

8/15/2022



**Maryland Sports Wagering Application
Review Commission**

Sports Wagering Facility License Application

Maryland Sports Wagering Application Review Commission
Application for Sports Wagering Facility License

A. Introduction

Maryland's sports wagering law (located at State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland) ("**SG**") and Code of Maryland Regulations ("**COMAR**") 36.10 and 36.11 (the "**Sports Wagering Law**") is explained on Maryland's Sports Wagering Application Review Commission's website, www.swarc.org, and additional information is available at [MD Sports Wagering](#). In addition to the Sports Wagering Law, other relevant authority for the Sports Wagering Law is found in SG § 9-1A *et seq.* and COMAR 36.03.

Applicants for sports wagering facility licenses (each an "**Applicant**") are subject to review by two state commissions:

1. Maryland's Sports Wagering Application Review Commission ("**SWARC**") is responsible for **awarding** sports wagering facility licenses to **qualified** Applicants. SWARC may only **award** a sports wagering facility license that it determines is in the public interest and based upon its established criteria. SWARC may not **award** a sports wagering facility license until after the Maryland Lottery and Gaming Control Commission (the "**Commission**") finds an Applicant **qualified** for a sports wagering facility license.
2. The Commission is required to investigate Applicants (including their principals, officers, directors, and owners or persons holding equivalent positions) to determine if they are **qualified** to hold a sports wagering facility license. Individuals and entities subject to the Commission's background investigations must establish, by clear and convincing evidence, that they are **qualified** to be licensed. The Commission's sports wagering facility license application is separate from, and in addition to, the SWARC Sports Wagering Facility License Application.

B. Sports Wagering Licenses Awarded by SWARC

This SWARC application relates only to a Class B sports wagering facility license. There is a separate SWARC application (and application fee) for a mobile sports wagering license. Only the holder of a sports wagering facility license **awarded** by SWARC and **issued** by the Commission is authorized to conduct, offer, and operate sports wagering at a single facility.

C. SWARC Application Process (Separate from the Commission)

Under the Sports Wagering Law, SWARC will review an Applicant's sports wagering facility license application that is complete, timely submitted, and accompanied by the receipt of the non-refundable application fee that is submitted to the Commission. SWARC's **award** of a sports wagering facility license will be based upon the evaluation criteria set forth in SWARC's regulations, which can be found in COMAR Title 36, Subtitle 11. Additionally, attached as **Attachment 1** to this application is a list of the evaluation criteria.

D. Commission Application Process (Separate from SWARC)

In addition to the SWARC application, all Applicants for a sports wagering facility license must also complete and submit to the Commission, through its eLicensing portal, the Commission's Sports Wagering Facility License Application - Form #4001 ([Form 4001](#)), together with all other Commission applications including the following, as applicable to the Applicant:

- Principal Employee License Application - Form #1004 ([Form 1004](#));
- Sports Wagering Principal Entity Disclosure Form - Form #4006 ([Form 4006](#)); and

- Sports Wagering Institutional Investor Waiver Forms - Form #4007 ([Form 4007](#)).

Prospective Applicants are encouraged to review the Commission applications and to register for the Commission's eLicensing portal as early as possible to begin completing such Commission applications. Instructions on how to access the Commission's eLicensing portal can be found at [Commission Sports Wagering Licensing](#). An Applicant may (but is not required to) access the Commission's eLicensing portal and complete the Commission applications before the Applicant submits its SWARC application and non-refundable SWARC application fee. After an Applicant submits its Commission applications and pays the Commission's investigation fees, the Commission will conduct criminal and financial background investigations to determine whether an Applicant is **qualified** to be **issued** a sports wagering facility license. The Commission will not begin background investigations until the required background investigation fees are paid to the Commission in the manner described in the Commission's Sports Wagering Facility License Application, Form #4001 ([Form 4001](#)).

E. Eligible SWARC Application

An application must be for an eligible sports wagering facility location to be considered. An application is not eligible for award of a sports wagering facility license if the SWARC application seeks award of a Class B-1 or Class B-2 sports wagering facility license to an Applicant:

1. Who is eligible to apply for a Class A-1 or A-2 sports wagering facility license under State Government Article, §9-1E-06(a)(1);
2. Who holds a Class A-1 or A-2 sports wagering facility license; or
3. Whose sports wagering facility will be located within any of the following zones (each an "**Exclusion Zone**"):
 - a. Within a 15-mile radius of a Class A-1 or A-2 sports wagering facility located in Cecil County (Hollywood Casino Perryville) or Worcester County (Casino at Ocean Downs);
 - b. Within a 15-mile radius of a Class B-1 or B-2 sports wagering facility located in Charles County (Riverboat on the Potomac);
 - c. Within a 10-mile radius of a Class B-1 or B-2 sports wagering facility located in Carroll County (Greenmount Station);
 - d. Within a 5-mile radius of a Class B-1 or B-2 sports wagering facility located in Frederick County (Longshots); or
 - e. Within a 1.5-mile radius of:
 1. A Class A-1 or A-2 sports wagering facility located in a county not described under in paragraph 3.a. above (Horseshoe Casino, Baltimore; Live! Casino and Hotel, Hanover; MGM National Harbor Casino, Oxon Hill; Oriole Park; M&T Bank Stadium; FedEx Field; and Laurel and Pimlico racetracks); or
 2. Any other Class B-1 or B-2 sports wagering facility identified in the Sports Wagering Law (The Maryland State Fairgrounds; Rod n Reel Resort, Chesapeake Beach; Bingo World, Baltimore; and The Jockey Bar and Grille, Boonsboro).

On or before **[INSERT DATE - TBD calendar days prior to due date]** prospective Applicants are encouraged to (but not required to) send an email to gaming.services@maryland.gov indicating the address of the proposed location of the Applicant's sports wagering facility should such Applicant be **awarded** a license. Upon receipt of such email, SWARC will confirm that the proposed location is not located within an

Exclusion Zone as described above. If SWARC determines that a proposed location is within an Exclusion Zone, SWARC will promptly advise the Applicant.

F. Instructions on How to Submit a SWARC Sports Wagering Facility License Application

1. Complete the SWARC application.
2. Sign and notarize the completed SWARC application.
3. On or before **5:00 p.m. Eastern Time on [INSERT DATE]** (the “SWARC Due Date”), submit the completed SWARC application, together with the required copies of the completed SWARC application (set forth below) to SWARC. SWARC applications may be delivered to SWARC by mail, courier, or hand delivery to the following address:

**Sports Wagering Application Review Commission
c/o Maryland Lottery and Gaming Control Commission
1800 Washington Boulevard, Suite 330
Baltimore, MD 21230.**

All SWARC applications must be received by SWARC on or before the SWARC Due Date.

Each Applicant must submit:

- One (1) *original* complete SWARC application containing all original signatures (printed on 8.5” x 11” paper, assembled in a three-ring or another type of binder which may be opened and individual pages may be removed, and with each page numbered and labeled with the Applicant’s name and date of submission) clearly labeled “ORIGINAL SWARC APPLICATION” on the outside cover;
 - Ten (10) identical hardcopies of the complete SWARC application (printed on 8.5" x 11" paper, assembled in a three-ring or another type of binder which may be opened and individual pages may be removed, and with each page numbered and labeled with the Applicant's name and date of submission) clearly labeled "SWARC APPLICATION COPY #[1][2][3]..." on the outside cover;
 - Two (2) electronic copies of the complete SWARC application (each, an “**Electronic Copy**”), submitted via a separate USB flash drive clearly labeled “ELECTRONIC COPY #[1][2]”, primarily in a bookmarked PDF format (except that certain materials such as, for example, financial materials may be submitted containing interactive electronic versions (e.g., in Microsoft Excel or other file formats commonly used for the production of such material));
 - Two (2) identical hardcopies of the SWARC application with all information the Applicant views as being exempt from disclosure under Maryland’s Public Information Act, General Provisions Article, § 4-101 *et seq.*, Annotated Code of Maryland (“**PIA**”) *redacted* (each a “**Redacted Application**”) (printed on 8.5” x 11” paper, assembled in three-ring or another type of binder which may be opened and individual pages may be removed, and with each page numbered and labeled with the Applicant’s name and date of submission), each clearly marked “REDACTED COPY #[1][2]”, together with a letter enumerating the specific grounds under the PIA for such exemptions; and
 - One (1) electronic copy of the Redacted Application submitted via a separate USB flash drive clearly labeled “ELECTRONIC REDACTED COPY.”
4. On or before the SWARC Due Date, submit to the Commission the non-refundable SWARC application fee of:

- \$250,000 for an Applicant seeking a Class B-1 sports wagering facility license; or
- \$50,000 for an Applicant seeking a Class B-2 sports wagering facility license.

The SWARC application fee must be paid to the Commission by a wire transfer to:

Bank Name: Wells Fargo Bank, N.A.
Bank Address: 420 Montgomery Street, San Francisco, CA 94104
Account Name: Maryland State Lottery
ABA Routing Number: 121000248
Swift Code: WFBIU6S
Account Number: 4928823376
Chips Code: 0407

If you do not submit your application and application fee on time, SWARC will reject your application.

5. No later than 14 calendar days after the date the Applicant submitted its SWARC Application, complete and submit all applicable Commission applications through the Commission's eLicensing portal.

G. How to Complete this SWARC Application

1. Read each question carefully. Answer each question completely. **Do not leave blank spaces.** If a question does not apply to the Applicant, respond as "Not Applicable" or "N/A".
2. An Applicant has a continuing duty to disclose **promptly** any changes to the information submitted in its application. Responses to questions and other information provided in this application are subject to verification. Missing, misleading or inaccurate information may result in the rejection of an application.
3. SWARC will **award** a sports wagering facility license to those **qualified** Applicants who, in SWARC's sole judgment, best meet its evaluation factors.
4. Confidential information supplied by the Applicant will be used by SWARC in the ordinary course of evaluating an application. All Applicants should familiarize themselves with the PIA. If SWARC receives a request for records pertaining to an application, the request will be handled as required by the PIA. The PIA exempts from public disclosure, for example, records containing confidential commercial or financial information, and trade secrets. An Applicant should clearly identify those portions of its application that it deems to be confidential (as instructed in Section F.3. of this application). An Applicant's blanket statement that its entire application is "confidential" is unacceptable.
5. Applications must be typewritten; handwritten applications will not be accepted.
6. Submission of an application confers no rights. Application fees are not refundable or transferable and will not be returned to unsuccessful Applicants.
7. All notices and questions regarding an application will be sent to the contact person provided by the Applicant in its application. The Applicant must immediately notify SWARC of any change of address.
8. All submissions made in connection with this application will become the property of SWARC and will not be returned.
9. An Applicant may withdraw its application after submission by written notice to SWARC. The non-refundable application fee will not be refunded.

10. In its sole discretion, SWARC may request additional information from an Applicant. Any Applicant who fails to provide any additional requested information within fourteen (14) calendar days of a request (or such other period as may be granted by SWARC) may not be **awarded** a sports wagering facility license.

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SWARC APPLICATION

1. Applicant Information		
A. Name of Applicant		
Name of Applicant:* _____ *As written on the Articles of Incorporation, Bylaws, Charter, partnership agreement, or other official documents filed with a state or federal agency.		
Doing Business As or Trade Names: _____		
Name under which the Applicant would conduct sports wagering: _____		
Applicant's Tax ID number: _____		
Submit as Exhibit 1A a certification of good standing with the Maryland State Department of Assessments and Taxation for the Applicant.		
Date the business was established: _____ State of organization: _____		
B. Applicant's Form of Organization		
Check one:	<input type="checkbox"/> Partnership	<input type="checkbox"/> Limited Liability Company
<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Trust
<input type="checkbox"/> S-corporation	<input type="checkbox"/> C-corporation	<input type="checkbox"/> Other (describe): _____
C. Point of Contact for Applicant		
Name:		Title/Position:
Address Line 1 (Street Location):		
Address Line 2:		
City:	State:	Zip code:
Email address:	Telephone number:	Fax number:
D. Applicant's Principal Business Address		
Address Line 1 (Street Location):		
Address Line 2:		
City:	State:	Zip code:
Country:	Telephone number:	Fax number:
Mailing Address, if different from above Address Line 1:		

Address Line 2:		
City:	State:	Zip code:
Country:	Telephone number:	Fax number:
Web Site Address(es):		

E. Type of License Applied For

Applicant is applying for (check one):

- Class B-1 Sports Wagering Facility License (*greater than 24 full-time equivalent employees and greater than \$3,000,000 in annual aggregate gross receipts*).
- Class B-2 Sports Wagering Facility License (*less than 25 full-time equivalent employees or less than \$3,000,000 in annual aggregate gross receipts*).

To determine Applicant’s full-time equivalent employees, an Applicant must do the following calculation:

- (1) determine the total number of hours worked by **all** employees of the Applicant (including both full-time or part-time employees) during the most-recently ended calendar quarter (e.g., April 1, 2022 to June 30, 2022);
- (2) divide the number determined in (a) by 520 (i.e., 13 weeks x 40 hours per week); and
- (3) round the number determined in (b) to the *nearest* whole number (i.e., if the first number after the decimal point is less than 5, then round down to the nearest whole number and if the first number after the decimal point is 5 or greater, then round up to the nearest whole number). For example, if the resulting number is 22.8, then round up to 23 or if the number is 22.3, then round down to 22. The resulting number is the number of full-time employees of the Applicant.

Submit as **Exhibit 1E** Applicant’s calculation of its full-time equivalent employees.

For purposes of determining Applicant’s annual aggregate gross receipts, SWARC will review and rely upon the information provided by Applicant in response to Item 6A below.

2. Applicant Ownership

A. Submit as **Exhibit 2A** an organizational chart for the Applicant showing its direct and indirect owners, subsidiaries, and affiliates.

B. Submit as **Exhibit 2B1** a capitalization table for the Applicant (in form set forth below) detailing all direct and indirect owners of the Applicant. List all the securities or shares in the Applicant including stock, convertible notes, warrants, partnership interests, limited liability company interests, or other equity interests for all classes of equity interests. SWARC will use the capitalization table to understand who owns and operates the Applicant. Ownership listed below by more than one person or by an entity must fully disclose all beneficial owners.

If an owner identified in the capitalization table is an entity, then also provide a capitalization table for each such entity owner. If an owner identified in the capitalization table is a publicly traded entity, then provide:

- (1) the name and percentage of ownership interest of each individual or entity with ownership of more than 5% of the voting shares of the entity, to the extent such information is known or contained in 13D or 13G Securities and Exchange Commission filings;
- (2) to the extent known, the names and percentage of interest of ownership of persons who are relatives of one another and who together (as individuals or through trusts) exercise control over or own more than 10% of the voting shares of the entity; and
- (3) any trust holding a more than 5% ownership or voting interest in the company, to the extent such information is known or contained in 13D or 13G Securities and Exchange Commission filings.

Form of Capitalization Table					
Owner / Investor Name	Amount Invested	Type/Class of Equity	Percentage of Ownership in Applicant	Voting/Non-Voting Rights	Terms, Conditions, Rights, etc. of Ownership

Additionally, per SWARC Regulation COMAR 36.11.02.19, SWARC may not award a competitive license to an Applicant unless the Applicant demonstrates that no less than 5% of the direct or indirect ownership in Applicant is held by individuals who have *personal net worth* of no more than \$1.847 million each.

“*Personal net worth*” means the net value of the assets of an individual remaining after total liabilities are deducted, including the individual’s share of assets held jointly or as community property with the individual’s spouse. Personal net worth does not include: (a) the individual’s ownership interest in the Applicant; (b) the individual’s equity in his or her primary place of residence; (c) any mortgage or loan secured by his or her primary place of residence as a liability; or (d) the cash value of any qualified retirement savings plans or individual retirement accounts.

In the capitalization table, clearly designate those owners of the Applicant who satisfy the requirements of COMAR 36.11.02.19. For purposes of determining an owner’s personal net worth, an Applicant may rely upon a signed, notarized statement from the owner to the Applicant whereby the owner certifies his/her personal net worth (an “**Owner Certification**”).

Submit as **Exhibit 2B2** a copy of each Owner Certification.

Note: Ownership details provided above must exactly align with your Commission application(s) for background investigations. Each investor holding 5% or more of the Applicant’s ownership must undergo a Commission background investigation. The Commission may, in its discretion, investigate any individual or entity associated with the Applicant.

C. Submit as **Exhibit 2C** copies of contracts, agreements or arrangements prescribing the terms, conditions, and rights relating to the ownership of the Applicant.

D. For each owner of Applicant identified in Item 2B above, submit as **Exhibit 2D** the following information for each such owner:

For individual owners:

Name, Address & Contact			
Last Name	First Name	Middle Name	Suffix (Jr., Sr., etc.)
Home Address Line 1		Home Address Line 2	
City		State/Province	

Postal Code	Country
Business Address Line 1	Business Address Line 2
City	State/Province
Postal Code	Country
Telephone Number	Email Address

For entity owners:

Name, Address & Contact	
Entity Name	Type of Entity (corporation, LLC, partnership, etc.)
Business Address Line 1	Business Address Line 2
City	State/Province
Postal Code	Country
Contact Person	Contact Person Telephone Number
Contact Person Email Address	

E. If the Applicant has sought investors, then submit as **Exhibit 2E** a detailed statement describing the serious, good faith efforts used by the Applicant to solicit and interview a reasonable number of minority and women investors and provide a list of names and addresses of all minority and women investors interviewed and whether or not any of those persons purchased an equity share in the Applicant.

ATTENTION APPLICANT:

If the Applicant is awarded a sports wagering facility license, then the Applicant must sign a memorandum of understanding with SWARC (the “SWARC Memorandum of Understanding”) that requires the awardee to make serious, good faith efforts to interview minority and women investors in any future attempts to raise venture capital or attract new investors to the entity awarded the sports wagering facility license. The form of SWARC Memorandum of Understanding is attached as Attachment 2 of this application. No sports wagering facility license will be issued until an awardee signs a SWARC Memorandum of Understanding. Applicants must check the box below to acknowledge and agree to this requirement.

Check here to certify that the Applicant, if awarded a sports wagering facility license, will execute the SWARC Memorandum of Understanding substantially in the form attached as Attachment 2.

3. Organization

A. Submit as **Exhibit 3A** certified copies of Articles (Certificate or Charter) of Incorporation, Articles (Certificate) of Organization or Formation, Bylaws, Limited Liability Company Agreement, Partnership Agreement (or equivalent organizational documents including any shareholder agreements, voting trust agreements, proxies or other agreements or understandings with respect to the voting, control and ownership of the Applicant) and all amendments or proposed amendments thereto for the Applicant.

B. Submit as **Exhibit 3B** an organizational chart identifying the principals (e.g., officers, directors or persons holding equivalent positions), personnel, employees, contractors or representatives of the Applicant that:

- (1) are able to control, or exercise significant influence over, the management, assets, or operating policies of the Applicant; and
- (2) will supervise the day-to-day sports wagering operations in Maryland.

For each person identified, provide the person’s name, business address, title/position, and a description of the person’s responsibilities.

4. Sports Wagering Facility Location

A. Submit as **Exhibit 4A** the location (including street address) of the facility (the “**Facility**”) at which sports wagering would be conducted assuming the Applicant is awarded a sports wagering facility license (the “**Facility Location**”). Additionally, indicate if such Facility Location is within an Opportunity Zone (for more information on Opportunity Zones, see [Maryland Opportunity Zones](#)) or an Enterprise Zone (for more information on Enterprise Zones, see [Maryland Enterprise Zones](#)). An application may not be submitted that does not identify the Facility Location, and once submitted, a Facility Location may not be changed.

B. Check here to confirm that the proposed Facility is not located within an Exclusion Zone. To check the Facility Location, enter the business address of the Facility in the tool available on the SWARC website: [Exclusion Zones](#)

5. Experience

A. Submit as **Exhibit 5A** a detailed description of the experience of the Applicant including, as applicable, its owners, principals (e.g., officers, directors or persons holding equivalent positions), personnel, employees, contractors or representatives of the Applicant in conducting sports wagering operations.

An Applicant may contract with an entity to conduct its sports wagering operations. This entity must submit an application to the Commission for a **Sports Wagering Facility Operator License**. The Applicant must provide: (1) the name, address, telephone number, and email address of the prospective Sports Wagering Facility Operator; (2) a summary of the experience of the Sports Wagering Facility Operator in conducting sports wagering operations (including, as applicable, the experience of its owners, principals (e.g., officers, directors or persons holding equivalent positions), personnel, employees, contractors or representatives); (3) a description of any contract, agreement, understanding, or other arrangement between the Applicant and the Sports Wagering Facility Operator relating Applicant’s proposed sports wagering operations; and (4) a copy of any contract, agreement, understanding or other arrangement between the Applicant and the Sports Wagering Facility Operator.

Attention Applicant: A prospective Sports Wagering Facility Operator must submit a Sports Wagering Facility Operator License to the Commission.

B. (1) Has the Applicant (or, if applicable, its Sports Wagering Facility Operator) or any affiliate, intermediary, subsidiary, principal or holding company of the Applicant (or, if applicable, its Sports Wagering Facility Operator) ever held or obtained in any jurisdiction a license, permit or other authorization to conduct or offer sports wagering operations (including single-game bets, teaser bets, parlays, over-under, money lien, pools, exchange wagering, in-game wagering, in-play bets, proposition bets, straight bets, etc.)?

Yes No

(2) Has the Applicant (or, if applicable, its Sports Wagering Facility Operator) or any affiliate, intermediary, subsidiary, principal or holding company of the Applicant (or, if applicable, its Sports Wagering Facility Operator), ever applied in any jurisdiction for a license, permit or other authorization to

conduct or offer gambling (including slot machines, video lottery terminals, table gaming, horse racing, dog racing, pari-mutuel operation, etc.) or Instant Bingo operations?

Yes No

(3) Has the Applicant (or, if applicable, its Sports Wagering Facility Operator) or any affiliate, intermediary, subsidiary, principal or holding company of the Applicant (or, if applicable, its Sports Wagering Facility Operator), ever had any license application, license, permit or other authorization offered or issued by any jurisdiction denied, surrendered, suspended, rejected or revoked in the last ten-year period?

Yes No

(4) If "Yes" to (1) or (2) above, within the past three (3) years, has the Applicant (or, if applicable, its Sports Wagering Facility Operator) or any affiliate, intermediary, subsidiary, principal or holding company of the Applicant (or, if applicable, its Sports Wagering Facility Operator), holding any such license, permit or other authorization been subject to any disciplinary matter, judgment, settlement, order, or decree pertaining to a violation of any state or federal statute, regulation or rule that resulted in a fine, penalty or payment of more than \$5,000?

Yes No

If "Yes" to any of the above questions, then provide as **Exhibit 5B** detailed information with respect to each license application, license, permit or other authorization.

6. Financial Information/Business Plan

A. Submit as **Exhibit 6A1** audited financial statements of the Applicant for the last two (2) years. If audited financial statements do not exist, provide unaudited financial statements including a balance sheet and profit and loss statement.

Submit as **Exhibit 6A2** tax returns of the Applicant for the last two (2) years.

If the Applicant is a newly formed entity that is a subsidiary of an existing entity, submit the requested financial information from the parent company.

SWARC will rely upon the information provided in these exhibits to determine the class of sports wagering facility license (Class B-1 or Class B-2) for which Applicant is eligible.

During the evaluation to determine the Applicant's financial stability, SWARC may require that additional financial documentation be submitted.

B. Submit as **Exhibit 6B** a detailed description of the Applicant's business plan for its anticipated sports wagering operations should the Applicant be **awarded** a sports wagering facility license. Such business plan must include:

- (1) a statement of sources and uses of capital for the proposed sports wagering operation including the amount and source of debt and equity involved to show that the Applicant will be able to operate the sports wagering operation during the initial term of the sports wagering facility license (5 years), including for sources, identifying the source of funds, providing written evidence of the source and availability of such funds (such as equity and debt commitments, guarantees, surety agreements or other support) and for uses, applicable costs for renovation/construction, non-refundable license fees, investigatory costs, sports wagering systems costs, staff training, cash reserves and ongoing operations;
- (2) annual pro forma budgets and pro forma financial statements at a minimum for a period of five (5) years (including the amount of anticipated revenues to be paid to the State of Maryland from sports wagering conducted by the Applicant);

- (3) a marketing plan and anticipated customer base for the Applicant's sports wagering business; and
- (4) floor plans of the Facility designating the proposed area within the Facility where sports wagering operations would be conducted including age-controlled wagering areas, public areas, and non-public areas.

If the Applicant has any research, analysis, reports, data or other information supporting its financial projections, the Applicant shall provide such research, analysis, reports, data or other information along with its financial projections.

C. Submit as **Exhibit 6C1** a description of how the Applicant controls (or expects to obtain control of) the Facility. If the Applicant (1) owns the Facility, provide a copy of the purchase agreement or other evidence of such ownership; (2) leases the Facility, provide a copy of the lease agreement; or (3) otherwise occupies or controls the Facility, provide copies of any agreements evidencing such occupancy or control.

If the Applicant does not own the Facility, then the Applicant shall submit as **Exhibit 6C2** a notarized acknowledgment from the person who owns or controls the Facility that: (1) the Facility may be used for sports wagering operations without violating the lease (or any other agreement) permitting the Applicant rights to use the Facility; and (2) if the Applicant is issued a sports wagering facility license, the Facility may be used as a sports wagering facility for, at least, a period of 5 years from the date the license is awarded to the Applicant.

D. Submit as **Exhibit 6D** a detailed description regarding the Facility and businesses operating at, or expected to be operated at, the Facility, including, but not limited to, the following information:

(1) the business(es), if any, currently being operated by the Applicant at the Facility (the "**Existing Business**");

(2) any business(es), if any, that the Applicant expects to operate at the Facility in addition to the Existing Business and anticipated sports wagering operations (if a license is awarded to the Applicant) (each an "**Ancillary Business**");

(3) a description of how the Applicant expects sports wagering operations to complement its Existing Business or any Ancillary Business;

(4) a description of the Facility and any anticipated construction of additions, improvements, retrofitting, or upgrades at the Facility arising out of, relating to, or necessary to accommodate, sports wagering operations at the Facility including, without limitation, the estimated hard costs (e.g., land acquisition, construction, infrastructure, furnishing and equipment costs) and soft costs (e.g., design and architectural costs, consulting fees, and contingency reserves) for such additions, improvements, retrofitting, and upgrades and a timeline for completion of such additions, improvements or upgrades;

(5) the approximate square footage of the Facility, as a whole, and those areas within the Facility at which sports wagering operations would be conducted; and

(6) the number of sports wagering ticket windows and/or kiosks expected to be provided in the Facility.

E. Submit as **Exhibit 6E** a detailed description of the Applicant's employment plan related to its Existing Business, any Ancillary Business, and the proposed sports wagering operation at the Facility and identify the following:

(1) the number of employees currently employed by the Applicant at its Existing Business (include the number of part-time and full-time employees and total number of employees and the locations at which the employees work);

(2) the number of new employees to be hired, if any, at the Existing Business (to accommodate the proposed sports wagering operations) or at any Ancillary Business (include the number of part-time and full-time employees and total number of employees and the locations at which the employees will be working);

(3) each job position related to sports wagering identified by job title, description of required duties, and estimated salary, wages, and benefits for each position; and

(4) a functional table of organization/control of the Applicant including, without limitation, employees to be involved in sports wagering operations.

F. Submit as **Exhibit 6F** a detailed description of how the Applicant intends to prevent prohibited sports wagering, including but not limited to:

(1) underage gambling;

(2) voluntarily and mandatorily excluded players; and

(3) the acceptance of wagers from other prohibited persons (employees, certain athletes, etc.).

Also, include in **Exhibit 6F** a description of any other player protections or responsible gaming programs to be implemented by the Applicant in connection with its sports wagering operations.

G. Submit as **Exhibit 6G** a detailed description of how the Applicant intends to promote its sports wagering operation to include, without limitation, a proposed annual advertising budget and identify the media to be utilized. The frequency of advertising and steps the Applicant will take to avoid marketing directed to minors must be explained.

H. Submit as **Exhibit 6H** a detailed description of how the Applicant intends to remain competitive in the Maryland sports wagering market.

I. Submit as **Exhibit 6I**, if applicable, copies of any written contracts or agreements or detailed summaries of any oral contracts or agreements or discussions concerning future agreements relating to the Applicant's proposed sports wagering operation including, without limitation, any agreements for the sharing of sports wagering revenues or marketing affiliations relating to the Applicant's sports wagering operations.

J. Submit as **Exhibit 6J** the Applicant's estimated timeline for commencement of sports wagering operations after the **award** of the sports wagering facility license by SWARC.

K. Submit as **Exhibit 6K** the name and address of any bank, credit union, or other financial institution that may hold the cash, bond or other sources of reserves required in connection with conducting sports wagering operations in the State of Maryland.

7. Promotion of Public Interest

A. Submit as **Exhibit 7A** an explanation of, in the Applicant's opinion, why issuance of a sports wagering facility license to the Applicant would serve the public interest of the State of Maryland and is consistent with the intent and purpose of the Sports Wagering Law.

B. Submit as **Exhibit 7B** any other facts or circumstances that should be considered in evaluating the Applicant's application, including tangibles or intangibles that would increase the value of the application.

C. Check here to certify that the Applicant, if it is **awarded** and **issued** a sports wagering facility license, will conduct sports wagering in compliance with all applicable federal, state and local laws including local zoning laws.

Check here to certify that the Applicant understands and acknowledges that sports wagering is a competitive business and has an inherent risk of unprofitability.

AFFIDAVIT OF REPRESENTATIVE OF APPLICANT

I, _____ (printed name), am authorized to complete and execute this Sports Wagering Facility License Application (the “**Application**”) on behalf of the Applicant, _____ (printed name of Applicant). I am also authorized to provide all of the information requested on this Affidavit to the Sports Wagering Application Review Commission, its employees, staff, consultants, representatives and agents (collectively, “**SWARC**”) and to make the representations, warranties, and agreements set forth in this Affidavit.

I have read, and understand, every page of this Application. To the best of my knowledge, information, and belief, the information that I have provided on, or attached to, or otherwise submitted in connection with this Application is accurate, complete, and not misleading. I understand that any misrepresentation or omission may lead to the delay or denial of an application for a sports wagering license. I understand that any misrepresentation or omission on this Application may also subject me, or the Applicant that I represent, to civil or criminal liability. I understand and acknowledge that the Applicant has an ongoing duty to promptly notify SWARC if any information it provides SWARC changes. I understand that SWARC is not obligated to award any sports wagering license.

On behalf of the Applicant and its successors and assigns, I expressly waive, release, discharge, and forever hold harmless and agree to indemnify, SWARC, the State of Maryland, and their respective members, employees, agents, consultants and representatives, from all liability for any and all claims or legal action arising from or relating to any actions that SWARC or the State of Maryland may take related to the collection of information from the Applicant and the use of that information in connection with evaluating the Applicant for the award or issuance (or non-award or non-issuance) of a sports wagering license.

Signature of Authorized Representative

Date

Printed Name of Authorized Representative

Title

NOTARY PUBLIC

The undersigned, a Notary Public in and for the County of _____, in the State of _____, certifies that the above named individual appeared in person, and before me, either known to me or satisfactorily proven to be the individual whose name subscribed to the within instrument and signed the Affidavit of Representative of Applicant.

This _____ day of _____, 20____, and to which witness my hand and seal.

Notary Public

Printed Name

Stamp or Seal

My commission expires _____, 20__

Attachment 1

SWARC Evaluation Criteria

In evaluating an application for the **award** of a sports wagering facility license, SWARC will consider all information concerning the Applicant (including information concerning its officers, principals, affiliates, sports wagering facility operator, or other representatives) based upon the following criteria, in no particular order and with no particular weight assigned:

1. Experience, business ability and track record that evidences the Applicant's, or the Applicant's identified sports wagering facility operator's, ability to establish and operate a successful sports wagering operation;
2. Demonstrated ability to comply with applicable sports wagering laws and regulations, including regulatory compliance in other jurisdictions and past cooperation with regulatory authorities;
3. Demonstrated culture of, and investments in, responsible gaming programs and an effective governance and compliance program;
4. Demonstrated financial stability, resources, integrity, and business ability and acumen and the Applicant's ability to compete in the Maryland sports wagering market;
5. If an Applicant sought investors, evidence of the Applicant's serious, good-faith efforts to solicit and interview a reasonable number of minority and women investors and whether or not any of those investors have purchased an equity share in the Applicant;
6. The maximization of sports wagering revenues including projected proceeds to the State;
7. Ability to commence sports wagering operations within a reasonable period of time after the award of the sports wagering facility license;
8. The extent to which the proposed sports wagering operation preserves existing Maryland jobs or creates new Maryland jobs and the anticipated wages and benefits for new Maryland jobs that would be created;
9. Demonstrated willingness and commitment to make investments in Maryland;
10. Whether the Applicant's proposed Facility is located within an opportunity zone or an enterprise zone;
11. The extent to which the proposed Facility encourages Maryland wagering participants to remain in the State when placing sports wagers;
12. The extent to which the proposed Facility will attract out-of-state visitors;
13. Whether the Applicant's proposed sports wagering business would appeal to a unique market;
14. Responsiveness of the Applicant to requests of SWARC and the Commission;
15. Whether the award of the sports wagering facility license is in the public interest and is consistent with the purposes of the Sports Wagering Law; and
16. Any other criteria deemed by SWARC to be in the public interest and consistent with the Sports Wagering Law.

DRAFT

Attachment 2

SWARC Memorandum of Understanding

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
SPORTS WAGERING APPLICATION REVIEW COMMISSION AND
SPORTS WAGERING LICENSE AWARDEE
REGARDING EFFORTS TO RAISE VENTURE CAPITAL OR ATTRACT INVESTORS**

WHEREAS, the Sports Wagering Application Review Commission (“**Commission**”) is a unit of Maryland State government and, in accordance with Title 9, Subtitle 1E of the State Government Article, is responsible for awarding sports wagering licenses in Maryland.

WHEREAS, State Government Article, § 9-1E-15(i)(2) requires that each applicant awarded a sports wagering license by the Commission enter into a memorandum of understanding with the Commission requiring the applicant to engage in good-faith efforts to interview minority and women investors in future attempts to raise venture capital or attract new investors.

A. Parties. This Memorandum of Understanding (“**MOU**”) between the Commission, on behalf of the State of Maryland, and [Insert legal name of sports wagering license awardee] (“**Company**”) is entered into pursuant to and as required by State Government Article, § 9-1E-15(i)(2).

B. Responsibilities. Company agrees that, as a condition of holding a Maryland sports wagering license and exercising the powers granted thereby, it will:

- (1) make serious, good-faith efforts to interview minority and women investors in any future attempts to raise venture capital or attract new investors; and
- (2) within a reasonable time after each future attempt to raise venture capital or attract new investors, submit to the Maryland Department of Legislative Services a statement that: (a) lists the names and addresses of all minority and women investors interviewed and (b) of the minority and women investors who were interviewed, identifies those who acquired an equity interest in the Company.

C. Successors and Assigns. This MOU binds and benefits the Commission and the Company and their respective successors and assigns.

D. Signatures. This MOU is entered into this ____ day of _____, 20__, by the undersigned on behalf of the Commission and the Company.

Thomas M. Brandt, Jr.
Chair
Sports Wagering Application Review Commission

[Name]
[Title]
[Company]