



Lottery and Gaming Control Commission

1800 Washington Boulevard, Suite 330, Baltimore, MD 21230

**In Re the Application of
MGM National Harbor, LLC**

For a Sports Wagering Facility License

License Applicant Number 2021-SW-02

QUALIFICATION HEARING

October 6, 2021

**EXECUTIVE SUMMARY
OF BACKGROUND INVESTIGATION**

EXECUTIVE SUMMARY

Introduction

MGM National Harbor, LLC (“MGM” or “the Company”) is the holder of the Video Lottery Operation License for Prince George’s County, Maryland. MGM currently offers 2,126 video lottery terminals and 201 table games.

MGM National Harbor, LLC, is owned and operated by MGM Resorts International. The facility that MGM National Harbor, LLC occupies is owned by MGM Growth Properties, LLC.

Maryland’s Sports Wagering Law is found in State Government Article (“SG”), Title 9, Subtitle 1E, Annotated Code of Maryland and the Commission’s sports wagering regulations in Code of Maryland Regulations (“COMAR”) 36.10 (collectively, “the Sports Wagering Law”). The Sports Wagering Law also includes and incorporates applicable licensing requirements in SG, Title 9, Subtitle 1A, and COMAR 36.03 (collectively, the “the Gaming Law”), which establishes requirements for all casino-related licenses. An applicant for a license related to sports wagering must meet all applicable qualification requirements set forth in both the Sports Wagering Law and the Gaming Law.

The Maryland Lottery and Gaming Control Commission (“Commission”) must determine whether an applicant meets qualification requirements. Staff of the Maryland Lottery and Gaming Control Agency (“Agency”) is required to conduct a background investigation on all applicants for sports wagering licenses to ensure that they meet applicable qualification requirements.

Application of Alternative Licensing Standards

The Sports Wagering Law authorizes the Commission to establish an abbreviated process for qualifying and licensing an applicant that holds a valid license in another state, if the Commission determines that the licensing standards of the issuing agency in the other state are comprehensive and thorough, and provide similar safeguards to those in the Sports Wagering Law. Staff has identified several states with acceptable sports wagering license standards: Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Nevada, New Jersey, New York, Pennsylvania, Rhode Island, Wisconsin, Colorado, Massachusetts, Michigan and Virginia.

Because Maryland's qualification standards for a casino-related license are identical to and specifically incorporated in the Sports Wagering Law, and are therefore, clearly sufficient for qualifying an applicant for a sports wagering license on that basis.

Process

An applicant for a sports wagering-related license may submit a written request for the Commission to find it qualified for a Maryland license under the alternative licensing process described in COMAR 36.10.02.12. If the request is granted, the applicant may be qualified for a license before the Agency conducts a full background investigation.

The Commission may only apply the alternative licensing process if the applicant holds a valid, current gaming or sports wagering-related license in at least one of the states identified as having acceptable comparative standards.

An applicant that submits a request for the application of alternative licensing standards specifically acknowledges that a full background investigation will be conducted, and that if Staff ever determines that the applicant or licensee, if licensed, does not meet a Commission standard, the Commission may take enforcement action, up to and including revocation of the license. These acknowledgements are memorialized in the Affidavit in Support of Applicant's Request to Apply Alternative Licensing Standards in Support of an Application for a Sports Wagering License ("Affidavit") the applicant has submitted.

The Commission's decision to abbreviate an applicant's licensing process on this basis is discretionary. The Commission may exercise its discretion to deny the request, place conditions on the license, or take any other necessary action to protect the State's interests.

Regulatory History of Applicant

On December 8, 2016, the Maryland Lottery and Gaming Control Commission ("MLGCC") awarded a Video Lottery Operation License to MGM National Harbor, LLC. MGM National Harbor, LLC, is owned and operated by MGM Resorts International. The facility that MGM National Harbor, LLC occupies is owned by MGM Growth Properties, LLC. The video lottery operation license expires on

December 7, 2031. Staff is not aware of any unresolved issues that negatively impact the Applicant's qualifications and MLGCA has otherwise found no derogatory information regarding MGM National Harbor's qualifications to be licensed for a sports wagering facility license.

Ownership of Applicant

MGM National Harbor, LLC, is owned and operated by MGM Resorts International. The facility that MGM National Harbor, LLC occupies is owned by MGM Growth Properties, LLC.

Principal Qualifiers

Currently, there are no new Principals listed for MGM National Harbor, LLC in relation to its sports wagering application. All of its current Principals and related Principal Entities are currently licensed by MLGCA and in good standing. Any future Principals involved in its pending sports wagering operation will be required to submit the appropriate applications to the MLGCA for review and approval.

Licensing Inquiry

MGM National Harbor LLC submitted a Request for Application of Alternative Licensing Standards in support of its request for a Sports Wagering Facility License. MGM National Harbor, LLC's direct parent company, MGM Resorts International, which is a qualified Principal Entity in Maryland, stated that it holds a current license in these Commission-approved states:

- Nevada Gaming Commission
 - Type of License(s): Sports Wagering License
 - Active Date: 2/15/2020
 - Status: Active and In Good Standing

- Illinois Gaming Board
 - Type of License(s): Master Sports Wagering License
 - Active Date: 6/11/2020
 - Status: Active and In Good Standing

- Michigan Gaming Control Board

- Type of License(s): Sports Wagering License
- Active Date: 1/22/2021
- Status: Active and In Good Standing

Conclusion and Recommendations

Along with the Request for Application of Alternative Licensing Standards and Affidavit, the Applicant has submitted: a completed Sports Wagering Facility License application, an affidavit attesting to the minority- and women-owned interests of the applicant, all required fees, and proof of adequate bond.

MLGCA's inquiry with the states identified above confirms that the licenses issued by those states are current and valid. The applicant's Maryland Video Lottery and Table Games Operational License is also current and valid, and Staff is not aware of information that would indicate MGM National Harbor, LLC fails to meet the Commission's qualification requirements.

Staff recommends that the Commission find MGM Resorts International qualified for a Sports Wagering License based on the alternative licensing standards provisions in the Sports Wagering Law by clear and convincing evidence.

Staff recommends that the Commission entertains motions to:

1. Find the find that MGM National Harbor, LLC d/b/ MGM National Harbor has established by application a of alternative licensing standards that it is qualified for a Sports Wagering Facility License by clear and convincing evidence;
2. Delegate to Staff the authority to draft a decision statement of the Commission's decision on the qualification of the MGM National Harbor, LLC d/b/a MGM National Harbor and submit it to the Applicant as soon as possible; and
3. Direct the Secretary of the Commission to transmit the decision statement to the Sports Wagering Application Review Commission.