

**ORDER 2023-87
IN RE SETTLEMENT AGREEMENT**

**POINTSBET INDIANA, LLC
d/b/a POINTSBET
23-PB-02**

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 15th DAY OF JUNE, 2023.

THE INDIANA GAMING COMMISSION:


Milton O. Thompson, Chair

ATTEST:


Charles Cohen, Commissioner

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)	
)	SETTLEMENT
POINTSBET INDIANA, LLC)	23-PB-02
d/b/a POINTSBET)	

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Greg Small and PointsBet Indiana, LLC d/b/a PointsBet (“PointsBet”), (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 outlined the requirements for occupational licensing for Sports Wagering Operators.
6. On August 18, 2022, PointsBet appointed a new Chief Operating Officer (“COO”). Per the Sports Wagering Occupational Licensing Directive, the COO is required to hold a Level 1 license. The Directive also provides that applications must be submitted to the Commission within thirty (30) days of the appointment to or transfer to position that requires licensure. As a result, the COO’s PD1 was due on September 18, 2022.

7. On December 13, 2022, the Commission reached out to PointsBet with questions on their organizational charts, specifically inquiring about the COO, as he was not licensed nor did the Commission have a pending PD1 on file. The Commission requested the appointment date and why an PD1 had not been submitted.
8. On December 14, 2022, PointsBet advised they were waiting on certain responses from human resources and confirming current organizational charts.
9. On December 22, 2022, PointsBet advised that the COO was appointed on August 18, 2022 and provided the COO's job duties. PointsBet provided that the COO did not have access to patron personal identifying information, including Indiana patrons, along with the ability to access sports wagering systems. PointsBet apologized for missing the PD1 and acknowledged it was unintentional and confirmed the COO was working on the PD1.
10. On January 3, 2023, the Commission advised that based on his appointment date, the COO's PD1 was due on September 18, 2022.
11. On January 26, 2023, PointsBet submitted the PD1 and advised payment would be requested.
12. On February 9, 2023, the Commission questioned the status of the payment, noting the payment was considered part of the PD1 which was not considered completely submitted until received by Commission. PointsBet responded with the copy of the wire that was not submitted to the Commission as required. The Commission reminded PointsBet when payments are made in non-check form, an email with the information must be sent to the occlc@igc.in.gov email address so our licensing team has record of the payment and is able to track it. The Commission will make note that the payment was submitted.
13. On February 10, 2023, the Commission advised PointsBet that the COO's title was not in LAM, the Commission's Occupational Licensing Database. Job descriptions must be entered into LAM for any incoming application that does not have an approved job description on the "Job Description Status" page before the application is submitted to the Commission for review. PointsBet advised the job title had been added to LAM and the COO was granted a temporary license.
14. The COO's PD1 was 145 days late.

TERMS AND CONDITIONS

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

PointsBet shall pay to the Commission a total of \$10,000 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, PointsBet agrees to promptly remit payment in the amount of \$10,000 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 PointsBet.

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

Greg Small
Greg Small, Executive Director
Indiana Gaming Commission

6/15/2023
Date

Rachel Kasper
Rachel Kasper, Vice President Legal,
Compliance & Licensing - US
PointsBet Indiana, LLC d/b/a PointsBet

June 6, 2023
Date