

**ORDER 2023-24
IN RE SETTLEMENT AGREEMENT**

**DIGITAL GAMING CORPORATION
LIMITED d/b/a DIGITAL GAMING
CORPORATION (BETWAY)
23-BW-01**

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

APPROVED

APPROVES OR DISAPPROVES

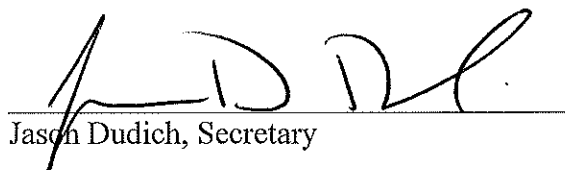
the proposed terms of the Settlement Agreement.

IT IS SO ORDERED THIS THE 9th DAY OF MARCH, 2023.

THE INDIANA GAMING COMMISSION:


Milton O. Thompson, Chair

ATTEST:


Jason Dudich, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

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|-------------------------------------|---|-------------------|
| IN RE THE MATTER OF: |) | |
| |) | SETTLEMENT |
| DIGITAL GAMING CORPORATION |) | 23-BW-01 |
| LIMITED d/b/a DIGITAL GAMING |) | |
| CORPORATION (BETWAY) |) | |

SETTLEMENT AGREEMENT

The Indiana Gaming Commission ("Commission") by and through its Executive Director Greg Small and Digital Gaming Corporation Limited d/b/a Digital Gaming Corporation ("Betway"), (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

1. 68 IAC 27-2-16(a) provides all key persons and substantial owners of a sports wagering operator applicant must obtain a Level 1 occupational license.
2. 68 IAC 27-2-16(d) provides 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 December 21, 2020, the Commission issued a directive to all Sports Wagering Operators on Sports Wagering Occupational Licensing that provided the positions that require a level one license.
6. On July 25, 2022, the Commission reached out to Betway's Licensing Manager and Outside Counsel to inquire on the licensing status of Betway's Corporate Compliance Officer, as this position required a level one license per the Commission's Gaming Entity Licensing Guidance. After further communication with Betway, it was determined that on March 1, 2020, this individual became the Corporate Compliance Officer for Betway. As such, the due date for the PD1 for the Corporate Compliance Officer would have been

April 1, 2020. Since that date had passed and was severely overdue, the Commission advised the PD1 must be submitted by September 18, 2022.

7. On September 19, 2022, Betway mailed the PD1 to the Commission.
8. On September 21, 2022, the Commission received the PD1.
9. On October 7, 2022, the Commission requested additional information on the PD1 including the status of the payment and the new fingerprints as the original fingerprints were too light to be sent for review. Betway subsequently submitted its payment for the PD1.
10. On October 28, 2022, the Commission requested an update on the status of the fingerprints.
11. On November 1, 2022, Betway advised that the fingerprints were mailed that day and should arrive on November 2, 2022.
12. On November 2, 2022, the Commission received the fingerprints.
13. On November 18, 2022, the Corporate Compliance Officer was issued a level one license.
14. The PD1 was originally due on April 6, 2021 and the completed PD1 was not submitted to the Commission until November 2, 2022. Therefore, the PD1 was 559 days late. The Corporate Compliance Officer worked without a license for 991 days.

TERMS AND CONDITIONS

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

Betway shall pay to the Commission a total of \$4,500 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, Betway agrees to promptly remit payment in the amount of \$4,500 and shall 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 Betway.

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



Greg Small, Executive Director
Indiana Gaming Commission



Bruce Watermeyer, EVP DGC-Betway
North American
Operations
Digital Gaming Corporation Limited d/b/a
Digital Gaming Corporation (Betway)

3/7/2023
Date

03/02/2023
Date