

TENNESSEE SPORTS WAGERING COUNCIL

**TENNESSEE SPORTS GAMING
OPERATOR RENEWAL
APPLICATION**

DATE OF COMPLETION

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Last
updated
3/19/24

INITIALS _____

TENNESSEE SPORTS GAMING OPERATOR RENEWAL APPLICATION

Every question in this Tennessee Sports Wagering Council ("SWC") Renewal Application must be answered completely, accurately, and legibly. If a question is not applicable, indicate by replying, "N/A" or "Does Not Apply." Only respond to a question with "Unknown" if substantial effort is made to obtain the response. If the response space to a question is insufficient or if additional details are necessary to adequately respond to the question, attach an additional page that clearly references the question being answered. Licensee must submit **ONE ELECTRONIC copy (in searchable PDF format)** via secure file share site. For submission instructions, email SWAC.Licensing@tn.gov.

The application must be organized and clearly labeled or marked using the numeration and order designated below. For any attachments to the application forms, clearly separate and label the sections (e.g., tabs, cover pages). The application must contain original signatures and initials where indicated in BLUE INK. If any part of the application is handwritten, use blue or black ink and legible, block lettering. Reference to "last year" as it appears in this form means from the date of your most recent past application submitted to the SWC.

If the Renewal Application, or any other form or document required to be submitted as part of the renewal application is not legible or incomplete, the application will be deemed **incomplete**. Any portion of an application that is incomplete and not corrected within five (5) days of notice sent to the email address or telephone number on file constitutes an **incomplete** application and will be returned to the applicant. It is the burden of the applicant to notify the SWC of any change in email address or telephone number. Further, the applicant is required to report any change in the information provided herein to the SWC while the application is pending. Once a complete application is submitted and accepted as complete, it cannot be withdrawn without approval of the SWC.

Applications are confidential pursuant to Tennessee law, except as necessary in the administration of the Tennessee Sports Gaming Act or policies, rules, or regulations promulgated thereunder by the SWC or pursuant to a lawful court order. Nevertheless, an applicant or licensee waives any liability of the State of Tennessee, the SWC, or any representatives, agents, or employees thereof for any damages resulting from the disclosure or publication in any matter, except if made willfully and unlawfully. Any application form, document, or information provided to the SWC as part of the application remains the property of the SWC and will not be returned to the applicant.

Upon submitting this form, you certify that you have responded truthfully and have not made **ANY MISREPRESENTATION, MISLEADING STATEMENT, OR OMISSION, OR FAILED TO STATE A MATERIAL FACT** in this form or any other form, document, or submission of information that is part of the application. Such action may be cause for denial of the application or grounds for disciplinary action.

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1. RENEWAL TERM:

_____ to _____

2. BUSINESS NAME:

FULL LEGAL NAME OF BUSINESS ENTITY (Name as it appears on the Certificate of Incorporation, charter, bylaws, partnership agreement, formation documents or other official origination document)

D/B/A or Trade Name(s) (if applicable; and, if so, is it registered with the Tennessee Secretary of State?)

BUSINESS ENTITY WEBSITE ADDRESS

3. PERSON TO BE CONTACTED IN REFERENCE TO THESE FORMS:

Name and Title

Daytime Telephone Number (including Area Code)

Cell Number with Area Code (if different)

E-Mail Address

4. PRINCIPAL BUSINESS ADDRESS OF THE APPLICANT:

Number Street City State Zip Code

MAILING ADDRESS, *if different* (P.O. Box, City, State, Zip Code)

BUSINESS TELEPHONE NUMBER (including area code and country code if outside the U.S.) Fax Number (if available)

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5. PLEASE VERIFY AND UPDATE ALL REQUESTED INFORMATION BELOW (if N/A, please indicate):

BUSINESS OWNERSHIP/STRUCTURE	
1. In the last year, has there been a change in the articles of incorporation, corporate by-laws, or other legal formation documents of the Licensee, including amendments thereto? If yes, explain in detail on a separate sheet and attach copies of all updated documents.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. List the full ownership and executive structure (e.g., officers, directors, key personnel, managers, etc.) of the Licensee. Include all parent or holding, intermediary, and subsidiary (whether or not wholly-owned) entities and identify the ownership and executive structure for each. For non-publicly traded business entities, list all voting and non-voting ownership, regardless of percentage of ownership. For publicly traded business entities, list all voting and non-voting beneficial owners of five percent (5%) or more.	
3. Provide a current list of key personnel of the Licensee as defined in Tenn. Code Ann. § 4-49-102 and specifically indicate any person(s) not previously disclosed.	
4. Provide a copy of Licensee’s organizational chart relating to sports wagering operations in Tennessee. Provide a list of Key Personnel, including name, title, and job description, in accordance with the definition of "Key Personnel" in SWC Rule 1350-01-.02(28) and the definition of "Significant Influence over Sports Wagering" in SWC Rule 1350-01-.02(61).	
5. In the last year, has there been any change to any shareholder agreement, operating agreement, partnership agreement, trust agreement, or other governing documentation of the Licensee? If yes, explain in detail on a separate sheet and attach copies of all updated documents.	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. In the last year, has there been any change to Licensee’s business registration certificate or other valid business registration issued by the State of Tennessee? If yes, explain in detail on a separate sheet and attach copies of all updated documents.	<input type="checkbox"/> Yes <input type="checkbox"/> No
FINANCIAL INFORMATION	
7. Provide the most recent annual audited financial statements prepared in accordance with SWC Rule 1350-01-.07(3)(a)(1).	
8. Provide a clear and concise summary of any changes made in the last year, regarding the nature, type, terms, conditions, covenants, and priorities of all outstanding bonds, loans, mortgages, trust deeds, notes, pledges, lines of credit, debentures, or other forms of indebtedness issued or executed (including loans made by owners), or to be issued or executed by Licensee, which mature more than one year from the date of issuance or which, by their terms, are renewable for a period of more than one year from the date of issuance. The summary shall include the name and address of the holder of debt, type and class of debt instrument, and original amount of current balance of debt.	
9. Provide a clear and concise summary of any changes made in the last year regarding the nature, type, terms, conditions, and covenants of any possessory or non-possessory security interests issued by the Licensee or other business entity for any component or for all of the sports gaming operations or assets. The summary shall include the name and address of the holder of the security interest and current status of the security interest.	

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10. Provide an updated list of all banking and financial institutions used for sports wagering in Tennessee, to include a description of services provided, as well as the name and address of the bank, credit union, or other financial institution that currently holds the cash, bond, or other source of reserve required pursuant to the Tennessee Sports Gaming Act and regulations promulgated thereunder.	
11. Provide copies of any changes or updates to the reserve agreement and documentation supporting the reserve balance at time of renewal.	
12. In the last year, have there been changes to any stock agreements? If yes, describe the nature, type, terms, conditions, rights and privileges of all classes of voting, non-voting, and other stock issued, or to be issued, by the corporation, including the number of shares of each class of stock authorized or to be authorized, and the number of shares of each class of stock outstanding (i.e., not held by or on behalf of the issuer), as of this date. If the right of holders of any class of stock may be modified otherwise than by a vote of a majority or more of the outstanding shares so affected, voting as a class, so state and explain briefly.	<input type="checkbox"/> Yes <input type="checkbox"/> No
13. Provide copies of any changes or updates to the bond agreement, and documentation supporting the bond balance at time of renewal.	
14. In the last year, has the name and address of the independent accountant responsible for any external audit services relating to sports gaming operations in the State of Tennessee changed? If yes, list the name and address of the new independent accountant.	
15. Provide a copy of the most recent federal income tax return. If the Licensee has been granted an extension to file its most recent tax return, provide a copy of that extension.	
16. In the last year, has Licensee had a tax lien filed against it, or become delinquent in the payment or filing of any taxes, interest, penalties or judgments owed to the State of Tennessee, the United States government or the government of any other state or foreign equivalent? If yes, explain in detail and attach copies of all available documentation.	<input type="checkbox"/> Yes <input type="checkbox"/> No
LEGAL ACTIONS	
17. Provide information describing all new civil litigation at equity or law since the last application/renewal to which Licensee, its parent, holding, intermediary, or any subsidiary (whether or not wholly owned) company or any owner, officer, director, manager, general partner, trustee, or key personnel in their official capacity as a representative of the business is a party in any jurisdiction. Licensee does not need to include cases in the ordinary course of business for monetary damages in controversy of less than \$100,000 or claims in the ordinary course of business that are expected to be fully covered under an insurance policy.	
18. Provide a listing of continuing (previously disclosed) litigation and a brief description of the current status since the date of the last application/renewal. If no change, state "N/A".	

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<p>19. In the last year, has Licensee, its parent, holding, intermediary, or subsidiary company, had any judgments, filed any petition(s) or sought relief under any provision of the Federal Bankruptcy Act or any state insolvency law (or foreign equivalent) for the business or any of its officers, directors, managers, general partners, trustees, or key personnel? If yes, provide a summary of the type of proceeding, parties involved, date of proceeding, court/agency name, nature of judgment/relief/or disposition, and the name and address of receiver/trustee.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>20. In the last year, has Licensee (including all parent or subsidiary companies, if any) or any of its officers, directors, managers, general partners, trustees, or key personnel been the subject of a non-routine government investigation or been issued a subpoena for documents or testimony by a government agency? If yes, provide a summary explanation of the nature, reason and circumstances of the investigation or subpoena, including the outcome and current status.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>21. In the last year, has Licensee (including all parent or subsidiary companies, if any) or any of its officers, directors, managers, general partners, trustees, or key personnel been indicted, served with a criminal summons, charged with, or convicted of ANY crime or offense in any manner? If yes, explain in detail on a separate sheet and include ALL offenses regardless of class of crime or outcome, even if the charges were dismissed or Licensee was found not guilty. Provide official documentation from the court showing the final disposition for any charge that was (1) gambling related; (2) theft by deception; (3) any other crime involving fraud or deception; or (4) any felony.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>22. In the last year, has Licensee or any of its officers, directors, managers, general partners, trustees, or key personnel had a judgment, order, consent decree, or consent order pertaining to a violation, or alleged violation, of any state, local, or federal statute, regulation, or code (or foreign equivalent) that resulted in a penalty or fine? If yes, for each judgment, order, consent decree, or consent order provide named parties, date of offense, nature of the offense, title of case and docket number, name of court/agency, nature of judgment/decree/order and date entered. If the disciplinary action was issued by a gaming regulatory body, please provide a copy of any written order, agreement, etc.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>23. Provide information describing all cease and desist letters; attorney general or government legal opinions received in the last year concerning the business, its parent, holding, intermediary, or any subsidiary (whether or not wholly owned) company in any jurisdiction, or any individual officer, director, manager, general partner, trustee, or key personnel in his/her representative capacity.</p>	
<p>LICENSING INFORMATION</p>	
<p>24. Provide an updated listing of all licenses, permits, registrations, certifications, or approvals by any regulatory agency governing casino gaming, horse racing, dog racing, pari-mutuel, lottery, sports betting, daily fantasy sports, etc. in jurisdictions outside of Tennessee; include type, date, status, and name of the regulatory agency where held.</p>	

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25. In the last year, has Licensee (including all parent or subsidiary companies, if any) been denied, surrendered or withdrawn a gaming/sports betting license, or had any disciplinary action taken against a gaming license in any other jurisdiction? If yes, explain in detail the reason and circumstances of the action.

Yes No

26. VENDORS:
 A. Complete the below chart with names of the entities whose services you use (or intend to use) in support of your online sports gaming operations in Tennessee. See SWC Rule 1350-01-.02 for definitions of the terms listed below.

Service	Provided by what Vendor for Applicant's operations in Tennessee?
Geolocation Services	
Online Sports Wagering Platform Software	
Patron Account Management Services/Software	
Sportsbook Risk Management or Odds-Making Services or Software	
Sports Data Feeds or Software (including Official League Data Feeds and Software)	
Know Your Customer Software or Services	
Payment Processing Services	
Independent Testing Laboratory	
Marketing Affiliate (if compensated under a revenue-sharing agreement)	

Note: Use blank boxes to add any additional vendors providing services to the Applicant, and use additional pages as necessary.

B. Provide copies of any contracts with Vendors that have been updated since the date of the prior application, and indicate whether those Vendors have been approved by the TEL or the SWC.

C. Provide the following information regarding compensation, whether monetary or otherwise, paid by you to an individual who is eligible to participate in sporting events upon which a wager can be placed: the name of the individual being compensated, the amount and form of the compensation, and a general description of the service to be performed by the individual.

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ADVERTISING/MARKETING INFORMATION	
27. In the last year, has Licensee made updates to the customer service phone number and email address? If yes, provide an updated customer service phone number and email address for responding to public and patron inquiries and questions originating from the State of Tennessee or relating to sports gaming operations in the State of Tennessee with any changes highlighted or denoted.	<input type="checkbox"/> Yes <input type="checkbox"/> No
28. In the next year, will Licensee offer complimentaries, bonuses, free play, refunds or discounts, rebates, or other promotions for customers or potential customers? If yes, provide an updated copy of the policies, procedures, terms, and rules of any such program or promotion and a list of key personnel, employees, contractors, or other agents or representatives with authority to offer, approve, or oversee complimentaries, bonuses, free play, refunds or discounts, rebates, or other promotions.	<input type="checkbox"/> Yes <input type="checkbox"/> No
29. (Answer only if did not previously offer a customer rewards or loyalty program.) In the next year, will Licensee offer a customer rewards or loyalty program for sports gaming in the State of Tennessee? If yes, provide the terms and conditions of the rewards program and summary of sports gaming activity required to participate, types of rewards and benefits awarded, and how rewards and benefits are earned and awarded. Provide a summary of how a customer enrolls in the program, monitors activity, and closes a rewards account, the security and privacy policies and procedures to protect customers enrolled in the program, and any other relevant information. If a bettor enrolls in this customer rewards or loyalty program for sports gaming in the State of Tennessee, do you auto-enroll the bettor in any other rewards programs? If yes, how is information shared among those programs?	<input type="checkbox"/> Yes <input type="checkbox"/> No
30. In the last year, has Licensee made updates to the terms and conditions of the rewards program and/or the activity required to participate, types of rewards and benefits awarded, and how rewards and benefits are earned and awarded? If yes, provide the terms and conditions of the rewards program and summary of sports gaming activity required to participate, types of rewards and benefits awarded, and how rewards and benefits are earned and awarded. Provide a summary of how a customer enrolls in the program, monitors activity, and closes a rewards account, the security and privacy policies and procedures to protect customers enrolled in the program, and any other relevant information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
31. In the last year, has Licensee made updates to the responsible gaming plan? If yes, provide an updated responsible gaming plan for sports gaming operations in the State of Tennessee with any changes highlighted or denoted. The plan should include a summary of responsible gaming measures and controls; messaging and interaction with players; whether customers have the ability to self-limit or self-exclude; ability of customers to monitor account and transactions history; training for any key personnel, employee, contractor, agent, or representative connected to sports gaming operations in Tennessee; policies and procedures for responsible gaming inquiries or concerns; forms, location, and availability and accessibility of resources for customers; and any other relevant information.	<input type="checkbox"/> Yes <input type="checkbox"/> No

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32. Has Licensee submitted its responsible gaming annual report for the previous year, showing that plan goals have been met? If no, Licensee must provide the responsible gaming annual report for the previous year as part of this renewal application.	<input type="checkbox"/> Yes <input type="checkbox"/> No
33. Provide an updated advertising and marketing plan to customers and potential customers in the State of Tennessee for the upcoming year. The plan should include, but not be limited to, communication mediums to be used (e.g., magazine, television, radio), format of advertising and marketing, responsible gaming messages or information accompanying advertising and marketing, frequency of advertising and marketing, methods used to ensure advertising and marketing is not directed to persons under the age of 21 years, methods used to ensure advertising and marketing is not directed to persons placed on an exclusion list, and any other relevant information.	
OTHER DOCUMENTATION	
34. Provide a current copy of applicant's Integrity Monitoring System's policies, procedures, and mechanisms for ensuring integrity in sports gaming in the State of Tennessee, including, but not limited to, use of integrity monitoring services, participation in integrity associations, information sharing channels, and communication channels to regulators in the State of Tennessee and any jurisdiction where the applicant operates sports gaming.	
35. Provide a current copy of applicant's AML Compliance program, policies and/or procedures.	
36. Has Licensee submitted its annual Operational Assessment performed by an Independent Testing Laboratory? If not, why?	<input type="checkbox"/> Yes <input type="checkbox"/> No
37. Provide a detailed report of Licensee's integrity monitoring services and activities for the past year. Include a summary of all Unusual and/or Suspicious Wagering activity notifications issued by Licensee during the past year.	
38. Has Licensee submitted its annual Technology Integrity and Security Assessment performed by an Independent Testing Laboratory? If not, why?	<input type="checkbox"/> Yes <input type="checkbox"/> No
39. Identify any changes to the location of the server to process wagers within the State of Tennessee. Provide copies of any updated agreements with a data center, server hosting center, or other server location. Include any updates to the security plan for ensuring the server is secure and protected.	
40. Provide copies of any policies, procedures, and mechanisms Licensee used to ensure that it used the most up-to-date software.	
41. Provide evidence that Licensee confirmed with its geolocation provider every 180 days during the past year that its software was up-to-date.	
42. Provide copies of Licensee's Change Management Log (CML) compiling all changes made to the event wagering system during the past operational year. The CML should be current through the date of the renewal application. Licensee should also include Licensee's Control Program Self-Verification Report.	
43. Has Licensee complied with the Financial Reporting and Financial Data Requirements outlined in the Sports Gaming License Standards of the SWC, Rule 1350-01-.07(4)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
44. Provide an updated list of all Sporting Events you offer and accept wagers on in Tennessee.	

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45. Provide an updated list of all types of wagers (i.e, point spread, parlay, teasers) you currently offer in Tennessee.

46. Provide a current copy of all insurance certificates in accordance with SWC Sports Gaming License Standards, Rule 1350-01-.07(2).

47. Provide a summary of any material change(s) from the prior application or regarding the current status of business in the State of Tennessee not otherwise disclosed above.

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AFFIDAVIT

STATE OF _____ :

COUNTY OF _____ : SS:

I, _____, hereby acknowledge that I am aware that the
(Name)
Tennessee Sports Wagering Council ("SWC") may deny renewal of any License to any applicant which supplies information to the SWC which is untrue, misleading or incomplete as to a material fact pertaining to the qualification criteria for continued operations.

Further I, _____, hereby swear (or affirm) that the foregoing
(Name)
statements made by me on behalf of _____
(Name of Business Entity)
are true and complete. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Further, I _____, hereby certify that the entity is aware of the
(Name)
attached notice and acknowledges and accepts the entirety of its contents.

(Signature)

(Type, Stamp, or Print Name)

(Title or Position)

SUBSCRIBED AND SWORN TO BEFORE ME

THIS _____ DAY OF _____, _____

(NOTARY PUBLIC SEAL/STAMP)

Signature of Notary Public

Commission Expiration Date: _____

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NOTICE

1. Information supplied to the Tennessee Sports Wagering Council ("SWC") or its agents, representatives, contractors, or employees thereof, or otherwise obtained, is confidential and shall not be revealed, except in the course of the necessary administration of the Tennessee Sports Gaming Act ("Act"), other laws of the State of Tennessee, or upon the lawful order of a court of competent jurisdiction, or with the approval of the Attorney General, to a duly-authorized law enforcement agency. Nevertheless, Licensee waives any liability of the SWC, State of Tennessee, and each of their members, agents, contractors, and employees in their individual and representative capacities, for any damages resulting from any disclosure or publication, in any manner.
2. An applicant for, or holder of, a license, finding of suitability, registration, or approval under the Act, is subject to inspections, searches and seizures, or other actions taken in the course of an investigation as authorized by the Act and by the regulations of the SWC.
3. The application fee is not refundable once the application is accepted for filing.

Receipt of Notice Acknowledged on Behalf of: _____

(Date)

(Signature)

(Type, Stamp or Print Name)

(Title or Position)

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