

February 25, 2022

Rick Anthony
Deputy Director
Ohio Casino Control Commission
100 E. Broad St.
Columbus, OH 43215

Dear Rick,

On behalf of the iDevelopment and Economic Association (iDEA Growth), we are submitting comments regarding Batch 2 of the sports gaming rules being drafted by the Casino Control Commission. We appreciate the work the commission and staff are doing and are always willing to offer feedback and guidance based on the experience of our members in other states.

One area that is of continued concern to us is in proposed Rule 3775-4-05(C)(6)(b)(ii) and the language regarding “incremental economic benefit,” as required by statute for consideration of a second mobile management services provider (MMSP) license. It is highly unlikely that a MMSP will be able to provide at the time of its application, with any specificity or certainty, the number of jobs that are “solely attributable” to the MMSP. Additionally, requiring the jobs to be “solely attributable” to the MMSP appears to place a higher standard on the MMSP than what is required under statute.

As an example, should an advertising agency see a need to hire additional staff to help shoulder the workload for a MMSP’s advertising needs, the only way the MMSP would be able to claim any credit would be if the additional employees only worked on the MMSP’s account and did no other work. This type of information would be outside of the MMSP’s knowledge and purview. Similarly, should a Type A proprietor hire staff to work on promoting or marketing the proprietor’s relationship with a second MMSP, the staff could only work on matters pertaining to the MMSP in order for the MMSP to receive credit for the employee as a job created. If the General Assembly had wanted to use a strict “jobs created” standard to define incremental economic benefit, it was free to do so as a part of HB 29.

We feel a more holistic approach to the concept of an incremental economic benefit, including advertising/marketing dollars intended to be spent by the second MMSP or by the proprietor to promote the second MMSP, any capital investments intended to be made by the second MMSP, any Ohio-based professional staff hired by the second MMSP, and any other kind of monetary investment made by the second MMSP into Ohio entities ought to be considered and is more reflective of the intent of the statute.

In addition to our concerns regarding incremental economic benefit, we echo the concerns raised by Sportradar about the definition of “person in control” and the proposed definition of “beneficial or proprietary interest.” We urge the Commission to give additional consideration to the ownership structures that will be applying for licenses in Ohio.

Should a virtual meeting be appropriate to discuss our concerns in more depth, we would be more than happy to arrange one with CCC staff and our membership. Thank you for your consideration of these comments and for your work on behalf of the State of Ohio.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Ifrah". The signature is fluid and cursive, with the first name "Jeff" being more prominent than the last name "Ifrah".

Jeff Ifrah
Founder, iDEA Growth