAN THOMPSON: Thank you, Mr. Neal.

8 Is there a motion on Orders 2023-53 through
9 2023-58?

10 COMMISSIONER HILL: Commissioner, I'll make
11 a motion to approve Orders 2023-53 through
12 Orders 2023-58.

13 CHAIRMAN THOMPSON: Commissioners, is there
14 a second?

15 COMMISSIONER WILLIAMS: I'll second that.

16 CHAIRMAN THOMPSON: There's a motion and a
17 second. Any discussion?

18 Hearing none, I'll call for an approval of
19 those orders. All those in favor, signify by
20 stating aye.

21 (Chorus of ayes.)

22 CHAIRMAN THOMPSON: All those opposed, same
23 sign.

24 Motion carries. Thank you.

25 MR. NEAL: Thank you.

1 CHAIRMAN THOMPSON: Mr. Mullen.

2 MR. MULLEN: Yes, good morning,
3 Commissioners.

4 Before you you have Order 2023-59 concerning
5 permanent licensure for NeoGames. As you recall,
6 NeoGames's permanent licensure was on our agenda
7 last meeting but was tabled due to unresolved
8 concerns regarding one of NeoGames's substantial
9 owners. Direction of staff in June was to have
10 this item -- in March, excuse me, was to have
11 this item in -- on the June agenda for final
12 disposition.

13 NeoGames heard this message and in April had
14 reported to Commission staff that it had resolved
15 the matter involving the substantial owner to the
16 satisfaction of Commission staff. Details
17 regarding that resolution have been provided to
18 you in your confidential Commission documents.

19 Later in May, it was announced publicly that
20 Aristocrat Game Technologies had agreed to
21 acquire one hundred percent of NeoGames.
22 Aristocrat Game Technologies has been a licensed
23 supplier in good standing for many years in the
24 state of Indiana. Finalizing this acquisition is
25 anticipated to take 12 months at least to obtain

1 the requisite regulatory approvals.

2 Given the resolution that has occurred
3 regarding the substantial owner and subsequent
4 acquisition announcement, staff no longer has
5 concerns regarding suitability of this applicant.
6 Staff's full background report of the applicant
7 was provided in your Commission materials, and
8 approving Order 2023-59 would have the effect of
9 granting NeoGames a permanent license.

10 I'm happen to answer any questions you have
11 regarding this order. Thank you.

12 CHAIRMAN THOMPSON: Thank you, Mr. Mullen.

13 I first of all just want to acknowledge the
14 hard work of staff as well as with NeoGames. I
15 was concerned about the lingering nature of that
16 matter and stated so I think in a firm way here
17 today. And I wanted to thank everyone to
18 participate to bring that in compliance. I would
19 hope that that sets precedent for when these
20 matters are presented that they are done with a
21 great deal of diligence, and recognizing
22 Commission's efforts and time about that. So,
23 again, thank you staff as well as NeoGames for
24 that resolution.

25 Therefore, I'm going to see if there is a

1 motion on the Order 2023-59.

2 COMMISSIONER COHEN: Move to approve
3 Order 2023-59.

4 CHAIRMAN THOMPSON: And is there a second?

5 COMMISSIONER HILL: I'll second.

6 CHAIRMAN THOMPSON: There's a motion and a
7 second. Any discussion? Or questions?

8 Hearing none, I'm going to call for a vote
9 on the motion. All those in favor of the motion,
10 please signify by stating aye.

11 (Chorus of ayes.)

12 CHAIRMAN THOMPSON: Opposed, same sign?

13 Hearing none, that is approved.

14 Director of financial investigations,
15 Danielle Leek, would you now present
16 Orders 2023-60 through 62.

17 MS. LEEK: Good morning, Commissioners and
18 executive staff.

19 Order 2023-60 will approve the permanent
20 supplier license for Gaming Arts, LLC.

21 Orders 2023-61 and 2023-62 will approve the
22 permanent sports waging vendor licenses for
23 WSI US, LLC, doing business as WynnBET, and
24 Bally's Interactive, LLC, doing business as Bally
25 Bet. Each of these companies and their key

1 persons have submitted the required applications
2 and received temporary licenses issued by the
3 IGC. Commission staff conducted background and
4 financial investigations on the companies along
5 with their substantial owners and key persons.
6 Commission staff found no material derogatory
7 information that would affect suitability for any
8 of the applicants. Staff's final reports have
9 been provided in the confidential Commission
10 meeting documents.

11 Approving Orders 2023-60 through 2023-62
12 will grant the permanent licenses to Gaming Arts,
13 WSI US, and Bally's Interactive, each subject to
14 annual renewal.

15 I'm happy to answer any questions that you
16 may have.

17 CHAIRMAN THOMPSON: Any questions of
18 Ms. Leek, Commissioners?

19 If not, is there a motion on Orders 2023-60
20 through 2023-62.

21 COMMISSIONER WILLIAMS: I will make that
22 motion to approve.

23 COMMISSIONER COHEN: Second.

24 CHAIRMAN THOMPSON: There's a motion and a
25 second. Any questions?

1 Hearing none, we'll call for the vote. All
2 those in favor of the motion, signify by stating
3 aye.

4 (Chorus of ayes.)

5 CHAIRMAN THOMPSON: Opposed, same sign?

6 Hearing none, the motion approves. Thank
7 you.

8 Withdraw of license applications by the
9 director of sports wagering and paid fantasy
10 sports, Sara Martin. Now present Order 2023
11 through 63 regarding Maxim's Bet's license
12 application withdraw.

13 MS. MARTIN: Good morning, Commissioners.

14 Before you is Order 2023-63 concerning the
15 withdrawal request of CG Indiana, LLC, DBA
16 MaximBet.

17 On March 9th of 2022, MaximBet submitted a
18 sports wagering vendor license application.
19 After conducting a preliminary review of the
20 application, on April 27th, 2022, Commission
21 staff issued a temporary license to MaximBet
22 pursuant to the authority described under Indiana
23 Code 4-38-7. The temporary license permitted
24 MaximBet to begin conducting business in Indiana.

25 On September 20th, 2022, MaximBet launched

1 its sports wagering operations in Indiana.

2 On November 14th, 2022, MaximBet notified
3 the IGC of its intent to dissolve and wind down
4 MaximBet and submitted a proposed wind-down plan
5 to Commission staff. Commission staff approved
6 MaximBet's wind-down proposal.

7 On or about December 28th, 2022, GC Indiana,
8 LLC, filed a Chapter 7 bankruptcy petition in the
9 US Bankruptcy Court for the District of Delaware.

10 Pursuant to legal advice provided by the
11 Indiana Office of the Attorney General, the
12 November 14th, 2022, notice of dissolution
13 submitted by MaximBet acted as a request to
14 withdraw its application for permanent licensure.
15 The temporary vendor license issued to MaximBet
16 states, in pertinent part, MaximBet may not
17 withdraw its application for a vendor license
18 without leave of the Commission.

19 Commission staff has conducted a thorough
20 review of the circumstances surrounding
21 MaximBet's dissolution, bankruptcy, and request
22 for -- excuse me, request to withdraw its
23 application for permanent licensure.

24 After consultation with the OAG, Commission
25 staff has determined that MaximBet's --

1 MaximBet's withdrawal request is for a proper
2 purpose and is necessary. Granting MaximBet's
3 request will have the effect of revoking
4 MaximBet's temporary license, ensuring that any
5 license fee paid to the Commission cannot be
6 clawed back by the bankruptcy trustee.

7 MaximBet's November 20 -- I'm sorry.
8 MaximBet's November 14th, 2022, notice of
9 dissolution and request to withdraw its
10 application for permanent licensure and temporary
11 vendor license are included in the Commission
12 meeting documents. Confidential attorney-client
13 communications between Commission staff and the
14 OAG are also included in the Commission meeting
15 documents.

16 Commission staff recommends approval of
17 Order 2023-63, and as mentioned will have the
18 effect of withdrawing MaximBet's license for
19 permanent -- or application for permanent
20 licensure.

21 CHAIRMAN THOMPSON: Any questions of
22 Director Martin?

23 There are no questions.

24 Is there a motion on Order 2023 through 63?
25 Have a motion from the Commissioners?

1 COMMISSIONER HILL: I'll make a motion.

2 CHAIRMAN THOMPSON: There's a motion. Is
3 there a second?

4 COMMISSIONER WILLIAMS: I'll second that.

5 CHAIRMAN THOMPSON: There's a motion and a
6 second. Any questions?

7 All those in favor of the motion, signify by
8 stating aye, please.

9 (Chorus of ayes.)

10 CHAIRMAN THOMPSON: All those opposed, same
11 sign.

12 Hearing none, the motion carries.

13 Thank you, Director.

14 Disciplinary actions, director of
15 compliance, Ms. Bunton.

16 MS. BUNTON: Good morning.

17 CHAIRMAN THOMPSON: Good morning.

18 MS. BUNTON: You have before you seven
19 settlement agreements concerning disciplinary
20 action against licensed suppliers, 12 settlement
21 agreements concerning disciplinary action against
22 casinos, and nine settlement agreements
23 concerning disciplinary action against sports
24 wagering operators.

25 Order 2023-64 is a settlement agreement with

1 Aristocrat Technologies wherein the supplier
2 violated the rules for shipping electronic gaming
3 devices on multiple occasions.

4 Aristocrat agreed to a monetary settlement
5 of \$7,500.

6 Order 2023-65 is a settlement agreement with
7 Amelco UK Limited wherein the supplier failed to
8 submit their company's three-year reinvestigation
9 application and six corresponding level one
10 license applications in a timely manner.

11 Amelco agreed to a monetary settlement of
12 \$14,000.

13 Order 2023-66 is a settlement agreement with
14 Ainsworth Game Technology wherein the supplier
15 violated the rules for shipping electronic gaming
16 devices.

17 Ainsworth agreed to a monetary settlement of
18 \$1,500.

19 Order 2023-67 is a settlement agreement with
20 IGT and includes two counts.

21 In Count I, IGT violated the rules for
22 shipping electronic gaming devices on two
23 separate occasions.

24 In Count II, IGT failed to notify the
25 Commission of licensee position changes in a

1 timely manner.

2 IGT agreed to a monetary settlement of
3 \$3,500.

4 Order 2023-68 is a settlement agreement with
5 Interblock Luxury Gaming Products wherein the
6 supplier failed to file a level one license
7 application in a timely manner and allowed
8 nonlicensed individuals to perform the duties of
9 a level one licensee for 87 days.

10 Interblock agreed to a monetary settlement
11 of \$4,500.

12 Order 2023-69 is a settlement agreement with
13 Kambi Group doing business as Sports Information
14 Limited wherein the supplier failed to file a
15 level one license application in a timely manner
16 and provided inaccurate information to Commission
17 on a potential licensee which led to an
18 individual not being licensed for three and a
19 half years.

20 Sports Information Limited agreed to a
21 monetary settlement of \$10,000.

22 Order 2023-70 is a settlement agreement with
23 L&W Gaming doing business as Light & Wonder
24 wherein the supplier violated the rules for
25 shipping electronic gaming devices on two

1 separate occasions.

2 Light & Wonder agreed to a monetary
3 settlement of \$3,000.

4 Order 2023-71 is a settlement agreement with
5 Ameristar East Chicago and includes three counts.

6 In Count I, Ameristar violated the rules and
7 their internal control procedures on child
8 support delinquency reporting.

9 In Count II, Ameristar violated the
10 electronic gaming device rules when a progressive
11 electronic gaming device had the incorrect
12 progressive amount for approximately four months
13 and another electronic gaming device had
14 incorrect settings.

15 In Count III, Ameristar violated the rules
16 for the Voluntary Exclusion Program when a
17 Voluntary Exclusion Program audit identified data
18 discrepancies and that Ameristar had failed to
19 properly restrict or flag participants of the
20 program in their gaming system.

21 Ameristar East Chicago agreed to a monetary
22 settlement of \$15,250.

23 Order 2023-72 is a settlement agreement with
24 Bally's Evansville and includes five counts.

25 In Count I, Bally's violated the rules in

1 their internal control procedures on child
2 support delinquency reporting.

3 In Count II, Bally's allowed a minor to
4 obtain access to the gaming floor.

5 In Count III, Bally's violated the rules for
6 sports wagering prohibited participants by
7 failing to provide four prohibited participants
8 to their mobile sports wagering operator.

9 In Count IV, Bally's violated the rules for
10 table fills.

11 In Count V, Bally's violated the rules for
12 the Voluntary Exclusion Program by allowing a
13 participant of the program to obtain hotel comps,
14 food and beverage comps, check cashing
15 privileges, free play, and numerous marketing
16 mailers.

17 Bally's Evansville agreed to a monetary
18 settlement of \$83,350.

19 Order 2023-73 is a settlement agreement with
20 Belterra Resort Indiana and includes two counts.

21 In Count I, Belterra violated the rules and
22 their internal control procedures on child
23 support arrears delinquency reporting.

24 In Count II, Belterra violated the rules for
25 progressive electronic gaming devices when it was

1 determined that progressive electronic gaming
2 devices were not incrementing correctly.

3 Belterra agreed to a monetary settlement of
4 \$6,000.

5 Order 2023-74 is a settlement agreement with
6 Blue Chip Casino and includes two counts.

7 In Count I, Blue Chip violated the rules and
8 their internal control procedures on child
9 support arrears delinquency reporting.

10 In Count II, Blue Chip failed to notify
11 surveillance when a table credit was processed.

12 Blue Chip agreed to a monetary settlement of
13 \$7,000.

14 Order 2023-75 is a settlement agreement with
15 Caesars Southern Indiana and includes two counts.

16 In Count I, Caesars Southern Indiana
17 violated the rules and their internal control
18 procedures on child support arrears delinquency
19 reporting.

20 In Count II, Caesars Southern Indiana failed
21 to verify a poker even exchange.

22 Caesars Southern Indiana agreed to a
23 monetary settlement of \$10,000.

24 Order 2023-76 is a settlement agreement with
25 French Lick Resort Casino wherein the casino

1 failed to notify surveillance when a patron
2 exceeded the multiple transaction log level while
3 playing at a table game on two separate
4 occasions.

5 French Lick agreed to a monetary settlement
6 of \$3,000.

7 Order 2023-77 is a settlement agreement with
8 Hard Rock Northern Indiana and includes seven
9 counts.

10 In Count 1, Hard Rock violated the rules for
11 electronic gaming devices when the jackpot limit
12 was set incorrectly on electronic gaming device.

13 In Count II, Hard Rock failed to submit a
14 debt transaction to the Commission for review and
15 approval.

16 In Count III, Hard Rock allowed a minor to
17 obtain access to the gaming floor.

18 In Count IV, Hard Rock violated the rules
19 for playing cards.

20 In Count V, Hard Rock the rules for
21 sensitive keys.

22 In Count VI, Hard Rock violated the rules
23 for a table fills.

24 In Count VII Hard Rock violated the rules
25 for the vendor log.

1 Hard Rock Northern Indiana agreed to a
2 monetary settlement of \$28,000.

3 Order 2023-78 is a settlement agreement with
4 Harrah's Hoosier Park and includes two counts.

5 In Count I, Hoosier Park violated the rules
6 in their internal control procedures on child
7 support arrears delinquency reporting.

8 In Count II, Hoosier Park violated the rules
9 for sensitive keys.

10 Harrah's Hoosier Park agreed to a monetary
11 settlement of \$12,000.

12 Order 2023-79 is a settlement agreement with
13 Hollywood Lawrenceburg and includes three counts.

14 In Count I, Hollywood violated the rules and
15 their internal control procedures on child
16 support arrears delinquency reporting.

17 In Count II, Hollywood violated the rules
18 and their internal control procedures on the bill
19 validator drop process and the soft count
20 process. Hollywood also failed to notify the
21 Commission's audit staff of a variance that
22 occurred during the bill validator drop and
23 count.

24 In Count III, Hollywood violated the rules
25 for the vendor log.

1 Hollywood agreed to a monetary settlement of
2 \$16,000.

3 Order 2023-80 is a settlement agree with
4 Horseshoe Hammond and includes two counts.

5 In Count I, Horseshoe Hammond violated the
6 rules for playing cards.

7 In Count II, Horseshoe Hammond violated the
8 rules for the bill validator drop and count
9 process on numerous occasions.

10 Horseshoe Hammond agreed to a monetary
11 settlement of \$6,000.

12 Order 2023-81 is a settlement agreement with
13 Horseshoe Indianapolis and includes nine counts.

14 In Count I, Horseshoe Indianapolis failed to
15 adhere to their Commission approved internal
16 control procedures, their emergency response plan
17 on file with the Commission, and failed to
18 provide proper oversight of gaming activities as
19 required during an emergency event. Horseshoe
20 Indianapolis failed to properly secure assets and
21 security requirements were compromised. Gaming
22 operations continued in potentially hazardous
23 areas and despite the loss of surveillance
24 coverage.

25 In Count II, Horseshoe Indianapolis violated

1 the rules and their internal control procedures
2 by accepting TITO tickets at table games.

3 In Count III, Horseshoe Indianapolis
4 violated the rules on manually paid jackpots when
5 on ten occasions a casino employee failed to sign
6 a verifier for a jackpot.

7 In Count IV, Horseshoe Indianapolis violated
8 the rules and their internal control procedures
9 during multiple violations in the poker cage.
10 Horseshoe Indianapolis failed to secure assets,
11 failed to follow proper money handling
12 procedures, failed to follow required sensitive
13 key procedures, and failed to follow multiple
14 transaction log procedures.

15 In Count V, Horseshoe Indianapolis violated
16 the rules and their internal control procedures
17 during multiple violations in the retail
18 sportsbook. Horseshoe Indianapolis failed to
19 secure assets, failed to follow proper money
20 handling procedures, and failed to follow proper
21 sensitive key procedures.

22 In Count VI, Horseshoe Indianapolis
23 failed -- violated the rules for sensitive keys.

24 In Count VII, Horseshoe Indianapolis
25 violated the rules for table fills.

1 In Count VIII, Horseshoe Indianapolis
2 violated the rules for cage variances.

3 And in Count IX, Horseshoe Indianapolis
4 violated the rules for the vendor log.

5 Horseshoe Indianapolis agreed to a monetary
6 settlement of \$73,500 and to submit a corrective
7 action plan for Count I and Count VI detailing
8 the steps Horseshoe Indianapolis has taken to
9 prevent similar emergency response in the future
10 and how Horseshoe Indianapolis is going to
11 address the chain of custody protocol with
12 sensitive keys.

13 Order 2023-82 is a settlement agreement with
14 Rising Star and includes two counts.

15 In Count I, Rising Star violated the rules
16 and their internal control procedures for child
17 support arrears delinquency reporting.

18 In Count II, Rising Star violated the
19 surveillance staffing rules by leaving the
20 surveillance room unattended for approximately
21 nine minutes.

22 Rising Star agreed to a monetary settlement
23 of a\$4,000.

24 Order 2023-83 is a settlement agreement with
25 Digital Gaming Corporation Limited doing business

1 as Betway, wherein Betway violated the rules for
2 sports wagering prohibited participants when they
3 failed to properly restrict multiple prohibited
4 participants.

5 Betway agreed to a monetary settlement of
6 \$4,750.

7 Order 2023-84 is a settlement agreement with
8 Seminole Hard Rock Digital and includes two
9 counts.

10 In Count I, Hard Rock Digital failed to
11 notify the Commission of multiple terminations in
12 a timely manner.

13 In Count II, Hard Rock Digital violated the
14 rules for sports wagering events and 65
15 unapproved events were offered by Hard Rock
16 Digital.

17 Hard Rock Digital agreed to a monetary
18 settlement of \$67,500.

19 Order 2023-85 is a settlement agreement with
20 Betfair Interactive US doing business as FanDuel
21 Sportsbook and includes six counts.

22 In Count I, FanDuel failed to properly
23 restrict sports wagering prohibited participants.

24 In Count II, FanDuel failed to notify the
25 Commission of numerous terminations in a timely

1 manner.

2 In Count III, FanDuel failed to comply with
3 Commission deadlines and failed to submit
4 fingerprints for licensees in a timely manner.

5 In Count IV, FanDuel failed to submit a
6 level one license application to the Commission
7 in a timely manner.

8 In Count V, FanDuel failed to timely and
9 appropriately respond on numerous occasions to
10 the Commission during an investigation and supply
11 the requested information. The Commission's
12 investigation found that FanDuel failed to comply
13 with Commission rules with regard to funding
14 wagering accounts. Eight individuals were able
15 to utilize an Arizona Federal Credit Union card
16 belonging to a retired public servant and his
17 spouse and conduct deposits of wagering with a
18 credit card that did not belong to them. The
19 Commission confirmed that the individuals from
20 whom these funds were fraudulently taken have
21 indicated great harm as a result of these
22 activities.

23 In Count VI, FanDuel violated the rules on
24 funding wagering accounts and failed to detect
25 that two individuals were using each other's

1 prepaid cards to facilitate deposits into their
2 online sports wagering accounts.

3 FanDuel agreed to a monetary settlement of
4 \$136,000.

5 Order 2023-86 is a settlement agreement with
6 Winner's Circle Brewpub and Off Track Betting,
7 New Haven, wherein OTB New Haven violated the
8 rules and their internal control procedures on
9 child support arrears delinquency reporting.

10 OTB New Haven agreed to a monetary
11 settlement of a thousand dollars.

12 Order 2023-87 is a settlement agreement with
13 PointsBet Indiana doing business as PointsBet
14 wherein PointsBet failed to timely submit a level
15 one license application to the Commission. The
16 application was 145 days late.

17 PointsBet agreed to a monetary settlement of
18 \$10,000.

19 Order 2023-88 is a settlement agreement with
20 BetMGM doing business as Roar Digital wherein
21 Roar Digital failed to comply with Commission
22 deadlines and failed to submit fingerprints for
23 licensees in a timely manner.

24 Roar Digital agreed to a monetary settlement
25 of \$1,500.

1 Order 2023-89 is a settlement agreement with
2 Rush Street Interactive doing business as
3 BetRivers and includes two counts.

4 In Count I, BetRivers failed to notify the
5 Commission of multiple terminations in a timely
6 manner.

7 In Count II, BetRivers failed to submit a
8 level one license application to the Commission
9 in a timely manner. The application was 172 days
10 late.

11 BetRivers agreed to a monetary settlement of
12 \$4,500.

13 Order 2023-90 is a settlement agreement with
14 Unibet Indiana wherein Unibet failed to submit a
15 level one license application to the Commission
16 in a timely manner. The application was 116 days
17 late.

18 Unibet agreed to a monetary settlement of
19 \$3,000.

20 Order 2023-91 is a settlement agreement with
21 WSI US doing business as WynnBET wherein WynnBET
22 failed to notify the Commission of license
23 position changes in a timely manner.

24 WynnBET agreed to a monetary settlement of
25 \$1,000.

1 Relevant details for each settlement
2 agreement have been provided in your meeting
3 materials. Each settlement agreement will also
4 be availability on the Commission's website
5 following the meeting.

6 This concludes my presentation. Thanks.

7 CHAIRMAN THOMPSON: Thank you. Director
8 Bunton, I do have a question, maybe more so of a
9 concern when you mentioned under 2023-85, you had
10 mentioned for a settlement agreement there was
11 someone that had great harm?

12 MS. BUNTON: Yes.

13 CHAIRMAN THOMPSON: Great harm alarms me.

14 MS. BUNTON: Yes.

15 CHAIRMAN THOMPSON: Why are we approving
16 some settlement that somebody who has great harm
17 and hasn't been redressed?

18 MS. BUNTON: Well, I would say that the
19 compliance committee put forward a recommendation
20 to the executive staff, and it was determined
21 that we couldn't make restitution, the Commission
22 couldn't force restitution to those individuals.
23 So in our communications with FanDuel, they
24 didn't acknowledge that harm, but we found that
25 in our investigation and felt it was important to

1 be in the settlement.

2 COMMISSIONER COHEN: Let me ask. While the
3 Commission cannot require restitution, has
4 restitution been made by FanDuel?

5 MS. BUNTON: No.

6 CHAIRMAN THOMPSON: That's concerning to me.
7 Other Commissioners, do you have any
8 questions?

9 COMMISSIONER WILLIAMS: Yes. It was very
10 concerning whether restitution has been made by
11 FanDuel to the couple that was injured.

12 MS. BUNTON: And we would have considered
13 that a mitigating factor had they presented that
14 to us, but in our negotiations and discussions
15 with them, they did not present that and that
16 never ever even came up. They went as far as
17 asking us to take that verbiage out of the
18 settlement but we refused because our
19 investigation found that.

20 CHAIRMAN THOMPSON: Do other Commissioners
21 have concerns as I have here?

22 COMMISSIONER WILLIAMS: Yes.

23 CHAIRMAN THOMPSON: If you care to state
24 them --

25 COMMISSIONER WILLIAMS: I mean, I --

1 CHAIRMAN THOMPSON: -- for the record.

2 COMMISSIONER WILLIAMS: We understand, I
3 don't think we have a problem with you all. We
4 just see that there was a couple that was harmed.

5 CHAIRMAN THOMPSON: Great harm.

6 COMMISSIONER WILLIAMS: Yeah.

7 MS. BUNTON: Yes.

8 COMMISSIONER WILLIAMS: And understanding,
9 you know, it could have been life savings. And I
10 think FanDuel has some responsibility here.

11 MS. BUNTON: Do you want Manny to speak to
12 the amount?

13 COMMISSIONER COHEN: Well, let me ask a
14 question. Is there anything public that's not
15 confidential that you can go into more detail
16 about the harm?

17 MS. BUNTON: Do -- is it okay for Manny to
18 talk about that?

19 CHAIRMAN THOMPSON: Mr. Mullen.

20 MR. MULLEN: Yeah, I think we should
21 probably avoid specific details, just out of
22 deference and protection of the couple at this
23 stage.

24 CHAIRMAN THOMPSON: Understood.

25 COMMISSIONER HILL: Has staff had an

1 opportunity to sit down with FanDuel and work
2 with it extensively to ensure that something like
3 this doesn't happen again in the future, to
4 ensure that they're doing everything in their
5 power to make sure that there are safeguards in
6 place or does staff need more time to do that?
7 Because I think the Commission is very concerned
8 about not only the amount of the great harm but
9 also how they avoid and what safeguards are put
10 in place in the future.

11 MS. RESKE: We have had discussions
12 surrounding the specific settlement. We also
13 have a meeting planned tomorrow. They brought
14 executives in. Their counsel is here as well.
15 We are engaging in I think some ongoing
16 discussions to ensure we have the comfort level
17 with their direction moving forward.

18 CHAIRMAN THOMPSON: I'm not sure I have a
19 comfort level to approve this today. I know the
20 settlement was negotiated in good faith, but when
21 I see someone with that kind of harm --

22 MS. BUNTON: Yes.

23 CHAIRMAN THOMPSON: -- I want to be sure
24 that we're doing everything in our power to be
25 sure that we can have mitigated the harm to

1 someone on our watch.

2 I would respectfully ask that we table this
3 particular one until another time or until
4 further discussions with staff, and I would
5 direct staff to have those conversations and to
6 submit that information to us when there is
7 relevant satisfaction to those terms and to make
8 sure that there's not that kind of significant
9 harm to someone. Life savings is a harm. It's
10 not just a little harm, it's a great harm. So I
11 think there can be something that be worked out,
12 and I would direct it that way.

13 Any other questions on that particular
14 settlement agreement? If not, if we absent that
15 and other Commissioners -- yes, sir.

16 MR. MULLEN: Chair, just for clarification
17 for staff, similar to NeoGames last meeting --

18 CHAIRMAN THOMPSON: Right.

19 MR. MULLEN: -- is the direction of the
20 Commissioners to have Commission staff have this
21 item on the agenda in September?

22 CHAIRMAN THOMPSON: Yes, that is the
23 direction for the next Commission meeting, then
24 we could have you look at more detail relevant to
25 what is called great harm.

1 MR. MULLEN: Thank you.

2 CHAIRMAN THOMPSON: That sentence alarms me.
3 So when I hear great harm and someone is great
4 harmed, I think that we've got to look at
5 everything for that purpose.

6 Thank you, Director Bunton.

7 Any other questions of Ms. Bunton? Any
8 other questions?

9 MR. MULLEN: Chair?

10 CHAIRMAN THOMPSON: Yes.

11 MR. MULLEN: It does look like a
12 representative of FanDuel is requesting --

13 MR. SICUSO: Can I ask a question?

14 CHAIRMAN THOMPSON: Certainly. Yes,
15 counselor.

16 MR. SICUSO: Yes, my name is Philip Sicuso,
17 Bose McKinney & Evans, representing FanDuel.

18 With respect to the rest of the counts in
19 the settlement, are those authorized or are you
20 just --

21 CHAIRMAN THOMPSON: Yeah, I think so, just
22 that one particular count is the one that I have
23 concerns about.

24 MR. SICUSO: Okay.

25 CHAIRMAN THOMPSON: And other Commissioners

1 with the other counts seem to be an appropriate
2 part of the settlement, so that piece of the
3 settlement.

4 MR. SICUSO: Okay. I appreciate that
5 clarification.

6 MR. MULLEN: And just because the settlement
7 has already been negotiated and signed by the
8 executive director and FanDuel, I think it might
9 be cleaner just to hold the entire agreement
10 until next meeting and reinclude those items on
11 any subsequent --

12 MR. SICUSO: I see. With respect to the
13 settlement document?

14 MR. MULLEN: Right, yes.

15 MR. SICUSO: But you don't have any other
16 concerns at this time?

17 CHAIRMAN THOMPSON: I didn't have any
18 concerns as Chair, and the other Commissioners I
19 think when we've had our confidential documents
20 and we've reviewed them, that was the one that
21 kind of stuck out with me and that particular
22 count.

23 So with advice of counsel Mullen, we
24 would -- we would preferably submit that we hold
25 this and get it back on the agenda once those

1 conversations have been had.

2 With that exception, I'm going to call for a
3 motion to accept the settlement offers on
4 Orders 2023 through 64 through 2023 through 91.

5 EXECUTIVE DIRECTOR SMALL: Excluding Order
6 85 --

7 CHAIRMAN THOMPSON: Yes, excluding Order 85,
8 correct.

9 COMMISSIONER WILLIAMS: I would make that
10 motion.

11 COMMISSIONER HILL: I will second.

12 CHAIRMAN THOMPSON: Been motioned and
13 seconded. Any further discussion on all of
14 these?

15 Nice work on staff to be able to negotiate
16 these things. These are not easy.

17 MS. BUNTON: Thank you.

18 CHAIRMAN THOMPSON: That particular one when
19 people's lives are engaged. So we always want to
20 thank you for working hard for those.

21 Having heard that, is there a motion for
22 approval? Oh, a motion, we already had the
23 motion. Thanks for keeping the Chair honest
24 here, folks. I forgotten a lot since 44 years
25 I've been to law school. I can't remember it

1 all. I can't remember yesterday part of the
2 time. That's another story.

3 All those in favor of the motion, signify by
4 stating aye.

5 (Chorus of ayes.)

6 CHAIRMAN THOMPSON: Is our mobile vote
7 included?

8 EXECUTIVE DIRECTOR SMALL: Commissioner
9 Housman, how do you vote?

10 COMMISSIONER HOUSMAN: Aye.

11 EXECUTIVE DIRECTOR SMALL: Thank you.

12 CHAIRMAN THOMPSON: Those opposed, same
13 sign.

14 The motion carries.

15 MS. BUNTON: Thank you.

16 CHAIRMAN THOMPSON: Thank you very much,
17 Director Bunton.

18 Attorney Violi, we're going to do some
19 occupational licenses.

20 MS. VIOLI: Commissioners, you have before
21 you Orders 2023-92 through 2023-93 concerning the
22 felony waiver applications of Melvin Wimberley
23 and James Manion. An individual who has been
24 convicted of a felony may not be granted an
25 occupational license; however, an applicant who

1 has been convicted of a felony can request a
2 waiver if he establishes by clear and convincing
3 evidence that he has been rehabilitated.

4 Mr. Wimberley and Mr. Manion provided
5 testimony about their rehabilitation,
6 demonstrated ownership of past mistakes,
7 demonstrated that these were isolated incidents,
8 and showed that they successfully completed
9 probation.

10 Detailed information concerning these orders
11 are contained in your confidential Commission
12 materials. And adopting staff's findings and
13 recommendations would have the effect of granting
14 Mr. Wimberley and Mr. Manion's felony waiver
15 applications.

16 CHAIRMAN THOMPSON: Is there a motion on
17 Orders 2023-91 and 93?

18 COMMISSIONER WILLIAMS: Move to approve.

19 CHAIRMAN THOMPSON: Move to approve. Is
20 there a second?

21 COMMISSIONER HILL: I'll second.

22 CHAIRMAN THOMPSON: There's a motion and a
23 second. Any questions on the felony waivers?

24 Hearing none, all those in favor of the
25 motion, signify by stating aye, please.

1 (Chorus of ayes.)

2 CHAIRMAN THOMPSON: Opposed, same sign.

3 Hearing none, the motion has been approved.

4 Thank you.

5 MS. VIOLI: You now have before you Orders
6 2023-94 through 2023-99 concerning applications
7 for an occupational license to work for Indiana
8 licensees. With regard to these orders,
9 applicants failed to disclose their complete
10 criminal history and/or had a felony conviction,
11 and therefore failed to meet the established
12 standards for licensure. The applicants were
13 given an opportunity to withdraw their
14 applications from consideration but failed to do
15 so.

16 Detailed information regarding these orders
17 is contained in your confidential Commission
18 materials, and approving Orders 2023-94 through
19 2023-99 would have the effect of denying these
20 applications.

21 CHAIRMAN THOMPSON: Any questions for
22 Ms. Violi?

23 Is there a motion on Orders 2023-94 through
24 2023-99?

25 COMMISSIONER HILL: So moved.

1 COMMISSIONER WILLIAMS: Second.

2 CHAIRMAN THOMPSON: Motion and a second.

3 COMMISSIONER WILLIAMS: I'll second that.

4 CHAIRMAN THOMPSON: Motion and a second.

5 Any questions?

6 Then we'll call for a vote. All those in
7 favor of the motion, signify by stating aye,
8 please.

9 (Chorus of ayes.)

10 CHAIRMAN THOMPSON: Opposed, same sign.

11 Hearing none, motion is approved.

12 MS. VIOLI: Next you have before you
13 Orders 2023-100 through 2023-109. These orders
14 concern settlement agreements between Commission
15 staff and occupational licensees. In lieu of
16 disciplinary action, Commission staff offered
17 each of these licensees a settlement agreement
18 that would have them agree to unpaid, voluntary
19 relinquishment of their occupational license for
20 a period of regularly scheduled working days with
21 no vacation or other paid time off to be used.

22 Each of these licensees has agreed to the
23 terms of the settlement agreements. Detailed
24 information regarding these matters is contained
25 in the confidential materials that have been

1 provided to the Commission.

2 Approving Orders 2023-100 through 2023-109
3 would have the effect of ratifying the agreements
4 with the occupational licensees.

5 CHAIRMAN THOMPSON: Any questions? Is there
6 a motion on Orders 2023-100 through 2023-109?

7 COMMISSIONER COHEN: Move to approve.

8 CHAIRMAN THOMPSON: Motion. Is there a
9 second?

10 COMMISSIONER WILLIAMS: Second that.

11 CHAIRMAN THOMPSON: Motion and a second.
12 Any questions?

13 All those in favor of the motion, signify by
14 stating aye, please.

15 (Chorus of ayes.)

16 CHAIRMAN THOMPSON: Opposed, same sign?
17 Hearing none, motion is approved.

18 MS. VIOLI: Thank you.

19 CHAIRMAN THOMPSON: Thank you very much,
20 counsel.

21 Transfer of ownership, Mr. Dudley.

22 MR. DUDLEY: Good morning, Commissioners.
23 Morning, executive staff.

24 Commissioners, Order 2023-110 involves an
25 ownership transfer request between supplier

1 licensee United Tote Company and NYRA Content
2 Management Solutions, LLC. Upon receiving the
3 transfer application, the Commission completed a
4 background and financial investigation, finding
5 that the transferee was substantially compliant
6 with the Indiana statutes and regulations and
7 finding no derogatory information that would
8 affect the transferee's suitability for holding
9 the interest in United Tote.

10 Approving Order 2023-110 would have the
11 effect of approving the ownership transfer
12 request. Thank you.

13 CHAIRMAN THOMPSON: Any questions about
14 that? Is there a motion to approve?

15 COMMISSIONER WILLIAMS: I make that motion
16 to approve.

17 CHAIRMAN THOMPSON: Motion. And a second.

18 COMMISSIONER HILL: I'll second.

19 CHAIRMAN THOMPSON: Motion is seconded. Any
20 questions?

21 All those in favor of the motion, signify by
22 stating aye, please.

23 (Chorus of ayes.)

24 CHAIRMAN THOMPSON: Opposed, same sign.

25 Hearing none, the motion is approved.

1 Thank you, Mr. Dudley.

2 MR. DUDLEY: Next you have before you
3 Order 2023-111 concerning Terre Haute Casino
4 Resort's requests to change its written power of
5 attorney. Said requests proposed appointing
6 Austin Miller as its power of attorney. Pursuant
7 to statute, each casino licensee must submit for
8 approval by the Commission a written power of
9 attorney identifying the person who, if approved,
10 would serve as the casino licensee's trustee to
11 operate the casino.

12 The power of attorney submitted under this
13 subsection must: 1, be executed in the manner
14 required by IC 30-5; 2, describe the powers that
15 may be delegated to the proposed trustee; and 3,
16 conform with the requirement established by
17 Commission under IC 4-33-4-3(a)(10).

18 Approving Order 2023-111 would have the
19 effect of granting Terre Haute's request. Thank
20 you.

21 CHAIRMAN THOMPSON: Is there a motion on
22 Order 2023 through 1111 [sic], power of attorney.

23 COMMISSIONER HILL: I'm make a motion.

24 CHAIRMAN THOMPSON: Motion. Second?

25 COMMISSIONER COHEN: Second.

1 CHAIRMAN THOMPSON: Motion and a second.

2 Any questions?

3 All those in favor of the motion, signify by
4 stating aye.

5 (Chorus of ayes.)

6 CHAIRMAN THOMPSON: Opposed, same sign.

7 Hearing none, the motion carries.

8 MR. DUDLEY: Last, Commissioners, you have
9 before you Order 2023-212 [sic], and it concerns
10 a settlement agreement reached in a Voluntarily
11 Exclusion Program forfeiture proceeding between
12 the Commission and John Doe Number 17. Given the
13 nature of the VEP, the settlement agreement is
14 contained in your confidential materials.

15 Approving Order 2023-212 would have the
16 effect of ratifying the settlement agreement.

17 MR. MULLEN: Excuse me, I think it's 112.

18 CHAIRMAN THOMPSON: 112, yes.

19 MR. DUDLEY: Yeah, my apologies, 112.

20 Sorry. I have it written here wrong. I
21 apologize.

22 CHAIRMAN THOMPSON: Thank you. Is there a
23 motion on Order 2023-112? Is there a motion?

24 COMMISSIONER WILLIAMS: I make that motion.

25 CHAIRMAN THOMPSON: There's a motion. Is

1 there a second?

2 COMMISSIONER COHEN: Second.

3 CHAIRMAN THOMPSON: Motion and a second.

4 Any questions?

5 Hearing none, all those in favor of the
6 motion, signify by saying aye, please.

7 (Chorus of ayes.)

8 CHAIRMAN THOMPSON: Opposed, same sign?

9 Hearing none, motion approved.

10 Thank you, Mr. Dudley.

11 MR. DUDLEY: Thank you.

12 CHAIRMAN THOMPSON: Before we go on to the
13 rest, Mr. Mullen, perhaps you could help clarify.
14 When we say that we have confidential packages,
15 so those things that are not -- outside of the
16 realm of public meeting that may involve
17 personnel matters or some other personal matters
18 that need to be held in confidence, I just want
19 to be sure that we're clear with our public.
20 Could you maybe clarify a moment?

21 MR. MULLEN: Yeah, absolutely. I'd be happy
22 to.

23 So the Commission as part of its day-to-day
24 responsibilities comes in contact with a lot of,
25 for instance, financial information that is

1 deemed confidential by statute. In addition we
2 deal with trade secrets of our licensees that we
3 regulate, that publicly discussing those items
4 may detrimentally impact them economically. So
5 of course we want to keep those closely held and
6 confidential as part of our jobs.

7 As Deputy General Counsel Dudley just
8 mentioned, the VEP program is a confidential
9 program by statute. So we obviously do not want
10 to disclose the personal information of anyone
11 who has decided to enroll in that important
12 program.

13 And for licensees, statute dictates that
14 we're only able to release publicly certain
15 information. So when we deal with these
16 settlement agreements, these disciplinary actions
17 against the licensees for actions that -- or
18 omissions that they've undertaken, we can only
19 release certain aspects of that during a public
20 meeting.

21 And transparency of course is paramount to
22 our agency, but also equally so the
23 confidentiality of this information that's been
24 deemed so by the General Assembly and law.

25 So I hope that's helpful.

1 CHAIRMAN THOMPSON: It is very helpful,
2 thank you. I just wanted to make sure our
3 general public has good understanding of that,
4 that we're not sitting here in a dark room hiding
5 secrets. So we're open and transparent, but we
6 also want to be protective and mindful of what
7 laws we operate under and with and through. So
8 thank you for that.

9 MR. MULLEN: Yeah, you're welcome. My
10 pleasure.

11 CHAIRMAN THOMPSON: Appreciate it.

12 Mr. Director, I know that you're prepared
13 for a presentation or two.

14 EXECUTIVE DIRECTOR SMALL: Yes. First off,
15 we're very, very pleased to have with us Casey
16 Clark. He's a senior vice president with the
17 American Gaming Association. And obviously
18 sports wagering has been a very hot topic, not
19 just here in Indiana but across the country, and
20 the AGA has been on the forefront of establishing
21 protocols and responsible gaming specifically
22 related to advertising of sports wagering, and I
23 know Casey has sort of been the spearhead of
24 that. We're really excited to have him tell us a
25 little bit about that program.

1 So, Casey, if you would.

2 CHAIRMAN THOMPSON: Thank you, Mr. Clark.

3 MR. CLARK: Thank you. Thank you,
4 Mr. Chairman, members of the Commission,
5 executive staff. Thank you for the invitation to
6 be with you this morning.

7 My name is Casey Clark. As Executive
8 Director Small said, I'm a senior vice president
9 of the American Gaming Association. As you may
10 know, American Gaming Association is the leading
11 advocate for the US casino gambling industry
12 representing commercial and tribal operators,
13 gaming manufacturers, sports betting, and iGaming
14 companies and other allied businesses with a
15 vested interest in the ongoing success of the
16 gaming industry.

17 Our team of 25 works to foster policy and
18 business environment where legal, regulated
19 gaming thrives.

20 Sorry. Just make sure this is -- this is
21 the slide.

22 MS. RESKE: Help is coming.

23 MR. CLARK: There we go. Okay. Okay. Said
24 the switch was going to do it. Okay. Well.

25 MS. RESKE: For the record, we know this

1 is -- this is not user error.

2 MR. CLARK: Thank you. Usually it is, so
3 thank you for that clarification.

4 MS. RESKE: You're welcome.

5 MR. CLARK: Even if it is, I appreciate
6 the cover.

7 MS. RESKE: That's the story.

8 MR. CLARK: Our team of 25 works to foster a
9 policy and business environment where legal,
10 regulated gaming thrives. We do so by working
11 collaboratively with key stakeholders including
12 the more than 5,000 dedicated regulators across
13 the country. Thank you for what you do and for
14 letting me spend a little time with you this
15 morning.

16 Spurred by recent updates to our responsible
17 marketing code for sports wagering, Executive
18 Director Small asked me to share an overview of
19 the AGA's efforts on our number 1 priority:
20 Responsible gaming.

21 While I'll speak largely about our
22 activities in the sports betting space, it's
23 important to note that the AGA members have been
24 committed to responsible gaming long before there
25 was a PASPA, let alone a Supreme Court decision

1 invalidating it. It's been foundational to brick
2 and mortar gaming operations, our licensure and
3 strong gaming markets like Indiana, and our
4 social license to operate everywhere.

5 Beyond a few programs I'll touch on this
6 morning, AGA members also commit to adhering to
7 core standards within our code of conduct for
8 responsible gaming.

9 RG is part of AGA member responsibility to
10 our customers and aligns closely with our work to
11 attract, grow, and retain exceptional employees
12 and contribute meaningfully and significantly to
13 our communities.

14 I'll start by sharing a little color on the
15 genesis of our responsible marketing code and its
16 evolution.

17 The -- before the PASPA decision, the AGA
18 spent a considerable amount of time engaging with
19 stakeholders to better understand what a legal
20 market could be in a leading gaming market like
21 Indiana. This included engagement with industry
22 colleagues and mature, global, sports betting
23 markets where we could learn from where they had
24 succeeded and steer clear of where they stumbled.

25 Following the court's decision, the AGA

1 worked closely with our members to create a
2 robust set of self-regulation of how responsible
3 businesses should market newly legal products and
4 services to American consumers. We modeled our
5 code on successful, self-regulatory systems that
6 have been in place in the beer and distilled
7 spirits industry since prohibition.

8 This initial set of commitments was first
9 published in 2019, and the enforcement process
10 followed in 2020, allowing any member of the
11 public to file a complaint for noncompliance on
12 AGA's website, AmericanGaming.org. Our intent
13 was to ensure anyone doing business in the legal
14 marketplace in America was held to core
15 operational and marketing standards.

16 At its core, the code does just that:
17 Holding anyone operating in the US, whether an
18 AGA member or not, to standards that restrict
19 advertising and marketing content and placements
20 to places where the majority of the audience is
21 over 21; prohibit direct marketing and
22 advertising in university media; promote
23 responsible gaming education; and ensure the use
24 of AGA tools to prohibit access to those under
25 the legal gambling age.

1 Today the code proactively informs marketing
2 and advertising strategies of the legal sports
3 betting industry across the country. And in some
4 markets, the core tenets of the code were written
5 into regulatory language effectively codifying
6 our collective work as standard operating
7 procedure.

8 We always knew that the code would need to
9 evolve as the legal market expanded and matured.
10 So earlier this year, we worked again with our
11 members to ensure these commitments reflected the
12 now widespread legal sports betting landscape
13 across the country.

14 Among the updates made this year, the code
15 now prohibits new partnerships between gaming
16 companies and universities that promote, market,
17 or advertise sport wagering; prohibit direct
18 name, image, and likeness deals with amateur
19 athletes; ensure that any individual featured in
20 marketing and advertising is over 21; extends
21 commitments to target those over 21, including in
22 markets where the legal gambling age is 18;
23 prohibits the use of risk-free language in
24 advertising content; and formalizes an annual
25 review process.

1 These updates largely reflect the evolution
2 of the legal industry, and we expect to continue
3 to make similar updates as markets continue to
4 mature. It's important to note that while the
5 code is working as intended to guide marketing
6 and advertising practices, sportsbook marketing
7 plays an integral role in migrating better action
8 away from the persuasive and predatory illegal
9 market.

10 Americans adults who bet on sports are only
11 protected when their activity is done within the
12 regulated marketplace, and advertising is a core
13 tool used to ensure and inform the public about
14 what is legal in their market.

15 In fact, AGA research shows that advertising
16 is one of the top reasons bettors cite for
17 migrating away from the illegal market. And it's
18 working. Our collective efforts are putting a
19 sizable dent in the illegal market, eroding their
20 market share by as much as 60 percent since the
21 PASPA decision.

22 Another of our programs is our public
23 service campaign, "Have a game plan. Bet
24 responsibly." We knew ahead of the PASPA
25 decision that a sustainable, legal sports betting

1 business in American would require every
2 stakeholder sharing a responsibility for
3 responsibility. Working together, everyone with
4 a vested interest in the sustainability of these
5 new markets can help create a better informed
6 public, enhance available resources and their
7 adoption, and equip American adults who want to
8 bet on sports with the tools to do so
9 responsibly.

10 We built "Have a game plan" around four core
11 principles of responsible gambling: Setting
12 budgets and sticking to them, playing socially
13 with friends; understanding and learning the
14 rules, the games you're playing and what the odds
15 mean; and playing only with legal, regulated
16 operators.

17 We know that Americans were betting on
18 sports before the 2018 decision, and today are
19 betting on sports in unregulated markets.
20 Ensuring an informed public about what's legal
21 while working collaboratively with regulatory
22 bodies, law enforcement, and others to crack down
23 on illegal gambling is essential to protecting
24 American consumers.

25 To date, the AGA has brought together more

1 than 30 partners from across the sports betting
2 ecosystem, including Indiana operators BetMGM,
3 DraftKings, FanDuel, Penn Entertainment, and Rush
4 Street Interactive. Each of these partners
5 supports the programs, uniquely promotes it to
6 their audiences, and balances their promotional
7 efforts with essential responsible gaming
8 content.

9 Some examples of what that looks like in
10 practice are available here on the slides where
11 you see in-venue advertising, on-broadcast
12 displays, social media content, and more.

13 These programs coupled with bespoke
14 campaigns of legal operators are making a
15 difference. More people are seeing and engaging
16 with RG content and resources than ever before.
17 The younger demographic of American sports
18 bettors understand the importance of betting with
19 legal operators, and the majority of past year
20 bettors are taking notice of the industry's
21 commitment to responsible gaming.

22 Another core AG program has been working
23 collaboratively to eliminate obstacles to help
24 for anyone who needs it through efforts to
25 streamline helpline resources. The vital role

1 played by institutions like Indiana Council on
2 Problem Gaming can't be overstated, and the
3 industries continued investments to support these
4 resources have never been greater. The outdated
5 requirements for multistate advertising were
6 creating massive confusion through jumbled, small
7 print, the bottom of out-of-home and print
8 advertisements, and speed reading of up to a
9 dozen phone numbers during short TV and radio
10 spots. And that says nothing about outdated
11 requirements that don't account for chat or text
12 support.

13 The result of course is unnecessary and
14 potentially harmful friction for someone looking
15 for help. The AGA and our members were first to
16 publicly offer streamlined helpline, educating
17 regulators on the use of one national number.
18 Indiana was one of the very first states to make
19 that change in September of 2021, enabling
20 efficiencies, eliminating redundancies and
21 obstacles to care for those who need it. Since
22 that time more than a dozen states have followed
23 your lead.

24 This is one example of how the AGA and our
25 members continue to work to advance responsible

1 gaming and partnership with progressive leaders
2 like the IGC.

3 Lastly I want to touch on responsible gaming
4 education month. Traditionally celebrated over a
5 week, we expanded RG week to RG month last year,
6 and while responsible gaming is always our
7 priority, September is now a concentrated time
8 dedicated to employee and consumer education
9 about tools and resources available.

10 This fall will focus activities on core
11 themes for each week throughout September
12 empowering customers, the importance of legal
13 gaming and its protections, responsibility as
14 fundamental to culture, and research needed to
15 advance RG. We welcome everyone's participation,
16 including the IGC in re-enforcing responsible
17 gambling education and highlighting our
18 collective efforts throughout September --

19 (Interruption.)

20 MR. CLARK: The repetition is for
21 importance. It's for emphasis.

22 So thank you, again, for the opportunity to
23 be with you this morning and share some thoughts
24 on the AGA and its members ongoing commitments to
25 responsible gaming, our collaboration with

1 leading regulatory bodies like the IGC and
2 dedicated individuals like yourselves is
3 critically important to the AGA and to the
4 sustainability of a responsible, legal gambling
5 industry.

6 So welcome any questions you might have, and
7 of course, any further discussion you'd like to
8 have now or going forward.

9 CHAIRMAN THOMPSON: Thank you, Mr. Clark,
10 for your time.

11 Commissioners, do you have any questions of
12 Mr. Clark?

13 COMMISSIONER COHEN: I don't.

14 CHAIRMAN THOMPSON: I applaud your efforts.
15 Continue with that. It's not just a month
16 either.

17 MR. CLARK: Agreed.

18 CHAIRMAN THOMPSON: It's not just a
19 September. Should be a year-round educational
20 proposition so that our public are well-informed.
21 Just like we try to be on the Commission, we
22 operate by information. The more information,
23 the better.

24 MR. CLARK: Agreed.

25 CHAIRMAN THOMPSON: Thank you.

1 MR. CLARK: Thank you, Mr. Chairman.

2 EXECUTIVE DIRECTOR SMALL: Thank you, Casey.

3 CHAIRMAN THOMPSON: Mr. Small.

4 EXECUTIVE DIRECTOR SMALL: Next up at the
5 request of the Chairman, we are going to have
6 Sara Martin, who is our director of paid fantasy
7 sports and sports wagering, and this is something
8 that we envision doing on a go-forward basis at
9 each meeting, having one of our division heads do
10 a presentation. The Chairman thought that it was
11 important for the public to know exactly what it
12 is that we do internally. This is the start, and
13 we figured we'd pair her with Casey's
14 presentation on the sports wagering advertising,
15 and it would be a good place for us to start.
16 And I believe we may have compliance up next in
17 September. So --

18 CHAIRMAN THOMPSON: Thank you for following
19 through.

20 EXECUTIVE DIRECTOR SMALL: That's to look
21 forward to. And everybody else, you're on the
22 clock and you'll be up next.

23 Sara, if you would.

24 MS. MARTIN: Uh-oh. Having some
25 technical -- okay. All right.

1 Good morning, Commissioners, again. Again,
2 my name is Sara Martin. I'm the director of
3 sports wagering and paid fantasy sports.

4 A little background on myself, I've been
5 with the Gaming Commission since 2018. I stepped
6 into the role of director of sports wagering in
7 December of 2021. Prior to that I was the
8 agency's licensed control counsel where I
9 provided legal support to our charity gaming
10 division and our law enforcement, as well as
11 serve as the agency's ethics officer.

12 So up on the screen we have our division.
13 We've a five-member division. Myself and then we
14 have assistant director Leia Foster who came to
15 us from the Department of Workforce Development.
16 Leia has a -- is a certified fraud examiner and a
17 master's degree in accounting.

18 We also have Josie Conrad who is our
19 assistant director of licensing. Previously she
20 was the executive assistant to our executive
21 staff.

22 We also have two dedicated sports wagering
23 investigators as well, Kristy Snider and Kevin
24 Dziepak. So shout out to my division who may be
25 watching.

1 So just to give a brief overview of sports
2 wagering in Indiana, in 2019 the General Assembly
3 legalized sports wagering for persons 21 years of
4 age and older. And I'm sorry for all the legal
5 cites. I'm a lawyer by trade so I'm really heavy
6 on the legal citations here so that's just
7 something I like to include. But that's up
8 there.

9 So our statute allows sports wagering to take
10 place at any of the Indiana licensed casinos,
11 racinos, and off-track betting parlors, as well
12 as via mobile device. Statute establishes the
13 Gaming Commission as the regulatory oversight
14 body for sports wagering, and it also establishes
15 a 9 and a half percent tax rate on the adjusted
16 gross receipts.

17 I'm going to go through our license types
18 that are involved with sports wagering, starting
19 with sort of the top level, which is our
20 certificate of authority holders. Those are
21 going to be the casinos, racinos, and off-track
22 betting facilities that are eligible under
23 statute for the certificate of authority license.
24 These licensees may conduct sports wagering
25 directly or they may choose to contract with a

1 vendor to conduct sports wagering on its behalf.

2 These licensees are subject to occupational
3 licensing requirements, and then a couple of
4 examples here. Ameristar East Chicago, that's a
5 casino, Horseshoe Indianapolis is a racino, and
6 then Winner's Circle Clarksville is one of our
7 off-track betting facilities.

8 Sort of the second level of sports wagering
9 license type is a vendor, and those are going to
10 be your retail or online and mobile sports
11 wagering operators. You might hear the term
12 "sports wagering operator." That just means
13 either the certificate of authority holder or a
14 vendor that actually conducts it. I think of
15 that as the customer-facing operator.

16 Certificate of authority holders, again, may
17 conduct retail sports wagering directly or
18 contract with a vendor. We currently have 13
19 license -- oh, I don't know why it says online.
20 That's a typo. Sorry about that. We have 13
21 licensed certificate holders. These are subject
22 to occupational licensing requirements. And
23 then -- or I'm sorry, that's correct. Strike
24 that.

25 We have 13 licensed online sports wagering

1 operators. They are subject to occupational
2 licensing requirements. And then I have four
3 examples listed here, and they are listed in an
4 order. We have FanDuel, DraftKings, BetMGM,
5 Caesars Sportsbook. Those are generally our top
6 market holders in term -- market shareholders in
7 terms of our licensees.

8 So I actually did the math and 89 percent of
9 sports wagering handle in the state in May of
10 2023 came from these online operators.

11 Next we have suppliers. These are -- it's
12 the same license type as casino suppliers. These
13 can be geolocation providers, platform suppliers.
14 Some of them provide managed services to our
15 sports wagering vendors and certificate holders.

16 Currently we have 11 licensed suppliers to
17 provide sports wagering products and services.
18 These licensees are also subject to occupational
19 licensing requirements, and a few examples of
20 those are GeoComply, a geolocation provider;
21 Kambi's, a sportsbook Platform Provider; White
22 Hat Gaming is a PAN provider; GAN and Pala are
23 also technology providers to our sports wagering
24 operators.

25 Next license type is sports wagering service

1 provider. This a lower level license type. I
2 think of sort of the suppliers is providing
3 services to the top level licensees. Service
4 providers, it's a lower license level. It
5 doesn't require renewal. These are going to be
6 your odds feed providers, data feed providers,
7 integrity monitors, and risk management services
8 to sports wagering operators. And, again,
9 they're not subject to occupational licensing or
10 renewal.

11 We have 12 currently licensed, and a few
12 examples are US Integrity, SportRadar, Genius
13 Sports, and Simplebet. US Integrity is an
14 integrity monitor, and the other three are data
15 feed and odds providers.

16 Lastly we have registrants, and a sports
17 wagering registrant is sort of the catch-all
18 category that is any individual or entity that's
19 contracted to provide goods or services, and the
20 Commission makes a determination as to whether
21 that entity would need licensure based on the
22 type of services it provides. Our regulation
23 provides that marketing affiliates are actually
24 required to register. We also register payment
25 processors as well.

1 And, again, this is a low level licensure.
2 They're not subject to occupational licensing or
3 renewal. And some examples of those I like to
4 include the big names so I have PayPal, Inc.,
5 that's a payment processor; PayWithMyBank is also
6 known as Trustly; and then Google, LLC, I thought
7 I would put that one up there as a marketing
8 affiliate is also registered with the Gaming
9 Commission.

10 So now I'm going to talk a little bit about
11 retail sportsbooks and sort of the setup of
12 retail sportsbooks. So in order to operate a
13 retail sportsbook, a certificate of authority
14 holder license is necessary, and typically those
15 are going to be at your casinos, racinos, and
16 off-track betting facilities.

17 And the way that sports wagering is
18 conducted at those facilities is typically with a
19 retail cashier and a ticket writer or there are
20 kiosks or also known as self-service betting
21 terminals on those -- at those licensed
22 facilities.

23 Let's see. Currently we have 14 retail
24 sportsbooks, and there's the list. We have three
25 off-track betting facilities, and then the

1 casinos and racinos are listed there.

2 Online and mobile sportsbooks, again, we
3 have a vendor. You may also have heard the term
4 "skin" referred to to describe a licensed vendor.
5 What that means is it's an individually branded
6 or online mobile vendor. So an example would be
7 FanDuel, DraftKings, BetMGM. Each certificate
8 holder is allowed to contract with up to three
9 online or mobile skins. And, again, we have 13
10 currently licensed and operating.

11 Here's a chart I made just to kind of
12 compare the differences between retail and
13 online. Retail is generally not account-based,
14 although some of our casino properties do allow
15 customers to use rewards cards with -- with their
16 sports wagering bets. Online on the other hand
17 is 100 percent account-based.

18 In the retail setting credit cards are not
19 allowed to be used to place wagers. In the
20 online environment credit cards are allowed to --
21 for patrons to make deposits into their account
22 and place wagers.

23 In retail the KYC is done in person. Online
24 the KYC is remote.

25 Retail, again, the wager is placed in person

1 at a counter or at kiosk in licensed facility.
2 For online the bettor just has to be positively
3 geolocated in Indiana.

4 Again, retail is more conducive to
5 traditional wagering on point spreads and money
6 lines, whereas online, because of the way the
7 technology is developing, it's more conducive to
8 the in-play, rapid betting, and prop wagering.

9 So let's see. I've got a couple examples
10 here, no particular order of vendors and skins.
11 So here, FanDuel, their certificate holder is
12 Blue Chip Casino, and then one of their vendor
13 skins is FanDuel. Ameristar East Chicago is the
14 certificate holder, and they contract with
15 DraftKings. Belterra contracts with BetMGM as a
16 mobile vendor. Harrah's Hoosier Park contracts
17 with Caesars Sportsbook as their vendor skin.
18 French Lick contracts with BetRivers as a vendor
19 skin. Hollywood Casino Lawrenceburg contracts
20 with Barstool Sportsbook.

21 So those -- not an exhaustive list there,
22 but just a few examples so you get the idea.

23 Indiana Code 4-38-5 is the chapter of the
24 sports wagering article that establishes
25 statutory requirements for the conduct, and then

1 of course we have numerous regulations outlined
2 in 68 IAC 27, which is our administrative rule.

3 So I'm just going to go through a few
4 statutory requirements that are in statute so
5 wagers can be placed at retail locations or
6 online, that's in statute. Statute says that
7 users may register online for an account so they
8 actually aren't required to come in person to
9 register. It prohibits betting on high school or
10 youth sporting events. It also prohibits
11 wagering on e-sports. That's a difference from
12 other jurisdictions that do allow wagering on
13 e-sports. In-play wagering is specifically
14 allowed by this statute. Statute does require
15 that the Commission approves events or markets
16 for wagering.

17 And then the house rules, this is not in
18 statute, it's actually in the regulation, but
19 it's a big part of what affects how bets are
20 settled, and the house rules are very important
21 to customers because it really describes exactly
22 how every bet is going to be settled. So those
23 rules have to be approved by the Gaming
24 Commission.

25 Let's see. And then I've got a few stats

1 here on sports wagering handle since -- since
2 sports wagering was legalized in 2019. So you
3 can see there that the handle has steadily
4 increased. However, I'm going to get to a slide
5 here later, you'll see the Ohio effect a little
6 bit for 2023.

7 But just for the Commissioners and the
8 public's knowledge, handle is the total knowledge
9 of money wagered by bettors over a given period
10 of time. So the total handle you will see there
11 is about 10.6 billion, that is billion with a
12 "B," spent in Indiana since 2019.

13 And then AGR, of course, is the important
14 figure that we use to calculate the tax amount
15 that the operators pay to the state. And so
16 you'll see a little bit, you know, steady
17 increase from 2019, and we have just over
18 \$1 billion in AGR since 2019. Oop, sorry. Let
19 me go back. And AGR is handle less winnings paid
20 out to bettors over a given period of time and
21 represents the taxable revenue.

22 So here's probably an important report here.
23 The tax reported by our retail and mobile
24 operators since September has -- we're getting
25 very close to that billion dollar figure.

1 99 million -- or sorry, a hundred million --
2 sorry, I'm not a math major. As you can tell,
3 I'm a lawyer. So we're almost to the hundred
4 million dollar mark there.

5 But, again, our statutory tax rate is 9 and
6 a half mil -- or 9 and a half percent of AGR.
7 And then just for comparison we -- there was a
8 study that was conducted in 2018 prior to sports
9 wagering being legalized that predicted about
10 23.7 million in tax revenue by year five based on
11 a 9 and a quarter percent rate. So it looks like
12 we're doing a little better than that. So
13 good -- good news there.

14 So this, as I mentioned earlier, Ohio
15 legalized sports wagering, and they launched in
16 January of 2023. So this chart just shows a
17 little bit of the effect of Ohio making it legal
18 for bettors there. We did benefit from folks
19 driving across the border and placing wagers in
20 Indiana for a period of time. But it has dropped
21 off about 10, 10 or 11 percent in terms of
22 overall handle from 2022.

23 Here's a little bit of information on
24 demographics in the US. I found a few surveys
25 that are out there. I went ahead and used the

1 Ipsos national survey. It was conducted in
2 February of 2023. And they found that about
3 8 percent of respondents had reported placing a
4 bet online on a sporting event, 4 percent
5 reported placing a bet at a retail location, and
6 then 3 percent on e-sports.

7 And as I mentioned, I chose this Ipsos
8 survey. Pew Research also conducted a survey in
9 September of 2022 and found that 19 percent of
10 the respondents placed wagers on a sporting event
11 in the past year. So the -- I think you'll see
12 different figures from different surveys. But
13 about it looks like 15 to 20 percent maybe
14 population bets on sports.

15 The most popular leagues according to that
16 Ipsos survey, not very surprising here. NFL is
17 the most popular followed by the NBA, NCAA
18 Football, NCAA Basketball, and Major League
19 Baseball.

20 Sports wagering demographics, here's a few
21 more stats. Not surprisingly 68 percent of
22 sports bettors are men. 39 percent are under the
23 age of 35. About half are white. 44 percent
24 earn more than a hundred thousand annually. And
25 just for comparison, land-based casino patrons

1 according to data, they're a little more evenly
2 split by gender and the average age is certainly
3 older than the sports bettor.

4 So another piece of the survey I thought was
5 interesting was that a strong majority of the
6 bettors reported betting infrequently, once a
7 month or less. 20 percent reported betting two
8 to three times a month, and then 5 percent
9 reported betting multiple times a week.

10 And moving on to our responsible gaming
11 requirements. So under our regulation, all of
12 our operators are required -- our online
13 operators are required to have a responsible
14 gaming page on their apps and on their website
15 which includes resources and information to get
16 problem gamblers help that they need. They also
17 are required to have links to the IGC's Voluntary
18 Exclusion Program and Internet Self-Restriction
19 Program as well on their problem -- or
20 responsible gambling page. They need to have
21 problem gambling resources which would include
22 links to counseling services and information as
23 well as hotlines that were discussed earlier.
24 Again, the advertising must have the
25 1-800-9-WITH-IT phone number for the in-state

1 advertising, but we do allow the 1-800-GAMBLER
2 for multi-jurisdictional advertising.

3 And then of course this is I think a really
4 important part of online sports wagering
5 operators, they are required to offer patrons the
6 ability to self-restrict. So they have to be
7 able -- they have to have tools in their apps and
8 on their website where a user can impose deposit
9 and wagering limits as well as a cooling-off
10 period.

11 I found a few information -- some data out
12 there about advertising spent and dollars spent
13 from a source called MediaRadar. They conducted
14 a review and found that \$738 million had been
15 invested in 2022 in advertising by sports
16 wagering operators. 69 percent of that
17 738 million went to national broadcast, cable TV,
18 and print advertising. What they saw was over in
19 2022 a significant decrease in spending on
20 streaming services like Netflix and Hulu,
21 probably pandemic-related. And then 17 percent
22 went to social media. And podcast advertising is
23 also increasing. We've noticed a few marketing
24 affiliate registrants that are podcasts that have
25 signed up for a license with us recently. So I

1 thought that's interesting.

2 Top spenders, according to this MediaRadar
3 review, that they -- they found DraftKings,
4 FanDuel, and BetMGM accounted for 62 percent of
5 the advertising investment.

6 And moving forward I think, at least
7 according to this prediction, and I think this is
8 reasonable prediction, that operators are going
9 to shift to more digital advertising and targeted
10 advertising as the market matures.

11 And so with that, that concludes my
12 presentation. I'm happy to field any questions
13 if the Commissioners have any questions for me.
14 But otherwise I'm -- I hope that this was
15 informative and that there's good information out
16 there for the public as well.

17 CHAIRMAN THOMPSON: Thank you, Deputy
18 Martin. Blame me, I'm the one that's responsible
19 for getting more information to the public. And
20 really for me as a nerd, I'm one of those that
21 has more information, the better I operate by.
22 So thank you very much.

23 Any questions, Commissioners?

24 COMMISSIONER WILLIAMS: Yes, I do. Being a
25 CPA, I've got to ask the question. On a tax rate

1 at 9 and a half percent of adjusted gross
2 revenue, what is backed out of gross revenue,
3 generally, to get to that -- to get to that
4 figure?

5 MS. MARTIN: So in general it's going to be
6 the handle less the winnings paid out to the
7 patrons.

8 COMMISSIONER WILLIAMS: Okay.

9 EXECUTIVE DIRECTOR SMALL: Yeah, in Indiana
10 we do not back out promotions. Those are taxed.

11 COMMISSIONER WILLIAMS: Okay.

12 MS. MARTIN: Correct, yeah. So I think
13 Casey may have mentioned getting rid of the
14 risk-free bets. So some of our operators are
15 now -- in lieu of using the term "risk-free,"
16 they'll say bonus bets or free bets or something
17 like that seems to be the trend.

18 And then as Director Small mentioned, we do
19 tax that revenue as well. So they can't deduct
20 it, so that is included.

21 COMMISSIONER WILLIAMS: Okay. Thank you.
22 Thank you for your presentation.

23 CHAIRMAN THOMPSON: Any other questions from
24 Commissioners?

25 EXECUTIVE DIRECTOR SMALL: I have one.

1 Sara, could you tell us where are we on the
2 divide between retail and online currently?

3 MS. MARTIN: What do you mean? Like, the
4 percentage?

5 EXECUTIVE DIRECTOR SMALL: Correct.

6 MS. MARTIN: Okay. So I would say probably
7 a good 90 to 95 percent of wagering in terms of
8 handle is coming from online operators. So
9 that's pretty, I think, consistent across most
10 jurisdictions. I think that folks just say, hey,
11 if I can bet right here on my phone in my house,
12 I'm going to do that.

13 And, then, of course the online wagering
14 is -- is more popular I think with the younger
15 demographic as well.

16 So yeah, that is pretty much the divide
17 between retail and online.

18 CHAIRMAN THOMPSON: How do we compare as a
19 state to any other kind of peer states, if you
20 will?

21 MS. MARTIN: Well, I would say Ohio is doing
22 great in terms of revenue.

23 CHAIRMAN THOMPSON: Right. Right.

24 MS. MARTIN: But is there anything specific?

25 CHAIRMAN THOMPSON: No, no, I was just

1 wondering how we're doing since we started in --
2 relatively early but not early, we're never first
3 but --

4 MS. MARTIN: Yeah.

5 CHAIRMAN THOMPSON: -- we've gotten there, I
6 see the numbers are going up and --

7 MS. MARTIN: Uh-huh.

8 CHAIRMAN THOMPSON: -- and I -- just curious
9 how we're doing compared to other states that
10 maybe got started around the same time.

11 EXECUTIVE DIRECTOR SMALL: We have generally
12 performed very well, especially based on the
13 population number. Now with more states being
14 online, some larger states like Ohio we bumped
15 down a little bit.

16 CHAIRMAN THOMPSON: Right.

17 EXECUTIVE DIRECTOR SMALL: But we're
18 typically within the five to seven overall.

19 CHAIRMAN THOMPSON: Relatively we're
20 still -- we're still --

21 EXECUTIVE DIRECTOR SMALL: Still relatively
22 doing well, yes.

23 MS. MARTIN: Folks in Indiana are sports
24 fans, and I think that helps with the betting as
25 well so they're enjoying it. Of course we want

1 it to be responsibly.

2 CHAIRMAN THOMPSON: Certainly. Certainly.
3 Thank you, Ms. Martin --

4 MS. MARTIN: You're welcome.

5 CHAIRMAN THOMPSON: -- appreciate it.

6 I also wanted to extend a thanks to our
7 hosts. Appreciate the opportunity to be here. I
8 know you've had an eventful month. But to the
9 degree which we are out here and welcome here, we
10 want to let you know and let other operators,
11 we'll be visiting throughout that -- next meeting
12 will be in French Lick in our September meeting.

13 EXECUTIVE DIRECTOR SMALL: That's correct.

14 CHAIRMAN THOMPSON: So we'll want to
15 continue with that state hopping around. And,
16 again, thank you for your wonderful hospitality.

17 Anything else from staff? Commissioners?

18 Then I will entertain a motion to adjourn.

19 COMMISSIONER WILLIAMS: I will make that
20 motion.

21 COMMISSIONER COHEN: Second.

22 CHAIRMAN THOMPSON: Then we shall adjourn.
23 We stand in adjournment. Again, thank you.

24 (END OF PROCEEDINGS.)

25

1 STATE OF INDIANA)
2) SS:
3 COUNTY OF HAMILTON)

4 I, Tonya Esparza, RPR, a Notary Public and
5 Stenographic Reporter within and for the County of
6 Hamilton, State of Indiana at large, do hereby
7 certify that the Indiana Gaming Commission Business
8 Meeting held on June 15, 2023, commencing at
9 10:47 a.m. at Horseshoe Indianapolis,
10 4300 North Michigan Road, Shelbyville, Indiana,
11 was taken down in stenograph notes and
12 afterwards reduced to typewriting under my
13 direction, and that the typewritten transcript is a
14 true record of the proceedings had.

15 IN WITNESS WHEREOF, I have hereunto set my hand
16 and affixed my notarial seal this 2nd day of
17 July, 2023.

18 *Tonya Esparza*
19 _____

20 N O T A R Y P U B L I C

21 Commission Number:
22 NP0699809

23 My Commission Expires:
24 May 23, 2025
25

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