



Lottery and Gaming Control Commission

1800 Washington Boulevard, Suite 330, Baltimore, MD 21230

SPORTS WAGERING INSTITUTIONAL INVESTOR WAIVER APPLICATION FORM

Form #4007

For an Institutional Investor of an applicant or a license holder of a:

Sports Wagering Facility License;
Sports Wagering Facility Operator License;
Mobile Sports Wagering License;
Online Sports Wagering Operator License; or
Sports Wagering Contractor License.

Institutional Investor: _____

Sports Wagering Applicant/Licensee: _____

NOTICE

Maryland's Sports Wagering Law is long and complex. It is located in State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland ("SG"). The regulations promulgated by the Maryland Lottery and Gaming Control Commission ("Commission") are found in Code of Maryland Regulations ("COMAR") 36.10. Collectively, SG § 9-1E *et seq.* and COMAR 36.10 are referred herein as the "Sports Wagering Law". 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, collectively referred to as the "Gaming Law".

The cites referenced within this disclosure form are for explanatory purposes, are subject to change, may be different from what is provided, and should not be relied upon. You are expected to be familiar with the current Sports Wagering Law and Gaming Law; updates and information may be found at <https://www.mdgaming.com/>.

Failure or refusal to adhere to Sports Wagering Law may result in the Commission imposing sanctions and/or penalties, to include, but not limited to, the placing of conditions on a sports wagering license; suspension or revocation of a sports wagering license; reprimand of a licensee; and/or fines, and may result in criminal and/or civil charges being filed against the licensee.

APPLICABILITY

The Commission is required to investigate an Applicant for a sports wagering license pursuant to the Sports Wagering Law. An Applicant for a sports wagering license must establish by clear and convincing evidence that the Applicant is qualified for licensure, and must not be subject to any grounds for mandatory disqualification from license eligibility. SG § 9-1E-07(e)(1); COMAR 36.10.03.

As part of the investigation to determine whether an Applicant meets all legal requirements and qualifications for licensure, the Applicant must disclose to the Commission all principal employees, as defined in COMAR 36.10.01, and principal entities. COMAR 36.10.02. A principal entity means a person, other than an individual, that is a principal. COMAR 36.03.01.02. The background investigation of the principal entity shall be conducted as part of the background investigation into an applicant for one of the following: Sports Wagering Facility License; Sports Wagering Facility Operator License; Mobile Sports Wagering License; Online Sports Wagering Operator License; or a Sports Wagering Contractor License (referred herein singularly as "Applicant")

A principal entity may request the Commission waive the requirement of conducting a full background investigation if it meets the definition of an institutional investor. COMAR 36.10.02. An institutional investor for purposes of the Sports Wagering Law is defined in COMAR 36.10.01. An institutional investor must complete a Sports Wagering Institutional Waiver Application in order for the Commission to assess whether to waive the requirement of conducting a full background investigation of the principal entity. COMAR 36.10.02.

WAIVER SUBMISSION

_____ (Name of Entity) is submitting this Institutional Investor Waiver Application because it is an institutional investor of _____ (Name of Applicant), which is an Applicant for a sports wagering license.

WAIVER ELIGIBILITY

The Commission may approve a principal entity’s request for a waiver if it meets one of the definitions of institutional investor as defined in COMAR 36.10.01; and satisfactorily completes and submits this Sports Wagering Institutional Investor Application Form #4007. COMAR 36.10.02.

The Commission’s decision whether to approve a waiver is discretionary, and may be based on facts including: the institutional investor’s securities; whether the institutional investor is substantially involved in the Applicant’s sports wagering operations; whether the institutional investor is substantially involved in the Applicant’s gaming operations; the institutional investor’s sports wagering licensure history; or the institutional investor’s gaming licensure history in Maryland or any other jurisdiction.

An institutional investor may submit this Sports Wagering Institutional Investor Waiver Application (Form #4007) instead of a Sports Wagering Principal Entity Disclosure Form (Form #4006). If the Commission approves the institutional investor’s waiver request, the institutional investor is not required to file the Principal Entity Disclosure (Form #4006).

If the Commission denies the institutional investor’s waiver request, the institutional investor must promptly complete and submit a Sports Wagering Principal Entity Disclosure Form (Form #4006).

SUBMISSION OF WAIVER APPLICATION

The Sports Wagering Institutional Investor Waiver Application Form 4007 is submitted to the Commission **electronically** via the Maryland Lottery and Gaming Control Agency’s ‘eLicensing’ system. Paper applications for a Sports Wagering Institutional Investor Waiver will not be accepted by the Commission.

Note: The Applicant is required to designate an individual to administer the submission of the Sports Wagering Institutional Waiver Applications for the Applicant. The designated ‘eLicensing’ Administrator will be required to contact the Licensing Division (gaming.services@maryland.gov) as soon as possible to allow sufficient time for the Licensing Division staff to provide comprehensive instruction prior to the initiation of the process.

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SECTION A - IMPORTANT NOTICES

- A.1 This form is an official document of the Maryland Lottery and Gaming Control Commission (“Commission”) and is to be used for informational purposes only. All Sports Wagering Institutional Investor Waiver applicants must use the Maryland Lottery and Gaming Control Agency’s online ‘eLicensing’ system for submittal of applications. Paper Waiver Applications will not be accepted.**
- A.2 All statements must be complete, accurate, truthful and include all material facts. Any misrepresentation, failure to provide any requested information, or failure to meet any other requirement during the application process or throughout the entire term of any license subsequently issued by the Commission, as set forth in the Sports Wagering Law or Gaming Law, may result in the Commission taking action against the Applicant or Licensee, up to and including the denial of the license application; or revocation of any license issued; and may subject the Applicant to the imposition of monetary fines or civil and/or criminal penalties.**
- A.3 The Applicant is responsible for the payment of all application and background investigation fees required under the Sports Wagering Law and Gaming Law and the posting of a bond that may be required by the Commission. The application will not be processed until the fees are submitted. Additionally, the Applicant is ultimately responsible for payment to the Commission of the administrative costs associated with the Institutional Investor’s background investigation. Any payment arrangement between the Applicant and the Institutional Investor does not relieve Applicant of the responsibility to pay the fees due to the Commission.**
- A.4 The burden of proving qualifications is at all times on the Institutional Investor. The Institutional Investor accepts any and all risk of adverse public notice, embarrassment, criticism, emotional distress or financial loss that may result from any action with respect to this Waiver Application. The Institutional Investor expressly waives any and all claims for damages as result thereof. Information not called for in this Waiver Application or in addition to that which is provided in response to this Waiver Application may be requested. The Institutional Investor shall provide all information, documents, materials and certifications at the Institutional Investor’s expense.**

- A.5** The Institutional Investor has a continuing obligation to **promptly** provide written notification to the Commission of any corrections or changes to the Waiver Application once submitted, and to any of the materials submitted in connection with this Waiver Application. The duty to make such additional disclosures or notify the Commission of any change or correction shall continue throughout any period of Applicant's licensure.
- A.6** All notices regarding the Waiver Application will be sent to the address provided by the Institutional Investor on this Waiver Application. All notices regarding the application will be sent to the address provided by the Applicant on the application. The Institutional Investor or Applicant must immediately notify the Commission of any change of address.
- A.7** Any attempt by the Institutional Investor to withdraw or retract this Waiver Application may jeopardize the Applicant's application, and the Institutional Investor shall be solely responsible for the consequences of such action.
- A.8** All submissions with and for this Waiver Application and the Applicant's application become the property of the Commission and **will not** be returned.
- A.9** The Maryland Lottery and Gaming Control Agency's Regulatory Licensing and Background Investigations Division is referred to, throughout this application, as the "Licensing Division".

SECTION B - INSTRUCTIONS

- B.1** This Sports Wagering Institutional Investor Waiver Application ("Waiver Application") may be submitted for each Principal Entity that is an owner of an Applicant for a sports wagering license and that meets the definition of Institutional Investor in the COMAR 36.10.01.
- B.2** This Waiver Application must be submitted to the Commission **electronically** via the 'eLicensing' system. Paper applications for Waiver Application **will not** be accepted by the Commission.
- B.3** Read each question carefully. Answer each and every question completely. **Do not leave blank spaces.**
- B.4** Do not misstate or omit any material fact(s). All information is subject to verification. False or misleading information is grounds for the Commission to deny the Waiver Application, deny the Applicant's sports wagering license application, or to suspend or revoke the Applicant's license.
- B.5** All required documentation, for this Waiver Application **must** be uploaded into 'eLicensing' on the Applicant Case Checklist Item page at the time of submitting this Waiver Application.
- B.6** The Institutional Investor should clearly identify those portions of its Waiver Application that it deems to be confidential, proprietary commercial information, trade secrets, or confidential financial information of the Institutional Investor or an individual associated with the Institutional Investor or Applicant and provide justification of why such materials may not be disclosed by the Commission pursuant to a request made under the Public Information Act ("PIA"), Title 4, Subtitle 3, General Provisions Article, Annotated Code of Maryland ("GP"). An Institutional Investor's blanket statement that its entire Waiver Application is "confidential" is unacceptable. Confidential information supplied

by the Institutional Investor shall be used in the ordinary course of processing an Applicant’s application and evaluating the qualifications of an Applicant.

Waiver Applications may be subject to partial disclosure pursuant to a request under the PIA. When the Commission receives a PIA request, Staff will collect and review all records that are responsive to the request. The Commission will notify the Institutional Investor and Applicant of a request made under the PIA and will consider the Institutional Investor and Applicant’s views as to whether the requested information is exempt from disclosure under the PIA. The Commission will make a determination as to whether the information may be disclosed.

B.7 The Commission may request additional financial and other information as needed.

SECTION C - DEFINITIONS

Refer to the list of Definitions in the Sports Wagering Law in COMAR 36.10.01, which are applicable to all sports wagering applications. Additional resources for gaming applications; instant bingo license applications; and sports wagering license applications are available on the Maryland Lottery and Gaming Control Agency’s website: <https://www.mdgaming.com/licensing/>.

SECTION D – INSTITUTIONAL INVESTOR INFORMATION

D.1 NAME OF INSTITUTIONAL INVESTOR *

* As it is written on the Articles of Incorporation, By-Laws, Charter, partnership agreement or other official documents filed with a State or Federal Government.

Doing Business As (D/B/A) or Trade Name(s):

D.2 INSTITUTIONAL INVESTOR’S FORM OF ORGANIZATION

Check one:
 Sole Proprietorship Partnership Limited Partnership C-Corporation Limited Liability Company
 S-Corporation Trust Other (Describe) _____

D.3 POINT-OF-CONTACT FOR INSTITUTIONAL INVESTOR

Name		Title / Position	
Email Address	Telephone Number	Fax Number	

D.4 INSTITUTIONAL INVESTOR’S PRINCIPAL 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)		

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SECTION E – SCHEDULES

Checklist

Note: Use this checklist to indicate with an “X” that the exhibit is attached with this Waiver Application. All attachments are **mandatory**.

If a schedule, question, exhibit or addendum is not applicable, indicate “Not Applicable” and state why it is not applicable in the schedule, question, exhibit or addendum. If any item is missing or not submitted according to these directions, the Waiver Application will be considered incomplete and will not be processed. This may affect the processing of the Applicant’s sports wagering license application.

SCHEDULE NUMBER	SCHEDULE DESCRIPTION	PLACE X
1	Securities	
2	Explanation of how the Institutional Investor meets the definition of “Institutional Investor” and qualifies for a waiver	
3	Required Exhibits: Exhibits 1 through 7	
4	Additional information: Exhibits 8 through 11	

SCHEDULE 1:

SECURITIES

List and describe in detail the type of securities involved (e.g., share, certificate, mortgage, bond, indenture, note)	Date acquired	Number of shares (if applicable) and \$ amount	State the amount of each security as a percentage of your total assets	Terms, conditions, rights or privileges of each security

Note: Additional Securities may be entered in the ‘eLicensing’ system.

SCHEDULE 3:**REQUIRED EXHIBITS**

Provide as **Exhibit 1** – Institutional Investor’s Officers and Directors

Identify the names, social security numbers, tax identification numbers, titles, addresses, and telephone numbers of all of the Institutional Investor’s:

- 1) Officers, directors, or their equivalent; and
- 2) Any other person that has direct control over, or the power to direct or control, the investment securities described in **Schedule 1**.

Provide as **Exhibit 2** – Institutional Investor’s Principals

Identify the names, social security numbers, tax identification numbers, titles, addresses, and telephone numbers of:

- 1) Each person who has a greater than 5% interest in the Institutional Investor’s voting securities; and
- 2) If the Institutional Investor is publicly traded, each person who has a 5% interest.

Provide as **Exhibit 3** – Institutional Investor’s Affiliates

Identify all of the Institutional Investor’s affiliates that have a greater than 5% interest in the Institutional Investor.

Provide as **Exhibit 4** – Institutional Investor’s Securities

Identify all equity securities of the person in which the Institutional Investor has acquired an interest subject to this Waiver Application. Only include those persons that within the preceding one-year period: are, or were, directly or indirectly, beneficially owned by the Institutional Investor or its affiliates.

Include a description of the securities, amount of the securities, and the date of the acquisition or sale, or both.

Provide as **Exhibit 5** – Agencies to which the Institutional Investor Reports

Identify all regulatory agencies with which the Institutional Investor or any affiliate files periodic reports.

Identify the point-of-contact at the regulatory agency including the name, address, and telephone number of the individual, if known.

Provide as **Exhibit 6** – Acquisitions

Provide a copy of any filing under 15 USC § 18a with respect to the acquisition or proposed acquisition.

Provide as **Exhibit 7** – Certificates from Regulatory Agencies

Provide a current certificate from any regulatory agency related to the conduct of the Institutional Investor’s activities, certifying that the Institutional Investor is authorized to conduct the investment activities, and is in good standing.

Note: Upload Exhibits 1 – 7 and any referenced documents into the ‘eLicensing’ system in pdf format.

SCHEDULE 4:**ADDITIONAL INFORMATION****1. Provide response as Exhibit 8 – Criminal or Regulatory Sanctions**

In the last ten (10) years:

Has the Institutional Investor, or any affiliate, current officer or director, or former officer or director, whose tenure ended within the preceding 12 months, been subject to criminal or regulatory sanctions? Were the criminal or regulatory sanctions imposed?

As to a former officer or director, such information must be provided only to the extent that it relates to actions arising out of or during such person's tenure with the Institutional Investor or its affiliates.

2. Provide response as Exhibit 9 – Administrative or Court Proceedings

In the last five (5) years:

Has the Institutional Investor, or any affiliate, current officer or director, or former officer or director, whose tenure ended within the preceding 12 months, been subject to any administrative or court proceedings filed by any regulatory agency?

As to a former officer or director, such information must be provided only to the extent that it relates to actions arising out of or during such person's tenure with the Institutional Investor or its affiliates.

3. Provide response as Exhibit 10 – Actions on Licenses

Has the Institutional Investor, or the Applicant ever had any license or certificate it has applied for be denied, restricted, suspended, revoked, or not renewed by, any licensing authority in Maryland or any other jurisdiction?

Has the Institutional Investor, or the Applicant ever had any license or certificate it has applied for, granted or issued by, any licensing authority in Maryland or any other jurisdiction?

4. Provide response as Exhibit 11 – Source of Funds

Has the Institutional Investor obtained funds from another source for purposes of financing the acquisition of the securities involved in this transaction?

If so, identify the source and amount of funds.

Note: Upload Exhibits 8 – 11 and any associated documents into the 'eLicensing' system in pdf format.

EXHIBIT 13
AFFIDAVIT OF REPRESENTATIVE OF INSTITUTIONAL INVESTOR

I, _____ (printed name), am authorized to complete and execute this Sports Wagering Institutional Investor Waiver Application Form on behalf of _____ (printed name of Institutional Investor). I am also authorized to provide all of the information requested on this Affidavit to the Maryland Lottery and Gaming Control Commission (“Commission”), its employees, agents, and vendors (collectively, “the Commission”), and to make the representations set forth in this Affidavit.

I have read, and understand, every page of this Waiver 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 Waiver Application is accurate, complete, and not misleading. I understand that any misrepresentation or omission may lead to the delay or denial of the Applicant’s application for a sports wagering license, or may result in the Commission imposing sanctions against the Applicant, up to and including revocation of its license if it has been issued a license. I understand that any misrepresentation or omission on this Disclosure Form may also subject me, or the Institutional Investor that I represent, to civil or criminal liability. I understand and acknowledge that the Applicant has an ongoing duty to promptly notify the Commission if any information it provides the Commission changes.

By a separate Authorization for Release of Information, I am authorizing any entity or individual that has information about the Institutional Investor to release that information to the Commission for purposes of its investigation of the Applicant for a sports wagering license.

On behalf of the Institutional Investor and its successors and assigns, I expressly waive, release, discharge, and forever hold harmless and agree to indemnify, the Commission, the State of Maryland, and their employees, agents, and representatives, from liability for any and all claims or legal action arising from any actions that the Commission or the State of Maryland may take related to the collection of information from the Institutional Investor and the use of that information in connection with investigating the Applicant.

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 Authorization and Notification.

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

Notary Public

Stamp or Seal

Printed Name

My commission expires _____, 20_____

**EXHIBIT 14
ACKNOWLEDGEMENT AND DISCLOSURE**

I understand and acknowledge the following:

I am a representative of _____ (printed name of Institutional Investor), who is an Institutional Investor of _____ (Name of Applicant for sports wagering license) who is applying to the Maryland Lottery and Gaming Control Commission ("Commission") to be an Applicant for a sports wagering license in the State of Maryland. The Institutional Investor cannot conduct business with an applicant for, or holder of, a sports wagering unless the Commission approves the Institutional Investor's Waiver Application. The Commission, through its employees, agents and vendors, is required by law to conduct a background investigation of each Institutional Investor.

During the investigation, the Commission is required to collect and evaluate various kinds of information and reports to determine if the Institutional Investor meets the eligibility and qualification requirements. The background investigation will include, but not be limited to, information or reports about the Institutional Investor's: character; general reputation; personal characteristics, including honesty and integrity; financial stability; debts to State agencies; criminal records, records of involvement with federal, state or other law enforcement agencies as specified in the Waiver Application, or record of involvement with any litigation. As a representative, I have the right to request a complete and accurate disclosure of the nature and scope of the investigation and a copy of a summary of the Institutional Investor's rights under federal credit reporting law.

I am requesting that the Commission, through its employees, agents or vendors, obtain this information about the Institutional Investor to evaluate the Applicant's eligibility for a license. I acknowledge that this disclosure and authorization remain in effect during the time the Applicant's application is pending and during the time of any sports wagering license that may be issued to the Applicant.

By separate Authorization for Release of Information, I am authorizing any entity or individual that has information about the Institutional Investor that I represent, to release that information to the Commission for the purposes of its investigation of an Institutional Investor of an Applicant for a sports wagering license in the State of Maryland.

Signature of Individual Completing Form

Date

Printed Name

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 Authorization and Notification.

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

Notary Public

Stamp or Seal

Printed Name

My commission expires _____, 20_____