

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 12—Liquor Control**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2014, the commission amends a rule as follows:

**11 CSR 45-12.090 Rules of Liquor Control is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1310–1311). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed amendment on November 2, 2016. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 1—Organization and Administration**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2014 and section 313.955, RSMo Supp. 2016, the commission amends a rule as follows:

11 CSR 45-1.100 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1309–1310). Changes have been made to the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed amendment on November 2, 2016. One person commented on this proposed amendment at the public hearing and also submitted those comments in writing. The MGC staff commented on this rule.

**COMMENT #1:** Daniel Haight, on behalf of Yahoo!, stated that “the regulations should give the Commission discretion to make modifications on a case-by-case basis, particularly when dealing with companies that have various and unrelated product offerings.”

**RESPONSE AND EXPLANATION OF CHANGE:** A revision was made to include Fantasy Sports Contest Operator applicants in section (1) of this rule.

**COMMENT#2:** The MGC noted that the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by HB 1941, the Missouri Fantasy Sports Consumer Protection Act (The Act).

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission revised section (1) and the authority section of this rule to reference the renumbered sections of The Act.

**11 CSR 45-1.100 Waivers and Variances**

(1) The commission may waive or grant a variance from the provisions of Title 11, Division 45, Chapters 1–40 of the *Code of State Regulations* upon a licensee’s or a Fantasy Sports Contest Operator applicant’s written request, if the commission determines that the waiver or variance is in the best interests of the public. Any waiver or variance granted pursuant to this section constitutes an order of the commission pertaining to gaming, violation of which subjects a licensee to discipline under section 313.812.14(2) and 313.950, RSMo.

*AUTHORITY:* sections 313.004 RSMo, Supp. 2014, section 313.805, RSMo Supp. 2013, and sections 313.950 and 313.955, RSMo, Supp. 2016. Original rule filed Aug. 27, 2004, effective March 30, 2005. Emergency amendment filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 3—Records**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2014 and section 313.955, Supp. 2016, the commission amends a rule as follows:

11 CSR 45-3.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1310). Changes have been made to the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed amendment on November 2, 2016. No one commented on this proposed amendment at the public hearing and no written comments were received. The MGC staff commented on this rule.

**COMMENT #1:** The MGC noted that the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by HB 1941, the Missouri Fantasy Sports Consumer Protection Act (The Act).

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission revised section (4) and the authority section of this rule to reference the renumbered sections of The Act.

**11 CSR 45-3.010 Commission Records**

(4) Except as otherwise required under sections 313.847.1 and 313.945, RSMo, all investigatory, proprietary or application records, information and summaries in the possession of the commission or its agents may be treated by the commission as closed records not to be disclosed to the public.

*AUTHORITY: sections 313.004 RSMo Supp. 2014, section 313.805, RSMo Supp. 2013, and 313.847, RSMo 2000, and sections 313.945, 313.950, and 313.955, RSMo Supp. 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Emergency amendment filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 13—Hearings**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2014, and section 313.955, RSMo Supp. 2016, the commission adopts a rule as follows:

11 CSR 45-13.054 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1311–1312). No changes have been made to the text of the proposed rule, so it is not reprinted here. Changes have been made to the authority section of the rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed rule on November 2, 2016. No one commented on this proposed rule at the public hearing, and no written comments were received. The MGC staff commented on this rule.

**COMMENT #1:** The MGC noted that the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by HB 1941, the Missouri Fantasy Sports Consumer Protection Act (The Act).

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission revised the authority section of this rule to reference the renumbered sections of the The Act.

**11 CSR 45-13.054 Fantasy Sports Contest Hearings**

*AUTHORITY:* sections 313.910, 313.935, 313.950, and 313.955, RSMo Supp. 2016. Emergency rule filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 13—Hearings**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2014 and section 313.955, RSMo Supp. 2016, the commission amends a rule as follows:

11 CSR 45-13.055 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1312). Changes have been made to the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed amendment on November 2, 2016. No one commented on this proposed amendment at the public hearing, and no written comments were received. The MGC staff commented on this rule.

**COMMENT #1:** The MGC noted the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by the HB 1941, Missouri Fantasy Sports Consumer Protection Act.

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission revised section (1) and the authority section of this rule to reference the renumbered sections of The Act.

**11 CSR 45-13.055 Emergency Order Suspending License Privileges—Expedited Hearing**

(1) Upon a finding that sufficient facts exist to show that a licensee has violated a provision of section 313.004 to 313.090, RSMo, sections 313.800 to 313.850, RSMo, or sections 313.900 to 313.955, RSMo, or any rule promulgated by the commission under 11 CSR 30, et seq. or 11 CSR 45, et seq. as may be amended from time-to-time and that such facts constitute an immediate threat to the public health, safety or welfare, the director may issue an emergency order immediately suspending the privileges under the license that allow the licensee to—

*AUTHORITY: sections 313.004 and 313.800, RSMo 2014, sections 313.052 and 313.560, RSMo 2000, section 313.805, RSMo Supp. 2013, and sections 313.910, 313.935, 313.950, and 313.955, RSMo Supp. 2016. Emergency rule filed July 30, 1999, effective Aug. 9, 1999, expired Feb. 24, 2000. Emergency amendment filed Nov. 30, 2006, effective Dec. 10, 2006, expired June 7, 2007. Original rule filed Dec. 17, 1999, effective July 30, 2000. Emergency amendment filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 13—Hearings**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2014, and section 313.955, RSMo Supp. 2016, the commission amends a rule as follows:

11 CSR 45-13.065 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1312). No changes have been made to the text of the proposed amendment, so it is not reprinted here. Changes have been made to the authority section of the rule, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed amendment on November 2, 2016. No one commented on this proposed amendment at the public hearing, and no written comments were received. The MGC staff commented on this rule.

**COMMENT #1:** The MGC noted that the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by HB 1941, the Missouri Fantasy Sports Consumer Protection Act (The Act).

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission revised the authority section of this rule to reference the renumbered sections of The Act.

**11 CSR 45-13.065 Settlements**

*AUTHORITY:* sections 313.052 and 313.560, RSMo 2000, sections 313.805 and 621.045, RSMo Supp. 2013, sections 313.004 and 313.800, RSMo Supp. 2014, and sections 313.910, 313.935, 313.950, and 313.955, RSMo 2016. Emergency rule filed Dec. 12, 1997, effective Dec. 22, 1997, expired June 19, 1998. Original rule filed Dec. 12, 1997, effective July 30, 1998. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Emergency amendment filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 17—Voluntary Exclusions**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2014, and section 313.955, RSMo Supp. 2016, the commission amends a rule as follows:

11 CSR 45-17.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1313). Changes have been made to the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed amendment on November 2, 2016. No one commented on this proposed amendment at the public hearing, and no written comments were received. The MGC staff commented on this rule.

**COMMENT #1:** The MGC noted that a typographical change was needed in the last sentence in section (1).

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission revised section (1) by removing the word “providing” from the last sentence.

**COMMENT #2:** The MGC noted that the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by HB 1941, the Missouri Fantasy Sports Consumer Protection Act (The Act).

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission revised section (1) and the authority section of this rule to reference the renumbered sections of The Act.

**11 CSR 45-17.030 Procedure for Entry of Names onto List of Disassociated Persons**

(1) Upon filing of an application for placement on the List of Disassociated Persons (List), the director may file a Notice of Placement on the List. Notwithstanding the status of some information contained therein that may be closed under sections 313.847, 313.945, and 610.021, RSMo, the application and notice may be disclosed to all Class B licensees and licensed fantasy sports contest operators, and their agents and employees.

*AUTHORITY: sections 313.004, RSMo Supp. 2014, section 313.813, RSMo 2000, sections 313.805 and 610.021, RSMo Supp. 2013, and sections 313.945, 313.950, and 313.955, RSMo 2016. Original rule filed April 18, 1996, effective Dec. 30, 1996. Amended: Filed Aug. 28, 1998, effective March 30, 1999. Amended: Filed March 30, 1999, effective Nov. 30, 1999. Amended: Filed Aug. 25, 2011, effective March 30, 2012. Emergency amendment filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 17—Voluntary Exclusions**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2014, and section 313.955, RSMo Supp. 2016, the commission amends a rule as follows:

11 CSR 45-17.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1313). No changes have been made to the text of the proposed amendment, so it is not reprinted here. Changes have been made to the authority section of the rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed amendment on November 2, 2016. No one commented on this proposed amendment at the public hearing, and no written comments were received. The MGC staff commented on this rule.

**COMMENT #1** The MGC noted that the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by HB 1941, the Missouri Fantasy Sports Consumer Protection Act (The Act).

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission revised the authority section of this rule to reference the renumbered sections of The Act.

**11 CSR 45-17.040 Confidentiality of List of Disassociated Persons**

*AUTHORITY:* sections 313.004, RSMo Supp. 2014, section 313.813, RSMo 2000, sections 313.805 and 610.021, RSMo Supp. 2013, and sections 313.945, 313.950, and 313.955, RSMo 2016. Original rule filed April 18, 1996, effective Dec. 30, 1996. Amended: Filed Aug. 28, 1998, effective March 30, 1999. Amended: Filed March 30, 1999, effective Nov. 30, 1999. Amended: Filed Aug. 25, 2011, effective March 30, 2012. Emergency amendment filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 40—Fantasy Sports Contests**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.955, RSMo Supp. 2016, the commission adopts a rule as follows:

11 CSR 45-40.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1313–1314). Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed rule on November 2, 2016. Three (3) people commented on this proposed rule at the public hearing and also submitted their comments in writing. MGC staff commented on this rule.

**COMMENT #1:** Sean Ostrow, on behalf of Fan Duel, and Derek Hein, on behalf of Draft Kings, commented that the net revenue and resident percentage definitions are problematic because they could lead to double taxation if a Missouri resident submitted an entry fee while physically located in another state that bases its tax on geo-location.

**RESPONSE:** The definitions used to calculate the annual operation fee based on Missouri residency were included in the Missouri Fantasy Sports Consumer Protection Act (the Act). The Missouri Gaming Commission does not have the authority to alter or vary from the provisions of the statute.

**COMMENT #2:** Mr. Ostrow and Mr. Hein suggested removing the inclusion of “free entry”, as they do not believe it was the intent of the legislation to require regulation of free contests. The statute specifically refers to “cash” and “cash equivalents,” but indicates no intent to regulate free play contests.

**RESPONSE AND EXPLANATION OF CHANGE:** A revision was made to clarify that the definition for entry fees would include free entries for paid contests, not free entries to contests that are free to all participants.

**COMMENT #3:** Daniel Haight, on behalf of Yahoo!, suggested redefining Fantasy Sports Contest Operator to limit it to the division within the larger company that operates the Fantasy Sports Contests.

**RESPONSE:** The definition of Fantasy Sports Contest Operator mirrors the definition in the Act. The Missouri Gaming Commission does not have the authority to alter or vary from the provisions of the statute. No change was made in response to this comment.

**COMMENT #4:** The MGC noted that the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by HB 1941, the Missouri Fantasy Sports Consumer Protection Act (The Act).

RESPONSE AND EXPLANATION OF CHANGE: The Commission revised section (7) and the authority section of this rule to reference the renumbered sections of The Act.

### **11 CSR 45-40.010 Definitions**

(2) Entry fee—anything of value including, but not limited to, contest credit, free entry to a paid contest, cash, or a cash equivalent, that a fantasy sports contest operator collects in order to participate in a fantasy sports contest.

(7) Licensed operator—a FSCO licensed pursuant to section 313.910, RSMo to offer FSCs for play on an authorized internet website in Missouri;

*AUTHORITY: sections 313.950 and 313.955, RSMo 2016. Emergency rule filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 40—Fantasy Sports Contests**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.955, RSMo Supp. 2016, the commission adopts a rule as follows:

11 CSR 45-40.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1314–1315). Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed rule on November 2, 2016. One person commented on this proposed rule at the public hearing and also submitted those comments in writing. The MGC staff commented on this rule.

**COMMENT #1** Daniel Haight, on behalf of Yahoo!, commented that he had concerns regarding exhibit #5 and #12 of the Fantasy Sports Contest Operator Application. He wants the application to be restricted to obtaining information from the division of the operator focused on paid fantasy sports contests, and not other businesses the applicant runs. Alternatively, he suggested the regulations should give the Commission discretion to make modifications to the Application on a case by case basis, particularly when dealing with companies that have various and unrelated product offerings. Additionally, he stated, “This rule should apply not only to background checks, but to provisions of the Act and associated regulations that request provision of several years of all of a company’s tax returns and associated audits and adjustments. Indeed, it should also be made clear that the required information is restricted to tax returns in Missouri. Further, the provisions requiring personal information of Yahoo employees should be limited to those who oversee our paid fantasy offerings, and there should be a similar limitation in the rules regarding accounting representations, accounting reps, bank accounts and representatives, legal representatives, and underwriters. Finally, people who are authorized to sign the license application on behalf of the company should also be the ones who run the fantasy sports business.”

**RESPONSE:** Section 313.910, RSMo requires the Commission to provide forms on which the applicant demonstrates financial suitability consistent with the best interest of the Missouri fantasy sports industry. Title 11 CSR 45-1.100 gives the Commission the authority to waive or grant a variance to any provision of this rule other than those mandated by the relevant statutes. No changes were made in response to this comment.

**COMMENT #2:** Mr. Haight stated that “Every officer, board director and general partner should not be required to be fingerprinted by the FBI when only a small portion of that entity’s business is devoted to paid fantasy sports.”

RESPONSE AND EXPLANATION OF CHANGE: It was not the intent of the Commission to request a FSCO Personal Disclosure Form from every employee or key person of every applicant, only those specified by the Commission. The language in section (3) was revised to clarify this intent.

COMMENT #3: Mr. Haight stated, “Specifically, 11 CSR 45-40.020 Application for Fantasy Sports Contest Operator License, and the associated ‘Applicant’s Authorization and Request to Release Information’ form, gives the Missouri State Highway Patrol and MGC Financial Investigators a very broad (and lengthy in duration) power of attorney which would allow for requests of documentation that are unrelated to Yahoo’s Fantasy Sports business, as well as permits Missouri to sign documents as an agent of Yahoo. In order for Yahoo to submit our application, we would have to waive any privilege with regard to confidential information (which may be unrelated to our Fantasy Sports business), and via the Release of Claims document, release the State from any claim resulting from a disclosure of such information.”

RESPONSE: The Commission’s ability to fulfill its statutory obligation to investigate applicants pursuant to 313.950, RSMo would be inhibited without a completed ‘Applicant’s Authorization and Request to Release Information’ form. Section 313.910, RSMo requires the Commission to provide forms on which the applicant demonstrates experience, reputation, competence, and financial responsibility consistent with the best interest of the Missouri fantasy sports industry. Title 11 CSR 45-1.100 gives the Commission the authority to waive or grant a variance to any provision of this rule other than those mandated by the relevant statutes. No changes were made in response to this comment.

COMMENT #4: The MGC noted that the name of the person authorized to receive this information on Form 943 needed to be revised.

RESPONSE AND EXPLANATION OF CHANGE: The Commission revised Form 943 of the Fantasy Sports Contest Operator Application to change the name of the individual to whom the applicant’s tax information is to be released.

COMMENT #5: The MGC noted that the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by HB 1941, the Missouri Fantasy Sports Consumer Protection Act (The Act).

RESPONSE AND EXPLANATION OF CHANGE: The Commission revised the Application which is incorporated by reference, section (2), and the authority section to reference the renumbered sections of The Act.

COMMENT #6: The MGC noted that the FSCO Personal Disclosure Form needed to be updated to include new codes for the Place of Birth and the Country of Citizenship.

RESPONSE AND EXPLANATION OF CHANGE: The Commission revised the FSCO Personal Disclosure Form to include changes for the new codes and section (3).

### **11 CSR 45-40.020 Application for Fantasy Sports Contest Operator License**

(2) Application for licensure shall be made on the Fantasy Sports Contest Operator Application (Application), which the commission adopts and incorporates by reference herein, as published

by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. The Application does not incorporate any subsequent amendments or additions as adopted by the commission on December 7, 2016.

(3) The applicant shall be responsible for ensuring the FSCO Personal Disclosure Form is completed by those key persons, employees, or other individuals requested by the commission. The requested FSCO Personal Disclosure Forms and the required fingerprint sets shall be submitted within thirty (30) days of the commission's request. The commission adopts and incorporates by reference herein, the FSCO Personal Disclosure Form, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. The FSCO Personal Disclosure Form does not incorporate any subsequent amendments or additions as adopted by the commission on December 7, 2016.

*AUTHORITY: sections 313.910, 313.925, 313.935, 313.950, and 313.955, RSMo 2016. Emergency rule filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.*

# MISSOURI GAMING COMMISSION



## Fantasy Sports Contest Operator Application

**You must make accurate statements and include all material facts. Any misrepresentation, or the failure to provide requested information, may result in the denial of the application. Any statement that is not true or not disclosed which becomes known at any later date is cause for revocation of the Fantasy Sports Contest Operator license relating thereto.**

Note: The Commission, notwithstanding the provisions of section 610.110, RSMo., has access to both closed and open records pursuant to section 313.004, RSMo. Please answer all the questions fully and thoroughly.

## INSTRUCTIONS FOR FANTASY SPORTS CONTEST OPERATOR LICENSE APPLICATION FORM

Applicants for licensure are seeking a privilege. The applicant must accept any risk of adverse public notice, embarrassment, criticism, other action, or financial loss which may result from action with respect to any application, and expressly waives any claim for damages as a result thereof. Information not called for in this form or in addition to that provided in response to this form may be requested. The applicant shall provide all information, documents, materials, and certifications at the applicant's sole expense and cost.

**Pursuant to limitations set forth in Chapter 313.935, the total cost of the investigation conducted pursuant to this application shall be borne by the applicant.** In addition, the applicant is responsible for the payment of all application and license fees required under the Act.

The applicant should respond to the questions contained herein to the best of its knowledge. ***Any misrepresentation or omission is grounds for license denial.***

The applicant is under a continuing duty to immediately disclose any changes in the information provided in the application and requested materials submitted to the commission. The duty to make such additional disclosures shall continue throughout any period of the licensure granted by the commission.

Print or type the answers to questions. If the answer or material responsive to a question has been provided in response to another portion of the application, refer to the other portion.

If you make any modification to the pre-printed questions, format, or information contained in this form, your application will be rejected. Once your application is accepted, it becomes the property of the Missouri Gaming Commission and will not be returned.

### FORMS AND DOCUMENTS

The original and one copy of each of the following forms and items must be organized, tabbed and submitted in letter-size expansion envelopes by the applicant. All copies must be labeled with the applicant's name. Mail the forms and documents to:

Missouri Gaming Commission  
3417 Knipp Drive  
PO Box 1847  
Jefferson City, MO 65102

**The following items MUST be submitted for the application to be considered complete:**

1. Fantasy Sports Contest Operator License Application form submitted by applicant;
2. Check payable to the Missouri Gaming Commission for the application fee;
3. Schedule of exhibits;
4. Applicant's Authorization and Request to Release Information;
5. Release of All Claims;
6. Affidavit of Full Disclosure;
7. Verification;
8. Tax information authorizations; and

9. Public Disclosure Section and Verification;

**The following items MUST be submitted in addition to the application:**

1. Fantasy Sports Contest Operator's Procedures for Approval form or information sufficient to satisfy 11 CSR 45-40.030.
2. Fantasy Sports Contest Operator's Procedures for Submission form or information sufficient to satisfy 11 CSR 45-40.050.

### **APPLICATION FEE**

A non-refundable application fee in the amount of \$10,000 or ten percent of the applicant's net revenue from the previous calendar year, whichever is lower, must be submitted with this application. If the application fee is based on net revenue, include supporting documentation for the calculation of net revenue. Payment should be made by check or money order made payable to the Missouri Gaming Commission.

### **DEFINITIONS**

Definitions contained in the statute and rules also apply to this application. In addition, for the purposes of this application, the following terms shall have the following meanings:

**Applicant:** Any person or business entity that has applied for a Fantasy Sports Contest Operator license.

**Application:** The total written materials, including the instructions, forms and other documents issued by the commission, comprising the applicant's request for a Fantasy Sports Contest Operator license.

**Arrest:** Any detaining, holding, or taking into custody by any police or other law enforcement authorities to answer for the alleged performance of any offense.

**Authorized internet website:** An internet website or any platform operated by a licensed operator.

**Beneficial owner/ownership:** 1) A holder of any direct or indirect legal or beneficial interest whose combined direct, indirect, or attributed interest is five percent (5%) or more in an applicant or licensee;

**Best of knowledge:** The applicant's knowledge after substantial inquiry.

**Business entity:** A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, trust, sole proprietorship, or other form of business.

**Compensation:** Anything of value, including salary, wages, commissions, tips, gratuities, fees, bonuses, dividends, and distributions from (S) corporations and/or partnerships, in any form, including cash, securities, real property and tangible and intangible personal property.

**Commission:** The Missouri Gaming Commission.

**Control:** The power to exercise authority over or direct the management and policies of an individual or business entity.

**Entry fee:** Anything of value including, but not limited to, cash or a cash equivalent, that a fantasy sports contest operator collects in order to participate in a fantasy sports contest.

**Fantasy sports contest:** Any fantasy or simulated game or contest with an entry fee, conducted on an internet website or any platform, in which:

- the value of all prizes and awards offered to the winning participants is established and made known in advance of the contest;
- all winning outcomes reflect in part the relative knowledge and skill of the participants and are determined predominantly by the accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and
- no winnings outcomes are based on the score, point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event.

**Fantasy sports contest operator:** any person or entity that offers fantasy sports contests for a prize.

**FEIN:** Federal Employer Identification Number.

**Felony:** A criminal offense for which a sentence of imprisonment for one year or more may be imposed under the laws of any jurisdiction.

**Financial statement:** Any balance sheet, income statement, profit and loss statement, statement of cash flow, and sources and uses of funds statement.

**Highly experienced player:** A person who has either:

- entered more than one-thousand contests offered by a single fantasy sports contest operator; or
- won more than three (3) fantasy sports prizes of one-thousand dollars or more.

**Individual:** Any natural person.

**Key Person:**

1. An officer, director, trustee, and principal salaried executive staff officer. As used herein the term officer means the president, vice-president, treasurer, and other officer identified in an entity's bylaws or incorporation documents, a member or manager of a limited liability company, a sole proprietor, or a partner.
2. Anyone so designated by the commission or the executive director.

**Licensed operator:** A fantasy sports contest operator licensed pursuant to section 313.910 RSMo, to offer fantasy sports contests for play on an authorized internet website in Missouri.

**Minor:** Any person less than 18 years of age.

**Net revenue:** For all fantasy sports contests, the amount equal to the total entry fees collected from all participants entering such fantasy sports contests less winnings paid to participants in the contests, multiplied by the resident percentage.

**Offense:** All felonies, crimes, misdemeanors, municipal ordinance violations, military court-martials, and violations of probation or other court order. An "offense" does not include infractions, traffic or parking violations, except for driving while revoked/suspended, alcohol/drug related traffic violations, and leaving the scene of an accident.

**Player:** A person who participates in a fantasy sports contest offered by a fantasy sports contest operator.

**Predecessor Company:** A business entity which no longer exists in its original form but whose assets in substantial part have been acquired by another business entity or which had undergone certain internal changes, such as those of identity, form or capital structure.

**Prize:** Anything of value including, but not limited to, cash or a cash equivalent, contest credits, merchandise, or admission to another contest in which a prize may be awarded.

**Public Official:** An individual who is elected to office or who is appointed to an office to discharge a public duty for the state, any city, county or any of its political subdivisions.

**Publicly-held Company:** A company that has filed a registration statement with the Securities and Exchange Commission.

**Registered Agent:** Any individual or business entity against whom service of process may be made on behalf of any business entity or that is designated as such by any articles of incorporation or other corporate filings in any state.

**Registered Player:** A person registered pursuant to section 313.920 RSMo, to participate in a fantasy sports contest on an authorized internet website.

**Resident percentage:** For all fantasy sports contests, the percentage, rounded to nearest one-tenth of one percent, of the total entry fees collected from Missouri residents divided by the total entry fees collected from all players, regardless of the players' location, of the fantasy sports contests.

**Script:** A list of commands that a fantasy-sports-related computer program can execute to automate processes on a fantasy sports contest platform.

**APPLICATION FOR A FANTASY SPORTS CONTEST OPERATOR LICENSE  
IS HEREBY MADE TO  
THE MISSOURI GAMING COMMISSION**

**NAME OF APPLICANT**

\_\_\_\_\_  
Name as it appears on the certificate of incorporation, charter, by-laws, or other official document. (DO NOT ABBREVIATE)

\_\_\_\_\_  
D/B/A or Trade Name(s)

**PERSON TO BE CONTACTED IN REFERENCE TO THIS APPLICATION**

\_\_\_\_\_  
Name Title

\_\_\_\_\_  
E-Mail Address Telephone Number Fax Number

**THE PRINCIPAL BUSINESS ADDRESS OF THE FANTASY SPORTS CONTEST OPERATOR ENTITY**

Address City State Zip

Country Telephone Number Fax Number

Mailing address (if different) City State Zip

Federal Employer Identification Number (FEIN)\* Missouri Retailers Occupation Tax Number (If Applicable)

Web site:

Email address:

\* If the applicant does not hold a FEIN number, state the proposed date for obtaining this number and the Internal Revenue Service district where federal tax filings will occur.

**Transmittal Letter**

Missouri Gaming Commission  
3417 Knipp Drive  
Jefferson City, MO 65109

Dear Sir or Madam:

\_\_\_\_\_ (Applicant's Name) does herewith make application for licensure by the Missouri Gaming Commission to operate a Fantasy Sports Contest Operation which is an applicant for or is presently licensed by the Missouri Gaming Commission.

In accordance with the Missouri Fantasy Sports Consumer Protection Act, the applicant submits herewith a check or money order in the amount of \$10,000 or ten percent (10%) of the applicant's net revenue from the previous calendar year, whichever is lower. The applicant understands that costs incurred to conduct the suitability investigation will be assessed by the commission subject to the limitations set forth in Chapter 313.935.

The applicant agrees to disclose and to require all of the persons associated with the applicant to disclose all information, documents, and other material which the commission may request at any time.

Further, the applicant agrees to furnish any additional information, documents, and other material requested by the commission, and agrees that such additional material shall be made a part of this application.

The applicant acknowledges that neither the acceptance of this application nor the issuance of a license hereunder shall imply that the Missouri Gaming Commission admits the truth of the statements herein made, or its approval thereof. Nor shall such acceptance or the issuance of a license constitute waiver or agreement by the commission with respect to any material contained in this application. The applicant further acknowledges that any license or any interest in any license issued by the commission is not transferable, and that subsequent legislation or regulation may diminish the value of any license issued by the commission to any extent possible.

The applicant has read and agrees to abide by the terms of the Missouri Fantasy Sports Consumer Protection Act and any rules promulgated by the commission, including any emergency rules.

Respectfully submitted,

\_\_\_\_\_  
(Applicant's Name)

By:

\_\_\_\_\_  
(Officer)

## APPLICANT INFORMATION

1. Check the category below, which describes the applicant's business entity. An individual should apply as a sole proprietor. If the other specific categories are not applicable then "Other" must be indicated for any business entity, which is not one of the specific categories listed. If "Other" is checked, an explanation of the business entity is required; if the space provided is insufficient, submit the explanation as **Exhibit 1**.

Corporation	Limited Partnership
General Partnership	Sole Proprietor
Holding Company	Trust
Limited Liability Company	Unincorporated Association
Other	

2. Submit as **Exhibit 2** a detailed description of the applicant's business, including the background and skills of the applicant and the applicant's key persons and employees, and identifying and describing any predecessor company of the applicant.
3. Submit as **Exhibit 3** a list of all current and former addresses, which the applicant has held or from which it has conducted business within ten (10) years from the date of filing this application, including the approximate time periods during which such addresses were held.
4. If the applicant conducts business outside Missouri, submit as **Exhibit 4** a statement listing all other jurisdictions where the applicant conducts business, describing the business activity conducted in those other jurisdictions.
5. Submit as **Exhibit 5** a schedule listing the name, business address, and telephone number for each of the applicant's:
  - (A) registered agent(s);
  - (B) legal representatives;
  - (C) accounting services representatives;
  - (D) banking and financial services representatives;
  - (E) underwriter(s);
  - (F) custodian of business records; and
  - (G) employees
6. Submit as **Exhibit 6** a detailed statement concerning the experience of the applicant and its employees, officers, directors, trustees, and principal salaried executive staff officers in the field of Fantasy Sports Contest Operations.
7. State whether any of the securities or debt offerings of the applicant have been suspended from trading or have had action taken against them by any regulatory agency:

ANSWER:

If the answer is "yes", submit as **Exhibit 7** ALL paperwork relating to the action taken, a detailed statement describing each suspension or action, the date and the final disposition.

8. State whether the applicant currently, or within the last five (5) years, has been a party to a lawsuit.

ANSWER:

If the answer is “yes”, submit a detailed list of all cases as follows:

Name of Parties	Case Number	Court and Location	Type or Nature of Case	Disposition/ Punishment/ Fine or Settlement Amount
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If the answer to Question 8 is “yes”, then submit as **Exhibit 8** copies of all complaints, petitions or other pleadings listed or referred to above.

In addition, for all pending litigation, unsatisfied judgments, decrees, restraining orders, or injunctive orders, state:

- (A) in detail all pertinent facts, including the type and amount of relief sought; and
- (B) an assessment of the impact, if any, which the action may have on the applicant or licensee for which this application is being filed.

9. To the extent not already disclosed in your answer to Question 8, state whether, within the last five (5) years, the applicant has been involved in any formal or informal process or agreement to adjust, defer, suspend, or otherwise work out the payment of any debt:

ANSWER:

If your answer is “yes”, submit as **Exhibit 9** ALL paperwork and a statement setting forth all details concerning each debt and the relating formal or informal process or agreement.

10. State whether the applicant has, within the last five (5) years, been delinquent in the payment of, or in dispute over the filings concerning the payment of, any tax required under federal, state, or municipal law:

ANSWER:

If your answer is “yes”, submit as **Exhibit 10** ALL paperwork and a detailed statement describing the taxing agency and location, amount and type of tax, the date the filing or tax report was required, the date the filing or remission was accomplished, and the complete circumstances surrounding the delinquency or dispute.

11. State whether the applicant has, within the last five (5) years, had any municipal, state, or federal tax returns audited or adjusted:

ANSWER:

If the answer is “yes”, submit as **Exhibit 11** ALL paperwork and a statement describing in detail the facts, circumstances, and results of that audit or adjustment.

12. State whether the applicant is a corporation:

ANSWER:

If the answer is “yes”, submit as **Exhibit 12**:

- (A) The full corporate name, including all former trade or fictitious names, the address and telephone number of the corporate headquarters, and the FEIN number;

- (B) The date the applicant began accepting entry fees from Missouri residents, the name of the state in which each corporation is incorporated, the date of incorporation, and, if a corporation is not incorporated in Missouri, whether the corporation is authorized to conduct business in Missouri;
- (C) Copies of each of the following that apply: Articles of Incorporation, bylaws and all amendments, all organizational charts, fictitious name registration, certificate of authority to do business in Missouri, and the most current annual report, which shall include financial statements;
- (D) A list of the officers, directors, trustees, and principal salaried executive staff officers of each corporation, their names, country of citizenship, positions, and business and residential telephone numbers;
- (E) For each corporation:
  - 1) state and federal tax returns for the past three (3) years, and all tax identification numbers, sales tax number, employer withholding tax numbers, and corporate income tax numbers;
  - 2) whether the applicant is publicly held as defined by the Securities and Exchange Commission;
  - 3) the classes of stock and number of shares;
  - 4) in alphabetical order, list the name and address of each record stockholder holding 5% or more of corporate stock together with the percentage of voting shares of stock owned. If the applicant is publicly traded, attach a copy of the most recent registration statement and annual report filed with the Securities and Exchange Commission and any filings with any states' Commissioner of Securities or applicable exemption from state registration;

13. If the applicant is a person or a business entity other than a corporation, submit as **Exhibit 13**:

- (A) a detailed description of the organization, including the organizational chart;
- (B) the applicant's federal and state tax returns for the past three (3) years;
- (C) the name, including all former trade names, assumed names, or fictitious names, business and residential addresses and telephone numbers, Social Security number, FEIN, place and date of organization, percentage of ownership, and dates when participation occurred;
- (D) if the business entity is not organized under Missouri law, a statement identifying the law under which it is organized and stating whether it is authorized to conduct business in Missouri, and the date the applicant began accepting entry fees from Missouri residents;
- (E) if no authorization to do business in Missouri has been obtained, state why it has not been obtained;
- (F) the name and address of each participant who is a sole proprietor, general partner, limited partner, member, or manager; attach copies of any written agreement, constitution, or other document creating or governing the applicant's organization or powers of organization;
- (G) the names and addresses of any individual or other entity who holds a record or beneficial ownership, and as to each, please state the nature and extent of any ownership interest (including beneficial owners); any absolute or contingent voting interest and the terms upon which the interest may be voted; and the percent of ownership;

14. State whether the applicant currently holds or has ever held a Fantasy Sports Contest Operator related license issued by any jurisdiction:

ANSWER:

If the answer is "yes" submit as **Exhibit 14** the following:

- (A) the identification of the license or permit holder;
- (B) the issuing jurisdiction;
- (C) the nature of the permit or license;
- (D) the dates of issuance and termination; and
- (E) a copy of each such license or permit.

15. State whether the applicant has been arrested, detained, charged, or indicted for any **offense**(see definition), or has pled guilty to or been convicted of any **offense** under the laws of any jurisdiction within the ten (10) years prior to the date of application for registration.

ANSWER:

If the answer is “yes, submit as **Exhibit 15** ALL paperwork and a statement setting forth for each case:

- (A) the date;
- (B) the name and location of the court, arresting agency, and prosecuting agency;
- (C) the offense;
- (D) the disposition; and
- (E) the location and length of incarceration.

16. State whether the applicant:

- (A) has had a license denied, suspended, or revoked which was issued under the Act, or which was a license to operate a fantasy sports contest in any other jurisdiction; and
- (B) has withdrawn, or been allowed to withdraw, with or without prejudice, from any jurisdiction after applying fantasy sports contest license;

ANSWER:

- (A):
- (B):

If the answer is “yes” to (A) or (B),submit as **Exhibit 16** ALL paperwork and a statement describing in detail the facts and circumstances concerning that denial, restriction, suspension, revocation, or non-renewal, including the licensing authority, the date each action was taken, and the reason for each such action.

**FINANCIAL INFORMATION**

17. State whether the applicant has filed bankruptcy within the last ten (10) years.

ANSWER:

18. If the applicant is a publicly-held company, submit as **Exhibit 18** for each publicly-held company copies of any state or federal registration statements and any other documents filed within the last two (2) fiscal years, including, without limitation, proxy or information statements filed pursuant to Section 14 of the Securities Exchange Act of 1934, annual reports (Form 10K), quarterly reports (Form 10Q), periodic reports (Form 8K) and statements prepared in accordance with regulation S-X, under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935 or the Investment Company Act of 1940. (**Note:** *If the SEC documents are available on the company's website, please provide the website address instead of supplying the requested documents.*)
19. Submit as **Exhibit 19(A) and 19(B)**, as applicable, copies of the following documents for the applicant, for the last two (2) fiscal years and for the period ending one (1) month prior to the date of application, or where the applicant has not existed as a business entity in any jurisdiction for the last two (2) fiscal years, for the applicant or any predecessor company to the extent that these documents exist for the last two (2) fiscal years:
- (A) financial statement, certified or authenticated by independent certified public accountants if such certified or authenticated documents have been prepared; and
  - (B) management representatives and lawyer's contingency letters provided to certified public accountants pertaining to certified financial audits and all reports and correspondence which pertain to the issuance of financial statements, managerial advisory services or internal control recommendations.
20. Submit as **Exhibit 20** a schedule listing the accounts or instruments held by the applicant during the two (2) year period prior to the date of this application from any bank, savings and loan association, credit union or other financial institution, domestic or foreign, whether such account or instrument was or is held in the name of the applicant, a nominee of the applicant, or was or is otherwise under the direct or indirect control of the applicant, stating for each such account or instrument:
- (A) the name, business address and telephone number of the financial institution involved;
  - (B) the type of account or instrument;
  - (C) the account or instrument number;
  - (D) the rate of interest;
  - (E) the time period during which the account or instrument was or will be held; and
  - (F) the opening and current or closing balance.
21. Submit as **Exhibit 21** all financial interests that any officer, director, trustee, or shareholder has in any entity involved in fantasy sports operations. The financial interests shall include all direct and indirect interests.

## Applicant's Authorization and Request to Release Information

To: \_\_\_\_\_  
(Leave Blank)

From: \_\_\_\_\_  
(Applicant's Name)

1. The applicant hereby authorizes and requests all persons to whom this request is presented having information relating to or concerning the applicant to furnish such information to a duly appointed officer of the Missouri State Highway Patrol, or Missouri Gaming Commission (MGC) Financial Investigator whether or not such information would otherwise be protected from disclosure by any constitutional, statutory, or other legal privilege.
2. The applicant hereby authorizes and requests all persons to whom or entities to which this request is presented having documents relating to or concerning the applicant to permit a duly appointed officer of the Missouri State Highway Patrol or MGC Financial Investigator to review and copy any such constitutional, statutory, or other legal privilege.
3. If the person to whom or entity to which this request is presented is a brokerage firm, bank, savings and loan, or other financial institution or an officer of same, the applicant hereby authorizes and requests that a duly appointed officer of the Missouri State Highway Patrol or MGC Financial Investigator be permitted to review and obtain copies of any documents, records, or correspondence pertaining to the applicant, including, but not limited to, past loan information, notes co-signed by applicant, checking account records, savings deposit records, safe deposit box records, passbook records, and general ledger folio sheets.
4. The applicant hereby makes, constitutes, and appoints any duly appointed officer of the Missouri State Highway Patrol or MGC Financial Investigator the applicant's true and lawful attorney-in-fact for the applicant in the applicant's name, place, stead, and on the applicant's behalf and for the applicant's use and benefit:
  - (A) to request, review, copy, sign for, or otherwise act for investigative purposes with respect to documents and information in the possession of the person or entity to whom this request is presented as the applicant might;
  - (B) to name the person to whom or entity to which this request is presented and insert that person's or entity's name in the appropriated location on this request; and
  - (C) to place the name of the Missouri State Highway Patrol's officer or MGC's Financial Investigator presenting this request in the appropriate location on this request.
5. The applicant grants to said attorney-in-fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as the applicant might or could do, with full power of substitution of revocation, hereby ratifying and confirming all that the attorney-in-fact, or his/her substitute(s), shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.
6. This power of attorney ends twenty-four (24) months from the date of execution or at the termination of all licenses issued to the applicant by the Missouri Gaming Commission, whichever occurs later.
7. The applicant has filed the "Application" with the Missouri Gaming Commission. The applicant accepts any risk of adverse public notice, embarrassment, criticism, or other action of financial loss, which may result from action with respect to this application.
8. The applicant does, for itself, its heirs, executors, administrators, successors and assigns, hereby release, remise, and forever discharge the person to whom or entity to which this request is presented, and his/her/ its agents and employees from any and all manner of actions, causes of action, suits, debts, judgments,

executions, claims, and demands whatsoever, known or unknown, in law or equity, which the applicant ever had, now has, may have, or claim to have against the person to whom or entity to which this request is presented or his/her/its agents or employees arising out of or by reason of complying with this request.

- 9. The applicant agrees to indemnify and hold harmless the person to whom or entity to which this request is presented and his/her/its agents and employees from and against all claims, damages, losses, and expenses, including reasonable attorney's fees, arising out of or by reason of complying with this request.
- 10. A reproduction of this request by photocopy shall be for all intents and purposes as valid as the original.

IN WITNESS WHEREOF, I have executed this request at

\_\_\_\_\_ (City) \_\_\_\_\_ (State)  
 on the \_\_\_\_ day of \_\_\_\_ 20\_\_.

\_\_\_\_\_  
(Applicant)

By: \_\_\_\_\_

Its: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
(Notary Public)

**(Notarial Seal)**

My commission expires: \_\_\_\_\_

Notary Public in and for the County of \_\_\_\_\_

State of \_\_\_\_\_

**Release of All Claims**

The undersigned has filed with the Missouri Gaming Commission (commission) certain forms and documents in connection with a written request for licensing by the commission ("Application"). In consideration of the assurance by the commission that no vote on the application will be taken except after an investigation of the undersigned and their successors and assigns, hereby release, remise, and forever discharge the State of Missouri, the commission, its members, agents, and employees, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known or unknown, in law or equity, which the undersigned ever had, now has, may have, or claim to have against any or all of said entities or individuals arising out of or by reason of the processing or investigation of or other action relating to the application.

I, the duly authorized \_\_\_\_\_(Office) of the undersigned, have read this affidavit and understand its terms. On behalf of and in accordance with the instructions of the undersigned, I execute it with full knowledge that the undersigned will be bound hereby.

IN WITNESS WHEREOF, I have executed this release at

\_\_\_\_\_ (City) \_\_\_\_\_ (State)  
on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Applicant)

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
(Notary Public)

**(Notarial Seal)**

My commission expires: \_\_\_\_\_

Notary Public in and for the County of \_\_\_\_\_

State of \_\_\_\_\_

**Affidavit of Full Disclosure**

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS

I, \_\_\_\_\_ (Officer), being the duly authorized \_\_\_\_\_ (Office) of \_\_\_\_\_ (Name of Applicant), being first duly sworn upon oath or affirmation, depose and state-That, except as reported in the applicant's Application ("Application"), the applicant has no agreements or understandings with any person or entity and no present intent to hold as agent, nominee, or otherwise any interest in the Application;

That, except as reported in the Application, the applicant has no agreements or understandings with any person or entity and no present intent to pay any sums of money or give anything of value as, including, but without limitation, a finder's fee or commission to any person or entity related to the acquisition or sale of any interest in the Application;

That any funds, used or to be used, and any liabilities incurred or to be incurred by the applicant in the acquisition of any interest in the Application were not provided to the applicant or made available to the applicant through the efforts of any person or entity not reported in the Application;

That, except as reported in the Application, no person or entity has provided collateral for or guaranteed payment of any loans made to the applicant which relate to the Application.

I, the duly authorized \_\_\_\_\_ (Office) of the undersigned, have read this Affidavit of Full Disclosure and understand its terms. On behalf of and in accordance with the instructions of the undersigned, I execute it with full knowledge that the undersigned will be bound hereby.

(Applicant)

By: \_\_\_\_\_

Its: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Notary Public)

**(Notarial Seal)**

My commission expires: \_\_\_\_\_

Notary Public in and for the County of \_\_\_\_\_

State of \_\_\_\_\_

**Verification**

State of  
County of

} SS

I, \_\_\_\_\_ being first duly sworn upon oath or affirmation, depose and state:

1. I am the individual who is submitting this form;
2. I personally supplied the information contained in this form;
3. I swear (or affirm) that the information contained in this form is true, complete, and accurate to the best of my knowledge and belief; and
4. I swear that I have read and agree to abide by the terms of the Fantasy Sports Consumer Protection Act and any rules promulgated by the Missouri Gaming Commission, including any emergency rules.

\_\_\_\_\_  
(Individual's Signature)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Notary Public)

**(Notarial Seal)**

My commission expires: \_\_\_\_\_

Notary Public in and for the County of \_\_\_\_\_

State of \_\_\_\_\_

**IMPORTANT**  
**Form 4506-T, Request for Transcript of Tax Return**

**Form 4506-T** can be found at the following site: <http://www.irs.gov/pub/irs-pdf/f4506t.pdf>

- Do **NOT** mail or fax Form 4506-T to the Internal Revenue Service
- When completing the form:
  - Enter the following information for question 5:  
Missouri Gaming Commission  
P.O. Box 1847  
Jefferson City, MO 65102  
(573) 526-4080
  - Place a check in box 6b
- Complete and sign the form and submit it to the Missouri Gaming Commission along with your completed application.

Form 4506-T is completed and included with my application.

## IMPORTANT Form 943, Request for Tax Clearance

**Form 943** can be found at the following site: <http://dor.mo.gov/forms/943.pdf>

- Do **NOT** mail or fax Form 943 to the Missouri Department of Revenue
- When completing the form:
  - Under “Reason(s) for Request”, for question number 3:
    - Place a check in box “Other”
    - List “Fantasy Sports Contest Operator License”
  - Under “Authorization”, enter the following information:

Name of Person Authorized to Receive This Information: Woody Hicks, Missouri Gaming Commission

Title: Sergeant

Phone Number: (573) 526-4080

Address: P.O. Box 1847

City: Jefferson City

State: MO

Zip Code: 65102

Email Address of Authorized Person: Woody.Hicks@mgc.dps.mo.gov

- Complete and sign the form and submit it to the Missouri Gaming Commission along with your completed application.

Form 943 is completed and included with my application.

## Public Disclosure Section Fantasy Sports Contest Operators Applicants and Licensees

Instructions: All applicants for licensure and all licensees are required to fully and completely supply all information concerning the applicant or licensee, his/her/its products, services, or fantasy sports enterprises and his/her/its business holdings requested by this form even though much of the information requested may have been previously disclosed in the application. Where the answer may be derived or ascertained from the business records of the applicant or licensee, the applicant or licensee may attach such records as exhibits and reference the exhibits in the corresponding answer. This form will be used by the Missouri Gaming Commission to comply with the provisions of the Fantasy Sports Consumer Protection Act requiring public disclosure of this information to any person upon request. Each applicant and licensee has a continuing obligation to update and supplement the information contained in this form. Portions of the form may not apply to each applicant and licensee; however, each applicant and licensee is instructed to complete all sections of the form that apply.

**Submit the original and one (1) copy of your responses together with the public disclosure verification as a separate attachment to the Application for the following requests:**

**(DO NOT** answer any question with a reference to the application unless you want the application to become public record. Any substantiating documents should be attached separately as part of this public disclosure statement.)

1. State the name, business address, and business telephone number of any applicant or licensee.

Answer:

2. Identify any applicant or licensee, including, if an applicant or licensee is not an individual, the state of incorporation or registration, the corporate officers, and the identity of all shareholders or participants. If an applicant or licensee has a pending registration statement filed with the federal Securities and Exchange Division, the names of those persons or entities holding interest shall be provided.

Answer:

3. Identify any business, including, if applicable, the state of incorporation or registration in which an applicant or licensee or an applicant's or licensee's spouse or children have an equity interest. If an applicant or licensee is a corporation, partnership, or other business entity, the applicant or licensee shall identify any other corporation, partnership, or business entity in which it has an equity interest, including, if applicable, the state of incorporation or registration. This information need not be provided by a corporation, partnership, or other business entity that has a pending registration statement filed with the federal Securities and Exchange Division.

Answer:

4. State whether an applicant or licensee has been indicted, convicted, pleaded guilty or nolo contendere, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor, except for traffic violations, including the date, the name and location of the court, arresting agency and prosecuting agency, the case number, the offense, the disposition, and the location and length of incarceration.

Answer:

5. State whether an applicant or licensee has had any license or certificate issued by a licensing authority in this state or any jurisdiction denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each such action was taken, and the reason for each such action.

Answer:

6. State whether an applicant or licensee has ever filed or had filed against it a proceeding in bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt, including the date of filing, the name and location of the court, and the case and number of the disposition.

Answer:

7. State whether an applicant or licensee has filed or been served with a complaint or other notice filed with any public body regarding the delinquency in the payment of, or a dispute over, the filings concerning the payment of any tax required under federal, state, or local law, including the amount, type of tax, the taxing agency, and time periods involved.

Answer:

8. State the names and titles of all public officials or officers of any unit of government, and relatives of such public officials or officers who, directly or indirectly, own any financial interest in, have any beneficial interest in, are the creditors of or hold any debt instrument issued by, or hold or have any interest in any contractual or service relationship with, an applicant or licensee.

Answer:

9. State the name and business telephone number of the attorney representing the applicant or licensee in matters before the commission.

Answer:

10. State the amount of tax receipts paid to the state in the previous 2 years by the applicant or licensee.

Answer:

### Public Disclosure Verification

State of \_\_\_\_\_  
County of \_\_\_\_\_

} SS

I, \_\_\_\_\_, being first duly sworn upon oath or affirmation, depose and state:

1. I am the applicant or licensee submitting this Public Disclosure Section.
2. I personally supplied the information contained in this form.
3. I swear (or affirm) that the information contained in this form is true, complete and accurate to the best of my knowledge and belief.
4. I understand and agree that the Public Disclosure Form will be provided to any member of the public who requests this information from the Missouri Gaming Commission. I further understand my continuing obligations to update and supplement this form if any of the information provided changes.
5. I swear that I have read and agree to abide by the terms of the Fantasy Sports Consumer Protection Act and any rules promulgated by the commission, including any emergency rules.

\_\_\_\_\_  
(Individual's Signature)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Notary Public)

**(Notarial Seal)**

My commission expires: \_\_\_\_\_

Notary Public in and for the County of \_\_\_\_\_

State of \_\_\_\_\_

# MISSOURI GAMING COMMISSION



## FANTASY SPORTS CONTEST OPERATOR PERSONAL DISCLOSURE FORM

***You must make accurate statements and include all material facts. Any misrepresentation, or the failure to provide requested information, may result in the denial of the fantasy sports contest operator's application.***

*Note: The Commission, notwithstanding the provisions of section 610.110, RSMo., has access to both closed and open records pursuant to section 313.004, RSMo. Please answer all the questions fully and thoroughly.*

**INSTRUCTIONS**

PLEASE READ ALL INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS FORM.

**I. COMPLETING THIS FORM:**

- a) You must make accurate statements and include all material facts.
- b) Notwithstanding the provisions of section 610.110, RSMo, the Commission has access to both open and closed records as provided under section 313.004, RSMo. Please be thorough and complete in response to these questions.
- c) Read each question carefully prior to answering. Answer every question completely. Do not leave blank spaces. If a question does not apply to you, indicate "Does Not Apply" in response to that question. If there is nothing to disclose in response to a particular question, indicate "None" in response to that question.
- d) All entries on this form, except initials and signatures, must be typed or printed in block lettering using dark ink.
- e) You must use blue ink to personally initial and date the spaces provided at the bottom of each page of the form.
- f) If the space available is insufficient to respond to a question, you are to supply the required information on an attachment page and clearly identify which question you are answering. The blank page on page 16 may be used to provide this additional information. You must use blue ink to personally initial and date this form at the bottom of each of these attachment pages.
- g) If you make any modification to the pre-printed questions, format, or information contained in this form, your form will be rejected. Once this form is accepted, it becomes the property of the Missouri Gaming Commission and will not be returned.

**IMPORTANT NOTICES**

**Persons submitting this form are required to be fingerprinted. This form will not be processed until fingerprints are provided.**

**You may be required to provide additional information or submit additional forms.**

**For those persons who reside outside of the United States, please ensure completed local law enforcement/police clearances accompany this form. This form will not be processed until proper foreign police clearances are provided.**

**You must immediately notify the Missouri Gaming Commission of any changes in the information submitted in this form and related materials. When you need to update information, you can use the appropriate pages from the blank form to provide the information.**

**II. BEFORE YOU SUBMIT THIS FORM TO THE MISSOURI GAMING COMMISSION, BE SURE THAT:**

- a. You have included all required attachments listed in this form.
- b. The verification forms are notarized on the original form.
- c. Every question has been answered completely.
- d. You retain a completed copy of this form for your own records.

**III. Please submit one original and one copy of the completed form and all required attachments to:**

**Missouri Gaming Commission  
3417 Knipp Drive  
PO Box 1847  
Jefferson City, MO 65102**

### Definitions

For the purpose of this form, the terms below shall have the following meanings:

**Domestic partnership:** A relationship between two adults residing together and sharing a common domestic life through a Civil Union or other type of legal partnership recognized in the state of the person's domicile.

**Felony:** A criminal offense for which a sentence of imprisonment for one year or more may be imposed under the laws of any jurisdiction, or which is designated a felony by the laws of a jurisdiction.

**Individual:** Any natural person.



**MISSOURI GAMING COMMISSION  
PERSONAL DATA**

SOCIAL SECURITY NO:		DATE OF BIRTH:		INTERNATIONAL ID:	
<b>NAME</b>					
LAST NAME		FIRST NAME		MIDDLE NAME	
				SUFFIX, IF APPLICABLE	
OTHER NAMES USED E.G., MAIDEN NAME, ALL PREVIOUS MARRIED NAMES, ALIASES, AKA (ALSO KNOWN AS)					
<b>ADDRESS (HOME ADDRESS INCLUDING HOME AND MOBILE PHONE INFORMATION)</b>					
STREET ADDRESS, SUITE NO., ETC:					
PO BOX:				HOME PHONE:	
CITY:		STATE:	ZIP CODE:	MOBILE PHONE:	
*PLACE OF BIRTH:		**COUNTRY OF CITIZENSHIP:		GENDER:	
*SEE PAGE 6 FOR THE APPROPRIATE PLACE OF BIRTH CODE **SEE PAGE 7 FOR THE APPROPRIATE COUNTRY CODE					
EYE COLOR:	HAIR COLOR:	ETHNIC ORIGIN:	HEIGHT:		WEIGHT:
			FT	IN	LBS
DO YOU HAVE ANY SCARS, TATTOOS, OR OTHER DISTINGUISHING MARKS AND/OR CHARACTERISTICS? IF SO, PLEASE DESCRIBE.					
<b>FANTASY SPORTS CONTEST OPERATOR</b>					
COMPANY NAME:					
JOB TITLE:					

Code	Description	Code	Description	Code	Description	Code	Description	Code	Description	Code	Description
EE	Absentee Shawnee	DW	Citizen Band	HE	Heard Island And	YO	Mayotte, Territorial	PW	Pawnee Tribe	TW	Taiwan, Republic Of
AF	Afghanistan		Pottawatomie Tribe		Mcdonald Islands		Collect	PA	Pennsylvania		China
AG	Aguscalientes	DB	Clipperton Island	HL	Hidalgo	IX	Menominee Indian	RC	People's Republic	TJ	Tajikistan
AL	Alabama	CU	Coahuila	HD	Honduras		Nation		Of China	TA	Tamailpas
AK	Alaska	DD	Cocos (Keeling)	HK	Hong Kong	MX	Mexico (State)	PU	Peru	TZ	Tanzania, United
AA	Albania		Islands	HO	Howland Island	MM	Mexico--Use Only	PI	Philippines		Republic Of
AB	Alberta	CL	Colima	HU	Hungary		When State Is	PC	Pitcairn, Henderson,	TN	Tennessee
AN	Algeria	CB	Colombia, Republic	IC	Iceland		Unknown		Ducie And Oeno	TX	Texas
AM	American Samoa		Of	ID	Idaho	DS	Miami Tribe		Islands	TH	Thailand
AD	Andorra	CO	Colorado	IL	Illinois	MI	Michigan	PO	Poland	TL	Tlaxcala
AO	Angola	DP	Comanche Nation	II	India	MC	Michoacan	PN	Ponca Tribe	TO	Togo
AE	Anguilla	DG	Comoros	IN	Indiana	MW	Midway Islands	PT	Portugal	TK	Tokelau
AI	Antigua And	ZR	Congo, Democratic	IO	Indonesia	LC	Mille Lacs	PE	Prince Edward	TG	Tonga
	Barbuda		Republic Of (Zaire)	IA	Iowa	MN	Minnesota	PB	Puebla	TQ	Tongareva
AX	Apache Tribe	CT	Connecticut	IW	Iowa Tribe	MS	Mississippi	PR	Puerto Rico	TT	Trinidad And
AT	Argentina	DI	Cook Islands	IR	Iran	MO	Missouri	QA	Qatar		Tobago
AZ	Arizona	DJ	Coral Sea Islands	IQ	Iraq	LD	Moldova	PQ	Quebec	TM	Tromelin Island
AR	Arkansas	CR	Costa Rica	IE	Ireland	MJ	Monaco	QU	Queretaro	TD	Trust Territory Of
AP	Armenia	IY	Cote D'Ivoire	NI	Ireland (Northern)	MG	Mongolia	QR	Quintana Roo		The Pacific Islands
AJ	Aruba	KC	Croatia	IB	Isle Of Man	MT	Montana	RL	Red Lake Indian	TF	Tuamotu
AH	Ashmore And	CC	Cuba, Republic Of	IS	Israel	RR	Montserrat		Agency		Archipelago
	Cartier Islands	CS	Cyprus	IT	Italy	MR	Morelos	RB	Republic Of Congo,	TU	Tunisia
AS	Australia	EZ	Czech Republic	JL	Jalisco	MQ	Morocco		Brazzaville	TY	Turkey
AU	Austria	DE	Delaware	JM	Jamaica	ZO	Mozambique	RY	Republic Of Yemen	UR	Turkmenistan
AV	Azerbaijan	DK	Denmark	JN	Jan Mayen	DT	Muscogee (Creek)	RE	Reunion	TR	Turks And Caicos
AQ	Azores Islands	DL	Devil's Lake Sioux	JA	Japan		Tribe	RI	Rhode Island		Islands
BD	Bahamas		Tribe	JR	Jarvis Island	BR	Myanmar (Burma)	RU	Romania/Rumania	UC	Turtle Mtn. Band Of
BE	Bahrain/Bahrein	DC	District Of Columbia	JE	Jersey, Bailiwick Of	SJ	Namibia (South-	RA	Russia		Chippewa
BA	Baja California	DF	Distrito Federal	JI	Johnston Islands		West Africa)	RF	Russian Federation	TV	Tuvalu
	(Northern Section)	DN	Djibouti	JO	Jordan	NR	Nauru	RW	Rwanda	UG	Uganda
BJ	Baja California Sur	DM	Dominica	JU	Juan De Nova	VL	Navassa Island	FX	Sac & Fox	UK	Ukraine
	(Southern Section)	DR	Dominican Republic		Island	NA	Nayarit	HS	Saint Helena	TC	United Arab
BK	Baker Island	DO	Durango	KS	Kansas	NB	Nebraska	LU	Saint Lucia		Emirates
BW	Balearic Islands	EU	Ecuador	KT	Kazakhstan	NP	Nepal	PS	Saint Pierre And	XX	Unknown Place Of
BL	Bangladesh	EY	Egypt	KY	Kentucky	NE	Netherlands		Miquelon		Birth
BB	Barbados	EL	El Salvador	KE	Kenya	NV	Nevada	VV	Saint Vincent And	UY	Uruguay
BF	Bassas Da India	EN	England	KK	Kickapoo Tribe	NK	New Brunswick		The Grenadines	US	Usa (Us Govt/Us
BG	Belgium	EK	Equatorial Guinea	KI	Kingman Reef	NQ	New Caledonia	SL	San Luis Potosi		Military)
BH	Belize	ET	Eritrea	KW	Kiowa	NH	New Hampshire	SH	San Marino	UT	Utah
DH	Benin	ES	Estonia	KB	Kiribati	NJ	New Jersey	TP	Sao Tome And	UZ	Uzbekistan,
BM	Bermuda	EO	Ethiopia	KN	Korea (North)	NM	New Mexico		Principe		Republic Of
BN	Bhutan	ER	Europa Island	KO	Korea (South)	NY	New York	SN	Saskatchewan	HN	Vanuatu (Formerly
BV	Bolivia	FA	Falkland Island	KU	Kuwait	NZ	New Zealand	SB	Saudi Arabia		New Hebrides)
NX	Bonaire, Curacao	FO	Faroe Islands	KZ	Kyrgyzstan	NF	Newfoundland	SS	Scotland	VY	Vatican City
	(Netherlands	FS	Federated States Of	LP	Lac Du Flambeau-		(Includes Labrador)	SK	Seminole Nation	VZ	Venezuela
	Antilles)		Micronesia		Band of Lake	NU	Nicaragua	DV	Seneca-Cayuga	VC	Veracruz
BP	Bosnia and	FJ	Fiji		Superior	NN	Niger		Tribes	VT	Vermont
	Herzegovina	FD	Finland	LS	Laos	NG	Nigeria	SG	Senegal	VI	Virgin Islands (U.S.)
BT	Botswana	FL	Florida	LT	Latvia	IU	Niue	SE	Seychelles	VA	Virginia
BQ	Bouvet Island	FC	Fond Du Lac	LN	Lebanon	OF	Norfolk Island	KP	Shakopee	WK	Wake Island
BZ	Brazil	FN	France	LL	Leech Lake Band Of	NC	North Carolina	SA	Sierre Leone	WL	Wales
BC	British Columbia	FG	French Guiana		Chippewa	ND	North Dakota	SI	Sinaloa	WF	Wallis And Futuna
BO	British Indian Ocean	FP	French Polynesia	LE	Lesotho	NT	Northwest	SR	Singapore	WA	Washington
	Territory	FR	French Southern	LB	Liberia		Territories	LF	Slovakia	WB	West Bank
VB	British Virgin Islands		And Antarctic Lands	LY	Libya	NW	Norway	LO	Slovenia	WN	West Indies-For
BX	Brunei	GB	Gabon	LI	Liechtenstein	NS	Nova Scotia	RV	Socialist Republic		Islands Not Listed
BU	Bulgaria	GK	Gambia, The	LH	Lithuania	NL	Nuevo Leon		Of Vietnam	WV	West Virginia
UV	Burkina Faso	GZ	Gaza	LA	Louisiana	OA	Oaxaca	BS	Solomon Island	RS	Western Sahara
BI	Burundi	GA	Georgia	LX	Luxembourg	OS	Oglala Sioux		(Formerly British)		(Formerly Spanish)
BY	Byelarus	GD	Georgia (Formerly	OC	Macau (Formerly	OH	Ohio	SM	Somalia	WS	Western Samoa
CK	Caddo Tribe		Gruzinskaya)		Macao)	OI	Okinawa	SO	Sonora	WE	White Earth
CA	California	GE	Germany	ZD	Macedonia	OK	Oklahoma	SF	South Africa	WT	Wichita Tribe
CJ	Cambodia	GG	Ghana	IM	Madeira Islands	OM	Oman	SC	South Carolina	WI	Wisconsin
CM	Cameroon	RG	Gibraltar	ME	Maine	OT	Oneida Tribe Of	SD	South Dakota	WD	Wyandotte Tribe
CE	Campeche	GO	Glorioso Islands	MP	Malagasy Republic		Indians Of	GS	South Georgia &	WY	Wyoming
CD	Canada	GC	Greece		(Includes		Wisconsin		South Sandwich	YU	Yucatan
CZ	Canal Zone	GN	Greenland		Madagascar)	ON	Ontario	SP	Spain	YG	Yugoslavia
ZI	Canary Islands	GJ	Grenada	MF	Malawi	OR	Oregon	TE	Sprattly Islands,	YT	Yukon (Territory)
CV	Cape Verde Islands	GP	Guadeloupe	MZ	Malaysia	OG	Osage Nation		Tongareva Island	ZA	Zacatecas
CG	Caroline Islands	GM	Guam	MV	Maldives	YY	Other Foreign	CY	Sri Lanka (Was	ZM	Zambia
CP	Cayman Islands	GU	Guanajuato	ML	Mali		Country		Ceylon)	RH	Zimbabwe, Republic
CW	Central African	GT	Guatemala	MY	Malta	OO	Otoe-Missouria	TS	St. Christopher		Of
	Republic	GF	Guernsey, Bailiwick	KH	Manahiki Island		Tribe		(Kitts) And Nevis		
CF	Chad		Of	MB	Manitoba	PK	Pakistan	SU	Sudan		
DA	Cheyenne &	GR	Guerrero	MK	Mariana Islands	PD	Palau, Republic Of	ZC	Surinam		
	Arapaho Tribes	GI	Guinea	MH	Marshall Islands	PL	Palmyra Atoll	SV	Svalbard		
CI	Chiapas	PG	Guinea-Bissau	ZB	Martinique	PM	Panama	SW	Swaziland		
CH	Chihuahua		(Portugese Guinea)	MD	Maryland	NO	Papua New Guinea	SQ	Sweden		
CQ	Chile	GY	Guyana	MA	Massachusetts		(Was New Guinea)	SZ	Switzerland		
HR	Christmas Island,	HT	Haiti	MU	Mauritania	PF	Paracel Islands	SY	Syria		
	Territory Of	HI	Hawaii	UM	Mauritius	PV	Paraguay	TB	Tabasco		

Code	Description	Code	Description	Code	Description	Code	Description
AF	Afghanistan	DR	Dominican Republic	LX	Luxembourg	LU	Saint Lucia
AC	Africa	DO	Durango	OC	Macau (Formerly Macao)	SL	San Luis Potosi
SF	Africa (South)	EU	Ecuador	IM	Madeira Islands	SH	San Marino
AG	Aguascalientes	EY	Egypt	MP	Malagasy Republic (Includes Madagascar)	TP	Sao Tome & Principe
AA	Albania	EL	El Salvador	MF	Malawi	SB	Saudia Arabia
AN	Algeria	EN	England	MZ	Malaysia	SS	Scotland
AM	American Samoa	EK	Equatral Guinea	MV	Maldives	SG	Senegal
AD	Andorra	ES	Estonia	ML	Mali	SE	Seychelles
AO	Angola	EO	Ethiopia	MY	Malta	SA	Sierra Leone
AY	Antartica	FA	Falkland Island	MK	Mariana Islands	SK	Sikkim
AI	Antigua	FJ	Fiji	MH	Marshall Islands	SI	Sinaloa
AT	Argentina	FD	Finland	MJ	Maritonia	SR	Singapore
AS	Australia	FN	France	ZB	Martinique	BS	Solomon Island (Formerly British)
AU	Austria	FG	French Guiana	MU	Mauritania	SM	Somalia
AQ	Azores Islands	FP	French Polynesia	UM	Mauritius	SO	Sonora
BD	Bahamas	GB	Gabon	MM	Mexico	SP	Spain
BE	Bahrain/Bahrein	GK	Gambia	MX	Mexico (State)	CY	Sri Lanka
BA	Baja California (Northern Section)	GE	Germany	MC	Michoacan	PS	St. Pierre & Miquelon
BJ	Baja California (Southern Section)	EM	Germany (East)	MW	Midway Islands	VV	St. Vincent & The Grenadines
BL	Bangladesh	WG	Germany (West)	MJ	Monaco	SU	Sudan
BB	Barbados	GG	Ghana	MG	Mongolia	ZC	Surinam
BG	Belgium	RG	Gibraltar	RR	Montserrat	SV	Svalbard
BH	Belize (was British Honduras)	GL	Gilbert & Ellice Islands	MR	Morelos	SW	Swaziland
DH	Benin (Formerly Dahomey)	GC	Greece	MQ	Morocco	SQ	Sweden
BM	Bermuda	GN	Greenland	ZO	Mozambique	SZ	Switzerland
BN	Bhutan	GJ	Grenada	SJ	Nambia (Southwest Africa)	SY	Syria
BV	Bolivia	GP	Guadeloupe	NR	Nauru	TB	Tabasco
BF	Bosnia	GM	Guam	NA	Nayarit	TW	Taiwan
BT	Botswana	GU	Guanajuato	NP	Nepal	TA	Tamaulipas
BZ	Brazil	GT	Guatemala	NE	Netherlands (Holland)	TZ	Tanzania, United Republic of
BO	British Indian Ocean Territory	GR	Guerrero	NX	Netherlands Antilles	TH	Thailand
VB	British Virgin Islands	GI	Guinea	NQ	New Caledonia	TL	Tlaxcala
BX	Brunei	PG	Guinea-Bissau (Portugese Guinea)	NZ	New Zealand	TO	Togo
BU	Bulgaria	GY	Guyana	NU	Nicaragua	TG	Tonga
UV	Burkina Fasco (Formerly Upper Volta)	HT	Haiti	NN	Niger	TT	Trinidad and Tobago
BR	Burma	HL	Hidalgo	NG	Nigeria	TU	Tunisia
BI	Burundi	HD	Honduras	NW	Norway	TY	Turkey
CJ	Cambodia	HK	Hong Kong	OA	Oaxaca	TR	Turks & Caicos Islands
CM	Cameroon	HU	Hungary	OM	Oman	UG	Uganda
CE	Campeche	IC	Iceland	YY	Other Foreign Country	UR	Ukraine
CD	Canada	II	India	PK	Pakistan	TC	United Arab Emirates
CZ	Canal Zone	IO	Indonesia	PM	Panama	UA	United Arab Republic
ZI	Canary Islands	IR	Iran	NO	Papua New Guinea (was New Guinea)	US	United States of America
CV	Cape Verde Islands	IQ	Iraq	PV	Paraguay	UY	Uruguay
CG	Caroline Islands	IE	Ireland	RC	Peoples Republic of China	HN	Vanuatu (Formerly New Hebrides)
CP	Cayman Islands	NI	Ireland (Northern)	PU	Peru	VZ	Venezuela
CW	Central African Republic	IS	Israel	PI	Philippines	VC	Veracruz
CF	Chad	IT	Italy (Includes Sicily & Sardinia)	PC	Pitcairn, Henderson, Ducie, Oeno Island	VM	Vietnam
CI	Chiapas	JL	Jalisco	PO	Poland	VN	Vietnam (North)
CH	Chihuahua	JM	Jamaica	PT	Portugal	VS	Vietnam (South)
CQ	Chile	JA	Japan	TI	Portugueses Timor	WK	Wake Island
CN	China	JI	Johnston Islands	PB	Puebla	WL	Wales
CU	Coahuila	JO	Jordan	QA	Qatar	WN	West Indies
CL	Colima	KE	Kenya	QU	Queretaro	RS	Western Sahara (Formerly Spanish)
CB	Colombia	KR	Korea	QR	Quintana Roo	WS	Western Samoa
CR	Costa Rica	KN	Korea (North)	RB	Republic of Congo, Brazzaville	YE	Yemen Arab Republic
IY	Cote D'Ivoire, Republic (Ivory Coast)	KO	Korea (South)	RE	Reunion	ST	Yemen (Southern)
CX	Croatia	KU	Kuwait	RH	Rhodesia, now Republic of Zimbabwe	YU	Yucatan
CC	Cuba	LS	Laos	RU	Romania/Rumania	YG	Yugoslavia
CS	Cyprus	LT	Latvia	SX	Russia (USSR)	ZA	Zacatecas
CK	Czechoslovakia	LN	Lebanon	RW	Rwanda	ZR	Zaire, Republic of
DK	Denmark	LE	Lesotho	HS	Saint Helena	ZM	Zambia, Republic of
DF	Distrito Federal (Mexico, D.F.)	LB	Liberia	AW	Saint Kitts - Nevis-Anguilla	ZW	Zimbabwe
DM	Dominica	LY	Libya				
		LH	Lithuania				

**IMPORTANT**

**AFFIX A COLOR  
PHOTOGRAPH  
HERE THAT WAS TAKEN  
WITHIN  
THE PAST SIX MONTHS.**

**AFFIX A COPY OF YOUR  
DRIVER LICENSE.**

**RESIDENCE DATA**

1. Beginning with your current residence(s) and working backward, provide the following information with respect to each place where you have lived (including residences while attending college or while in military service) within the last ten (10) years.

DATES		ADDRESS (NO., STREET, APT#/FLAT#, CITY/TOWN, COUNTY/PARISH, STATE/PROVINCE, COUNTRY & ZIP/POSTAL CODE)
FROM: (MO/YR)	TO: (MO/YR)	

2. Have you ever made application for, been granted or held, currently have pending, or had denied a license, permit, registration, finding of suitability, qualification, or other authorization to participate in any form or type of fantasy sports contest operation? You must answer "YES" to this question if your application was returned to you for any reason, or you withdrew your application from consideration.

Yes                  No

If yes, complete the following chart:

NAME & ADDRESS OF LICENSING AGENCY/ ORGANIZATION (INCLUDING COUNTRY, STATE/PROVINCE, COUNTY OR MUNICIPALITY/TOWN)	TYPE OF LICENSE, PERMIT, APPROVAL OR REGISTRATION	DATE OF APPLICATION	DISPOSITION (GRANTED, DENIED OR PENDING, ETC.)	LICENSE, PERMIT, APPROVAL OR REGISTRATION NUMBER	NAME OF APPLICANT

3. Have you, within the last ten (10) years, been tried by military court martial or have you had charges\* filed against you?

Yes      No

If yes, complete the following chart:

NATURE OF CHARGE OR ARREST	DATE AND LOCATION OF CHARGE OR ARREST	NAME OF MILITARY ORGANIZATION FILING CHARGES	DISPOSITION (CONVICTED, ACQUITTED, DISMISSED, PLEADING, ETC.)	SENTENCE

\* Charges filed against you by the military authorities in any country would fall under the Code of Military Justice applicable to that jurisdiction. In the United States, this means any charges filed against you under Article 15 of the Uniform Code of Military Justice (summary court, deck court, captain's mast, company punishment, etc.)

**CIVIL, CRIMINAL AND INVESTIGATORY PROCEEDINGS**

The next question asks about any arrests, charges, or offenses you may have committed within the last ten (10) years. Prior to answering this question, carefully review the definitions and instructions that follow.

DEFINITIONS: For purposes of this question:

- A. "Arrest" includes any detaining, holding, or taking into custody by any police or other law enforcement authorities to answer for the alleged performance of any "offense."
- B. "Charge" means any indictment, complaint, information, summons, ticket, or other notice of the alleged commission of any "offense."
- C. "Offense" means all felonies, crimes, misdemeanors, municipal ordinance violations, military court-martials, and violations of probation or other court order. An "offense" does not include infractions, traffic violations, or parking violations, except for driving while revoked/suspended, alcohol/drug-related traffic violations, and leaving the scene of an accident.

INSTRUCTIONS:

1. Answer "YES" and provide all information to the best of your ability EVEN IF:
  - A. You did not commit the offense charged;
  - B. The charges were dismissed or subsequently downgraded to a lesser charge;
  - C. You completed a Pretrial Intervention (PTI) or equivalent diversionary program in other jurisdictions;
  - D. You were not convicted;
  - E. You did not serve any time in prison or jail;
  - F. The charges or offenses happened a long time ago.
  - G. If any records relating to a charge, an arrest or conviction have been expunged or otherwise officially sealed by a court or government agency; or
  - H. You have an SIS (Suspended imposition of sentence from any pleas or) conviction.
  - I. Pursuant to 313.004, RSMo, Missouri Gaming Commission has access to both open and closed records.

**IMPORTANT**

**Missouri Gaming Commission investigators will make inquiries to establish whether you have had any involvement with law enforcement agencies.**

4. Have you, within the last ten (10) years:

a. pled guilty or been convicted of any **offense** (see definition) in any jurisdiction; or

Yes No

b. been arrested or charged with any crime or **offense** (see definition) in any jurisdiction?

Yes No

If yes, complete the following chart:

NATURE OF CHARGE OR OFFENSE/ LOCATION WHERE INCIDENT OCCURRED	DATE OF CHARGE OR OFFENSE	NAME AND ADDRESS OF LAW ENFORCEMENT AGENCY OR COURT INVOLVED	DISPOSITION (CONVICTED, ACQUITTED, DISMISSED, PENDING, PARDONED, ETC.)	SENTENCE

5. Within the last ten (10) years, has a criminal indictment, information, or complaint been filed or returned against you, but for which you were not arrested or in which you were named as an unindicted party or unindicted co-conspirator in any criminal proceeding in any jurisdiction?

Yes No

If yes, complete the following chart:

NAME AND ADDRESS OF GOVERNMENTAL AGENCY/ORGANIZATION INVOLVED	NATURE OF PROCEEDING	DATE

6. Have you personally ever legally defaulted in the payment of any obligation or debt owed to the State of Missouri?

Yes No

If yes, complete the following chart:

NATURE OF DEBT	AMOUNT	DATE THE DEBT WAS INCURRED	CURRENT STATUS

7. As indicated in the instructions on page 2 of this form, this page is to be used by you for any questions which require additional space to answer. The number of the question must be stated immediately prior to your answer. If additional pages are needed, photocopy this page or add paper of similar size and identify these pages with corresponding numbers and letters. **You must use blue ink to personally initial your application at the bottom of any new page added.**

**IDENTIFY ALL ANSWERS BY ORIGINAL QUESTION NUMBERS**

**USE ADDITIONAL PAGES IF NECESSARY**

**VERIFICATION**

STATE/PROVINCE OF: \_\_\_\_\_

SS:

COUNTY/PARISH/DISTRICT OF: \_\_\_\_\_

I \_\_\_\_\_, being duly sworn according to law deposes and says:  
*(Name)*

1. I am the person who is submitting this form.
2. I personally supplied the information contained in this form.
3. I understand and read the English language or I have had an interpreter read, explain and record the answer to each and every question on this form.
4. Any document accompanying this Missouri Gaming Commission Personal Disclosure Form that is not an original document is a true copy of the original document.
5. I swear (or affirm) that the foregoing statements made by me are true, complete, and accurate to the best of my knowledge.

\_\_\_\_\_  
*(Signature)*

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
*(Notary Public)*

**(Notarial Seal)**

My commission expires: \_\_\_\_\_

Notary Public in and for the County of \_\_\_\_\_

**INDIVIDUAL'S REQUEST TO RELEASE INFORMATION**

To: \_\_\_\_\_

From: \_\_\_\_\_  
(Name)

1. I hereby authorize and request all persons or entities to whom this request is presented having information relating to or concerning me to furnish such information to a duly appointed officer of the Missouri Highway Patrol or investigator with the Missouri Gaming Commission, whether or not such information would otherwise be protected from disclosure by any constitutional, statutory, or other legal privilege.
2. I hereby authorize and request all persons or entities to whom this request is presented having documents relating to or concerning me to permit a duly appointed officer of the Missouri Highway Patrol or investigator with the Missouri Gaming Commission to review and copy any such documents, whether or not such documents would otherwise be protected from disclosure by any constitutional, statutory, or other legal privilege.
3. I do hereby make, constitute, and appoint any duly appointed officer of the Missouri Highway Patrol or investigator with the Missouri Gaming Commission my true and lawful attorney-in-fact, for me in my name, place, stead, and on my behalf and for my use and benefit:
  - (a) To request, review, copy, sign for, or otherwise act for investigative purposes with respect to documents and information in the possession of the person or entity to whom this request is presented as I might;
  - (b) To name the person or entity to whom this request is presented and insert that person's or entity's name in the appropriate location on this request; and
  - (c) To place the name of the Missouri Highway Patrol officer or Missouri Gaming Commission investigator presenting this request in the appropriate location on this request.
4. I grant to said attorney-in-fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney-in-fact, or his/her substitute(s), shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.
5. This power of attorney ends twenty-four (24) months from the date of execution.
6. I do, for myself, my heirs, executors, administrator, successors and assigns, hereby release, remise, and forever discharge the person or entity to whom this request is presented, and his/her/its agents and employees from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known or unknown, in law or equity, which I ever had, now have, may have, or claim, to have against the person or entity to whom this request is presented or his/her/its agents or employees arising out of or by reason of complying with this request.
7. I agree to indemnify and hold harmless the person or entity to whom this request is presented and his/her/its agents and employees from and against all claims, damages, losses, and expenses, including reasonable attorney's fees arising out of or by reason of complying with this request.

8. A reproduction of this request by photocopy shall be for all intents and purposes as valid as the original.

IN WITNESS WHEREOF, I have executed this request at \_\_\_\_\_, \_\_\_\_\_  
(City) (State)

on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Signature)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Notary Public)

**(Notarial Seal)**

My commission expires: \_\_\_\_\_

Notary Public in and for the county of \_\_\_\_\_

State of \_\_\_\_\_

**MISSOURI DEPARTMENT OF REVENUE  
AUTHORIZATION AND RELEASE**

I, \_\_\_\_\_, born at  
(City) \_\_\_\_\_, (County) \_\_\_\_\_  
(State) \_\_\_\_\_, on (Date) \_\_\_\_\_, and now residing at  
(Street) \_\_\_\_\_, (City, State & Zip) \_\_\_\_\_,

hereby consent to the release of information to the Missouri Gaming Commission as follows:

I authorize and request that every person, firm, company, corporation, government agent, law enforcement agency, court, association, or institution having control of any document, records or other information pertaining to me, furnish to the Missouri Gaming Commission any such information, including a credit report or documents, records, and files regarding charges or complaints filed against me, including any complaints erased by law, whether formal or informal, pending or closed, or any other pertinent date, and to permit the Missouri Gaming Commission or any of its agents or representatives to inspect and make copies of such documents, records, or other information.

I authorize and request the Missouri Department of Revenue to release confidential tax records for all tax period(s) to the Missouri Gaming Commission. This tax information may include, but is not limited to, individual income tax, sales tax, use tax, withholding tax, or any other tax that is administered or collected by the Department of Revenue. The Director of Revenue and Department personnel are hereby released from any and all liability pursuant to authorized disclosure of confidential tax information resulting from release of information covered by section 32.057, RSMo, under this document.

I, along with my spouse/domestic partner/partner in legal civil union (Name) \_\_\_\_\_, hereby release, discharge and exonerate the Missouri Gaming Commission, the Missouri State Highway Patrol, the Missouri Department of Revenue, the State of Missouri, its agents and representatives, and any person so furnishing information from any and all liability of every nature and kind arising out of the furnishing or inspection of such documents, records, and other information or any investigation or report made by the above persons or entities.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Spouse/Domestic Partner/Partner in Legal Civil Union Signature

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Spouse/Domestic Partner/Partner in Legal Civil Union  
Social Security Number

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 40—Fantasy Sports Contests**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.955, RSMo Supp. 2016, the commission adopts a rule as follows:

11 CSR 45-40.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1315–1316). Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed rule on November 2, 2016. Two people commented on this proposed rule at the public hearing and also submitted those comments in writing. The MGC staff commented on this rule.

**COMMENT #1:** Derek Hein, on behalf of DraftKings, noted concerns with subsection (1)(F) as follows: “DraftKings offers its users site credits that can only be used to enter contests on the site, but cannot be withdrawn as cash. For clarity, we suggest that these site credits be explicitly excluded from these requirements.”

**RESPONSE:** The language of the rule mirrors the Missouri Fantasy Sports Consumer Protection Act. The Missouri Gaming Commission does not have the authority to alter or vary from the provisions of the statute. No changes were made as a result of this comment.

Due to the similarity of the following two (2) comments, they are addressed with one (1) response.

**COMMENT #2:** Sean Ostrow, on behalf of FanDuel, stated, “This section requires a FSCO to submit their internal procedures for the most important consumer protections for approval by the MGC. We believe this is an important provision, however, we have concerns that subsection (4), which restricts the FSCO from altering such procedures until such changes are approved by the Commission, is too restrictive to allow us to operate effectively. Because we are at heart a technology company in a rapidly evolving industry, we must have the capacity to innovate and adapt to rising challenges and make changes as necessary to comply with other state regulatory obligations. For the benefit of customers across the nation, there may be instances in which we must modify internal procedures without undue delay. We believe that having to seek Commission approval prior to implementation of such a procedural change would be counter-productive to the stated goal of consumer protection. As long as the stated objectives are met, we believe we should have the ability to make necessary changes without prior authorization from the MGC. We propose that subsection (4) be rewritten as follows – ‘*Once approved, no licensed operator shall alter its procedures in a manner which substantially affects the stated objective of such procedures as described in subsections (1)(A) through (H) unless and until the change is approved by the commission. For alterations to procedures which do not substantially affect the*

*stated objective, the licensed operator shall notify the commission within thirty (30) business days of such alteration.’ ”*

COMMENT #3: Regarding 11 CSR 45-40.030(4) and (5), Derek Hein of DraftKings stated, “As a technology company that operates in a rapidly changing industry, DraftKings must have the ability to quickly implement procedural changes to serve customers across the world. We believe that requiring operators to seek prior approval of MGC for implementation of procedure changes could potentially be burdensome and counter-productive to the goal of protecting consumers. DraftKings suggests the current language be amended to require operators to provide notice of procedure changes within fifteen days of implementing such a change.”

RESPONSE: Section 313.915, RSMo requires the commission to approve specific types of procedures relating to consumer protection prior to operating in Missouri. Those procedures are outlined in section (1) of this rule. Any change to those procedures without commission approval would not comply with the statute. The Missouri Gaming Commission does not have the authority to alter or vary from the provisions of the statute. No changes were made as a result of this comment.

COMMENT #4: The MGC noted that the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by HB 1941, the Missouri Fantasy Sports Consumer Protection Act (The Act).

RESPONSE AND EXPLANATION OF CHANGE: The Commission revised section (1)(F) and the authority section of this rule to reference the renumbered sections of The Act.

### **11 CSR 45-40.030 Commission Approval of Procedures**

(1) Prior to operating in Missouri, each applicant for a Fantasy Sports Contest Operator (FSCO) License shall submit procedures to the commission that—

(F) Ensure registered players can withdraw the funds maintained in their individual accounts, whether such accounts are open or closed, within five (5) business days of the request being made, unless the licensed operator believes in good faith that the registered player engaged in either fraudulent conduct or other conduct that would put the licensed operator in violation of sections 313.900 to 313.955, RSMo, in which case the licensed operator may decline to honor the request for withdrawal for a reasonable investigatory period until its investigation is resolved if it provides notice of the nature of the investigation to the registered player. For the purposes of this provision, a request for withdrawal will be considered honored if it is processed by the licensed operator but delayed by a payment processor, credit card issuer, or by the custodian of a financial account;

*AUTHORITY: sections 313.915, 313.920, 313.950, and 313.955, RSMo 2016. Emergency rule filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 40—Fantasy Sports Contests**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.955, RSMo Supp. 2016, the commission adopts a rule as follows:

11 CSR 45-40.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1319). Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed rule on November 2, 2016. Two people commented on this proposed rule at the public hearing and also submitted those comments in writing. The MGC staff commented on this rule.

**COMMENT #1:** Sean Ostrow, on behalf of FanDuel, requested section (1) “be qualified by a limitation on the types of information requested by the MGC,” by modifying the language to read, “All licensed operators shall provide all information *pertaining to Missouri fantasy sports contests* requested by the commission.” In addition, he also asked for clarification regarding “the manner of access/transmittal proposed by the MGC.”

**RESPONSE:** Adding the phrase “*pertaining to Missouri fantasy sports contests*” would limit access to information potentially needed for fulfilling the commission’s statutory duties. The manner of access/transmittal would vary based on the type and size of the requested information. No changes were made as a result of this comment.

**COMMENT#2:** Derek Hein, on behalf of DraftKings, suggested that “the MGC consider changing the time period for requested documents to be provided to the Commission from seven days to thirty days” in section (1).

**RESPONSE:** Delaying access to information for thirty (30) days could hamper the ability of the commission to perform its statutory duties. The existing language of the rule grants discretion to the commission in setting a timeframe for delivery of the requested information. No changes were made as a result of this comment.

**COMMENT #3:** Mr. Ostrow, on behalf of FanDuel, expressed concerns regarding the breadth of subsection (6)(D) which would require reporting “potentially minor criminal infractions, concerning *all employees*. As a company with over 300 employees in multiple states and countries, we believe this is unduly burdensome and impracticable, and would request that this reporting requirement not extend beyond those enumerated ‘key persons’.”

**RESPONSE AND EXPLANATION OF CHANGE:** Section 313.910.4(2), RSMo grants the commission the discretion to revoke or suspend any licensee if one of the licensee’s employees “Is or has pled guilty or been convicted of any illegal, corrupt, or fraudulent act, practice, or conduct in connection with any fantasy sports contest in this or any other state or has pled guilty

or been convicted of a felony, a crime of moral turpitude, or any criminal offense involving dishonesty or breach of trust within the ten years prior to the date of application for registration.” Section (6) was revised to limit the reporting requirements to include only those offenses that could lead to denial, suspension, or revocation of a Fantasy Sports Contest Operator license as set forth in the statute.

COMMENT #4: The MGC noted that the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by HB 1941, the Missouri Fantasy Sports Consumer Protection Act (The Act).

RESPONSE AND EXPLANATION OF CHANGE: The Commission revised section (4) and the authority section of this rule to reference the renumbered sections of The Act.

### **11 CSR 45-40.040 Fantasy Sports Contest Operator Responsibilities**

(4) For the purposes of this rule, “material change” shall mean any change in personal identification or residence information, such as name, address, and phone number; information required in section 313.945, RSMo; or other information that might affect an applicant or licensed operator’s suitability to hold a FSCO license, including, but not limited to, significant changes in financial condition, legally defaulting on a debt owed to the State of Missouri, arrests, convictions, guilty pleas, disciplinary actions, or license denial, suspension, or revocation in other jurisdiction(s).

(6) In addition to all other reporting requirements, FSCO license applicants and licensed operators shall notify the commission within fifteen (15) days after receiving notification that any of the following persons has received a subpoena or is the target of, has been disciplined by, or has been charged in connection with an investigation by a regulatory, administrative, or prosecutorial agency of a violation of a rule, regulation, or statute relating to licensed gambling, fantasy sports contests, Securities and Exchange Commission (SEC) regulations, or criminal offenses, to include any illegal, corrupt, or fraudulent act, practice, or conduct in connection with any fantasy sports contest in Missouri or any other state, a felony, a crime of moral turpitude, or any criminal offense involving dishonesty or breach of trust. An “offense” does not include infractions, traffic violations, or parking violations, except for driving while revoked/suspended, alcohol/drug-related traffic violations, and leaving the scene of an accident.

*AUTHORITY: sections 313.910, 313.915, 313.925, 313.930, 313.935, 313.950, and 313.955, RSMo 2016. Emergency rule filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 40—Fantasy Sports Contests**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.955, RSMo Supp. 2016, the commission adopts a rule as follows:

11 CSR 45-40.050 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1316–1319). Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed rule on November 2, 2016. One person commented on this proposed rule at the public hearing and submitted those comments in writing. The MGC staff commented on this rule.

**COMMENT#1:** Derek Hein, on behalf of DraftKings, expressed concern “that the provisions of subsections (1) and (2) may create extremely high overhead. DraftKings suggests an exception in the rules for temporary testing of software and technologies.”

**RESPONSE:** The Missouri Fantasy Sports Consumer Protection Act requires that the licensee maintain certain operational requirements. The commission needs to have the current set of procedures in order to monitor compliance with the statute. No changes will be made as a result of this comment.

**COMMENT #2:** Mr. Hein suggested that the time period for submitting supplemental documents be changed from five (5) days to fifteen (15) days. DraftKings expects to be able to produce most materials within five (5) days, but expressed concern that there can be significant work required in gathering all materials and is requesting a longer period of time to provide those materials.

**RESPONSE AND EXPLANATION OF CHANGE:** The requested change was made to section (2).

**COMMENT #3:** Mr. Hein stated “DraftKings does not perform age verification checks on those registering for an account, but performs the check before a user funds their account or participates in any contests. DraftKings performs the age verification check when an individual makes their first deposit.”

**RESPONSE:** Section 313.920.9, RSMo provides that licensed operators shall take commercially reasonable steps to confirm that an individual opening an account is not a minor. The Missouri Gaming Commission does not have the authority to alter or vary from the provisions of the statute. No changes will be made as a result of this comment.

**COMMENT #4:** The MGC noted that the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by HB 1941, the Missouri Fantasy Sports Consumer Protection Act (The Act).

RESPONSE AND EXPLANATION OF CHANGE: The Commission revised sections (3), (4), and the authority section of this rule to reference the renumbered sections of The Act.

### **11 CSR 45-40.050 Operational Requirements for Fantasy Sports Contest Operators**

(2) The information required by section (1) and all supplemental documents shall be submitted with the initial application and within fifteen (15) days of any subsequent revision.

(3) Upon request, each licensed operator shall provide the commission with a current and accurate list of Missouri residents who have submitted the operator's online self-exclusion form, which the licensed operator developed pursuant to section 313.920, RSMo.

(4) Each licensed operator shall take commercially and technologically reasonable measures to comply with the provisions of sections 313.915 and 313.920, RSMo regarding the verification of each FSC player's true identity, date of birth, and address, including but not limited to independent verification of age using information obtained from independent sources outside of the player seeking to open an account. Third party services may be used to verify the age of a player. Each licensed operator shall use such information, at a minimum, to prevent underage individuals from establishing accounts, to verify state of residence, and to prevent players from establishing more than one (1) account or username or playing anonymously.

*AUTHORITY: sections 313.915, 313.920, 313.925, 313.950, and 313.955, RSMo 2016.*

*Emergency rule filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 40—Fantasy Sports Contests**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under (MGC) section 313.955, RSMo Supp. 2016, the commission adopts a rule as follows:

11 CSR 45-40.060 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1320–1322). Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed rule on November 2, 2016. Two people commented on this proposed rule at the public hearing and also submitted their comments in writing. The MGC staff commented on this rule.

**COMMENT #1:** Derek Hein, on behalf of DraftKings, stated that in subparagraph (2)(B)3.A. “the special purpose entity contemplated by the regulations, which DraftKings currently hold player funds in, does not hold player funds in trust.” DraftKings suggested the following language: “The segregated account is established and player funds are held securely for the benefit and protection of authorized players.”

**RESPONSE AND EXPLANATION OF CHANGE:** This subsection was revised by deleting “in trust.”

Due to the similarity of the following two (2) comments, they are addressed with one (1) response.

**COMMENT#2:** Mr. Hein expressed concern that reporting on players’ deposit accounts and the licensee’s cash reserves on a monthly basis as currently required in section (5) would be overly burdensome, especially given the other requirements in this section. DraftKings suggests that the requirements in this section be changed from monthly to quarterly.

**COMMENT #3:** Sean Ostrow, on behalf of FanDuel, stated, “We appreciate these well-reasoned and comprehensive rules, in particular the flexibility permitted in allowing fantasy sports operators various methods to comply with the requirement that player funds be protected at all times. Our only concern is that subsection (5) requires an FSCO to report balance sheets on a monthly basis, which we believe will be difficult and extremely laborious to comply with. Given the requirements of auditing and the other requirements of this section, we believe that this additional reporting requirement is unnecessary and should be removed. In the alternative, we would like to see the frequency of these reports decreased to every three (3) or six (6) months.”

**RESPONSE:** Section 313.915.3(4), RSMo requires Fantasy Sports Contest Operators to “maintain a reserve in the form of cash or cash equivalents in the amount of the deposits made to the accounts of fantasy sports contest players for the benefit and protection of the funds held in such accounts.” Information received from the industry indicated that they routinely perform monthly reconciliations of the player accounts. Inability of the commission to receive this

information on a monthly basis would hamper its ability to ensure statutory compliance. No changes were made as a result of this comment.

COMMENT #4: The MGC noted that the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by HB 1941, the Missouri Fantasy Sports Consumer Protection Act (The Act).

RESPONSE AND EXPLANATION OF CHANGE: The Commission revised sections (2) and (3) and the authority section of this rule to reference the renumbered sections of The Act.

## **11 CSR 45-40.060 Cash Reserve and Segregated Account Requirements**

(2) Funds held in player accounts of Missouri residents shall be protected as set forth herein. A fantasy sports operator shall maintain a reserve in the form of cash, cash equivalents, or a combination thereof to protect player funds in one of the following ways:

(B) Special purpose segregated account with a separate corporate entity.

1. A fantasy sports contest operator may establish a special purpose segregated account that is maintained and controlled by a properly constituted corporate entity that is not the fantasy sports contest operator and whose governing board includes one or more corporate directors who are independent of the fantasy sports contest operator and of any corporation related to or controlled by the fantasy sports contest operator.

2. The special purpose segregated account with a separate corporate entity must hold, at a minimum, the sum of all authorized player funds held in player accounts of Missouri residents for use in fantasy sports contests.

3. The special purpose segregated account must reasonably protect the funds against claims of the operator's creditors other than the authorized players for whose benefit and protection the special purpose segregated fund is established, and must provide that:

A. The segregated account is established and held for the benefit and protection of authorized players;

B. The fantasy sports contest operator may receive income accruing on the segregated account. However, the fantasy sports contest operator has no interest in or title to the segregated account; and

C. The funds in the segregated account held for the benefit of Missouri residents may only be distributed for the following:

(I) For payment to players upon completion of fantasy sports contests or otherwise for the reconciliation of player accounts;

(II) For income earned on the account, to the fantasy sports contest operator;

(III) To the Missouri Gaming Commission in the event that the fantasy sports operator's license expires, is surrendered, or is otherwise revoked. The Missouri Gaming Commission may interplead the funds in the Cole County Circuit Court for distribution to the authorized players for whose protection and benefit the account was established and to other such persons as the court determines are entitled thereto, or shall take such other steps as necessary to effect the proper distribution of the funds, or may do both; or

(IV) As authorized in writing in advance by any agreement approved by the Missouri Gaming Commission.

4. The corporate entity must require a unanimous vote of all corporate directors to file bankruptcy.

5. The corporate entity must obtain permission from the Missouri Gaming Commission prior to filing bankruptcy or entering into receivership.

6. The corporate entity must have articles of incorporation that prohibit commingling of funds with that of the fantasy sports contest operator except as necessary to reconcile the accounts of players with sums owed by those players to the fantasy sports contest operator.

7. The corporate entity must be restricted from incurring debt other than to fantasy sports players pursuant to the rules that govern their accounts for contests.

8. The corporate entity must be restricted from taking on obligations of the fantasy sports contest operator other than obligations to players pursuant to the rules that govern their accounts for contests.

9. The corporate entity must be prohibited from dissolving, merging or consolidating with another company without the written approval of the Missouri Gaming Commission while there are unsatisfied obligations to fantasy sports contest players.

(3) If, at any time, the licensed operator's total available cash and cash equivalent reserve is less than the amount required by section 313.915, RSMo, the licensee shall notify the commission of this deficiency within forty-eight (48) hours.

*AUTHORITY: sections 313.915, 313.950 and 313.955, RSMo 2016. Emergency rule filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 40—Fantasy Sports Contests**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.955, RSMo Supp. 2016, the commission adopts a rule as follows:

11 CSR 45-40.070 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1323). Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed rule on November 2, 2016. No one commented on this proposed rule at the public hearing, and no written comments were received. The MGC staff commented on this rule.

**COMMENT #1:** The MGC noted that the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by HB 1941, the Missouri Fantasy Sports Consumer Protection Act (The Act).

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission revised the Annual Operation Fee report which is incorporated by reference, section (2), and the authority section to reference the renumbered sections of The Act.

**11 CSR 45-40.070 Operational Fees.**

(2) The applicant or licensed operator shall file an Annual Operation Fee (AOF) report and all required supporting documentation with the commission by January 15 of each year for the previous calendar year. The annual operation fee shall be reported on the AOF report, which the commission adopts and incorporates by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. The AOF report does not incorporate any subsequent amendments or additions as approved by the Commission on December 7, 2016.

*AUTHORITY: sections 313.910, 313.935, 313.950 and 313.955, RSMo 2016. Emergency rule filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.*



Missouri Gaming Commission  
P.O. Box 1847  
3417 Knipp Drive  
Jefferson City, MO 65102

## Annual Operation Fee Report

SECTION ONE

### Fantasy Sports Contest Operator Information:

Name:

License No.:

Calendar Year:

If you ceased offering fantasy sports contests in Missouri, please enter the date of cessation:

**INSTRUCTIONS:** If initial application is made by October 1, 2016, the amounts listed on lines 1, 2, 4, & 5 should include transactions from August 28, 2016 through December 31, 2016. If initial application is made after October 1, 2016, the amounts listed on lines 1, 2, 4, & 5 should include transactions from the date of licensure through December 31<sup>st</sup> of that year.

If you ceased offering fantasy sports contests in Missouri, please include all transactions through the date of cessation on lines 1, 2, 4, & 5. For those operators, this form and the operation fee will be due 60 days following the date of cessation.

SECTION TWO

### Resident Percentage Calculation:

- |  |    |    |
|--|----|----|
| 1. Total Entry Fees From Missouri Residents: .....       | 1. | \$ |
| 2. Total Entry Fees (collected from all players): .....  | 2. | \$ |
| 3. Resident Percentage (Line 1 divided by Line 2): ..... | 3. |    |
- Resident Percentage is rounded to the nearest one-tenth of a percent.

### Net Revenue for Missouri Calculation:

- |   |     |              |
|---|-----|--------------|
| 4. Total Entry Fees: .....  | 4.  | \$           |
| 5. Winnings Paid: .....   | 5.  | \$           |
| 6. Net Revenue (Subtract Line 5 from Line 4): .....                     | 6.  | \$           |
| 7. Resident Percentage (Line 3): .....                                  | 7.  |              |
| 8. Net Revenue for Missouri (Line 6 multiplied by Line 7): .....        | 8.  | \$           |
| 9. Fee Rate: .....  | 9.  | <u>11.5%</u> |
| 10. <b>Annual Operation Fee Due</b> (Line 8 multiplied by Line 9): .... | 10. | \$           |

SIGNATURE

The undersigned declares this annual operation fee report is true, complete, and accurate and hereby acknowledges that, in accordance with Section 313.910.4(1), RSMo, any holder of a Fantasy Sports Contest Operator license who knowingly makes a false statement of a material fact to the Commission, its agents, or employees is subject to discipline, including but not limited to fine, suspension, and revocation.

Name

Signature

Position

Date

Supporting documentation that contains the detailed information for all entry fees, all entry fees from Missouri residents, and all winnings paid shall be submitted with this report. This information should be submitted electronically.

Please list the filename(s) of supporting documentation:

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 40—Fantasy Sports Contests**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.955, RSMo Supp. 2016, the commission adopts a rule as follows:

11 CSR 45-40.090 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1323). No changes have been made to the text of the proposed rule, so it is not reprinted here. Changes have been made to the authority section of this rule so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed rule on November 2, 2016. No one commented on this proposed rule at the public hearing, and no written comments were received. The MGC staff commented on this rule.

**COMMENT #1:** The MGC noted that the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by HB 1941, the Missouri Fantasy Sports Consumer Protection Act (The Act).

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission revised the authority section of this rule to reference the renumbered sections of The Act.

**11 CSR 45-40.090 Records and Record Retention**

*AUTHORITY:* sections 313.910, 313.930, 313.950, and 313.955, RSMo 2016. Emergency rule filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 40—Fantasy Sports Contests**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.955, RSMo Supp. 2016, the commission adopts a rule as follows:

11 CSR 45-40.100 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1323–1324). Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed rule on November 2, 2016. One person commented on this proposed rule at the public hearing and also submitted those comments in writing.

**COMMENT #1:** Sean Ostrow, on behalf of FanDuel, suggested “the audit be required to be submitted *within 30 days of its completion by the 3rd party auditor, but under no circumstances later than one year from the end of the fiscal year in question.*”

**RESPONSE:** Section 313.940, RSMo requires the results of the annual financial audit be submitted to the commission by March first of each year. The Missouri Gaming Commission does not have the authority to alter or vary from the provisions of the statute. No changes will be made as a result of this comment.

**COMMENT #2:** The MGC noted that the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by HB 1941, the Missouri Fantasy Sports Consumer Protection Act (The Act).

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission revised sections (2) and (3) and the authority section of this rule to reference the renumbered sections of The Act

**11 CSR 45-40.100 Audits**

(2) The annual financial and authorized internet website audit shall be conducted in accordance with generally accepted auditing standards as follows:

(A) Audit the licensed operator’s annual financial statements in order to report on the fair representation of such amounts. The C.P.A. shall reconcile these audited amounts to similar amounts on the annual financial reports and system reports;

(B) Audit the annual total entry fees, entry fees from Missouri residents, resident percentage calculation, winnings paid, net revenue, and the annual operation fee from the most recently filed Annual Operation Fee report, in order to report on the fair representation of such amounts. The C.P.A. shall reconcile these audited amounts to similar amounts on the annual financial reports and system reports; and

(C) Audit the licensed operator and its authorized internet website for compliance with each requirement set forth in sections 313.900 to 313.955, RSMo and Chapter 11 CSR 45-40.

(3) The C.P.A. shall prepare an audit report which shall be submitted to the commission by March 1 of each year following the close of the licensed operator's fiscal year. The report shall contain the C.P.A.'s assessment of the accuracy of the financial statements and the Annual Operation Fee report. In addition, the report shall include the licensed operator's compliance with each requirement set forth in sections 313.900 to 313.955, RSMo and Chapter 11 CSR 45-40.

*AUTHORITY: sections 313.910, 313.915, 313.940, 313.950, and 313.955, RSMo 2016.*

*Emergency rule filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.*