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File Date: \_\_\_\_\_

## Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

<b>Agency/Board/Commission:</b>	Tennessee Sports Wagering Advisory Council
<b>Division:</b>	
<b>Contact Person:</b>	Mary Beth Thomas, Executive Director
<b>Address:</b>	500 James Robertson Parkway Nashville, Tennessee
<b>Phone:</b>	(615) 979-6505
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

<b>ADA Contact:</b>	Keith Boring
<b>Address:</b>	500 James Robertson Parkway Nashville, Tennessee
<b>Phone:</b>	(615) 979-6505
<b>Email:</b>	keith.boring@tn.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway		
Address 2:	8 <sup>th</sup> Floor Conference Room		
City:	Nashville, TN		
Zip:	37243		
Hearing Date:	02/10/2022		
Hearing Time:	11:00 A.M.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

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**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

<b>Chapter Number</b>	<b>Chapter Title</b>
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<b>Rule Number</b>	<b>Rule Title</b>
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<b>Chapter Number</b>	<b>Chapter Title</b>
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Chapter Number	Chapter Title
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1350-04-.08	Fees and Procedures for Billing and Payment

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Chapter 1350-01  
Sports Gaming License Standards  
New Chapter

Chapter 1350-02  
Dispute Resolution  
New Chapter

Chapter 1350-03  
Minimum Internal Controls  
New Chapter

Chapter 1350-04  
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New Chapter

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Authority: T.C.A. §§ 4-49-101, *et seq.*; 2019 Tenn. Pub. Acts, ch. 507; 2021 Tenn. Pub. Acts, ch. 593.

1350-01-.01 Purpose, Authority, and Applicability.

- (1) This Chapter 1350-01 and rules within this control number as promulgated by the Sports Wagering Advisory Council establish the rules and standards that apply to the licensing requirements and conditions for sports gaming in Tennessee. This Chapter and rules following are hereby declared necessary to uphold and maintain the integrity of sports wagering in Tennessee and to protect the public interest. The purpose of these rules is to implement the Tennessee Sports Gaming Act, originating under 2019 Public Acts, chapter 507, codified at T.C.A. §§ 4-51-301, *et seq.*, and as amended. 2021 Public Acts, chapter 593 amended the act and transferred its provisions to Tennessee Code Annotated, title 4, chapter 49. (the "Sports Gaming Act"). The Sports Gaming Act contains express provisions authorizing the promulgation of these rules, as cited herein. Pursuant to 2021 Public Acts, chapter 593, the licensing, regulation, rulemaking power and enforcement of the Sports Gaming Act shifts from the Board of the Tennessee Education Lottery Corporation (TEL) to the Tennessee Sports Wagering Advisory Council as of January 1, 2022, with these rules. These rules are intended to transition the regulation of this program by replacing the existing Rules promulgated by the TEL Board without lapse by carrying forward or amending the standards found in the TEL Board's Chapter 15, Sports Gaming License Rules, Regulations and Standards. Under Section 32 of Public Chapter 593, TEL's Chapter 15 will remain in full force and effect as the relevant standards until the first effective date of these Rules, January 1, 2022, including any version promulgated by emergency rulemaking procedures. Capitalized terms appearing herein shall have the meaning set forth in Rule 1350-01-.02, or as defined by the Sports Gaming Act. Headings of any Rule are descriptive only, and the subject matter may be addressed by multiple rules.
  
- (a) Additional transition provisions. The Council maintains its authority, in the role of continuing the regulatory framework under the Sports Gaming Act, to determine whether, under any previously applicable Rules of the TEL, a given action was permitted or prohibited at the time it occurred, or a given requirement applied, even if subsequently altered, as these findings may be pertinent to remedies or qualifications for licensure or registration as governed by the Council.

- (b) Severability Intent. If any provision of any rule of this Council, or application of the provision of any rule of this Council to any person or circumstance, is held invalid, the remainder of the rules, and the application of the provision to persons or circumstances other than those to which it is held invalid, shall not be affected.
- (2) All licensees, applicants, and registrants shall become familiar with and adhere to these Rules. In the event of a conflict between the Sports Gaming Act, and these Rules, the Sports Gaming Act will govern.
  - (3) Confidentiality of Certain Records and Information Not to Be Reported Publicly. The Council exercises its authority under T.C.A. § 4-49-110 to designate by rule the type of information deemed to be confidential financial or proprietary information that is not subject to any reporting requirements under the Sports Gaming Act to the public, and to continue to designate such information as obtained by TEL under its authority in similar fashion to the TEL. Such information may include any information relating to the application, licensure, compliance, and investigatory processes described within these Rules and provided to or obtained by the TEL or its Board, the Council or any employees of the Council, including, but not limited to the following:
    - (a) Information previously maintained by the TEL or its Board pursuant to the Tennessee Sports Gaming Act or Rules promulgated thereunder;
    - (b) Information maintained by the Council pursuant to the Tennessee Sports Gaming Act or Rules promulgated thereunder;
    - (c) The finances, earnings, revenue, or adjusted gross income of any Applicant, Licensee, or Registrant;
    - (d) Information related to the internal controls of a Sports Gaming Operator, included but not limited to the operational controls described in Chapter 1350-03 of these Rules related to data security, risk management, fraud, AML and Unusual and Suspicious activity, prevention of access by Prohibited Participants, third-party systems, information systems and audit;
    - (e) Independent assessments prepared for a Licensee or Registrant;
    - (f) Nonpublic information regarding a Licensee or Registrant's existing or anticipated contractual or business relationships;
    - (g) Any information related to the personal or financial investigation of any Applicant, Licensee, or Registrant, including criminal record or other background information from any source;
    - (h) Information provided to the Council, TEL or its Board by a governmental agency or informant or upon assurance by the Council, TEL or its Board that the information will be treated as confidential, in order to maintain the integrity of sports wagering in this state and to protect the public interest;
    - (i) Information and data received by the Council regarding Unusual or Suspicious Wagering Activity;
    - (j) Information obtained during the pendency of a private or public investigation into any suspected or reported violation of the Sports Gaming Act; and

that are of the type required to carry out regulatory, taxing and disciplinary enforcement provisions of the Sports Gaming Act, but not required to be publicly reported by the Council or TEL to the Legislature or the public under the Sports Gaming Act.

Accordingly due to their character as trade secrets, private personal, proprietary, technological, or protected financial information of individuals or business entities, criminal record or background information or the government's derivative investigatory or legal materials pertaining to said Applicants, Licensees or Registrants, the information described in this Paragraph (3) is deemed

confidential by these Rules. Such confidentiality is not waived if the information and data are shared or have been shared with an authorized agent of any agency of the United States government; any state or any political subdivision of a state; or the government of any foreign country in connection with its regulatory, investigative, or enforcement authority, regardless whether such information is shared or has been shared either before or after being provided or communicated to an agent or employee of the Council, the TEL or member of its Board. The enumeration of these categories is without prejudice to identification of additional protections under state or federal law for information and records, or to the Council's use of such information to fulfill its regulatory enforcement provisions in legal proceedings.

Notwithstanding the foregoing, the Council and TEL may disclose whether an applicant has or had previously submitted an application for a License or Registration and any Applicant, Licensee, or Registrant waives any liability of the State of Tennessee, the TEL, its Board, or the Sports Wagering Advisory Council, 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.

Authority: T.C.A. §§ 4-49-110, 4-49-112, 4-49-115, 4-51-102, 4-51-103, 4-51-104, 4-51-105, 4-51-109, 4-51-124, and 10-7-504; 2019 Tenn. Pub. Acts, ch. 507; 2021 Tenn. Pub. Acts, ch. 593.

1350-01-.02 Definitions.

As used in this Chapter, and other Chapters promulgated by the Council, unless the context otherwise requires:

- (1) "ACH" means Automated Clearing House, which is a network that connects all banking and financial institutions within the United States.
- (2) "Adjusted gross income" means the total of all money paid to a licensee as bets minus the total amount paid out to winning bettors over a specified period of time, which includes the cash equivalent of any merchandise or thing of value awarded as a prize.
- (3) "AML" means anti-money laundering.
- (4) "Applicant" means an individual, group of individuals, or entity that applies for a License or Vendor Registration.
- (5) "Bettor," "Patron," or "Player" means a person who is:
  - (a) Twenty-one (21) years of age or older;
  - (b) Physically present in the state of Tennessee when placing a Wager;
  - (c) Not prohibited from placing a Wager under the Sports Gaming Act, T.C.A. § 4-49-112; and
  - (d) Not a Prohibited Participant.
- (6) "Board" or "TEL Board" means Board of Directors of the Tennessee Education Lottery Corporation.
- (7) "Bond" means a bond held in escrow for the purpose of maintaining adequate reserves to account for losses suffered by a Licensee and owed to Bettors and which cannot be released without consent of the Council.
- (8) "Cancelled Wager" means a Wager that has been cancelled due to an event or circumstance that prevents the Wager's completion, or as otherwise approved by the Council.
- (9) "Cashless wagering system" or "CWS" means a host system whereby a Player maintains an electronic account on the host database that allows play through the use of a combination of two or more of the following for login: username, password, or personal identification number (PIN).

- (10) "Cheating" means, *inter alia*, improving the chances of winning or of altering the outcome of a Wager, Sports Gaming System, or Sporting Event by deception, interference, or manipulation or use of Material Non-Public Information or through use of any equipment, including software pertaining to or used in relation to the equipment, used for or in connection with a Wager, Sports Gaming System, or the Sporting Event on which Wagers are placed or are invited, including attempts and conspiracy to cheat.
- (11) "Council" means Tennessee Sports Wagering Advisory Council.
- (12) "Event Number" means a set of alpha and/or numeric characters that correspond to a Sporting Event or an event ancillary to a Sporting Event.
- (13) "Executive Director" means the individual hired by the Council to serve as Executive Director, as provided by T.C.A. § 4-49-105(a), to direct and oversee the day-to-day operations and management of sports gaming on behalf of the Council under the Sports Gaming Act and the Council's Rules.
- (14) "Good Standing" means that an individual or entity is currently in compliance with the provisions of the Sports Gaming Act and these Rules, and has not, during the preceding six-month period of Licensure or Registration, been assessed an administrative fine or civil penalty by the Council, or been subject to the revocation, suspension, or nonrenewal of its License or Registration by the Council.
- (15) "Global Risk Management" means management, consultation, instruction, or transmission of information relating to Interactive Sports Gaming by a Licensee or Registrant who also holds a license to conduct sports gaming in another Permissible Jurisdiction. The term includes: the management of risks associated with Interactive Sports Gaming involving a Sporting Event or any other Event for which a Wager may be accepted; the setting or changing of Bets or Wagers, cutoff times for Bets or Wagers, acceptance or rejection of Bets or Wagers, pooling or laying off of Bets or Wagers, lines, point spreads, odds or other activity relating to Betting or Wagering.
- (16) "Immediately" shall mean 24 hours or less, regardless of whether that 24-hour time period falls within a business day.
- (17) "Immediately Notify" or "Immediately Report" means to notify or report to the Executive Director within 24 hours of a Licensee or Registrant becoming aware of an event, circumstance, action or omission that gives rise to a duty to immediately notify or report to the Council under the Sports Gaming Act or these Rules.
- (18) "Institutional Investor" means (a) a bank as defined in Section 3(a)(6) of the Federal Securities Exchange Act; (b) an insurance company as defined in Section 2(a)(17) of the Investment Company Act of 1940, as amended; (c) an investment company registered under Section 8 of the Investment Company Act of 1940, as amended; (d) an investment advisor registered under Section 203 of the Investment Advisors Act of 1940, as amended; (e) collective trust funds as defined in Section 3(c)(11) of the Investment Company Act of 1940, amended; (f) an employee benefit plan or pension fund that is subject to the Employee Retirement Income Security Act of 1974, as amended, excluding an employee benefit plan or pension fund sponsored by a publicly traded corporation affiliated with a Licensee; (g) a state or federal government pension plan; (h) a group comprised entirely of persons specified in (a) through (g); or (i) such other Persons as the Council may determine for reasons consistent with the public policies of the State of Tennessee.
- (19) "Integrity Monitoring System" means a system of policies and procedures approved by the Council through which a Licensee identifies and reports Unusual or Suspicious activity.
- (20) "Interactive Sports Gaming" means placing a Wager on a Sporting Event via the internet, on a mobile device, or other telecommunications platform.
- (21) "Internal Control Standards" mean the internal procedures, administration, and accounting controls designed by the Licensee to conduct sports gaming operations.
- (22) "Key Personnel" means a principal owner who owns 5% or more of the subject entity, a partner of

the entity, member of the entity's board of directors, officers of the entity, or an employee of the entity having the authority to act on behalf of a Licensee or Registrant and whose judgment is being relied upon to manage and advance the business operations of a Licensee or Registrant in the State of Tennessee.

- (23) "Layoff Wager" means a Wager placed by a Sports Gaming Operator with another Sports Gaming Operator for the purpose of offsetting Player Wagers.
- (24) "License" means the authority to engage in Interactive Sports Gaming operations granted by the TEL prior to January 1, 2022; or the Council, pursuant to the Sports Gaming Act under T.C.A. § 4-49-117.
- (25) "Licensee" means a Sports Gaming Operator approved by the TEL prior to January 1, 2022, or the Council, and operating pursuant to a License granted by the Council or the TEL under T.C.A. § 4-49-117.
- (26) "Material Non-Public Information" means information that has not been disseminated publicly concerning an athlete, contestant, prospective contestant, or athletic team, including, without limitation, confidential or non-public information related to the availability or plans for an athlete, team or contestant to participate in a sporting event, medical conditions or treatment, physical or mental health or conditioning, physical therapy or recovery, discipline, sanctions, academic status, education records, eligibility, playbooks, signals, schemes, techniques, game plans, practices, strategies, assessments, systems, drills, or recordings of practices or other athletic activities.
- (27) "MICS" means the Minimum Internal Control Standards established by the Council, pursuant to T.C.A. § 4-49-110.
- (28) "Minor" means a person who is less than twenty-one (21) years of age.
- (29) "Mobile Applications" means any interactive platform for use through the Internet or other telecommunications platform, accessed via a mobile device, or computer, which has been approved by the Council for operation of Interactive Sports Gaming by a Sports Gaming Operator.
- (30) "Multi-Source Authentication" means a strong authentication procedure that requires more than one method of authentication to verify a Player's identity through a combination of two or more independent credentials, including:
  - (a) Information known only to the Player, such as a password, pattern or answers to challenge questions; and/or
  - (b) A Player's biometric data, such as fingerprints, facial or voice recognition, to the extent it does not violate any privacy laws.
- (31) "Official League Data" means statistics, results, outcomes, and other data related to a Sporting Event obtained pursuant to an agreement between the Sports Gaming Operator and the relevant governing body of a sport or sports league, organization, or association whose corporate headquarters are based in the United States, or an entity expressly authorized by such governing body to provide such information to Licensees for purposes of live betting.
- (32) "Parlay Wager" means a single wager that incorporates two (2) or more individual bets for purposes of earning a higher payout if each bet incorporated within the wager wins.
- (33) "Patron Session" means a period of time when a Player is logged on to a Sports Gaming System.
- (34) "Permissible Jurisdiction" means any jurisdiction in which Global Risk Management or the Betting or Wagering on a Sporting Event is lawful or not otherwise expressly prohibited under the laws of that jurisdiction.
- (35) "Person" or "Persons" means an individual, a group of individuals, a trust, corporation, or other



business entity.

- (36) "Prohibited Participant" means any individual: (1) who is prohibited from wagering pursuant to the Sports Gaming Act, T.C.A. § 4-49-112; (2) who is on any self-exclusion list or Council exclusion list; (3) whose participation may undermine the integrity of the wagering or the Sporting Event (4); who is excluded from wagering for any other good cause; or (5) any person who makes or attempts to make a Wager as an agent or proxy on behalf of another.
- (37) "Prohibited Wager" means an attempted or placed Wager on any sporting event or occurrence which is not permitted under the Sports Gaming Act or that the Council (and formerly the TEL Board while its rules were in effect) has prohibited by rule.
- (38) "Promotional Credit" means free plays, deposit matches, odds boosts, risk-free bets, and any other bonus that a Sports Wagering Operator offers or gives to a Player as an incentive to Wager.
- (39) "Proposition Wager" means a Wager made regarding the occurrence or nonoccurrence of an event or circumstance during a Sporting Event that is not the final outcome of the Sporting Event. A Proposition Wager does not include the final outcome of the Sporting Event.
- (40) "Registrant" means any Vendor approved for registration by the Council on or after January 1, 2022, or, prior to January 1, 2022, any TEL-approved Supplier or Vendor, as those terms were defined in any previous rules of the TEL.
- (41) "Registration" means approval from the Council to serve as a Vendor for Interactive Sports Gaming in the State of Tennessee, or, prior to January 1, 2022, approval from the TEL to serve as a Supplier or Vendor, as those terms were defined in any previous rules of the TEL.
- (42) "Responsible Gaming Plan" means a Licensee's policies, procedures, and processes for responsibly conducting Interactive Sports Gaming in the State of Tennessee.
- (43) "Sporting Event" or "Event" means any professional sporting or athletic event, including motorsports and e-sports, any collegiate sporting or athletic event, or Olympic sporting or athletic event sanctioned by a national or international organization or association, as authorized by the Council pursuant to these Rules. Sporting Event does not include horse-racing.
- (44) "Sports Gaming Account" means an account established by a Licensee for an individual Patron to use for Interactive Sports Gaming.
- (45) "Sports Gaming Act" means the Tennessee Sports Gaming Act, originally codified at T.C.A. §§ 4-51-301, *et seq.*, as amended from time to time. Pursuant to Pub. Ch. 593 (2021), the provisions of the Sports Gaming Act are transferred to T.C.A. §§ 4-49-101, *et seq.*, effective January 1, 2022.
- (46) "Sports Gaming Operator" means a Licensee authorized under the Sports Gaming Act and these Rules to offer and operate Interactive Sports Gaming.
- (47) "Sports Gaming System" means any combination of hardware, software, data networks, and communications used to manage, administer, or control sports wagering that comprise the system used for the purpose of offering Interactive Sports Gaming by electronic means, including, but not limited to mobile applications or Internet sites accessed via a mobile device or computer.
- (48) "Sports Gaming System Operational Assessment" means an assessment performed by an independent testing laboratory that assesses the Sports Gaming System's compliance with the Sports Gaming System Requirements set forth in these Rules.
- (49) "Sports Gaming System Technology Integrity and Security Assessment" means an assessment performed by an independent testing laboratory that assesses the Sports Gaming Systems technological integrity and security requirements set forth in these Rules.
- (50) "Suspicious Wagering Activity" means wagering activity in violation of the Sports Gaming Act or these Rules; that is made or attempted to be made by an agent or proxy (i.e., messenger betting);

or that is indicative of match-fixing, the manipulation of an event, misuse of inside information, sports corruption, or other prohibited activity.

- (51) "TEL" means the Tennessee Education Lottery Corporation.
- (52) "Ticket" means a printed record issued, or an electronic record maintained, by the Sports Gaming System that evidences a Wager.
- (53) "Unusual Wagering Activity" means abnormal wagering activity exhibited by Players and deemed by a Licensee or the Council as a potential indicator of Suspicious Wagering Activity. Unusual Wagering Activity may include, but is not limited to, the size of a Player's Wager or increased wagering volume on a particular event or Wager type.
- (54) "Vendor" means a type of vendor, as defined in T.C.A. § 4-49-102(27), that
- (a) provides one or more of the following: geolocation services; sports gaming equipment, software, systems, or platforms; sports data; Global Risk Management services; Patron accounts management systems; "Know Your Customer"/KYC services, or payment processing services;
  - (b) serves as an independent testing laboratory to assess Sports Gaming System platforms, integrity and/or security in accordance with these Rules;
  - (c) has direct interface or interaction with Patron accounts or Sports Gaming Systems and receives payment or compensation based on a revenue sharing agreement in which the Vendor receives a percentage of the adjusted gross income of any Licensee; or that
  - (d) provides any similar services that are material to conducting Interactive Sports Gaming, as determined by the Council.
- (55) "Voided Wager" means a Wager voided by a Sports Gaming Operator for a specified Sporting Event or related Event.
- (56) "Voucher" means a printed wagering instrument, or digital representation thereof, used in a cashless wagering system that has a fixed dollar wagering value and is redeemable for cash or cash equivalents as approved by the Council.
- (57) "Wager" or "Bet" means a sum of money or thing of value that is risked by a Bettor on the unknown outcome of one (1) or more Sporting Events, including, but not limited to, the form of fixed-odds betting, a future bet, live betting, a money line bet, pari-mutuel betting, parlay bet, pools, proposition bets, spread bet, or in any other form or manner as authorized by rule of the Council. Wager or Bet shall exclude any sum of money or thing of value risked on an unknown outcome pursuant to the Fantasy Sports Act, T.C.A. §§ 47-18-1601, *et seq.*

Authority: T.C.A. §§ 4-49-101, 4-49-102, 4-49-105, 4-49-110, 4-49-112, 4-49-115, 4-51-102, 4-51-103, 4-51-104, and 4-51-124; 2019 Tenn. Pub. Acts, ch. 507; 2021 Tenn. Pub. Acts, ch. 593.

1350-01-.03 General Rules.

- (1) In order to accept a Wager in the State of Tennessee, a Sports Gaming Operator must obtain a License from the Council. In order to serve as a Vendor for Interactive Sports Gaming, Registration with the Council must be made in advance. Upon being awarded a License or being registered as a Registrant, each Licensee and Registrant agrees that it shall comply with all terms, conditions, obligations, and requirements set forth in the Sports Gaming Act and the Council's Rules, as they may be amended from time to time, as well as all other local, state, and federal laws, rules, and regulations.
- (2) Each Licensee and Registrant shall agree to indemnify and to hold harmless the Council, the TEL, and the TEL Board, against any and all actions, claims, and demands of whatever kind or nature that the Council or TEL may incur by reason of or in consequence of permitting them or having permitted them to operate as a Licensee or Registrant under the Sports Gaming Act.

- (3) The Council shall not be required to issue a License to, or approve Registration for, an Applicant unless and until it is satisfied that the Applicant meets the requirements for a License or Registration in all aspects of Interactive Sports Gaming in Tennessee.
- (4) Wagers may only be placed via the Internet, mobile device, or computer through Sports Gaming Systems operated by Licensees only within the geographic boundaries of the State of Tennessee.
- (5) The server or other equipment used to accept Wagers shall be located within the boundaries of the State of Tennessee.
- (6) Sports Gaming Operators may not directly or indirectly operate or supply kiosks, service stations, terminals, mobile devices, computers, or other devices or equipment for the purpose of Players establishing or accessing Sports Gaming Accounts at any physical location within the State of Tennessee.
- (7) Players must be affirmatively identified by the Sports Gaming Operator as being 21 years of age or older and physically present in the State of Tennessee at the time the Wager is placed.
- (8) Sports Gaming Operators shall submit written notice to the Council at least 72 hours in advance of offering to the public an Event or the opportunity to place a Wager on an Event that has not previously been deemed a Sporting Event by the Council. This notice must include (a) the name of the sports governing body in charge of administering the event and (b) a description of the policies and procedures regarding the Event and Wagering integrity.
- (9) A Sports Gaming Operator shall not permit a Wager to be placed on the following:
  - (a) Injuries, penalties, or other such occurrences, the Wager on which would be contrary to public policy, unfair to consumers, or deemed to violate Article XI, Section 5 of the Constitution of Tennessee;
  - (b) Individual actions, events, statistics, occurrences, or non-occurrences to be determined during a collegiate sporting event, including, without limitation, in-game Proposition Wagers on the performance or non-performance of a team or individual participant during a collegiate sporting event; and
  - (c) Amateur sports events, including all high school and youth league sports events, except for sports events that are approved by the Council, in which persons under age 18 make up a minority of the participants.
- (10) All Licensees and Registrants shall assist the Council with safeguarding the integrity of Interactive Sports Gaming.
  - (a) Sports Gaming Operators shall maintain membership in an independent integrity monitoring association or business ~~such as the Sports Wagering Integrity Monitoring Association ("SWIMA")~~ which shall be approved by the Executive Director prior to Licensure or Registration.
  - (b) All Licensees and Registrants shall cooperate with investigations conducted by the Council, law enforcement, other government agencies, and integrity-related investigations by sports governing bodies, regarding any aspect of sports wagering in the state. At the request of the Council, sports governing bodies, or law enforcement agencies for the purpose described herein, Licensees shall provide or facilitate the provision of account-level betting information and data files relating to Persons placing Wagers.
  - (c) All Licensees shall Immediately Report to the Council any information required pursuant to Rule 1350-01-.07(11)(h).
- (11) Registry of Ineligible Bettors

- (a) The Council shall develop and maintain an ineligibility registry of persons who are known to the Council and categories of persons who are ineligible, under the Sports Gaming Act, to place a Wager in Tennessee on all Sporting Events or certain Sporting Events, and shall provide the ineligibility registry to all Licensees. A Licensee's knowing acceptance of Wagers from persons identified on the Council's ineligibility registry shall be grounds for disciplinary action.
- (b) Each Licensee shall maintain the confidentiality of the ineligibility registry provided by the Council, and any ineligibility registry previously provided by the TEL.

(12) Layoff Wagers

A Licensee may accept a Layoff Wager from another Licensee that conforms with all federal and state law requirements. A Sports Gaming Operator placing a Layoff Wager shall inform the Sports Gaming Operator that the Layoff Wager is being made by or on behalf of a Sports Gaming Operator and disclose its identity to the licensed Sports Gaming Operator accepting the Layoff Wager.

(13) Official League Data

A Sports Gaming Operator must use Official League Data for live betting unless it can demonstrate to the Council that the governing body of a sport or other authorized entity cannot provide a feed of Official League Data for live betting in accordance with commercially reasonable terms, as determined by the Council.

(14) Post Service Restrictions

- (a) The following persons may not apply for a License or register as a Vendor, or represent any Licensee or Registrant, prospective Licensee or Registrant before the Council:

1. Any member or employee of the Council, during the term of their employment by, or membership on, the Council, and for a period of two (2) years thereafter.
2. Any member of the Board during 2020-21, or person employed by TEL during 2020-21 or as of the effective date of these rules, through December 31, 2023.

For purposes of this rule, "represent" shall mean to appear before or communicate with the Council on behalf of any Licensee, Registrant, or prospective Licensee or Registrant.

- (b) No person identified in Rule 1350-01-.03(14)(a) may be employed in Tennessee by any Licensee for a period of two (2) years following their employment by, or membership on, the TEL, Board, or Council.

Authority: T.C.A. §§ 4-49-101, 4-49-102, 4-49-105, 4-49-106, 4-49-110, 4-49-111, 4-49-112, 4-49-114, 4-49-115, 4-49-116, 4-49-117, 4-49-125, 4-49-126, 4-49-127, and 4-49-128.

1350-01-.04 Licensing and Registration.

The Council shall grant the following type of License or approve the following types of Registration:

(1) Sports Gaming Operator License

- (a) A Person who offers Interactive Sports Gaming to the public shall be considered a Sports Gaming Operator and shall be required to obtain a Sports Gaming Operator License.
- (b) The annual licensing fee for a Sports Gaming Operator License shall be Seven Hundred Fifty Thousand Dollars (\$750,000) per year, as described in Rule 1350-01-.05 (Application Process), and Rule 1350-01-.13 (Renewal of License).
- (c) Applicants seeking to obtain a License shall complete the (i) Business Entity Disclosure

Form; (ii) any supplement thereto prepared by the Council; and (iii) any additional forms required or requested by the Council. Current versions of the forms will be made available on the Council's website.

- (d) The direct or indirect owners of 5% or more voting interests, trustees and all Key Personnel of the Applicant seeking to obtain a License, and any other individual associated with the Applicant in the sole and absolute discretion of the Council shall complete the (i) Multijurisdictional Casino/Gaming License Personal History Disclosure Form; (ii) any supplement thereto prepared by the Council; and (iii) any additional forms, documents, or information requested by the Council. All current versions of the forms will be made available on the Council's website.
  - (e) An Institutional Investor may seek a waiver to own up to 25% of an Applicant for investment purposes only. An Institutional Investor shall not be required to complete the forms identified in subdivision (d) above. The Council may request any relevant information from the Institutional Investor to assist with its determination of whether a waiver shall be granted.
  - (f) Applicants for a License that also perform functions or services identified as Vendor activities are required to obtain only a License. A Vendor Registration does not authorize such Registrants to perform, provide, or engage in activities requiring a License.
- (2) Vendor Registration
- (a) Vendors shall be required to register with the Council as a Vendor.
  - (b) A Vendor Registration shall be valid for one (1) year.
  - (c) Applicants seeking Registration as a Vendor shall complete the Business Entity Disclosure Form; and (ii) any supplement thereto required by the Council.
  - (d) The direct or indirect owners of 5% or more voting interests, trustees, and all Key Personnel of the Applicant seeking Registration as a Vendor shall complete the (i) Multijurisdictional Casino/Gaming License Personal History Disclosure Form; and (ii) any Supplement thereto required by the Council.
  - (e) An Institutional Investor may seek a waiver to own up to 25% of an Applicant for investment purposes only. An Institutional Investor shall not be required to complete the forms identified in subdivision (d) above. The Council may request any relevant information from the Institutional Investor to assist with its determination of whether a waiver shall be granted.
  - (f) Registration does not authorize a Vendor to perform, provide, or engage in activities requiring a License.

Authority: T.C.A. §§ 4-49-101, 4-49-102(27), 4-49-110, 4-49-115, 4-49-117, and 4-49-125.

1350-01-.05 Application Process.

- (1) An Application for any type of License or Registration under these rules shall be on forms issued by the Council and available on the Council's website, in accordance with requirements of the Sports Gaming Act.
- (2) The Application for a Sports Gaming Operator License or Registration as a Vendor shall, at a minimum, include the following:
  - (a) The Applicant's legal name, including any DBA, if applicable, and form of business entity;
  - (b) The mailing address of the Applicant and, if a business entity, its state of formation, and the location of its principal place of business;

- (c) The names, addresses, taxpayer identification numbers, and dates of birth of each direct or indirect owner of 5% or more voting interests, trustees, and all Key Personnel of the Applicant, along with three years of income tax returns for same;
- (d) The names, addresses, employer identification numbers, social security numbers, and dates of birth, as applicable, of each individual, group of individuals, trust or business entity associated with an Applicant, including, but not limited to, a holding company, parent company, or subsidiary company of the Applicant that has the ability to control the activities of the Applicant or elect a majority of the board of directors or select the manager or general partner of the Applicant (excluding any bank or other licensed lending institution that holds a mortgage or other lien acquired in the ordinary course of business);
- (e) The names, addresses, employer identification numbers, social security numbers, and dates of birth, as applicable, of each individual, group of individuals, trust, or entity associated with an Applicant that directly or indirectly holds a five percent (5%) or greater beneficial or proprietary interest in the Applicant's business operation, or that the Council otherwise determines has the ability to control the Applicant;
- (f) For Sports Gaming Operator License Applicants, information, documentation, and assurances as may be required by form to establish by clear and convincing evidence that the applicant has sufficient business ability and sports gaming experience to create and maintain a successful, efficient Interactive Sports Gaming operation. Sports Gaming License Applicants shall submit an audit of the financial statements and condition of the Licensee's Interactive Sports Gaming operations in the State of Tennessee prepared within the preceding twelve-month period by a Certified Public Accountant in accordance with generally accepted accounting principles and applicable state and federal law. If an Applicant has audited financial statements prepared at the parent company level, the Applicant shall include with its audited consolidated financial statements a supplemental schedule (either audited or unaudited) of the Licensee Applicant's Interactive Sports Gaming operations in Tennessee and an attestation from the Licensee Applicant's Certified Public Accountant that the Applicant has implemented procedures to accurately report its Adjusted Gross Income from Interactive Sports Gaming Operations in Tennessee.
- (g) For Registrant Applicants, an audit of the financial statements and condition of the Registrant Applicant's operations in the State of Tennessee prepared within the preceding twelve-month period by a Certified Public Accountant in accordance with generally accepted accounting principles and applicable state and federal law. If a Registrant Applicant has audited financial statements prepared at the parent company level, Registrant Applicant shall include with its audited consolidated financial statements a supplemental schedule (either audited or unaudited) of the Registrant Applicant's financial statements in Tennessee and an attestation from the Registrant Applicant's Certified Public Accountant that the Registrant Applicant has implemented procedures to accurately report its revenue from Interactive Sports Gaming.
- (h) For Sports Gaming Operator License Applicants, a description of the proposed internal controls and security systems to be used in conducting sports wagering or processing sports wagering transactions, as may be applicable;
- (i) The number of employees expected to be employed by the Licensee or Registrant in the State of Tennessee;
- (j) For Sports Gaming Operator License Applicants, the estimated privilege tax revenue to be generated by the Sports Gaming Operator for the first three (3) years of operation;
- (k) The estimated economic benefit to the State of Tennessee of the proposed License or Registration. The estimate may include, but not be limited to, the following: projected amount of annualized gross revenue; estimated new capital investment for the project; scientific or market research performed by the Applicant or its contractors; and such other information as may be requested by the Council;

- (l) A copy of the Applicant's certificate of good standing and authorization to conduct business in the state of Tennessee;
  - (m) A list of jurisdictions where the Applicant has (i) applied for a sports wagering or gaming license; (ii) been issued a sports wagering or gaming license; (iii) been the subject of a law enforcement or government subpoena, cease and desist letter, attorney general or government legal opinion, or other correspondence regarding any non-routine law enforcement or government investigation concerning conduct related to gambling operations (including casino gaming, horse racing, dog racing, pari-mutuel, lottery, sports betting, daily fantasy sports, etc.) in any jurisdiction, or (iv) had any sports wagering or gaming license denied, suspended, or revoked, and the status and copies of such documents relating to (iii) or (iv);
  - (n) Letters of reference from law enforcement agencies having jurisdiction in the Sports Gaming Operator License Applicant's place of residence and principal place of business. The letters of reference must indicate that such law enforcement agencies do not have any pertinent information concerning the applicant, or if such law enforcement agency does have information pertaining to the applicant, must specify what the information is. If any law enforcement agency refuses to provide a letter of reference, the Applicant may submit evidence of its inability to procure such letters to be considered by the Council in lieu of letters of reference;
  - (o) If the Sports Gaming Operator License Applicant has conducted gaming operations in a jurisdiction which permits such activity, letters of reference from the regulatory body that regulates sports wagering that specify the standing of the Sports Gaming Operator License Applicant with the regulatory body; provided, however, that if no such letters are received within sixty (60) days of the request therefor, the Sports Gaming Operator License Applicant may submit a statement under oath that the Sports Gaming Operator License Applicant is or was, during the period such activities were conducted, in good standing with the governing body;
  - (p) Notice and a description of civil judgments obtained against the Applicant, any Key Personnel thereof, or others individually described by subparagraphs (c), (d), or (e) above, including those judgments pertaining to antitrust or security regulation laws of the federal government, of the State of Tennessee or of any other state, jurisdiction, province, or country;
  - (q) Description of any bankruptcy, insolvency, or liquidation actions filed by or against the Applicant, any Key Personnel thereof, or others individually described by subparagraphs (c), (d), or (e) above;
  - (r) The Council will compile a national or, as applicable, international criminal history and background report on the Sports Gaming Operator License Applicant, Vendor Registrant, Key Personnel thereof, and other individuals described by subparagraphs (c), (d), and (e) above, including fingerprint submittals by individuals described in this subparagraph, conducted by the TBI, other U.S. or international law enforcement agency, Council staff, or other private security firm under contract to the Council. Said report shall include review of whether the Sports Gaming Operator License Applicant and Vendor Registrant, or any individual described in this subparagraph, has engaged in gaming activity in any jurisdiction in which such activity is illegal; and
  - (s) Any other information the Council considers necessary and appropriate to determine by clear and convincing evidence the competency, law abiding nature, suitability, honesty and integrity of Applicant.
- (3) As required by the Sports Gaming Act, each Sports Gaming Operator License Applicant shall submit ancillary documentation necessary for the Council to assess fully the Applicant's operations and compliance with the Sports Gaming Act. Each Sports Gaming Operator License Applicant shall submit with its application, made under oath, the following:

- (a) Applicant's plan to provide data files, in a format and timeline approved by the Council, to the Council to confirm Applicant's calculation of the privilege tax to be paid each month.
- (b) Applicant's most recent Sports Gaming System Operational Assessment.
- (c) Applicant's most recent Sports Gaming System Technological Integrity and Security Assessment.
- (d) Applicant's Internal Control Standards as required by Chapter 1350-03 of these Rules that specify and describe the following:
  - 1. Requirements for internal audits in accordance with Rule 1350-03-.04 (5).
  - 2. User access controls for all Interactive Sports Gaming personnel in accordance with Rule 1350-03-.03.
  - 3. Segregation of duties among all Interactive Sports Gaming personnel in accordance with Rule 1350-03-.04.
  - 4. Automated and manual risk management procedures in accordance with Rule 1350-03-.05, including the following:
    - a. Sources of data and information feeds and services, including, but not limited to, official data, odds and line monitoring services,
    - b. Integrity monitoring systems, and
    - c. Risk management support.
  - 5. Procedures for identifying and preventing Prohibited Participants from engaging in Interactive Sports Gaming in accordance with Rule 1350-03-.07.
  - 6. Procedures for identifying and preventing Wagers and Payouts to Minors in accordance with Rule 1350-03-.11.
  - 7. Procedures for identifying and reporting fraud, Cheating, and Suspicious or Unusual Wagering Activity in accordance with Rule 1350-03-.06, including:
    - a. A monitoring system utilizing software to identify irregularities in volume or odds and swings that could signal Suspicious Wagering Activities that should require further investigation;
    - b. Procedures for addressing Suspicious Wagers over any threshold set by the Licensee; and
    - c. A description of the method to prevent past posting (i.e., a wager made outside of the wager period).
  - 8. A description of AML compliance standards in accordance with Rule 1350-03-.08, including a description of the following:
    - a. Controls for payouts of \$10,000 or more;
    - b. The process of identifying the structuring of multiple wagers within a 24-hour period in order to circumvent reporting and recording requirements, and
    - c. The process for creating a log of Wagers of \$5,000.
  - 9. A description of all types of Wagers available to be offered by the Sports Gaming



System pursuant to Rule 1350-03-.09.

10. A description of all integrated third-party systems in accordance with Rule 1350-03-.10.
  11. A description of Information System Minimum Controls in accordance with Rule 1350-03-.12, including:
    - a. The safeguarding Sports Gaming Accounts, including maintaining the security of identity and financial information of Players; and
    - b. A description of all hardware and software applications that comprise the Sports Gaming System;
  12. Controls ensuring regulatory compliance with the Sports Gaming Act and these Rules.
    - (d) Applicant's Responsible Gaming Plan, including Applicant's methodology and process for permitting individuals to exclude themselves from being able to place Wagers; maintenance of the Sports Gaming Operator's self-exclusion list; and preventing the placing of Wagers by individuals on the Sports Gaming Operator's self-exclusion list and the ineligibility list prepared by the Council.
    - (e) Applicant's plan and policy governing the acceptance of Wagers and making payouts (i.e., House Rules), which must be approved by the Council.
    - (f) Procedures for issuance and acceptance of Promotional Credit for sports wagering.
    - (g) Applicant's customer service plan 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.
    - (h) A list of Key Personnel for the State of Tennessee, specifically. The list must include the name, home address, date of birth, work location, title, and summary of duties and responsibilities.
    - (i) A description of Applicant's expected use of geolocation services to prevent Wagers from outside the State of Tennessee.
    - (j) The method by which the Sports Gaming Operator will identify and cancel Wagers, including defining "obvious error."
    - (k) A diagram illustrating the process flow and supporting documentation regarding the affiliation between Applicant and its Vendors and other providers.
    - (l) The Applicant's "Terms and Conditions" for sports wagering in Tennessee.
    - (m) The Applicant's method for deploying changes and updates to the Sports Gaming System, or Internal Control Standards, including notification to the Council.
- (4) An Applicant shall notify the Council in writing of any material change to its application within ten (10) business days of the change. Notwithstanding the foregoing, an Applicant shall Immediately Notify the Council if there is any change in ownership of 5% or more of voting rights interests, trustee, or Key Personnel of the Applicant, its parent, holding, intermediary, or subsidiary (whether or not wholly owned).
  - (5) For a Sports Gaming Operator License, Applicant shall submit a nonrefundable application fee of Fifty Thousand Dollars (\$50,000) due at the time the initial or renewal application is submitted. Failure to submit the \$50,000 application fee shall cause the application to be rejected or cause a delay in the processing of an application. Upon approval of the application, the \$50,000 application fee shall be applied to the Sports Gaming Operator's licensing fee of Seven Hundred

Fifty Thousand Dollars (\$750,000), which shall be paid in full within ten (10) days of approval of the License or prior to expiration of the annual renewal period, which shall be one (1) year from the date of the issuance of the License.

Failure to pay any applicable application, license, renewal, or additional necessary fees shall cause the application or renewal to be rejected.

- (6) Once an Application for a License or Registration is submitted, it cannot be withdrawn without approval of the Council. If the withdrawal is approved, application fees, license fees, registration fees, background or investigative fees or costs, or any other fees or costs related to the application or renewal will not be refunded.
- (7) Any Applicant shall complete such additional forms or provide such additional information as may be requested by the Council.

Authority: T.C.A. §§ 4-49-101, 4-49-102, 4-49-110, 4-49-115, 4-49-117, 4-49-120, and 4-49-125.

1350-01-.06 Approval or Denial of an Initial Application.

- (1) In accordance with the Sports Gaming Act, T.C.A. § 4-49-120, and this Council's authority thereunder, the following individuals shall not apply for or obtain a License or Registration:
  - (a) Any person identified in 1350-01-.03(14)(a).
  - (b) A greater than 5% owner or employee of any professional, collegiate, or Olympic sports team.
  - (c) A coach, referee or official of, or player for, a collegiate, professional, or Olympic sports team or sport.
  - (d) A Person who is a member or employee of any governing body of a sports team, league, or association.
  - (e) A Person having the ability to directly affect the outcome of a Sporting Event.
- (2) Applicants shall not be issued a License, approved for Registration if they, or any of their Key Personnel, have been convicted of any felony. Applicants shall not be issued a License, approved for Registration if they, or their Key Personnel, have been convicted of any gambling-related offense that the Council finds threatens the integrity of sports wagering in Tennessee and the public interest.
- (3) In all cases, the Council shall have sole authority to approve, condition, or deny an application for a License or Registration, or renewal thereof.
- (4) In determining whether to approve or deny an application for a License or Registration the Council may consider the following factors:
  - (a) Whether the Applicant is proposing an Interactive Sports Gaming operation that will have a positive impact through increased revenues to the State of Tennessee.
  - (b) Whether the Applicant possesses adequate funds or has secured adequate financing to commence and maintain an Interactive Sports Gaming operation or serve as a Vendor.
  - (c) Whether the Applicant has the financial stability, integrity, and responsibility to conduct Interactive Sports Gaming, or serve as a Vendor for Interactive Sports Gaming.
  - (d) Whether the Applicant has sufficient business ability and experience to create and maintain a successful Interactive Sports Gaming operation or serve as a Vendor for Interactive Sports Gaming.
  - (e) Whether the Sports Gaming Operator License Applicant has proposed adequate

measures for security of any Sports Gaming System, server, or components thereof.

- (f) Whether the Sports Gaming Operator License Applicant has demonstrated that its proposed Interactive Sports Gaming operation will be conducted in accordance with the Sports Gaming Act and all other applicable local, state, and federal laws, and has satisfied the requirements set forth in these Rules.
- (g) Whether the Applicant or its Key Personnel have been:
  - 1. Convicted of a disqualifying offense, as established by the Sports Gaming Act;
  - 2. Arrested, charged, indicted, or have received a target letter from the U.S. Department of Justice in connection with any investigation of offshore sports gaming activities that serviced the United States;
  - 3. Arrested, charged with, convicted of, pleaded guilty to, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, other than for a minor traffic offense; or
  - 4. Indicted of any felony, gambling-related offense, or any other offense(s) that the Council finds will threaten the integrity of sports wagering in Tennessee and the public interest.
- (h) The past and present compliance of the Applicant, its affiliates, or affiliated companies relating to gaming operations or activities in any other jurisdiction, including, but not limited to, whether the Applicant has a history of non-compliance with the gaming requirements or prohibitions of any jurisdiction.
- (i) Whether the Applicant has knowingly made a false statement of a material fact in any application or other communication to the Council or failed to disclose to the Council a violation of this Rule by Applicant, as applicable.
- (k) Whether the Applicant has had a license to operate any gaming or sports wagering activity suspended or revoked or been denied from operating any gaming or sports wagering activity by any governmental authority responsible for the regulation of gaming activities in any jurisdiction.
- (l) Whether an Applicant has timely remitted the balance of any application, license, or other fees when due to the Council.
- (m) Whether the Applicant has filed, or had filed against it, a proceeding for bankruptcy, liquidation, or insolvency or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt.
- (n) Whether the Applicant has been served with a complaint, lien, or other notice filed with any public body regarding a payment of any tax or obligation required under any law in any jurisdiction, where the Applicant has been in breach for one or more years.
- (o) Whether the Applicant is or has been a defendant in litigation involving its business practices that would call into question its suitability to obtain a License or Registration.
- (p) Whether the Sports Gaming Operator License Applicant has submitted a Responsible Gaming Plan that meets the Council's requirements.
- (q) Whether the Sports Gaming Operator License Applicant has demonstrated that it has met the reserve requirements, including obtaining the required bond set forth in these Rules.
- (r) Whether the Sports Gaming Operator License Applicant has met the insurance requirements set forth in these Rules.
- (s) Whether the Applicant has submitted audited financial statements in accordance with

these Rules.

- (t) Whether the Sports Gaming Operator License Applicant has submitted a Sports Gaming System Operational Assessment by an independent testing laboratory in accordance with these Rules.
  - (u) Whether the Sports Gaming Operator License Applicant has submitted a Sports Gaming System Technology Integrity and Security Assessment by an independent testing laboratory in accordance with these Rules.
  - (v) Whether the Sports Gaming Operator License Applicant has established the escrow account required by these Rules for the payment of privilege tax.
  - (w) Whether the Sports Gaming Operator License Applicant has submitted House Rules in accordance with these Rules.
  - (x) Whether the Sports Gaming Operator License Applicant has developed internal controls in accordance with Rule Chapter 1350-03.
  - (y) Whether the Sports Gaming Operator License Applicant has demonstrated that it has appropriate procedures and controls in place to meet the requirements related to Sports Gaming Accounts in accordance with these Rules.
  - (z) Whether awarding a License or approving a Registration would undermine the public's confidence in the Interactive Sports Gaming industry in the State of Tennessee.
  - (aa) Whether the Sports Gaming Operator License Applicant is a member of an independent integrity monitoring association.
  - (bb) Whether the Applicant meets other prescribed standards for the issuance of a License or approval of a Registration, as set forth in these Rules.
- (5) Completed Applications for initial Licensure or Registration.
- (a) Upon receipt of an application, the Council shall review it for completeness and submit the requisite information to the appropriate investigative individual or entity to conduct the criminal history review and report.
  - (b) In the event the review of the application reveals a deficiency, the Council shall notify the Applicant in writing (which may include e-mail). Upon receipt of a notice of deficiency, the Applicant shall have twenty (20) business days to provide the information requested by the Council, unless another time is agreed upon, in writing, between the parties.
  - (c) Upon a determination that the application is complete, the Council shall notify the Applicant in writing (which may include e-mail) that the application has been deemed complete. The Council shall approve or deny the application within ninety (90) calendar days of it declaring the application complete.  
  
Despite this determination, the Council may continue to request additional information from Applicant. If, as a result of the investigation into the background of the Applicant or its affiliated persons or entities, a sufficient amount of additional information is required to be provided, the Council may notify the Applicant in writing (which may include email) at the time of the request for additional information that it is suspending or revoking its determination of application completeness.
  - (d) In the event the Council suspends its determination of completeness, such suspension shall remain in place until such time as the additional requested information is provided by Applicant. The imposition of a suspension of completeness will result in a resetting of the ninety (90) day timeframe for the Council to approve or to deny the application.

- (6) Sports Gaming Operator License and Vendor Registration Applicant Background Investigations

for Initial Licensure or Registration.

- (a) Upon determination that the Application is complete, the Council shall initiate an investigation into the backgrounds of Applicant's direct or indirect owners of 5% or more of Applicant's voting interests, excluding any Institutional Investors, as well as all of Applicant's trustees and Key Personnel.
  - (b) The Council shall conduct a due diligence investigation of the Applicant to assess whether a License shall be awarded or Registration approved. The investigation will focus on integrity, background, responsibility, financial stability, criminal history, reputation, character, and ability to perform scope of services and shall require documents and information as specified on the forms available on the Council's website.
  - (c) Criminal history background investigations shall include the submission of fingerprints to the Tennessee Bureau of Investigation, Federal Bureau of Investigation, or any other foreign government agency, public or private, deemed to be appropriate by the Council. Applicant will be required to disclose the following information and include a description of the circumstances, dates, location, nature of violation, disposition, and status:
    - 1. Whether the Applicant or any Key Personnel have been arrested, charged, or convicted of a criminal offense in any jurisdiction, excluding minor traffic violations, such as parking tickets, speeding, etc.;
    - 2. Whether the Applicant or any Key Personnel have been subject to any disciplinary action or non-routine investigation by any administrative, governmental, law enforcement, or regulatory body; and
    - 3. Whether the Applicant or any Key Personnel have been charged with a violation of any statute, rule, regulation, or ordinance of any administrative, regulatory, or other governmental body.
  - (d) Applicant's financial stability review shall include the following information:
    - 1. Whether the Applicant, a direct or indirect owner of 5% or more of Applicant's voting interest, trustees, or any Key Personnel have been in default of paying any taxes, fees, or other obligations owed to the state of Tennessee, any local governmental entity in Tennessee, or the federal government:
    - 2. Documents evidencing the financial activities and stability of the Applicant and any Key Personnel, including bank statements, business and personal income and disbursement schedules, tax returns, or other documentation satisfactory to the Council that demonstrates by clear and convincing evidence that the Applicant has sufficient business ability and experience to establish and maintain a successful Interactive Sports Gaming operation or business; and
    - 3. Documents evidencing the ability of the Applicant to meet ongoing operating expenses necessary for the maintenance of a continuous and stable Interactive Sports Gaming operations or business and for Licensees, the ability to pay, as and when owed, winning Wagers and all state and federal taxes.
- (7) Sports Gaming System Requirements.
- (a) Sports Gaming System Operational Assessment. Prior to Licensure, and annually thereafter prior to renewal, the License Applicant must demonstrate that its Sports Gaming System meets the standards set forth in these Rules. The Sports Gaming System must be reviewed, tested, and approved by a recognized independent testing laboratory that is registered as a Vendor. The independent testing laboratory's Sports Gaming System Operational Assessment must be submitted to the Council and must, at a minimum include the following:
    - 1. The scope of review;

2. Name and company affiliation of the individuals who conducted the assessment;
  3. Date of assessment;
  4. Findings with regard to compliance with the Sports Gaming System requirements set forth in these Rules;
  5. Recommended corrective action, if any; and
  6. The Applicant's response to the findings and recommended corrective action.
- (b) A Sports Gaming System must address, at a minimum, the following functions:
1. Wagering management;
  2. Sports Gaming Account management;
  3. Location requirements for placing Wagers;
  4. Verification of all system, data, software-related components and time synchronization;
  5. Reporting and security requirements;
  6. Ability to report and detect abnormal betting patterns and Unusual, Suspicious, or illegal wagering activities; and
  7. Preventing the acceptance of Wagers from Prohibited Participants.
- (c) A Sports Gaming System shall maintain all transactional wagering data for a period of five (5) years.
- (d) A Sports Gaming System shall record and store the following information for each Wager made, and be capable of transmitting it to the Council upon request:
1. Description of Event;
  2. Event number;
  3. Wager selection;
  4. Type of Wager;
  5. Amount of Wager;
  6. Date and time of Wager;
  7. Unique Wager identifier(s);
  8. Player identification number;
  9. Current Wager status (i.e., active, cancelled, unredeemed, pending, etc.);
  10. Redemption and/or Ticket expiration period, if applicable;
  11. Relevant location information;
  12. The results of the Wager;
  13. Amount won; and

14. Date and time winning Wager was paid to Player.
- (e) A Sports Gaming System that issues and/or redeems a Voucher shall record the following information:
1. Amount of Voucher;
  2. Date, time, and location of issuance;
  3. Unique Voucher identifier;
  4. Expiration period for the Voucher;
  5. Player identification number assigned to the Voucher; and
  6. Date, time, and location of redemption of Voucher, if applicable.
- (f) A Sports Gaming System that offers live betting shall be capable of the following:
1. The accurate and timely update of odds for live betting Wagers;
  2. The ability to notify the Player of any change in odds that is not beneficial to the Player after a Wager is attempted;
  3. The ability for the Players to confirm the Wager after notification of the odds change; and
  4. The ability to freeze or suspend the offering of Wagers when necessary.
- (g) The Sports Gaming System must allow a Sports Gaming Operator to rescind, void, or cancel a Wager posted in the Sports Gaming System only under the following conditions, and only if one or more of the conditions is met prior to the time that the outcome of the event is known:
1. Upon approval of the Council or Executive Director;
  2. In the event that the Wager was placed by a Prohibited Participant or a Person outside of Tennessee;
  3. In the case of obvious error, as specified in the Sports Gaming Operator's Terms and Conditions/House Rules; or
  4. In the case of a Wager indicating Suspicious Wagering Activity.
- When a Wager is voided or cancelled, the system shall clearly indicate that the transaction was voided or cancelled, render the transaction nonredeemable, and make an entry in the system indicating the voiding or cancellation of the Wager. The Sports Gaming Operator must Immediately Notify the Council of any Wagers that have been rescinded, voided, or cancelled in accordance with this Rule.
- (h) A Sports Gaming System shall prevent past purchasing and modifications of Wagers (including voiding or cancellation of Wagers) after the outcome of an event is known, except as approved in advance by the Council or the Executive Director.
- (i) A Sports Gaming System shall be capable of verifying that all components of the Sports Gaming System are the authentic, approved versions used to offer, record, and process Wagers to ensure there have been no unauthorized modifications. The Sports Gaming System must be able to detect if any system component is determined to be invalid in the event of an authentication failure.

- (k) A Sports Gaming System shall have controls in place to review the accuracy and timeliness of any data feeds used to offer or settle Wagers. In the event that an incident or error occurs that results in a loss of communication with data feeds used to offer or redeem wagers, such error shall be recorded in a log capturing the date and time of the error, the nature of the error, and a description of its impact on the system's performance. Such information shall be maintained for a minimum period of two (2) years.
- (l) The Sports Gaming System shall provide the Council with access to Wagering systems, transactions, and related data as deemed necessary by the Council, in the manner required by the Council.
- (m) A Sports Gaming System shall provide a mechanism for the Council to query and export all Sports Gaming System data in the manner required by the Council.

(8) Geolocation Requirements.

Prior to Licensure, an Applicant must demonstrate that it utilizes a Geolocation system that provides the following functions, at a minimum:

- (a) Detects the physical location of a Player attempting to access any Sports Gaming System and monitors and blocks unauthorized attempts to place a wager using the Sports Gaming System;
- (b) Ensures that a Player is continually located within the geographical boundaries of Tennessee when the Wager is initiated and received. If the session is longer than a single Bet or Wager:
  - 1. Rechecks the geographical location every twenty (20) minutes or five (5) minutes if within one (1) mile of the state border; and
  - 2. Rechecks intervals based on the Player's proximity to the Border, with an assumed travel velocity of seventy (70) miles per hour, and a maximum interval not exceeding twenty (20) minutes; and
- (c) Does not rely solely upon IP addresses to determine location when a mobile or Internet connection is being used to place a Wager.

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(9) Responsible Gaming Plan.

Each License Applicant shall propose a Responsible Gaming Plan as an element of its License Application. A Licensee shall maintain its plan for as long as the Licensee accepts Wagers in the State of Tennessee. A Licensee may propose amendments to its Responsible Gaming Plan, provided it submits the amendment for approval by the Council at least forty-five (45) days before the proposed effective date of any changes to the plan.

The Responsible Gaming Plan shall include, at a minimum, the following:

- (a) Plan goals, statement of policy and commitment, procedures, and deadlines for implementation;
- (b) A process for individuals to make a request to restrict themselves from placing Wagers with the Licensee alone or from all Licensees in Tennessee, both of which must be contemporaneously offered to the individual;
- (c) A process for the Licensee to prevent individuals who have requested self-exclusion restrictions from placing Wagers. For each individual who makes such a self-exclusion request, Licensees shall provide the individual with additional responsible gaming resources;
- (d) A method to allow the self-exclusion request to be shared with the Council;



- (e) A method for receiving information from the Council regarding restrictions from individuals who have requested restrictions from all Licensees;
  - (f) A self-limitation program where Players have the option to set limits on money and time spent betting, deposit limits, session time limits, and account cool-off;
  - (g) A plan for making responsible gaming information available and legible on the Licensee's website(s), mobile app(s), advertisements, or other platforms for Interactive Sports Gaming, including publication of a problem-gambling helpline telephone number that provides information about responsible gaming and services, and that has been approved by the Council pursuant to Rule 1350-01-.07(12);
  - (h) A plan for providing comprehensive responsible gaming training to employees who may interact with Players from the State of Tennessee, including annual or periodic refresher training. Training should equip the trainee to respond to circumstances in which Player account activity may indicate signs that are consistent with gambling addiction;
  - (i) Procedures to prevent underage gambling, including age-affirmation mechanisms that utilize, at a minimum, month, date, and year of birth that will apply before the Person can gain access to any Sports Gaming System where Players can engage in Interactive Sports Gaming. A Sports Gaming Operator may use information obtained from third parties to verify that a person is authorized to open an account, place Wagers, and make deposits and withdrawals;
  - (j) A process to provide Players with information about their play. This includes history, money spent, games played, net wins/losses, limits history, and any other relevant information;
  - (k) A process to provide Players with updates during play about time and money spent and account balances in cash;
  - (l) A clear and conspicuous display on the on the Licensee's website(s), mobile app(s), advertisements, or other platforms for Interactive Sports Gaming indicating that it is unlawful for a person under twenty-one (21) years of age to engage in Interactive Sports Gaming in the State of Tennessee;
  - (m) Procedures to prohibit a Person who places Wagers with the Licensee from establishing more than one active Sports Gaming Account with the Licensee; and
  - (n) Procedures to permit a Person that places Wagers with the Licensee to terminate their Sports Gaming Account at any time, for any reason, and without penalty.
- (10) Final Approval of Initial Applications for Licensure and Registration (see Rule 1350-01-.13 for Renewals).
- (a) If the Council determines that the applicable Application requirements and considerations set forth in the Sports Gaming Act and these Rules have been met to its satisfaction, the Council shall issue a Sports Gaming Operator License or approve the Registration of a Vendor, as applicable.
  - (b) For each License application approved, the application fee then shall be credited to the annual License fee, and the Licensee shall send the balance of the annual fee to the Council within ten (10) business days of approval of a License. There shall be an automatic License revocation for non-payment of the License fees after thirty (30) days of approval of a License.
  - (c) No Licensee shall be permitted to accept Wagers unless and until it has submitted both its Sports Gaming System Operational Assessment and Sports Wagering Technology Integrity and Security Assessment, both of which must be completed by a qualified independent testing laboratory that is registered as a Vendor.

- (d) Each Licensee and Registrant has a continuing duty and obligation to Immediately Notify the Council of any material change in status or applicable information that, if known by the Council, could disqualify the Licensee or Registrant from holding the License or being approved for Registration.

Authority: T.C.A. §§ 4-49-101, 4-49-102, 4-49-110, 4-49-115, 4-49-117, 4-49-119, 4-49-120, and 4-49-125.

#### 1350-01-.07 Maintenance of License or Registration.

In order to maintain its License or Registration, a Licensee or Registrant is required to maintain certain requirements, conditions, and programs. Failure to maintain these requirements, conditions, and programs may result in the suspension or revocation of a License or Registration or imposition of a fine.

##### (1) Reserve Requirements - Licensees

- (a) Licensees shall obtain a bond in the amount of Five Hundred Thousand Dollar (\$500,000) in order to conduct sports wagering in the State of Tennessee. The bond may be used to fund the reserve. The company issuing the bond shall be financially rated A or better by a nationally recognized rating agency and duly licensed, admitted, and authorized to transact business in the State of Tennessee. Licensees shall provide the original bond to the Council. The bond shall be renewable annually and shall list the Council as obligee of the bond. The bond may not be cancelled without a minimum of thirty (30) days prior written notice to the Council. The form of the bond to be executed will be made available on the Council's website.
- (b) Licensees also shall maintain a reserve in the form of cash, cash equivalents, irrevocable letter of credit, in addition to the above-referenced bond, of not less than the amount necessary to ensure the ability to cover the outstanding liability related to the patron accounts.

The outstanding liability shall be the sum of the following amounts:

1. Amounts held by the Licensee for Sports Gaming Patron Accounts;
  2. Aggregate amounts accepted by the Licensee as Wagers on Sporting Events with outcomes that have not been determined; and
  3. Amounts owed but unpaid by the Licensee on winning wagers.
- (c) Licensees must receive Council approval in order to remove, release, or withdraw funds necessary to meet the Licensee's reserve requirement in subdivision (b) of this section for non-patron purposes. For the avoidance of doubt, Licensees may remove, release, or withdraw funds that are held in the reserve account that are in excess of the Licensee's reserve requirement in subdivision (b) of this section.
  - (d) Licensees shall calculate their reserve requirements each day. In the event a Licensee determines that its reserve is not sufficient to cover the calculated requirement, the Licensee, within twenty-four (24) hours, must notify the Council of this occurrence and indicate the steps the Licensee has taken to remedy any deficiency. All reserve funds must be held with a financial institution that is federally insured by the FDIC or NCUA and lawfully operating in Tennessee.

##### (2) Insurance Requirements – Licensees.

- (a) Licensees shall provide the Council with certificates of insurance prior to approval of the License and with each renewal application. The company issuing the insurance shall be financially rated A or better by a nationally recognized rating agency and duly licensed, admitted, and authorized to transact business in the State of Tennessee.
- (b) Subject to paragraph (c) below, Licensees shall maintain the following types and amounts of insurance while they are an approved Licensee to conduct Interactive Sports

Gaming activities in the State of Tennessee:

- (1) Licensees who anticipate, during the upcoming year of licensure, having less than 100,000 player accounts and \$15,000,000 in revenue shall maintain the following types and amounts of insurance:
    - a. Cyber Liability insurance in the amount of Five Million Dollars (\$5,000,000); and
    - b. Errors and Omissions insurance in the amount of Five Million Dollars (\$5,000,000).
  - (2) Licensees who anticipate, during the upcoming year of licensure, having more than 100,000 player accounts and \$15,000,000 in revenue, shall maintain the following types of insurance:
    - a. Cyber Liability insurance in the amount of Ten Million Dollars (\$10,000,000); and
    - b. Errors and Omissions insurance in the amount of Ten Million Dollars (\$10,000,000).
  - (c) Licensees that are unable to obtain the coverage amounts specified in 1350-01-.07(2)(b) must maintain coverage in the maximum amounts allowable by the issuing insurance company. Such Licensees must provide a notarized statement or letter from their insurance agent or broker stating that Licensee was unable to obtain required insurance coverage after diligent effort and the reason for the deficiency. Such Licensee shall provide the Council with a detailed plan of how it intends to compensate for the deficiency in insurance coverage, which must be approved by the Council prior to Licensure.
- (3) Periodic Audits.
- (a) Licensees.
    1. Prior to Licensure and annually thereafter prior to renewal, Licensees shall submit to the Council an audit of the financial statements and condition of the Licensee's Interactive Sports Gaming operations in the State of Tennessee prepared within the preceding twelve-month period by a Certified Public Accountant in accordance with generally accepted accounting principles and applicable state and federal law. If a Licensee has audited financial statements prepared at the parent company level, the Licensee shall include with its audited consolidated financial statements a supplemental schedule (either audited or unaudited) of the Operator's Interactive Sports Gaming operations in Tennessee and an attestation from the Operator's Certified Public Accountant that the Licensee has implemented procedures to accurately report its Adjusted Gross Income from Interactive Sports Gaming Operations in Tennessee.
    2. Licensees shall establish and maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting principles and practices that sufficiently and properly reflect all revenues and expenditures of funds associated with Interactive Sports Gaming.
    3. Licensees shall retain all records, financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to their Interactive Sports Gaming Operations for a minimum period of five (5) years from their creation.
    4. Books and records pertaining to Interactive Sports Gaming in the State of Tennessee shall be subject to inspection, review, and audit by the Council at any time within the sole discretion of the Council. Licensee shall cooperate in any such inspection, review, or audit.

(b) Registrants.

1. Prior to Registration and annually thereafter prior to renewal Registrants shall submit to the Council an audit of the financial statements and condition of the Registrant's operations in the State of Tennessee prepared within the preceding twelve-month period by a Certified Public Accountant in accordance with generally accepted accounting principles and applicable state and federal law. If a Registrant has audited financial statements prepared at the parent company level, Registrant shall include with its audited consolidated financial statements a supplemental schedule (either audited or unaudited) of the Registrant's financial statements in Tennessee and an attestation from the Operator's Certified Public Accountant that the Registrant has implemented procedures to accurately report its revenue from Interactive Sports Gaming.
2. Registrants shall establish and maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting principles and practices that sufficiently and properly reflect all revenues and expenditures of funds associated with Interactive Sports Gaming.
3. Registrants shall retain all records, financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to involvement with Interactive Sports Gaming for a minimum period of five (5) years from their creation.
4. Books and records pertaining to Interactive Sports Gaming in the State of Tennessee shall be subject to inspection, review, and audit by the Council at any time within the sole discretion of the Council. Registrant shall cooperate in any such inspection, review, or audit.

(4) Financial Reporting and Financial Data Requirements.

- (a) The Sports Gaming System must have the ability to deliver all requested data either by report or data file to the Council while achieving compliance with standards of integrity, security, and control required by the Council.
- (b) The Sports Gaming System must have the ability to generate reports or data necessary for the Licensee and the Council to determine and record the components of the Adjusted Gross Income calculation over a daily, weekly and monthly period.
- (c) All data required must be submitted in formats approved by the Council. All Licensees shall utilize the Council's (formerly TEL's) central accounting and reporting system.
- (d) All required reports shall be generated by the Sports Gaming System, even if the period specified contains no data to be presented. The report generated shall indicate all required information and contain an indication of "No Activity" or similar message if no data appears for the period specified.
- (e) The Council may periodically prescribe a set of standard reporting forms and instructions to be used by each Licensee for filing daily, weekly, monthly, and/or quarterly reports.

(5) Escrow Account.

In order to ensure the security of funds due to the State of Tennessee for payment of the privilege tax imposed under the Sports Gaming Act, Licensees shall maintain an escrow account, designating the Council as sole beneficiary, with a financial institution that is federally insured by the FDIC or NCUA and lawfully operating in Tennessee. This escrow account shall be separate from all other operating accounts of the Licensee and shall hold all amounts calculated by the Licensee to be owed for payment of the privilege tax until payment is made pursuant to section (6) below.

(6) Payment of Privilege Tax.

Licensees must timely pay the privilege tax imposed under the Sports Gaming Act. The privilege tax shall be equal to twenty percent (20%) of a Licensee's Adjusted Gross Income. The privilege tax for a month shall be transferred to the Council no later than the fifth business day of the following month from the escrow account. A report showing Adjusted Gross Income and privilege tax amount calculations shall be submitted electronically to the Council on the same day.

(7) Sports Gaming System Technology Integrity and Security Assessment.

(a) Licensees shall, prior to commencing operations and annually thereafter, prior to renewal, obtain an assessment of the technological integrity and security of their Sports Gaming Systems conducted by an independent professional that is registered as a Vendor and selected by the Licensee.

(b) The independent professional's report on the assessment shall be submitted to the Council and shall, at a minimum, include:

1. The scope of review;
2. Name and company affiliation of the individual(s) who conducted the assessment;
3. Date of assessment;
4. Findings related to technological integrity and security in accordance with these Rules;
5. Recommended corrective action, if applicable; and
6. The Licensee's response to the findings and recommended corrective action.

(8) Prohibition on Wagers by and Payouts to Minors.

(a) A Licensee shall not permit Wagers to be placed by Minors. Each Licensee shall maintain a system through which it verifies that Wagers are not made by Minors in accordance with Rule 1350-03-.11. Licensee shall prohibit any Minor from collecting payouts or winnings from Interactive Sports Gaming.

(b) Licensee shall provide the Council information about its methodology for verifying the age of a Bettor. Licensee shall notify Council of any changes to its methodology, or if there is a change of any Vendor or provider that provides age verification services to the Licensee within ten (10) days of any such change.

(c) Licensee's system to verify that Wagers are not made by Minors and prohibiting payouts to Minors shall be tested and evaluated as part of the Licensee's Sports Gaming System Operational Assessment.

(9) Prohibited Participants.

(a) Licensees shall confidentially maintain the list provided by the Council (and any list provided by TEL prior to January 1, 2022) of persons, or categories of persons, who, pursuant to the Sports Gaming Act, are known to not be permitted to Wager on Sporting Events. Licensees shall not permit Wagers to be placed by Prohibited Participants. Licensee shall maintain a system through which it verifies that Wagers are not made by Prohibited Participants.

(b) Licensees shall provide the Council information about its methodology for determining whether or not a Player is ineligible due to his/her inclusion in one or more classes of Prohibited Participants as enumerated in the Sports Gaming Act. Licensee shall notify Council of any changes to its methodology within ten (10) days of any change.

- (d) Licensees shall prohibit any person who is included in a class of individuals ineligible to place a Wager pursuant to the Sports Gaming Act from collecting payouts or winnings from Interactive Sports Gaming.
  - (e) Licensee's system to verify that Wagers are not made by Prohibited Persons and prohibiting payouts to Prohibited Persons shall be tested and evaluated as part of the Licensee's Sports Gaming System Operational Assessment.
- (10) Integrity Monitoring.
- (a) Licensees shall have controls in place to identify Unusual and Suspicious Wagering Activity and report such activity to the Council according to the Integrity Monitoring System provisions set forth in the MICS contained in these Rules.
  - (b) Licensee's Integrity Monitoring System procedures shall provide for the sharing of information with the Licensee's Independent Integrity Monitoring Association, as necessary, and shall include the requirement to disseminate all reports of Unusual and Suspicious activity to the Council.
  - (c) Licensees shall review reports of Unusual and Suspicious activity received from the Independent Integrity Monitoring Provider of which they are a member and notify the Independent Integrity Monitoring System Provider whether they have experienced similar activity.
  - (d) If a Licensee finds that previously reported Unusual Wagering Activity rises to the level of Suspicious Wagering Activity or identifies Suspicious Wagering Activity, Licensee shall Immediately Notify the Council.
  - (e) Licensees reporting on Suspicious Wagering Activities shall be permitted to suspend or cancel Wagering on Events related to the report and must Immediately Notify the Council upon taking such action.
  - (f) Licensee's Integrity Monitoring System shall provide the Council with remote access or another approved mechanism, which shall provide at a minimum:
    1. All reports of Unusual Wagering Activity;
    2. If the Unusual Wagering Activity was subsequently determined to be Suspicious Wagering Activity;
    3. All reports deemed Suspicious Wagering Activity at the outset; and
    4. The actions taken by the Licensee according to its Integrity Monitoring System procedures.
  - (g) Notwithstanding the other provisions of this section, all information and data received by the Council regarding Unusual or Suspicious Wagering Activity shall be considered confidential. Such data and information may not be revealed in whole or in part except upon the lawful order of a court of competent jurisdiction, or, with any law enforcement entities, regulatory agencies, governing authorities, integrity monitoring organizations or other organization necessary to facilitate integrity monitoring, or with accredited sports governing bodies as required by the Sports Gaming Act or Council.
- (11) Participation in Investigations.
- (a) Each Licensee and Registrant shall cooperate in good faith with investigations conducted by the Council, sports governing bodies, and law enforcement agencies.
  - (b) Licensees shall provide or facilitate provision of account-level betting information and data files relating to persons placing wagers and any other information necessary for

investigations conducted by the Council or law enforcement.

- (c) The Council shall investigate, and each Licensee or Registrant shall cooperate with such investigation, upon information and belief that a Licensee or Registrant has failed to comply with the requirements outlined in the Sports Gaming Act or these Rules.
- (d) During normal business hours, the Council and its agents may enter the premises of any facility of a Licensee or Registrant that is utilized by the Licensee to operate and conduct Interactive Sports Gaming business in the State of Tennessee for the purpose of inspecting equipment, books, and records kept as required by the Sports Gaming Act or these Rules, to ensure that the Licensee is in compliance with the Sports Gaming Act or these Rules, or to make any other inspection as necessary to enforce the Sports Gaming Act or these Rules. Failure to admit the Council or its agents after presentation of credentials shall be grounds for disciplinary action.
- (e) The Council and its agents, including its law enforcement representatives, shall be able to demand access and inspect business records of any Licensee or Registrant without the requirement to obtain a subpoena. Failure to provide access to the Council or its agents after presentation of credentials shall be grounds for disciplinary action.
- (f) Each Licensee and Registrant shall maintain all records relating to the conduct of Interactive Sports Gaming in the State of Tennessee for a period of five (5) years.
- (g) The Council may investigate any of the following activities:
  - 1. Acceptance of Wagers from Minors;
  - 2. Acceptance of Wagers from Prohibited Players;
  - 3. Acceptance of Wagers from persons not physically located in Tennessee;
  - 4. Transmission of material non-public information for the purpose of wagering on a Sporting Event or to influence a Wager;
  - 5. Abnormal betting activity, Unusual Wagering Activity, Suspicious Wagering Activity, or patterns that may indicate concerns on the integrity of the Sporting Event;
  - 6. Federal or state money laundering violations;
  - 7. Criminal, civil, administrative or disciplinary proceedings or non-routine government or law enforcement investigations against the Licensee or Registrant;
  - 8. Offering, accepting, or extending credit to a Player;
  - 9. Directly advertising or promoting Interactive Sports Gaming to Minors;
  - 10. Offering or accepting a Wager on amateur sports events not approved by the Council, including high school and youth league sports events;
  - 11. Offering or accepting any Wager prohibited by the Council;
  - 12. Upon receiving information and belief that a Licensee has engaged in or facilitated illegal or Suspicious Wagering Activity;
  - 13. Any complaints of illegal activity; and
  - 14. Any other complaints, activity, and/or conduct that may affect the integrity of Interactive Sports Gaming in the State of Tennessee.

- (h) Licensees shall Immediately Report to the Council any information relating to:
1. Criminal or disciplinary proceedings or non-routine government or law enforcement investigations commenced against the Licensee in connection with its operations in any jurisdiction;
  2. Unusual or Suspicious Wagering Activity, including activities reported to the federal government pursuant to AML laws and regulations and Wagers placed to conceal or launder funds derived from illegal activity;
  3. Any potential or actual breach of a sports governing body's internal rules and codes of conduct pertaining to sports wagering that is known or reasonably should have been known to Licensee;
  4. Cheating, including wagering activities or patterns that may indicate a concern with the integrity of a Sporting Event;
  5. Conduct that corrupts, is intended to corrupt, or unduly influences the betting outcome of a Sporting Event for purposes of financial gain, including match fixing; and
  6. An agent or proxy placing a Wager on behalf of another Person, or the use of false identification.
- (i) Licensees also must report information relating to conduct described in subparagraph (h), parts 2-5, above, to the relevant sports governing body and provide written notice of its communications to the sports governing body to the Council. With respect to any information provided by a Licensee to a sports governing body, a sports governing body may only use such information for integrity purposes and shall maintain the confidentiality of such information, unless disclosure is required by the Tennessee Sports Gaming Act, Council, other law, court order, or unless the Licensee consents to disclosure.
- (j) Licensees shall share with the Council, upon request by the Council, in real time and at the account level, information regarding a Bettor, the amount and type of each Wager, the time the Wager was placed, the location of the Wager, including the internet protocol address if applicable, the outcome of the Wager, and records of abnormal, Unusual, or Suspicious Wagering activity related to the Wager. Information shared under this subsection shall be submitted in the form and manner as requested by the Council.
- (k) If a sports governing body has notified the Council in writing that real-time information sharing for Wagers placed on its Sporting Events is necessary and desirable, Licensees shall share the same information with the sports governing body or its designee with respect to Wagers on its Sporting Events. Such information may be provided in anonymized form and may be used by a sports governing body solely for integrity purposes.

(12) Manner in Which Interactive Sports Gaming May be Advertised, Marketed, and Promoted.

This Rule is authorized by T.C.A. § 4-49-118 to effectuate the prohibitions of that statute and establish the manner in which a licensee may advertise its business operations compliant with the Sports Gaming Act.

- (a) Licensees shall provide electronic copies of all advertising, marketing, and promotional materials developed by or on behalf of the Licensee to the Council within five (5) business days following their publication, distribution, or airing to the public, as applicable.
- (b) Licensees shall not directly advertise or promote Interactive Sports Gaming to Minors.
- (c) Advertising, marketing, and promotional materials published, distributed, or aired by or on behalf of a Licensee shall include a responsible gaming message, which includes, at a



minimum, a Council-approved problem gambling helpline number and an assistance and prevention message.

1. Licensees shall include the logo and gambling hotline number for the Tennessee REDLINE, a 24/7 addiction treatment and recovery hotline provided by the Tennessee Association of Alcohol, Drug and other Addiction Services (TAADAS), or another toll-free gambling hotline number as approved by the Council. Logos will be provided to the Licensee for the Tennessee REDLINE by the Council.
  2. In areas where space limitations create an issue for use of a logo, copy can be used to communicate the phone number. Individual social media postings (e.g., tweets, Facebook posts) where space is severely limited are not required to include the information set forth in subdivision (c)(1) above. Social media pages and direct messages sent via social media platforms must contain the information set forth in subdivision (c)(1) above.
  3. In determining whether to approve a Licensee's usage of a toll-free number other than the Tennessee REDLINE, the Council shall consider the following factors:
    - i. Whether the toll-free number provides callers with information about services available in the location of the caller;
    - ii. Whether the toll-free number provides a direct connection with additional services needed by the caller or requires the caller to place a separate, additional calls;
    - iii. The hours of operation of the toll-free number;
    - iv. Whether the toll-free number allows for text-based communication;
    - v. Whether the toll-free number is specifically designed to address responsible gaming, or whether it also encompasses other services;
    - vi. The promptness in answering and professionalism of the individuals providing service through the toll-free free number; and
    - vii. Whether the toll-free number collects, organizes and makes data publicly available, or specifically available to Tennessee, regarding demographics and utilization rates of callers that may be used to research and develop Responsible Gaming protocols.
  4. The Council shall post on its website a list of approved toll-free numbers that Licensees may use in their advertisements, which may be amended from time to time to add additional approved toll-free numbers.
- (d) Licensees shall communicate the legal age to participate (21 years old and above) on any website, mobile app, and other mediums or forms of advertising, marketing, and promotions.
- (e) Advertisements, marketing, or promotions shall not contain images, symbols, celebrity/entertainer endorsements, and/or language designed to appeal specifically to those under 21 years old.
- (f) Advertisements, marketing, and promotions shall not imply that Minors may engage in Interactive Sports Gaming, or feature anyone who is or appears to be below 21 years old, unless the individual is a participant in a sporting event upon which a wager may be placed;
- (g) Any individual who participates in sporting events upon which a wager can be placed cannot be compensated by a Licensee or Registrant for appearing in an advertisement related to sports wagering.

- (h) Licensees shall not advertise in media outlets that appeal primarily to those under the age of 21;
- (i) Advertisements, marketing, or promotions shall not be placed before any audience where the majority of the participants is presumed to be below the age of 21 or that targets potentially vulnerable persons, including self-excluded Bettors;
- (j) For persons who have self-excluded, Licensees shall not target advertising and marketing to such persons through direct messaging, text, or e-mail.
- (k) All direct advertising, marketing, or promotions via e-mail or text message must allow the recipient an option to unsubscribe;
- (l) Licensees shall provide the requirements of this paragraph (12) to advertising, marketing, and promotions personnel, contractors, agents, and agencies retained by Licensees or their agents to ensure compliance herewith; and
- (m) Failure to adhere to any of the above may be grounds for disciplinary action.

(13) Maintenance of a Self-Exclusion List.

- (a) Licensees shall develop and maintain a system to allow individuals to prohibit or restrict themselves from being able to place a Wager with the Licensee. Licensees may offer the option of implementing restrictions that apply solely to the Licensee or may offer individuals the option of implementing restrictions that apply to all Licensees operating in Tennessee, in coordination with the Council. Such self-exclusion list shall be made available to the Council at a time specified by the Council, but no less than once per month.
- (b) Licensees shall submit a monthly report to the Council that includes the number of individuals who requested to exclude themselves from the ability to participate in Interactive Sports Gaming on their Sports Gaming System.
- (c) Any individual may request placement on the list of self-excluded individuals, and that person during any period of voluntary exclusion may not collect any winnings or recover any losses resulting from any Interactive Sports Gaming, except that a Player's account balance on settled wagers placed prior to the voluntary exclusion shall be returned to the Player.
- (d) Licensees shall notify a Sports Gaming Account holder via e-mail, mail, or other method approved by the Council, whenever the Sports Gaming Account holder's Sports Wagering Account has been closed or placed in a suspended mode. Such notification shall include the restrictions placed on the Sports Gaming Account and any further course of action needed to remove the restriction.

(14) Reporting Requirements.

Licensees and Registrants, as applicable:

- (a) Shall report to the Council no later than January 15th of each year:
  1. The total amount of Wagers received from Players in the State of Tennessee for the preceding calendar year;
  2. The Adjusted Gross Income of the Licensee in the State of Tennessee for the preceding calendar year;
  3. The aggregate annual payout of the Licensee for the preceding calendar year, calculated in accordance with Rule 1350-01-.09; and

4. Any additional information required by the Council in the public interest or necessary to maintain the integrity of Interactive Sports Gaming in the State of Tennessee.
- (b) Shall Immediately Report, any information relating to:
1. The name, home address, and date of birth of any new Key Personnel, whether of the Licensee, Vendor, or its parent, holding company, intermediary, or subsidiary (whether or not wholly owned);
  2. Potential purchase or sale, transfer, assignment, gift or donation, or other disposal or acquisition of 5% or more ownership of a Licensee or Vendor;
  3. The resignation, termination, removal, or departure of any Key Personnel of a Licensee or Vendor, its parent, holding, intermediary, or subsidiary; and
  4. All other information or circumstances which are deemed to be Immediately Reportable under these Rules.
- (15) House Rules.
- (a) Licensees shall adopt comprehensive House Rules which shall be submitted to the Council for approval with the initial application for a License. Amendments to the House Rules must be submitted to the Council for approval no less than ten (10) business days prior to their proposed implementation.
- (b) At a minimum, the House Rules shall address the following items:
1. A method for the calculation and payment of winning wagers;
  2. The effect of schedule changes;
  3. The method of notifying players of odds or proposition changes;
  4. Acceptance of Wagers at terms other than those posted;
  5. The method of contacting the Licensee for questions and complaints;
  6. A description of Prohibited Participants and others who may be restricted from placing a Wager;
  7. The method(s) of funding a Wager;
  8. A description of all types of Wagers that may be accepted, including any minimum and maximum Wagers;
  9. The method by which the Sports Gaming Operator will identify and cancel Wagers, including defining "obvious error;"
  10. A provision prohibiting the structuring of Bets to avoid federal currency transactional reporting thresholds; and
  11. Notice that Wagers are subject to AML standards, including triggers and requirements for filing of Currency Transaction Reports and Suspicious Activity Reports;
- (c) House Rules shall be conspicuously accessible on the Licensee's websites and mobile applications.
- (d) Copies of the House Rules shall be made readily available, upon request, to Players.

(16) Internal Controls.

Licensees shall develop internal controls according to the requirements and specifications found in the MICS in Rule Chapter 1350-03 and industry standards. At a minimum, the internal controls shall address the following items:

- (a) Safeguarding assets and revenues;
- (b) Safeguarding Sports Gaming Accounts;
- (c) Requirements for internal and independent audits of the Licensee;
- (d) User access controls for all Interactive Sports Gaming personnel;
- (e) Segregation of duties among all Interactive Sports Gaming personnel;
- (f) Automated and manual risk management procedures;
- (g) Procedures for identifying and reporting fraud, Cheating, and Suspicious or Unusual Wagering Activity;
- (h) Procedures for identifying and preventing Minors from engaging in Interactive Sports Gaming;
- (i) Procedures to prevent Wagering by Prohibited Participants;
- (j) Description of AML compliance standards;
- (k) Description of all types of Wagers available to be offered by the Sports Gaming System;
- (l) Description of all integrated third-party hardware, software, or systems;
- (m) A monitoring system to identify irregularities in volume or odds and swings that could signal Unusual or Suspicious Wagering Activity that should require further investigation; and
- (n) Wager or attempt to Wager over any maximum Wager threshold set by the Licensee that qualifies as Unusual or Suspicious Wagering.

(17) Geolocation System.

- (a) Licensee shall keep its geolocation system up to date, including integrating the latest versions in real time that can detect the use of remote desktop software, rootkits, virtualization, or any other programs identified by the Council having the ability to circumvent geolocation measures.
- (b) The integrity of the geolocation system shall be reviewed regularly, but no less than every one hundred eighty (180) days, by the Licensee to ensure it detects and mitigates existing and emerging location fraud risks, and that it has been updated to incorporate all available patches and updates recommended by the Licensee's geolocation service Vendor.
- (c) At least every one hundred eighty (180) days, Licensees shall provide the Council evidence that the geolocation system is updated to the latest version.

Authority: T.C.A. §§ 4-49-101, 4-49-102, 4-49-104, 4-49-109, 4-49-110, 4-49-112, 4-49-115, 4-49-117, 4-49-118, 4-49-119, 4-49-120, 4-49-122, 4-49-123, 4-49-124, and 4-49-125.

1350-01-.08 Rules Governing Sports Gaming Accounts.

- (1) Interactive Sports Gaming shall only be engaged in by Players who have established a Sports

Gaming Account with an approved Licensee.

- (2) The information necessary to initially create a Sports Gaming Account shall be recorded and maintained for a period of five (5) years. The information includes, but is not limited to:
  - (a) The Player's legal name;
  - (b) The Player's date of birth;
  - (c) The Player's residential address (other than a post office box);
  - (d) The Player's phone number(s);
  - (e) An active e-mail account for the Player;
  - (f) The Player's social security number ("SSN") or equivalent for a foreign Player (who places a Wager within Tennessee), such as a passport or taxpayer identification number. The Player may enter only the last four digits of a SSN if other factors are sufficient to determine the entire nine-digit SSN within a reasonable time;
  - (g) Verification that the Player is not a Prohibited Participant; and
  - (h) The document number of the government-issued identification credentials entered, or other methodology for remote, Multi-Source Authentication, which may include third-party and governmental databases, as approved by the Council.
- (3) Licensees shall record the Player's acceptance of the terms and conditions and privacy policy and acknowledgment that the information provided is accurate and the Player is prohibited from allowing any other person to access or use the Player's Sports Gaming Account.
- (4) If a Licensee determines that the information provided by a Player to make a deposit or process a withdrawal is inaccurate or incapable of verification; fails to verify the identity of the Player; or the Player violates the policies and procedures of the Licensee, the Licensee shall, within ten (10) calendar days, require the submission of additional information from the Player that can be used to remedy any violation or failure to verify the identity of the Player or funds deposit or withdrawal information of the Player. If such information is not provided or does not result in verification of the Player's identity or deposit or withdrawal information, the Licensee shall:
  - (a) Immediately suspend the Player's Sports Gaming Account and not allow the Player to place Wagers;
  - (b) Retain any winnings attributable to the Player;
  - (c) Refund the balance of deposits made to the account to the source of such deposit or by issuance of a check; and
  - (d) Deactivate the account.
- (5) Licensees shall notify the Player of the establishment of the Sports Gaming Account by e-mail, text message, or first-class mail. Once a Sports Gaming Account is created, a secure personal identification (e.g., a unique username) for the player authorized to use the Sports Gaming Account shall be established that is reasonably designed to prevent the unauthorized access to, or use of, the Sports Gaming Account by any individual other than the Player for whom the Sports Gaming Account is established.
- (6) A Player shall have only one (1) Sports Gaming Account for each Licensee.
- (7) A Sports Gaming Account may be funded using:
  - (a) Debit cards;

- (b) Electronic bank transfers, including such transfers through third parties;
  - (c) Online and mobile payment systems that support online money transfers; and
  - (d) Winnings or payouts.
- (8) Funds may be withdrawn from a Player's Sports Gaming Account as follows:
- (a) Wagers;
  - (b) Cashier's check, wire transfer, or money order by the Licensee made payable to the Player and issued directly or delivered to the Player's address on file with Licensee;
  - (c) Credits to the Player's debit card, so long as that debit card has been registered in the Licensee's system for at least forty-eight (48) hours;
  - (d) Electronic bank transfers, including transfers through third parties; or
  - (e) Online and mobile payment systems that support online money transfers.
- (9) A Player's request for withdrawal of Player funds shall be completed within a reasonable timeframe unless there is a pending unresolved dispute between Player and Licensee. A licensee may withhold funds from withdrawal until all funding transactions with the Player have cleared or the chargeback period ends.
- (10) All adjustments to a Player's Sports Gaming Account for individual amounts of five hundred dollars (\$500.00) or less shall be periodically reviewed by Key Personnel and included in the Licensee's internal controls. All other adjustments shall be authorized by Key Personnel prior to being entered.
- (11) Licensees shall not allow the transfer of funds or credits between Players.
- (12) Each transaction with respect to a Sports Gaming Account between a Player and Licensee, except the placement or settlement of a Wager, must be confirmed by e-mail, telephone, text message, or other means agreed upon by the Player and Licensee. Licensees shall provide an account statement with details to a Player on demand, which shall include account activity for at least the six (6) months preceding the twenty-four (24) hours prior to the request. In addition, Licensees shall, upon request, be capable of providing to a Player a summary statement of all Player activity during the past twelve (12) months.
- (13) Licensees shall suspend Wagers from being made and Immediately re-verify a Player's identification upon reasonable suspicion that the Player's identification or Sports Gaming Account has been compromised.
- (14) Licensees shall offer a readily accessible method for a Player to close his or her Sports Gaming Account. Any balance remaining in a Player's Sports Gaming Account closed by a Player shall be refunded pursuant to the Licensee's internal controls, within ten (10) business days of notice from the Player to the Licensee.
- (15) Sports Gaming Systems shall employ a mechanism that can detect and prevent any player-initiated Interactive Sports Gaming or withdrawal activity that would result in a negative balance of a Sports Gaming Account.
- (16) A Player's Sports Gaming Account shall be disabled after three (3) failed log-in attempts and require Multi-Source Authentication to recover or reset a password or username.
- (17) A Licensee shall employ a mechanism that places a Sports Gaming Account in a suspended mode in the following situations:
- (a) When requested by the Player for a specified period of time as a self-exclusion or limiting measure, which shall not be less than seventy-two (72) hours;

- (b) When required by the Council;
  - (c) Upon the Licensee's determination or notice from the Council that a Player is a Prohibited Participant; or
  - (d) When the Licensee knows or has reason to know of any of the following:
    - 1. Illegal activity;
    - 2. A negative account balance;
    - 3. Five (5) failed ACH deposit attempts within a 24-hour period; or
    - 4. A violation of the terms and conditions has taken place on a Player's Sports Gaming Account.
- (18) When a Sports Wagering Account is in a suspended mode, the Player shall be prevented from:
- (a) Wagering;
  - (b) Depositing funds, unless the reason for the deposit is to clear a negative balance that resulted in suspended mode;
  - (c) Withdrawing funds, unless the reason for the suspended mode would not prohibit a withdrawal;
  - (d) Making changes to the Sports Gaming Account; and
  - (e) Removing the Sports Gaming Account from the Sports Gaming System.
- (19) A suspended Sports Gaming Account may be restored as follows:
- (a) Upon expiration of a voluntary suspension initiated by the Player;
  - (b) Upon permission of the Council;
  - (c) When the Player is no longer a Prohibited Participant; or
  - (d) When the Licensee has lifted the suspended status.

Authority: T.C.A. § 4-49-125.

1350-01-.09 Rule Governing Capped Payout and Required Reports.

- (1) The Adjusted Gross Income of a Licensee shall be no less than ten percent 10% of the Licensee's total Wagers received from Players in the State of Tennessee, when viewed as an average of the total Wagers received over the course of a calendar year.
- (2) For compliance purposes, each Licensee shall report to the Council, no later than January 15<sup>th</sup> of each year:
  - (a) The total amount of Wagers received from Players in the State of Tennessee through December 31<sup>st</sup>; and
  - (b) The Adjusted Gross Income of the Licensee in the State of Tennessee through December 31<sup>st</sup>.
- (3) On each daily, weekly and monthly report filed or maintained by the Licensee that records revenue information relating to sports gaming operations in Tennessee, the report shall include the Wagers received, payout and AGI for the current period as well as the aggregate Wagers

received, payout and AGI to date.

- (4) A violation of Rule 1350-01-.09(1) will be deemed to occur, if the Licensee's Adjusted Gross Income is less than ten percent (10%) of the total amount Wagered with the Licensee during the reporting period ending December 31st, calculated as an average over the prior calendar year (or the average over the partial year if a Licensee was not in operation for a full twelve months).
- (a) A Licensee may cure a violation of Rule 1350-01-.09(1) by making a "true-up" payment to the Council in the amount of the difference in what the Licensee would have paid in privilege tax if it had reported Adjusted Gross Income of 10%, for the prior calendar year as a whole ending December 31<sup>st</sup> (on average), and the amount that the Licensee actually paid in privilege tax for the prior calendar year ending December 31st. The following formula shall be used to calculate the "true-up" payment:

$$((\text{total wagers received through Dec. 31}) \times .1) \times (.2) - ((\text{total AGI reported through Dec. 31}) \times .2)$$

- (b) Any Licensee who fails to cure its violation of this Rule 1350-01-.09(1) as set forth in subdivision (4)(a) shall be subject to a fine up to \$25,000 pursuant to T.C.A. § 4-49-126(b)(2). The Council may also exercise its authority pursuant to T.C.A. § 4-49-126 to impose additional penalties for a Licensee's failure to comply with this Rule.

Authority: T.C.A. §§ 4-49-104, 4-49-110, and 4-49-124.

#### 1350-01-.10 Rules Governing Parlay and Proposition Wagers.

- (1) Parlay Wagers.
- (a) Proposition plays and future Bets can be parlayed.
- (b) Event outcomes that are directly connected can be parlayed, e.g., moneyline and the point spread of the same Sporting Event.
- (c) Teasers and Pleasers (type of Parlay Wagers) are allowed if approved by the Council and addressed in the Licensee's House Rules.
- (2) Proposition Wagers.
- (a) Wagers on individual actions, events, statistics, occurrences, or non-occurrences to be determined during a collegiate Sporting Event are prohibited.
- (b) In-game Proposition Wagers on the performance or non-performance of a collegiate team are prohibited.
- (c) Proposition Wagers can be placed on events related to Sporting Events upon approval by the Council.
- (d) Proposition Wagers cannot be placed on any type of possible injury.
- (e) Various forms of Proposition Wagers are allowed if approved by the Council and addressed in the Licensee's House Rules.

Authority: T.C.A. § 4-49-114.

#### 1350-01-.11 Rules Governing Global Risk Management.

A Licensee may utilize Global Risk Management as provided in this Rule upon approval by the Council. Prior to utilizing Global Risk Management for any reason, a Licensee shall submit to the Council for approval a copy of all written agreements related to Global Risk Management. The Council may reject a Licensee's proposed use of Global Risk Management services for any reason deemed necessary to protect the integrity of sports wagering in this State.



The following are permissible services which a Sports Gaming Operator or Vendor licensed by a regulatory authority in another jurisdiction may perform in the State of Tennessee, upon approval of the Council:

- (1) Setting, modifying, or providing risk management advice as it relates to betting odds, point spreads, and lines;
- (2) Deciding when a Sporting Event should be removed as an option from the list of Interactive Sports Gaming options authorized by the Council and offered by the Licensee;
- (3) Determining when the Interactive Sports Gaming action by Players on a particular Sporting Event should be rejected;
- (4) Determining when it would be desirable to place Layoff Wagers with another licensed Sports Gaming Operator in the State of Tennessee; or
- (5) Using their special expertise to manage the risks associated with Interactive Sports Gaming in the State of Tennessee.

Authority: T.C.A. § 4-49-110 and 4-49-115.

1350-01-.12 Executive Director for the Sports Wagering Advisory Council.

The Council will hire an Executive Director for the purposes set forth in TCA § 4-49-105(a), and the Executive Director shall have duties and responsibilities, including, but not limited to the following, all with the purpose of assisting and carrying out the Council's responsibilities under the Sports Gaming Act:

- (1) To administer, manage, and direct the business affairs of the agency, subject to the control and direction of the Council.
- (2) To serve as the Council's representative and agent in all matters before the General Assembly, and within all branches within state, federal and local governments.
- (3) To manage all employment matters related to the Council and the agency, including the creation of job classifications, duties, and positions for staff to assist with carrying out the duties of the Council and the Executive Director. The Executive Director shall make offers of employment and set salaries, including any periodic merit increases, (excluding any salary or merit increase related to the Executive Director's compensation, which shall be set by the Council); devise, implement, and enforce employment policies consistent with state and federal law; terminate employment; and execute any other necessary disciplinary action as to staff members.
- (4) To advise the Council of best practices with respect to Interactive Sports Gaming and any modifications to the procedures or standards of the Council's Rules as may be identified through the operations of Interactive Sports Gaming.
- (5) To provide administrative and technical assistance to the Council and administer all programs and functions that have been required of the Council or as set forth in the rules of the Council, including this Chapter 1350-01, Chapter 1350-02, and Chapter 1350-03.
- (6) To send and receive notices required to be made to the Council or communications made on behalf of the Council, which may be sent to or issued from the Executive Director as agent of the Council;
- (7) To execute such categories of individual contracts and agreements on behalf of the Council as the Council shall authorize, in accordance with Tennessee law.
- (8) To supervise the expenditure of funds and be responsible for complying with all applicable state and federal law in the receipt and disbursement of funds. The Executive Director shall have authority to execute any necessary approvals required by the Department of Finance and Administration on behalf of the Council.
- (9) To approve the voiding of wagers on behalf of the Council.

- (10) To approve change management orders or amendments to internal controls on behalf of the Council.
- (11) To approve or deny the offering of wagers on Sporting Events, the types of wagers offered, and House Rules submitted by Licensees on behalf of the Council.
- (12) To approve the methodology of receipt and format of data and information from Licensees and Vendors, on behalf of the Council.
- (13) To issue a determination of completeness after review of a License or Vendor Application, on behalf of the Council.
- (14) To review advertisements and promotional materials submitted by Licensees, on behalf of the Council.
- (15) To investigate suspected and reported violations of the Sports Gaming Act and the Council's Rules, and to issue subpoenas to compel the attendance of witnesses and the production or relevant books, accounts, records, and documents on behalf of the Council.
- (16) To carry out any delegation of authority, as may be received in writing from the Chairman of the Council, from time to time, as exigent circumstances may require.
- (17) To carry out any other duties as prescribed or instructed by the Council.
- (18) Complaints that arise to the level of alleging violations of the Sports Gaming Act or the Rules will be referred to the Executive Director or the Executive Director's designee for investigation, and upon the recommendation of the Executive Director may be handled by the Council in accordance with the notice and hearing procedures of Chapter 1350-02. The Executive Director may recommend that the Council assess fines for violations of the Sports Gaming Act or the Rules and civil penalties for violations of the Sports Gaming Act. Alleged criminal violations will be referred to the TBI or appropriate law enforcement agency for investigation.

Authority: T.C.A. §§ 4-49-105, 4-49-115, and 4-49-129.

1350-01-.13 Renewal of License or Registration.

- (1) A Sports Gaming Operator License or Vendor Registration shall be subject to renewal each year, no later than the anniversary date of the final approval of the License or Vendor Registration, as applicable, by the Council. Each renewal term of the License and Vendor Registration shall be for one (1) year.
- (2) At least sixty (60) days prior to the expiration of the License or Registration term, each Licensee and Registrant shall submit a renewal application form to the Council. A Licensee shall pay a renewal application fee of Fifty Thousand Dollars (\$50,000). Prior to issuance of the renewal License, the Licensee shall pay in full the Seven Hundred Fifty Thousand Dollars (\$750,000) License fee, to which the renewal application fee of Fifty Thousand Dollars (\$50,000) shall be credited. A current version of the License and Registration Application renewal forms will be made available on the Council's website.
- (3) Documents and Information Required. At least sixty (60) days prior to the expiration of the License or Registration term, Each Licensee or Vendor shall submit, at a minimum, the following documents and information:
  - (a) Documents and information demonstrating any change to the documents and information that were previously submitted to the Council as part of the initial Application, using forms provided by the Council and made available on its website.
  - (b) Audited Financial Statements. Each Licensee and Registrant shall submit to the Council its most recent annual audited financial statements prepared in accordance with Rule 1350-01-.07(03)(a). If a Licensee or Registrant has audited financial statements

prepared at the parent company level, the Licensee or Registrant shall include with its audited consolidated financial statements a supplemental schedule of (audited or unaudited) financial statements in Tennessee and, an attestation from the Licensee or Registrant's Certified Public Accountant that the Licensee or Registrant has implemented procedures to accurately report its Revenue and Adjusted Gross Income from Interactive Sports Gaming Operations in Tennessee.

- (c) Federal Income Tax Return. Each Licensee and Registrant shall provide its most recent federal income tax return.
  - (d) Responsible Gaming Plan. A Licensee shall submit an annual report of its Responsible Gaming Plan activities, showing that the plan goals were met with its Application.
  - (e) Sports Gaming System Operational Assessment. A Licensee shall submit its annual Sports Gaming Operational Assessment.
  - (f) Sports Gaming System Technology Integrity and Security Assessment. A Licensee shall submit its annual Sports Gaming Technology and Security Assessment.
  - (g) The Council may request any additional documents or information that are required by Rule 1350-01-.05 to determine whether renewal should be granted.
- (3) Approval of Renewal License or Registration.
- (a) In determining whether to approve or deny an application for renewal of a License or Registration the Council may consider the following factors:
    - 1. Whether the Applicant has demonstrated that it is conducting an Interactive Sports Gaming operation or serving as a Vendor in a capacity that has had a positive impact through increased revenues to the State of Tennessee.
    - 2. Whether the Applicant possesses adequate funds or has secured adequate financing to maintain an Interactive Sports Gaming operation or serve as a Vendor.
    - 3. Whether the Applicant has the financial stability, integrity, and responsibility to continue to conduct Interactive Sports Gaming, or serve as a Vendor for Interactive Sports Gaming.
    - 4. Whether the Sports Gaming Operator has proposed adequate measures for the security of any Sports Gaming System, server, or components thereof, and has demonstrated the adequacy of its security measures through its Sports Gaming System Technology Security and Integrity Assessment.
    - 5. Whether the Sports Gaming Operator has demonstrated that its proposed Interactive Sports Gaming operation will be conducted in accordance with the Sports Gaming Act and all other applicable local, state, and federal laws, and has satisfied the requirements set forth in these Rules.
    - 6. Whether, since the time of the initial Licensure or Registration, the Applicant or its Key Personnel have been:
      - i. Convicted of a disqualifying offense, as established by the Sports Gaming Act;
      - ii. Arrested, charged, indicted, or have received a target letter from the U.S. Department of Justice in connection with any investigation of offshore sports gaming activities that serviced the United States;
      - iii. Arrested, charged with, convicted of, pleaded guilty to, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, other than for a minor traffic offense; or

- iv. Indicted of any felony, gambling-related offense, or any other offense(s) that the Council finds will threaten the integrity of sports wagering in Tennessee and the public interest.
- 7. The past and present compliance of the Applicant, its affiliates, or affiliated companies relating to gaming operations or activities in any other jurisdiction;
- 8. Whether the Applicant has knowingly made a false statement of a material fact in any application or other communication to the Council, or failed to disclose to the Council a violation of the Sports Gaming Act or any of these Rules;
- 9. Whether, since the initial time of Licensure or Registration, the Applicant has had a license to operate any gaming or sports wagering activity suspended or revoked, or been denied from operating any gaming or sports wagering activity by any governmental authority responsible for the regulation of gaming activities in any jurisdiction;
- 10. Whether a Licensee has timely remitted any privilege tax due the State of Tennessee, timely paid any fine assessed by the Council, or timely remitted the balance of any application, license, privilege tax, or other fees when due to the Council;
- 11. Whether the Applicant has filed, or had filed against it, a proceeding for bankruptcy, liquidation, or insolvency or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt;
- 12. Whether the Applicant has been served with a complaint, lien, or other notice filed with any public body regarding a payment of any tax or obligation required under any law in any jurisdiction, where the Applicant has been in breach for one or more years;
- 13. Whether the Applicant is or has been a defendant in litigation involving its business practices that would call into question its suitability to be licensed or registered;
- 14. Whether the Sports Gaming Operator Applicant has submitted a report on its Responsible Gaming Plan that meets the Council's requirements;
- 15. Whether the Sports Gaming Operator Applicant has demonstrated that it has met the reserve requirements, including obtaining the required bond set forth in these Rules;
- 16. Whether the License Applicant has met the insurance requirements set forth in these Rules;
- 17. Whether the License Applicant has submitted audited financial statements and any supplemental schedules and attestations in accordance with these Rules;
- 18. Whether the License Applicant has submitted a Sports Gaming System Operational Assessment by an independent testing laboratory in accordance with these Rules;
- 19. Whether the License Applicant has established the escrow account required by these Rules for the payment of privilege tax;
- 20. Whether the License Applicant has submitted House Rules in accordance with these Rules;
- 21. Whether the License Applicant has utilized internal controls in accordance with Rule Chapter 1350-03;

22. Whether the License Applicant has demonstrated compliance with the Required Capped Payout and Required Reports in accordance with these Rules;
  23. Whether renewing a License or Registration would undermine the public's confidence in the Interactive Sports Gaming industry in the State of Tennessee;
  24. Whether the Sports Gaming Operator License Applicant is a member of an independent integrity monitoring association;
  25. Whether the Applicant has complied with the provisions of the Sports Gaming Act, the TEL rules and these rules, as applicable to the period of time it has been in operation.
- (b) Notwithstanding subdivision (a), a Licensee or Registrant who has been operating in Good Standing for the six month period preceding the renewal application, and who has submitted all information and documents that are generated by the Licensee or Registrant that are required by these Rules and the form provided by the Council, may submit documentation demonstrating that one or more of the following items is not available due to circumstances that are, in the sole judgment of the Council, largely outside of the Licensee or Registrant's control and despite the Licensee or Registrant's efforts, cannot be obtained prior to the date of renewal: Audited Financial Statements, Federal Income Tax Return, Sports Gaming Operational Assessment, and Sports Gaming System Technology Integrity and Security Assessment. Upon such a showing, the Council may approve a Renewal License and allow a Licensee or Registrant to continue operations on the condition that the outstanding external documents will be submitted to the Council within sixty (60) days of the date of approval. If, after the expiration of the sixty (60) day period, the Licensee or Registrant has not submitted all outstanding third-party documents, the Licensee or Registrant's License or Registration will be suspended or revoked pursuant to Rule 1350-01-.15(13).
- (c) In all cases, the Council shall have sole authority to approve, condition, or deny an application for a License or Registration, or renewal thereof.

Authority: T.C.A. §§ 4-49-115 and 4-49-117.

1350-01-.14 Change of Control.

- (1) A License or Registration is not transferrable except as set forth in Rule 1350-01-.14(4) below.
- (2) A Licensee or Registrant shall give Immediate Notice to the Council of any proposed change of control upon entering into an oral or written agreement regarding the proposed change of control. A change of control of a Licensee or Registrant occurs when a Licensee or Registrant:
  - (a) Sells, transfers, assigns, gifts or donates, or otherwise disposes of more than fifty percent (50%) of its ownership interests;
  - (b) Sells more than fifty percent (50%) of the voting stock of a corporation that controls the Licensee, or Registrant;
  - (c) Sells, transfers, assigns, gifts or donates, or otherwise disposes of all or substantially all of the Licensee's, or Registrant's assets, other than those bought and sold in the ordinary course of business;
- (3) If the entity assuming control intends to operate a Sports Gaming Operation or serve as a Vendor in Tennessee, it must submit a License or Registration application to the Council within thirty (30) days of entering into any agreement to effectuate the change of control, unless the provisions of Rule 1350-01-.14(4) apply. If the new entity is applying for a License, it must submit the \$50,000 application fee to the Council contemporaneously with its application.
  - (a) Upon receipt of the License or Registration application and application fee from the new entity, the Council may approve the continuation of the original License or Registration

until such time as the new entity's application for a License or Registration is approved or denied by the Council. Immediately upon approval or denial of the new entity's License or Registration, the original entity's License or Registration will become void.

- (b) A new entity who receives a License under this Rule 1350-01-.14(3) must pay the License fee of \$750,000 (less the \$50,000 application fee) within ten (10) days of approval of the License.
  - (c) The new entity's License or Registration anniversary date for renewal purposes is one year from the date that the Council approves the new License or Registration.
- (4) The Council may approve the transfer of a License or Registration involving the sale, transfer, assignment, gift, or donation of an interest in all or substantially all of a Licensee or Registrant's assets, to an individual, group of individuals, or entity which has previously been determined by the Council to have met the qualifications of a Licensee or Registrant during the preceding year and that is currently Licensed or Registered and in Good Standing. In the event that the Council approves a transfer of a License or Registration in accordance with this Rule, the following provisions will apply:
- (a) The Licensee or Registrant who will hold the License or Registration after the transfer must complete a Change of Control Form, which will be provided on the Council's website, within thirty (30) days of entering into any agreement regarding the proposed change of control. The Council may seek any information or documents regarding the transaction that it deems necessary.
  - (b) The transferred License or Registration shall be valid for the period of time remaining under the original License or Registration. The License or Registration must thereafter be renewed by the timely filing of a Renewal Application and, for Licensees, the payment of the \$50,000 renewal fee, sixty (60) days prior to the original License or Registration's anniversary date.
  - (c) A Licensee who assumes control under this provision must pay the \$750,000 License renewal fee (less the \$50,000 application fee) on the original Licensee's anniversary renewal date.
- (5) Any change of control that is effectuated without the express approval of the Council in accordance with these Rules is prohibited and will result in the Licensee's License or Registrant's Registration being void.

Authority: T.C.A. §§ 4-49-117, 4-49-121, and 4-49-124.

1350-01-.15 Grounds for Revocation of License or Registration.

The Council may suspend or revoke a License or Vendor Registration if the Council finds, by a preponderance of the evidence, that:

- (1) The Licensee or Registrant no longer has the financial stability, integrity, and responsibility to conduct Interactive Sports Gaming, or serve as a Vendor for Interactive Sports Gaming;
- (2) The Licensee, Registrant, or its Key Personnel have been convicted of a disqualifying offense, as established by the Sports Gaming Act;
- (3) The Licensee, Registrant or its Key Personnel have been arrested, charged, indicted, or received a target letter from the U.S. Department of Justice in connection with any investigation of offshore sports gaming activities that serviced the United States;
- (4) The Licensee, Registrant or its Key Personnel have been arrested, charged with, convicted of, pleaded guilty to, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, other than for a minor traffic offense;
- (5) The Licensee, Registrant or its Key Personnel have knowingly made a false statement of a

material fact in any application or other communication to the Council, or failed to disclose to the Council its knowing violation of this Rule, as applicable;

- (6) The Licensee, Registrant or its Key Personnel have been indicted on any felony offense, gambling-related offense, or other offense(s) that the Council finds will threaten the integrity of sports wagering in Tennessee and the public interest;
- (7) The Licensee or Registrant has had a license to operate any gaming or sports wagering activity suspended or revoked, or been denied from operating any gaming or sports wagering activity by any governmental authority responsible for the regulation of gaming activities in any jurisdiction;
- (8) The Licensee or Registrant has failed to timely remit any privilege tax due the State of Tennessee, timely pay any fine assessed by the Council, or timely remit the balance of any application, license, or other fees due the Council;
- (9) The Licensee or Registrant, without approval of the Council, has sold, transferred, assigned, gifted or donated, or otherwise disposed of, all or substantially all of its assets, other than those bought and sold in the ordinary course of business, or otherwise entered into an unauthorized change of control;
- (10) The Licensee or Registrant has filed, or had filed against it, a proceeding for bankruptcy, liquidation, or insolvency;
- (11) The Licensee or Registrant has been served with a complaint, lien, or other notice filed with any public body regarding a payment of any tax or obligation required under any law in any jurisdiction, where the Licensee or Registrant has been in breach for one or more years;
- (12) The Licensee or Registrant has materially failed to comply with any of the individual or several provisions of the rules of the Council.

Authority: T.C.A. §§ 4-49-104, 4-49-115, 4-49-117, 4-49-121, 4-49-124, 4-49-125, and 4-49-126.

#### 1350-02-.01 Applicability of Regulation.

This Chapter contains the mechanism by which Applicants who have submitted an application for a License or Registration to the Sports Wagering Advisory Council (the "Council") pursuant to the Tennessee Sports Gaming Act, T.C.A. §§ 4-49-101, *et seq.*, as amended (the "Sports Gaming Act"), and the rules promulgated thereunder (the "Rules"), may obtain a hearing on the denial of the Application or renewal. This Chapter also provides the procedure by which a License or Registration may be revoked, suspended, or not renewed, or upon which a fine or civil penalty may be imposed. The contested case provisions of the Uniform Administrative Procedures Act, T.C.A. §§ 4-5-301, *et seq.* apply to the extent that they do not conflict with the specific provisions of these Rules.

This Chapter also provides a process by which Players who are unable to find a satisfactory resolution to their dispute with a Sports Gaming Operator may present their claim before the Council.

Authority: T.C.A. §§ 4-49-105, 4-49-106, 4-49-115, 4-49-117, 4-49-126, 4-49-127, 4-49-128, and 4-49-129.

#### 1350-02-.02 Denial of Application for License or Registration.

- (1) The Council, upon recommendation by the Executive Director or a committee of the Council, may deny a License or Registration if the Applicant has failed to meet the qualifications for a License or Registration in accordance with the Sports Gaming Act or the Rules.
- (2) Any Applicant whose application has been denied by the Council, shall have a right to request reconsideration of the Council's decision in accordance with this Chapter.
- (3) If the Council issues a denial, the Executive Director will deliver, or cause to be delivered, to the Applicant a written Notice of Denial sent by certified U.S. mail or national delivery service to the Applicant's address on file with the Council and by e-mail to the contact person for the Applicant on file with the Council. At that time, the Applicant will also be provided with written notice of the process for requesting reconsideration of the Council's decision.

- (4) If the Applicant's request for reconsideration is successful, a License or Registration will be approved by the Council, as applicable. If the request for reconsideration is unsuccessful, the Applicant may request judicial review of the Council's decision to deny the License or Registration. Such appeals must be filed with the Chancery Court of Davidson County, Tennessee.
- (a) The Chancery Court shall hear appeals based on the record of the proceedings before the Council.
- (b) The Chancery Court may reverse the decision of the Council only if the appellant proves the decision of the Council to be:
1. Clearly erroneous;
  2. Arbitrary and capricious;
  3. Procured by fraud;
  4. A result of substantial misconduct by the Council; or
  5. Contrary to the United States Constitution, the Constitution of Tennessee, or the Sports Gaming Act.
- (c) The Chancery Court may remand an appeal to the Council to conduct further hearings.

Authority: T.C.A. §§ 4-49-106, 4-49-115, and 4-49-128.

1350-02-.03 Revocation, Suspension, Fines, Civil Penalties, and Nonrenewals of Licenses or Registrations.

- (1) Upon information and belief that a Licensee or Registrant has violated the Sports Gaming Act or the Rules, the Council, through its Executive Director and security personnel, may conduct investigations and recommend to the Council the revocation, suspension, or nonrenewal of a License or Registration or the imposition of a fine thereon for any of the reasons set forth in the Sports Gaming Act or the Rules. A recommendation may also be made that the Council impose a civil penalty for violations of the Sports Gaming Act. During an investigation, the Executive Director, on behalf of the Council, may issue subpoenas to compel the attendance of witnesses and the production or relevant books, accounts, records, and documents.
- (2) If, in the discretion of the Council, revocation, suspension, or nonrenewal of any License or Registration or imposition of a fine or civil penalty thereon is in the best interests of the Council or the public policy or welfare of the State of Tennessee, the Council may revoke, suspend, or not renew such License or Registration or impose a fine or civil penalty, only after notice and a right to a hearing, in accordance with the provisions of the Sports Gaming Act and these Rules. Notwithstanding the foregoing, a License or Registration may be temporarily suspended at a virtual emergency meeting of the Council upon exigent circumstances in accordance with Sports Gaming Act.
- (a) Virtual emergency meetings may only be conducted if the Council:
1. Not less than twenty-four (24) hours prior to the meeting, provides on its website public notice of the meeting;
  2. Provides adequate electronic or other notice to each Licensee or Registrant with an interest in the meeting;
  3. Provides an audio or video feed of the meeting on its website which is accessible to the general public; and



4. Provides a mechanism by which any Licensee or Registrant subject to disciplinary action at the meeting has the opportunity to provide testimony and submit evidence to the Council members electronically.
  - (b) Disciplinary action taken against a Licensee or Registrant at a virtual emergency meeting is temporary until the Council conducts a full investigative hearing on the matter in accordance with the Sports Gaming Act not later than five (5) business days after the conclusion of the virtual emergency meeting.
- (3) Except as otherwise provided herein, each Licensee or Registrant whose License or Registration may be revoked, suspended, or not renewed, or upon which a fine or civil penalty may be imposed shall receive written notice thereof stating the reason(s) therefore, and, in the case of a proposed suspension, the term of the proposed suspension. Such notice shall be sent by certified mail, return receipt requested or by a national delivery service to the Licensee or Registrant's address on file with the Council and by e-mail to the contact person for the Licensee or Registrant on file with the Council. Any Licensee or Registrant is presumed to have received such notice on the fifth business day following the date such notice was placed in the mail, addressed to the last known mailing address of such Licensee or Registrant on file with the Council.
- (4) Upon the appeal of the suspension of a License, the term of suspension may be stayed by the Council for good cause shown pending the final outcome of any appeal.
- (5) After suspension, revocation, or nonrenewal of a License, the Licensee shall settle all outstanding amounts of privilege tax owed or anticipated to be owed by the Licensee to the Council in a form, manner and timeframe acceptable to the Council, on a date designated by the Executive Director or his/her designee.
- (6) Immediately upon any suspension, revocation, or nonrenewal of a License, such Licensee shall cease and desist from taking any further Wagers and post on its website a statement explaining its status. The statement must receive prior approval by the Council. Any Licensee shall send notice to all Sports Gaming Account holders that the Licensee is prohibited from offering Interactive Sports Gaming in Tennessee for the designated period. The Licensee shall, within the next ten (10) days, refund all deposits and amounts of unsettled Wagers made to the Player's Sports Gaming Account, give Players the method for withdrawal or distribution of funds in the Sports Wagering Account, and deactivate the Sports Wagering Accounts upon distribution of all funds. All Vendor Registrants must submit notice to any Licensee with which it does business of its suspended, revoked, or nonrenewed status.

Authority: T.C.A. §§ 4-49-105, 4-49-106, 4-49-115, 4-49-126, 4-49-127, 4-49-128, and 4-49-129.

1350-02-.04 Request for Hearing Following Notice of Proposed Revocation, Suspension, Nonrenewal, Fine, or Civil Penalty.

- (1) Any Licensee or Registrant may request a hearing regarding the proposed revocation, suspension, or nonrenewal of its License or Registration or the imposition of a fine or civil penalty. Any request for a hearing shall be in writing, addressed to the Council and be filed with the Council within five (5) business days of the date of receipt of written notice described in Section 1350-02-.03(3). The Licensee or Registrant must provide a statement outlining the factual basis for the hearing and any additional relevant evidence to be considered by the Council along with its notice.
- (2) All requests for hearings shall be sent by a national courier service, certified mail, or hand delivered, proof of delivery may be required, to the Executive Director at the Council's official address listed on the Council's website.

The request will be timely if it bears a United States Postal Service postmark showing mailing on or before the fifth (5th) business day prescribed above. A request delivered by hand or national overnight courier will be timely only if received by the Council at the above-stated address during its normal business hours on or before the fifth (5th) business day prescribed above.

Authority: T.C.A. §§ 4-49-106, 4-49-115, 4-49-126, and 4-49-129.

1350-02-.05 Hearing Procedures Following Notice of Proposed Revocation, Suspension, Nonrenewal, Fine, or Civil Penalty.

- (1) All hearings conducted under this subsection shall be conducted by the Council. The Council may appoint an administrative judge or hearing officer to preside at the hearing, rule on questions of the admissibility of evidence, swear witnesses, advise the Council on the law of the case, and ensure that the proceedings are carried out in accordance with the law. The contested case provisions of the Uniform Administrative Procedures Act, T.C.A. §§ 4-5-301, *et seq.* apply to the extent that they do not conflict with the specific provisions of these Rules
- (2) A hearing shall be conducted no later than sixty (60) days following receipt of a request for hearing given in accordance with the provisions of this Chapter. A notice setting forth the time, date, and location of the hearing and the right to be represented by counsel will be sent to the party or parties requesting such hearing at least thirty (30) days before the date set for such hearing. The notice shall also include a statement of the legal authority and jurisdiction under which the hearing is to be held, including reference to the particular sections of the statutes and rules involved. The Council or ALJ may, upon good cause being shown or by agreement of the parties, continue the hearing to a later date.
- (3) In connection with a hearing, the Council or administrative law judge may:
  - (a) Conduct the hearing in an informal manner without formal rules of evidence or procedure;
  - (b) Request that the Executive Director, or administrative law judge hold pre-hearing conferences to:
    1. Settle, simplify, or identify the issues involved in the hearing; or
    2. Consider other matters that may aid in the expeditious disposition of the hearing;
  - (c) Require each complaining party to state, either orally or in writing, its position concerning the various issues involved in the hearing;
  - (d) Require each complaining party to produce for examination those relevant witnesses and documents under its control;
  - (e) Rule on motions and other procedural items pending before the Council, including, without limitation, the methods, scope, and extent of discovery available to the any party;
  - (f) Regulate the course of the hearing and conduct of the participants, including the imposition of reasonable time limits;
  - (g) Establish time limits for submission of motions or memoranda;
  - (h) Take official notice of any material fact not appearing in evidence in the record, if the fact is among the traditional matters of judicial notice;
  - (i) Administer oaths or affirmations; and
  - (j) Issue subpoenas to compel the attendance of witnesses and production of relevant documents.
- (4) Any party may request that the hearing be conducted before a court reporter. Such request must be in writing and include an agreement by the requesting party that it shall pay for, or that it shall procure at its own cost and on its own initiative, the court reporting services for such hearing. To be made part of the record, the original transcript of any such proceedings shall be submitted to

the Council as soon as the transcript is available, but not later than twenty (20) business days after the hearing.

- (5) The Council shall provide a written decision containing the Council's ruling. If a License or Registration is revoked, suspended, or not renewed by the Council, the Council shall state the term of the imposed discipline, and may prescribe conditions for reinstatement of the License or Registration. Such decision must be made within the later to occur of (i) thirty (30) days after the conclusion of the hearing or (ii) thirty (30) days after receiving an original transcript of the hearing pursuant to the preceding paragraph. A copy of the decision must be sent by certified mail, return receipt requested, or delivered by a national courier service to the party who requested the hearing. The party is presumed to have received such decision from the Council on the fifth (5<sup>th</sup>) business day following the date such decision was sent to the last known address of such party.

Authority: T.C.A. §§ 4-49-106, 4-49-115, 4-49-126, 4-49-127, 4-49-128, and 4-49-129.

1350-02-.06 Requests for Reconsideration.

- (1) A request for reconsideration from a decision of the Council may be filed with the Council within fifteen (15) days of the date of receipt of such decision.
- (2) A request for reconsideration must be sent by certified mail, return receipt requested, or national courier services or hand delivered (proof of service may be required) to the Executive Director at the Council's official address listed on the Council's website.

A request for reconsideration will be timely filed if it has an electronic stamp from a national courier or bears a United States Postal Service postmark showing mailing on or before the fifteenth (15<sup>th</sup>) day prescribed above. A request for reconsideration delivered by hand will be timely filed only if received by the Council at the above-stated address during its normal business hours on or before the fifteenth (15<sup>th</sup>) day prescribed above.

- (3) A request for reconsideration must be in writing and shall contain the following:
  - (a) A copy of the Council decision;
  - (b) A copy of the transcript from the hearing, if one was provided; and
  - (c) The basis for the precise factual or legal error in the decision of the Council for which the request for reconsideration is made.
- (4) The filing of a request for reconsideration shall not be a prerequisite for seeking judicial review.

Authority: T.C.A. §§ 4-49-106, 4-49-115, 4-49-126, and 4-49-128.

1350-02-.07 Reconsideration before the Council.

- (1) Upon receipt of the request for reconsideration, the Council may within thirty (30) days of receiving the request, enter a written order either denying the request, granting the request and setting the matter for further proceedings, or granting the request and issuing a new order.
- (2) A copy of the Board's written decision on the request for reconsideration will be sent to the requestor by certified mail, return receipt requested, or by national courier service or hand delivered. The written decision of the Council will be final, and no further appeal to the Council will be allowed.
- (3) If no action has been taken by the Council on the request within thirty (30) days, the request shall be deemed to have been denied.

Authority: T.C.A. §§ 4-49-106, 4-49-115, 4-49-126, and 4-49-127.

1350-02-.08 Judicial Review.

SS-7037 (March 2020)

- (1) Any party aggrieved by a final decision of the Council may appeal the decision pursuant to T.C.A. § 4-49-128 in the Chancery Court of Davidson County, Tennessee. A petition for judicial review must be filed within thirty (30) days after receipt of the Council's final written decision and any decision on reconsideration, if reconsideration is sought.
- (2) The Chancery Court shall hear appeals based on the record of the proceedings before the Council. Within forty-five (45) days of service of the petition for judicial review, or within further time as allowed by the Chancery Court, the Council shall transmit to the reviewing court the entire copy of the record of the proceeding under review.
  - (a) The Chancery Court may reverse the decision of the Council only if the appellant proves the decision to be:
    1. Clearly erroneous;
    2. Arbitrary and capricious;
    3. Procured by fraud;
    4. A result of substantial misconduct by the Council; or
    5. Contrary to the United States Constitution, the Constitution of Tennessee, or the Sports Gaming Act.
  - (b) The Chancery Court may remand an appeal to the Council to conduct further hearings.

Authority: T.C.A. §§ 4-49-106, 4-49-115, and 4-49-128

1350-02-.09 Player Disputes.

Player disputes may involve the amount of a Wager, promotions, application of House Rules, technology functions, any part of or transaction within the Interactive Sports Gaming process, or any matter important to the Player, or the public in general. Complaints that arise to the level of alleging violations of the Sports Gaming Act or the Rules will be handled by the Executive Director or his/her designee for investigation, and upon the recommendation of the Executive Director may be handled by the Council in accordance with this Rule. Alleged criminal violations will be referred to the TBI or appropriate law enforcement agency for investigation.

- (1) In order to register a dispute, Players will be required to first file a formal grievance with the Sports Gaming Operator. The dispute must be filed within thirty (30) days of the occurrence of the incident or matter in dispute. In order to initiate the process, the Player will be required to provide to the Sports Gaming Operator, at a minimum, the following information:
  - (a) Personal contact information (name, address, phone number, e-mail address, etc.);
  - (b) Sports Gaming Operator Licensee and website, app, or other Interactive Sports Gaming platform;
  - (c) The Player's name on and information relating to the Sports Gaming Account;
  - (d) Approximate date and time of the incident, the amount and type of Wager in dispute, the Sporting Event and outcome, and any other relevant details regarding the incident, as applicable;
  - (e) A summary of the incident including any statements or communications made to or by the Sports Gaming Operator or witnesses and their contact information (name, address, phone number, e-mail address, etc.); and
  - (f) Any other information or documentation pertinent to the dispute.

- (2) If the monetary value of the dispute is \$1,000 or more, the Sports Gaming Operator must notify the Council upon receipt of an initial notice of a formal grievance. Both the Player and the Sports Gaming Operator have an ongoing obligation to preserve any documents, information, or materials submitted as part of the formal grievance or relevant to the dispute.
- (3) If the Player is not satisfied with the solution proposed by the Sports Gaming Operator, the Player can then present their grievance to the Executive Director within thirty (30) days of the decision by the Sports Gaming Operator. Upon receipt of the grievance, the Executive Director or his or her staff will investigate the matter and determine an appropriate resolution. The Executive Director will then issue a decision on the matter.
- (4) If the Player or the Sports Gaming Operator is dissatisfied with the decision of the Executive Director, either party may file an appeal with the Council within thirty (30) days of receipt of the Executive Director's decision. Upon filing an appeal with the Council, the appealing party must file the record, consisting of the documents submitted to the Executive Director and the Executive Director's written decision.

Authority: T.C.A. §§ 4-49-106 and 4-49-115.

1350-02-.10 Appeals of Player Disputes before the Council.

- (1) The Council will review the record on appeal and issue a written decision on behalf of the Council. The Council may decide the case on the existing record without a hearing, or the Council may convene a hearing in order to conduct a further investigation, and then issue a written decision following the hearing.
- (2) If a hearing is held, either party may request that the hearing be conducted before a court reporter. Such request must be in writing and include an agreement by the requesting party that it shall pay for, or that it shall procure at its own cost and on its own initiative, the court reporting services for such hearing. To be made part of the record, the original transcript of any such proceedings shall be submitted to the Council as soon as the transcript is available, but not later than twenty (20) business days after the hearing.
- (3) A copy of the Council's written decision on the appeal will be sent to the parties by certified mail, return receipt requested, or hand delivered. The written decision of the Council will be final, and no further petition for rehearing or reconsideration to the Council will be allowed.
- (4) Either party may seek judicial review of the final decision of the Council in accordance with the Sports Gaming Act and the Rules.

Authority: T.C.A. §§ 4-49-106, 4-49-115, and 4-49-128.

1350-02-.11 Schedule of Administrative Fines.

For any violation of the Sports Gaming Act or the Rules, the Council may impose an administrative fine not to exceed \$25,000 per violation, after following the notice and hearing requirements of this Chapter. Except as provided in T.C.A. § 4-49-127, the Council may impose fines in accordance with this section.

- (1) Violation Classes.
  - (a) Class A includes those violations involving responsible gaming, fraud, criminal conduct, non-cooperation with Council investigations or audits, failure to report illegal or suspicious conduct, and failure to meet the minimum hold.
  - (b) Class B includes those violations involving unapproved amateur events or wagers, financial violations, failure to provide Council staff access to wagering systems, or failure to follow Player payment rules.

- (c) Class C includes those violations involving offering unapproved professional events or wagers, failure to abide by house rules or internal controls, or failure to timely respond to Player complaints.
  - (d) Class D includes those violations involving marketing (not involving responsible gaming) and geolocation.
- (2) The Council has assigned the following ranges of fines available depending on the seriousness of the violation.
- (a) Level 1 - Letter of warning.
    - 1. Class A and Class B violations are not eligible for Level 1.
    - 2. Class C and Class D violations falling under Level 1 will receive a letter of warning.
  - (b) Level 2 - \$1,000 - \$10,000.
  - (c) Level 3 - \$10,000 - \$20,000.
  - (d) Level 4 - \$20,000 - \$25,000.
- (3) Factors for consideration. The Council may consider, but shall not be limited to, the following factors in making a determination on what level to assign to a violation and the amount of the fine to be imposed within the selected level:
- (a) For fines in the Level 1 range, the Council may consider whether the violation was the Licensee's first offense, whether the violation was unintentional, whether the violation was self-reported, or other mitigating factors.
  - (b) For fines in the Level 2 range, the Council may consider whether the violation was unintentional, whether the violation was self-reported, or other mitigating factors.
  - (c) For fines in the Level 3 range, the Council may consider whether there have been multiple violations by a Licensee, and whether or not the violation was intentional or unintentional.
  - (d) For fines in the Level 4 range, the Council may consider whether there have been multiple violations, whether the violation was not self-reported, whether the Licensee intentionally circumvented or disregarded regulatory guidance, whether the violation was in clear violation of the public interest, whether the violation targets vulnerable persons, and other aggravating factors.
- (4) For purposes of this Chapter, a "violation" is any act, failure to act, or omission by a Licensee or Registrant that is prohibited by the Sports Gaming Act or the Rules.
- (5) A single act of a Licensee or Registrant that results in the violation of more than one provision of the Sports Gaming Act or the Rules may result in a fine being imposed for each provision of the Sports Gaming Act or the Rules that is violated.
- (6) Unless separated by significant time or notice of a violation from the Council, a single act or omission that results in multiple violations of the same provision of the Sports Gaming Act or the Rules will be subject to a single fine for the multiple violations that result from the single act or omission.
- (7) Repeated violations of the same provision of the Sports Gaming Act or of the Rules by a Licensee or Registrant may result in a separate fine for each violation.

- (8) Payment of a fine shall not excuse the failure to correct the violation, nor shall it bar further action in accordance with the Rules.
- (9) Failure to timely remit a fine may be cause for the Council to suspend a License or Registration until the Licensee or Registrant pays the fine.
- (10) Fines against Licensees that accept wagers from minors or other persons ineligible to place wagers in Tennessee or against persons unlawfully accepting wagers from another person without a license or at a location in violation of the Sports Gaming Act will be imposed in accordance with the administrative fines set forth in T.C.A. § 4-49-127. The Council may also suspend, revoke or refuse to renew a Licensee in violation of this Rule.

Authority: T.C.A. §§ 4-49-106, 4-49-115, 4-49-126, and 4-49-127.

1350-03-.01 Applicability.

This Chapter contains Minimum Internal Controls Standards ("MICS") applicable to all Licensees. The purpose of this Chapter is to ensure all Licensees apply the same minimal due diligence to their Interactive Sports Gaming operations in the State of Tennessee, including procedures, administration, and accounting controls in order to maintain the integrity of sports wagering in the State of Tennessee and to protect the public interest. Compliance with this Chapter ensures that Licensees have appropriate security controls in place so that Players are not exposed to unnecessary risks when choosing to participate in Interactive Sports Gaming.

This Chapter shall be included in and made a part of any Licensee's Interactive Sports Gaming operations. This chapter may be amended pursuant to T.C.A. § 4-49-106(b). Defined terms, unless otherwise noted, shall have the same meaning included in Rule 1350-01-.02.

Authority: T.C.A. §§ 4-49-106, 4-49-110, 4-49-115, and 4-49-125.

1350-03-.02 General Standards.

The following controls are required for Licensees offering Interactive Sports Gaming:

- (1) A Licensee shall receive approval from the Council of its internal controls for all aspects of Sports Gaming Systems prior to commencing operations, as well as any time a significant change is made thereafter. The internal controls shall be submitted to the Council as part of the License Application, and shall be approved by the Council prior to the Licensee begins conducting Interactive Sports Gaming.
- (2) The following list of items includes procedures and controls that must be a part of each Licensee's internal controls:
  - (a) Safeguarding assets and revenues, including maintaining reliable records relating to accounts, transactions, profits and losses, operations, and events;
  - (b) Safeguarding Sports Gaming Accounts;
  - (c) Requirements for internal and independent audits of Licensee;
  - (d) User access controls for all Interactive Sports Gaming personnel;
  - (e) Segregation of duties among all Interactive Sports Gaming personnel;
  - (f) Automated and manual risk management procedures;
  - (g) Procedures for identifying and reporting fraud, Cheating, and Suspicious or Unusual Wagering Activity;
  - (h) Procedures for identifying and preventing Minors from engaging in Interactive Sports Gaming;

- (i) Procedures to prevent wagering by Prohibited Participants;
- (j) Description of AML compliance standards;
- (k) Description of all types of Wagers available to be offered by the Sports Gaming System;
- (l) Description of all integrated third-party systems;
- (m) Description of all hardware and software applications that comprise the Sports Gaming System;
- (n) Description and sources of data and information feeds and services, including, but not limited to, official data, odds and line monitoring services, integrity monitoring services, and risk management support;
- (o) Controls ensuring regulatory compliance;
- (p) A monitoring system utilizing software to identify irregularities in volume or odds and swings that could signal Suspicious Wagering Activities that should require further investigation;
- (q) Suspicious Wagers over any threshold set by the Licensee; and
- (r) Description of the method to prevent past posting (i.e., a wager made outside of the wager period).

(3) Changes to Sports Gaming Systems

(a) A Licensee shall maintain a change management log listing changes to its Sports Gaming System. A Licensee shall submit the log to the Executive Director on the 15<sup>th</sup> day following the close of each calendar quarter. The log shall list:

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1. Date and time of change;

2. A description and reason for the change, including each regulated control program component affected. If the component being changed is a hardware component, include its physical location;

3. The name or other user ID of the individual responsible for authorizing and/or conducting the change;

4. SWAC approval date, if applicable;

5. The level of the change (Level 1, 2, or 3); and

6. The recording of the new digital signature for any change to a regulated control program component.

(b) Classification of changes:

1. Level 1- No Impact: This change has no impact to regulated components of the Sports Gaming System. A Licensee shall report Level 1 changes as part of the quarterly change management log submission.

2. Level 2 – Low Impact: This change has a low impact on the integrity of the Sports Gaming System, including hardware component changes. A Licensee shall report Level 2 changes to the Executive Director at least five (5) business days in advance of the proposed implementation. The Executive Director may request more information or a pause in implementation if there are concerns.



3. Level 3 – High Impact. This change has a high impact on regulated components of the Sports Gaming System. A Licensee shall obtain prior written approval from the Executive Director or designee for Level 3 changes. A Licensee shall submit a request for a Level 3 change to the Executive Director for review and approval at least ten (10) business days in advance of the proposed implementation. The Licensee may deploy the update only after receiving written approval from the Executive Director or designee.

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Authority: T.C.A. §§ 4-49-106, 4-49-110, 4-49-111, 4-49-112, 4-49-115, 4-49-117, 4-49-122, and 4-49-125.

1350-03-.03 User Access Controls for All Interactive Sports Gaming Personnel.

- (1) A system administrator shall establish user accounts for all new employees responsible for or with duties relating to Interactive Sports Gaming in the State of Tennessee. Provisioning for user accounts consists of assigning application functions matching the employee's job responsibilities, unless otherwise authorized by management personnel, to ensure adequate separation of duties.
- (2) The access provisioning process must be documented. Documentation must evidence authorization by the appropriate management personnel, original user access, and each subsequent change to the user account. Documentation must be maintained and made available upon request to the Council.
- (3) A Sports Gaming System must store "User Access Listing" information and contain at a minimum:
  - (a) Employee name and title or position.
  - (b) User login name.
  - (c) Full list and description of application functions that each group/user account may execute.
  - (d) Date and time account created.
  - (e) Date and time of last login.
  - (f) Date of last password change.
  - (g) Date and time account disabled/deactivated.
  - (h) Group membership of user account, if applicable.
- (4) "User Access Listing" information for the Sports Gaming System is to be retained for the most recent five (5) years. The information may be archived electronically if the listing is written to unalterable media (secured to preclude alteration). The list of users and user access for a Sports Gaming System must be available in electronic format that can be analyzed by analytical tools (e.g., spreadsheet or database) that may be employed by the Council.
- (5) When multiple user accounts are used for one employee within a single application, only one user account may be active (enabled) at a time if the concurrent use of the multiple accounts by the employee could create a segregation of duties deficiency. Additionally, the user account must have a unique prefix/suffix to easily identify the users with multiple user accounts within one application.
- (6) The system administrator must be notified Immediately when an employee, including one who has a user account with remote access capability, is known to be no longer employed (e.g., voluntary or involuntary termination of employment). Hostile terminations require immediate notification to the system administrator who must promptly disable/remove access rights to the system(s). Upon notification, the system administrator must change the status of the employee's user account from active to inactive (disabled) status.

The period of time for notification of the system administrator is to be set such that it is unlikely that the terminated employee would gain access, remote or otherwise, within the notification period.

- (7) The "User Access Listing" information must be reviewed at least quarterly by personnel independent of the authorization and user provisioning processes. The reviewer must maintain adequate evidence to support the review process, which includes the selected user accounts reviewed, documentation of the results of the review, and e-mails or signatures and dates indicating the individual(s) performing the review and when the user access listing was reviewed. For each of the randomly selected users, confirm that:
- (a) The assigned system functions are being used as authorized (i.e., system functions are appropriate for user's job position);
  - (b) The assigned functions provide an adequate segregation of duties;
  - (c) Terminated employees' user accounts have been changed to inactive (disabled) status;
  - (d) Passwords have been changed within the last 60-90 days; and
  - (e) There are no inappropriate assigned functions for group membership, if applicable.

Authority: T.C.A. §§ 4-49-106, 4-49-110, 4-49-115, and 4-49-125.

1350-03-.04 Segregation of Duties.

- (1) Each Licensee shall maintain an organizational structure that meets the following minimum criteria designed to preserve the integrity of the Interactive Sports Gaming operation:
- (a) A system of personnel and chain of command which permits management and supervisory personnel to be held accountable for actions or omissions within their area of responsibility;
  - (b) The segregation of incompatible functions so that no employee is in a position either to commit an error or perpetrate a fraud or to conceal an error or fraud in the normal course of his or her duties;
  - (c) Primary and secondary supervisory positions which permit the authorization or supervision of necessary transactions at all relevant times; and
  - (d) Areas of responsibility that are not so extensive as to be impractical for one person to monitor.
- (2) In addition to satisfying the above requirements, each Licensee's organizational structure shall include, at a minimum, the following functions, responsibilities, and supervisory roles:
- (a) Accounting.
    - i. Each Licensee shall have one or more individuals responsible for and dedicated to verifying financial transactions, and reviewing and controlling accounting forms and data. This function, which is sometimes referred to as "income or revenue audit," shall be independent of the transactions under review.
    - ii. Key Personnel serving as accounting officer, or equivalent, shall supervise the Accounting functions, responsibilities, and supervisory roles as provided for in this section.
  - (b) Interactive Sports Gaming.
    - i. Each Licensee shall have Interactive Sports Gaming functions, responsibilities,

and supervisory roles for Interactive Sports Gaming, which shall be responsible for the conduct of the Interactive Sports Gaming in accordance with the Rules.

- ii. Interactive Sports Gaming shall be supervised by a management-level employee who ensures that there is sufficient supervision, knowledge, and training to provide for the proper and fair conduct of sports gaming.
- iii. Key Personnel shall supervise the Interactive Sports Wagering functions, responsibilities, and supervisory roles as provided for in this section.

(c) Internal Audit.

- i. Each Licensee shall maintain an Internal Audit function for Interactive Sports Gaming either through an employee serving as internal auditor with sufficient background and experience to fulfill the role, through the use of company Internal Audit, or through outsourcing of this function. The Internal Audit function shall be responsible for, without limitation, the following:
  - a. Reviewing and appraising the adequacy of internal controls.
  - b. Ensuring compliance with internal controls through observations, interviews and review of accounting documentation.
  - c. Reporting instances of non-compliance with the system of internal controls.
- ii. Reporting of any material weaknesses in the system of internal controls.
- iii. Recommending improvements in the system of internal controls.
- iv. If maintained in-house, the Internal Audit function shall be supervised by Key Personnel serving as accounting officer, or equivalent.
- v. The Internal Audit function shall maintain its independence through an organizational reporting line that is outside the management of the sports gaming operation. The supervisor of the Internal Audit function shall have authority to access and report to any person or group independent of the business, such as to a non-executive independent director, compliance committee member, or independent audit committee.
- vi. Reports documenting audits performed shall be maintained for a minimum of five years and shall be made available to the Council upon request.
- vii. All material exceptions resulting from Internal Audit work shall be investigated and resolved with the results of such being documented and retained for a minimum of five years.
- viii. Internal Audit findings shall be reported to management and any instances of non-compliance shall be reported Immediately to the Council.
- ix. Management shall be required to respond to Internal Audit findings stating corrective measures to be taken to avoid recurrence of the audit exception. A report on corrective measures to be taken shall be sent to the Council simultaneously with or within ten (10) days of the internal audit non-compliance report.

(d) Management Information Systems (MIS).

- i. Each Licensee shall maintain an MIS function, which shall be responsible for the operation and integrity of the Sports Gaming System and the quality, reliability, and accuracy of all computer systems used in the operation.

- ii. The MIS function shall be responsible for, without limitation, the specification of appropriate computer software, hardware, and procedures for security, physical integrity, business continuity, and maintenance of:
    - a. Access codes and other data-related security controls used to ensure appropriately limited access to computers and the system-wide reliability of data;
    - b. Computer tapes, disks, or other electronic storage media containing data relevant to sports wagering operations;
    - c. Computer hardware, communications equipment and software used in the conduct of sports gaming operations; and
    - d. Adequate segregation of duties exists among developers, testing personnel, administrators, personnel who may promote changes into production, personnel who may access frozen code, etc.
  - iii. Key Personnel holding the position of an administrative officer, or equivalent, shall supervise the MIS function.
  - iv. All incidents related to information systems security, which may compromise the confidentiality, integrity, or availability of the Sports Gaming System, or involving Player Personally Identifiable Information (PII) shall be reported to the Council Immediately.
- (e) Compliance
- i. Each Licensee shall maintain a Compliance function, which shall be responsible for, without limitation, the following:
    - a. Due diligence and regulatory reporting requirements;
    - b. Serving as contact with the Council on regulatory matters;
    - c. Monitoring self-exclusion program;
    - d. Player complaints;
    - e. Investigating Unusual and Suspicious Wagering Activity; and
    - f. AML monitoring and reporting pursuant to federal law.
  - ii. Key personnel serving in the role of a compliance officer, or equivalent, shall supervise the Compliance function.

Authority: T.C.A. §§ 4-49-106, 4-49-110, 4-49-115, and 4-49-125.

1350-03-.05 Risk Management Procedures.

Each Sports Gaming System submitted to the Council for approval shall contain a description of its risk management framework.

Authority: T.C.A. §§ 4-49-106, 4-49-110, 4-49-115, and 4-49-125.

1350-03-.06 Identifying and Reporting Fraud and Unusual and Suspicious Activities.

A Licensee shall have Integrity Monitoring System Procedures in place to identify Unusual and Suspicious Wagering Activity and report such activity in accordance to procedures approved by the Council.

- (1) The Licensee's Integrity Monitoring System Procedures shall include a requirement that the Licensee submit all reports of Unusual and Suspicious activity to the Council and shall provide for sharing information with other Licensees, through an Independent Integrity Monitoring Association, as necessary.
- (2) If a Licensee finds that previously reported Unusual Wagering Activity rises to the level of Suspicious Wagering Activity or if an activity constitutes Suspicious Wagering Activity, it shall Immediately Notify the Council.
- (3) The monitoring and reporting requirements for Unusual and Suspicious activity, include, at a minimum:
  - (a) Attempts to violate or evade any federal, state, or local law or regulations pertaining to Interactive Sports Gaming in any jurisdictions;
  - (b) Violations or attempted violations of federal or state Anti- Money Laundering (AML) laws;
  - (c) Unusual or suspicious behavior or patterns of Wagers by Player as determined by the Licensee;
  - (d) Unusual geographical concentration betting;
  - (e) Wagers that have been placed online or through a mobile device using different accounts but having the same IP address;
  - (f) Unusual and abnormal proportion of bets against the favorite or for the underdog; or
  - (g) Unusual volumes of betting relative to the norm.
- (4) A Licensee must also submit an annual report to the Council which details its integrity monitoring services and activities and summarizes all Unusual Wagering Activity or Suspicious Wagering Activity notifications issued during the year.
- (5) If the Council receives an Unusual or Suspicious Wagering Activity report from a Licensee, the information shall be deemed confidential and shall not be revealed in whole or in part, except upon lawful order of a court of competent jurisdiction or upon notice or referral of a matter for further investigation to any law enforcement agency, regulatory or government agency, or sports governing body within the sole and absolute discretion of the Council.
- (6) Upon request by the Council or the Executive Director, a Licensee shall provide remote, read-only access and the necessary hardware for the Council to evaluate or monitor the Sports Gaming System.

Authority: T.C.A. §§ 4-49-106, 4-49-110, 4-49-115, 4-49-122, and 4-49-125.

1350-03-.07 Prevention of Interactive Sports Gaming by Ineligible Bettors.

Each Licensee shall submit to the Council its methodology for preventing a Bettor who is ineligible due to his/her inclusion in one or more classes of ineligible Bettors as enumerated in the Sports Gaming Act, § 4-49-112 from placing a Wager on Sporting Events or collecting winnings from Interactive Sports Gaming.

Authority: T.C.A. §§ 4-49-106, 4-49-110, 4-49-112, 4-49-115, and 4-49-125.

1350-03-.08 AML and Regulatory Compliance Standards.

- (1) Each Licensee shall submit to the Council for approval a description of its AML and regulatory compliance programs, policies, and procedures.
- (2) Each Licensee shall notify the Council Immediately upon discovery and knowledge of any violation or non-compliance with the AML compliance program, policies, and procedures; AML

laws or regulations; any regulatory compliance program, policies, and procedures; or any law or regulation governing the Licensee in any jurisdiction, including the State of Tennessee.

Authority: T.C.A. §§ 4-49-106, 4-49-110, 4-49-115, and 4-49-125.

1350-03-.09 Types of Wagers Available.

- (1) Each Licensee shall only offer Wagers on Sporting Events approved by the Council, a list of which shall be posted on the Council's website. The Council shall notify Licensees when a Sporting Event is no longer included on the list of approved Sporting Events upon which Wagers may be placed or accepted.
- (2) Any Licensee may petition the Council for approval of a new Sporting Event upon which Wagers may be placed or accepted.
  - (a) A petition for approval of a proposed new Sporting Event must be in writing and submitted a minimum of 72 hours prior to being offered.
  - (b) A proposed new Sporting Event may be a variation of an authorized sports wagering event, a composite of authorized Sporting Events, or any other Sporting Event compatible with the public interest.
  - (c) A petition for a proposed new Sporting Event shall be in writing, signed by the petitioner, and shall include the following information:
    1. The name of the petitioner;
    2. Whether the new Sporting Event is a variation of an authorized Sporting Event, a composite of authorized Sporting Event, or any other Sporting Event compatible with the public interest;
    3. A complete and detailed description of the new Sporting Event for which approval is sought;
    4. Evidence of governing body rules and regulations or independent integrity monitoring of the new Sporting Event; and
    5. Any other pertinent information or material requested by the Council.
  - (d) No Wagers may be accepted on a proposed Sporting Event until it has been approved by the Council.

Authority: T.C.A. §§ 4-49-106, 4-49-110, 4-49-115, 4-49-122, and 4-49-125.

1350-03-.10 Third-Party Systems.

- (1) The Licensee shall have policies and procedures for managing third parties who provide information system services, hardware, and/or software or interact with the Sports Gaming System. Licensees are responsible for monitoring their adherence to relevant security requirements, including:
  - (a) Agreements with third-party service providers involving accessing, processing, communicating, or managing the system and/or its components, or adding products or services to the system and/or its components shall cover all relevant security requirements.
  - (b) The services, reports, and records provided by the third-party service providers shall be monitored and reviewed annually.
  - (c) Changes to the provision of third-party service providers, including maintaining and

improving existing security policies, procedures, and controls, shall be managed, taking account of the criticality of systems and processes involved and re-assessment of risks.

- (d) The access rights of third-party service providers to the system and/or its components shall be removed upon termination of their contract or agreement or adjusted upon change.
  - (e) Verification that third-party service providers are licensed as a Vendor in accordance with the Rules as may be required.
- (2) Third Parties who provide information system services and/or software must comply with the requirements set forth in Sections 1350-03-.12 and 1350-03-.13.

Authority: T.C.A. §§ 4-49-106, 4-49-110, 4-49-115, and 4-49-125.

1350-03-.11 Prohibition on Wagers and Payouts to Minors.

- (1) Licensees shall not permit Sports Gaming Accounts to be established, deposits to be made by, or Wagers to be placed by Minors. Each Licensee shall maintain a system through which it verifies the age and identity of the Bettor and verifies that Wagers are not made by Minors. This system shall be approved by the Council through the Sports Gaming Operating System Assessment.
- (2) Licensees shall establish procedures to reasonably ensure a Bettor who is a Minor is prohibited from participating in Interactive Sports Gaming and such procedures are delineated within the Licensee's written system of internal controls. These procedures, at a minimum, shall include:
  - (a) Verification of the full identify of the Bettor prior to the Bettor being allowed to make a deposit into his/her Sports Gaming Account or making a Wager on a Sporting Event.
  - (b) Verification of the Bettor's age through a recognized national database or service (or other commercially reasonably standard for age verification) using at a minimum the player's full name, date of birth, and last four (4) digits of the Bettor's social security number or taxpayer identification.
- (3) Licensees shall provide the Council information about its procedures or methodology for verifying the age of a Bettor. Licensee shall notify the Council of any changes to its procedures or in the event there is a change of a Vendor, as applicable, that provides an age verification services to the Licensee.
- (4) Licensees shall prohibit any Minor from collecting payouts or winnings from Interactive Sports Gaming.

Authority: T.C.A. §§ 4-49-106, 4-49-110, 4-49-111, 4-49-115, and 4-49-125.

1350-03-.12 Information System Minimum Controls.

- (1) Licensees shall verify Sports Gaming Systems daily to ensure the date and time is properly displayed and registered for Wagers made pursuant to Sports Gaming Accounts. Licensees shall Immediately Report any discrepancies to the Council.
- (2) Licensee shall implement an Integrity Monitoring System utilizing software to identify irregularities in volume or odds and swings that could signal Unusual or Suspicious Wagering Activities that should require further investigation and shall Immediately Report such findings to the Council.
- (3) Sports Gaming Systems shall be designed to only allow Wagers to be created using an authorized Sports Gaming Account.
- (4) Sports Gaming Systems shall contain a mechanism to prevent the creation of a Wager before or after the official Wager timeframe (i.e., prior to posting of the Wager and subsequent to the outcome of a Sporting Event or cutoff).

- (5) Sports Gaming Systems shall be incapable of voiding a Wager subsequent to the outcome of a Sporting Event or cutoff.
- (6) Sports Gaming Systems shall automatically authorize payment of winning Wagers and update a Player's Sports Gaming Account.
- (7) Sports Gaming Systems shall be incapable of authorizing payment on a Wager that has been previously paid or voided.
- (8) Sports Gaming Systems shall be designed to prevent an individual, group of individuals or entity from tampering with or interfering with the operation of Interactive Sports Gaming or Sports Gaming Systems.
- (9) Sports Gaming Systems shall be configured to terminate a Player's session, and/or require re-authentication, after a prescribed period of inactivity by the Player not to exceed thirty (30) minutes.
- (10) Sports Gaming Systems shall be configured to lock Player Sports Gaming Accounts after three (3) failed login attempts. If the Licensee allows accounts to unlock automatically after a prescribed amount of time has elapsed, Multi-Source Authentication shall be required on the next login.
- (11) Sports Gaming Systems shall be designed to ensure the integrity and confidentiality of all communications and ensure the proper identification of the sender and receiver of all communications. If communications are performed across a public or third-party network, the system shall either encrypt the data packets or utilize a secure communications protocol to ensure the integrity and confidentiality of the transmission.
- (12) Confidential and/or sensitive electronic data shall be encrypted while both at rest or in transit using the current standards and methodologies set forth in Special Bulletins issued by the National Institute of Standards and Technology (NIST). Confidential and/or sensitive electronic data may include, but is not limited to, Sports Gaming System and Player passwords, personally identifiable information (PII), and Player banking information.
- (13) User authentication to the Sports Gaming Systems and other system components shall be configured consistent with the current standards and methodologies set forth in Special Bulletins issued by the NIST.
- (14) Sports Gaming Systems shall monitor for and Immediately Report to the Licensee and the Council any malfunction or security incident that adversely affects the integrity of critical data or system functionality.
- (15) A system event log or series of reports/logs for operating systems (including the database layer and network layer) and applications must be configured to track at least the following events:
  - (a) Failed login attempts;
  - (b) Changes to live data files occurring outside of normal program and operating system execution;
  - (c) Changes to operating system, database, network, and application policies and parameters;
  - (d) Audit trail of information changed by administrator accounts;
  - (e) Changes to date/time on master time server;
  - (f) Significant periods of unavailability of the Sports Gaming System or any critical component of the Sports Gaming System; and



- (g) Other significant events.
- (16) Sports Gaming Systems shall record and generate daily reports that may be accessed and reviewed by the Council upon request on the following:
  - (a) Wagers exceeding \$10,000;
  - (b) Futures Wagers;
  - (c) Sports Gaming Account activity, including Sports Gaming Account number, transaction, and transaction amount. The report must include deposit amounts, withdrawal amounts, winnings, and Wagers made; and
  - (d) Changes in odds, Wager cutoff times, event data, or Sporting Event results.
- (17) Sports Gaming Account management shall be configured in a manner to ensure the confidentiality and integrity of the Player PII and to protect the Sports Gaming Account from unauthorized use. The following controls surrounding Sports Gaming Accounts must be present at a minimum:
  - (a) Once a Sports Gaming Account is created, a secure personal identification for the Player authorized to use the Sports Gaming Account shall be established that is reasonably designed to prevent the unauthorized access to, or use of, the Sports Gaming Account by any individual other than the player for whom the Sports Gaming Account is established;
  - (b) Controls shall be in place to ensure the strength of Player's passwords;
  - (c) A Player shall have only one (1) Sports Gaming Account per Licensee;
  - (d) Player's Sports Gaming Account shall be Immediately suspended, and Player's identification shall be Immediately re-verified upon reasonable suspicion that the Player's identification has been compromised;
  - (e) Player's Sports Gaming Account shall be disabled after three failed log-in attempts and require Multi-Source Authentication to recover or reset a password or username;
  - (f) Multi-Source Authentication shall be required before allowing a Player to reset the Sports Gaming Account password, access/update PII, transfer funds, unlock the Sports Gaming Account, or to remove a Player from the Licensee's self-exclusion list;
  - (g) Players shall be allowed to manage their profiles at all times when logged in regardless of their geographical location; and
  - (h) A mechanism shall be in place to suspend a Player's Sports Gaming Account in the event that there is suspicion that the Sports Gaming Account has been compromised or used to commit fraud or other illegal activity.
- (18) Licensees shall have policies and procedures for all changes to the Sports Gaming System and its related components. Documentation must be created and maintained for all changes to the production environment of the Sports Gaming System and its related components.
- (19) The Licensee shall have a documented process for performing and restoring Sports Gaming System back-ups. All backup media must be stored at a secure location offsite. Periodic testing of backup media must be performed to ensure that the Sports Gaming System can be restored in the event of a failure.
- (20) The integrity of all geolocation systems used by the Licensee shall be reviewed regularly to ensure it detects and mitigates existing and emerging location fraud risks. Evidence that the

geolocation System in use is updated to the latest version shall be provided to the Council at least every one hundred and eighty (180) days.

- (21) Interactive Sports Gaming may only be conducted over the Internet or through the use of mobile applications or other digital platforms. The internal controls for the Sports Gaming Systems shall apply to all websites and applications used to provide this functionality.
- (22) Additional system specifications and Sports Gaming Systems logging requirements may be specified by the Council through the issuance of technical bulletins in the case of exigent circumstances.
- (23) Each Licensee shall immediately report to the Council any known violations or incidents of non-compliance with any part of this chapter.

Authority: T.C.A. §§ 4-49-106, 4-49-110, 4-49-115, 4-49-122, and 4-49-125.

1350-03-.13 Information System Audit Requirements.

A Sports Gaming System shall, at least once every twenty-four (24) hours, perform a self-authentication process on all software used to offer, record, and process Wagers to ensure there have been no unauthorized modifications. In the event of an authentication failure, at a minimum, the Sports Gaming System shall immediately notify the Licensees' Information Systems Officer, or equivalent, and the Council within twenty-four (24) hours. The results of all self-authentication attempts shall be recorded by the system and maintained for a period of not less than ninety (90) days.

Authority: T.C.A. §§ 4-49-106, 4-49-110, 4-49-115, and 4-49-125.

1350-04-.01 Purpose and Scope – Access to Public Records of the Sports Wagering Advisory Council.

- (1) Pursuant to T.C.A. § 10-7-503(h)(2), the Sports Wagering Advisory Council hereby adopts the following Public Records Rules to provide economical and efficient access to public records held by the Sports Wagering Advisory Council as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Ann. § 10-7-501, *et seq.*
- (2) In accordance with these rules, staff of the Sports Wagering Advisory Council shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provision of these Rules shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the Sports Wagering Advisory Council shall be protected as provided by current law. Concerns about these Rules should be addressed to the Public Records Request Coordinator for the Sports Wagering Advisory Council ("PRRC") or to the Tennessee Office of Open Records Counsel ("OORC").

Authority: T.C.A. §§ 10-7-501, *et seq.*

1350-04-.02. Definitions.

- (1) "Public Records" shall mean all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.
- (2) "Public Records Request Coordinator" or "PRRC" shall mean the individual, or individuals, who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. The contact information for the PRRC is:

Sports Wagering Advisory Council  
Attn: General Counsel  
500 James Robertson Parkway

Nashville, TN 37243  
Phone: (615) 770-3947  
Email: [SWAC.PRRC@tn.gov](mailto:SWAC.PRRC@tn.gov)

- (3) "Records Custodian" shall mean the office, official or employee lawfully responsible for the direct custody and care of a public record. The records custodian is not necessarily the original preparer or receiver of the record.
- (4) "Requestor" shall mean a citizen of the State of Tennessee seeking access to a public record, whether for inspection or duplication.

Authority: T.C.A. §§ 10-7-501, *et seq.*

1350-04-.03 Hours of Inspection.

All public records held by the Sports Wagering Advisory Council, except for those deemed confidential by the TPRA and the Rules of the Council or other applicable law, shall be open for personal inspection by any citizen of the State of Tennessee at all times in which the Sports Wagering Advisory Council is otherwise open for business. Such hours of operation are generally Mondays through Fridays, 8:00 AM through 4:30 PM Central Standard Time (CST), subject to Tennessee State Government Holiday Office Closures and/or other emergency or unanticipated office closures.

Authority: T.C.A. §§ 10-7-501, *et seq.*

1350-04-.04 Requesting Access to Public Records.

- (1) Public record requests, whether written or oral, shall be made to the PRRC in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- (2) Public record requests must include the following information clearly and concisely expressed:
  - (a) Name and Tennessee contact information (in order to provide any communication required under the TPRA);
  - (b) Detailed description of the records being requested, including type, timeframe, subject matter or key words, and any other information identifying the records;
  - (c) Statement whether the request is for inspection or receipt of copies; and
  - (d) Delivery preference if requesting copies.
- (3) Written requests for records must be directed to the PRRC and submitted on the prescribed form designated by the Sports Wagering Advisory Council. Written requests may be submitted by mail or by electronic mail to [SWAC.PRRC@tn.gov](mailto:SWAC.PRRC@tn.gov).
- (4) Requests for *inspection only* need not be made in writing and may be submitted orally in person or by phone to the PRRC. The PRRC shall request a mailing or email address from the requestor to be used for providing any written communication required under the TPRA.
- (5) Requests for *copies*, or requests for *inspection and copies*, must be made in writing on the prescribed form designated by the Sports Wagering Advisory Council and sent to the PRRC either by mail or electronic mail to [SWAC.PRRC@tn.gov](mailto:SWAC.PRRC@tn.gov).
- (6) Requests not made in the appropriate manner or not directed to the PRRC as provided herein will not be accepted. Requests made on social media or as comments on websites operated by the Sports Wagering Advisory Council will not be accepted.
- (7) Proof of Tennessee citizenship, by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID as determined by the PRRC), is required as a condition to inspect or receive copies of public records and must be presented with the request.

Authority: T.C.A. §§ 10-7-501, *et seq.*

1350-04-.05 Responding to Public Records Requests.

- (1) The PRRC shall review public record requests and make an initial determination of the following:
  - (a) Proof of Tennessee citizenship;
  - (b) Sufficiency of description of the records to allow specific identification;
  - (c) Whether the Sports Wagering Advisory Council is the custodian of the records; and
  - (d) Whether there is an exemption to access.
- (2) The PRRC shall acknowledge the receipt of all requests received from a requestor identifying as a Tennessee citizen and take any of the following appropriate actions:
  - (a) Advise the requestor of these rules, including:
    1. The requirement for proof of Tennessee citizenship;
    2. Form(s) required for copies;
    3. Fees; and
    4. Aggregation of multiple or frequent requests.
  - (b) If appropriate, deny the request in writing, providing the appropriate grounds for denial, including but not limited to the following:
    1. The requestor is not, or has not presented evidence of being, a Tennessee citizen;
    2. The request lacks specificity;
    3. An exemption makes the record not subject to disclosure under the TPRA (the PRRC shall provide the exemption in the written denial);
    4. The Sports Wagering Advisory Council is not the custodian of the requested records; and/or,
    5. The records do not exist.
  - (c) If appropriate, contact the requestor to inquire whether the request may be clarified or narrowed;
  - (d) Forward the records request to the appropriate records custodian within the Sports Wagering Advisory Council; or
  - (e) If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, the PRRC may advise the requestor of the correct governmental entity and PRRC for that entity, if known.
- (3) Upon receiving a public records request, a records custodian shall make requested public records available in accordance with applicable law.
- (4) If not practicable to provide requested records, the PRRC or the applicable records custodian shall, within seven (7) business days from the PRRC's receipt of the request, respond to the requestor with a Public Records Request Response form or email with equivalent information.

- (5) If a public record request is denied, the PRRC shall deny the request in writing, providing the basis for the denial.
- (6) If a records custodian or PRRC reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian or PRRC should contact the requestor to inquire whether the request can be narrowed.
- (7) If, within a time reasonably close to the original request, a records custodian or the PRRC discovers records responsive to a records request were omitted, the records custodian or PRRC shall contact the requestor concerning the omission and produce the records as quickly as practicable.
- (8) If a record contains confidential information or information that is not open for public inspection, the records custodian or PRRC shall prepare a redacted copy prior to providing access. The PRRC shall consult with counsel as necessary to ensure appropriate redactions are made.

Authority: T.C.A. §§ 10-7-501, *et seq.*

1350-04-.06 Inspection of Records.

- (1) There shall be no charge for inspection of open public records.
- (2) The location for inspection of records within the offices of the Sports Wagering Advisory Council shall be determined either by the PRRC or the records custodian and shall occur during times in which the Sports Wagering Advisory Council is open for business.
- (3) Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location.

Authority: T.C.A. §§ 10-7-501, *et seq.*

1350-04-.07 Copies of Records.

- (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- (2) Copies will be available for pickup at a location specified by the records custodian or PRRC. Payment will be required prior to production of the records, or prior to production of the records via email to the requestor.
- (3) Upon payment for postage and for production costs, copies will be delivered to the requestor's mailing address by the United States Postal Service if requested.
- (4) The PRRC may allow a requestor to make copies of inspected records with personal equipment at the inspection location, upon prior approval by the PRRC and payment in advance of any costs and fees incurred by the Sports Wagering Advisory Council in preparing the records to be copied. A requestor will not be allowed to connect any personal equipment to a Sports Wagering Advisory Council end-point device or the network and will not be allowed to jeopardize the integrity or organization of the records.

Authority: T.C.A. §§ 10-7-501, *et seq.*

1350-04-.08 Fees and Procedures for Billing and Payment.

- (1) Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.

- (2) When fees for copies and labor do not exceed \$10.00 per requestor per calendar year, the fees may be waived.
- (3) Unless otherwise provided by law, fees and charges for copies are as follows:
  - (a) \$0.15 per page for letter- and legal-size black and white copies.
  - (b) \$0.50 per page for letter- and legal-size color copies.
  - (c) Employee labor expense, when time exceeds 1 hour.
  - (d) If an outside vendor is used, the actual costs assessed by the vendor.
- (4) If requests for copies are made following a request to inspect, employee labor expense will be included in the calculation of charges on a pro-rated basis.
- (5) Payment is to be made in cash or check payable to the Sports Wagering Advisory Council and delivered to the PRRC.
- (6) Payment in advance will be required when estimated costs exceed \$10.00.
- (7) Records requests in excess of four requests per month from either the same individual or a group of individuals deemed to be acting in concert, as determined by the PRRC, may be aggregated for computation of expenses.

Authority: T.C.A. §§ 10-7-501, *et seq.*

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: \_\_\_\_\_

Title of Officer: \_\_\_\_\_

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Filed with the Department of State on: \_\_\_\_\_

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Tre Hargett  
Secretary of State