



## Ohio Administrative Code

### Rule 3775-4-05 Mobile management services provider licensure.

Effective: August 15, 2022

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(A) An applicant for an initial or renewal mobile management services provider license must complete and submit the appropriate form(s) required by the commission and ensure the payment of a nonrefundable application fee of one hundred fifty thousand dollars, as well as all fees necessary to cover the cost of any required criminal-records checks.

(B) An applicant for an initial or renewal mobile management services provider license must establish, by clear and convincing evidence, the applicant's suitability for licensure.

(C) In determining whether to grant, maintain, or renew a mobile management services provider license, the commission will evaluate and consider the following factors, in addition to those set forth in division (C) of section 3775.03 and division (B) of section 3775.041 of the Revised Code:

(1) Whether the mobile management services provider and any person that controls it possesses good character, honesty, and integrity;

(2) Whether the mobile management services provider and any person that controls it possesses financial stability, integrity, and responsibility;

(3) The extent to which the mobile management services provider and any person that controls it have cooperated with the commission in connection with the background investigation;

(4) The extent to which the mobile management services provider and any person that controls it have provided accurate and complete information as required by the commission;

(5) Whether the mobile management services provider has been issued a comparable sports gaming license in another gaming jurisdiction with similar licensing requirements, as determined by the commission;



(6) Whether the applicant is considered a designated first mobile management services provider or designated second mobile management services provider pursuant to division (A) of section 3775.05 of the Revised Code, including, for a second designated mobile management services provider, whether the type A sports gaming proprietor, in coordination with the mobile management services provider, has demonstrated that issuing the license would:

(a) Not prevent any other type A sports gaming proprietor from securing a first designated mobile management services provider; and

(b) Provide an incremental economic benefit to the state. The economic benefit generated to the state will be determined by:

(i) The additional actual or expected sports gaming tax revenue generated and license fees dedicated for educational purposes, problem gambling services, and veterans;

(ii) Any jobs created or other services procured in the state that are attributable to the designated second mobile management services provider conducting sports gaming;

(iii) Any capital investments made or intended to be made in the state by the designated second mobile management services provider; or

(iv) Other economic impacts approved by the commission.

(7) Whether the mobile management services provider has been contractually appointed as the mobile management services provider or designee operator by a type A sports gaming proprietor licensee, subject to regulatory approval;

(8) The reputation and business experience of the mobile management services provider operating in the state;

(9) The prospective total revenue to be collected by the state for the conducting of sports gaming; and



(10) The extent to which the mobile management services provider has complied with the requirements of Chapters 3772. and 3775. of the Revised Code and the rules adopted thereunder.

(D) A mobile management services provider that has been appointed as the designee operator in accordance with division (A) of section 3775.05 of the Revised Code must ensure independence with the professional sports organization that holds the type A sports gaming proprietor license. In so doing, the designee operator must ensure that a conflicts of interest policy is created, implemented, and maintained to avoid apparent or actual conflicts of interests between the parties. The policy must be originally approved by the commission, with material changes approved by the executive director, and must include controls or information necessary to ensure that:

(1) Neither party:

(a) Shares information that may compromise the integrity of sporting events or sports gaming with the other; nor

(b) Controls nor improperly influences the other; and

(2) Both parties maintain separate and independent records as it relates to the operation of sports gaming in this state, to the extent such records exist in the normal course of business.

(E) A mobile management services provider license expires five years after the date of licensure. Regardless of the licensure term, and pursuant to division (E)(2) of section 3775.05 of the Revised Code, a mobile management services provider is not permitted to operate sports gaming other than pursuant to a currently valid and binding contract with a type A sports gaming proprietor.

(F) A mobile management services provider may request renewal of the license by completing and submitting the appropriate form(s) required by the commission no less than one hundred eighty days before the expiration of the license.

(G) Upon approval by the commission, at a meeting held under section 3772.02 of the Revised Code, an applicant for an initial or renewal mobile management services provider license must ensure that:



(1) The first installment of the license fees described in division (B)(3) of section 3775.05 of the Revised Code is paid. Each subsequent annual license fee must be paid by the anniversary date of the granting of the license. Failure to timely pay any portion of a fee required by this rule constitutes cause for the executive director to issue an emergency order in the manner prescribed by division (G) of section 3772.04 of the Revised Code;

(2) A surety bond of at least five hundred thousand dollars, payable to the state, is posted and maintained. The bond must be issued by a surety that is licensed to do business in this state; and

(3) A written contract with a type A sports gaming proprietor to operate sports gaming on the proprietor's behalf has been entered into and approved by the commission. The contract must contain a description of what duties under Chapter 3775. of the Revised Code and the rules adopted thereunder each party is responsible for.

(H) As required by division (D) of section 3775.05 of the Revised Code, any material change, as determined by the executive director, to the contract described in paragraph (G)(3) of this rule requires executive director approval. If material changes to the contract are made without approval, those changes are null and void. This contract, and any provision thereof, is not assignable or transferable.

(I) No mobile management services provider may hold more than four mobile management services licenses at any one time. For each mobile management services provider application submitted after the first, a mobile management services provider need only complete those portions of the application so indicated and need only pay an application fee of seventy five thousand dollars.

(J) In the event the application fee paid by a mobile management services provider is insufficient to cover the actual costs of investigating the suitability of the applicant or the persons that control it, the commission may assess additional fees to cover the costs of the investigation that exceed the application fee paid under this chapter.

(K) Unless otherwise approved by the executive director, all fees must be submitted to the commission in the form of an electronic funds transfer payable to the treasurer of the state of Ohio.



(L) If the executive director determines at any time that a second designated mobile management services provider licensee has not actively offered sports gaming to the economic benefit of the state under the license for a continued period of one year or more, administrative action to revoke the applicable license will be taken against the licensee. Notice of the proposed action and an opportunity for hearing will be provided in the manner prescribed under Chapter 119. of the Revised Code and Chapter 3772-21 of the Administrative Code. Such administrative action will not affect any other mobile management services provider licenses that are held by the licensee.

(M) The applicant should clearly identify those portions of the application that it deems to be confidential, proprietary commercial information, trade secrets, or otherwise not subject to public disclosure. Information provided as part of the application and licensing process is open to public inspection to the extent provided by the Ohio Public Records Act and section 3775.14 of the Revised Code.