

**ORDER 2022-100  
IN RE SETTLEMENT AGREEMENT**

**WSI US, LLC d/b/a WYNNBET  
22-WSI-02**

After having reviewed the attached Settlement Agreement, the Indiana Gaming Commission hereby:

**APPROVED**

---

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

**IT IS SO ORDERED THIS THE 30<sup>th</sup> DAY OF JUNE, 2022.**

**THE INDIANA GAMING COMMISSION:**

  
Milton O. Thompson, Chair

ATTEST:

  
Jason Dudich, Secretary

**STATE OF INDIANA  
INDIANA GAMING COMMISSION**

**IN RE THE MATTER OF:** )  
 ) **SETTLEMENT**  
**WSI US, LLC d/b/a WYNNBET** ) **22-WSI-02**  
 )

**SETTLEMENT AGREEMENT**

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Greg Small and WSI US, LLC d/b/a WynnBET (“Wynn”), (collectively, the “Parties”) desire to enter into this settlement agreement (“Agreement”) prior to the initiation of a disciplinary proceeding pursuant to 68 IAC 13-1-18(a). The Parties stipulate and agree that the following facts are true:

**FINDINGS OF FACT**

**COUNT I**

1. 68 IAC 27-2-16(a) provides all key persons and substantial owners of a sports wagering operator applicant must obtain a Level 1 occupational license.
2. 68 IAC 27-2-16(d) provides except as outlined in this section, occupational licensing of an employee, independent contractor, agent, or subagent of a sports wagering operator shall be governed by IC 4-33-8 and 68 IAC 2-3.
3. 68 IAC 2-2-1(d) provides the applicant's key persons, substantial owners, and any other persons deemed necessary to allow the commission to ensure the applicant meets the statutory criteria for licensure set forth in IC 4-33, IC 4-35, and this title must complete and submit a Personal Disclosure Form 1 (PD1) application for occupational license under 68 IAC 2-3-1.
4. 68 IAC 2-2-4(b)(3) provides an application shall be deemed filed when the completed application forms, including all required documents, all personal disclosure forms, materials, photographs, and application fee have been submitted. The commission will not begin its background investigation until the application is filed.
5. On June 9, 2021, the Commission issued a directive to Sport Wagering Vendors on Sports Wagering Occupational Licensing. Section V(B)(3) describes the process for newly hired individuals and newly created positions and requires applications must be submitted to the Commission within thirty (30) days of the hire or transfer to position that requires licensure.
6. On November 11, 2021, Wynn appointed a new VP Retention which requires a level (1) license and a PD-1 application. Per the Commission directive, the due date for this PD-1 was December 11, 2021.

7. On April 25, 2022, the PD-1 application was filed 135 days late.

## COUNT II

8. 68 IAC 27-2-11(a) provides a certificate of authority holder, vendor licensee, sports wagering service provider licensee, and a registrant have a continuing duty to maintain suitability for licensure. A license issued under this rule does not create a property right, but is a revocable privilege granted by the state contingent upon continuing suitability for licensure.
9. 68 IAC 27-1-2(16) defines a prohibited sports wagering participant as an individual listed on the commission's exclusion list kept under 68 IAC 6-1, that has a voluntarily excluded person (VEP) status as defined under 68 IAC 6-3 or has signed up for the statewide internet self-restriction program (ISRP).
10. 68 IAC 27-13-2(d) provides that sports wagering operators must restrict wagering by statewide Internet self-restriction participants and may not market to statewide Internet self-restricted participants.
11. 68 IAC 27-5-2 provides each sports wagering operator shall establish internal control procedures for compliance with this rule, which shall be submitted and approved under 68 IAC 11.
12. 68 IAC 27-5-2(F) provides the internal controls must, at a minimum, address that the sports wagering operator must prevent wagers from any prohibited sports wagering participant.
13. Wynn's approved internal control procedures, Page 7, describes the procedures for prohibited participants.
14. On November 10, 2021, SG Digital, Wynn's online sports wagering platform provider, notified the Commission that a prohibited participant had been able to place a wager on Wynn's platform. SG Digital provided that an emergency update would be deployed to the platform. An incident report provided by SG Digital provided that on November 9, 2021, two (2) prohibited sports wagering participants were able to place wagers and perform transactions on Wynn's platform.

## COUNT III

15. 68 IAC 27-2-16(d) provides except as outlined in this section, occupational licensing of an employee, independent contractor, agent or subagent of a sports wagering operator shall be governed by IC 4-33-8 and 68 IAC 2-3.
16. 68 IAC 2-3-9.2(b)(1) requires the occupational licensee to notify the Commission of separation on a form prescribed or approved by the Commission.

17. 68 IAC 2-3-9.2(c) requires the notification must be submitted to the Commission within fifteen (15) days of the occurrence of the change or action.
18. On April 7, 2022, the Commission received a separation from service notification through the occupational licensing system from Wynn for three (3) licensees: a Fraud Payments employee, a Director of Media Buying and a JR Trader, showing a separation date of February 3, 2022, January 28, 2022 and December 2, 2021. The Commission was not notified in a timely manner.

### **TERMS AND CONDITIONS**

Commission staff alleges that the acts or omissions of Wynn by and through its agents as described herein constitute a breach of IC 4-38, 68 IAC, and/or Wynn's approved internal control procedures. The Commission and Wynn hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Wynn.

Wynn shall pay to the Commission a total of \$6,500 (\$3,000 for Count I, \$2,000 for Count II and \$1,500 for Count III) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in the Findings of Fact contained in this Agreement. This Agreement extends only to those violations and findings of fact specifically alleged in the findings above. If the Commission subsequently discovers facts that give rise to additional or separate violations, the Commission may pursue disciplinary action for such violations even if the subsequent violations are similar or related to an incident described in the findings above.


Upon execution and approval of this Agreement, Commission staff shall submit this Agreement to the Commission for review and final action. Upon approval of the Agreement by the Commission, Wynn agrees to promptly remit payment in the amount of \$6,500 and waive all rights to further administrative or judicial review.

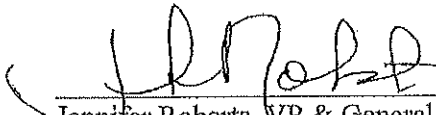
This Agreement constitutes the entire agreement between the Parties. No prior or subsequent understandings, agreements, or representations, oral or written, not specified or referenced within this document will be valid provisions of this Agreement. This Agreement may not be modified, supplemented, or amended, in any manner, except by written agreement signed by all Parties.

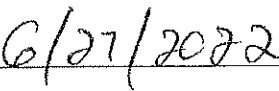
This Agreement may be executed in multiple counterparts, each of which shall be deemed an original agreement and both of which shall constitute one and the same agreement. The counterparts of this Agreement may be executed and delivered by electronic mail, facsimile, or other electronic signature by either of the parties and the receiving party may rely on the receipt of such document so executed and delivered electronically as if the original had been received.

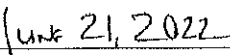
This Agreement shall be binding upon the Commission and Wynn.

IN WITNESS WHEREOF, the Parties have signed this Agreement on the date and year as set forth below.

  
\_\_\_\_\_  
Greg Small, Executive Director  
Indiana Gaming Commission

  
\_\_\_\_\_  
Jennifer Roberts, VP & General Counsel  
WSI US, LLC d/b/a WynnBET

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Date