

SUB-BINDER 2

Part 6 – Applicant Technical Proposal

PLATFORM PROVIDER APPLICANT TECHNICAL

PROPOSAL

Application of PointsBet New York LLC

JOINT BID CONSORTIUM

Primary Applicant

Kambi

Applicants

CAESARS.
SPORTSBOOK **POINTS**BET

 Resorts World

RUSH STREET
INTERACTIVE **wynn**BET

New York State
Gaming Commission

Request for Applications for Mobile Sports
Wagering Platform Providers

PART 6 – APPLICANT
TECHNICAL PROPOSAL

PointsBet



OFFICIAL SPORTS BETTING PARTNER

August 2021

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This Part provides the requirements for development of the technical proposals, explains the proposal clarification process, and outlines the Application submission process. In preparation of the proposal, the Applicant should pay special attention to the requirements and information being requested to respond fully to the RFA. In cases where multiple Platform Providers and/or Operators are included in an Application, the Applicant shall provide information required by this Part in context of and including all Platforms and Operators.

6.1 EXPERIENCE

A. The Applicant shall provide a description of comparable mobile sports wagering platforms developed and operated by the Applicant. Multiple examples may be used to demonstrate experience, but the Applicant shall limit detailed examples to no more than the five most comparable Platform operations.

PointsBet owns and operates its own in-house technology platform for sports wagering. The platform has many unique and modern features that allow it to compete on a global scale with localized flexibility. As a platform provider, PointsBet will deploy the same proprietary code base to an operator, as applicable.

A critical aspect of the PointsBet platform technology infrastructure is that it is a single technology stack that is flexible to cope with demand at a local level. Given this, it is appropriate to focus on the deployment of PointsBet's platform as a single piece of technology that is capable of many localized iterations. The platform is designed with this flexibility in mind and optimized for the current demands of mobile focused sports wagering while utilizing the Azure Cloud to power much of the core functionality. Where others may rely on third party technology and platforms to control their sports wagering offering, we have intentionally developed a sophisticated and custom-built platform to respond to regulatory requirements, consumer demands and the 24/7/365 nature of current mobile and internet-based sports wagering.

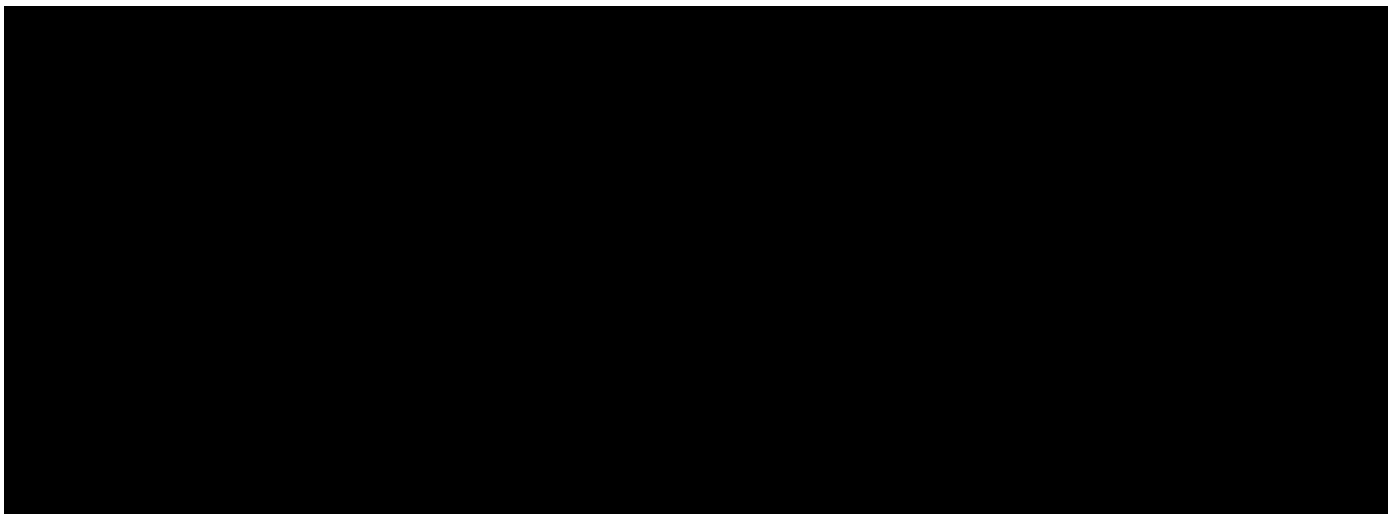
To date, the platform has successfully launched operations in multiple US jurisdictions, including New Jersey, Illinois, Michigan, Colorado and Indiana. Whilst we aim to compare our platform experience in US States such as Illinois (approaching 13 million residents) and New Jersey (almost 9 million residents), we do recognize that New York will be a State unto itself (with almost 20 million residents). The overview of our platform capabilities you will see in this section refers to the successful operation of the platform, including PointsBet's existing operations in New Jersey, Illinois, Indiana, Iowa, Colorado and Michigan. Further, we will describe the core functionality and features of the platform that allow PointsBet to adapt to the highly regulated sports wagering ecosystem in those jurisdictions and more specifically, ensure that the platform has the capability to be a market leader in the State of New York.

A critical driver of our success in the jurisdictions referred to above is the foundation that the adaptable and scalable platform provides PointsBet. From this strong base, we excel when it

comes to important functions such as trading and risk management, responsible gambling and innovative product growth. Our trading team, comprised of 'always on' experts who monitor betting activity, can optimize its performance by utilizing and relying on the sophistication that the proprietary technology provides. Responsible gambling measures are introduced at multiple levels of the customer journey to ensure that sports wagering is a fun and controlled experience for each user. As we have grown market share across strategic US jurisdictions, a catalyst for this growth is our ability to develop and market innovative products, such as pointsbetting and more markets than any other operator. The flexibility we garner from our technology cannot be understated and as we have expanded it has become obvious how big of an advantage our technology capabilities are in the current marketplace.

The description shall include the following:

- **an overview of the wagering activity conducted through the Platforms;**



- **the jurisdictions where the Applicant operates the Platforms;**

PointsBet's platform is currently being operating in the following jurisdictions:

- New Jersey
- Illinois
- Indiana
- Colorado
- Michigan
- Iowa
- Australia

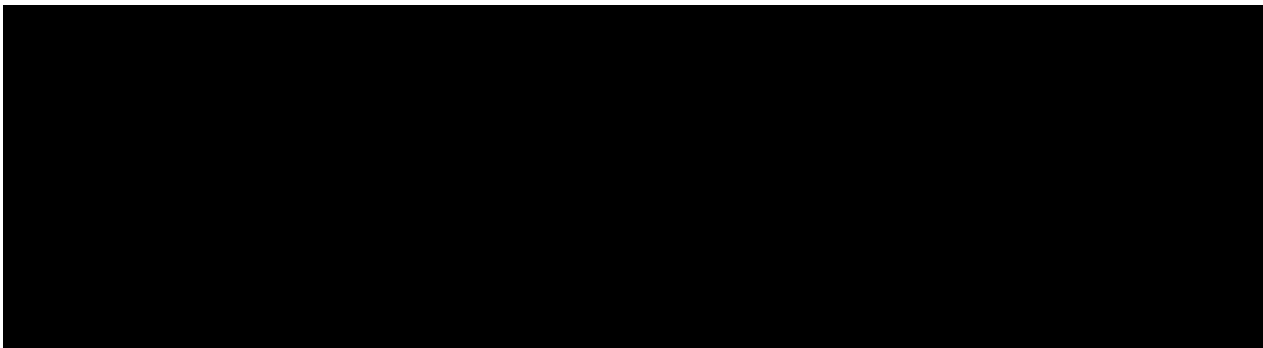
- **current integration of the Platforms with other wagering operators;**

PointsBet as a platform is an established and proven wagering technology. To date, in the United States and Australia, PointsBet has operated purely as a wholly owned internally integrated B2C operator. There are no current integrations with other sports wagering operators.

PointsBet recently completed its acquisition of Banach Technology Limited. Banach and its team of tech developers and quantitative analysts are now integrated into the global PointsBet tech team to develop, amongst other things, sports wagering products for the US business. As part of its core business, Banach Technology's Odds Factory technology is integrated and provided as a B2B service for several existing sports wagering operators, including but not limited to FoxBet and Ladbrokes Coral Group.

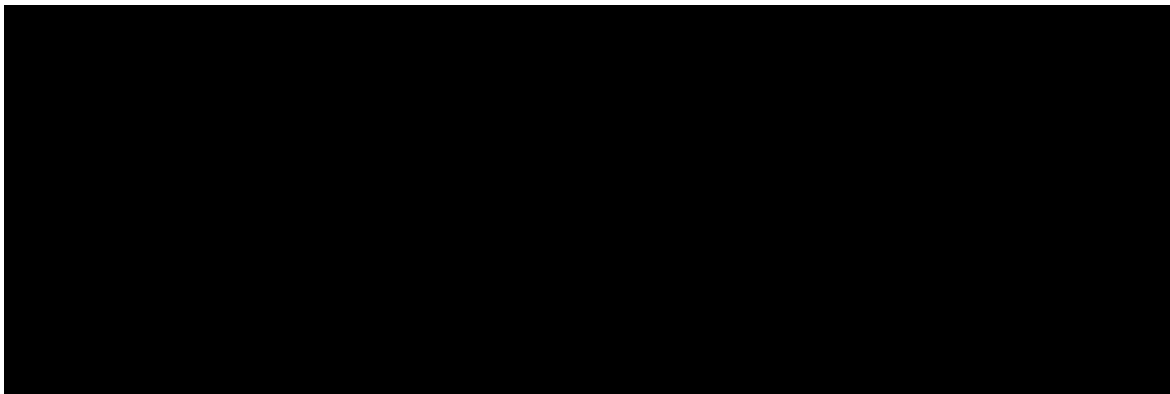
- **the number of accounts maintained through the Platforms;**

PointsBet has provided a snapshot of the number of active accounts maintained through its platform for the most recent year, presented below:



- **wagering volume processed annually through the Platforms; and**

PointsBet has provided a snapshot of the wagering volume processed through its platform for the most recent year, presented below:



- **additional information the Applicant believes relevant to demonstrate the Applicant's experience.**

The successful and timely platform deployment in many jurisdictions in the United States has resulted in no regulatory infractions and a proud track record of exemplary performance when it comes to technical compliance. We have been able to localize the platform in short time frames to launch in multiple jurisdictions with all of the features and functionality our customers expect from a market leading brand.

PointsBet has developed a proprietary consolidated analytics technology stack, enabling data-driven decisions to optimize its sports wagering operation, and offer an outstanding player experience. PointsBet understands that technical integrity is paramount, and has implemented modern information security practices, to continually protect from and detect bad actors, bot attacks, and other types of threats.

From inception, our in-house technology has proven to be capable of withstanding even the most onerous and demanding of environments, including Superbowl Sunday and March Madness where our performance remains constant at approximately 99.9% uptime, while other platforms were unable to cope with such demand. We anticipate that New York will be a demanding and world leading marketplace that requires superior technology, expertise, experience and a proven track record of platform excellence.

The final aspect that we value as we expand operations is the compounding nature of technology growth and development. Our platform is constantly being augmented by a skilled team of developers using modern techniques to ensure we are building on top of an already superior technology stack. The team has already proven to be nimble and evolve with the demands of regulators, partners and importantly, the sports wagering consumers.

PointsBet has built a rapidly growing global Product & Technology, and Analytics team(s) with deep domain experience in sports wagering and iGaming with development centers in the US (Colorado, NJ, NV), Australia, Ireland, Philippines, and India.

PointsBet has established a solid System Reliability and Support Model with our Global SRE (Site Reliability Engineering) and Performance Engineering teams. These teams have scaled effectively to support the current seven jurisdictions PointsBet operates in, and the B2B partners utilizing our sports betting platforms and algorithms.

The global SRE team is well positioned to scale and support the rapid market expansion in the US, support other regions and B2B partners in the future, highlighted by:

- The PointsBet platform/sites are proactively monitored and supported 24x7x365 by the SRE team located in the United States, Australia, Ireland, and India.
- PointsBet platform deployments are designed to be scalable with a 4x load mindset from peak traffic seen in prior fiscal year, and the SRE team manages the strategic auto-scaling of the infrastructure.

- To ensure SLA uptime and responsiveness, the SRE team monitors alerts and dashboards using modern, industry standard tools.
- Defensive mechanisms implemented to identify threats and prevent breaches utilizing advanced detection tools using AI/ML (artificial intelligence/machine learning), and incident response systems via integration with a 24x7 Security Operations Center (SOC).

PointsBet's sports wagering platform integrates well with an advanced marketing technology stack, a highly scalable Enterprise Data Warehouse and utilization of AI/ML techniques. This tech ecosystem enables seamless operations and optimization of the marketing processes and enables personalized and proactive communications with customers throughout the digital marketing funnel.

PointsBet's Global Business Intelligence and Data Engineering teams based in the United States, Australia, Philippines, and India support the overall business (marketing, finance, compliance), partners and regulators by delivering key dashboards, reports, and insights on a timely basis for data driven decision making that help maximize revenue and enable proactive compliance.

B. For each Operator the Applicant proposes to host on the Applicant's Platform, the Applicant shall provide a description of Sports Wagering operated by the Operator. Multiple examples may be used to demonstrate experience, but the Applicant shall limit detailed examples to no more than the five most comparable Sports Wagering operations.

Operator Hosting

PointsBet intends to host two operators on its proprietary sports wagering platform. The first being its own brand (PointsBet) which will be covered in this part and throughout the entire application and the second being Resorts World Bet.

PointsBet is a highly experienced sports wagering operator who has deployed a full-service sportsbook product in multiple jurisdictions. PointsBet's sports wagering platform is an advanced technology, modern code based, single sign-on application, which is currently deployed across six jurisdictions in the US. We have prioritized our sports wagering platform technology, to ensure PointsBet can seamlessly deploy to new jurisdictions while also advancing the sports wagering experience for players.

POINTSBET SPORTS WAGERING CAPABILITIES SUMMARY



Throughout this section, we focus on many of the component parts that have allowed PointsBet to lead the way in shaping the sports wagering markets that it has entered. It is worth noting that PointsBet has developed and offers both a traditional sportsbook product as well as its unique pointsbetting offering. Our experience offering both types of sports wagering in multiple jurisdictions, including New Jersey, Illinois, Indiana, Colorado and Australia, holds us in good stead for a successful launch and execution in New York.

Comprehensive Sports and League Offering

PointsBet ensures that it can offer its customers a wide array of betting options from major domestic leagues, many of whom we have official league partnerships with, to other domestic and international competitions ranging from the Olympics to Australian Rules Football. A broad cross section of sports and leagues ensures that our customers are accommodated with whatever their preference is or with whatever their favorite sports to bet on is. As certain sports or leagues continue to gain prominence or popularity, or brand-new leagues are created, we expect to add these leagues to the wagering menu, subject to regulatory approval.

The Most Markets

An important feature that we offer our customers is the most betting markets on a given sporting event. We lead the market in terms of offering unique and comprehensive betting markets. For example, in the Superbowl we were able to offer an array of typical spread, money line and totals wagers as well as proposition bets and even the GOAT Insurance (see graphic below). For the 2021 Superbowl we offered more than 760 pre-match betting markets and on a typical Sunday during football season we offer in excess of 500 betting markets to our customers.



Unique Trading Capabilities

In Q2 2021, PointsBet acquired Banach Technology, a market leading provider of in-play and pre-game trading platforms, algorithms, and risk management tools. This acquisition of this team and technology accelerates PointsBet from a relatively strong position to a further strengthened position with added capabilities and flexibility. The acquisition will allow continued development of products and features including:

- Same Game Multi
- In-play props
- Increased up-time
- Increased trading efficiency and margin
- Market leading technology and product innovator

Reliability and Operator Uptime

A critical facet of the consumer offering is the ability of the operator to remain fully functional, especially during high volume betting windows. Given PointsBet's reliance on technology and

the best practices we employ around scalability and agility of the operations, our uptime percentage has been consistently in the high 99% range and up to 99.9%. This is especially notable given it is not unusual for other operators to face downtime or system failures, including during major sporting events or high-volume betting windows. As a reliable operator and a consistent performer with experience in this area, we feel confident of our ability to cope with the increased demands that a state such as New York will pose.

The description shall include the following:

- **the jurisdictions where the Operators is licensed and operating:**

PointsBet is currently licensed and operating in the following jurisdictions:

- New Jersey
- Illinois
- Indiana
- Colorado
- Michigan
- Iowa
- Australia

- **wagering volume of Sports Wagering:**

[REDACTED]

PointsBet has provided a snapshot of the wagering volume processed through its platform for the most recent year, presented below:

- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

- **estimated market share within each jurisdiction:**

PointsBet is widely considered as a top five operator for online sports betting. PointsBet launched in New Jersey with no brand awareness or existing database. Within six months the company achieved and has maintained a meaningful market share indicative of a top five position in the hyper-competitive twenty (20) operator state. This theme has continued in most states we have launched in.

- **the Platforms currently used to accept wagers; and**

PointsBet currently utilizes its own in-house proprietary technology platform to accept wagers.

- **additional information the Applicant believes relevant to demonstrate the Operator's experience, including, without limitation, the Operator's experience in mobile sports wagering.**

PointsBet conducts all its own trading and risk management in-house. The PointsBet trading platform is a singular, global platform, which can be filtered to specific jurisdictions, allowing for centralized management of trading and risk management functions with a localized lens. With teams in the US, Australia, and Ireland, PointsBet conducts global trading and risk management operations 24/7/365. Since the company's inception, PointsBet has built an exceptional trading team comprised of sports analytics, risk management, and quantitative analysts.

The trading and risk management team, inclusive of quantitative analytics experts, is made up of a global team with trading hubs in Denver, (CO), Melbourne (AUS), and Dublin (IRE). Across the global team there is in-depth knowledge of all major sports and constant, 24/7 trading and risk management coverage. All global traders on shift are dialed in to an always-on global team call to ensure consistent coordination and optimized communication.

In the last year, the trading team has grown by 52%, while US handle year over year has increased approximately 400%. The PointsBet trading technology tools have evolved to match the business growth, in tandem with traders continually advancing their knowledge and experience in booking various sports in new jurisdictions. This ratio speaks to the operational efficiency of PointsBet's in-house technology, tools, and team expertise, unmatched in the US market.

PointsBet establishes liability limits in the trading system at a market, event, and player level. Bets that clear liability limit thresholds are then referred to risk management traders for manual review. Traders are trained to evaluate large bets, focusing on the player's profile, market type,

proximity to the event, and additional factors. Following evaluation, traders will process the referred bets to approved limits.

The Company continues its trading and technology growth with the recent acquisition of Banach Technology, setting PointsBet on a course to deliver the best available InPlay wagering experience, which we believe will soon account for the majority of wagers placed as markets mature.

PointsBet's US-based Sports Analytics/Trading team will utilize data produced by its internal quants algorithms to establish betting lines. PointsBet also uses the services of two pricing origination providers, Don Best and Bet Genius (also known as data feed providers). Don Best and Bet Genius provide official data for a global menu of sport types and leagues. PointsBet's proprietary quant algorithm data, combined with US sports trader expertise, prices provided by PointsBet's feed providers, and assessment of lines in the global market, will provide the basis for the pricing of betting lines.

For example, PointsBet's feed provider will send through the price of an NBA moneyline (which the in-house trading function will normalize and alter if required, whether prompted to by customer activity or a different global consensus on price) and PointsBet's quants algorithms will derive additional markets from this core price, which are then assessed by traders and made available for betting.

PointsBet's offering covers over 85,700 sporting events across 23 sports (including novelty markets). PointsBet extends these wagering markets to the US jurisdictions, where allowed by rules and regulations of the state. Examples of PointsBet's wager type offering include the following:

- Pre-match and InPlay
- PointsBetting (unique to PointsBet)
- Name-A-Bet
- Batter's Box
- Player Props
- Futures
- Derivative Markets (ex. first half, second half)
- Quick Parlay Builder
- Odds Preference Display (American, Fractional, Decimal)
- Parlay & Combo Parlay
- Teaser
- Novelty Betting Markets
- Traditional & Niche Sports
- Most Bet Types (700+) For Super Bowl LIV

In addition to the widest variety of types of wagers offered, PointsBet is a market leader on its coverage of sports and markets offered in both traditional and niche sports. A sample list of sports and markets offered is presented below:

- Football (NFL, NCAA, CFL)
- Basketball (NBA, WNBA, NCAA)
- Baseball (MLB)
- Hockey (NHL, NCAA)

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- Golf
- Boxing
- MMA
- Motor sport
- Soccer
- Tennis
- Olympics
- Cycling
- Darts
- Rugby
- Aussie Rules Football
- Table Tennis
- Volleyball
- Cricket

6.2 EXPERTISE

A. The Applicant shall provide a summary narrative, not to exceed two pages, highlighting the Applicant's expertise in mobile sports wagering and how the Applicant's expertise is applicable to this RFA.

Our Platform Provider Applicants are experts in online and mobile sports wagering. Collectively, our Platforms have over 40 live deployments in regulated U.S. jurisdictions. Our Platforms are also proven globally with some of the world's largest online and mobile sports wagering operators.

Our Platform Provider submissions for 6.2.A covering the individual Applicants will provide key details on each Platform's technical and Operator support features, operation, support & maintenance capabilities, and differentiating characteristics. We are confident the Commission will conclude that our proposed set of Platforms are:

- Highly scalable, secure, and dependable
- Built to U.S. compliance standards
- Capable of supporting Operator differentiation
- Maintained and invested in by strong organizations

Highly scalable, secure, and dependable

Nothing matters more to a regulated online sports wagering operation than the scalability, security, and dependability of its Platform. Platforms must be built to reliably handle significant traffic during major sporting events such as the Super Bowl. Sports wagering Operators heavily depend on this basic function to earn revenue and retain patrons. All this must be achieved while ensuring robust protection of sensitive patron information. In addition, our platforms are designed for day one market launches, quickly transferring players from the illegal market to the legalized one. All our Applicants have proven their ability to deploy quickly and operate to very high standards in live U.S. environments:

- Kambi's sports wagering platform is active in 6 continents. This global experience highlights the expertise of Kambi's operations, flexible to the consumer needs in any corner of the globe. Kambi has launched in 14 states and counting. Of those 14 states, Kambi was first to market in 10, taking either the first bet or launching on the first day of the market opening.
- Caesars' Liberty platform was specifically built to be scalable for the U.S. market. It is currently deployed in eight states, with several more expected before the end of 2021. Liberty utilizes modern, modular architecture that is API-driven, and designed to scale and adapt to the regulatory and reporting requirements of each state. It was developed to enable quick speed to market and large transaction volumes. The platform includes Caesars' pricing and trading operations, which are also fully owned.
- PointsBet is uniquely positioned as its sportsbook platform is a proprietary, managed technology across all elements, both front and back end. The platform employs a modern code base and is a proven technology in the US sports betting marketplace including across peak days in high volume transaction environments. The company's technology and development teams facilitate agile, custom, quick to market innovation, including all technical regulatory requirements.
- WynnBET's Platform technology, including licensed technology from Scientific Games, has supported the world's largest bookmakers during the world's largest betting events, including the Super Bowl and Cheltenham Festival. It is arguably the most tested betting Platform technology in the world. It has supported over 470 million account transactions and 60K bets per minute during a single major sporting event, all with 100% uptime.

Built to U.S. compliance standards

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As noted above, our Platforms have collectively more than 40 live deployments in regulated U.S. jurisdictions. Our consortium has proven its ability to deliver to the demanding specifications of U.S. regulators. Our Platforms are all required to provide for robust patron verification procedures, geolocation requirements, responsible gaming standards, and high levels of security. All our Platforms have been rigorously tested to these requirements and approved by multiple independent testing labs, including the state-run testing lab in New Jersey.

Capable of supporting Operator differentiation

All our Platforms enable an Operator to perform the basic functions of a sports wagering operation reliably and with seamless execution, including: registering and verifying a patron, funding patron accounts, accounting for patron activity, presenting a wide selection of wagering opportunities, offering bonuses and promotions, processing wagers and managing risk, and reporting for business and regulatory needs. However, our Platforms go well beyond meeting basic Operator needs. Each of our Platforms is characterized by differentiating features that position an Operator to excel in growing its market share. Below is just a sample of what each Platform Provider uniquely offers:

- Kambi is 100% focused on being a Sports Wagering Platform supplier and is therefore unique in having a strong and vast network of operators in regulated markets across the world on its platform. The success Kambi delivers is anchored in its ability to leverage its network data from a global player base, creating increased network advantages as each new partner is added and existing partners grow.
- Caesars' Liberty platform is integrated with Caesars Rewards, the largest gaming loyalty program in the country, allowing customers, win or lose, to earn Rewards Credits that be redeemed seamlessly for hotel stays, dining and other experiences at more than 50 properties across the country and for other curated experiences through Caesars' numerous sports and entertainment partners.
- PointsBet's Platform and operator experts excel in many areas but capabilities across the risk management, product innovation, content management and reporting functions are specifically notable. The competitive advantages over the long term provided by these unique Platform capabilities which support the Operators accordingly will generate compound returns to the state.
- WynnBET's Platform supports innovative social interaction features and integrates Wynn Rewards, an omni-channel loyalty and bonusing program that will provide New York residents with unmatched access to Wynn's 5-star destination resorts.

Maintained and invested in by strong organizations

The Commission is making a long-term decision for the State of New York and its residents. Given the potential for a 10-year license, our Platform Applicants are well positioned to apply their Platform expertise not just at the time of award but over the long haul. For such a commitment to matter, it needs to come from exceptionally strong organizations that are financially capable of investing R&D into improving and supporting their Platforms. Our Platform Applicants fit this profile:

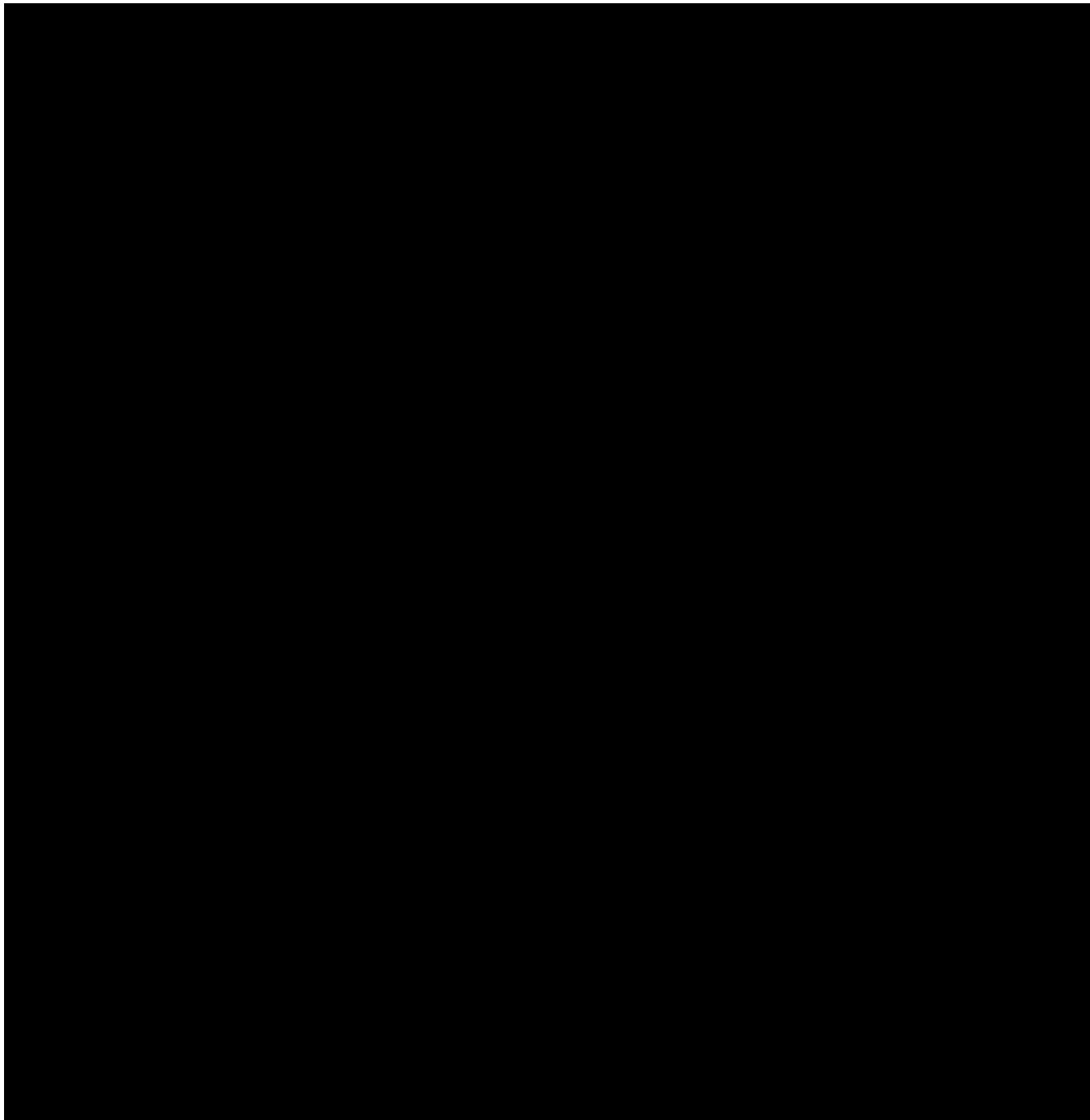
- Kambi has been publicly traded on First North at Nasdaq Stockholm since 2014. Kambi generated over \$200 million in revenues over the past 12 months and has a strong liquidity position with over \$100 million of cash on balance sheet.
- Caesars, which acquired William Hill, is the nation's largest casino-entertainment operator maintaining approximately \$3.2 billion of cash and revolving borrowing capacity.
- PointsBet is publicly traded with \$501M of cash and no corporate debt which positions it to continue investing aggressively in its technology and product enhancement.
- WynnBET is majority owned and controlled by Wynn Resorts. Wynn Resorts maintains \$4 billion of liquidity globally with an additional ~\$640 million available to WynnBET upon closing its recently announced de-SPAC transaction.

We have a great deal of confidence in our Platform Applicants' expertise in online and mobile sports wagering. Our collection of proposed Platforms in aggregate is the most proven at scale in the world. We have extensive expertise in deploying our Platforms and supporting them in U.S. markets to meet the most demanding regulatory standards. We hope the Commission develops the same confidence in our collective abilities as we frame our independent Applicant profiles and responses in the remainder of section 6.2.A.

In addition to the summary, each Applicant shall provide:

- **an overview of the technical features and operation of the Mobile Sports Wagering Platform;**

PointsBet has provided the primary technical components of its mobile sports wagering platform, presented below:



- **an overview of how the Applicant will provide continual support and maintenance of the Mobile Sports Wagering Platform;**

PointsBet has developed and implemented a global release management process for our sportsbook and other products. As a platform provider, PointsBet will ensure a minimum of six software releases annually. This process drives predictability, quality, performance engineering and regulatory compliance so all jurisdictions we operate in have the latest offerings available.

Our Cloud Platform Engineering team and IT Ops teams implement solid DevSecOps (Development, Security and Operations) practices to continually improve the hosted platform by partnering with leading infrastructure and security vendors.

Utilizing an agile product development at scale and supported by CI/CD processes we deliver global releases with significant features at a monthly cadence for regulatory approvals and deployment. Concurrently, we also develop and support minor releases and/or fixes to address customer or market needs in a timely manner.

PointsBet's wagering platform related product innovation efforts include continual engagement by our PointsBet Technical Compliance team with regulators and testing labs, to ensure regulatory requirements are factored in from concept to testing and feature deployment to the delivery of regulatory reports.

PointsBet has established rigorous and proactive security processes including threat hunting, in addition to periodic security and penetration testing of the wagering platform to address any vulnerabilities in a timely manner.

- **an outline of the features of the Mobile Sports Wagering Platform designed to support the Operators;**

PointsBet has opted to upgrade and evolve its feature set since the platform began accepting sports wagers. Given the entire product feature roadmap is wholly owned internally and doesn't rely on any third parties as is common in our industry, we have flexibility to design and execute

ideas, innovations and upgrades that other platform providers are not able to do. This functionality is a key reason why our customers keep returning to the platform and PointsBet has become an award-winning platform. To illustrate a few of the key features, in addition to what is described in detail in this section and entire application, we have focused on some of the latest and most popular components of the platform.

1. PointsBetting – a unique bet type, only available at PointsBet that allows customer to wager on an outcome and be rewarded for each point they are right (And vice versa for each point they are wrong). Being unique to PointsBet, this serves as a strong retention tool and a differentiator in a crowded space, while being a very high margin product.
2. Single Game Parlay – the newest, most innovative product on the market only available at a total of 3 sports betting operators, including PointsBet. This allows customers to wager on multiple outcomes within a singular event, including a wider variety of player props. Same game parlays provide extra engagement to customers and a high margin product to the operator.
3. Cash Out (including Partial Cash Out) – PointsBet offers the ability for customers to cash out their bets after bet placement (and prior to the bet settlement). The more unique feature is the ability for customers to select “Partial” cash out and keep a portion of the bet, while returning the rest to their account balance. This leads to constant engagement during live events & drives extra activity on the platform.
4. Parlay Booster Tokens – PointsBet provides two “tokens” to customers each day allowing customers the chance to receive an extra “profit” on one parlay bet and one Single Game Parlay bet per day. This drives high perceived value to the customer and leads to repeat play days, extra bets per play day and a shift of customer wallet to high margin products. This is unique to PointsBet and an area that will continue to expand.
5. Rewards – PointsBet is one of three sportsbook operators to offer a rewards program to customers allowing them to earn Rewards points on every single bet. More points are earned for Parlays and PointsBetting bets and all rewards points can be redeemed for Free Bets, to be used immediately.
6. Name-A-Bet – PointsBet is the only sportsbook to allow customers the opportunity to request any bet type they might not find on site. The requests are automatically fed through to our Sports Analytics team who will build out eligible bets on site within 30 minutes and notify customers immediately. This builds a strong two-way communication avenue between customer & sportsbook, allowing for the highest level of personalization.
7. Platinum & Diamond Club – PointsBet offers two unique invitation-only clubs for its highest echelon of loyal customers. Both clubs offer personalized promotions, concierge service, extra booster tokens, extra rewards points and can involve events/experiences as well as a 24/7 account manager.

- **an outline of any technology to be used or features offered that the Applicant believes sets the Applicant apart from other potential Applicants; and**

PointsBet's technology infrastructure is a key reason why it has been able to accumulate market share and rapidly expand its footprint across the North American sports wagering markets that have authorized sports wagering in their State. One key feature that is worth noting is the Name-A-Bet function. PointsBet is the only sportsbook to allow customers the opportunity to request any bet type they might not find on the platform or in the wider sports betting market. The requests are automatically fed through to our trading and sports analytics team who will build out eligible bets on the platform within thirty minutes and notify customers immediately. This builds a strong two-way communication avenue between customer and sportsbook, allowing for the highest level of personalization.

What makes this feature so compelling is that it allows for engagement beyond a typical bet placement experience. The customer can act on the classic scenario of 'what if this bet was possible'. PointsBet has been able to generate the necessary technology and trading expertise to offer such a unique and popular feature.

- **additional information the Applicant believes relevant to demonstrate the Applicant's expertise.**

PointsBet has intentionally and astutely assembled some of the most credentialed talent in the global sports wagering industry. Accumulating the people and teams to execute on such a unique opportunity has been a point of emphasis from the founders of the business and continues today.

Given the technology focused operation and the fast-paced nature of the industry, our intent to amass a formidable team has led to significant opportunities and the ability to capitalize unlike market companions. Proven leaders that have the aptitude and wagering acumen to thrive from launch to market maturity and beyond sets PointsBet apart.

Co-Founder and CEO of PointsBet, Sam Swanell, who has an impressive background and unparalleled cumulative expertise leads the business, having built, grown and operated sports wagering businesses in the past. Sam has been hyper focused on PointsBet's strategic growth and considered expansion, and in doing so has displayed his expertise within rapidly evolving and complex situations.

US CEO of PointsBet, Johnny Aitken, similarly, has a skillset that spans multiple operators and wagering markets. His ability to lead the North American activities of the PointsBet business since its entry into the US market has been critical.

PointsBet is confident that its effort to continue to build a highly talented and expert team will prove invaluable as US sports betting continues to expand. The investment in team talent,

expertise, and innovative minds is essential to meet PointsBet's expansion objectives while continuing to maintain high-integrity and successful operations in multiple jurisdictions.

In 2020, PointsBet was honored by eGaming Review (EGR) at the 2020 North America Awards as the Top Sports Betting Operator and Most Socially Responsible Operator, as well as the US Rising Star to Watch.

In May 2021, PointsBet was honored by EGR as the Top Sports Betting Operator at its EGR North America Awards 2021. The recognition follows PointsBet's notable exhibition of scale and growth, ability to innovate and differentiate, commitment to responsible gambling, quality of marketing, and quality of product.

Commentary from the judging panel regarding PointsBet's Top Sports Betting Operator recognition included:

"Good differential and growth"

"Really strong entry from one of the most impressive operators within the US"

"Very impressive words and deck - definitely one to watch in 2021 and beyond!"



B. The Applicant shall provide a summary narrative, not to exceed two pages per proposed Operator, highlighting the expertise in sports wagering that such proposed Operator demonstrates.

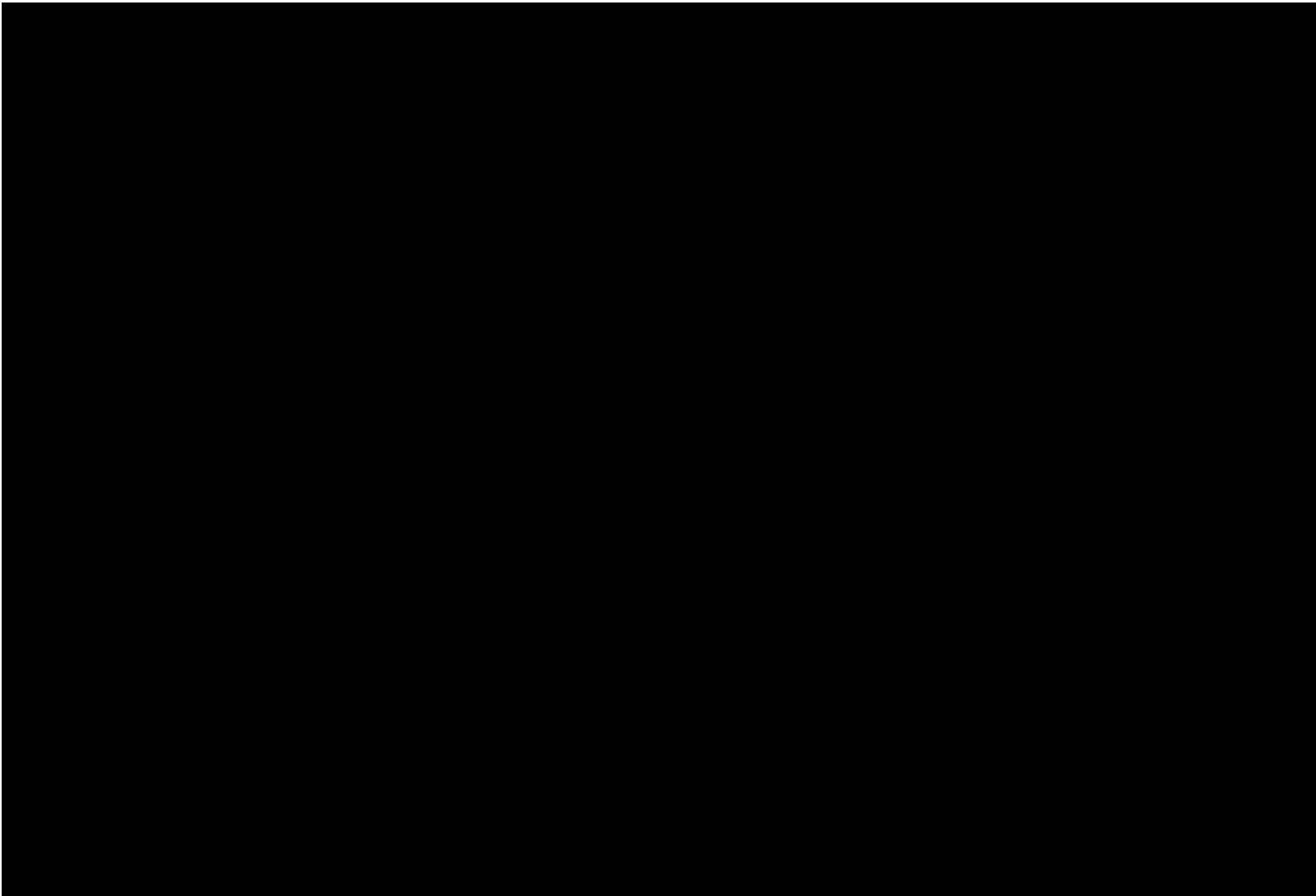
PointsBet

PointsBet has maintained a dual focus from the outset of the business, which entails both a successful Australian launch and ongoing operations in that jurisdiction with a heightened focus on an emerging North American marketplace. As the North American market moved from a potential option to a reality, PointsBet increased its business activities culminating in initial market access in New Jersey and from there has exponentially grown to include multiple jurisdictions from a sports wagering perspective. In those jurisdictions, PointsBet has solidified itself, in a very short timeframe, as a major player and award-winning tier one operator, offering one of the best mobile sports wagering apps in the industry today.

Given the starting point for the business in the United States, it could be understood that moving from a startup business to tier one operator may take significant steps and an extended period. That time frame has been rapid and continues to exceed many expectations. As the business has evolved and expanded beyond the initial New Jersey market access milestone, the team and technology has been tested. It has been tested in multiple jurisdictions and within multiple time sensitive scenarios. Each time, the team and technology has emerged stronger and gathered the requisite expertise to stand alone when it comes to proprietary in-house technology coupled with leadership to execute and drive tax revenue to the local jurisdiction. We feel confident with the track record to date and expect this to only be improved as New York begins sports wagering.

In addition to the summary, each Applicant shall provide:

- **an overview of the integration between the Applicant's Platform and the Operator's wagering system;**



- **an outline of the features offered or used by the Operator that the Applicant believes sets it apart from other potential Applicants;**

PointsBet is the sole North American wagering operator that offers pointsbetting. Pointsbetting is a unique bet type that allows a customer to wager on an outcome and be rewarded for each point they are right. For example, if you bet \$1 on the New York Jets to cover a spread of -3 and they win by 7, you would win four times your stake. Equally, if the New York Jets were to lose by 1, you would lose four times your stake. We can put liability and win/loss caps on this product offering to ensure it is offered and consumed responsibly.

Being unique to PointsBet, this serves as a strong retention tool and a differentiator in a crowded market, while being a very high margin product. We expect pointsbetting to continue its growth, especially as it becomes more well-known and understood among the typical US sports fan and bettor.

- **a sample wagering menu the Operator intends to offer if such wagers are approved by the Commission;**

PointsBet will aim to offer the most extensive wagering menu to the sports bettors in New York. Below is a sample wagering menu that PointsBet intends to offer if such wagers are approved by the Commission.

Football

- National Football League (NFL)
- Canadian League (CFL)
- NCAA College Football (NCAAF)
- Senior Bowl

Australian Football

- Australian Rules Football League (AFL)

Baseball

- Major League Baseball (MLB)
- Nippon Professional Baseball (Japan)
- The KBO League (Korea)
- NCAA Baseball
- NCAA Softball

Basketball

- National Basketball League (NBA)
- NCAA
- Woman's National Basketball League (WNBA)
- FIBA regulated county vs country allowable qualifies /games/tournaments
- FIBA Affiliated Leagues (top division) and Euro Leagues/Euro Cup
- World Championships
- TBT – The Basketball Tournament

Boxing

- World Boxing Association (WBA)
- World Boxing Organization (WBO)
- International Boxing Federation (IBF)
- World Boxing Council (WBC)
- Association of Boxing Commission and Combative Sports
- British Board of Boxing Control

Cricket

- World Cup
- International Cricket Council (ICC) regulated Country vs. Country qualifiers/games/tournaments
- Indian Premier League (IPL)
- Big Bash League

Cycling

- Union Cycliste Internationale (UCI) – Grand Tour, World Tour, Tour de France

Darts

- British Darts Organization
- PDC Darts

Golf

- PGA, including global tours (e.g., World Golf Championships)
- PGA Tour Champions
- The Match IV
- International Events (e.g., Ryder Cup, Presidents Cup, Solheim Cup)
- European Tour
- LPGA
- Korn Ferry Tour

Ice Hockey

- National Hockey League (NHL)
- International Ice Hockey Federation (IIHF)
- Swedish Hockey league (SHL)
- Kontinental Hockey League (KHL)
- SM-Liiga (Finland)
- NCAA
- Belarus Extra League
- Austrian EBEL
- Czech Extraliga

Lacrosse

- NCAA
- Premier Lacrosse League

Mixed Martial Arts

- Ultimate Fighting Championship (UFC)
- Bellator MMA
- One Championship
- Professional Fighters League

Motorsports

- NASCAR, including series
- IndyCar
- Formula 1
- Moto America

Olympics

- Summer Olympics
- Winter Olympics

Rugby

- European Challenge Cup
- European Champions Cup
- New Zealand Super Rugby Aotearoa
- Super Rugby
- English Premiership Rugby
- PRO 14

- Top 14 (France)
- World Cup
- World Rugby (International country vs. country qualifiers/game tournaments)
- Four Nations
- Six Nations
- Super League (UK/France)
- National Rugby League

Snooker

- World Snooker

Soccer

- Major League Soccer (MLS)
- National Women's Soccer League (NWSL)
- North American Soccer League (NASL)
- USL Championship (USLC)
- USL League 1
- US Open Cup
- Central America: Top 2 tiers and domestic cups for: Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Panama
- Confederation of North, Central American and Caribbean Association Football (CONCACAF) Champions League
- Europe: Top two tiers, as well as domestic cups, for the Union of European Football Associations (UEFA) member countries
 - England - League 1
 - England – League 2
 - UEFA Champions League
 - UEFA Europa Conference League
 - UEFA Europa League
 - UEFA Nations League
 - UEFA Super Cup
 - UEFA Women's Champions League
- South America: Top two tiers as well as domestic cups for: Argentina , Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela
- South American Football Confederation (CONMEBOL) Copa Libertadores and Copa Sudamericana
- Asia and Australia: Top two tiers as well as domestic cups for Australia, China, Hong Kong, Japan and South Korea
- International Federation of Association Football (FIFA) regulated country vs. country international qualifiers/games/tournaments, including those run by member federations of FIFA (including UEFA, COMEBOL, CONCACAF, Confederation of African Football (CAF), Asian Football Confederation (AFC) and Oceania Football Confederation (OFC)

Table Tennis

- European Table Tennis Union (ETTU) Events
- International Table Tennis Federation (ITTF) Events

Tennis

- Woman's Tennis Association Tour and WTA 125K Series
- International Tennis Federation (including Davis Cup/The World Cup of Tennis, Billie Jean KingCup)
- NCAA
- Association of Tennis Professionals: ATP Tour, Challenger Series, ATP Cup, Nitto ATP Finals, Next Gen ATP Finals
- Grand Slam Events
- World Team Tennis

- **an illustration of the proposed Operator's ability to rapidly effectuate the commencement of mobile sports wagering on the Applicant's Platform; and**

PointsBet has continually shown a propensity to be agile, flexible and rapid with respect to technology and marketing deployment in every new jurisdiction that it has opted to enter. Go to market planning and execution is a feature of the PointsBet team and something that will be relied upon in New York. We have met and exceeded expected launch timing as we have broadened our North American footprint. A key pillar that has allowed us to have flexibility and speed to launch is our proprietary technology that is capable of scaling quickly and localizing to the rules, regulations, and preferences of a specific jurisdiction. That same capability will be present in our go to market in New York.

A second key pillar that we will leverage in the immediate term and into our go to market execution is our exclusive and wide-reaching partnership with NBC Sports as their official sports betting partner. This market leading partnership will open audiences and get PointsBet's brand and product into the hands and households of millions of New Yorkers. As we convert those potential customers to sports bettors and grow the PointsBet reach in New York, that is when our cutting-edge acquisition tools and promotions will ensure that we convert bettors onto the PointsBet platform.

A further insight into our capabilities that will allow for efficient conversion of sports bettors is the ability to allow authorized sports bettors to bet through the platform. The aspects referred to below ensure a smooth process from start to finish of the acquisition, sign up and bet placement process:

- Approved iOS (iPhone) and Google Play Store (Android) apps allowing customers to download directly from app-store
- Efficient signup process allowing for quick and easy customer processing
- Automated KYC Process with more than 85% of bettors being "auto verified" through approved 3rd party KYC providers allowing them to deposit and bet immediately post signup
- Biometrics & PIN login options allowing for seamless and immediate login
- Best in class deposit options including Online Banking, Credit/Debit Card, PayPal, PayNearMe, Cage/Cash, ACH/E-checke allowing for seamless transfer of money to sportsbook account
- Fastest application in the market with search bar and intuitive navigation allowing for quick bet placement

- PointsBet provides 24/7 customer service with live chat, email and inbound phone to assist through the signup to bet placement process.
- **additional information the Applicant believes relevant to demonstrate the Operator's expertise, including, without limitation, experience in the field of mobile sports wagering.**

PointsBet has multi-language capabilities which, for example, allows the user to download the app or view the desktop version in English or Spanish. As we expand our operations into States with more native Spanish speakers, we believe this point of difference from other operators will be a factor that separates PointsBet from the other market participants. In addition, we have capitalized on this feature set and technology capability by partnering with La Liga, for example, so that we can reach as many La Liga fans in New York as possible and they will have a fully functional application that is in their preferred language.

PointsBet is determined to think beyond the typical and standard way to operate a sportsbook and continue to push the industry standard to higher levels. We believe that considered and beneficial features will generate more customers who can then enjoy the PointsBet offering, whether that includes free to play games and sports predictor type offerings, standard sports betting and or pointsbetting. Further, not only do we have complete control of our product and feature roadmap but we boast the expert internal teams and customizable technology stack to execute on these types of innovations in the sports wagering space.

6.3 INTEGRITY, SUSTAINABILITY AND SAFETY

The Applicant shall provide detailed information on how the Applicant or the Applicant's proposed Operators will ensure the responsibilities, duties and requirements in draft regulations Part 5330 in regard to:

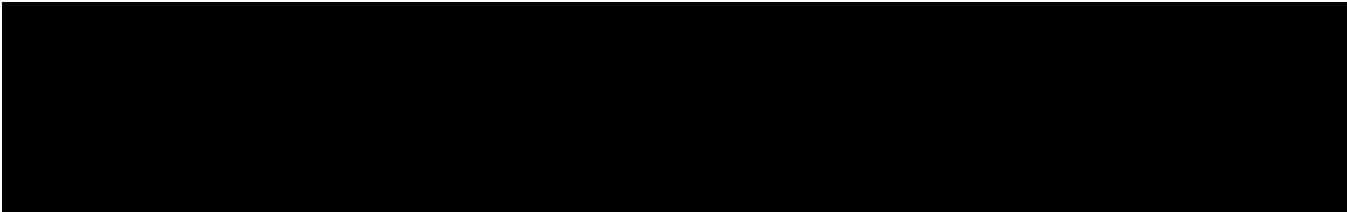
A. wager acceptance;

PointsBet's purpose-built system and architecture is designed to ensure only permitted wagers, by customers physically located in the state of New York, are accepted on the servers at the approved gaming facility. PointsBet is committed to work in consultation with the New York State Gaming Commission to comply with any relevant server location or other requirements.

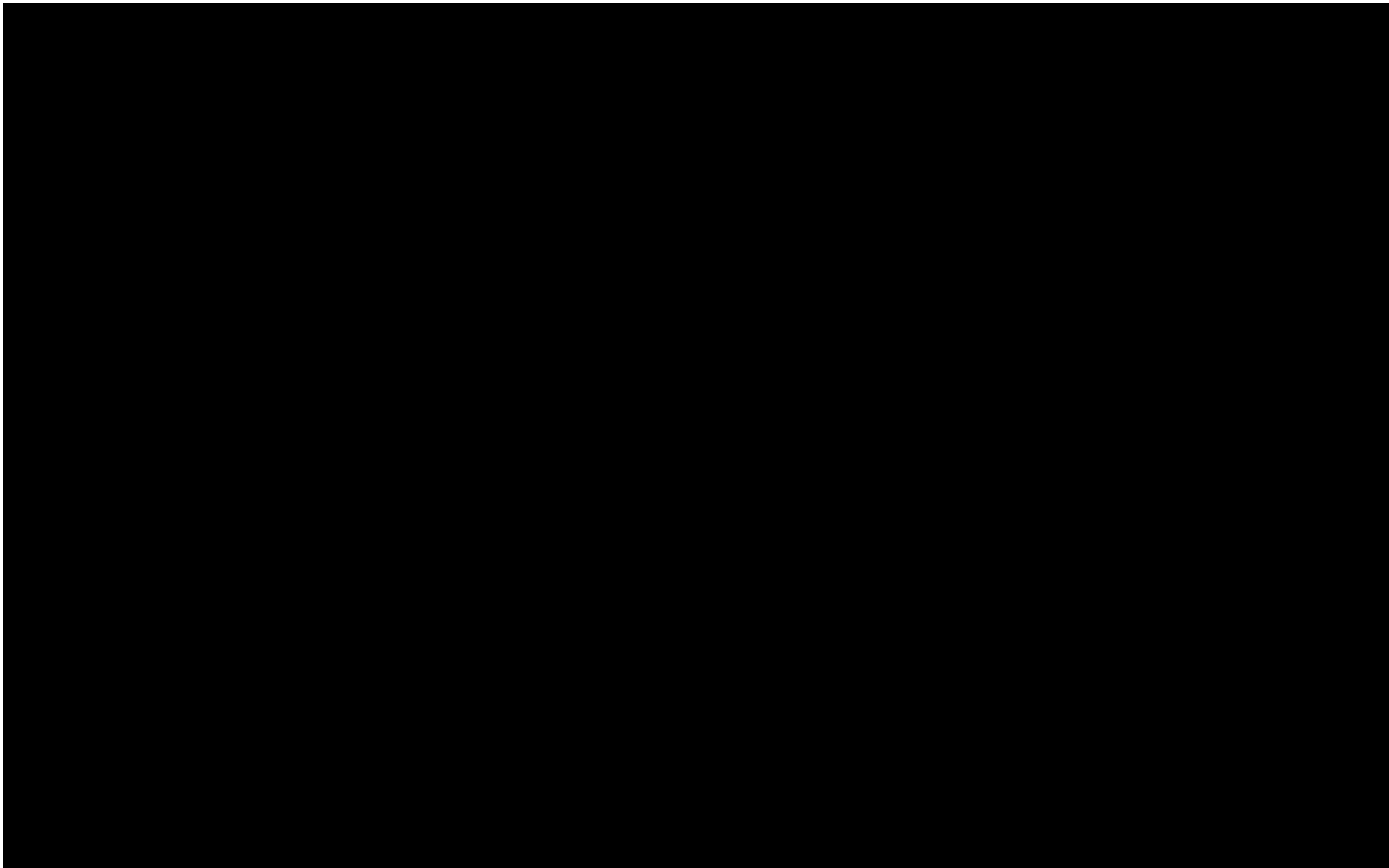
The geolocation aspect of the wager acceptance is performed using software to determine the physical location of the sports bettor to ensure they are within state boundaries when placing the wager. PointsBet utilizes third-party geolocation software to augment its internal process for wager acceptance.

B. verification of information provided by Authorized Sports Bettors opening a new account;

PointsBet's verification of new sports bettors begins as the sports bettor enters the last 4 digits of their Social Security number ("SSN") as part of account signup. This information is sent to PointsBet's third-party, fully integrated, Know Your Customer ("KYC") partner. If the last 4 digits of SSN, along with the sports bettor's name, date of birth and address matches the KYC provider's verification list, then the full SSN is returned to PointsBet.



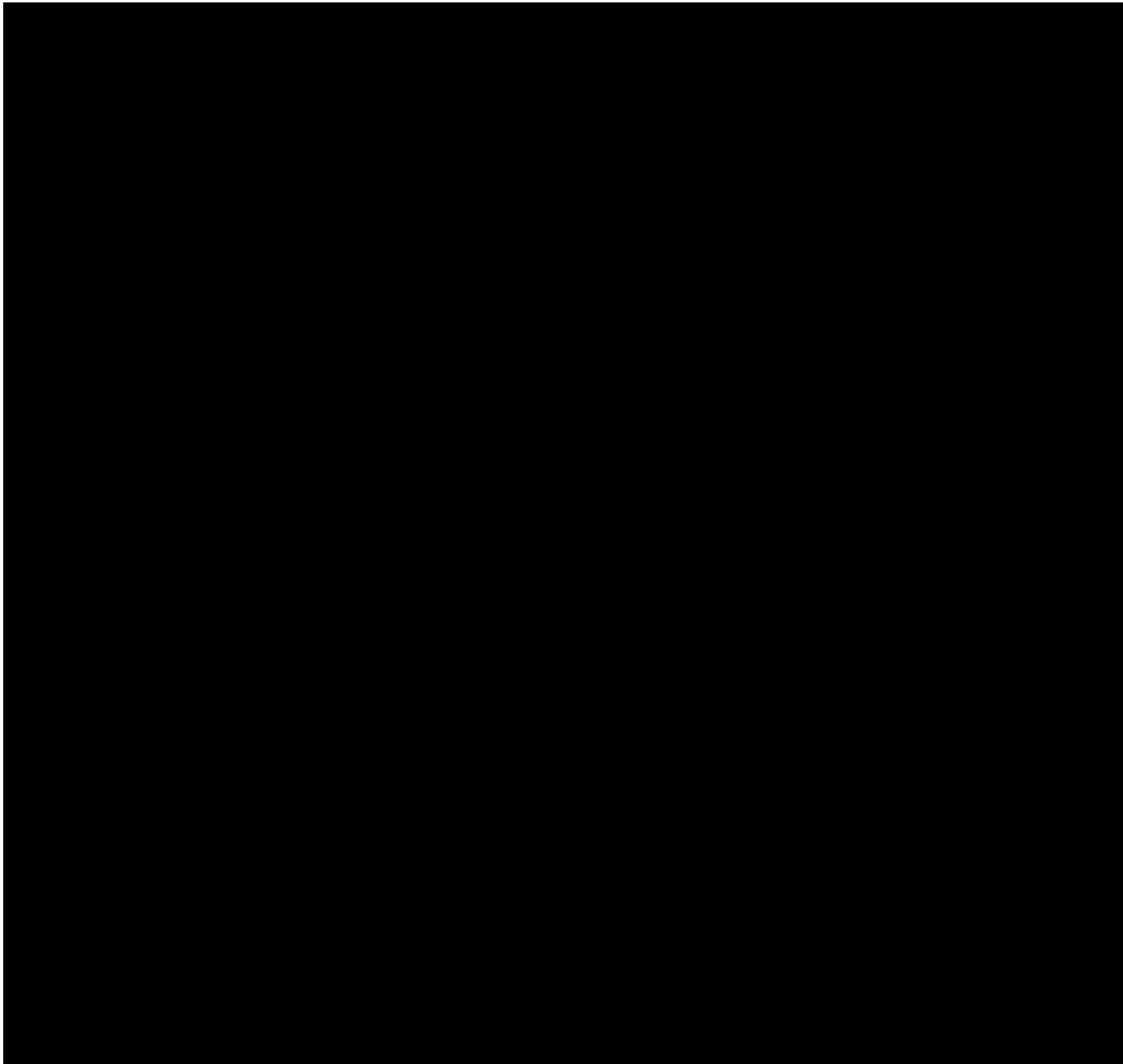
C. **the systems used for monitoring structured wagers and unusual or suspicious wagering activity;**



D. **the systems used to ensure that Authorized Sports Bettors are physically located within the State of New York while placing a wager;**

PointsBet uses geolocation software from its integrated supplier, GeoComply, to detect where the authorized sports bettor is physically located at the time of placing a wager. On web during bet placement, if the user does not already have the geolocation plugin, then the user is asked to download and install it. On iOS or Android, the plugin is embedded inside the app. This plugin detects the user's location using a combination of Wi-Fi, IP address and GPS location. The geolocation process will block the user if the user is using any remote software such as a VPN.

E. the technology to ensure that any wager is accepted through equipment physically located at a licensed gaming facility in the State;



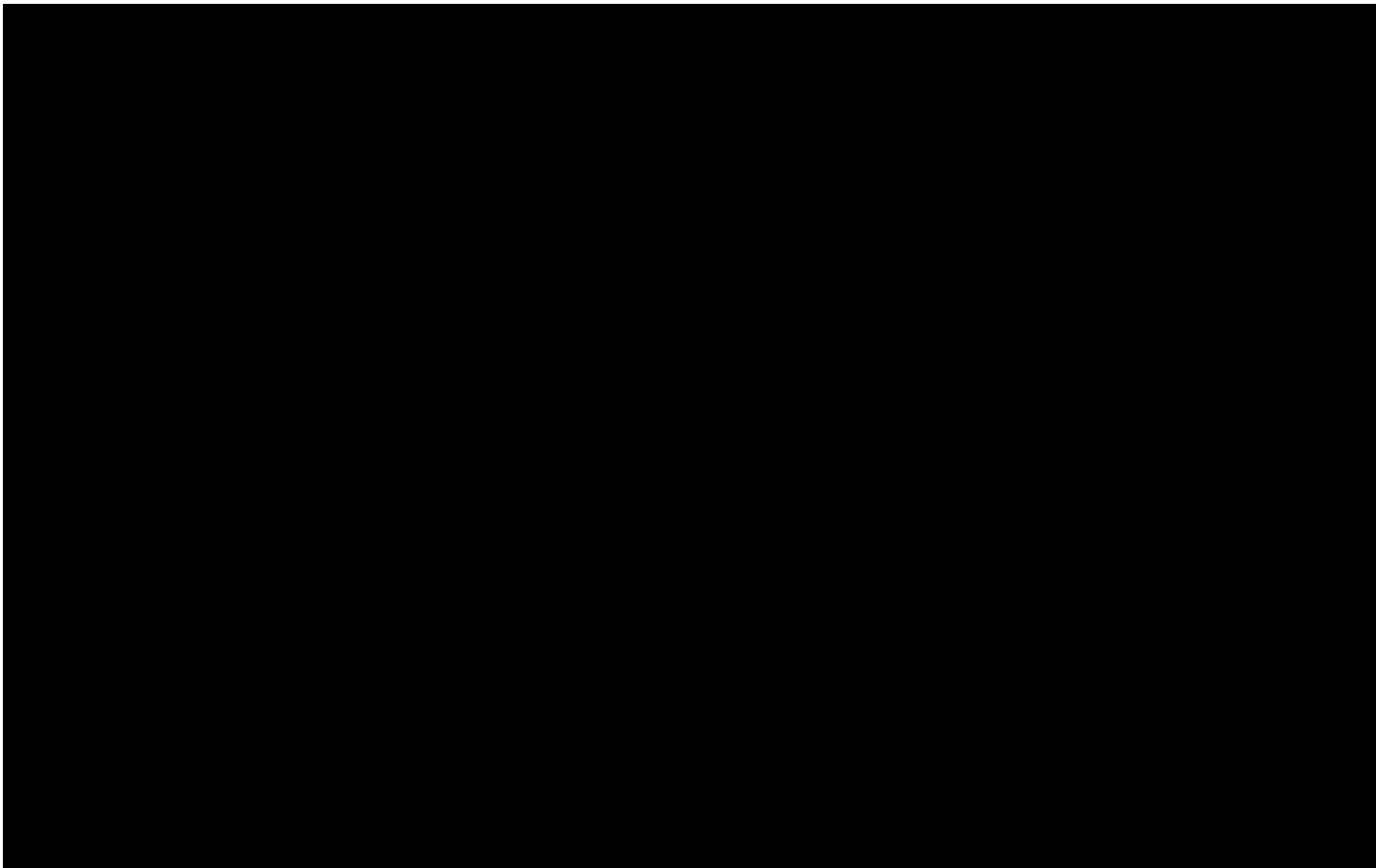
F. description and location of redundant servers, if any:

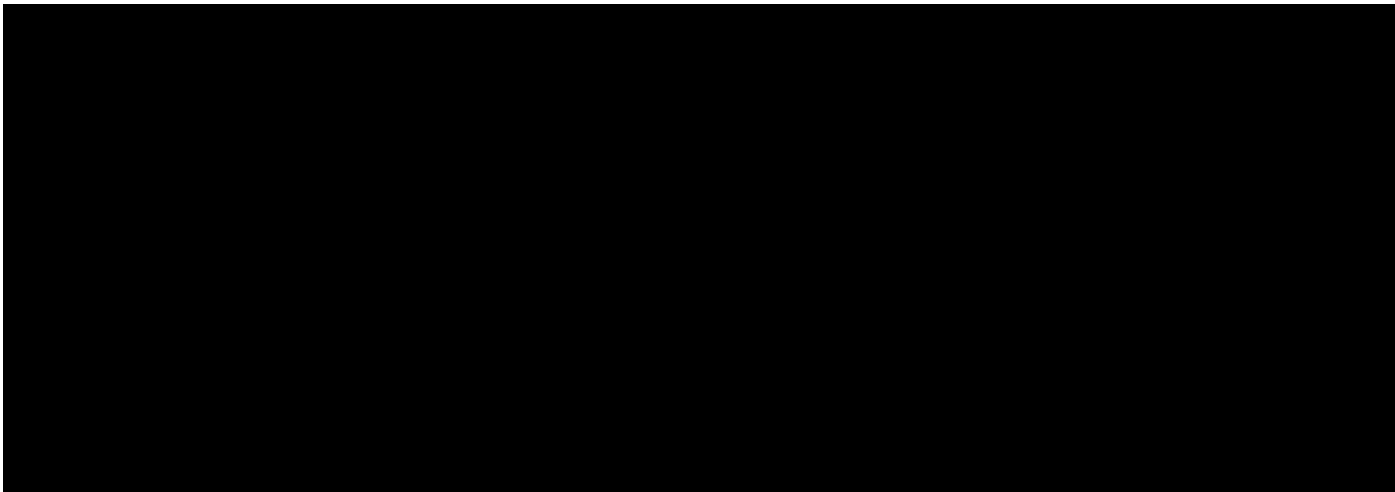
The PointsBet wagering platform is flexible and can operate in a hybrid cloud or a full cloud environment within state redundancy and high availability in the local data center and Microsoft Azure Cloud Data Centers.

We have scaled our Cloud Native solutions to be hybrid environments with local data centers approved by state with similar requirements such as New Jersey and Michigan. Our redundancy includes network layer, compute layer and data storage layer.

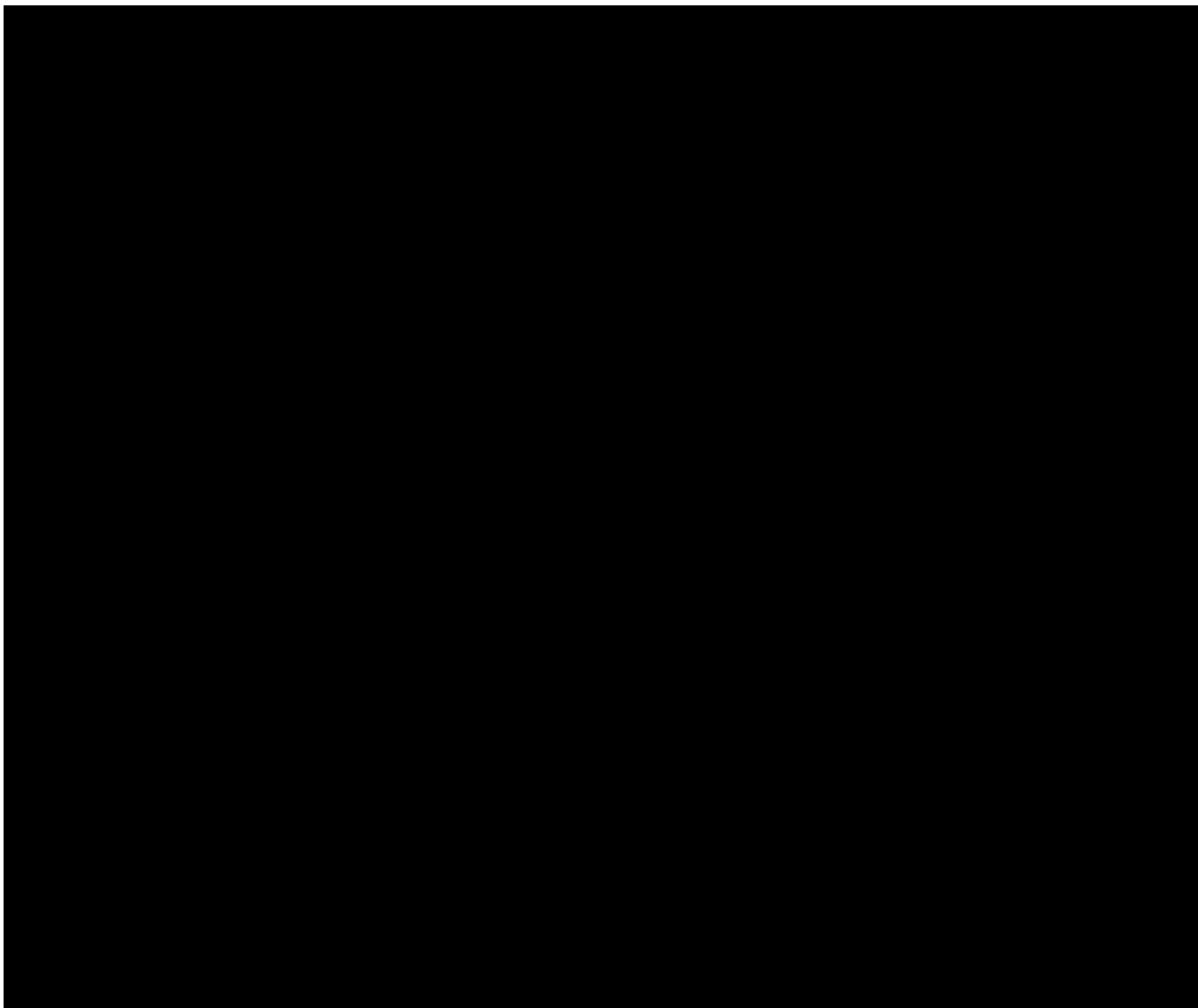
- Network – Full operational redundancy across cloud and in-state environments
- Storage – We provide redundancy and point in time recovery capability to the last second to ensure there is no data loss. Our database is deployed in active/passive cluster on local servers with a replica running in Azure
- Compute – For all cloud-based components we work in a highly redundant, auto-scaling environment; for the local in-state data center approved by the state regulators we use clustered environments.

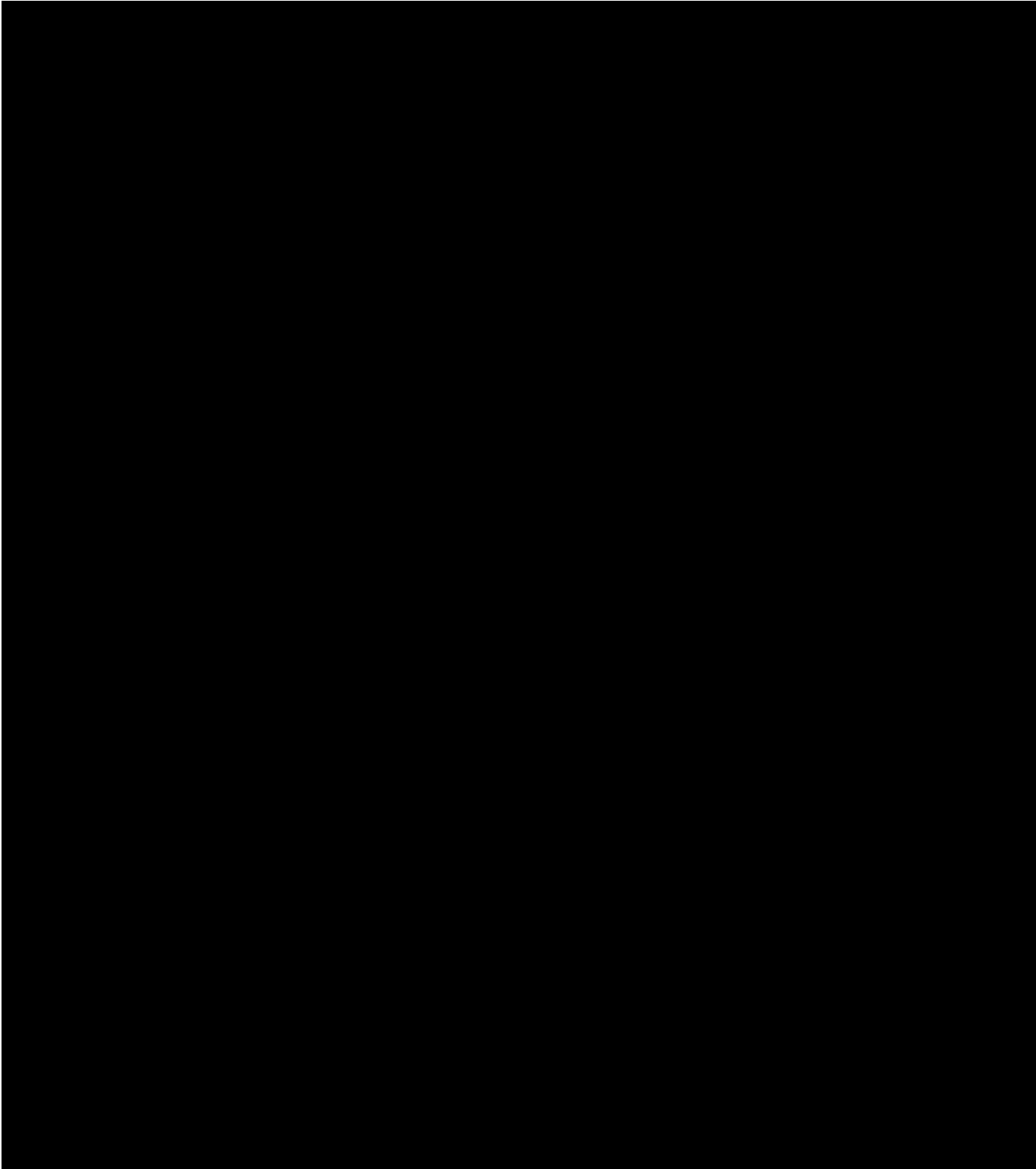
G. security of servers, applications, and communication networks; and patron personal and wagering information;





H. integrity monitoring and reporting, including any current affiliations related to integrity monitoring; and





I. responsible gaming.

PointsBet understands that it is a privilege to operate in the sports betting industry, and as part of that privilege, PointsBet is committed to offering and maintaining a safe and responsible gaming plan to all players. PointsBet has developed a comprehensive Responsible Gaming Program to support and educate players, and train all employees on the procedures and importance of operating and offering sports wagering in a responsible manner. Highlights of PointsBet's Responsible Gaming Program approach are presented below. Further details of PointsBet's Responsible Gaming Program are outlined in its Internal Controls, presented in Section 6.9.

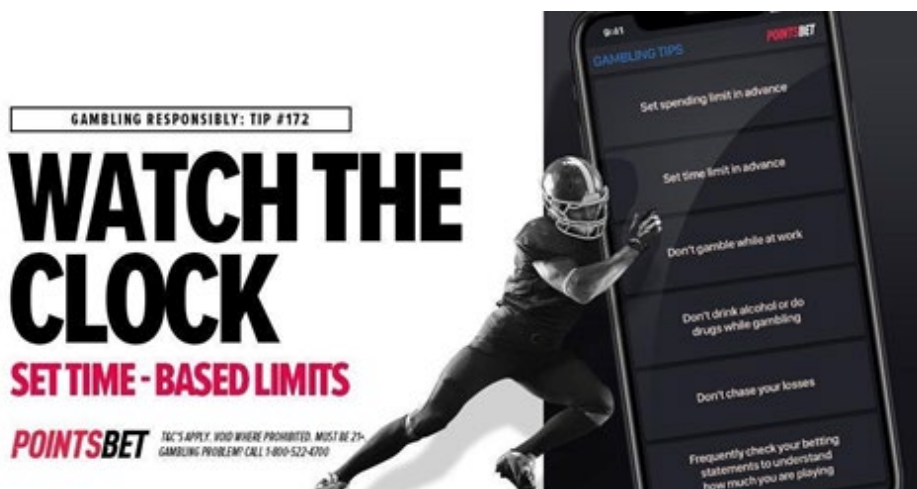
Account Creation

In order to open an account with PointsBet, customers must provide personal information to ensure that they are above the legal gambling age and to confirm their identity (i.e., Know Your Customer or KYC verification). KYC verification minimizes the ability for customers to open more than one account. This is an important measure for persons with a gambling problem who may use multiple accounts to hide their gambling or ignore mounting losses.

Social Media Communications

With a strong social media presence, PointsBet publishes daily responsible gaming messages across its social media channels, including Twitter, Instagram, and Facebook. The responsible gaming messages highlight the numerous guidelines that can assist the customers in maintaining a safe gambling practice, including setting time limits, deposit limits, and bankroll management. They each include a link to the PointsBet app Responsible Gaming page, which outlines available resources for patrons, including setting limits, where to get help, and closing an account. Below is one photo example and a link example of the daily responsible gaming tips posted on PointsBet's Twitter account.

<https://twitter.com/PointsBetUSA/status/1313507124392099840?s=20>



Employee Training

PointsBet's staff are trained to be aware of, and offer assistance to, customers seeking assistance in relation to problem gambling. The Customer Support team is also trained to understand the actions needed if a customer requests assistance for problem gambling. PointsBet will cooperate with problem gambling service providers to support them in their work of assisting players who may need support with their gambling behavior.

During communications between customers and Customer Support Agents, the PointsBet team members will act in good faith in response to any questions provided by customers. If PointsBet staff suspect that a customer may have a gambling problem, and/or a customer has contacted the staff, Customer Support Agents may directly ask the customer if they need assistance with problem gambling. If a customer confirms he or she is seeking support for problem gambling, Customer Support Agents are trained and prepared to assist the customer with accessing problem gambling support resources based on the jurisdiction where the customer is located.

Informed Choice About Chances of Winning

PointsBet endorses the principle of enabling its customers to make informed decisions about gambling. PointsBet displays accurate information on odds and approximate dividends and payouts; and provides information about rules in relation to bet types in simple and clear language on its website and mobile app. Customer Support Agents can quickly provide information about chances of winning to customers upon request.

Player Protection Limits

PointsBet recognizes the importance of having player protection policies and procedures implemented in support of players. Players have the option to set their own specific limits on time, deposit, and spend limits on the PointsBet website or app. PointsBet's player-facing teams are highly trained in how to engage with players to facilitate or suggest supportive services or wellness checks.

Players have the ability to set time, deposit, and spend limits through the PointsBet website or app on the responsible gaming page. Time limits are set by the player by hourly increments. Deposit and spend limits are set by dollar amount in one, seven, and thirty-day time period options. If a player chooses to implement a self-imposed limit, the limit will take effect immediately. No changes to the self-imposed limits can be made until the time period of the selected limit has expired.

PointsBet further recognizes the importance of allowing players to access their play history to encourage personal responsibility. Players can easily access a twenty-four-month history of their transactions including wins, deposits, withdrawals, free bets/promos, pre-commitment limits, cash outs and bet placements via the account history page.

As an operator, PointsBet believes that offering its products in a responsible manner is critically important for all stakeholders and beneficiaries where it operates. As sports betting rapidly expands across the US, PointsBet will continue to prioritize its policies, functionality, and employee training in the areas of responsible gaming and player protection.

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6.4 CAPACITY TO BRING AUTHORIZED SPORTS BETTORS TO PLATFORM

The Applicant shall demonstrate the Applicant's ability to effectuate rapidly the commencement of mobile sports wagering on the Applicant's platform and to bring Authorized Sports Bettors effectively onto the Platform.

The Applicant shall provide a time from award of license to the date on which each Operator shall be prepared to accept mobile sports wagers through the Applicant's Platform.

PointsBet has continually shown a propensity to be agile, flexible and rapid with respect to technology and marketing deployment in every new jurisdiction that it has opted to enter. Go to market planning and execution is a feature of the PointsBet team and something that will be relied upon in New York. We have met and exceeded expected launch timing as we have broadened our North American footprint. A key pillar that has allowed us to have flexibility and speed to launch is our proprietary technology that is capable of scaling quickly and localizing to the rules, regulations and preferences of a specific jurisdiction. That same capability will be present in our go-to-market efforts in New York.

A second key pillar that we will leverage in the immediate term and into our go to market execution is our exclusive and wide-reaching partnership with NBC Sports as their official sports betting partner. This market leading partnership will open audiences and proliferate PointsBet's brand and product into the hands and households of millions of New Yorkers. As we convert those potential customers to sports bettors and grow the PointsBet reach in New York, that is when our cutting-edge acquisition tools and promotions will ensure that we convert bettors onto the PointsBet platform. PointsBet has provided a supporting letter from its partners at NBC Sports, presented separately as **Exhibit A - PointsBet_NBC Letter (Confidential).pdf**.

The aspects referred to below ensure a smooth process from start to finish of the acquisition, sign up and bet placement process:

- Approved iOS (iPhone) and Google Play Store (Android) applications allowing customers to download directly from app-store
- Efficient signup process allowing for quick and easy customer processing, including auto-fill capability
- Automated KYC process with more than 85% of bettors being "auto verified" through approved 3rd party KYC providers allowing them to deposit and bet immediately post signup
- Biometrics & PIN login options allowing for seamless and immediate login
- Best in class deposit options including online banking, credit/debit card, PayPal, PayNearMe, cage/cash, ACH/E-checke allowing for seamless transfer of money to a customer's sportsbook account
- Fastest application in the market with search bar and intuitive navigation allowing for quick bet placement

- Providing 24/7 customer service with live chat, email and inbound phone to assist through the signup to bet placement process

6.5 WORKFORCE DIVERSITY

The Applicant and each of its Operators shall provide information demonstrating how the Applicant fosters racial, ethnic and gender diversity within the organization's workforce. Such demonstration shall include:

- A. the organization's policy on workforce diversity;
- B. workforce demographics demonstrating the organization's current workforce diversity; and
- C. efforts the Applicant and Operators will undertake to foster workforce diversity as it relates to operations undertaken pursuant to a License, if awarded.

PointsBet is committed to fostering, cultivating, and preserving a culture of diversity, equity, and inclusion. We value a variety of backgrounds, perspectives, capabilities, and experiences that allow us to best serve our employees and our customers. Our goal is to create a professional environment that reflects the global cultures we represent, where all our employees are included and can be at their best allowing us to best serve our customers and the communities where we live and work.

We recruit, hire, train, promote and embrace all of our employees without regard to race, creed, religion, color, nationality, national origin, citizenship status, ancestry, ethnicity, sex, gender (including gender nonconformity, status as a transgender individual, gender identity or expression), pregnancy, breastfeeding, childbirth or related medical conditions, sexual orientation, affectional orientation, marital status, civil union status, and domestic partnership status, age, physical or mental disability, genetic information, atypical hereditary cellular or blood trait past, current, or prospective service in the uniformed services, or any other characteristic protected by federal, state or local law.

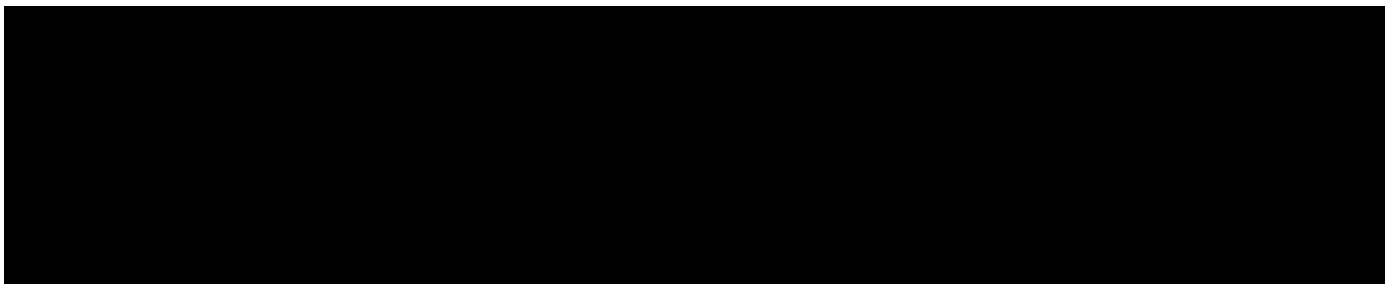
Pointset's commitment to diversity extends to all areas of our business including, but not limited to, recruitment, selection, hiring, job assignment, promotions, transfers, compensation and benefits, discipline, termination, layoff, skill enhancement, employee retention and ongoing development of an environment that encourages and enforces:

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- A workplace where our employees feel their lifestyle and uniqueness do not affect their opportunities for development and promotion but instead are encouraged and welcomed allowing for the best decisions to be made across the organization.
- Diversity that is recognized as a priority with every level of leadership in the organization.
- Insights of diverse groups of employees are not only welcomed but sought after- there is zero tolerance for retaliation of any individual bringing forward an idea, insight, or concern.
- Respectful teamwork, cooperation, participation, and communication amongst all employees regardless of level or title permitting the representation of all groups and perspectives.
- Work/life balance with a focus on being flexible where appropriate to accommodate employees' varying needs.
- Employees are aware of their own unconscious and conscious bias and know how to ensure this does not manifest itself at work.

All employees of PointsBet have a responsibility to always treat others with dignity and respect. Anything less will not be tolerated. All employees are expected to be inclusive during work, at work functions, on or off the work site, and at all other company-sponsored and participative events. All employees are also required to attend and complete annual diversity awareness training to enhance their knowledge to fulfill this responsibility.

Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action up to and including termination of employment. Employees who believe they have been subjected to any kind of discrimination that conflicts with the company's diversity policy and initiatives should speak to their manager or a member of the HR team.



PointsBet believes that when our employees reflect the diversity of the communities in which we work, the company gains a better understanding of our customer's needs. PointsBet is committed to diversity and inclusion by increasing our focus on recruiting and retaining employees from diverse backgrounds, creating additional awareness of diversity issues and benefits, fostering a more supportive environment where inclusivity is expected and prioritized and embedding accountability for diversity throughout the organization. As part of our commitment to Diversity, Equity, and Inclusion PointsBet has recently hired a Chief People Officer who joined in late July and who along with the senior executives of the company are focused on the following goals:

- Creating a safe work environment: By providing and requiring training of all employees it enhances their understanding of behaviors that can be perceived as exclusionary,

discriminatory and/or harassing. Instituting annual training for all employees focused on conscious and unconscious bias to ensure our team members stay aware of their own biases; as well as provide training on inclusive leadership for all our employees who lead people.

- Demonstrating leadership commitment to Diversity, Equity, and Inclusion: By developing and enforcing this policy, transparent communication and behavior that advances diversity and inclusion goals/objectives.
- Creation of a Diversity, Equity, and Inclusion (DEI) counsel: This counsel is made up of external and internal members all from diverse backgrounds with the goal of the counsel to continually steer PointsBet Leadership on initiatives and review processes frequently.
- Implement a diverse recruiting strategy: This strategy will include developing relationships with community groups focused on diverse individuals; implementing the “interview 3 rule” for open roles- ensuring all recruiters present a diverse slate of qualified individuals to hiring manager for consideration. Specifically in NY developing relationships with Built In NYC; recruiting from NYU, CUNY (The City University of NY); and utilizing other methods of recruiting such as black career network, Hispanic/Latino Professionals Association, Diversity.com, and more.

6.6 OTHER FACTORS IMPACTING REVENUE TO THE STATE

The Applicant shall provide a narrative and analysis of any other factor or aspect of the Applicant’s Application that the Applicant believes the Commission should take into consideration when evaluating other factors that could impact the revenue from mobile sports wagering paid to the State. The applicant shall limit all narrative and analysis in response to this section to no more than five pages.

Our consortium brings together a collection of strong, reputable companies, each with a distinctive brand and strategy for the marketplace. The diversity and reach of our Operator Applicants, in collaboration with their Platform Providers, will serve to drive incremental revenue to the State as we described in Section 6.8.

Importantly, our consortium is also partnered with two of the major tribal gaming operators in the State, the Oneida Indian Nation and Saint Regis Mohawk Tribe. In connection with a successful bid by our consortium, both tribes are prepared to waive certain rights aimed at enhancing the overall revenue opportunity for the State’s licensed sports wagering platforms. The quantitative analysis associated with these waivers is also presented in Section 6.8.

The Oneida Indian Nation and Saint Regis Mohawk Tribe’s rights and proposed waivers are more fully described in this section.

Oneida Indian Nation:

Waivers to Promote the Integrity and Sustainability of New York’s Mobile Gaming Program

In addition to its Revenue Sharing Agreement set forth in section 6.7, the Oneida Indian Nation also will commit to issuing to the State waivers of legal rights and privileges it enjoys, and legal challenges it may otherwise pursue, relating to the State's implementation of PML § 1367 for mobile sports betting (the "Oneida Waivers"). The Oneida Waivers would be executed upon issuance of operator licenses to Caesars and Wynn. The absence of these Oneida Waivers would jeopardize the integrity and sustainability of the State's carefully sculpted tax and competitive structure for generating State revenues under its mobile sports betting program.

Background: Oneida Rights and Privileges

Oneida and the State are party to two significant government-to-government agreements that affect the State's plan to authorize statewide mobile sports betting, and to charge significant taxes upon its licensed operators of that activity.

(a) 2013 Settlement Agreement

The Oneida Indian Nation, the State, Madison County and Oneida County entered a landmark Settlement Agreement in 2013. This historic agreement is regarded as a model for resolving disputes between States and tribes because it resolved generations of the most controversial disputes between them, ranging from reservation rights, land governance, property taxes, sales taxes, law enforcement, cultural preservation – and gaming issues. The Settlement Agreement was approved by the NYS Attorney General, and enacted into New York Law by the State legislature (see N.Y. Exec. Law § 11). The Settlement Agreement was approved by the federal court, which retained jurisdiction to enforce the agreement and any violations.

To date, both Oneida and the State have abided by all of their duties to each other under the Settlement Agreement. More than that, the Settlement Agreement formed the basis for unprecedented collaboration among Oneida, the State and local municipalities in addressing thorny issues of mutual interest, most recently including Oneida's hosting numerous coronavirus vaccination clinics for thousands of central New Yorkers through a joint program with the NYS Department of Health, Oneida County Department of Health and Madison County Department of Health.

Under the Agreement, the Oneida Indian Nation now pays the State, Oneida County, Madison County and eight other counties more than \$75 million per year. Oneida has paid the State more than \$465 million so far. Under the Settlement Agreement, those Oneida payments have been allocated among Upstate New York counties: so far, Oneida County has received more than \$130 million and Madison County has received more than \$35 million. These payments also have been distributed among eight other counties, including Onondaga County to fund its debt service for the bonds that financed the Lakeview Amphitheater.

In exchange for these payments, the State assured Oneida (among other things) "total exclusivity" with respect to Class 3 gaming, which includes mobile sports betting, in the ten-county region of Central New York. The Settlement Agreement couldn't be clearer: "The State shall not legalize, authorize or consent to" Class 3 gaming in violation of Oneida's ten-county exclusivity zone. This necessarily includes a requirement that the State shall not change the law to authorize Class 3 gaming within the Oneida exclusivity zone. While the Settlement Agreement includes some limited exceptions to the Oneida exclusivity zone (e.g., lottery, charitable events, then-existing games at Vernon Downs), the State neither requested nor negotiated an exception to Oneida's "total exclusivity" relating to mobile sports betting.

Oneida expects the State to abide by the commitments it made to Oneida in the Settlement Agreement. Among them, the Settlement Agreement imposes upon the State an affirmative duty to prohibit non-Oneida gaming within the Oneida exclusivity zone. The State and Oneida agreed that the

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Oneida exclusivity protection is a material term of the Settlement Agreement. The State's breach of Oneida exclusivity would constitute a "Material Breach" of the agreement, which "shall be resolved exclusively by the United States District Court for the Northern District of New York."

Oneida, therefore, was troubled to read in the State's *Common Response to First Questions, July 22, 2021*, that the State believes it may adopt a law which authorizes customers to place mobile sports wagers within the Oneida exclusivity zone to non-Oneida servers. The State claimed that "there is no need for a Nation or Tribe to waive exclusivity" – directed toward Oneida, the only tribe in New York that enjoys exclusivity over all Class 3 gaming -- based upon the State's unilateral, statutorily-created "deeming" provision. The State's unilateral action would undermine Oneida's exclusivity in the Settlement Agreement. To the extent that the New York's mobile betting program conflicts with the Oneida Settlement Agreement, Oneida's rights under the Settlement Agreement supersedes the mobile sports betting program. See N.Y. Indian Law § 16 ("notwithstanding any other provision of law, the provisions of the Oneida Settlement Agreement . . . shall be deemed to supersede any inconsistent laws and regulations" (emphasis added)).

The Oneida Settlement Agreement resolved a federal lawsuit related to generations of disputes that arose under federal law. The Settlement Agreed is governed by federal law. It was approved by the United States District Court for the Northern District of New York, which ordered that it "retains jurisdiction to enforce the Settlement Agreement." *State of New York v. Jewell*, No. 08-CV-0644, 2014 WL 841764 (N.D.N.Y. Mar. 4, 2014). Federal courts have ruled that mobile gaming wagers occur *both* at the location where the customer places the wager *and* location of the server (*California v. Iipay Nation of Santa Ysabel*, 898 F.3d 960, 966-67 (9th Cir. 2018)). The State's plan to legalize mobile sports wagers to be placed from within Oneida's ten-county exclusivity zone to non-Oneida servers threatens to Materially Breach the Settlement Agreement. It jeopardizes more than \$75 million in annual payments that Oneida now makes to the State and the local municipalities that depends upon them.

The State can fulfill its obligations to Oneida by mandating platforms and operators to geo-fence Oneida's ten-county exclusivity zone to preclude placement of wagers from within the Oneida exclusivity zone to non-Oneida servers. While compliant with the Settlement Agreement, this outcome would deny the 1.2 million people who live in the ten-county exclusivity zone (6% of New York's population) the opportunity enjoyed by all other New Yorkers to participate in mobile sports wagering. And, of course, the carve-out of 1.2 million Central New Yorkers from mobile sports betting would cost the State approximately \$40.5 to \$52.5 million per year in annual tax revenues, assuming a minimum tax rate of 50%.

Central New York has enjoyed eight years of peace and harmony among Oneida, the State and local municipalities under the Settlement Agreement. Oneida settlement payments revenues have prevented county property tax increases. They have helped local municipalities balance their budgets, and they support social services, public safety, schools and public works. Neither Oneida nor the State, regional, county and local public officials and community leaders want to return to the era of disputes arising from the State's violation of its promises and agreements.

(b) 1993 Gaming Compact

In 1993, Oneida and the State entered into a Gaming Compact which authorizes Oneida to conduct casino games anywhere within the Oneida's 300,000-acre reservation. The Gaming Compact delineates a list of original games that were approved to be played at the Nation, and the Compact provides a specific procedure authorizing Oneida to add more games in the future. Section 15(b) of the Gaming Compact -- the so-called "Most Favored Nation" clause -- authorizes Oneida to adopt any new State gaming specifications for Class 3 games without any further approval by the State. Over the twenty-five years since the inception of the Gaming Compact, Oneida has adopted several of the State's gaming specifications pursuant to section 15(b)'s "Most Favored Nation" clause.

The Oneida Gaming Compact does not require Oneida to share any gaming revenues with the State. Nor does the Gaming Compact have an expiration date, meaning the State has no opportunity to renegotiate these provisions upon the expiration of a term. Upon the State's legalization of mobile gaming and issuance of its governing regulations, Oneida is entitled to adopt the State's mobile gaming specifications into its Gaming Compact to offer statewide mobile gaming throughout New York, with no expiration date. No State approval will be required, and the Gaming Compact does not require any Oneida revenue sharing. Oneida would rely upon the State's position that wagers are deemed to occur at the server to accept wagers placed from customers throughout the State, outside of the Oneida reservation.

By virtue of the State's insistence that wagers placed within New York are deemed to be placed at the location of the server, the State would be estopped from challenging Oneida's ability to accept statewide wagers at its on-reservation server. If the State challenges Oneida's ability to accept statewide wagers at its on-reservation server, the State would undermine the constitutionality of its mobile sports betting program.

Oneida's operation of statewide mobile sports betting under its Gaming Compact without revenue sharing would provide Oneida with a massive advantage in competing against New York's licensed operators, who will be paying to the State at a presumptive 50% (or greater) tax rate.

Oneida Waivers to Protect the Integrity and Sustainability of the State's Tax and Competitive Structure for its Mobile Sports Betting Program

The State needs to deal with Oneida's rights and privileges to protect the integrity and sustainability of the State's carefully sculpted tax and competitive structure for generating State revenues under its mobile sports betting program. Oneida is prepared to do its part to help. Upon issuance of mobile sports betting operator licenses to Caesars and Wynn, Oneida would provide the State with the following Oneida Waivers that would avoid risks to the integrity and sustainability of the State's mobile sports betting program:

1. Oneida Waiver of its gaming exclusivity with respect to mobile sports betting for the term of the license.

Upon issuance of mobile sports betting operator licenses to Caesars and Wynn, Oneida would issue to the State a waiver of the Settlement Agreement's exclusivity provision with respect to mobile sports wagers placed within the Oneida exclusivity zone to non-Oneida servers located in the State. The waiver would remain in effect for so long as Caesars and Wynn retain their mobile sports betting operator licenses and remain party to the Oneida Revenue Sharing Agreement.

2. Oneida Waiver of its right to adopt the State's mobile sports betting gaming specifications into the Oneida Gaming Compact.

Upon issuance of mobile sports betting operator licenses to Caesars and Wynn, Oneida reservation, Oneida would waive its right to operate tax-free statewide mobile sports betting pursuant to the Oneida Gaming Compact from servers located on the Oneida reservation. The waiver would remain in effect for so long as Caesars and Wynn retain their mobile sports betting operator licenses and remain party to the Oneida Revenue Sharing Agreement.

Additional Oneida Commitments to Enhance Revenue to the State

In addition to its Revenue Sharing Agreement set forth in section 6.7, the Oneida Indian Nation also will commit to reinvesting 100% of its revenues from its Revenue Sharing Agreement with Caesars and Wynn

to funding programs and services, including public safety, health care, affordable housing, education and employment for Oneida's members and its non-Oneida employees in Central New York.

Saint Regis Mohawk Tribe:

The Akwesasne Mohawk Casino Resort represents an investment by the Saint Regis Mohawk Tribe in excess of \$230 million in construction and FF&E. And pre-pandemic, the Casino employed over 770 full and part time employees, with annual payroll exceeding \$31 million and annual supplier/vendor contracts exceeding \$37 million.

While the Oneida Indian Nation's geographic exclusivity rights broadly covers all Casino Gaming and Gaming Devices (as defined in its Compact), the Saint Regis Mohawk Tribe's geographic exclusivity under its Compact is limited to Slot Machines. Therefore, Oneida's posture and rights are different from Mohawk's. Nevertheless, the Mohawk Revenue Sharing Agreement includes a waiver during the term of that Agreement of the Tribe's right, privilege, and opportunity to own or operate a mobile sports wagering business that directly competes with the Operator parties to that Agreement.

6.7 REVENUE-SHARING AGREEMENTS

If applicable, an Applicant shall provide an executed copy of any agreement that provides for sharing of mobile sports wagering revenue with a Native American tribe or nation that is party to a compact with the State.

PointsBet has provided an executed copy of its revenue sharing agreements, presented separately as **Exhibit B – RSI Genting PointsBet Mohawk Revenue Share Agreement.pdf**.

6.8 PRICING MATRIX AND ACCOMPANYING ANALYSIS

Applicants shall complete and submit a pricing matrix, the form of which is set forth in Appendix B: Pricing Matrix. This matrix requires the Applicant to set forth the tax rate that an Applicant accepts under varying competitive scenarios of total Platform Providers and Operators. An Applicant must provide a tax rate that is fifty (50) percent or greater for its Preferred Scenario. However, if the Applicant's Preferred Scenario alone is less than the statutory minimum of two Platform Providers and four Operators, the Applicant must instead provide a tax rate that is fifty (50) percent or greater for such statutory minimum scenario. If an Applicant does not wish to participate in mobile sports wagering with particular levels of Platform Providers and Operators, the Applicant should enter a tax rate of 0 (zero). If a cell is left blank or unintelligible, such cell will be deemed to be a tax rate of 0 (zero).

In addition to the matrix, an Applicant shall submit an analysis using the Applicant's Preferred Scenario of Platform Providers and Operators. Such analysis shall contain the following:

- A. estimate of the total Mobile Sports Wagering Gross Gaming Revenue to be generated annually from all Platform Providers and Operators;
- B. the Applicant's estimated share of the Mobile Sports Wagering Gross Gaming Revenue to be generated annually from all Platform Providers and Operators;
- C. the Applicant's basis and methodology for estimates; and
- D. any other information that the Applicant believes relevant for the Committee to consider in maximizing sustainable, long-term revenue for the State.

The Applicant also shall submit a similar analysis for each of the competitive scenarios for which the Applicant has responded on the Matrix. Given the slight variations between scenarios, an Applicant is permitted to band or group various scenarios together for purposes of such analysis.

Please refer to the separately presented Tax Binder, including the pricing matrix and accompanying analysis.

6.9 INTERNAL CONTROLS

The Applicant shall provide a draft of its proposed internal controls in regard to the operation of mobile sports wagering in this State and a draft of the proposed internal controls of each of the proposed Operators for the Applicant's Platform in this State.

PointsBet has provided a draft of its proposed internal controls in regard to the operation of mobile sports wagering in New York, presented separately as **Exhibit C - PointsBet Internal Controls New York Draft.pdf**.

Part 6

Exhibit A – PointsBet_NBC
Letter (Confidential)

Exhibit A - PointsBet_NBC Letter (Confidential)

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Part 6

Exhibit B – RSI Genting PointsBet Mohawk Revenue Share Agreement

MOBILE SPORTS WAGERING REVENUE SHARING AGREEMENT

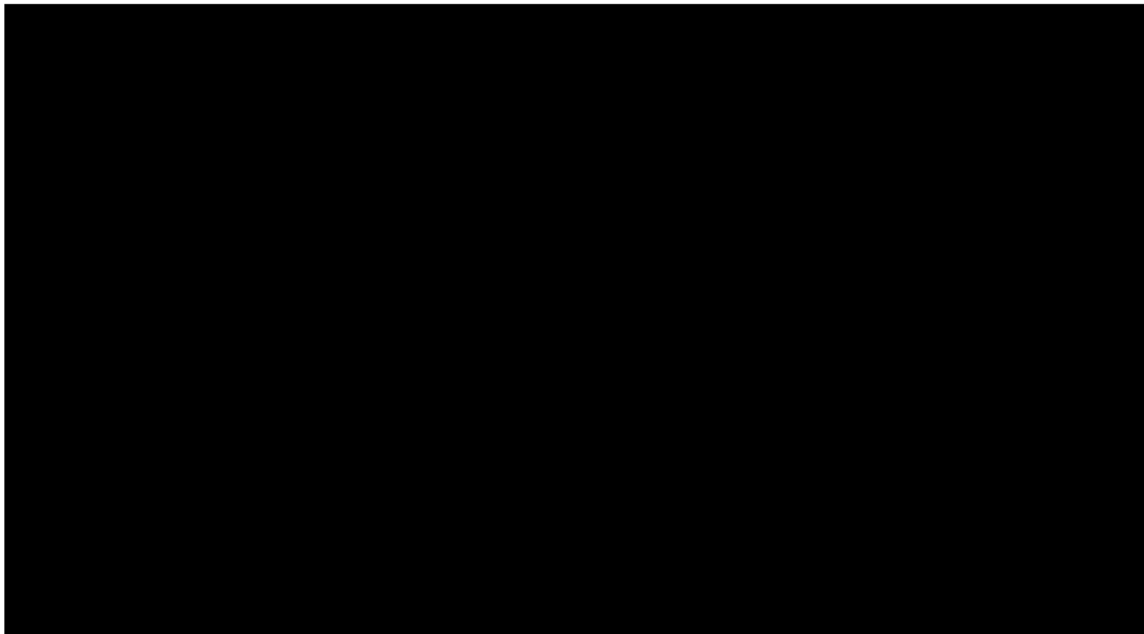
This agreement (“Agreement”) to share certain net revenues to be derived from the licensed operation of mobile sports wagering (“Mobile Sports Wagering”) in the State of New York, under the license, authority, and regulation of the New York State Gaming Commission (“Commission”), shall memorialize the terms and conditions agreed to between Rush Street Interactive, LP (“RSI”), with offices located at 900 N Michigan Ave, Chicago, IL; Empire Resorts, Inc. (a member of the Genting Group), with offices located at 204 State Route 17B, PO Box 5013, Monticello, NY (“ERI”); PointsBet New York LLC with offices located at 1331 17th Street, Suite 900, Denver, CO 80202 (“PB”) and Mohawk Gaming Enterprises, LLC, with offices located at 873 State Route 37, Akwesasne, New York (“MGE”) (with each individually a “Party,” and collectively referred to as the “Parties”).

WHEREFORE, the Parties hereby acknowledge the receipt of good and valuable consideration, the sufficiency of which is adequate, and in exchange the Parties agree as follows:

1. Term of Agreement. This Agreement shall be deemed effective upon the award of a Mobile Sports Wagering license (“MSW License”) to the applicant group consisting of RSI, ERI, and PB (and any other parties thereto) and shall continue in effect for the term of such License, including any renewals thereof.

2. Obligations Under MSW License. Responsibility for the operation of Mobile Sports Wagering under the MSW License shall be borne solely by RSI, ERI and PB, and MGE shall have no duties or obligations pertaining to the operation of Mobile Sports Wagering. MGE agrees that it shall cooperate with RSI, ERI and PB generally and shall use its best efforts to provide information relating to Mobile Sports Wagering and/or this Agreement as requested by the Commission or as otherwise reasonably requested by RSI, ERI and PB. Moreover, MGE is not responsible for the payment of any application costs or fees, license fees, or other payments required under the MSW License.

3.



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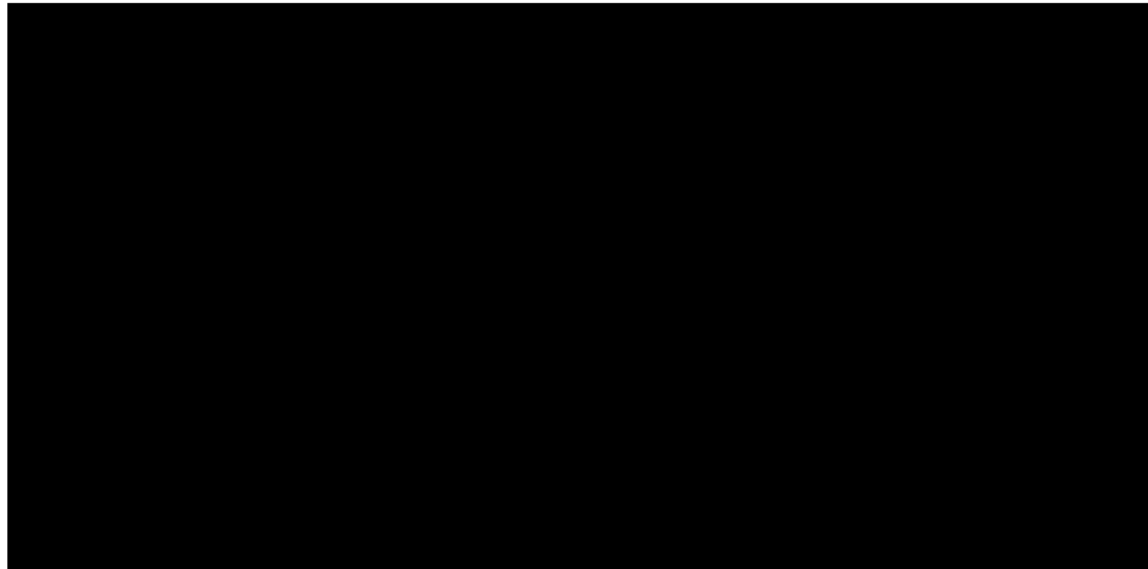
4.



5.



6.



7. Publicity. No Party shall issue a press release or other public marketing and communications materials without the consent of the other Parties, provided that nothing shall restrict any disclosure required by applicable laws, regulations, tribal ordinances or rules (including the rules of any stock exchange).

8. Miscellaneous Provisions.

- a. Each Party represents that it is duly authorized to enter into this Agreement and that it intends to be legally bound by terms contained herein.
- b. Nothing herein contained shall be deemed or construed to create a partnership or joint venture between the Parties hereto.
- c. No Party shall be liable to another for any delay in or failure of performance under this Agreement due to a Force Majeure occurrence. Any such delay in or failure of

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performance shall not constitute a default or give rise to any liability for damages. As herein used, "Force Majeure" means fire, explosion, action of the elements, governmental interference, rationing, pandemic, civil disruption, or any other cause which is beyond the control of the Party affected and which, by the exercise of reasonable diligence, said Party is unable to prevent.

- d. Each Party shall be solely responsible for its own negligence, as well as the negligence of any of its subcontractors, agents, employees, officers, or directors, and for any errors or omissions in performing its duties arising under this Agreement which result in damages to another party. Each Party shall indemnify, defend, and save harmless the other Parties, and their officers, employees, agents, assigns from and against any and all third-party claims, liabilities, losses, damages, costs, or expenses, including reasonable attorneys' fees, which are actually incurred, suffered, or required in whole or in part by an actual or alleged act or omission of such Party, including its subcontractors, agents, employees, officers, or directors.
- e. This Agreement shall be construed in accordance with the Laws of the State of New York.
- f. This Agreement replaces and supplants all prior agreements, verbal or written, between the Parties as pertaining to the matters contained herein. No amendment or modification of this Agreement shall be binding unless made in writing and signed by the Parties hereto.
- g. This Agreement may be executed in separate counterparts, each of which shall be deemed an original, and which together shall constitute one and the same instrument.

WHEREFORE, THE PARTIES HEREBY EXECUTE THIS AGREEMENT AND ACKNOWLEDGE, ACCEPT, AND AGREE TO BE BOUND BY THE TERMS CONTAINED HEREIN:

Rush Street Interactive, LP

By: Richard Schwartz 8/1/2021
DocuSigned by:
 Richard Schwartz (date)
 Individual

Empire Resorts, Inc.

By: Kevin C. Jones 08/01/21
 Kevin C. Jones (date)
 Chief Strategy & Legal Officer

PointsBet New York LLC

By: _____
 (date)

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performance shall not constitute a default or give rise to any liability for damages. As herein used, "Force Majeure" means fire, explosion, action of the elements, governmental interference, rationing, pandemic, civil disruption, or any other cause which is beyond the control of the Party affected and which, by the exercise of reasonable diligence, said Party is unable to prevent.

- d. Each Party shall be solely responsible for its own negligence, as well as the negligence of any of its subcontractors, agents, employees, officers, or directors, and for any errors or omissions in performing its duties arising under this Agreement which result in damages to another party. Each Party shall indemnify, defend, and save harmless the other Parties, and their officers, employees, agents, assigns from and against any and all third-party claims, liabilities, losses, damages, costs, or expenses, including reasonable attorneys' fees, which are actually incurred, suffered, or required in whole or in part by an actual or alleged act or omission of such Party, including its subcontractors, agents, employees, officers, or directors.
- e. This Agreement shall be construed in accordance with the Laws of the State of New York.
- f. This Agreement replaces and supplants all prior agreements, verbal or written, between the Parties as pertaining to the matters contained herein. No amendment or modification of this Agreement shall be binding unless made in writing and signed by the Parties hereto.
- g. This Agreement may be executed in separate counterparts, each of which shall be deemed an original, and which together shall constitute one and the same instrument.

WHEREFORE, THE PARTIES HEREBY EXECUTE THIS AGREEMENT AND ACKNOWLEDGE, ACCEPT, AND AGREE TO BE BOUND BY THE TERMS CONTAINED HEREIN:

Rush Street Interactive, LP

By: _____
(date)

Empire Resorts, Inc.

By:  _____ 08/01/21
Kevin C. Jones (date)
Chief Strategy & Legal Officer

PointsBet New York LLC

By:  _____ 8/1/2021
Johnny Aitken (date)
US CEO

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Mohawk Gaming Enterprises, LLC

By: Emily Karpman ¹⁰⁵⁵ 8-1-2021
(date)

Part 6

Exhibit C – PointsBet New York, LLC Internal Controls

**EXHIBIT C - PointsBet New York LLC Internal Controls -
DRAFT**

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New York State
Gaming Commission

Request for Applications for Mobile Sports
Wagering Platform Providers

PART 6 – APPLICANT
TECHNICAL PROPOSAL

Empire Resorts, Inc.



August 2021

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This Part provides the requirements for development of the technical proposals, explains the proposal clarification process, and outlines the Application submission process. In preparation of the proposal, the Applicant should pay special attention to the requirements and information being requested to respond fully to the RFA. In cases where multiple Platform Providers and/or Operators are included in an Application, the Applicant shall provide information required by this Part in context of and including all Platforms and Operators.

6.1 EXPERIENCE

A. The Applicant shall provide a description of comparable mobile sports wagering platforms developed and operated by the Applicant. Multiple examples may be used to demonstrate experience, but the Applicant shall limit detailed examples to no more than the five most comparable Platform operations. The description shall include the following:

- **an overview of the wagering activity conducted through the Platforms;**
- **the jurisdictions where the Applicant operates the Platforms;**
- **current integration of the Platforms with other wagering operators;**
- **the number of accounts maintained through the Platforms;**
- **wagering volume processed annually through the Platforms; and**
- **additional information the Applicant believes relevant to demonstrate the Applicant's experience.**

The Platform provider is PointsBet. The Applicant, Resorts World will collaborate with PointsBet to leverage PointsBet's proprietary technology and significant industry expertise. In this regard, please refer to Section 6.1.B below which sets out further information.

B. For each Operator the Applicant proposes to host on the Applicant's Platform, the Applicant shall provide a description of Sports Wagering operated by the Operator. Multiple examples may be used to demonstrate experience, but the Applicant shall limit detailed examples to no more than the five most comparable Sports Wagering operations. The description shall include the following:

- **the jurisdictions where the Operators is licensed and operating;**
- **wagering volume of Sports Wagering;**
- **estimated market share within each jurisdiction;**
- **the Platforms currently used to accept wagers; and**
- **additional information the Applicant believes relevant to demonstrate the Operator's experience, including, without limitation, the Operator's experience in mobile sports wagering.**

The Applicant Resorts World is an 18-billion-dollar global conglomerate company that thrives in the leisure, entertainment, and hospitality sector. As the world's leading luxury provider, Resorts World has earned more "World's Best" awards than any other company in history. The enterprise is hyper focused on expanding our already robust digital strategy globally. Resorts World's multi-

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PointsBet and Resorts World

property New York location remains at the core of our organization and therefore will continue to heavily invest in New York State to ensure mobile sport betting is a monumental success. The Resorts World Marketing Team already resides in the state of New York with decades of gaming experience in the marketplace. The top marketing leaders also possess knowledge and direct prior experience in marketing mobile casino betting, play for fun online casino sites and mobile sports wagering in the states of New Jersey, Pennsylvania and Michigan. Resorts World has already spent over \$205 million in dedicated media advertising and database direct mail to support gaming in New York State.

Partnering with PointsBet who already operate the world's fastest mobile betting experience further solidifies Resorts World's ability to be fast to market. PointsBet is highly experienced and uniquely positioned in the sports betting market as its online mobile sportsbook platform is a proprietary managed technology across all elements, both front and back end. This makes for easy integration to Resorts World marketing systems and existing customer loyalty programs.

We will also leverage our retail footprint in New York to host sports events and invite brand ambassadors to the property to promote the brand and drive online acquisition.

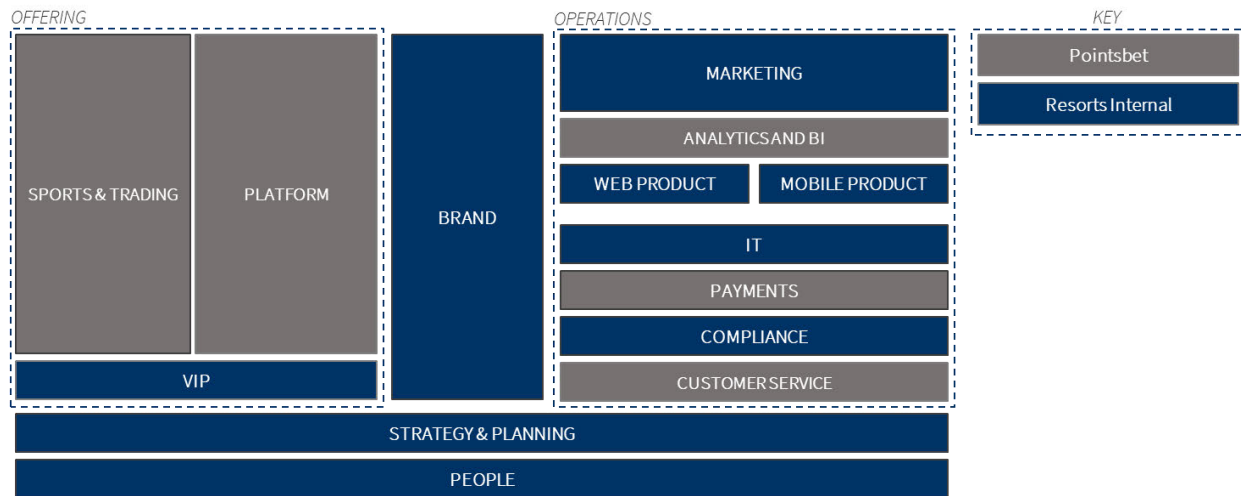
PointsBet owns and operates its own in-house technology platform for sports wagering. The platform has many unique and modern features that allow it to compete on a global scale with localized flexibility. As a platform provider, PointsBet will deploy the same proprietary code base that is use for its own mobile sportsbook as an New York Operator, as applicable to Resorts World.

A critical aspect of the PointsBet platform technology infrastructure is that it is a single technology stack that is flexible to cope with demand at a local level. Given this, it is appropriate to focus on the deployment of PointsBet's platform as a single piece of technology that is capable of many localized iterations. The platform is designed with this flexibility in mind and optimized for the current demands of mobile focused sports wagering while utilizing the Azure Cloud to power much of the core functionality. Where others may rely on third party technology and platforms to control their sports wagering offering, PointsBet has intentionally developed a sophisticated and custom-built platform to respond to regulatory requirements, consumer demands and the 24/7/365 nature of current mobile and internet-based sports wagering.

To date, the platform has successfully launched operations in multiple US jurisdictions, including New Jersey, Illinois, Michigan, Colorado and Indiana. Whilst we aim to compare our platform experience in US States such as Illinois (approaching 13 million residents) and New Jersey (almost 9 million residents), we do recognize that New York will be a State unto itself (with almost 20 million residents). The overview of PointsBet's platform capabilities you will see in this section refers to the successful operation of the platform, including PointsBet's existing operations in New Jersey, Illinois, Indiana, Iowa, Colorado and Michigan. Further, we will describe the core functionality and features of the platform that allow PointsBet to adapt to the highly regulated sports wagering ecosystem in those jurisdictions and more specifically, ensure that the platform has the capability to be a market leader in the State of New York.

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A critical driver of PointsBet’s success in the jurisdictions referred to above is the foundation that the adaptable and scalable platform provides PointsBet. From this strong base, PointsBet excels when it comes to important functions such as trading and risk management, responsible gambling and innovative product growth. The trading team, comprised of ‘always on’ experts who monitor betting activity, can optimize its performance by utilizing and relying on the sophistication that the proprietary technology provides. Responsible gambling measures are introduced at multiple levels of the customer journey to ensure that sports wagering is a fun and controlled experience for each user. As PointsBet has grown market share across strategic US jurisdictions, a catalyst for this growth is its ability to develop and market innovative products, such as pointsbetting and more markets than any other operator. The flexibility PointsBet garners from its proprietary technology cannot be understated and as we have expanded it has become obvious how big of an advantage PointsBet’s technology capabilities are in the current marketplace. Resorts World shall leverage this technology and expertise in its launch in the State of New York.

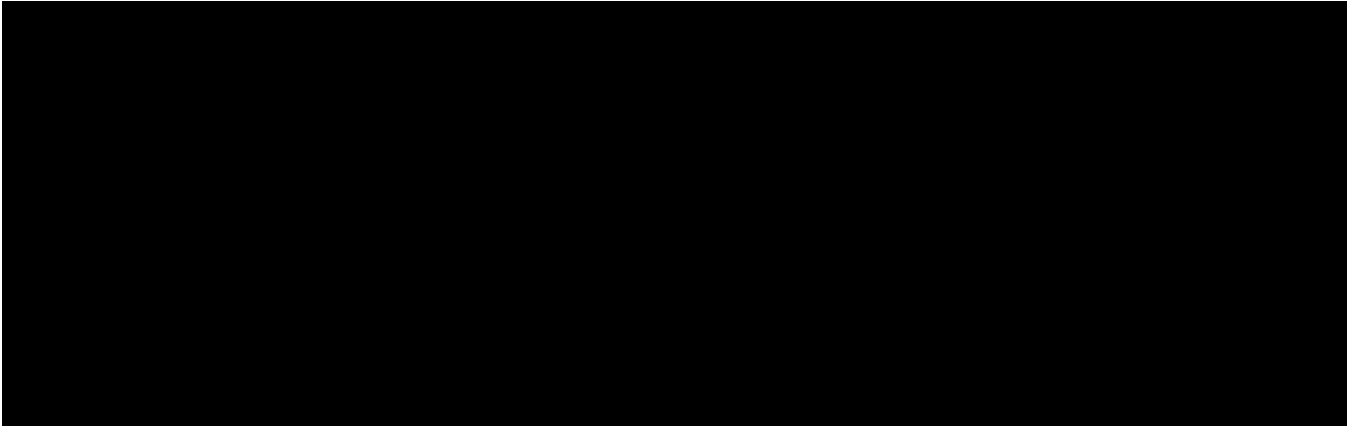


PointsBet’s system is truly omnichannel, so all bet types we will offer will be available via online and mobile early from Day 1

- Parlay (Fixed Odds)
- Teaser (True Odds)
- Teaser (Fixed Odds)
- Parlay (Multi-sport)
- Round Robin / if then bets
- “Buying Points”
- Bet Builder (same game) parlays & progress tracking
- Cash Out Bet (Full, Partial)

The description shall include the following:

- **an overview of the wagering activity conducted through the Platforms;**



PointsBet's platform is currently being operating in the following jurisdictions:

- New Jersey
- Illinois
- Indiana
- Colorado
- Michigan
- Iowa
- Australia

- **current integration of the Platforms with other wagering operators;**

PointsBet as a platform is an established and proven wagering technology. To date, in the United States and Australia, PointsBet has operated purely as a wholly owned internally integrated B2C operator. There are no current integrations with other sports wagering operators however is primed and prepared to roll out its proprietary platform in partnership with Resorts World in the State of New York.

PointsBet recently completed its acquisition of Banach Technology Limited. Banach and its team of tech developers and quantitative analysts are now integrated into the global PointsBet tech team to develop, amongst other things, sports wagering products for the US business. As part of its core business, Banach Technology's Odds Factory technology is integrated and provided as a B2B service for several existing sports wagering operators, including but not limited to FoxBet and Ladbrokes Coral Group.

- **the number of accounts maintained through the Platforms;**

PointsBet has provided a snapshot of the number of active accounts maintained through its platform for the most recent year, presented below:

- 
- **wagering volume processed annually through the Platforms; and**

PointsBet has provided a snapshot of the wagering volume processed through its platform for the most recent year, presented below:

- 
- **additional information the Applicant believes relevant to demonstrate the Applicant's experience.**

The successful and timely platform deployment in many jurisdictions in the United States has resulted in no regulatory infractions and a proud track record of exemplary performance when it comes to technical compliance. PointsBet has been able to localize the platform in short time frames to launch in multiple jurisdictions with all of the features and functionality its customers expect from a market leading brand and such experience and track record shall also be applied to Resorts World.

PointsBet has developed a proprietary consolidated analytics technology stack, enabling data-driven decisions to optimize its sports wagering operation, and offer an outstanding player experience. PointsBet understands that technical integrity is paramount, and has implemented modern information security practices, to continually protect from and detect bad actors, bot attacks, and other types of threats.

From inception, PointsBet's in-house technology has proven to be capable of withstanding even the most onerous and demanding of environments, including Superbowl Sunday and March Madness where PointsBet's performance remains constant at approximately 99.9% uptime, while other platforms were unable to cope with such demand. We anticipate that New York will be a demanding and world leading marketplace that requires superior technology, expertise, experience and a proven track record of platform excellence.

The final aspect that PointsBet values as we expand operations is the compounding nature of technology growth and development. PointsBet's platform is constantly being augmented by a skilled team of developers using modern techniques to ensure we are building on top of an

already superior technology stack. The team has already proven to be nimble and evolve with the demands of regulators, partners (including Resorts World) and importantly, the sports wagering consumers.

PointsBet has built a rapidly growing global Product & Technology, and Analytics team(s) with deep domain experience in sports wagering and iGaming with development centers in the US (Colorado, NJ, NV), Australia, Ireland, Philippines, and India.

PointsBet has established a solid System Reliability and Support Model with our Global SRE (Site Reliability Engineering) and Performance Engineering teams. These teams have scaled effectively to support the current seven jurisdictions PointsBet operates in, and the B2B partners utilizing our sports betting platforms and algorithms.

The global SRE team is well positioned to scale and support the rapid market expansion in the US, support other regions and B2B partners in the future, highlighted by:

- The PointsBet platform/sites are proactively monitored and supported 24x7x365 by the SRE team located in the United States, Australia, Ireland, and India.
- PointsBet platform deployments are designed to be scalable with a 4x load mindset from peak traffic seen in prior fiscal year, and the SRE team manages the strategic auto-scaling of the infrastructure.
- To ensure SLA uptime and responsiveness, the SRE team monitors alerts and dashboards using modern, industry standard tools.
- Defensive mechanisms implemented to identify threats and prevent breaches utilizing advanced detection tools using AI/ML (artificial intelligence/machine learning), and incident response systems via integration with a 24x7 Security Operations Center (SOC).

PointsBet's sports wagering platform integrates well with an advanced marketing technology stack, a highly scalable Enterprise Data Warehouse and utilization of AI/ML techniques. This tech ecosystem enables seamless operations and optimization of the marketing processes and enables personalized and proactive communications with customers throughout the digital marketing funnel.

PointsBet's Global Business Intelligence and Data Engineering teams based in the United States, Australia, Philippines, and India support the overall business (marketing, finance, compliance), partners and regulators by delivering key dashboards, reports, and insights on a timely basis for data driven decision making that help maximize revenue and enable proactive compliance.

B. For each Operator the Applicant proposes to host on the Applicant's Platform, the Applicant shall provide a description of Sports Wagering operated by the Operator. Multiple examples may be used to demonstrate experience, but the Applicant shall limit detailed examples to no more than the five most comparable Sports Wagering operations.

Operator Hosting

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Request for Applications for Mobile Sports Wagering Platform Providers
PointsBet and Resorts World

PointsBet intends to host two operators on its proprietary sports wagering platform. The first being its own brand (PointsBet) which will be covered in this part and throughout the entire application and the second being Resorts World Bet.

PointsBet is a highly experienced sports wagering operator who has deployed a full-service sportsbook product in multiple jurisdictions. PointsBet's sports wagering platform is an advanced technology, modern code based, single sign-on application, which is currently deployed across six jurisdictions in the US. PointsBet has prioritized its sports wagering platform technology, to ensure PointsBet can seamlessly deploy to new jurisdictions while also advancing the sports wagering experience for players.

POINTS BET SPORTS WAGERING CAPABILITIES SUMMARY

-
- ▼ Proprietary Odds Pricing
 - ▼ Risk Management and Trading
 - ▼ 24/7 Network Operations Center
 - ▼ 24/7 Security Operations Center
 - ▼ 24/7 Site Reliability Engineering Team
 - ▼ 24/7 Customer Service
 - ▼ Marketing & Advertising Expertise
 - ▼ In-house Technical Development
 - ▼ 24/7 support for B2B Partners
 - ▼ 24/7 support for Affiliates / Affiliate Management capability
 - ▼ Advanced product and UX analytics
 - ▼ Market Leading Settlement Performance
 - ▼ Personalization Betting
 - ▼ Single Code Base Across Channels

Throughout this section, we focus on many of the component parts that have allowed PointsBet to lead the way in shaping the sports wagering markets that it has entered. It is worth noting that PointsBet has developed and offers both a traditional sportsbook product as well as its unique

pointsbetting offering. PointsBet's experience offering both types of sports wagering in multiple jurisdictions, including New Jersey, Illinois, Indiana, Colorado and Australia, holds us in good stead for a successful launch and execution in New York.

Comprehensive Sports and League Offering

PointsBet ensures that it can offer its customers a wide array of betting options from major domestic leagues, many of whom PointsBet has official league partnerships with, to other domestic and international competitions ranging from the Olympics to Australian Rules Football. A broad cross section of sports and leagues ensures that our customers are accommodated with whatever their preference is or with whatever their favorite sports to bet on is. As certain sports or leagues continue to gain prominence or popularity, or brand-new leagues are created, we expect to add these leagues to the wagering menu, subject to regulatory approval.

The Most Markets

An important feature that PointsBet offer its customers is the most betting markets on a given sporting event. PointsBet lead the market in terms of offering unique and comprehensive betting markets. For example, in the Superbowl PointsBet were able to offer an array of typical spread, money line and totals wagers as well as proposition bets and even the GOAT Insurance (see graphic below). For the 2021 Superbowl PointsBet offered more than 760 pre-match betting markets and on a typical Sunday during football season PointsBet offers in excess of 500 betting markets to our customers.



Unique Trading Capabilities

In Q2 2021, PointsBet acquired Banach Technology, a market leading provider of in-play and pre-game trading platforms, algorithms, and risk management tools. This acquisition of this team and technology accelerates PointsBet from a relatively strong position to a further strengthened position with added capabilities and flexibility. The acquisition will allow continued development of products and features including:

- Same Game Multi
- In-play props
- Increased up-time
- Increased trading efficiency and margin
- Market leading technology and product innovator

Reliability and Operator Uptime

A critical facet of the consumer offering is the ability of the operator to remain fully functional, especially during high volume betting windows. Given PointsBet's reliance on technology and the best practices it employ around scalability and agility of the operations, PointsBet's uptime percentage has been consistently in the high 99% range and up to 99.9%. This is especially notable given it is not unusual for other operators to face downtime or system failures, including during major sporting events or high-volume betting windows. As a reliable operator and a consistent performer with experience in this area, we feel confident of PointsBet's ability to cope with the increased demands that a state such as New York will pose.

The description shall include the following:

- **the jurisdictions where the Operators is licensed and operating;**

PointsBet is currently licensed and operating in the following jurisdictions:

- New Jersey
- Illinois
- Indiana
- Colorado
- Michigan
- Iowa
- Australia

- **wagering volume of Sports Wagering;**

PointsBet has provided a snapshot of the wagering volume processed through its platform for the most recent year, presented below:

- **the Platforms currently used to accept wagers; and**

PointsBet currently utilizes its own in-house proprietary technology platform to accept wagers.

- **additional information the Applicant believes relevant to demonstrate the Operator's experience, including, without limitation, the Operator's experience in mobile sports wagering.**

PointsBet conducts all its own trading and risk management in-house. The PointsBet trading platform is a singular, global platform, which can be filtered to specific jurisdictions, allowing for centralized management of trading and risk management functions with a localized lens. With teams in the US, Australia, and Ireland, PointsBet conducts global trading and risk management operations 24/7/365. Since the company's inception, PointsBet has built an exceptional trading team comprised of sports analytics, risk management, and quantitative analysts.

The trading and risk management team, inclusive of quantitative analytics experts, is made up of a global team with trading hubs in Denver, (CO), Melbourne (AUS), and Dublin (IRE). Across the global team there is in-depth knowledge of all major sports and constant, 24/7 trading and risk management coverage. All global traders on shift are dialed in to an always-on global team call to ensure consistent coordination and optimized communication.

In the last year, the trading team has grown by 52%, while US handle year over year has increased approximately 400%. The PointsBet trading technology tools have evolved to match the business growth, in tandem with traders continually advancing their knowledge and experience in booking various sports in new jurisdictions. This ratio speaks to the operational efficiency of PointsBet's in-house technology, tools, and team expertise, unmatched in the US market.

PointsBet establishes liability limits in the trading system at a market, event, and player level. Bets that clear liability limit thresholds are then referred to risk management traders for manual review. Traders are trained to evaluate large bets, focusing on the player's profile, market type, proximity to the event, and additional factors. Following evaluation, traders will process the referred bets to approved limits.

The Company continues its trading and technology growth with the recent acquisition of Banach Technology, setting PointsBet on a course to deliver the best available InPlay wagering experience, which we believe will soon account for the majority of wagers placed as markets mature.

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PointsBet's US-based Sports Analytics/Trading team will utilize data produced by its internal quants algorithms to establish betting lines. PointsBet also uses the services of two pricing origination providers, Don Best and Bet Genius (also known as data feed providers). Don Best and Bet Genius provide official data for a global menu of sport types and leagues. PointsBet's proprietary quant algorithm data, combined with US sports trader expertise, prices provided by PointsBet's feed providers, and assessment of lines in the global market, will provide the basis for the pricing of betting lines.

For example, PointsBet's feed provider will send through the price of an NBA moneyline (which the in-house trading function will normalize and alter if required, whether prompted to by customer activity or a different global consensus on price) and PointsBet's quants algorithms will derive additional markets from this core price, which are then assessed by traders and made available for betting.

PointsBet's offering covers over 85,700 sporting events across 23 sports (including novelty markets). PointsBet extends these wagering markets to the US jurisdictions, where allowed by rules and regulations of the state. Examples of PointsBet's wager type offering include the following:

- Pre-match and InPlay
- PointsBetting (unique to PointsBet)
- Name-A-Bet
- Batter's Box
- Player Props
- Futures
- Derivative Markets (ex. first half, second half)
- Quick Parlay Builder
- Odds Preference Display (American, Fractional, Decimal)
- Parlay & Combo Parlay
- Teaser
- Novelty Betting Markets
- Traditional & Niche Sports
- Most Bet Types (700+) For Super Bowl LIV

In addition to the widest variety of types of wagers offered, PointsBet is a market leader on its coverage of sports and markets offered in both traditional and niche sports. A sample list of sports and markets offered is presented below:

- Football (NFL, NCAA, CFL)
- Basketball (NBA, WNBA, NCAA)
- Baseball (MLB)
- Hockey (NHL, NCAA)
- Golf
- Boxing
- MMA
- Motor sport
- Soccer
- Tennis
- Olympics
- Cycling

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- Darts
- Rugby
- Aussie Rules Football
- Table Tennis
- Volleyball
- Cricket

6.2 EXPERTISE

A. The Applicant shall provide a summary narrative, not to exceed two pages, highlighting the Applicant's expertise in mobile sports wagering and how the Applicant's expertise is applicable to this RFA.

Our Platform Provider Applicants are experts in online and mobile sports wagering. Collectively, our Platforms have over 40 live deployments in regulated U.S. jurisdictions. Our Platforms are also proven globally with some of the world's largest online and mobile sports wagering operators.

Our Platform Provider submissions for 6.2.A covering the individual Applicants will provide key details on each Platform's technical and Operator support features, operation, support & maintenance capabilities, and differentiating characteristics. We are confident the Commission will conclude that our proposed set of Platforms are:

- Highly scalable, secure, and dependable
- Built to U.S. compliance standards
- Capable of supporting Operator differentiation
- Maintained and invested in by strong organizations

Highly scalable, secure, and dependable

Nothing matters more to a regulated online sports wagering operation than the scalability, security, and dependability of its Platform. Platforms must be built to reliably handle significant traffic during major sporting events such as the Super Bowl. Sports wagering Operators heavily depend on this basic function to earn revenue and retain patrons. All this must be achieved while ensuring robust protection of sensitive patron information. In addition, our platforms are designed for day one market launches, quickly transferring players from the illegal market to the legalized one. All our Applicants have proven their ability to deploy quickly and operate to very high standards in live U.S. environments:

- Kambi's sports wagering platform is active in 6 continents. This global experience highlights the expertise of Kambi's operations, flexible to the consumer needs in any corner of the globe. Kambi has launched in 14 states and counting. Of those 14 states, Kambi was first to market in 10, taking either the first bet or launching on the first day of the market opening.
- Caesars' Liberty platform was specifically built to be scalable for the U.S. market. It is currently deployed in eight states, with several more expected before the end of 2021. Liberty utilizes modern, modular architecture that is API-driven, and designed to scale and adapt to the regulatory and reporting requirements of each state. It was developed to enable quick speed to market and large transaction volumes. The platform includes Caesars' pricing and trading operations, which are also fully owned.
- PointsBet is uniquely positioned as its sportsbook platform is a proprietary, managed technology across all elements, both front and back end. The platform employs a modern code base and is a proven technology in the US sports betting marketplace including across peak days in high volume transaction environments. The company's technology and development teams facilitate agile, custom, quick to market innovation, including all technical regulatory requirements.
- WynnBET's Platform technology, including licensed technology from Scientific Games, has supported the world's largest bookmakers during the world's largest betting events, including the Super Bowl and Cheltenham Festival. It is arguably the most tested betting Platform technology in the world. It has supported over 470 million account transactions and 60K bets per minute during a single major sporting event, all with 100% uptime.

Built to U.S. compliance standards

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As noted above, our Platforms have collectively more than 40 live deployments in regulated U.S. jurisdictions. Our consortium has proven its ability to deliver to the demanding specifications of U.S. regulators. Our Platforms are all required to provide for robust patron verification procedures, geolocation requirements, responsible gaming standards, and high levels of security. All our Platforms have been rigorously tested to these requirements and approved by multiple independent testing labs, including the state-run testing lab in New Jersey.

Capable of supporting Operator differentiation

All our Platforms enable an Operator to perform the basic functions of a sports wagering operation reliably and with seamless execution, including: registering and verifying a patron, funding patron accounts, accounting for patron activity, presenting a wide selection of wagering opportunities, offering bonuses and promotions, processing wagers and managing risk, and reporting for business and regulatory needs. However, our Platforms go well beyond meeting basic Operator needs. Each of our Platforms is characterized by differentiating features that position an Operator to excel in growing its market share. Below is just a sample of what each Platform Provider uniquely offers:

- Kambi is 100% focused on being a Sports Wagering Platform supplier and is therefore unique in having a strong and vast network of operators in regulated markets across the world on its platform. The success Kambi delivers is anchored in its ability to leverage its network data from a global player base, creating increased network advantages as each new partner is added and existing partners grow.
- Caesars' Liberty platform is integrated with Caesars Rewards, the largest gaming loyalty program in the country, allowing customers, win or lose, to earn Rewards Credits that be redeemed seamlessly for hotel stays, dining and other experiences at more than 50 properties across the country and for other curated experiences through Caesars' numerous sports and entertainment partners.
- PointsBet's Platform and operator experts excel in many areas but capabilities across the risk management, product innovation, content management and reporting functions are specifically notable. The competitive advantages over the long term provided by these unique Platform capabilities which support the Operators accordingly will generate compound returns to the state.
- WynnBET's Platform supports innovative social interaction features and integrates Wynn Rewards, an omni-channel loyalty and bonusing program that will provide New York residents with unmatched access to Wynn's 5-star destination resorts.

Maintained and invested in by strong organizations

The Commission is making a long-term decision for the State of New York and its residents. Given the potential for a 10-year license, our Platform Applicants are well positioned to apply their Platform expertise not just at the time of award but over the long haul. For such a commitment to matter, it needs to come from exceptionally strong organizations that are financially capable of investing R&D into improving and supporting their Platforms. Our Platform Applicants fit this profile:

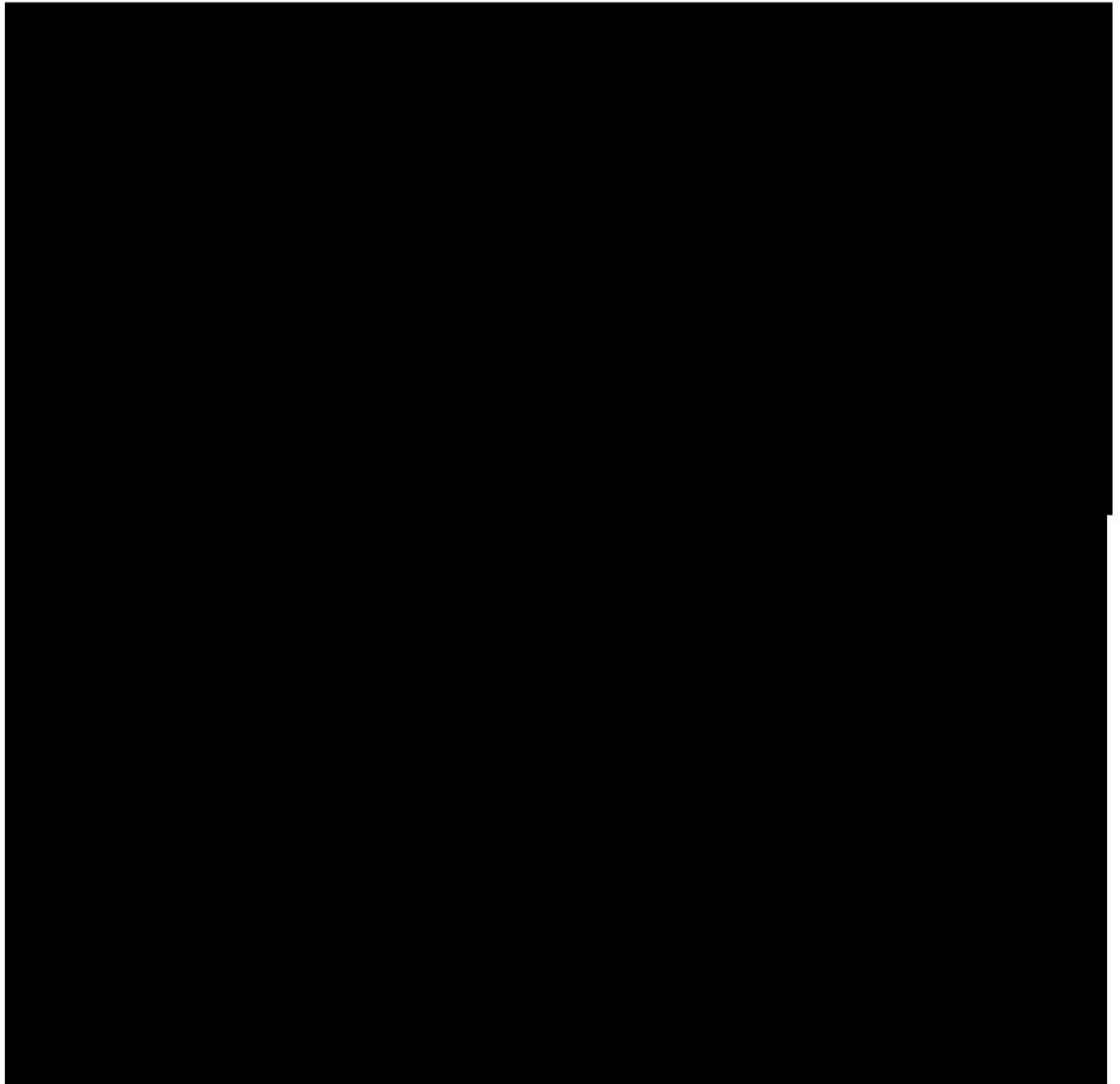
- Kambi has been publicly traded on First North at Nasdaq Stockholm since 2014. Kambi generated over \$200 million in revenues over the past 12 months and has a strong liquidity position with over \$100 million of cash on balance sheet.
- Caesars, which acquired William Hill, is the nation's largest casino-entertainment operator maintaining approximately \$3.2 billion of cash and revolving borrowing capacity.
- PointsBet is publicly traded with \$501M of cash and no corporate debt which positions it to continue investing aggressively in its technology and product enhancement.
- WynnBET is majority owned and controlled by Wynn Resorts. Wynn Resorts maintains \$4 billion of liquidity globally with an additional ~\$640 million available to WynnBET upon closing its recently announced de-SPAC transaction.

We have a great deal of confidence in our Platform Applicants' expertise in online and mobile sports wagering. Our collection of proposed Platforms in aggregate is the most proven at scale in the world. We have extensive expertise in deploying our Platforms and supporting them in U.S. markets to meet the most demanding regulatory standards. We hope the Commission develops the same confidence in our collective abilities as we frame our independent Applicant profiles and responses in the remainder of section 6.2.A.

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In addition to the summary, each Applicant shall provide: an overview of the technical features and operation of the Mobile Sports Wagering Platform;

PointsBet has provided the primary technical components of its mobile sports wagering platform, presented below:



- **an overview of how the Applicant will provide continual support and maintenance of the Mobile Sports Wagering Platform;**

PointsBet has developed and implemented a global release management process for its sportsbook and other products. As a platform provider, PointsBet will ensure a minimum of six software releases annually. This process drives predictability, quality, performance engineering and regulatory compliance so all jurisdictions it operates in have the latest offerings available.

PointsBet's Cloud Platform Engineering team and IT Ops teams implement solid DevSecOps (Development, Security and Operations) practices to continually improve the hosted platform by partnering with leading infrastructure and security vendors.

Utilizing an agile product development at scale and supported by CI/CD processes PointsBet deliver global releases with significant features at a monthly cadence for regulatory approvals and deployment. Concurrently, PointsBet also develop and support minor releases and/or fixes to address customer or market needs in a timely manner.

PointsBet's wagering platform related product innovation efforts include continual engagement by PointsBet's Technical Compliance team with regulators and testing labs, to ensure regulatory requirements are factored in from concept to testing and feature deployment to the delivery of regulatory reports.

PointsBet has established rigorous and proactive security processes including threat hunting, in addition to periodic security and penetration testing of the wagering platform to address any vulnerabilities in a timely manner.

- ***an outline of the features of the Mobile Sports Wagering Platform designed to support the Operators;***

PointsBet has opted to upgrade and evolve its feature set since the platform began accepting sports wagers. Given the entire product feature roadmap is wholly owned internally and doesn't rely on any third parties as is common in our industry, PointsBet has flexibility to design and execute ideas, innovations and upgrades that other platform providers are not able to do. This functionality is a key reason why PointsBet's customers keep returning to the platform and PointsBet has become an award-winning platform. To illustrate a few of the key features, in addition to what is described in detail in this section and entire application, we have focused on some of the latest and most popular components of the platform.

1. PointsBetting – a unique bet type, only available at PointsBet that allows customer to wager on an outcome and be rewarded for each point they are right (And vice versa for each point they are wrong). Being unique to PointsBet, this serves as a strong retention tool and a differentiator in a crowded space, while being a very high margin product.
2. Single Game Parlay – the newest, most innovative product on the market only available at a total of 3 sports betting operators, including PointsBet. This allows customers to wager on multiple outcomes within a singular event, including a wider variety of player props. Same game parlays provide extra engagement to customers and a high margin product to the operator.
3. Cash Out (including Partial Cash Out) – PointsBet offers the ability for customers to cash out their bets after bet placement (and prior to the bet settlement). The more unique feature is the ability for customers to select “Partial” cash out and keep a portion of the bet, while returning the rest to their account balance. This leads to constant engagement during live events & drives extra activity on the platform.
4. Parlay Booster Tokens – PointsBet provides two “tokens” to customers each day allowing customers the chance to receive an extra “profit” on one parlay bet and one Single Game Parlay bet per day. This drives high perceived value to the customer and leads to repeat play days, extra bets per play day and a shift of customer wallet to high margin products. This is unique to PointsBet and an area that will continue to expand.
5. Rewards – PointsBet is one of three sportsbook operators to offer a rewards program to customers allowing them to earn Rewards points on every single bet. More points are earned for Parlays and PointsBetting bets and all rewards points can be redeemed for Free Bets, to be used immediately.
6. Name-A-Bet – PointsBet is the only sportsbook to allow customers the opportunity to request any bet type they might not find on site. The requests are automatically fed

through to our Sports Analytics team who will build out eligible bets on site within 30 minutes and notify customers immediately. This builds a strong two-way communication avenue between customer & sportsbook, allowing for the highest level of personalization.

7. Platinum & Diamond Club – PointsBet offers two unique invitation-only clubs for its highest echelon of loyal customers. Both clubs offer personalized promotions, concierge service, extra booster tokens, extra rewards points and can involve events/experiences as well as a 24/7 account manager.

- **an outline of any technology to be used or features offered that the Applicant believes sets the Applicant apart from other potential Applicants; and**

PointsBet's technology infrastructure is a key reason why it has been able to accumulate market share and rapidly expand its footprint across the North American sports wagering markets that have authorized sports wagering in their State. One key feature that is worth noting is the Name-A-Bet function. PointsBet is the only sportsbook to allow customers the opportunity to request any bet type they might not find on the platform or in the wider sports betting market. The requests are automatically fed through to its trading and sports analytics team who will build out eligible bets on the platform within thirty minutes and notify customers immediately. This builds a strong two-way communication avenue between customer and sportsbook, allowing for the highest level of personalization.

What makes this feature so compelling is that it allows for engagement beyond a typical bet placement experience. The customer can act on the classic scenario of 'what if this bet was possible'. PointsBet has been able to generate the necessary technology and trading expertise to offer such a unique and popular feature.

- **Additional information the Applicant believes relevant to demonstrate the Applicant's expertise.**

PointsBet has intentionally and astutely assembled some of the most credentialed talent in the global sports wagering industry. Accumulating the people and teams to execute on such a unique opportunity has been a point of emphasis from the founders of the business and continues today.

Given the technology focused operation and the fast-paced nature of the industry, our intent to amass a formidable team has led to significant opportunities and the ability to capitalize unlike market companions. Proven leaders that have the aptitude and wagering acumen to thrive from launch to market maturity and beyond sets PointsBet apart.

Co-Founder and CEO of PointsBet, Sam Swanell, who has an impressive background and unparalleled cumulative expertise leads the business, having built, grown and

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operated sports wagering businesses in the past. Sam has been hyper focused on PointsBet's strategic growth and considered expansion, and in doing so has displayed his expertise within rapidly evolving and complex situations.

US CEO of PointsBet, Johnny Aitken, similarly, has a skillset that spans multiple operators and wagering markets. His ability to lead the North American activities of the PointsBet business since its entry into the US market has been critical.

PointsBet is confident that its effort to continue to build a highly talented and expert team will prove invaluable as US sports betting continues to expand. The investment in team talent, expertise, and innovative minds is essential to meet PointsBet's expansion objectives while continuing to maintain high-integrity and successful operations in multiple jurisdictions.

In 2020, PointsBet was honored by eGaming Review (EGR) at the 2020 North America Awards as the Top Sports Betting Operator and Most Socially Responsible Operator, as well as the US Rising Star to Watch.

In May 2021, PointsBet was honored by EGR as the Top Sports Betting Operator at its EGR North America Awards 2021. The recognition follows PointsBet's notable exhibition of scale and growth, ability to innovate and differentiate, commitment to responsible gambling, quality of marketing, and quality of product.

Commentary from the judging panel regarding PointsBet's Top Sports Betting Operator recognition included:

"Good differential and growth"

"Really strong entry from one of the most impressive operators within the US"

"Very impressive words and deck - definitely one to watch in 2021 and beyond!"



B. The Applicant shall provide a summary narrative, not to exceed two pages per proposed Operator, highlighting the expertise in sports wagering that such proposed Operator demonstrates.

As an operator, PointsBet believes that offering its products in a responsible manner is critically important for all stakeholders and beneficiaries where it operates. As sports betting rapidly expands across the US, PointsBet will continue to prioritize its policies, functionality, and employee training in the areas of responsible gaming and player protection.

Resorts World is the hometown team with strong brand awareness in the marketplace operating the largest VLT casino in the state of New York for ten years and a three-year veteran of operating Resorts World Catskills, a commercial gaming facility in Monticello New York. Resorts World brings to the field a powerhouse database of 1.5 million known New York gamblers who actively play live table games, slots, poker, and place bets at our land-based properties and Sportsbook 360. Our vision is to capitalize on high net-worth customers already within our existing database, together with attracting new affluent customers using the power of the Resorts World land-based footprint and advanced digital optimization. Resorts World has a full-service marketing team already in place in New York armed with traditional and digital media capabilities and actively working with the largest sports teams, stadia and broadcasters in the state. This existing infrastructure will allow for a full mobile sports Resorts World Bets campaign to be launched in a matter of weeks. In summary, Resorts World has the operational and marketing teams in place to hit the ground running and in combination with PointsBet's best in call platform, we expect to be live on day one if we were to receive a license. Resorts World is going through a period of investment in further digitalizing its organization to benefit the land based and in light of its New York City location, has been able and will continue to be able to recruit the best talent in the industry. Resorts World will be integrating its online sportsbook into the retail casino management platform to allow for a leading omni channel offering.

The Resorts World premium brand is at the forefront of the gaming industry with the recent opening of the \$4.3 billion Resorts World Las Vegas property which has a worldwide growing database and also includes a dedicated Dawg House Sportsbook. The new Resorts World Hudson Valley NY property is projected to have an additional 300,000 players in their database by the end of 2022. There are clear cross market synergies between these land-based properties that would heavily support a mobile sports betting platform. If we take data points from our digital business in the UK, our lifetime values for omni channel customers are 3x the value of pure online customers.

New York sits at the heart of Resorts World's 10-year strategy for being a truly leading and global digital operator in New York:

- Resorts will continue to bolster its sports organizational structure over the coming months with new recruits to the digital marketing team, a sports betting GM and an omnichannel team
- Resorts will be extending its current professional sports team sponsorships to encompass interactive sports betting
- We will leverage free2play sports and social casino products in NY before the market opens to build a primed database which is ready to convert when the market goes

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- live. One focus will be on simulated sports betting using virtual currency and book a bet features where customers can book their bet from their sofa and then come into the land-based sportsbook in advance of regulation
- This will allow us to educate recreational customers pre the market opening
 - We will use contests and live quizzes on a daily basis to acquire and retain players

Additionally, the Operator is excited to partner with such an experienced operator as PointsBet. Specifically, PointsBet's knowledge and expertise as follows:

PointsBet has maintained a dual focus from the outset of the business, which entails both a successful Australian launch and ongoing operations in that jurisdiction with a heightened focus on an emerging North American marketplace. As the North American market moved from a potential option to a reality, PointsBet increased its business activities culminating in initial market access in New Jersey and from there has exponentially grown to include multiple jurisdictions from a sports wagering perspective. In those jurisdictions, PointsBet has solidified itself, in a very short timeframe, as a major player and award-winning tier one operator, offering one of the best mobile sports wagering apps in the industry today.

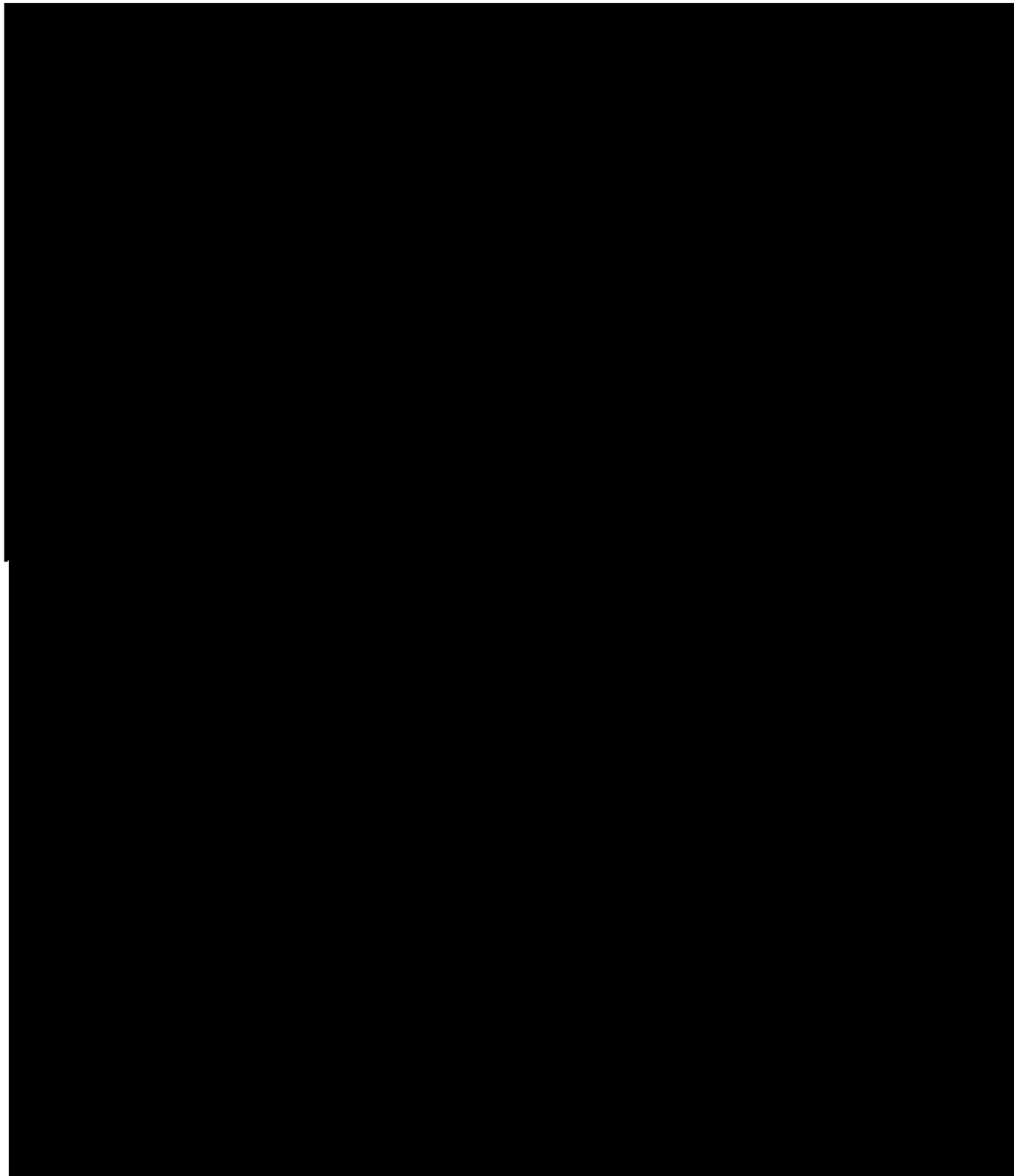
Given the starting point for the business in the United States, it could be understood that moving from a startup business to tier one operator may take significant steps and an extended period. That time frame has been rapid and continues to exceed many expectations. As the business has evolved and expanded beyond the initial New Jersey market access milestone, the team and technology has been tested. It has been tested in multiple jurisdictions and within multiple time sensitive scenarios. Each time, the team and technology has emerged stronger and gathered the requisite expertise to stand alone when it comes to proprietary in-house technology coupled with leadership to execute and drive tax revenue to the local jurisdiction. We feel confident with the track record to date and expect this to only be improved as New York begins sports wagering.

In addition to the summary, each Applicant shall provide:

- **an overview of the integration between the Applicant's Platform and the Operator's wagering system;**

The Operator will rely upon its exceptionally experienced partner to provide seamless integration.

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- **An outline of the features offered or used by the Operator that the Applicant believes sets it apart from other potential Applicants;**

Resorts World and PointsBet will be the only two North American wagering operator that offers pointsbetting. Pointsbetting is a unique bet type that allows a customer to wager on an outcome and be rewarded for each point they are right. For example, if you bet \$1 on the New York Jets to cover a spread of -3 and they win by 7, you would win four times your stake. Equally, if the New York Jets were to lose by 1, you would lose four times your stake. We can put liability and win/loss caps on this product offering to ensure it is offered and consumed responsibly.

Being unique to PointsBet, this serves as a strong retention tool and a differentiator in a crowded market, while being a very high margin product. We expect pointsbetting to continue its growth, especially as it becomes more well-known and understood among the typical US sports fan and bettor.

- **A sample wagering menu the Operator intends to offer if such wagers are approved by the Commission;**

Resorts World through PointsBet, will aim to offer the most extensive wagering menu to the sports bettors in New York. Below is a sample wagering menu that PointsBet intends to offer if such wagers are approved by the Commission.

Football

- National Football League (NFL)
- Canadian League (CFL)
- NCAA College Football (NCAAF)
- Senior Bowl

Australian Football

- Australian Rules Football League (AFL)

Baseball

- Major League Baseball (MLB)
- Nippon Professional Baseball (Japan)
- The KBO League (Korea)
- NCAA Baseball
- NCAA Softball

Basketball

- National Basketball League (NBA)
- NCAA
- Woman's National Basketball League (WNBA)
- FIBA regulated county vs country allowable qualifies /games/tournaments

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- FIBA Affiliated Leagues (top division) and Euro Leagues/Euro Cup
- World Championships
- TBT – The Basketball Tournament

Boxing

- World Boxing Association (WBA)
- World Boxing Organization (WBO)
- International Boxing Federation (IBF)
- World Boxing Council (WBC)
- Association of Boxing Commission and Combative Sports
- British Board of Boxing Control

Cricket

- World Cup
- International Cricket Council (ICC) regulated Country vs. Country qualifiers/games/tournaments
- Indian Premier League (IPL)
- Big Bash League

Cycling

- Union Cycliste Internationale (UCI) – Grand Tour, World Tour, Tour de France

Darts

- British Darts Organization
- PDC Darts

Golf

- PGA, including global tours (e.g., World Golf Championships)
- PGA Tour Champions
- The Match IV
- International Events (e.g., Ryder Cup, Presidents Cup, Solheim Cup)
- European Tour
- LPGA
- Korn Ferry Tour

Ice Hockey

- National Hockey League (NHL)
- International Ice Hockey Federation (IIHF)
- Swedish Hockey league (SHL)
- Kontinental Hockey League (KHL)
- SM-Liiga (Finland)
- NCAA
- Belarus Extra League
- Austrian EBEL
- Czech Extraliga

Lacrosse

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- NCAA
- Premier Lacrosse League

Mixed Martial Arts

- Ultimate Fighting Championship (UFC)
- Bellator MMA
- One Championship
- Professional Fighters League

Motorsports

- NASCAR, including series
- IndyCar
- Formula 1
- Moto America

Olympics

- Summer Olympics
- Winter Olympics

Rugby

- European Challenge Cup
- European Champions Cup
- New Zealand Super Rugby Aotearoa
- Super Rugby
- English Premiership Rugby
- PRO 14
- Top 14 (France)
- World Cup
- World Rugby (International country vs. country qualifiers/game tournaments)
- Four Nations
- Six Nations
- Super League (UK/France)
- National Rugby League

Snooker

- World Snooker

Soccer

- Major League Soccer (MLS)
- National Women's Soccer League (NWSL)
- North American Soccer League (NASL)
- USL Championship (USLC)
- USL League 1
- US Open Cup
- Central America: Top 2 tiers and domestic cups for: Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Panama

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- Confederation of North, Central American and Caribbean Association Football (CONCACAF) Champions League
- Europe: Top two tiers, as well as domestic cups, for the Union of European Football Associations (UEFA) member countries
- England - League 1
- England – League 2
- UEFA Champions League
- UEFA Europa Conference League
- UEFA Europa League
- UEFA Nations League
- UEFA Super Cup
- UEFA Women's Champions League
- South America: Top two tiers as well as domestic cups for: Argentina , Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela
- South American Football Confederation (CONMEBOL) Copa Libertadores and Copa Sudamericana
- Asia and Australia: Top two tiers as well as domestic cups for Australia, China, Hong Kong, Japan and South Korea
- International Federation of Association Football (FIFA) regulated country vs. country international qualifiers/games/tournaments, including those run by member federations of FIFA (including UEFA, COMEBOL, CONCACAF, Confederation of African Football (CAF), Asian Football Confederation (AFC) and Oceania Football Confederation (OFC)

Table Tennis

- European Table Tennis Union (ETTU) Events
- International Table Tennis Federation (ITTF) Events

Tennis

- Woman's Tennis Association Tour and WTA 125K Series
- International Tennis Federation (including Davis Cup/The World Cup of Tennis, Billie Jean KingCup)
- NCAA
- Association of Tennis Professionals: ATP Tour, Challenger Series, ATP Cup, Nitto ATP Finals, Next Gen ATP Finals
- Grand Slam Events
- World Team Tennis

- **An illustration of the proposed Operator's ability to rapidly effectuate the commencement of mobile sports wagering on the Applicant's Platform; and**

Resorts World is confident in its partner PointsBet's proven track record to continually show a propensity to be agile, flexible and rapid with respect to technology and marketing deployment in every new jurisdiction that it has opted to enter. Go to market planning and execution is a feature of the PointsBet team and something that will be relied upon in New York. PointsBet has met and exceeded expected launch timing as it has broadened its North American footprint. A key pillar

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that has allowed PointsBet to have flexibility and speed to launch is its proprietary technology that is capable of scaling quickly and localizing to the rules, regulations, and preferences of a specific jurisdiction. That same capability will be present in its go to market in New York for PointsBet and Resorts World.

A further insight into PointsBet's capabilities that will allow for efficient conversion of sports bettors is the ability to allow authorized sports bettors to bet through the platform. The aspects referred to below ensure a smooth process from start to finish of the acquisition, sign up and bet placement process:

- Approved iOS (iPhone) and Google Play Store (Android) apps allowing customers to download directly from app-store
 - Efficient signup process allowing for quick and easy customer processing
 - Automated KYC Process with more than 85% of bettors being "auto verified" through approved 3rd party KYC providers allowing them to deposit and bet immediately post signup
 - Biometrics & PIN login options allowing for seamless and immediate login
 - Best in class deposit options including Online Banking, Credit/Debit Card, PayPal, PayNearMe, Cage/Cash, ACH/E-cheque allowing for seamless transfer of money to sportsbook account
 - Fastest application in the market with search bar and intuitive navigation allowing for quick bet placement
 - PointsBet provides 24/7 customer service with live chat, email and inbound phone to assist through the signup to bet placement process.
- **Additional information the Applicant believes relevant to demonstrate the Operator's expertise, including, without limitation, experience in the field of mobile sports wagering.**

PointsBet

PointsBet has multi-language capabilities which, for example, allows the user to download the app or view the desktop version in English or Spanish. As PointsBet expands its operations into States with more native Spanish speakers, we believe this point of difference from other operators will be a factor that separates PointsBet from the other market participants. In addition, PointsBet has capitalized on this feature set and technology capability by partnering with La Liga, for example, so that PointsBet can reach as many La Liga fans in New York as possible and they will have a fully functional application that is in their preferred language.

PointsBet is determined to think beyond the typical and standard way to operate a sportsbook and continue to push the industry standard to higher levels. We believe that considered and beneficial features will generate more customers who can then enjoy the PointsBet offering,

whether that includes free to play games and sports predictor type offerings, standard sports betting and or pointsbetting. Further, not only does PointsBet have complete control of its product and feature roadmap but it also boasts the expert internal teams and customizable technology stack to execute on these types of innovations in the sports wagering space.

6.3 INTEGRITY, SUSTAINABILITY AND SAFETY

The Applicant shall provide detailed information on how the Applicant or the Applicant's proposed Operators will ensure the responsibilities, duties and requirements in draft regulations Part 5330 in regard to:

- A. wager acceptance;**
- B. verification of information provided by Authorized Sports Bettors opening a new account;**
- C. the systems used for monitoring structured wagers and unusual or suspicious wagering activity;**
- D. the systems used to ensure that Authorized Sports Bettors are physically located within the State of New York while placing a wager;**
- E. the technology to ensure that any wager is accepted through equipment physically located at a licensed gaming facility in the State;**
- F. description and location of redundant servers, if any;**
- G. security of servers, applications, and communication networks; and patron personal and wagering information;**
- H. integrity monitoring and reporting, including any current affiliations related to integrity monitoring; and**
- I. responsible gaming.**

The Applicant shall provide detailed information on how the Applicant or the Applicant's proposed Operators will ensure the responsibilities, duties and requirements in draft regulations Part 5330 in regard to:

Resorts World will rely upon its highly skilled partner PointsBet to provide:

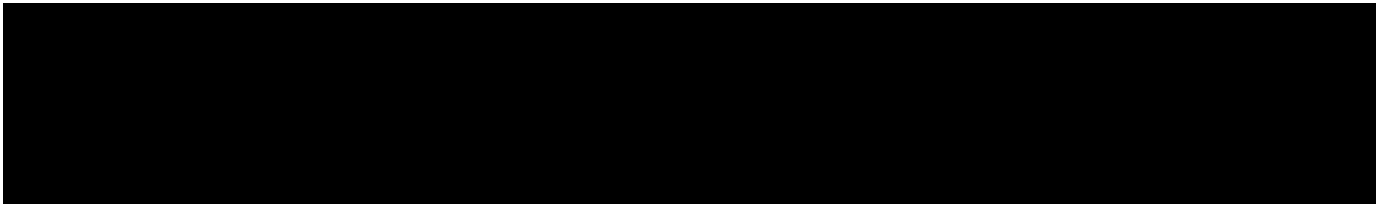
A. wager acceptance;

PointsBet's purpose-built system and architecture is designed to ensure only permitted wagers, by customers physically located in the state of New York, are accepted on the servers at the approved gaming facility. PointsBet is committed to work in consultation with the New York State Gaming Commission to comply with any relevant server location or other requirements.

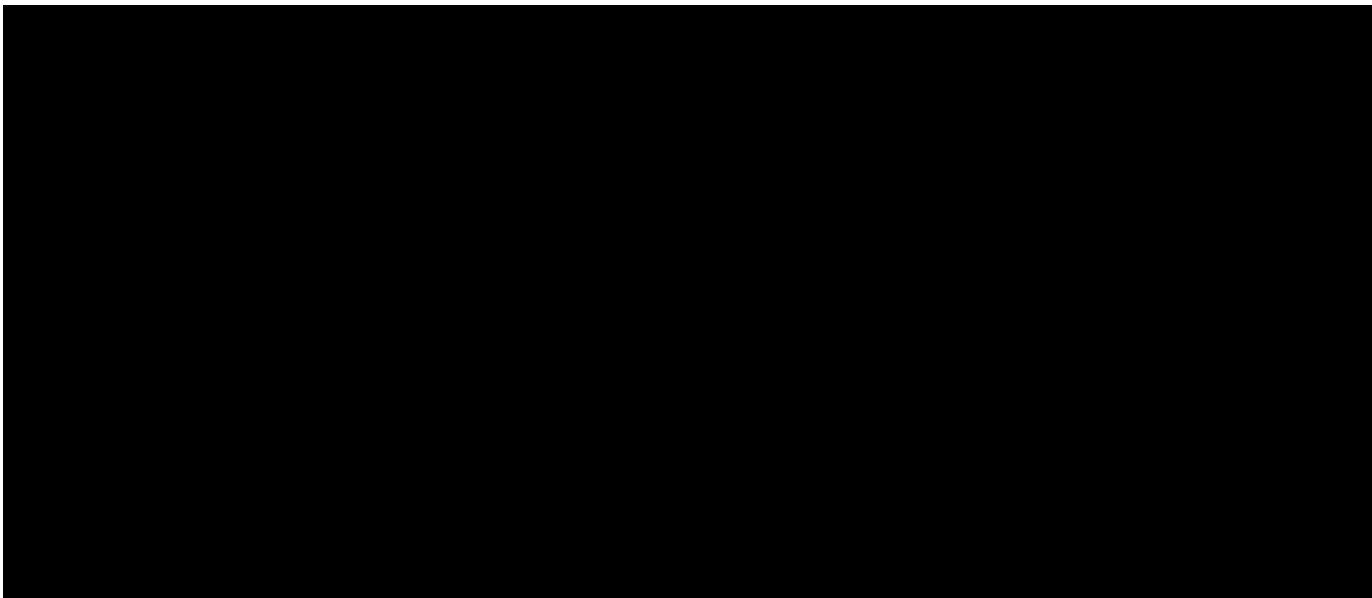
The geolocation aspect of the wager acceptance is performed using software to determine the physical location of the sports bettor to ensure they are within state boundaries when placing the wager. PointsBet utilizes third-party geolocation software to augment its internal process for wager acceptance.

B. verification of information provided by Authorized Sports Bettors opening a new account;

PointsBet's verification of new sports bettors begins as the sports bettor enters the last 4 digits of their Social Security number ("SSN") as part of account signup. This information is sent to PointsBet's third-party, fully integrated, Know Your Customer ("KYC") partner. If the last 4 digits of SSN, along with the sports bettor's name, date of birth and address matches the KYC provider's verification list, then the full SSN is returned to PointsBet.



C. the systems used for monitoring structured wagers and unusual or suspicious wagering activity;

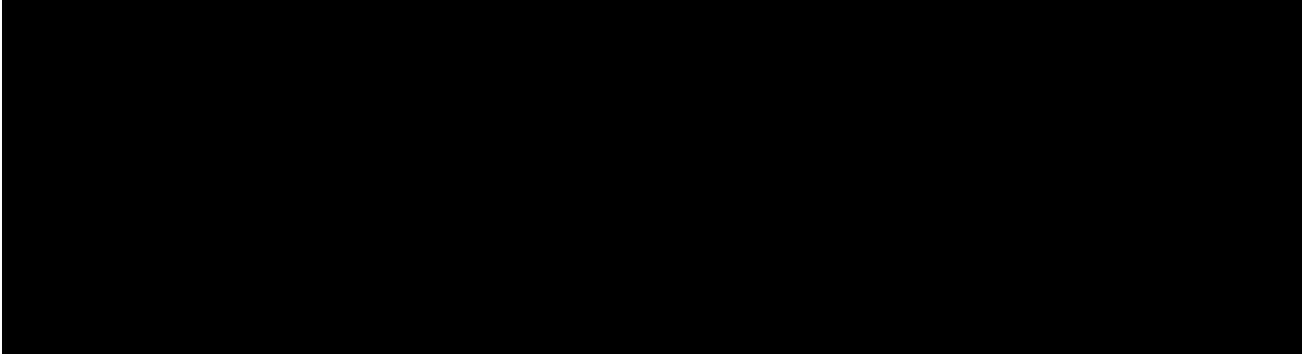




D. the systems used to ensure that Authorized Sports Bettors are physically located within the State of New York while placing a wager;

PointsBet uses geolocation software from its integrated supplier, GeoComply, to detect where the authorized sports bettor is physically located at the time of placing a wager. On web during bet placement, if the user does not already have the geolocation plugin, then the user is asked to download and install it. On iOS or Android, the plugin is embedded inside the app. This plugin detects the user's location using a combination of Wi-Fi, IP address and GPS location. The geolocation process will block the user if the user is using any remote software such as a VPN.

E. the technology to ensure that any wager is accepted through equipment physically located at a licensed gaming facility in the State;



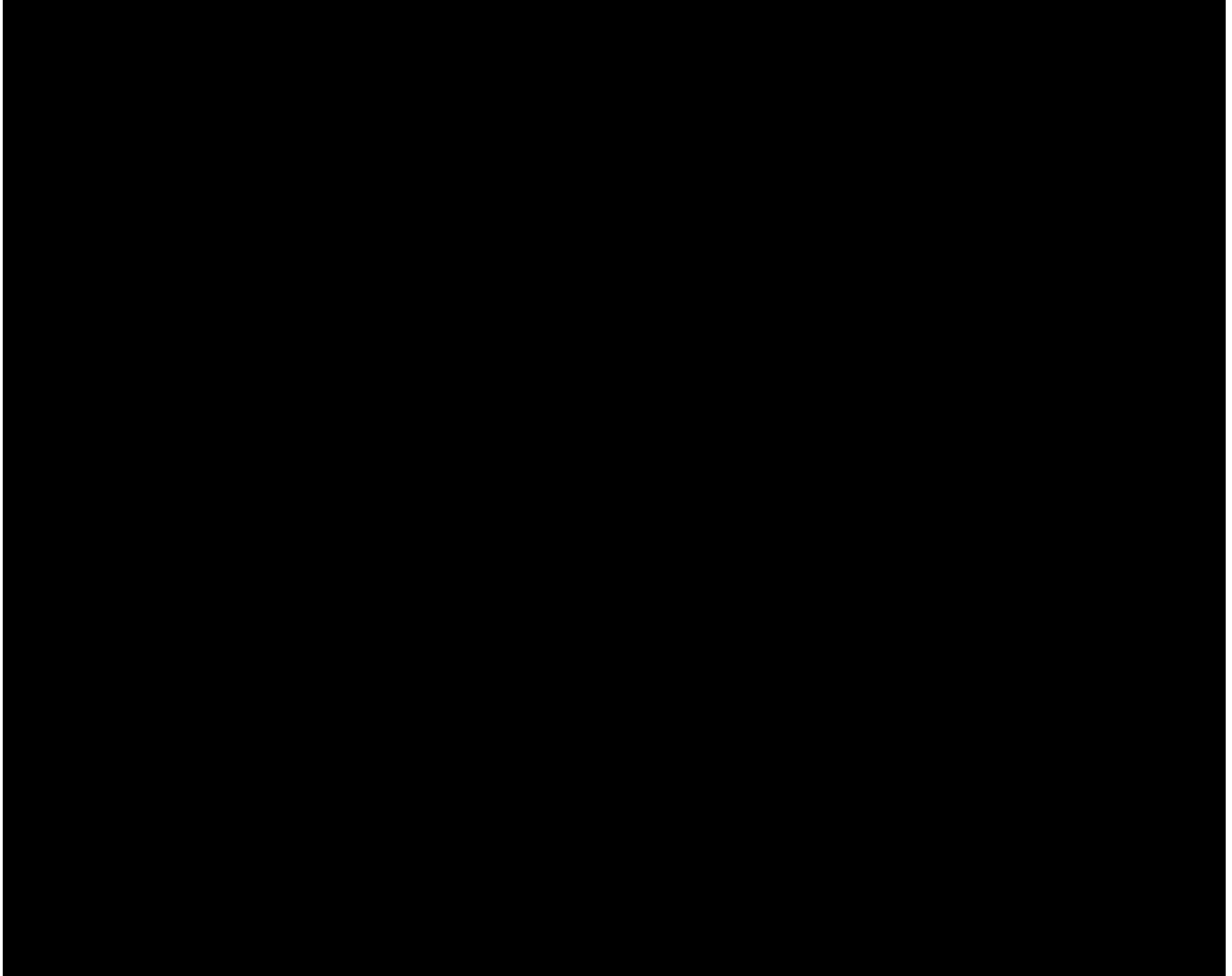
F. description and location of redundant servers, if any;

The PointsBet wagering platform is flexible and can operate in a hybrid cloud or a full cloud environment within state redundancy and high availability in the local data center and Microsoft Azure Cloud Data Centers.

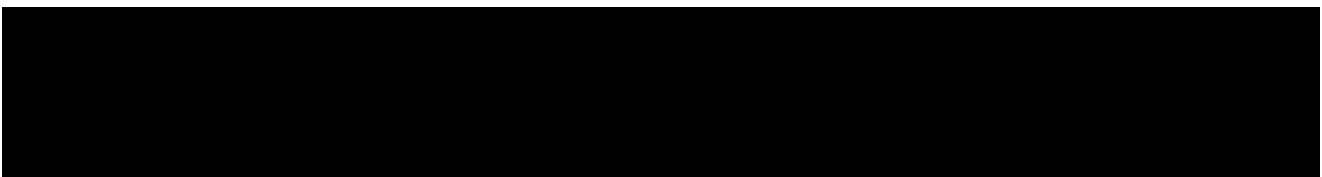
PointsBet have scaled its Cloud Native solutions to be hybrid environments with local data centers approved by state with similar requirements such as New Jersey and Michigan. PointsBet's redundancy includes network layer, compute layer and data storage layer.

- Network – Full operational redundancy across cloud and in-state environments
- Storage – We provide redundancy and point in time recovery capability to the last second to ensure there is no data loss. PointsBet's database is deployed in active/passive cluster on local servers with a replica running in Azure
- Compute – For all cloud-based components PointsBet works in a highly redundant, auto-scaling environment; for the local in-state data center approved by the state regulators PointsBet uses clustered environments.

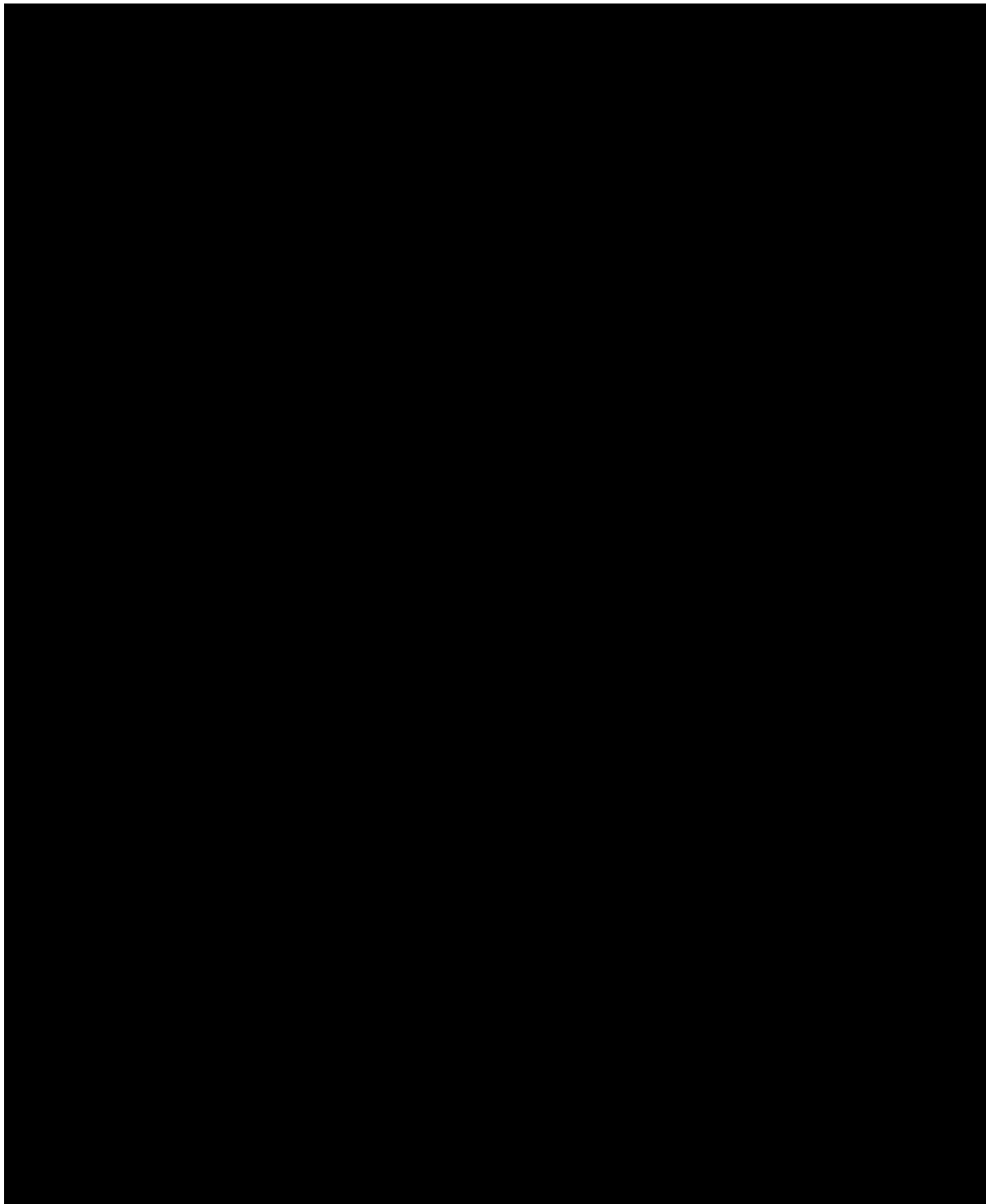
G. security of servers, applications, and communication networks; and patron personal and wagering information;



H. integrity monitoring and reporting, including any current affiliations related to integrity monitoring; and



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I. responsible gaming.

PointsBet understands that it is a privilege to operate in the sports betting industry, and as part of that privilege, PointsBet is committed to offering and maintaining a safe and responsible gaming plan to all players. PointsBet has developed a comprehensive Responsible Gaming Program to support and educate players, and train all employees on the procedures and importance of operating and offering sports wagering in a responsible manner. Highlights of PointsBet's Responsible Gaming Program approach are presented below. Further details of PointsBet's Responsible Gaming Program are outlined in its Internal Controls, presented in Section 6.9.

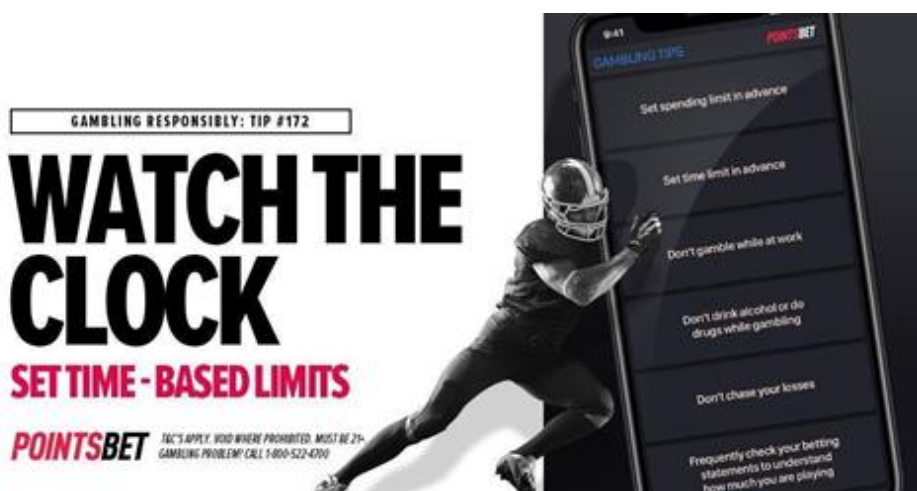
Account Creation

In order to open an account with PointsBet, customers must provide personal information to ensure that they are above the legal gambling age and to confirm their identity (i.e., Know Your Customer or KYC verification). KYC verification minimizes the ability for customers to open more than one account. This is an important measure for persons with a gambling problem who may use multiple accounts to hide their gambling or ignore mounting losses.

Social Media Communications

With a strong social media presence, PointsBet publishes daily responsible gaming messages across its social media channels, including Twitter, Instagram, and Facebook. The responsible gaming messages highlight the numerous guidelines that can assist the customers in maintaining a safe gambling practice, including setting time limits, deposit limits, and bankroll management. They each include a link to the PointsBet app Responsible Gaming page, which outlines available resources for patrons, including setting limits, where to get help, and closing an account. Below is one photo example and a link example of the daily responsible gaming tips posted on PointsBet's Twitter account.

<https://twitter.com/PointsBetUSA/status/1313507124392099840?s=20>



Employee Training

PointsBet's staff are trained to be aware of, and offer assistance to, customers seeking assistance in relation to problem gambling. The Customer Support team is also trained to understand the actions needed if a customer requests assistance for problem gambling. PointsBet will cooperate with problem gambling service providers to support them in their work of assisting players who may need support with their gambling behavior.

During communications between customers and Customer Support Agents, the PointsBet team members will act in good faith in response to any questions provided by customers. If PointsBet staff suspect that a customer may have a gambling problem, and/or a customer has contacted the staff, Customer Support Agents may directly ask the customer if they need assistance with problem gambling. If a customer confirms he or she is seeking support for problem gambling, Customer Support Agents are trained and prepared to assist the customer with accessing problem gambling support resources based on the jurisdiction where the customer is located.

Informed Choice About Chances of Winning

PointsBet endorses the principle of enabling its customers to make informed decisions about gambling. PointsBet displays accurate information on odds and approximate dividends and payouts; and provides information about rules in relation to bet types in simple and clear language on its website and mobile app. Customer Support Agents can quickly provide information about chances of winning to customers upon request.

Player Protection Limits

PointsBet recognizes the importance of having player protection policies and procedures implemented in support of players. Players have the option to set their own specific limits on time, deposit, and spend limits on the PointsBet website or app. PointsBet's player-facing teams are highly trained in how to engage with players to facilitate or suggest supportive services or wellness checks.

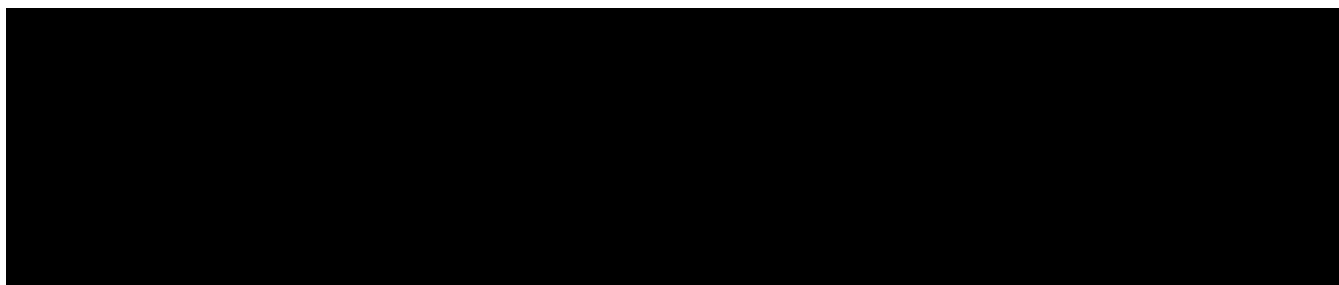
Players have the ability to set time, deposit, and spend limits through the PointsBet website or app on the responsible gaming page. Time limits are set by the player by hourly increments. Deposit and spend limits are set by dollar amount in one, seven, and thirty-day time period options. If a player chooses to implement a self-imposed limit, the limit will take effect immediately. No changes to the self-imposed limits can be made until the time period of the selected limit has expired.

PointsBet further recognizes the importance of allowing players to access their play history to encourage personal responsibility. Players can easily access a twenty-four-month history of their transactions including wins, deposits, withdrawals, free bets/promos, pre-commitment limits, cash outs and bet placements via the account history page.

6.4 CAPACITY TO BRING AUTHORIZED SPORTS BETTORS TO PLATFORM

The Applicant shall demonstrate the Applicant's ability to effectuate rapidly the commencement of mobile sports wagering on the Applicant's platform and to bring Authorized Sports Bettors effectively onto the Platform.

The Applicant shall provide a time from award of license to the date on which each Operator shall be prepared to accept mobile sports wagers through the Applicant's Platform.



6.5 WORKFORCE DIVERSITY

The Applicant and each of its Operators shall provide information demonstrating how the Applicant fosters racial, ethnic and gender diversity within the organization's workforce. Such demonstration shall include:

- A. the organization's policy on workforce diversity;
- B. workforce demographics demonstrating the organization's current workforce diversity; and
- C. efforts the Applicant and Operators will undertake to foster workforce diversity as it relates to operations undertaken pursuant to a License, if awarded.

Diversity, Equity, and Inclusion

Resorts World emphasizes the value of creating a culture of diversity, equity and inclusion in the workplace and in society; and stresses the importance to both leadership and staff.

Diversity in Gaming means providing opportunity for advancement to a broad array of individuals or groups. These individuals or groups bring different characteristics that include race, ethnicity, gender, culture, sexual orientation, age, disability, creed, geography, education, socioeconomic status, skills, background, experiences, and perspectives.

The company plans to enhance its diversity and inclusion platform with specific strategies and measurable outcomes by increasing vendor participation in procurement offerings, provide training opportunities for staff to increase upwards mobility, and provide scholarships to outstanding students in the community, including children of our team members.

MWBE Outreach

Through strategic partnerships with the Greater Jamaica Development Corporation, Queens Chamber, Queens Economic Development Corporation and The Arc Sullivan-Orange Counties of New York.

- MWBE Commitment: All Capital Projects which include constructions costs over \$100,000 and/or goods/services over \$25,000 will include MWBE vendors in the bid process with the anticipated spend to meet the goal amount of 30%.

Team Member Leadership Training

Using Microsoft Teams, we create specific groups formed around their interests to bring discussion points to the organization as a whole. These groups will report quarterly to provide transparency and accountability.

Educational Partnerships

We have partnered with Cornell University and local colleges to offer certificate training programs toward the advancement of career opportunities for employees.

Youth Leadership Training

Pairing Resorts World executives and community civic leaders with college freshman for a web-based two-year mentorship program to develop human capital for the gaming industry. The goal is to award twenty scholarships bi-annually.

College-Bound STEM Scholarship

Awarded to rising college freshman majoring in Science, Technology, Engineering, and Math.

Calendar to Celebrate Cultural Diversity

Special events intended to celebrate cultural diversity and community.

- **Jan** – Lunar New Year/MLK Day
- **Feb** – Black History Month
- **Mar** – Women’s History Month
- **Apr** – World Health Day 4/7
- **May** – Asian American and Pacific Islander Heritage Month (someone could post about this on Friday 5/29)
- **June** – Pride Month, 6/19 Juneteenth
- **August** – Women’s Equality Day
- **September** – Hispanic Heritage Month
- **October** – **Columbus Day**, Disability Employment Awareness Month
- **November** – American Indian & Alaska Native Heritage Month, 11/20 Transgender Day of Remembrance, Veterans Day
- **December** – Christmas, Hanukkah, Kwanzaa

Together, We Are One

Operating in the most diverse county in the country, diversity is innate to our company culture. Resorts World values diversity, equity, and inclusion in our workforce, policies, and practices.

- **Leadership From the Top**
 - A cross-property DEI Council, comprised of executives in various fields representative of our organization and its members, implements initiatives fostering community.
- **Recruiting Diverse Candidates**
 - We seek to hire a workforce as culturally rich as the community we operate in. We host outreach programs with local colleges to develop interest in the gaming industry among underrepresented groups.
- **Assessing Inequality**

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- To ensure the efficacy of our diversity initiatives, we release an annual Diversity Audit Report, based on collection of employee feedback and evaluation of current policies.
- **Increasing Supplier Diversity**
 - As part of our commitment to equity, we will work with at least 30% MWBE licensed vendors for goods and services. All capital projects over \$100,000 must include a MWBE in the bid process.
- **RW Academy**
 - Recognizing mutual respect as the foundation of our team culture, we are developing a learning curriculum that teaches inclusion, sensitivity, and appropriate behaviors. This curriculum is mandatory for all employees.
- **Internal Mobility**
 - We provide opportunities for advancement among qualified internal candidates, regardless of race, sex, and other categories. To us, what matters is work ethic and heart.

SOCIAL DISCLOSURE (RWNY)	US (2020)
Workforce strength	
Percentage of Employees by Gender	
<i>Male</i>	54%
<i>Female</i>	46%
Percentage of Employees by Ethnicity	
<i>White</i>	16%
<i>Black/African American</i>	29%
<i>American Indian</i>	2%
<i>Asian</i>	27%
<i>Pacific Islander</i>	2%
<i>Other</i>	24%

orm Providers

SOCIAL DISCLOSURE (CATSKILLS)	US (2020)
Workforce strength	
Percentage of Employees by Gender	
<i>Male</i>	56%
<i>Female</i>	44%
Percentage of Employees by Ethnicity	
<i>White</i>	47%
<i>Black/African American</i>	8%
<i>American Indian</i>	1%
<i>Asian</i>	16%
<i>Pacific Islander</i>	1%
<i>Other</i>	29%

6.6 OTHER FACTORS IMPACTING REVENUE TO THE STATE

The Applicant shall provide a narrative and analysis of any other factor or aspect of the Applicant's Application that the Applicant believes the Commission should take into consideration when evaluating other factors that could impact the revenue from mobile sports wagering paid to the State. The applicant shall limit all narrative and analysis in response to this section to no more than five pages.

Our consortium brings together a collection of strong, reputable companies, each with a distinctive brand and strategy for the marketplace. The diversity and reach of our Operator Applicants, in collaboration with their Platform Providers, will serve to drive incremental revenue to the State as we described in Section 6.8.

Importantly, our consortium is also partnered with two of the major tribal gaming operators in the State, the Oneida Indian Nation and Saint Regis Mohawk Tribe. In connection with a successful bid by our consortium, both tribes are prepared to waive certain rights aimed at enhancing the overall revenue opportunity for the State's licensed sports wagering platforms. The quantitative analysis associated with these waivers is also presented in Section 6.8.

The Oneida Indian Nation and Saint Regis Mohawk Tribe's rights and proposed waivers are more fully described in this section.

Oneida Indian Nation:

Waivers to Promote the Integrity and Sustainability of New York's Mobile Gaming Program

In addition to its Revenue Sharing Agreement set forth in section 6.7, the Oneida Indian Nation also will commit to issuing to the State waivers of legal rights and privileges it enjoys, and legal challenges it may otherwise pursue, relating to the State's implementation of PML § 1367 for mobile sports betting (the "Oneida Waivers"). The Oneida Waivers would be executed upon issuance of operator licenses to Caesars and Wynn. The absence of these Oneida Waivers would jeopardize the integrity and sustainability of the State's carefully sculpted tax and competitive structure for generating State revenues under its mobile sports betting program.

Background: Oneida Rights and Privileges

Oneida and the State are party to two significant government-to-government agreements that affect the State's plan to authorize statewide mobile sports betting, and to charge significant taxes upon its licensed operators of that activity.

(a) 2013 Settlement Agreement

The Oneida Indian Nation, the State, Madison County and Oneida County entered a landmark Settlement Agreement in 2013. This historic agreement is regarded as a model for resolving disputes between

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States and tribes because it resolved generations of the most controversial disputes between them, ranging from reservation rights, land governance, property taxes, sales taxes, law enforcement, cultural preservation – and gaming issues. The Settlement Agreement was approved by the NYS Attorney General, and enacted into New York Law by the State legislature (see N.Y. Exec. Law § 11). The Settlement Agreement was approved by the federal court, which retained jurisdiction to enforce the agreement and any violations.

To date, both Oneida and the State have abided by all of their duties to each other under the Settlement Agreement. More than that, the Settlement Agreement formed the basis for unprecedented collaboration among Oneida, the State and local municipalities in addressing thorny issues of mutual interest, most recently including Oneida's hosting numerous coronavirus vaccination clinics for thousands of central New Yorkers through a joint program with the NYS Department of Health, Oneida County Department of Health and Madison County Department of Health.

Under the Agreement, the Oneida Indian Nation now pays the State, Oneida County, Madison County and eight other counties more than \$75 million per year. Oneida has paid the State more than \$465 million so far. Under the Settlement Agreement, those Oneida payments have been allocated among Upstate New York counties: so far, Oneida County has received more than \$130 million and Madison County has received more than \$35 million. These payments also have been distributed among eight other counties, including Onondaga County to fund its debt service for the bonds that financed the Lakeview Amphitheater.

In exchange for these payments, the State assured Oneida (among other things) "total exclusivity" with respect to Class 3 gaming, which includes mobile sports betting, in the ten-county region of Central New York. The Settlement Agreement couldn't be clearer: "The State shall not legalize, authorize or consent to" Class 3 gaming in violation of Oneida's ten-county exclusivity zone. This necessarily includes a requirement that the State shall not change the law to authorize Class 3 gaming within the Oneida exclusivity zone. While the Settlement Agreement includes some limited exceptions to the Oneida exclusivity zone (e.g., lottery, charitable events, then-existing games at Vernon Downs), the State neither requested nor negotiated an exception to Oneida's "total exclusivity" relating to mobile sports betting.

Oneida expects the State to abide by the commitments it made to Oneida in the Settlement Agreement. Among them, the Settlement Agreement imposes upon the State an affirmative duty to prohibit non-Oneida gaming within the Oneida exclusivity zone. The State and Oneida agreed that the Oneida exclusivity protection is a material term of the Settlement Agreement. The State's breach of Oneida exclusivity would constitute a "Material Breach" of the agreement, which "shall be resolved exclusively by the United States District Court for the Northern District of New York."

Oneida, therefore, was troubled to read in the State's *Common Response to First Questions, July 22, 2021*, that the State believes it may adopt a law which authorizes customers to place mobile sports wagers within the Oneida exclusivity zone to non-Oneida servers. The State claimed that "there is no need for a Nation or Tribe to waive exclusivity" – directed toward Oneida, the only tribe in New York that enjoys exclusivity over all Class 3 gaming -- based upon the State's unilateral, statutorily-created "deeming" provision. The State's unilateral action would undermine Oneida's exclusivity in the Settlement Agreement. To the extent that the New York's mobile betting program conflicts with the Oneida Settlement Agreement, Oneida's rights under the Settlement Agreement supersedes the mobile sports betting program. See N.Y. Indian Law § 16 ("notwithstanding any other provision of law, the provisions of the Oneida Settlement Agreement . . . shall be deemed to supersede any inconsistent laws and regulations" (emphasis added)).

The Oneida Settlement Agreement resolved a federal lawsuit related to generations of disputes that arose under federal law. The Settlement Agreed is governed by federal law. It was approved by the

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United States District Court for the Northern District of New York, which ordered that it “retains jurisdiction to enforce the Settlement Agreement.” *State of New York v. Jewell*, No. 08-CV-0644, 2014 WL 841764 (N.D.N.Y. Mar. 4, 2014). Federal courts have ruled that mobile gaming wagers occur *both* at the location where the customer places the wager *and* location of the server (*California v. Iipay Nation of Santa Ysabel*, 898 F.3d 960, 966-67 (9th Cir. 2018)). The State’s plan to legalize mobile sports wagers to be placed from within Oneida’s ten-county exclusivity zone to non-Oneida servers threatens to materially breach the Settlement Agreement. It jeopardizes more than \$75 million in annual payments that Oneida now makes to the State and the local municipalities that depends upon them.

The State can fulfill its obligations to Oneida by mandating platforms and operators to geo-fence Oneida’s ten-county exclusivity zone to preclude placement of wagers from within the Oneida exclusivity zone to non-Oneida servers. While compliant with the Settlement Agreement, this outcome would deny the 1.2 million people who live in the ten-county exclusivity zone (6% of New York’s population) the opportunity enjoyed by all other New Yorkers to participate in mobile sports wagering. And, of course, the carve-out of 1.2 million Central New Yorkers from mobile sports betting would cost the State approximately \$40.5 to \$52.5 million per year in annual tax revenues, assuming a minimum tax rate of 50%.

Central New York has enjoyed eight years of peace and harmony among Oneida, the State and local municipalities under the Settlement Agreement. Oneida settlement payments revenues have prevented county property tax increases. They have helped local municipalities balance their budgets, and they support social services, public safety, schools and public works. Neither Oneida nor the State, regional, county and local public officials and community leaders want to return to the era of disputes arising from the State’s violation of its promises and agreements.

(b) 1993 Gaming Compact

In 1993, Oneida and the State entered into a Gaming Compact which authorizes Oneida to conduct casino games anywhere within the Oneida’s 300,000-acre reservation. The Gaming Compact delineates a list of original games that were approved to be played at the Nation, and the Compact provides a specific procedure authorizing Oneida to add more games in the future. Section 15(b) of the Gaming Compact -- the so-called “Most Favored Nation” clause -- authorizes Oneida to adopt any new State gaming specifications for Class 3 games without any further approval by the State. Over the twenty-five years since the inception of the Gaming Compact, Oneida has adopted several of the State’s gaming specifications pursuant to section 15(b)’s “Most Favored Nation” clause.

The Oneida Gaming Compact does not require Oneida to share any gaming revenues with the State. Nor does the Gaming Compact have an expiration date, meaning the State has no opportunity to renegotiate these provisions upon the expiration of a term. Upon the State’s legalization of mobile gaming and issuance of its governing regulations, Oneida is entitled to adopt the State’s mobile gaming specifications into its Gaming Compact to offer statewide mobile gaming throughout New York, with no expiration date. No State approval will be required, and the Gaming Compact does not require any Oneida revenue sharing. Oneida would rely upon the State’s position that wagers are deemed to occur at the server to accept wagers placed from customers throughout the State, outside of the Oneida reservation.

By virtue of the State’s insistence that wagers placed within New York are deemed to be placed at the location of the server, the State would be estopped from challenging Oneida’s ability to accept statewide wagers at its on-reservation server. If the State challenges Oneida’s ability to accept statewide wagers at its on-reservation server, the State would undermine the constitutionality of its mobile sports betting program.

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Oneida's operation of statewide mobile sports betting under its Gaming Compact without revenue sharing would provide Oneida with a massive advantage in competing against New York's licensed operators, who will be paying to the State at a presumptive 50% (or greater) tax rate.

Oneida Waivers to Protect the Integrity and Sustainability of the State's Tax and Competitive Structure for its Mobile Sports Betting Program

The State needs to deal with Oneida's rights and privileges to protect the integrity and sustainability of the State's carefully sculpted tax and competitive structure for generating State revenues under its mobile sports betting program. Oneida is prepared to do its part to help. Upon issuance of mobile sports betting operator licenses to Caesars and Wynn, Oneida would provide the State with the following Oneida Waivers that would avoid risks to the integrity and sustainability of the State's mobile sports betting program:

1. Oneida Waiver of its gaming exclusivity with respect to mobile sports betting for the term of the license.

Upon issuance of mobile sports betting operator licenses to Caesars and Wynn, Oneida would issue to the State a waiver of the Settlement Agreement's exclusivity provision with respect to mobile sports wagers placed within the Oneida exclusivity zone to non-Oneida servers located in the State. The waiver would remain in effect for so long as Caesars and Wynn retain their mobile sports betting operator licenses and remain party to the Oneida Revenue Sharing Agreement.

2. Oneida Waiver of its right to adopt the State's mobile sports betting gaming specifications into the Oneida Gaming Compact.

Upon issuance of mobile sports betting operator licenses to Caesars and Wynn, Oneida reservation, Oneida would waive its right to operate tax-free statewide mobile sports betting pursuant to the Oneida Gaming Compact from servers located on the Oneida reservation. The waiver would remain in effect for so long as Caesars and Wynn retain their mobile sports betting operator licenses and remain party to the Oneida Revenue Sharing Agreement.

Additional Oneida Commitments to Enhance Revenue to the State

In addition to its Revenue Sharing Agreement set forth in section 6.7, the Oneida Indian Nation also will commit to reinvesting 100% of its revenues from its Revenue Sharing Agreement with Caesars and Wynn to funding programs and services, including public safety, health care, affordable housing, education and employment for Oneida's members and its non-Oneida employees in Central New York.

Saint Regis Mohawk Tribe:

The Akwesasne Mohawk Casino Resort represents an investment by the Saint Regis Mohawk Tribe in excess of \$230 million in construction and FF&E. And pre-pandemic, the Casino employed over 770 full and part time employees, with annual payroll exceeding \$31 million and annual supplier/vendor contracts exceeding \$37 million.

While the Oneida Indian Nation's geographic exclusivity rights broadly covers all Casino Gaming and Gaming Devices (as defined in its Compact), the Saint Regis Mohawk Tribe's geographic exclusivity under its Compact is limited to Slot Machines. Therefore, Oneida's posture and rights are different from Mohawk's. Nevertheless, the Mohawk Revenue Sharing Agreement includes a waiver during the term of

that Agreement of the Tribe's right, privilege, and opportunity to own or operate a mobile sports wagering business that directly competes with the Operator parties to that Agreement.

6.7 REVENUE-SHARING AGREEMENTS

If applicable, an Applicant shall provide an executed copy of any agreement that provides for sharing of mobile sports wagering revenue with a Native American tribe or nation that is party to a compact with the State.

Please see Part 6 Exhibit A – RSI Genting PointsBet Mohawk Revenue Share Agreement.pdf

6.8 PRICING MATRIX AND ACCOMPANYING ANALYSIS

Applicants shall complete and submit a pricing matrix, the form of which is set forth in Appendix B: Pricing Matrix. This matrix requires the Applicant to set forth the tax rate that an Applicant accepts under varying competitive scenarios of total Platform Providers and Operators. An Applicant must provide a tax rate that is fifty (50) percent or greater for its Preferred Scenario. However, if the Applicant's Preferred Scenario alone is less than the statutory minimum of two Platform Providers and four Operators, the Applicant must instead provide a tax rate that is fifty (50) percent or greater for such statutory minimum scenario. If an Applicant does not wish to participate in mobile sports wagering with particular levels of Platform Providers and Operators, the Applicant should enter a tax rate of 0 (zero). If a cell is left blank or unintelligible, such cell will be deemed to be a tax rate of 0 (zero).

In addition to the matrix, an Applicant shall submit an analysis using the Applicant's Preferred Scenario of Platform Providers and Operators. Such analysis shall contain the following:

- A. estimate of the total Mobile Sports Wagering Gross Gaming Revenue to be generated annually from all Platform Providers and Operators;
- B. the Applicant's estimated share of the Mobile Sports Wagering Gross Gaming Revenue to be generated annually from all Platform Providers and Operators;
- C. the Applicant's basis and methodology for estimates; and
- D. any other information that the Applicant believes relevant for the Committee to consider in maximizing sustainable, long-term revenue for the State

The Applicant also shall submit a similar analysis for each of the competitive scenarios for which the Applicant has responded on the Matrix. Given the slight variations between

scenarios, an Applicant is permitted to band or group various scenarios together for purposes of such analysis.

See tax binder.

6.9 INTERNAL CONTROLS

The Applicant shall provide a draft of its proposed internal controls in regard to the operation of mobile sports wagering in this State and a draft of the proposed internal controls of each of the proposed Operators for the Applicant's Platform in this State.

Please see the Operator's Internal Controls at Exhibit B.

6.7 REVENUE SHARING AGREEMENTS

EXHIBIT A

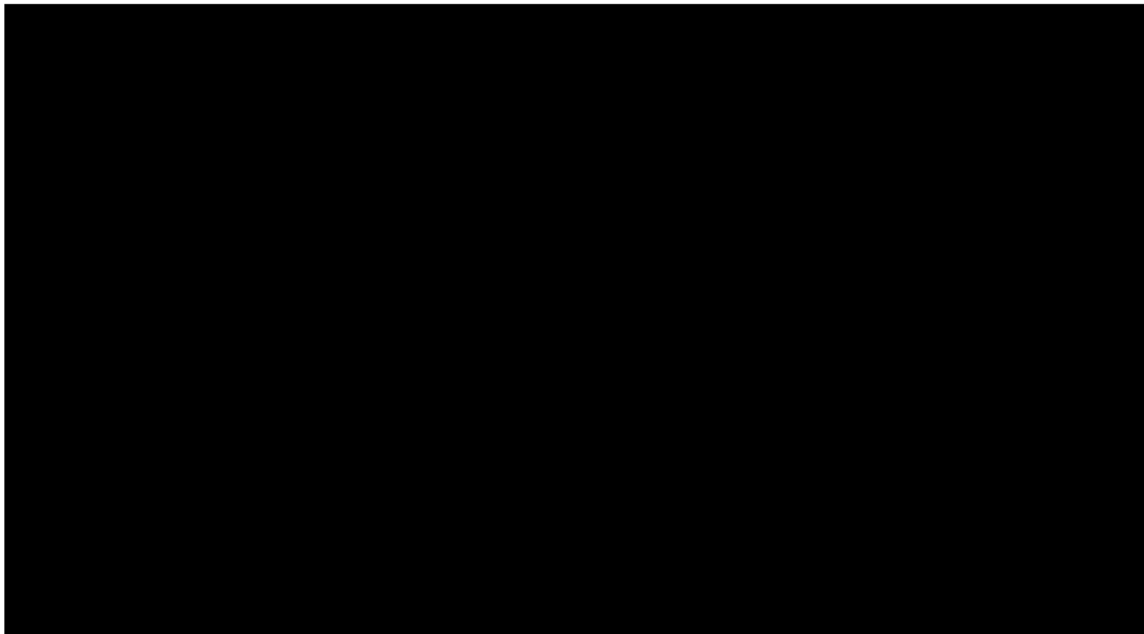
MOBILE SPORTS WAGERING REVENUE SHARING AGREEMENT

This agreement (“Agreement”) to share certain net revenues to be derived from the licensed operation of mobile sports wagering (“Mobile Sports Wagering”) in the State of New York, under the license, authority, and regulation of the New York State Gaming Commission (“Commission”), shall memorialize the terms and conditions agreed to between Rush Street Interactive, LP (“RSI”), with offices located at 900 N Michigan Ave, Chicago, IL; Empire Resorts, Inc. (a member of the Genting Group), with offices located at 204 State Route 17B, PO Box 5013, Monticello, NY (“ERI”); PointsBet New York LLC with offices located at 1331 17th Street, Suite 900, Denver, CO 80202 (“PB”) and Mohawk Gaming Enterprises, LLC, with offices located at 873 State Route 37, Akwesasne, New York (“MGE”) (with each individually a “Party,” and collectively referred to as the “Parties”).

WHEREFORE, the Parties hereby acknowledge the receipt of good and valuable consideration, the sufficiency of which is adequate, and in exchange the Parties agree as follows:

1. Term of Agreement. This Agreement shall be deemed effective upon the award of a Mobile Sports Wagering license (“MSW License”) to the applicant group consisting of RSI, ERI, and PB (and any other parties thereto) and shall continue in effect for the term of such License, including any renewals thereof.
2. Obligations Under MSW License. Responsibility for the operation of Mobile Sports Wagering under the MSW License shall be borne solely by RSI, ERI and PB, and MGE shall have no duties or obligations pertaining to the operation of Mobile Sports Wagering. MGE agrees that it shall cooperate with RSI, ERI and PB generally and shall use its best efforts to provide information relating to Mobile Sports Wagering and/or this Agreement as requested by the Commission or as otherwise reasonably requested by RSI, ERI and PB. Moreover, MGE is not responsible for the payment of any application costs or fees, license fees, or other payments required under the MSW License.

3.

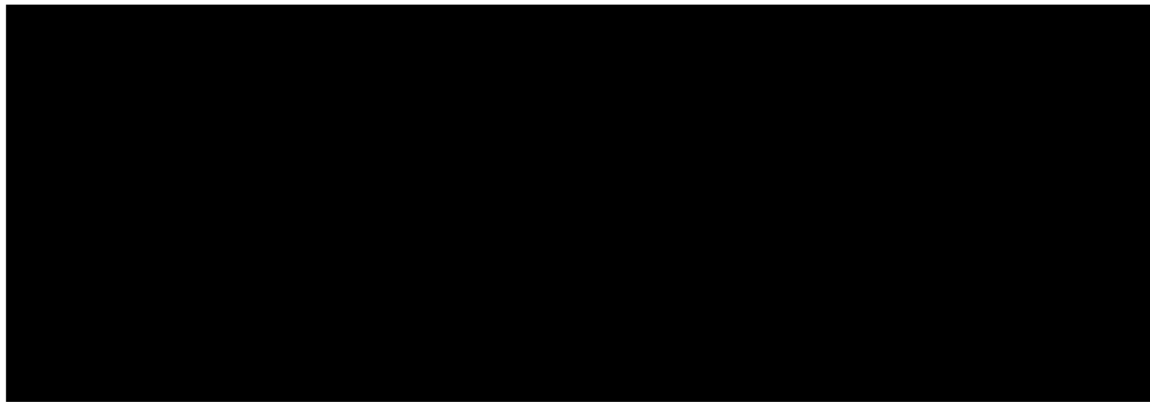


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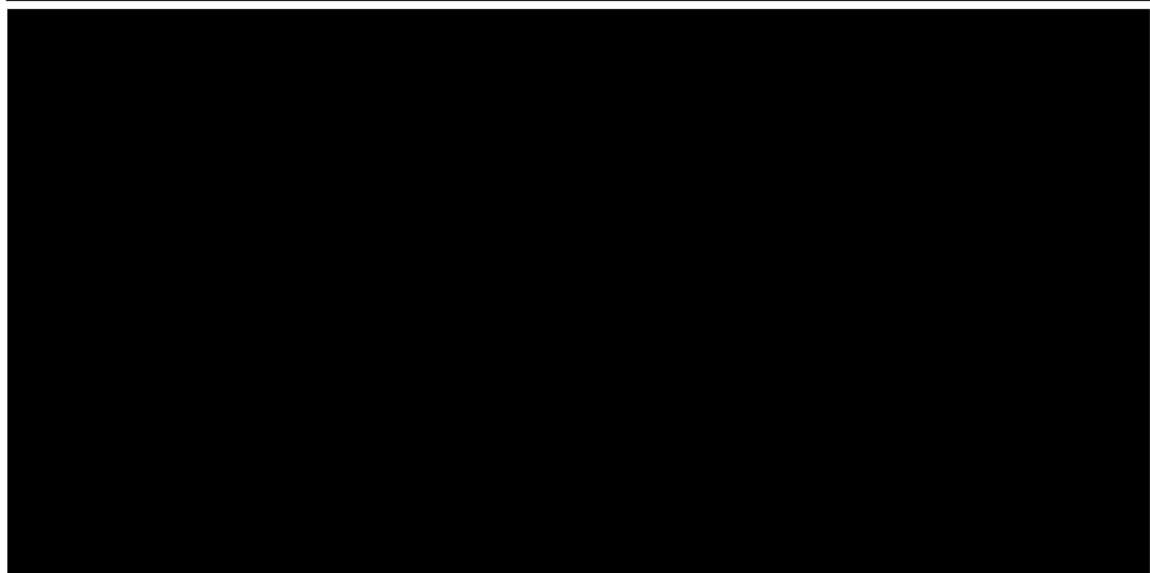
4.



5.



6.



7. Publicity. No Party shall issue a press release or other public marketing and communications materials without the consent of the other Parties, provided that nothing shall restrict any disclosure required by applicable laws, regulations, tribal ordinances or rules (including the rules of any stock exchange).

8. Miscellaneous Provisions.

- a. Each Party represents that it is duly authorized to enter into this Agreement and that it intends to be legally bound by terms contained herein.
- b. Nothing herein contained shall be deemed or construed to create a partnership or joint venture between the Parties hereto.
- c. No Party shall be liable to another for any delay in or failure of performance under this Agreement due to a Force Majeure occurrence. Any such delay in or failure of

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performance shall not constitute a default or give rise to any liability for damages. As herein used, "Force Majeure" means fire, explosion, action of the elements, governmental interference, rationing, pandemic, civil disruption, or any other cause which is beyond the control of the Party affected and which, by the exercise of reasonable diligence, said Party is unable to prevent.

- d. Each Party shall be solely responsible for its own negligence, as well as the negligence of any of its subcontractors, agents, employees, officers, or directors, and for any errors or omissions in performing its duties arising under this Agreement which result in damages to another party. Each Party shall indemnify, defend, and save harmless the other Parties, and their officers, employees, agents, assigns from and against any and all third-party claims, liabilities, losses, damages, costs, or expenses, including reasonable attorneys' fees, which are actually incurred, suffered, or required in whole or in part by an actual or alleged act or omission of such Party, including its subcontractors, agents, employees, officers, or directors.
- e. This Agreement shall be construed in accordance with the Laws of the State of New York.
- f. This Agreement replaces and supplants all prior agreements, verbal or written, between the Parties as pertaining to the matters contained herein. No amendment or modification of this Agreement shall be binding unless made in writing and signed by the Parties hereto.
- g. This Agreement may be executed in separate counterparts, each of which shall be deemed an original, and which together shall constitute one and the same instrument.

WHEREFORE, THE PARTIES HEREBY EXECUTE THIS AGREEMENT AND ACKNOWLEDGE, ACCEPT, AND AGREE TO BE BOUND BY THE TERMS CONTAINED HEREIN:

Rush Street Interactive, LP

By: Richard Schwartz 8/1/2021
DocuSigned by:
Richard Schwartz (date)
 Individual

Empire Resorts, Inc.

By: Kevin C. Jones 08/01/21
DocuSigned by:
Kevin C. Jones (date)
 Chief Strategy & Legal Officer

PointsBet New York LLC

By: _____
 (date)

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performance shall not constitute a default or give rise to any liability for damages. As herein used, "Force Majeure" means fire, explosion, action of the elements, governmental interference, rationing, pandemic, civil disruption, or any other cause which is beyond the control of the Party affected and which, by the exercise of reasonable diligence, said Party is unable to prevent.


- d. Each Party shall be solely responsible for its own negligence, as well as the negligence of any of its subcontractors, agents, employees, officers, or directors, and for any errors or omissions in performing its duties arising under this Agreement which result in damages to another party. Each Party shall indemnify, defend, and save harmless the other Parties, and their officers, employees, agents, assigns from and against any and all third-party claims, liabilities, losses, damages, costs, or expenses, including reasonable attorneys' fees, which are actually incurred, suffered, or required in whole or in part by an actual or alleged act or omission of such Party, including its subcontractors, agents, employees, officers, or directors.
- e. This Agreement shall be construed in accordance with the Laws of the State of New York.
- f. This Agreement replaces and supplants all prior agreements, verbal or written, between the Parties as pertaining to the matters contained herein. No amendment or modification of this Agreement shall be binding unless made in writing and signed by the Parties hereto.
- g. This Agreement may be executed in separate counterparts, each of which shall be deemed an original, and which together shall constitute one and the same instrument.

WHEREFORE, THE PARTIES HEREBY EXECUTE THIS AGREEMENT AND ACKNOWLEDGE, ACCEPT, AND AGREE TO BE BOUND BY THE TERMS CONTAINED HEREIN:

Rush Street Interactive, LP

By: _____
(date)

Empire Resorts, Inc.

By:  _____ 08/01/21
Kevin C. Jones (date)
Chief Strategy & Legal Officer

PointsBet New York LLC

By:  _____ 8/1/2021
Johnny Aitken (date)
US CEO

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Mohawk Gaming Enterprises, LLC

By: Emily Karpman ¹⁰⁵⁵ 8-1-2021
(date)

6.9 Internal Controls

Exhibit B

Exhibit B - Resorts World - Internal Controls

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