

Arkansas Racing Commission,

Thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Specifically I would like to make the following comments:

1. I support the published language of Rule 2 [2.13.4(b)] regarding the local officials' letters of support: only letters from the currently elected County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support.

2. I request that the Arkansas Racing Commission take note of the Pope County Ordinance, passed by 68% of county voters in the November election, which states that voters of Pope County shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

RULE 2.13.4(b) "All casino applicants for a casino license in Pope County and Jefferson County are required to submit either a letter of support from the county judge or a resolution from the quorum court in the county where the proposed casino is to be located and, if the proposed casino is to be located within a city or town, are also required to submit a letter of support from the mayor in the city or town where the casino applicant is proposing the casino to be located. All letters of support or resolutions by the Quorum Court, required by these Rules and the Amendment, shall be dated and signed by the County Judge, Quorum Court members, or Mayor holding office at the time of the submission of an application for a casino gaming license."

Again, thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Your consideration and time is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Linda C. Jones". The signature is written in black ink and is positioned below the word "Sincerely,".

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Wednesday, February 13, 2019 2:12 PM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW:
Attachments: image2019-02-13-141156.pdf

Received by mail.

Nikki Langston
Business Operations Specialist
Arkansas Racing Commission
Ph: 501-682-1467
Fax: 501-682-5273

From: DoNotReply@dfa.arkansas.gov <DoNotReply@dfa.arkansas.gov>
Sent: Wednesday, February 13, 2019 2:12 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Wednesday, February 13, 2019 2:21 PM
To: Byron Freeland; Susie Luce
Subject: FW:

-----Original Message-----

From: Smokey Campbell
Sent: Wednesday, February 13, 2019 2:20 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: FW:

-----Original Message-----

From: Linda Jones <lindajones926@gmail.com>
Sent: Monday, February 11, 2019 6:06 PM
To: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Subject:

Additionally, we believe the voters of Pope County are engaged and well informed about the issues affecting their community. So while the issue of a local option vote as mandated by our county ordinance is not addressed by the rules., it may be helpful to respectfully express your hope that the commission will also give weight to the voice of county voters in the application process.

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Wednesday, February 13, 2019 2:21 PM
To: Byron Freeland; Susie Luce
Subject: FW:

-----Original Message-----

From: Smokey Campbell
Sent: Wednesday, February 13, 2019 2:20 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: FW:

-----Original Message-----

From: Linda Jones <lindaciones926@gmail.com>
Sent: Monday, February 11, 2019 6:06 PM
To: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Subject:

Additionally, we believe the voters of Pope County are engaged and well informed about the issues affecting their community. So while the issue of a local option vote as mandated by our county ordinance is not addressed by the rules., it may be helpful to respectfully express your hope that the commission will also give weight to the voice of county voters in the application process.

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Wednesday, February 13, 2019 2:20 PM
To: Byron Freeland; Susie Luce
Subject: FW: Regarding the Pope County Casino Issue

From: Smokey Campbell
Sent: Wednesday, February 13, 2019 2:19 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: FW: Regarding the Pope County Casino Issue

From: Dana Halbert <danahalbert@suddenlink.net>
Sent: Monday, February 11, 2019 4:49 PM
To: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Subject: Regarding the Pope County Casino Issue

To: Arkansas Racing Commission

I have been a Pope County Citizen since 1970 and I wish to express my concern about the possibility of a casino coming to our county. Please consider two things:

- Only letters of support that are from our currently elected Mayor Richard Harris, County Judge Ben Cross and the Quorum Court and written at the time of application.
- Our Pope County Ordinance which passed by 68% in the November election and states that Pope County voters shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

I vote a strong NO to the casino.

Thank you for your consideration.

Dana Halbert
Russellville, Arkansas

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Wednesday, February 13, 2019 2:24 PM
To: Byron Freeland; Susie Luce
Subject: FW: Casino

From: Smokey Campbell
Sent: Wednesday, February 13, 2019 2:22 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: FW: Casino

From: James Corbin <dovercorbin88@gmail.com>
Sent: Tuesday, February 12, 2019 8:19 AM
To: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Subject: Casino

I ask that the Arkansas racing Commission take note of the Pope County Ordinance, passed by 68 percent of County voters in November election, which states that voters of Pope County shall vote by election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

Our Choice, Our Vote
James Corbin
Dover, Arkansas 72837

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Wednesday, February 13, 2019 2:25 PM
To: Byron Freeland; Susie Luce
Subject: FW: Comments on proposed rule change

-----Original Message-----

From: Smokey Campbell
Sent: Wednesday, February 13, 2019 2:22 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: FW: Comments on proposed rule change

-----Original Message-----

From: Dennis Boyd <dwboyd13@yahoo.com>
Sent: Tuesday, February 12, 2019 9:54 AM
To: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Subject: Comments on proposed rule change

To whom it may concern:

I'm in favor of the Racing Commission's proposed wording change to the Casino Gaming rules. I believe it is appropriate for the letters of support to originate from the current county judge and/or mayor.

It is noteworthy that the following Pope County elected officials also favor the proposed wording change to Rule 2: Pope County Judge Ben Cross, Russellville Mayor Richard Harris, Senator Breanne Davis, Representative Joe Cloud and members of the Pope County Quorum Court (with one member abstaining).

Based on my research, it is my understanding that Representative Vivian Flowers (D-Pine Bluff) also favors the wording change.

It is also noteworthy that during the last election, Pope County voters approved an ordinance (68% in favor) that would require a local vote of the people before any local officials could favor a casino.

I'm a registered voter residing in Russellville.

Dennis Boyd
1221 Marina Way
Russellville, AR 72802

BREANNE DAVIS

SENATOR
16TH DISTRICT
PHONE: 479-970-0081
breanne.davis@senate.ar.gov
POST OFFICE BOX 10088
RUSSELLVILLE, ARKANSAS 72812



THE SENATE
STATE OF ARKANSAS

VICE-CHAIR
TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS

MEMBER
JOINT BUDGET
LEGISLATIVE COUNCIL
CHILDREN AND YOUTH
EFFICIENCY
STATE AGENCIES AND GOVERNMENTAL AFFAIRS

February 13, 2019

Arkansas Racing Commission
1515 West 7th Street, Suite 505
Little Rock, Arkansas 72201

RE: Arkansas Racing Commission's Proposed Casino Gaming Rules

Dear Commissioners:

I am writing to express my support for the proposed casino gaming rules. In particular, your rule under Section 2.13 4(b) that states "All letters of support or resolutions by the Quorum Court, required by these Rules and the Amendment, shall be dated and signed by the Count Judge, Quorum Court members, or Mayor holding office at the time of the submission of an application for a casino gaming license."

Ensuring letters of support come from public office holders in office at the time a casino license application is submitted shows your commitment to an open, fair, and transparent process. With a situation like Pope County, where sixty percent of voters were opposed to a casino and forty percent in favor of, it is crucial that if a casino license is ever awarded in Pope County, it is after thoughtful community consideration.

A decision of this magnitude would have a lasting impact in our community. While some would argue a negative impact and others would argue a positive one, the most important part of this equation is that we decide together as a county. Your proposed rule allows us to do just that. I ask that you place this letter in the public comment file. Thank you for your time and attention in this matter. If I can be of further assistance in any way, please do not hesitate to contact me. Thank you for your commitment and service to our state.

Sincerely,

A handwritten signature in black ink that reads "Breanne Davis".

Breanne Davis
State Senator
District 16

BD:lr

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Wednesday, February 13, 2019 2:06 PM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW: Senator Breanne Davis - Arkansas Racing Commission's Proposed Casino Gaming Rules
Attachments: Senator Breanne Davis Letter.pdf

From: Rogers, Lesley A. <Lesley.rogers@Senate.Ar.Gov>
Sent: Wednesday, February 13, 2019 2:02 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: Senator Breanne Davis - Arkansas Racing Commission's Proposed Casino Gaming Rules

Hello Ms. Langston,

Please see the attached letter from Senator Breanne Davis regarding the Arkansas Racing Commission's proposed casino gaming rules. The hardcopy of the letter is also being mailed. Please do not hesitate to let me know if you have any questions or concerns.

Sincerely,

Lesley Rogers
Constituent Services Manager
Arkansas Senate
P: (501) 682-5957 / F: (501) 682-5850
lesley.rogers@senate.ar.gov

Susie Luce

From: Sharon Humphrey <skhumphrey7@gmail.com>
Sent: Wednesday, February 13, 2019 12:42 PM
To: Byron Freeland
Subject: Casino Rule 2 Wording

My name is Sharon Humphrey. I live in Russellville, AR at 514 Oak Hill Lane in Pope County. I want to voice my support of Rule #2 & specifically paragraph 2.13.4(b). This paragraph requires a casino applicant to have a letter of support from a CURRENT county judge or Quorum Court (and mayor if needed). Please do not change this wording!

Thank You,
Sharon K. Humphrey from my iPhone

Susie Luce

From: Ted Mackey <twmackey@hotmail.com>
Sent: Wednesday, February 13, 2019 10:55 AM
To: nikki.langston@dfa.arkansas.gov; Byron Freeland
Subject: Casino Gambling / Rule 2 and Paragraph 2.13.4(b)

Dear Madam and Sirs

I am a citizen of Pope County.

Rule # 2 covers the licensing process, and paragraph 2.13.4(b) directly affects both Pope and Jefferson Counties. I desire the Racing Commission know that this rule is fair, above board, transparent, beyond reproach, and makes perfect common sense as the as this paragraph requires the applicant letter of support from a CURRENT county judge of Quorum Court (and mayor if needed).

While the issue of a local option mandated by our county ordinance is not addressed by the rules, however I respectfully request the commission to give weight to the desires of the county voters in the application process. What good rational sense would it make for the racing commission and a casino operator to establish and operate a casino in a county where the county voters have already overwhelming rejected the established thereof?

Kind regards,

Ted Mackey

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Wednesday, February 13, 2019 12:28 PM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW: Racing Commission Rule #2 Casino Applications

From: Larry Humphrey <lhump77@suddenlink.net>
Sent: Wednesday, February 13, 2019 12:13 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: Racing Commission Rule #2 Casino Applications

My name is Larry Humphrey. I live in Russellville, AR at 514 Oak Hill Lane in Pope County. I want to voice my approval and support of Rule #2. Rule #2 covers the licensing process, and paragraph 2.13.4(b) directly affects both Pope and Jefferson Counties. This paragraph requires a casino applicant to have a letter of support from a CURRENT county judge or Quorum Court (and mayor if needed). Please do not change this wording!

With respect,
Larry W. Humphrey

Susie Luce

From: Matthew Scott <matthewtscott1026@hotmail.com>
Sent: Wednesday, February 13, 2019 10:07 AM
To: Byron Freeland
Subject: Casino in Pope County

Dear Commissioner,

I am a resident and registered voter of Pope County and Russelville, Arkansas.

I would like to express my opinion as a resident and voter.

The letters of support for a casino license to be granted was written by persons on their LAST day in office. They were written without the consent or majority of the citizens in our county and city. Therefore, I support Rule 2, that a license only be granted by an active member of public office giving their support.

Please disregard these letters and stand in favor of the majority of the citizens wishes and not the cowardly, deceitful letter of a lame duck official.

Sincerely,

Matthew Scott

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Wednesday, February 13, 2019 9:37 AM
To: Byron Freeland; Smokey Campbell
Cc: Susie Luce
Subject: FW: Thank you

From: Mary Barnes <mary.barnes@doverschools.net>
Sent: Tuesday, February 12, 2019 4:09 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: Thank you

Thank you for serving as part of the Racing Commission. I would like to express that I am in favor of Rule #2 dealing with the licensing process. I feel that having CURRENT elected officials is fair, clear, and makes perfect common sense.

I am a resident of Pope County and have lived her since 1980. I have raised my children here and taught for more than 30 years in Pope County.

Please continue to support Rule #2.

Sincerely,

--

Mary J. Barnes
Counselor
Dover Elementary
479-331-2702

Susie Luce

From: bettyjenkins@aol.com
Sent: Wednesday, February 13, 2019 9:36 AM
To: Byron Freeland
Subject: Rule #2 Pope County

Rule #2 covers the licensing process, and paragraph 2.13.4(b) directly affects both Pope and Jefferson Counties. This paragraph requires a casino applicant to have a letter of support from a CURRENT county judge or Quorum Court (and mayor if needed). We want to let the Racing Commission know that this rule is fair, clear, and makes perfect common sense. It lets us speak through our current elected officials.

I live in Pope County and want to go on record that I approve Rule #2 as outlined above. Additionally, I respectfully express my hope that the Commission will also give weight to the voice of the county voters in the application process.

Elizabeth (Bettye) A. Jenkins
801 S Glenwood Ave
Russellville, AR 72801

Susie Luce

From: JoAnnwhitney <jawwhitney@gmail.com>
Sent: Wednesday, February 13, 2019 9:05 AM
To: Byron Freeland
Subject: Racing Commission

I am a resident of Pope County and approve Rule#2.
Thank you

Jo Ann Whitney

Susie Luce

From: Dan Huckabay <danbobhuckabay@gmail.com>
Sent: Wednesday, February 13, 2019 6:16 AM
To: smokey.campbell@dfa.arkansas.gov; nikki.langston@dfa.arkansas.gov; Byron Freeland
Subject: Casino Issue Rule 2

I live in Pope County and I approve of Rule 2. Please consider this when the Board makes its decision.

Dan Huckabay
Dover,AR

Susie Luce

From: Michael Stiritz <michael@sanfordlawfirm.com>
Sent: Tuesday, February 12, 2019 11:16 PM
To: smokey.campbell@dfa.arkansas.gov; nikki.langston@dfa.arkansas.gov; Byron Freeland
Subject: Rule 2 regarding Casino Licensing

Racing Commissioners:

As a resident of Pope County, I am very interested in making sure that the rules you approve governing casino licensing are fair and appropriate. I encourage you to approve the published language of Rule 2 regarding the letters of support from local officials. Requiring that a letter of support come from a current elected official helps ensure that the affected counties have meaningful involvement in the application process. Current county judges, mayors, and quorum court members are accountable to the voters in their counties. They should be the ones to decide if a letter of support is issued. Allowing letters from lame-duck officials who may not have held any public discussions with casino applicants or sought any voter input is unfair and unworthy of our representative process.

Please stand behind Rule 2 as it's written and require the letter of support to come from a current official.

Thank you,
Michael Stiritz

Susie Luce

From: Jamie Sykes <jamie@fbcross.org>
Sent: Tuesday, February 12, 2019 5:22 PM
To: Byron Freeland
Subject: Racing commission

I would like to express my support of Rule #2 concerning the casinos in Arkansas. I live in Pope County. Thank you for your time.

Jamie Sykes
Russellville,AR

--

Jamie Sykes
479.970.3636

Susie Luce

From: Donny Barefield <dbare@suddenlink.com>
Sent: Tuesday, February 12, 2019 6:15 PM
To: Byron Freeland
Subject: Fw:

To whom it may concern.

I have lived in Pope County all my life, and in Russellville almost 57 years. I am are very much against the casinos coming to our precious city. We have very little crime and a wonderful place to raise the children. Please help us keep our city a clean and beautiful place to live. I votè for Rule #2.

Thank you,
Carolyn Barefield
303 Barborek Lane
Russellville Ar. 72802

Susie Luce

From: gthurb@suddenlink.net
Sent: Tuesday, February 12, 2019 7:50 PM
To: Byron Freeland
Subject: AGAINST a Casino in Pope County; FOR Rule #2 in Licensing Process

Thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas - specifically the proposed one in Pope County/Russellville.

First, my husband and I are both registered voters who live in Pope County/Russellville and voted AGAINST A CASINO in POPE County and FOR the Pope County Local Ordinance.

We SUPPORT the published language of RULE 2 regarding the local officials' letters of support; only letters of support from the current elected County Judge, Quorum Court or Mayor at the time of application should be considered as valid letters of support.

We are appalled that a lame duck mayor or a retiring county judge could dictate the future of our county and city by signing letters of support the last few days they were in office. These individuals do not represent the will of the people they were elected to support.

We voted FOR the local option vote as mandated by our Pope County Ordinance (passed by 68% of County voters in the November general election.) The ordinance states that voters of Pope County shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

We ask that the Commission give weight to the voice of the county voters in the application process.

Thank you for your consideration.

Gerald and Janet Thurber
Russellville
Pope County

Susie Luce

From: nanadjr@gmail.com
Sent: Tuesday, February 12, 2019 7:58 PM
To: Byron Freeland
Subject: Casino in Pope County

Having lived in Russellville for over 25 years, I enjoy the pace of life, peace and way of life we have here. I would ask that you would give weight to the voice of the voters of Pope County in this matter. I do approve of Rule #2.

Thank you

Donna Rowe

Never underestimate the power of a praying woman or one with a sewing machine

Susie Luce

From: summerknights@suddenlink.net
Sent: Tuesday, February 12, 2019 9:01 PM
To: Byron Freeland
Subject: Potential Pope County Casino and Racing Commission Rule review

Dear Mr. Freeland,

I have been a resident in Pope County for 30 years and would like to express my desire that a casino not be allowed in our city or county. The problems that a casino bring with it are not worth the financial gain. It also places the state in a predatory role gleaning revenue from some of our most vulnerable and needy residents. Many of the people affected most by these establishments are the children of those that are addicted to gambling.

Please consider retaining Rule #2 which covers the licensing process and requires a casino applicant to have a letter of support from a CURRENT county judge or Quorum Court. This rule is logical and lets the citizens speak through our current elected officials.

Please also note that the citizens of Pope County voted against State Amendment 4 which was written to allow a casino license in Pope County. The citizens of Pope County also passed a local ordinance that any such gaming facility would require a vote of the county citizens prior to allowing it to be constructed.

Thank you for listening to my input,

Sincerely,

Rex Knight

479-970-6187

Susie Luce

From: Roselinda Johnson <rbjohnson@live.com>
Sent: Tuesday, February 12, 2019 9:06 PM
To: Byron Freeland
Subject: casino

No need for Rule #2. Casino has already been approved by a letter from past Mayor & Judge.

Dr. Roselinda Johnson, Ed. D.
605 N. Mobile Ave.
Russellville, AR 72801

Voice: 479-968-7982

<mailto://rbjohnson@live.com>

Susie Luce

From: ambie@suddenlink.net
Sent: Tuesday, February 12, 2019 9:04 PM
To: Byron Freeland
Subject: Pope County Casino

Dear Mr. Freeland,

I have been a resident in Pope County for 49 years and would like to express my desire that a casino not be allowed in our city or county. The problems that a casino bring with it are not worth the financial gain. It also places the state in a predatory role gleaning revenue from some of our most vulnerable and needy residents. Many of the people affected most by these establishments are the children of those that are addicted to gambling.

Please consider retaining Rule #2 which covers the licensing process and requires a casino applicant to have a letter of support from a CURRENT county judge or Quorum Court. This rule is logical and lets the citizens speak through our current elected officials.

Please also note that the citizens of Pope County voted against State Amendment 4 which was written to allow a casino license in Pope County. The citizens of Pope County also passed a local ordinance that any such gaming facility would require a vote of the county citizens prior to allowing it to be constructed.

Thank you for listening to my input,

Sincerely,

Amberly Knight

479-970-6187

Susie Luce

From: Young, Angela Shiriene <ayoung7@atu.edu>
Sent: Tuesday, February 12, 2019 9:37 PM
To: smokey.campbell@dfa.arkansas.gov; nikki.langston@dfa.arkansas.gov; Byron Freeland

Dear Racing Commissioners,

Thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas.

Specifically, I would like to make the following comments:

1. I support the published language of Rule 2 [2.13.4(b)] regarding the local officials' letter of support stating that only letters from the currently elected County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support.

2. I request that the Arkansas Racing Commission take note of the Pope County Ordinance, passed by 68% of the county voters in the November election, which states that the voters of Pope County shall vote by election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court. I appreciate your attention to this matter, and I hope the commission will give weight to the voice of county voters in the application process.

Thank you for your service to the state of Arkansas.

Sincerely,
Angela Tereza

Susie Luce

From: Kelly Whitney <creyente@suddenlink.net>
Sent: Wednesday, February 13, 2019 9:21 AM
To: Byron Freeland
Subject: Rule #2

I'm a Pope County resident and I approve of Rule #2

Sent from my iPad

Susie Luce

From: Kenneth Startup <kennethstartup@yahoo.com>
Sent: Tuesday, February 12, 2019 4:41 PM
To: Byron Freeland
Subject: Fw. Please support Rule 2

Dear Mr. Freeland,

As a citizen of Pope County, I implore you to support Rule 2 and allow the local citizens of this community to have a clear voice, through their current elected -- and accountable -- officials in the matter of the proposed casino. In supporting Rule 2, you will be reinforcing the core democratic ideals that we all treasure. It seems only fair and reasonable that the local citizens -- those most directly impacted by the proposed casino -- should have a clear, unimpeded voice on this serious issue.

Again, I implore you to support Rule 2.

Respectfully,
Kenneth M. Startup

Susie Luce

From: Claudia Mendoza <cmendoza@fbcruss.org>
Sent: Tuesday, February 12, 2019 4:26 PM
To: Byron Freeland
Subject: Approve Rule #2

Dear Racing Commission I am a current resident of Russellville in Pope county and I approve Rule #2

My cell phone is 479-747-8996, should you have any questions.

Thanks!

Claudia Mendoza

Missions/Facilities Administrative Assitant

First Baptist Church

200 S. Denver Ave.

Russellville, AR 72801

Office (479) 968-1316

Fax (479) 968-3310

Mon.-Fri. 9am-3pm

Susie Luce

From: jacobson@suddenlink.net
Sent: Tuesday, February 12, 2019 3:41 PM
To: smokey.campbell@dfa.arkansas.gov; nikki.langston@dfa.arkansas.gov; Byron Freeland

To: Arkansas Racing Commission

I am a resident of Pope County in support of Rule #2 which is currently under consideration re: the application for & licensing of casinos in Arkansas. This rule is needed so that Pope County residents can speak to current officials re: a casino in our county.

I also ask that you consider in the application process the voice of the county voters, who voted overwhelmingly against a casino being licensed in Pope County.

Thank you for your consideration,

Julie Jacobson
455 N. Oaks Lane
Russellville, AR 72802

Susie Luce

From: hwillia81@suddenlink.net
Sent: Tuesday, February 12, 2019 4:22 PM
To: smokey.campbell@dfa.arkansas.gov; nikki.langston@dfa.arkansas.gov; Byron Freeland
Subject: Vote for Rule 2

We against having a casino in Pope County. Please support Rule 2 on this matter. We live in Pope County.

Anne and Harold Williams

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 3:51 PM
To: Byron Freeland, Susie Luce
Cc: Smokey Campbell
Subject: FW: Pope County Casino

-----Original Message-----

From: David Rasmusson <drasm22@suddenlink.net>
Sent: Tuesday, February 12, 2019 3:49 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: Pope County Casino

Ms. Langston -

As a Pope county resident and registered voter, I am strongly opposed to any casino development in my home county. That said, I support the proposed rule requiring a statement of support from currently elected officials before any casino development can proceed. I believe this is the best and most democratic way to hold my local leaders accountable for their decisions.

Further, I ask you to consider the results from the recent non-binding county ordinance that rejected Pope county casino development by a nearly 70% majority of county voters.

Thank you for your consideration.

David C. Rasmusson
114 Grand Vista Dr.
Russellville AR. 72802

Sent by DC Rasmusson

Susie Luce

From: David Rasmusson <drasm22@suddenlink.net>
Sent: Tuesday, February 12, 2019 3:50 PM
To: Byron Freeland
Subject: Pope County Casino

Mr. / Mrs. bfreeland

As a Pope county resident and registered voter, I am strongly opposed to any casino development in my home county. That said, I support the proposed rule requiring a statement of support from currently elected officials before any casino development can proceed. I believe this is the best and most democratic way to hold my local leaders accountable for their decisions.

Further, I ask you to consider the results from the recent non-binding county ordinance that rejected Pope county casino development by a nearly 70% majority of county voters.

Thank you for your consideration.

David C. Rasmusson
114 Grand Vista Dr.
Russellville AR. 72802

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 3:48 PM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW: rule 2

-----Original Message-----

From: Harrell, Rick <rick.harrell@jostens.com>
Sent: Tuesday, February 12, 2019 3:47 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: rule 2

Please adopt Rule 2 as it is currently proposed by the Arkansas Racing Commission concerning license application for casinos. I currently serve as an alderman on the Russellville city council and believe that this is in the best interests for the citizens of Russellville and Pope County.

Sincerely,

Rick Harrell
Rick Harrell
PO Box 1169
Russellville, AR 72811
[\[http://www.jostens.com/apps/jcom/static/latest/app/jcom/4.0/img/jostens-logo@small.png\]](http://www.jostens.com/apps/jcom/static/latest/app/jcom/4.0/img/jostens-logo@small.png)
Capture | Celebrate | Inspire

Susie Luce

From: M Jones <mattjon332@gmail.com>
Sent: Tuesday, February 12, 2019 2:58 PM
To: smokey.campbell@dfa.arkansas.gov; nikki.langston@dfa.arkansas.gov; Byron Freeland
Subject: Rule #2

Fully support rule #2!

It is just logical that the local authorities should have more say in whether or not a casino comes to them, than the gambling money push their ways into areas the community does not want. Please think about this!

BR//Matt

Susie Luce

From: Patricia Bubbus <pkbubbus@hotmail.com>
Sent: Tuesday, February 12, 2019 3:12 PM
To: Byron Freeland
Subject: Pope County Casino

I live in Pope County and approve of Rule #2

Patricia Bubbus

Susie Luce

From: Leslie Hesselbein <121leslieanne@gmail.com>
Sent: Tuesday, February 12, 2019 3:10 PM
To: Byron Freeland
Subject: Pope County Resident

I live in Pope County and I approve of Rule #2.

Rule #2 covers the licensing process, and paragraph 2.13.4(b) directly affects my county. This paragraph requires a casino applicant to have a letter of support from a CURRENT county judge or Quorum Court (and mayor if needed). I believe that this rule is fair, clear, and makes perfect common sense. It lets us speak through our current elected officials.

While the issue of a local option vote, as mandated by our county ordinance, is not addressed by the rules, I would also like to respectfully express my hope that the commission also give weight to the voice of county voters in the application process.

Thank you.

--

For to me, to live *is* Christ, and to die *is* gain.
-Philippians 1:21

Susie Luce

From: K Hunter <klhunter92@yahoo.com>
Sent: Tuesday, February 12, 2019 3:21 PM
To: Byron Freeland
Subject: I approve of rule 2 and live in Pope County

To whom it may concern:
I'm a legal resident of Pope County and I approve of rule #2.
Thank you,
Kristi Hunter

Sent from Yahoo Mail for iPhone

Susie Luce

From: Caitlin Harrison Pennington <chpennington1@gmail.com>
Sent: Tuesday, February 12, 2019 3:30 PM
To: smokey.campbell@dfa.arkansas.gov; nikki.jangston@dfa.arkansas.gov; Byron Freeland
Subject: Pope County Casino Update

To whom it may concern:

My husband and I live in Pope County (Russellville, AR city limits) and we **STRONGLY** are in favor of approving Rule #2 and keeping the decisions of adding casinos **LOCAL**.

Thank you,

Kyle & Caitlin Pennington

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 2:49 PM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW:
Attachments: image2019-02-12-145003.pdf

Received by mail.

Nikki Langston
Business Operations Specialist
Arkansas Racing Commission
Ph: 501-682-1467
Fax: 501-682-5273

From: DoNotReply@dfa.arkansas.gov <DoNotReply@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 2:50 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:

RESOLUTION NO. 1695

A RESOLUTION OBJECTING TO THE PROPOSED STATE CONSTITUTIONAL AMENDMENT TO AUTHORIZE CASINO GAMING IN THE CITY OF RUSSELLVILLE FOR FAILING TO INCLUDE IN THE AMENDMENT A LOCAL OPTION FOR THE RESIDENTS OF THE CITY TO HOLD A SEPARATE SUBSEQUENT SPECIAL ELECTION TO HAVE THE FINAL DECISION ON THE APPROVAL OF CASINO GAMING IN THE CITY AND FOR OTHER PURPOSES

WHEREAS, the issuance of four licenses for casino gaming, one (1) of which would be for the geographical area of Pope County, Arkansas, shall be submitted to the voters of the State of Arkansas in the form of a proposed state constitutional amendment to the state constitution; and

WHEREAS, the proposed state constitutional amendment makes no allowance for the input of residents in Pope County or any city in Pope County should the proposed constitutional amendment be passed by the voters of the State of Arkansas; and

WHEREAS, the City Council of the City of Russellville, Arkansas, believes that the proposed state constitutional amendment should have had a local option which the residents of Pope County or any city in Pope County to be able to have a separate vote by special election to determine locally whether they want casino gaming in Pope County or any city in Pope County; and

WHEREAS, the City Council desires to express its opinion on the matter by this Resolution.

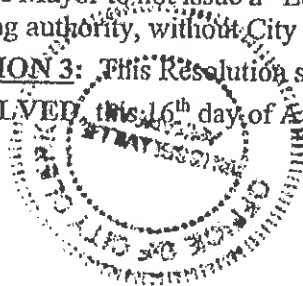
NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS, THAT:

SECTION 1: The City Council of the City of Russellville, Arkansas, objects to the proposed state constitutional amendment regarding casino gaming because of its failure to have a local option for the residents of any city in Pope County, which includes the City of Russellville, to have a separate subsequent special election, should the proposed state constitutional amendment pass in a statewide election, to ultimately determine approval of casino gaming in either Pope County or any city in Pope County.

SECTION 2: If the proposed state constitutional amendment regarding casino gaming passes in the state election but fails in the Pope County election returns, then the City Council request that the Mayor not issue a "Letter of Support" to the Arkansas Racing Commission or other governing authority, without City Council authorization.

SECTION 3: This Resolution shall go into effect immediately upon passage.

RESOLVED, this 16th day of August, 2018.



RANDY HORTON, MAYOR

ATTEST:

PAT TAYLOR,
CITY CLERK-TREASURER

APPROVED AS TO LEGAL FORM:

WILLIAM F. SMITH III,
CITY ATTORNEY

I, Pat Taylor, City Clerk-Treasurer of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Resolution No. 1694 passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 16th day of August, 2018.

*We are attesting
a casino in Pope Co.*

*Carmel and Ann Anderson
30 Narrows RD
Russellville AR 72858*

RESOLUTION NO. 2018-A-6

A RESOLUTION CONCERNING A CASINO IN POPE COUNTY, ARKANSAS

WHEREAS, the issue of a Constitutional Amendment regarding a casino being in Pope County, Arkansas will be voted on by the voters of the State of Arkansas in November, 2018; and

WHEREAS, if the casino passes in a Statewide election, but fails in Pope County, then the Quorum Court encourages the Pope County Judge to not issue a "letter of support" to the Office of Casino Gaming.

NOW THEREFORE BE IT RESOLVED BY THE QUORUM COURT OF POPE COUNTY, ARKANSAS: That the voters of Pope County, Arkansas in the November 2018 election should determine whether or not a casino is built in Pope County, Arkansas.

RESOLVED, this 5 day of July, 2018.

DATE: 7-5-18

APPROVED:

UN-SIGNED

JIM ED GIBSON, COUNTY JUDGE
DATE SIGNED: _____

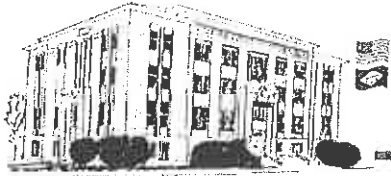
ATTEST:

UN-SIGNED

LAURA McGUIRE, COUNTY CLERK

VOTES FOR: 12 VOTES AGAINST: 0
ABSTAIN: 0 PRESENT: 12 ABSENT: 1

A-309



PAM ENNIS
POPE COUNTY CLERK

100 West Main Street Russellville, AR 72801
(479) 968-6064 Fax (479) 967-2291
clerk@popcountyar.org



February 8, 2019

RE: Endorsement Proposed Rule Change

Arkansas Racing Commission,

Please find enclosed a letter drafted and signed by 11 of 13 members of the Pope County Quorum Court dated February 7, 2019 endorsing the proposed rule change that would exclude the letters of support authored by former Pope County Judge Jim Ed Gibson and former Russellville Mayor Randy Horton whose terms ended December 31, 2018, before any rules were established.

Thank you,

Pam Ennis,
Pope County Clerk

February 7th, 2019

Members of the Arkansas Gaming Commission,

Thank you for the opportunity to express our opinion on the proposed rule change. As reflected in July of 2018 in a unanimous resolution, the Pope County Quorum Court reaffirmed its commitment to ensure the right of Pope County citizens to have a voice on something that would have such a strong impact on our community. Furthermore, in the election held on November 6, 2018, the citizens of Pope County voted against Amendment 100 (Arkansas Issue 4 on the ballot). In addition, an ordinance was on the ballot during that same election which professed to prohibit the Pope County Judge from authoring a letter in support of any casino operator without first calling a special election. That measure passed with 68% of the vote. We continue to support the people's decision and their right to decide. This letter simply wishes to clearly state that the elected members of the Pope County Quorum Court respect the will of the voters of Pope County as it was expressed on Election Day. We endorse the proposed rule change that would exclude the letters of support authored by the Pope County Judge and Mayor of Russellville whose terms ended on December 31, 2018, before any rules were established. We thank you for your time and consideration on this important topic. Should the will of the people of Pope County change at some point in the future, we will address the issue again. In the meantime, please do not hesitate to contact us with any questions.

Sincerely,

The undersigned Justices of the 2019-2020 Pope County Quorum Court

Justice Phillip Haney, District 1

Justice Blake Tarpley, District 7

Justice Caleb Moore, District 2

Justice Doug Skelton, District 8

Justice Tim Whittenburg, District 3

Justice Bill Sparks, District 9

Justice Reuben Brown, District 4

Justice James Kusturin Jr., District 10

Justice Jackie Hefflin, District 5

Justice Ray Black, District 11

Justice Linnie Jackson, District 6

Justice Joseph Pearson, District 12

Justice Ernie Enchebayer Ph.D., District 13

RESOLUTION NO. 2018-R-6

A RESOLUTION CONCERNING A CASINO IN POPE COUNTY, ARKANSAS

WHEREAS, the issue of a Constitutional Amendment regarding a casino being in Pope County, Arkansas will be voted on by the voters of the State of Arkansas in November, 2018; and

WHEREAS, if the casino passes in a Statewide election, but fails in Pope County, then the Quorum Court encourages the Pope County Judge to not issue a "letter of support" to the Office of Casino Gaming.

NOW THEREFORE BE IT RESOLVED BY THE QUORUM COURT OF POPE COUNTY, ARKANSAS: That the voters of Pope County, Arkansas in the November 2018 election should determine whether or not a casino is built in Pope County, Arkansas.

RESOLVED, this 5 day of July, 2018.

DATE: 7-5-18

APPROVED:

UN-Signed

JIM ED GIBSON, COUNTY JUDGE
DATE SIGNED: _____

ATTEST:

UN-Signed

LAURA MCGUIRE, COUNTY CLERK

VOTES FOR: 12 VOTES AGAINST: 0
ABSTAIN: 0 PRESENT: 12 ABSENT: 1

A-309

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 12:21 PM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW:
Attachments: image2019-02-12-122204.pdf

Received by mail.

Nikki Langston
Business Operations Specialist
Arkansas Racing Commission
Ph: 501-682-1467
Fax: 501-682-5273

From: DoNotReply@dfa.arkansas.gov <DoNotReply@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 12:22 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:



February 8, 2019

Arkansas Racing Commission
1515 West 7th Street, Suite 505
Little Rock, Arkansas 72201

Re: Public Comments on Arkansas Racing Commission's Sports Wagering Regulations

Dear Commissioners:

As Division I collegiate athletic program leaders within this state, and on behalf of the universities, coaches, administrators, student athletes and athletic programs that we represent, we respectfully write to offer input with respect to the proposed rulemaking by the Arkansas Racing Commission ("Commission") relating to sports wagering, enacted by adopted and promulgated by the Arkansas Racing Commission pursuant to Amendment No. 100 of the Constitution of the State of Arkansas of 1874, also known as the *Arkansas Casino Gaming Amendment of 2018*.

Our collective goal is to ensure that the sports wagering framework adopted by the Commission not only protects fans and safeguards the integrity of the collegiate sporting events that serve as the foundation of lawful sports wagering in Arkansas, but also protects our coaches, staff and student athletes from exploitation, corruption, and improper influence.

No one can deny the tremendous financial and reputational harm that a sports betting scandal would cause to our state universities and student athletes, along with the millions of fans, alumni and donors who support them. The loss of confidence in the integrity of our events (and the State's gaming licensees) would be irreparable. Given such risks, we believe the Commission's regulations must reflect the important role that our colleges, universities, and their sports governing bodies play in any lawful sports wagering framework. It is our sincere hope that the regulatory structure adopted will reflect and encourage genuine partnership among all parties involved, and that its implementation will strengthen the relationship between the Commission and this states' colleges and universities.

To this end, we have identified two key areas of concern that we believe must be addressed by the Commission in its promulgation of sports wagering regulations in order to maintain the integrity of our collegiate sporting events.

1. Protections that restrict certain persons and types of wagers that carry a greater risk of student-athlete exploitation and collegiate game integrity; and
2. Enhanced communications and information sharing among casino licensees, sports books, the Commission, in-state colleges and universities and their governing bodies.

Accordingly, we propose the following language to address these concerns:

20.010 Definitions

21. "Sports pool" means a business that accepts wagers on sporting events or other events, other than horse or other animal races.

22. "Sporting event" means any athletic event, game, scrimmage, practice, match, tournament, meet, competition, race, or contest by a team, individual, or other group of individuals.

23. "Wagering account" means a wagering account as that term is defined in Rule 4.225.

24. "Wagering communication" means the transmission of a wager between a point of origin and a point of reception by aid of a communications technology, including computers or mobile application on mobile devices or other approved interactive devices approved by the Commission.

25. "Wagering instructions" means the instructions given to an operator of a call center by a patron who maintains a wagering account at a book to effect a wagering communication to the book.

20.120 Prohibited wagers; exception for an event other than a horse race, greyhound race, or an athletic sports event.

1. No wagers may be accepted or paid by any book on:

- (a) Any amateur sport or athletic event other than:
 - (1) Olympic sporting or athletic events sanctioned by the International Olympic Committee, subject to limitation by the Commission or the Commission's designee in the Commission's sole and absolute discretion, and
 - (2) Collegiate sporting or athletic events;
- (b) Any collegiate sporting or athletic event which a licensee, sports book, their directors, officers, employees, subcontractors, or agents know or reasonably should know, is being placed by, or on behalf of:
 - (1) a coach or participant in that collegiate sporting event; each licensee shall take reasonable steps to prevent the circumvention of this Rule; or
 - (2) a person placing a wager as a proxy or agent for a participant in that collegiate sporting event; or
 - (c) wagers related to an individual action, event, statistic, occurrence, or non-occurrence to be determined during a collegiate sporting event, including but not limited to, in-game proposition bets on the performance or non-performance of a team or an individual participant during a collegiate sporting event; or
 - (d) The outcome of any election for any public office both within and without the State of Arkansas; or
 - (e) Any event, regardless of where it is held, involving a professional team whose home field, a court, or base is in Arkansas, or any event played in Arkansas involving a professional team, if, not later than 30 days before an event or the beginning of a series of events, the team's governing body files with the Commission a written request that wagers on the event or series of events be prohibited, and the Commission approves the request;

- (e) Any virtual event unless: (1) An approved gaming device is used to determine the outcome(s) and to display an accurate representation of the outcome(s) of the virtual event; (2) A live display of the virtual event is offered to all approved sports pools; and (3) The virtual event is approved pursuant to the procedures set forth in subsection 1(f); or and (f) Any event other than a horse race, greyhound race, or an athletic-sporting event, unless such event is:
- (1) Administratively approved by the Commission in writing in accordance with subsection 3;
 - (2) After referral from the Commission, approved by the Commission in accordance with subsection 5; or (3) Approved by the Commission after review pursuant to Regulation 4.190 or, if applicable, approved by the Commission after review pursuant to Regulation 4.195.

(g) Each licensee shall take commercially reasonable steps to prevent the circumvention of these Rules by its owners, officers, board members, agents, employees, race books, sports pools, and subcontractors. (i) No person identified in (a) through (f) of this subsection is permitted to wager or collect any winnings or recoup any losses from a licensee as a result of engaging in wagering on a sporting event in violation of this section. (j) Winnings of a person prohibited from engaging in wagering on a under this section shall be forfeited to the Arkansas Racing Commission.

9. For the purposes of these Rules, "participant" means any (a) coach, contestant, athlete, player, trainer, manager, analyst, graduate assistant, athletic staff or volunteer, referee, umpire, linesman, judge, score keeper, or other official associated with a sporting event, and the governing body overseeing the sporting event; and (b) person identified by a sports or athletic team or its governing body who is in a position sufficient to exert authority or influence over a participant related to a sporting event, or who may have access to non-public confidential information regarding a participant or a team related to a sporting event, which may include without limitation, a medical or healthcare provider, relative, guardian, trustee, administrator, supervisor, investigator, teacher, instructor, tutor, agent, creditor, financial planner, attorney, handler, caretaker, adviser, counselor, security official, mentor, tutor, clergy, or other confidant.

10. In determining which persons are participants excluded from placing wagers under this section, licensees shall use publicly available information and any lists of such persons that the sports or athletic team and/or its governing body may provide to the Commission. A collegiate sports or athletic team located in the State of Arkansas and its governing body or league, may provide to the Arkansas Racing Commission a list of all persons within the teams' organization, as well as all league officials or referees prohibited from engaging in sports wagering under this section, along with the specific type of collegiate sporting events from which the person is prohibited from participating in sports wagering activities. The Commission shall provide that list of persons identified by the in-state collegiate sports or athletic team and its governing body or league to licensees to facilitate the sports wagering prohibitions of this section.

20.121 Reports of suspicious transactions.

1. As used in this section, "suspicious transaction" means a transaction which a book knows or, in the judgment of it or its directors, officers, employees or agents, has reason to suspect: (a) is, or would be if completed, in violation of, or is part of a plan to violate or evade, any federal, state or local law or regulation; (b) is, or would be if completed, wagering by, or on behalf of, a ~~book~~ participant in a sporting event or other event on such event; (c) abnormal betting activity or patterns that may indicate a concern with the integrity of a sporting event or events; (d) any potential breach of the relevant sports governing body's

internal rules and codes of conduct pertaining to sports wagering; (e) any other conduct that may improperly influence a betting outcome of a sporting event or events for purposes of financial gain, including without limitation "match fixing" and "point shaving"; or (fe) Has no business or apparent lawful purpose or is not the sort of transaction the particular patron would normally be expected to perform, and the book knows of no reasonable explanation for the transaction after examining the available facts, including the background of the transaction.

2. A book: (a) Shall file with the Commission, by using a form developed by the Commission, a report of any suspicious transaction, if it involves or aggregates to more than \$5,000 in funds or other assets or involves a collegiate sporting or athletic event regardless of the amount; and (b) May file a report of any suspicious transaction, regardless of the amount if the licensee believes it is relevant to the possible violation of any law or regulation.

3. The report in subsection 2(a) shall be filed no later than 30 calendar days after the initial detection by the licensee of facts that may constitute a basis for filing such a report. In situations involving violations that require immediate attention, the licensee shall immediately notify, by telephone, the Commission in addition to timely filing a report.

4. A licensee shall maintain a copy of any report filed and the original or business record equivalent of any supporting documentation for a period of five years from the date of filing the report. Supporting documentation shall be identified, and maintained by the licensee as such, and shall be deemed to have been filed with the report. A licensee shall cooperate fully with any investigation conducted by the Commission and any appropriate law enforcement agencies and make all supporting documentation available to the Commission and any appropriate law enforcement agencies upon request.

5. The Commission and Licensees shall also cooperate with any investigations conducted by sports governing bodies and in-state colleges and universities related to their sporting events, including but not limited to facilitating the provision of account-level betting information and audio or video relating to prohibited persons placing wagers upon written request of a governing body or institution.

6. A licensee and its directors, officers, employees, or agents who file a report pursuant to this Rule shall not notify any person involved in the transaction that the transaction has been reported. Any report filed with the Commission under this subsection, as well as any information provided or received by a sports governing body or an in-state college or university related to an investigation under this Rule, is confidential and is privileged and may be disclosed only by the Commission in the necessary administration of their duties and responsibilities under the Amendment, unless disclosure is required by the Commission, court order or other applicable law. Any report, whether written or oral, is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

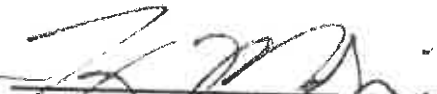
7. Licensees shall maintain records of all bets and wagers placed, including personally identifiable information of the bettor, amount and type of bet, time the bet was placed, location of the bet, the outcome of the bet, records of abnormal betting activity, and video camera recordings in the case of in-person wagers for at least three (3) years after the sporting event occurs and make such data available for inspection upon request of the Commission, or as required by court order or other applicable law.

8. If a sports governing body or in-state college or university has notified the Commission that real-time information sharing for wagers placed on its sporting events is necessary and desirable, Licensees shall share, at no cost and in real time the information required to be retained under subsection 7 of this section (excluding video files which may be provided later, but within a reasonable time) with the sport's governing body, in-state college or university, or their respective designees related to wagers on their sporting events.

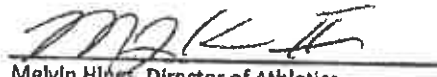
Thank you for providing us the opportunity to submit our comments. We sincerely believe these proposed regulations will not only help to protect our student athletes, coaches, and the integrity of the underlying sporting events, but will also lead to a more secure and sustainable environment for sports wagering in Arkansas. We look forward to further opportunities to work together and discuss any questions you or your staff may have regarding these comments.

Respectfully submitted,


Hunter Yurachek, Director of
Athletics University of Arkansas


Terry Mohajir, Director of Athletics
Arkansas State University


Chasse Conque, Athletic Director
University of Arkansas at Little Rock


Melvin Hines, Director of Athletics
University of Arkansas at Pine Bluff

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 12:03 PM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW:
Attachments: image2019-02-12-120337.pdf

Received by mail.

Nikki Langston
Business Operations Specialist
Arkansas Racing Commission
Ph: 501-682-1467
Fax: 501-682-5273

From: DoNotReply@dfa.arkansas.gov <DoNotReply@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 12:04 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:

Dear Arkansas Racing Commission:

Thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Specifically I would like to make the following comments:

1. I support the published language of Rule 2 [2.13.4(b)] regarding the local officials' letters of support: only letters from the currently elected County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support.

2. I request that the Arkansas Racing Commission take note of the Pope County Ordinance, passed by 68% of county voters in the November election, which states that voters of Pope County shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

Sincerely,



Concerned Pope County Citizen

Additional comments:

*Russelsville is a lovely College-town
and we want to keep it lovely.*

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 11:59 AM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW:
Attachments: image2019-02-12-120008.pdf

Received by mail (Joyce Larkin)

Nikki Langston
Business Operations Specialist
Arkansas Racing Commission
Ph: 501-682-1467
Fax: 501-682-5273

From: DoNotReply@dfa.arkansas.gov <DoNotReply@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 12:00 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:

Dear Racing Commission,

Thank you for accepting letters regarding the casino proposal in Pope County. I work for the city so for obvious reasons, I must write this letter anonymously. This new administration is adamantly one sided when dealing with the casino. Not only are they publicly against it, they have even gone as far as calling some employers in town recommending punishing employees who are openly supporting the venture. This is not right and should not be tolerated. If you decide to block the previous letters you have received, you will NOT receive new ones. I feel like it is your duty, per the constitution, to issue a license for a casino in Pope County. Please do your what Arkansas voted and uphold the constitution, therefore upholding the letters you already have. Do not allow this biased corruption to take place.

Thank you for your time and consideration.

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 11:57 AM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW:
Attachments: image2019-02-12-115838.pdf

Received by mail

Nikki Langston
Business Operations Specialist
Arkansas Racing Commission
Ph: 501-682-1467
Fax: 501-682-5273

From: DoNotReply@dfa.arkansas.gov <DoNotReply@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 11:59 AM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:

2-5-19

Arkansas Racing Commission,

Thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Specifically I would like to make the following comments:

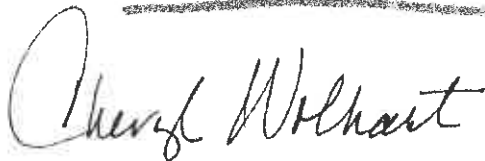
1. I support the published language of Rule 2 [2.13.4(b)] regarding the local officials' letters of support: only letters from the currently elected County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support.

2. I request that the Arkansas Racing Commission take note of the Pope County Ordinance, passed by 68% of county voters in the November election, which states that voters of Pope County shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

RULE 2.13.4(b) "All casino applicants for a casino license in Pope County and Jefferson County are required to submit either a letter of support from the county judge or a resolution from the quorum court in the county where the proposed casino is to be located and, if the proposed casino is to be located within a city or town, are also required to submit a letter of support from the mayor in the city or town where the casino applicant is proposing the casino to be located. All letters of support or resolutions by the Quorum Court, required by these Rules and the Amendment, shall be dated and signed by the County Judge, Quorum Court members, or Mayor holding office at the time of the submission of an application for a casino gaming license."

Again, thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Your consideration and time is appreciated.

Sincerely,



CHERYL WOLHART
11 Sunfish Ct.
Russellville, AR 72802

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 11:53 AM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW:
Attachments: image2019-02-12-115502.pdf

Received by mail (Cheryl Wolhart)

Nikki Langston
Business Operations Specialist
Arkansas Racing Commission
Ph: 501-682-1467
Fax: 501-682-5273

From: DoNotReply@dfa.arkansas.gov <DoNotReply@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 11:55 AM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:

Arkansas Racing Commission from Judith N. Ellis

Subject: Arkansas Racing Commission from Judith N. Ellis
From: john ellis <johnandjudyellis@centurytel.net>
Date: 2/5/2019 3:35 PM
To: smokey.campbell@dfa.arkansas.gov, nikki.langston@dfa.arkansas.gov,
bfreeland@mwlaw.com
CC: johnandjudyellis@centurytel.net

TO WHOM IT MAY CONCERN:
February 5, 2019

Thank you for the opportunity (and privilege) to comment on the new proposed regulations governing casinos in Arkansas. Specifically, I would like to make the following comments:

1. I support the published language of Rule 2 [2.13.4 (b)] regarding the local officials' letters of support: only letters from the currently elected County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support.
2. I request that the Arkansas Racing Commission take note of the Pope County Ordinance, passed by 68% of county voters in the November election, which states that voters of Pope County shall vote by an election of support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

Once again, thank you for the opportunity to comment.

Yours truly,
Judith N. Ellis
450 Cliff Road
Russellville, AR 72802
479-890-5815
Birthdate: January 21, 1939
BCC and CC to myself, via the above email address

*Here is a copy of the email I sent to
the above listed persons (emails).*

Thank you.

Judith N Ellis

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 11:55 AM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW:
Attachments: image2019-02-12-115646.pdf

Received by mail (Judith Ellis)

Nikki Langston
Business Operations Specialist
Arkansas Racing Commission
Ph: 501-682-1467
Fax: 501-682-5273

From: DoNotReply@dfa.arkansas.gov <DoNotReply@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 11:57 AM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:

2-5-19

Arkansas Racing Commission,

Thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Specifically I would like to make the following comments:

1. I support the published language of Rule 2 [2.13.4(b)] regarding the local officials' letters of support: only letters from the currently elected County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support.

2. I request that the Arkansas Racing Commission take note of the Pope County Ordinance, passed by 68% of county voters in the November election, which states that voters of Pope County shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

RULE 2.13.4(b) "All casino applicants for a casino license in Pope County and Jefferson County are required to submit either a letter of support from the county judge or a resolution from the quorum court in the county where the proposed casino is to be located and, if the proposed casino is to be located within a city or town, are also required to submit a letter of support from the mayor in the city or town where the casino applicant is proposing the casino to be located. All letters of support or resolutions by the Quorum Court, required by these Rules and the Amendment, shall be dated and signed by the County Judge, Quorum Court members, or Mayor holding office at the time of the submission of an application for a casino gaming license."

Again, thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Your consideration and time is appreciated.

Sincerely, *Frank P. Wolhant*

Frank P. Wolhant
11 Sunfish Ct.
Russellville, AR 72802

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 11:52 AM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW:
Attachments: image2019-02-12-115133.pdf

Received by mail (Frank Walhart)

Nikki Langston
Business Operations Specialist
Arkansas Racing Commission
Ph: 501-682-1467
Fax: 501-682-5273

From: DoNotReply@dfa.arkansas.gov <DoNotReply@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 11:52 AM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 9:42 AM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW: Casinos in Pope County

-----Original Message-----

From: John Henry Jones <johnhenryjones926@gmail.com>
Sent: Monday, February 11, 2019 5:36 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: Casinos in Pope County

Additionally, we believe the voters of Pope County are engaged and well informed about the issues directly affecting their community. So while the issue of a local option vote as mandated by our county ordinance is not addressed by the rules, it may be helpful to respectfully express your hope that the commission will also give weight to the voice of county voters in the application process.

Respectfully
John Henry Jones
926 Ridgeview Lane
Russellville Ar. 72802

Sent from my iPad
Sent from my iPad

Susie Luce

From: John Henry Jones <johnhenryjones926@gmail.com>
Sent: Monday, February 11, 2019 5:37 PM
To: Byron Freeland
Subject: Casino in Pope County

Additionally, we believe the voters of Pope County are engaged and well informed about the issues directly affecting their community. So while the issue of a local option vote as mandated by our county ordinance is not addressed by the rules, it may be helpful to respectfully express your hope that the commission will also give weight to the voice of county voters in the application process.

Respectfully

John Henry Jones
926 Ridgeview Lane
Russellville Ar. 72802

Sent from my iPad

Sent from my iPad

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 9:42 AM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW:

-----Original Message-----

From: Linda Jones <lindajones926@gmail.com>
Sent: Monday, February 11, 2019 6:14 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:

Additionally, we believe the voters of Pope County are engaged and well informed about the issues directly affecting their community. So while the issue of a local option vote as mandated by our county ordinance is not addressed by the rules, it may be helpful to respectfully express your hope that the commission will also give weight to the voice of county voters in the application process.

Susie Luce

From: Dana Halbert <danahalbert@suddenlink.net>
Sent: Monday, February 11, 2019 5:06 PM
To: Byron Freeland
Subject: Regarding the Pope County Casino Issue

To: Arkansas Racing Commission

I have been a Pope County Citizen since 1970 and I wish to express my concern about the possibility of a casino coming to our county. Please consider two things:

- Only letters of support that are from our currently elected Mayor Richard Harris, County Judge Ben Cross and the Quorum Court and written at the time of application.
- Our Pope County Ordinance which passed by 68% in the November election and states that Pope County voters shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

I vote a strong NO to the casino.

Thank you for your consideration.

Dana Halbert
Russellville, Arkansas

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 12, 2019 9:41 AM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW: Regarding the Pope County Casino Issue

From: Dana Halbert <danahalbert@suddenlink.net>
Sent: Monday, February 11, 2019 4:53 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: Regarding the Pope County Casino Issue

To: Arkansas Racing Commission

I have been a Pope County Citizen since 1970 and I wish to express my concern about the possibility of a casino coming to our county. Please consider two things:

- Only letters of support that are from our currently elected Mayor Richard Harris, County Judge Ben Cross and the Quorum Court and written at the time of application.
- Our Pope County Ordinance which passed by 68% in the November election and states that Pope County voters shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

I vote a strong NO to the casino.

Thank you for your consideration.

Dana Halbert
Russellville, Arkansas

Susie Luce

From: Janet Fryar <janetfryar2@gmail.com>
Sent: Friday, February 08, 2019 11:29 AM
To: smokey.campbell@dfa.arkansas.gov; Nikki Langston; Byron Freeland
Subject: draft rules for the casinos

I am writing a second time on the draft rules for casinos and hope this is acceptable.

This comment addresses Rule 2 concerning Minimum Qualification for Non-Franchisor Applicant (as did my first letter).

My concern is that the language concerning a Quorum Court - as found in Amendment 100 and Draft Rule 2, exemplifies how poorly the writer of Issue 4/ Amendment 100 understood the workings of the Quorum Court (and perhaps my understanding is also lacking, I am not a lawyer.)

On Page 16 of Procedural Guide for Quorum Court Meetings - it states:

A.C.A. § 14-14-913 governs the adoption and amendment of resolutions. A resolution is defined as the adoption of a formal statement of policy by a quorum court. A resolution may be used whenever the quorum court wishes merely to express an opinion as to some matter of county affairs. It shall not serve to compel any executive action

As I stated I am not a lawyer, so I'm glad a lawyer is looking at this letter. If a resolution is "merely to express an opinion" and does "not compel any executive action" how could a resolution ever be accepted as a letter of support compelling an action in the county, i.e. the acceptance of a casino on behalf of the citizens that they represent.

I think this is possibly a matter for the Attorney General office or perhaps this Amendment needs revisiting by the legislature.

I have perused Amendment 55 also concerning the operation of the County Judge and Quorum Court, and think that Amendment 100 might conflict with some of the rules governing the actions available to a county judge.

Thank you for your consideration in this matter.

Respectfully,

Janet Fryar



Richard Harris
Mayor
2-8-2019

Mr. Alex Lieblong and Racing Commissioners,

In regard to the proposed language affecting an application for a casino in Pope and Jefferson County, this letter is to request that the Commission vote in support of the language as currently written, "All letters of support or resolutions by the Quorum Court, required by these Rules and the Amendment, shall be dated and signed by the County Judge, Quorum Court members, or Mayor holding office at the time of the submission of an application for a casino gaming license."

Additionally, please note that in support of the Racing Commission's current language, Arkansas Senate Bill 185 was passed in the Senate by an overwhelming vote of 32 -1, with 2 voting present. This Senate Bill clarifies the law resulting from the Arkansas Casino Gaming Amendment 100 regarding requirements for a casino license application by requiring a letter from the current County Judge, Quorum Court members, or Mayor be submitted with an application for a casino. A similar bill will be discussed in the House during this legislative session and is expected to also pass.

The citizens of the respective counties and cities deserve the right to hold their current elected officials accountable and to allow the current administration an opportunity to fully consider all options and to fairly represent their constituents.

Thank you for your consideration on this matter,

A handwritten signature in black ink, appearing to read "R. Harris", with a long horizontal line extending to the right.

Richard Harris
Mayor of Russellville, AR

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Monday, February 11, 2019 12:41 PM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW:
Attachments: image2019-02-11-124251.pdf

Received by mail.

Nikki Langston
Business Operations Specialist
Arkansas Racing Commission
Ph: 501-682-1467
Fax: 501-682-5273

From: DoNotReply@dfa.arkansas.gov <DoNotReply@dfa.arkansas.gov>
Sent: Monday, February 11, 2019 12:43 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Monday, February 11, 2019 11:23 AM
To: Byron Freeland; Susie Luce
Subject: FW: Pope County Casino

From: Smokey Campbell
Sent: Monday, February 11, 2019 11:20 AM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: FW: Pope County Casino

From: mikebr54@gmail.com <mikebr54@gmail.com>
Sent: Sunday, February 10, 2019 11:31 AM
To: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Subject: Pope County Casino

Dear Mr. Campbell,

I'm not sure if this is the correct manner to write to the Gaming Commission about the proposed rules regarding which County or City officials can write a letter of support for a casino. I have been a resident of Pope County and a registered voter since I moved here in 1974 to attend Arkansas Tech after getting out of the Regular Army. I also retired from the Arkansas National Guard in 2001.

I feel very strongly Pope County and the State of Arkansas needs the revenue the citizens of Arkansas voted for in the November 2018 General Election. Pope County has a very tight knit group of leaders that want to control every aspect of life in the County. If it does not fit their agenda, these individuals will rally their base to see the deck is stacked. The outgoing Mayor of Russellville and Pope County Judge knew this. Both men received accolades for their job performance for the City and County until they bucked this group of people, then all of a sudden, they were the scourge.

I'm sure the dissent is based on some kind of financial arrangement but I have no proof of this other than my many years of watching politics in this city / county. I can say the State deserves to keep our tax dollars in the State and not send it to Oklahoma, Mississippi and Missouri. Pope County and Russellville need good jobs, places for our young people and elderly to work without having to leave the area. The Corporation that our ex mayor and county judge supported will bring entertainment, great dining, a facility to use for conventions and a resort local people can enjoy.

There is only going to be one casino so the hyperbole about crime, drugs, despair and the erosion of civility is just scare tactics to force people to succumb to select few peoples agenda. This is similar to the stunt Lu Hardin did to the the state many, many years ago on the percentage of voters it took to get a wet dry amendment on the ballot. We all know what happened to the honorable Lu Hardin and his hidden agenda.

I humbly ask you to use what influence you have to let stand the letters of support submitted to the racing commission by the prior Mayor and County Judge.

Thanks,

Michael L. Brafford
2615 Bradley Ln
Russellville, AR 72801
623 308 1651
mikebr54@gmail.com

Arkansas Racing Commission,

Thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Specifically I would like to make the following comments:


1. I support the published language of Rule 2 [2.13.4(b)] regarding the local officials' letters of support: only letters from the currently elected County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support.

2. I request that the Arkansas Racing Commission take note of the Pope County Ordinance, passed by 68% of county voters in the November election, which states that voters of Pope County shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

RULE 2.13.4(b) "All casino applicants for a casino license in Pope County and Jefferson County are required to submit either a letter of support from the county judge or a resolution from the quorum court in the county where the proposed casino is to be located and, if the proposed casino is to be located within a city or town, are also required to submit a letter of support from the mayor in the city or town where the casino applicant is proposing the casino to be located. All letters of support or resolutions by the Quorum Court, required by these Rules and the Amendment, shall be dated and signed by the County Judge, Quorum Court members, or Mayor holding office at the time of the submission of an application for a casino gaming license."

Again, thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Your consideration and time is appreciated.

Sincerely,


DON BURNHAM

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Monday, February 11, 2019 12:30 PM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW:
Attachments: image2019-02-11-123111.pdf

Received by mail (Donald Burnham)

Nikki Langston
Business Operations Specialist
Arkansas Racing Commission
Ph: 501-682-1467
Fax: 501-682-5273

From: DoNotReply@dfa.arkansas.gov <DoNotReply@dfa.arkansas.gov>
Sent: Monday, February 11, 2019 12:31 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:

Arkansas Racing Commission,

Thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Specifically I would like to make the following comments:


1. I support the published language of Rule 2 [2.13.4(b)] regarding the local officials' letters of support: only letters from the currently elected County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support.

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RULE 2.13.4(b) "All casino applicants for a casino license in Pope County and Jefferson County are required to submit either a letter of support from the county judge or a resolution from the quorum court in the county where the proposed casino is to be located and, if the proposed casino is to be located within a city or town, are also required to submit a letter of support from the mayor in the city or town where the casino applicant is proposing the casino to be located. All letters of support or resolutions by the Quorum Court, required by these Rules and the Amendment, shall be dated and signed by the County Judge, Quorum Court members, or Mayor holding office at the time of the submission of an application for a casino gaming license."

Again, thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Your consideration and time is appreciated.

Sincerely,


Linda Burnham

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Monday, February 11, 2019 12:14 PM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbeli
Subject: FW:
Attachments: image2019-02-11-121527.pdf

Received by mail (Linda Burnham)

Nikki Langston
Business Operations Specialist
Arkansas Racing Commission
Ph: 501-682-1467
Fax: 501-682-5273

From: DoNotReply@dfa.arkansas.gov <DoNotReply@dfa.arkansas.gov>
Sent: Monday, February 11, 2019 12:15 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:

Racing Commission

Please! the last
thing we need is
more places to gamble

My nephew living in
Ft S with a large fortune
his mother + father
left him because it
was so easy for him to
go into Oklahoma and
gamble. He died not being
able to pay his rent.

Please! no more
places to gamble

David Lee
1114 B Bradley Ln
Russellville, AR
72801
479-975-4120

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 19, 2019 9:50 AM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW:
Attachments: image2019-02-19-095015.pdf

Received by mail (David Lee)

This is the only letter I received this morning!

Thank you,
Nikki Langston
Business Operations Specialist
Arkansas Racing Commission
Ph: 501-682-1467
Fax: 501-682-5273

From: DoNotReply@dfa.arkansas.gov <DoNotReply@dfa.arkansas.gov>
Sent: Tuesday, February 19, 2019 9:50 AM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:



Susie Luce

From: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Sent: Tuesday, February 19, 2019 9:53 AM
To: Byron Freeland; Susie Luce
Subject: FW: Proposed Casino Rules - Arkansas Racing Commission

From: Norma Duvall <pop100@centurytel.net>
Sent: Thursday, February 14, 2019 2:26 PM
To: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Subject: FW: Proposed Casino Rules - Arkansas Racing Commission

From: Norma Duvall <pop100@centurytel.net>
Sent: Thursday, February 14, 2019 2:22 PM
To: 'smokey.campbell@dfa.arkansas.gov'
Subject: FW: Proposed Casino Rules - Arkansas Racing Commission

From: Norma Duvall <pop100@centurytel.net>
Sent: Thursday, February 14, 2019 6:34 AM
To: smokey.campbell@dfa.arkansas.gov; nikki.langston@dfa.arkansas.gov; bfreeland@mwlaw.com
Subject: Proposed Casino Rules - Arkansas Racing Commission

Dear Racing Commissioners,

Thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Specifically I would like to make the following comments:

1. I support the published language of Rule 2[2.13.4(b)] regarding the local officials' letters of support stating that only letters from the currently elected County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support.
2. I request that the Arkansas Racing Commission take note of the Pope County Ordinance Passed by 68% of county voters in the November election, which states that the voters of Pope County shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

I appreciate your attention to this matter, and I hope the commission will give weight to the voice of county voters in the application process.

Thank you for your service to the state of Arkansas.

Sincerely,

Norma C Duvall



Susie Luce

From: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Sent: Tuesday, February 19, 2019 9:59 AM
To: Byron Freeland; Susie Luce
Subject: FW: Casino proposal for Pope County

From: Amparo Bartlett <amparobartlett@yahoo.com>
Sent: Monday, February 18, 2019 1:49 PM
To: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Subject: Casino proposal for Pope County

I am writing to oppose the acceptance of the letters written by former Mayor Randy Horton and former County Judge Jim Gibson regarding the acceptance of a proposed casino in Pope County.

Amparo Barlett
44Sunfish Avenue
Russellville, AR 72802

Sent from Yahoo Mail for iPhone

Susie Luce

From: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Sent: Tuesday, February 19, 2019 10:00 AM
To: Byron Freeland; Susie Luce
Subject: FW: Representative Flowers - Letter of Support
Attachments: Flowers LOS.pdf

From: Gruber, Emily A. <emily.gruber@arkansashouse.org>
Sent: Monday, February 18, 2019 4:28 PM
To: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Cc: Flowers, Vivian <vivian.flowers@arkansashouse.org>
Subject: Representative Flowers - Letter of Support

Mr. Campbell,

I am submitting this letter on behalf of State Representative Vivian Flowers to be included with the public comment packet regarding proposed rules for Amendment 100 to the Arkansas Constitution. Because of the cutoff date for comments, I am sending this electronically as well as by USPS. Hard copies will follow for the racing commissioners and the commission attorney.

Thank you,
Emily Gruber

Emily Gruber
House Member Services
emily.gruber@arkansashouse.org
(501) 682-7771



STATE OF ARKANSAS

House of Representatives

February 18, 2019

Mr. Smokey Campbell
Commission Manager
Arkansas Racing Commission
P.O. Box 3076
Little Rock, AR 72203

Dear Mr. Campbell:

I am writing to voice my support for the proposed rules, which would serve to best achieve the intentions of voters concerning Amendment 100 to the Arkansas Constitution.

The latest change to the proposed rules, requiring endorsements from government officials to come at the time an application for a casino gaming license is submitted, is one that will close a loophole and hold all parties to a known standard. It will also allow for transparency and local input in this important process.

I would also like to support and emphasize the recommendations submitted by Mr. Keith Miller. These recommendations should be considered as no-cost measures that would prevent and address gambling addiction when included in the rules and regulations. Options such as prohibiting ATMs on casino floors, letting individuals use "self-exclusions," and taking time to observe and evaluate credit lines would go far in easing the potential impact of problem gambling.

If you would like to discuss these matters further, or if I may offer additional testimony, please do not hesitate to contact me.

Sincerely,

Vivian Flowers
State Representative
District 17

REPRESENTATIVE

Vivian Flowers

P. O. Box 3156

Pine Bluff, Arkansas 71611-3156

870-329-8356 Business

vivian.flowers@arkansashouse.org

DISTRICT 17

Counties:

Part Jefferson

COMMITTEES:

Public Transportation

Agriculture, Forestry and Economic
Development

Joint Committee on Advanced
Communications and Information
Technology

Legislative Joint Auditing Committee

Mr. Campbell
02/18/2019
Page 2

cc: Mr. Byron Freeland, Racing Commission Attorney
Mr. Denny East, Racing Commissioner
Mr. Bo Hunter, Racing Commissioner
Mr. Mark Lamberth, Racing Commissioner
Mr. Steve Landers, Racing Commissioner
Mr. Alex Lieblong, Racing Commissioner
Mr. Michael Post, Racing Commissioner
Mr. Butch Rice, Racing Commissioner

Susie Luce

From: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Sent: Tuesday, February 19, 2019 10:00 AM
To: Byron Freeland; Susie Luce
Subject: FW: casino proposal in pope county

From: Flora Owens <floraowens@hotmail.com>
Sent: Monday, February 18, 2019 3:07 PM
To: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Subject: casino proposal in pope county

may I request your office not to give any consideration to the former county judge (Jim Gibson) and former Russellville mayor (Randy Horton) letters of approval to establish a casino in pope county.
thank you.

Flora Owens
2503 west second court
Russellville, AR 72801
floraowens@hotmail.com

✓

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 19, 2019 9:23 AM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW:

From: Carol Horn <Carol101@suddenlink.net>
Sent: Sunday, February 17, 2019 4:10 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:

I support Rule 2 [paragraph 2.13.4(b)] requiring a casino applicant to have letters of support from CURRENT local county judge or quorum court (and mayor, if needed). This rule is fair, clear and allows voters to speak through our current elected officials. I appreciate the Arkansas Racing Commission's work to clarify this issue.

As a citizen of Pope County, it is my hope that the Commission will also consider the voice of affected local county voters in the application process.

Thank you.

Carol Horn
1307 Whippoorwill Lane
Russellville, AR 72801

Sent from Mail for Windows 10



February 18, 2019

Via Email: Nikki.Langston@dfa.arkansas.gov

Arkansas Racing Commission
1515 West 7th Street, Suite 505
Little Rock, Arkansas 72201

Re: Arkansas Racing Commission's Proposed Sports Wagering Regulations – Rule 20

Dear Commissioners:

In response to the proposed rulemaking by the Arkansas Racing Commission (“Commission”) relating to sports wagering, DraftKings Inc. (“DraftKings”) submits the following comments based on its operational knowledge and its consumers’ experience using the DraftKings sportsbook platform. As the leading mobile sportsbook operator in the state of New Jersey and a market participant in multiple regulated sport wagering jurisdictions in the United States, DraftKings has first-hand experience with the topics addressed in the proposed regulations.

The importance of a competitive mobile sports wagering market cannot be overstated. It is well documented that a thriving underground sports wagering industry currently exists throughout the United States. The American Gaming Association estimates that annually there is \$150 billion wagered illegally in this country on sporting events, and \$346 million illegally wagered on sporting events in Arkansas, the overwhelming majority of which is wagered online through offshore websites. These illegal offshore websites have thrived for decades in the United States, all while providing no consumer protections and paying no taxes. The reality is that without a competitive mobile sports wagering market there will be no way for licensed operators to adequately compete with the illegal offshore market. Without the convenience of a mobile sports wagering market, residents of Arkansas will continue to place their sports wagers in the illegal offshore market in lieu of driving to a limited number of sportsbooks at a few locations throughout the state. As a result, Arkansas will fail to realize its full market potential and consumers will not have protection.

While we appreciate the difficult task the Commission faces in determining the appropriate environment for sports wagering in the state of Arkansas, DraftKings encourages the Commission to closely examine the regulated sports betting landscape throughout the United States for guidance. An examination of New Jersey and Mississippi presents a compelling case study as to the importance of a mobile sports wagering market.



New Jersey has established itself as the early leader among the states that have chosen to regulate sports wagering following the invalidation of the Professional and Amateur Sports Protection Act of 1992 (“PASPA”) last year. In January 2019, New Jersey generated more than \$385 million in sports wagers, with approximately 80% of the amount wagered being placed via a mobile device. The percentage of total wagers placed via a mobile device has increased month over month since mobile launched in the state in August 2018. Despite retail sports betting being available starting in June 2018 – two months prior to DraftKings launching the first mobile product in the state – mobile wagering already accounts for 67% of the more than \$1.6 billion wagered in New Jersey through January 2019.¹

Conversely, Mississippi chose to limit the availability of sports wagering to on casino premises only. Following an August 2018 launch, Mississippi generated roughly \$158 million in total sports wagers in 2018.² This amount is far less than the market potential with statewide mobile wagering. Allen Godfrey, Executive Director of the Mississippi Gaming Commission, acknowledged the importance of mobile sports wagering while testifying during a Louisiana Senate Judiciary hearing in October 2018 stating, “If you want to do something to suppress illegal sports betting - mobile betting is the way to go.”³

DraftKings respectfully suggests the below modifications to the Commission’s proposed sports wagering rules to most effectively allow the state of Arkansas to compete with the thriving illegal offshore market. By embracing mobile sports wagering, the state of Arkansas will maximize the revenue generated for the state and provide much needed consumer protections that are nonexistent in the illegal offshore market.

20.010 Definitions. As used in this Rule:

1. “Account wagering system” means a system of wagering using telephone, computer or other method of wagering communication as approved by the Commission, including mobile applications and other digital platforms that utilize communications technology, whose necessary components shall be located in this State and shall be consistent with federal law. ~~The components shall include, but not be limited to, the systems operator, permanent information databases, system monitoring equipment, writers, and patron service representatives.~~

...

¹ All data available at <https://www.nj.gov/oag/oe/financialandstatisticalinfo.html>

² All data available at http://www.msngamingcommission.com/index.php/reports/monthly_archive/2018

³ <https://www.legalsportsreport.com/25267/louisiana-sports-betting-hearing/>



THE GAME INSIDE THE GAME.

4. "Cash" means coin and currency that circulates and is customarily used and accepted as money, in the issuing nation, cash equivalent, credit or debit card, promotional funds, ACH transfer, and any other method approved by the Commission.

...

20. "Sports event" or "sporting event" means any professional sport or athletic event, collegiate sport or athletic event, motor race event, electronic sports event, competitive video game event, or any other special event authorized by the Commission under these Rules.

201. "Wagering account" means a wagering account as that term is defined in these Rules.

242. "Wagering communication" means the transmission of a wager between a point of origin and a point of reception by aid of a communications technology, including computers or mobile application on mobile devices or other approved interactive devices approved by the Commission.

223. "Wagering instructions" means the instructions given to an operator of a call center by a patron who maintains a wagering account at a book to effect a wagering communication to the book.

20.020 License required; applications.

1. No person may operate or own any interest in a race book or sports pool in Arkansas unless that person holds a Casino license or has entered into an agreement – subject to Commission approval - to operate a race book or sports pool on behalf of a Casino licensee.

~~20.055 Remote / Off premises wagers prohibited.~~

~~Licenseses / books shall not accept wagers from any person who is not physically present on the Licensee's / franchise holder's premises. Patrons may place wagers on horse and greyhound races pursuant to Ark. Code Ann. § 23-111-508(e)(1) and Ark. Code Ann. § 23-110-405(e)(1).~~

20.060 Acceptance of wagers.

1. Books may not accept wagers unless made with eCash, chips or other representatives of value approved by the Commission, or against credits made to a wagering account as provided for in Rule 20.160 or on credit extended in accordance with the Rules of the Commission. A book shall accept wagers only on its licensed premises, and only at betting stations approved by the Commission or through an account wagering system that has been approved by the Commission. The casino licensee may utilize kiosks for wagering transactions in conjunction with an approved system in a location approved by the Commission. On a daily basis, an operator of a book shall remove the bill validator boxes in the kiosks (the sports pool kiosk drop). The sports pool kiosk drop shall be monitored and recorded by surveillance. The casino licensee shall submit the sports



pool kiosk drop schedule to the Commission. The casino licensee's accounting department shall reconcile the kiosks on a daily basis pursuant to internal controls. Any variance of \$ 500.00 or more shall be documented by the accounting department and reported in writing to the Commission within 72 hours of the end of the gaming day during which the variance was discovered. The report shall indicate the cause of the variance and shall contain any documentation required to support the stated explanation. All kiosks must satisfy all MICS requirements and be detailed in the casino licensee's internal controls approved by the Commission.

...

3. Licensed sports pools may accept wagers, including parlay card wagers, as to which of the participating contestants will win specified sports events and as to whether the total points scored in a specified game, match, or similar sports event will be higher or lower than a number specified for that event, **or any other Sports event approved by the Commission.** Licensed sports pools shall not accept wagers, including parlay card wagers, on other contingencies unless their outcomes are reported in newspapers of general circulation or in official, public records maintained by the appropriate league or other governing body, or unless the pertinent sports events are televised live at the book and a book employee other than a betting ticket writer monitors the telecast, records the occurrence of the pertinent events and contingencies simultaneously with their occurrence, and records the time of their occurrence.

20.061 Wagers and payouts in excess of \$10,000.

1. Prior to accepting any nonpari-mutuel wager in excess of \$10,000 or making a payout in excess of \$10,000 on a nonpari-mutuel winning wager the book shall **in person or electronically:**

- (a) Obtain the patron's name;
- (b) Obtain the patron's permanent address;
- (c) Obtain the patron's social security number or passport number;
- (d) Obtain one of the following identification credentials from the patron;

(1) Driver's license **or Driver's license identification number;**

(2) Passport **or Passport identification number;**

(3) Non-resident alien identification card;

(4) Other reliable government issued identification credentials; or

(5) Other picture identification credential normally acceptable as a means of identification when cashing checks; and

(e) Examine the identification credential obtained to verify the patron's name and the accuracy of the information obtained pursuant to paragraphs (b) and (c).

20.090 Parlay card wagers.



1. As used in this section, “parlay card wager” means a wager on the outcome of a series of ~~32~~ or more games, matches, or similar sports events or on a series of ~~32~~ or more contingencies incident to particular games, matches or similar ~~s~~Sports events.

20.115 Prohibition against rescission of wagers.

A book may not unilaterally rescind any wager without the prior written approval of the Commission. In the event of an obvious error, erroneous odds, or suspicion of illicit activity a book, in its sole discretion, may declare a bet void, totally or partially.

20.120 Prohibited wagers; exception for an event other than a horse race, greyhound race, or an athletic sports event.

1. No wagers may be accepted or paid by any Licensee / book ~~unless the person making the wager is physically present on the Licensee's / franchise holder's premises~~ on:

...

~~(c) The outcome of any election for any public office both within and without the State of Arkansas;~~

~~(dc)~~ Any event, regardless of where it is held, involving a professional team whose home field, a court, or base is in Arkansas, or any event played in Arkansas involving a professional team, if, not later than 30 days before an event or the beginning of a series of events, the team's governing body files with the Commission a written request that wagers on the event or series of events be prohibited, and the Commission approves the request;

~~(ed)~~ Any virtual event unless:

...

~~(fe)~~ Any event other than a horse race, greyhound race, or an athletic sports event, unless such event is:

20.140 Wagering communications; establishing patron wagering accounts for sports, nonpari-mutuel race, and other event wagering.

1. A book may only accept a sports wager, nonpari-mutuel race wager, or other event wager ~~from a person physically present on the premises of the Licensee / book~~ made in person unless the transmission of a wager is initiated from within the State of Arkansas. Each book must conspicuously display signs to that effect on its premises. Consistent with the intent of the United States Congress as articulated in the Unlawful Internet Gambling Enforcement Act of 2006 (31 U.S.C. s.5361 et seq.) the intermediate routing of electronic data relating to a lawful intrastate wager authorized under this provision shall not determine the location or locations in which such wager is initiated, received, or otherwise made.



2. ~~All wagers for sports wagers, nonpari-mutuel race wagers or other events must be placed by the patron while actually physically present on the Licensee / book premises. A casino licensee may partner with up to three (3) individually branded websites and/or mobile applications for the purposes of offering online wagering.~~

...

6. Before a book accepts a wagering communication, or a call center accepts a wagering instruction, on any sporting event wager, on any nonpari-mutuel race wager, or on any other event wager, the following must occur:

(a) ~~A book shall be permitted to register patrons online to create wagering accounts and before any wagers are placed must:~~ must register patrons and create wagering accounts in accordance with Rule 4.225 except as follows:

(1) Verify that the patron is at least 21 years of age; and

(2) Obtain the patron's legal name, address, date of birth, and any other information necessary to verify the patron's identity.

~~(1) — For purposes of presenting a government issued picture identification credential to confirm the patron's identity, a patron may either personally appear before an employee of the licensee at which the book is located as provided in subsection 7 of Rule 4.225 or before an employee of the book at the premises of the book or, for central site books, at an outstation, satellite or affiliated book.~~

~~(2) — A book may register and create wagering accounts for patrons, including inspecting a patron's government issued picture identification credential to confirm their identity as required by these Rules, by filing a request with the Commission for permission to have its employees register and create wagering accounts for patrons outside the premises of the book. The request must include a comprehensive marketing plan setting out, at a minimum, the types of locations and types of potential patrons to which a book intends to send its employees for the purposes of registering and creating wagering accounts for patrons. A book may not act under its marketing plan prior to the Commission approving the request. The Commission may impose limitations and conditions on any approved request. The Commission may rescind approval of a request of a book to have its employees register and create wagering accounts outside the premises of the book upon written notice to the book. Wagering accounts may not be created pursuant to such marketing plan outside the State of Arkansas;~~

(b) In addition to the requirements of these Rules, before registering a patron for a wagering account, the book must have the patron affirm that the patron has been informed and acknowledges that:

(1) Patrons are prohibited by these Rules from placing sports wagers, nonpari-mutuel race wagers, and other event wagers from outside of Arkansas unless the patron is physically present on the premises of the Licensee / book. Notwithstanding the



requirements of these Rules, for a business entity patron, the patron must provide an employee of the book with the following information before the book registers and creates a wagering account for the patron.

7. Before a book accepts a wagering communication, or a call center accepts a wagering instruction, on any sporting event wager, nonpari-mutuel race wager, or other event wager from another book:

~~(a) The authorized employee of the other book must personally appear at the premises of the book or, for central site books, at an outstation, satellite or affiliated book, to open a wagering account;~~

~~(b) The book employee must record:~~

...

~~(c) The authorized employee of the other book must sign, in the presence of a supervising employee of the book, statements attesting that the authorized employee of the other book:~~

...

~~(d) The employee who verifies the authorized employee of the other book's information and who obtains and records the information on behalf of the book and the supervising employee described in subparagraph (c), must each acknowledge ~~sign statements that they witnessed the authorized employee's signature and~~ that they confirmed the authorized employee of the other book's identity and residence.~~

20.165 Use of an operator of a call center.

1. A Licensee, franchise holder or book shall not utilize an operator of a call center, unless the operator of the call center has been found suitable by the Commission. ~~except for wagers placed under Ark. Code Ann. § 23-110-405(e)(1) or Ark. Code Ann. § 23-111508(e)(1).~~

* * * * *

Thank you for your consideration of DraftKings' comments regarding the proposed rules.

Sincerely,

DraftKings Inc.

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 19, 2019 9:28 AM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW: DraftKings Comments on Arkansas Casino Regulations
Attachments: DraftKingsArkansasComments2.18.19.pdf

From: Griffin Finan <gfinan@draftkings.com>
Sent: Monday, February 18, 2019 2:10 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: DraftKings Comments on Arkansas Casino Regulations

Dear Ms. Langston:

Please find attached DraftKings comments on the proposed Arkansas casino regulations.

Thank you very much.

Sincerely,

Griffin Finan

GRIFFIN FINAN
Counsel, Government Affairs
DraftKings Inc.
301-980-2133





Andrew Winchell
 Director, Government Affairs
 FanDuel Group
andrew.winchell@fanduel.com

February 18, 2019

Via email

Arkansas Racing Commission
 1515 W 7th St, Ste 505
 Little Rock, AR 72201

Re: FanDuel Public Comments on Draft Casino Gaming Regulations

Dear Arkansas Racing Commission:

On behalf of FanDuel Group, Inc. ("FanDuel"), we write in response to the issuance of the draft Casino Gaming Regulations (the "Draft Regulations") proposed by the Arkansas Racing Commission (the "Commission"), pursuant to Amendment 100 to the Arkansas Constitution, known as the Arkansas Casino Gaming Amendment of 2018 (the "Amendment"). We appreciate the Commission's efforts to develop these regulations and that operators have been afforded this opportunity to provide comments on the Draft Regulations. Based on our experience as an operator in the sports betting industry and collaborator with regulators of sports betting in several other states in the development of their regulations, we want to offer constructive feedback on the ways in which the Draft Regulations can be revised to improve their clarity and effectiveness as well as consistency with other state regulations that are working well. In particular, we seek to identify potentially unintended operational consequences and implementation hurdles that the Draft Regulations would create as currently drafted and offer some possible solutions.

I. PREFACE

While we provide comments on specific provisions below, we also have a global observation regarding the Draft Regulations. In opening a lawful market for sports betting as the Amendment has done, we cannot overlook the fact that a current market for those who want to bet on sports online exists today – an illegal online market run by offshore web sites has been thriving for years and continues to advertise heavily. These offshore sites are not regulated, do not provide any tax revenue, and do not provide any consumer protections. To shift consumer demand from the offshore market to the legitimate market, Arkansas will need to create an *online* sports betting market where robust competition from experienced operators, subject to a reasonable tax rate, ensures that lawful products make for a compelling offering.

Importantly, we've seen first-hand that healthy competition in the marketplace is the strongest driver of this innovation, as operators strive to offer consumers more choice, variety and better pricing across their products to keep users engaged. We believe that our products offer a great user experience, but we also recognize that multiple operators offering an array of products grows the overall customer population. If the goal is to eliminate



the unlawful market and capture as much of that activity on legal, regulated platforms, then we believe an online market that permits real competition amongst experienced operators is the only legitimate choice for Arkansas.

We urge the Commission to follow in the footsteps of successful early adopter sports betting states like New Jersey, where the early revenue numbers attest to the power of a competitive and mobile sports betting market. New Jersey has seen a significant rise in the amount wagered since September of 2018. In the first full month of operation for most mobile operators, \$184 million was wagered with 57% being bet online. That figure rose to \$385 million in wagers in January with over 79% being bet through online platforms.

In the sections that follow, we set forth our comments on specific provisions in the Draft Regulations that are most important to FanDuel. We have organized our comments in the following manner:

- Section II outlines the provisions for which we request modification in order for the regulations to operate as intended and for consistency with the sports betting industry and the regulations in other states;
- Section III outlines the provisions that impose an excessive burden, stifle the industry, or cause unforeseen expenses; and
- Section IV outlines requests for clarification on sections that are unclear or notes on minor errata.

II. PROVISIONS FOR WHICH MODIFICATION IS REQUIRED IN ORDER FOR THE REGULATIONS TO OPERATE AS INTENDED AND FOR CONSISTENCY WITH THE SPORTS BETTING INDUSTRY AND THE REGULATIONS IN OTHER STATES

As stated in the preface – for a lawful market for sports betting to achieve success, it must provide a reasonable and attractive alternative to displace the current illegal market. Because the illegal market operates largely online and via mobile apps, absent Arkansans being offered compelling, lawful, online and mobile sports betting products, bettors who are currently patronize illegal offshore operators will continue to do so. This will result in a loss of substantial tax revenue to the state, a lack of consumer protections for Arkansas residents who wish to engage in online sports wagering, and will fail to fulfill the goals of supporters of the Amendment.

To ensure that the Draft Regulations provide the authorization for online and mobile sports wagering throughout Arkansas, we suggest the following revisions:

- 20.010 (21) - Suggested revision - “21. ‘Wagering Communication’ means the transmission of a wager between a point of origin and a point of reception by aid of a communications technology, **and/or the internet,** including computers or mobile application on mobile devices or other approved interactive devices approved by the Commission.”

- 20.055 - Suggested revision – “Remote / Off premises wagers **[prohibited]**. Licensees / books shall not accept wagers from any person who is not physically present on the Licensee’s / franchise holder’s premises, **unless such a wager is placed by a patron determined to be physically located in the state of Arkansas and placed via a mobile application or other interactive platform approved by the commission.** However, patrons



may place wagers, and franchise holders may accept such wagers, on horse and greyhound races pursuant to Ark. Code Ann. § 23-111-508(e)(1) and Ark. Code Ann. §23-110-405(e)(1).”

• 20.120 (1) - Suggested revision - “1. No wagers may be accepted or paid by any Licensee / book unless the person making the wager is physically present on the Licensee’s / franchise holder’s premises or such a wager is placed by a patron determined to be physically located in the state of Arkansas and placed via a mobile application or other interactive platform approved by the commission, except pursuant to Ark. Code Ann. § 23-111-508(e)(1) or Ark. Code Ann. § 23-110-405(e)(1). No wagers may be accepted or paid by any Licensee / book on:”

• 20.140 (1) - Suggested revision - “(1) A book may only accept a sports wager, nonpari-mutuel race wager, or other event wager from a person physically present on the premises of the Licensee / book, unless such a wager is placed by a patron determined to be physically located in the state of Arkansas and placed via a mobile application or other interactive platform approved by the commission.”

• 20.140 (2) – Suggested revision - “(2) All wagers for sports wagers, nonpari-mutuel race wagers or other events must be placed by the patron while actually physically present on the Licensee / book premises, unless such a wager is placed by a patron determined to be physically located in the state of Arkansas and placed via a mobile application or other interactive platform approved by the commission.”

• 20.140 (6)(a)(1) - Suggested revision - “(1) For purposes of presenting a government issued picture identification credential to confirm the patron’s identity, a patron may ~~[either]~~ personally appear before an employee of the licensee at which the book is located as provided in these Rules or before an employee of the book at the premises of the book or, for central site books, at an outstation, satellite or affiliated book, or present a government issued picture identification credential via a mobile application or other interactive platform approved by the commission.”

• 20.140 (6)(a)(2) - Suggested revision - “A book may register and create wagering accounts for patrons, including inspecting a patron’s government issued picture identification credential to confirm their identity as required by these Rules [~~Wagering accounts may not be created pursuant to such marketing plan outside the State of Arkansas];~~”

• 20.140 (6)(b)(1) - Suggested revision - “(1) Patrons are prohibited by these Rules from placing sports wagers, nonpari-mutuel race wagers, and other event wagers unless the patron is physically present on the premises of the Licensee / book, unless such a wager is placed by a patron determined to be physically located in the state of Arkansas and placed via a mobile application or other interactive platform approved by the commission.”

Additionally, in § 4.190 regarding aggregate payout limits for gambling games, paragraph 5 provides that “Aggregate payout limits may not be imposed upon payouts from slot machines, race books, **sports pools** or any game where the highest payoff odds on a winning wager are less than 50 to 1, unless otherwise allowed by Rules of the Commission.”

Depending on the interpretation of this section it either provides that no aggregate payout limits may be imposed upon payouts from any sports betting, or aggregate limits may only be placed on sports wagers where the payoff odds are 50 to 1 or greater. In either case this provides significant operational issues as our sportsbook



terms of service establish aggregate payouts for all categories of wagers based upon the underlying sporting event and the type of wager. This is a standard industry practice and thus "sports pools" should be removed from this section.

III. PROVISIONS THAT MAY IMPOSE AN EXCESSIVE BURDEN, STIFLE THE INDUSTRY OR CAUSE UNFORESEEN EXPENSES

In § 20.145 regarding account wagering systems, paragraph 7 requires operators to "Maintain a completely, separate wagering account for pari-mutuel horse race wagers. Wagering accounts for pari-mutuel sports wagers, nonpari-mutuel horse race wagers and nonpari-mutuel sports wagers may be commingled in a single wagering account." This provision would unnecessarily impose a burden on operators who look to provide a seamless customer experience for both pari-mutuel horse race wagers and other wagers and should be removed.

IV. REQUESTS FOR CLARIFICATION AND NOTES ON MINOR ERRATA

In § 1.065 and § 2.06, the definition of "Casino gaming" is deemed to include, among other activities, "accepting wagers on sporting events." The definition goes on to clarify that lotteries conducted "pursuant to Amendment 87 and/or the The Arkansas Scholarship Lottery Act" are not included in the definition of casino gaming. The definition of "Casino gaming" should be amended to clarify that paid fantasy sports games are also excluded. This can be achieved by adding the following to end of the "Casino gaming" definition: ", nor does it include paid fantasy sports games conducted pursuant to Ark. Code Ann. §23-116-101 et seq."

In § 20.130 regarding communications technology, paragraph 4 provides that "Upon the request of either the Commission, a book or call center shall provide a written consent for the Commission to examine and copy the records of any telephone, telegraph, or other communications company or utility that pertain to the operation of the book or the call center." The word "either" is not followed by a second entity, other than the Commission, and should be removed.

We appreciate your time and consideration of our comments and would be happy to discuss at your convenience.

Sincerely,

Andrew Winchell
Director, Government Affairs

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Tuesday, February 19, 2019 9:29 AM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW: FanDuel Group Comments on Draft Arkansas Casino Regulations
Attachments: FanDuel Comments on Arkansas Draft Casino Regulations 2.18.19.pdf

From: Andrew Winchell <Andrew.Winchell@fanduel.com>
Sent: Monday, February 18, 2019 4:08 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: FanDuel Group Comments on Draft Arkansas Casino Regulations

Hello,

Attached please find comments from FanDuel Group regarding the draft casino regulations pending before the Arkansas Racing Commission. Please let me know if you have any questions or need anything further for our comments to be considered. Thank you.

Sincerely,

Andrew J. Winchell
Director, Government Affairs
Mobile: (845) 325-6235
Email: andrew.winchell@fanduel.com

FANDUELGROUP

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Susie Luce

From: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Sent: Tuesday, February 19, 2019 9:55 AM
To: Byron Freeland; Susie Luce
Subject: FW: Warner Gaming Comments on Casino Rules
Attachments: 2019-02-14 Warner letter to ARC (signed).pdf

From: jerahill@aol.com <jerahill@aol.com>
Sent: Friday, February 15, 2019 7:39 AM
To: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>; Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Cc: coon@impactmanagement.com
Subject: Warner Gaming Comments on Casino Rules

Good Morning,

Attached please find comments addressed to the Arkansas Racing Commission for proposed casino amendment rules.

Please confirm receipt of this email and comment letter.

Thank you,

Jerry Hill
Warner Gaming



February 14, 2019

Arkansas Racing Commission
1515 Building
1515 West Seventh Street, Suite 500
Little Rock, AR 72201

**Re: Rules Proposed by the Arkansas Racing Commission Pursuant to
Amendment 100 of the Arkansas Constitution**

Dear Commissioners:

Warner Gaming, a hospitality and gaming company operating in local communities across the United States, is pleased to offer this statement of support for the proposed rules referenced above, particularly with respect to Section 4(b) of Rule 2.13. This section requires each casino license application for Jefferson County or Pope County to be accompanied by a letter of support from the County Judge or a supporting resolution from the local quorum court, with the further requirement that the support documents are to be signed by local officials "holding office at the time of submission of an application for a casino gaming license."

Having developed and operated a number of casino projects across the western and midwestern U.S., our experience has shown us that there are a number of local stakeholders interested in casino gaming projects. These stakeholders are interested for a number of reasons, including job creation, business opportunities for local contractors and suppliers, diversification of the local tourism base, and insuring that the local casino license is granted to a reputable and responsible company. Further, and certainly not the least important consideration, local officials and citizens alike want to see a quality project developed for their community – something offering amenities that the local population wants, and something that the entire community can take pride in.


We think a useful example is provided by the Hard Rock Hotel and Casino in Sioux City, Iowa, which we opened in 2014 after winning a competitive application process run by the Iowa Racing and Gaming Commission. We know for a fact that we could not have succeeded in this process without the involvement of local civic organizations, businesses and other stakeholders in the Sioux City area, who helped educate us as to what kind of project the community was seeking – in particular, something that would support the downtown area and help to establish an entertainment district there. As a result, we were able to deliver a first-class facility offering, in addition to casino gaming, a hotel, various restaurants that have become local favorites, a retail store, an indoor venue for live music and comedy, and Battery Park – an outdoor concert venue featuring world-class entertainment such as Willie Nelson, Boston, Journey, Chris Stapleton, the Counting Crows and Collective Soul. The hotel is one of only four in the entire state to receive the coveted "Four-Diamond" rating from the American Automobile Association, and in 2015,

Arkansas Racing Commission
February 14, 2019
Page 2

the Hard Rock Hotel and Casino Sioux City was designated as the "Outstanding Attraction" for the entire state by the Iowa Tourism Office. In 2018, the Global Gaming Exposition in Las Vegas, Nevada named our Battery Park venue as the "Outstanding Casino Arena/Amphitheater." In addition to reflecting positively on the Sioux City area, we believe that these recognitions have contributed to economic development, by helping to establish downtown Sioux City as a tourism and entertainment destination for the midwestern United States.

We see no reason at all why this success should not be replicated for Arkansas communities. We firmly believe that this success starts at the local level, which is why we support the requirement for a casino license application to be supported by a current local office-holder. If the Arkansas Racing Commission were to review an application supported by a former office-holder, there would be no assurances that the commission would be expending its resources on an application having the support of local officials at the time the application is being considered. The language as written in the current proposed rules has the benefit of providing those assurances.

Sincerely,



Bill Warner
Warner Gaming, LLC

Susie Luce

From: marian henderson <mah72801@gmail.com>
Sent: Monday, February 18, 2019 4:55 PM
To: Byron Freeland
Subject: Rule#2

I have also written to many representatives regarding pending house legislation, but I also wanted to post my concerns to you as you consider rules and guidelines for new casinos in Arkansas. I am in agreement with your changes to Rule #2. Any casino approved should include the current elected officials when submitting a letter of support. At this time, Pope County has expressed its opposition to having a casino here. Previous officials have attempted to circumvent the will of the people. It is paramount that local control be offered through rule #2. Thank you.

Marian Henderson
Pope County Resident

Sent from my iPhone

Susie Luce

From: Diane Rhoads <DMRhoads@hotmail.com>
Sent: Monday, February 18, 2019 2:49 PM
To: smokey.campbell@dfa.arkansas.gov; nikki.langston@dfa.gov; Byron Freeland
Subject: Casino in Pope County

Dear Racing Commission,

Please don't let Arkansas be like New York. A casino for Pope County would be as beneficial as Amazon would have been to their state. Don't let one small elite group ruin something that could benefit so many. Please let Judge Gibson's letter stand. If you change the rules requiring a current elected official, we won't get anywhere with this for four years. We need growth now, not when they are voted out by angry Pope County citizens who know that this town needs growth.

Thank you,
DM Rhoads

Susie Luce

From: Patsy L Fleniken <pfleniken@suddenlink.net>
Sent: Monday, February 18, 2019 8:13 AM
To: Byron Freeland
Subject: casino regulations

February 16, 2019

Arkansas Racing Commission
P.O. Box 3076
Little Rock, AR 72203

To The Members of the Racing Commission:

I appreciate the opportunity to comment on the proposed regulations governing the establishment and operation of casinos in the State of Arkansas.

First, I support the language of Rule 2 [2.13.4(b)] regarding the letters of support required by local officials. Only letters of support from the current county or city office holders should be considered valid for a specific casino location.

The second request is to consider the strong opposition of Pope County residents in the November election to the proposed casino. The county also passed by 68 percent a local ordinance requiring an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge of Quorum Court.

In summary I encourage you to consider the desire of Pope County to minimize the long term effects of a casino in our area.

Sincerely,

Dennis W. Fleniken
1420 Lands End Pt N
Russellville, AR



Susie Luce

From: zaclacy@suddenlink.net
Sent: Sunday, February 17, 2019 8:12 PM
To: Byron Freeland
Subject: Rule #2

To who it may concern,

I am a current resident of Pope County and I approve Rule #2. I do not feel that lame duck officials should be able to set the direction of the county and only currently seated elected official should be able to make the approvals required for a casino. I also believe that the residents of Pope County should be able to determine the fate of our county and not the entire state. So, I know that it may not be addressed in the current rules but I also support the Pope County ordinance that requires the elected officials to follow the voters' opinion regarding casino approvals. Lame duck officials should not be able disregard to voters' desire regarding the approval of a local casino.

Thank you for your time and consideration in these matters.

Zac Lacy



Susie Luce

From: haggar@suddenlink.net
Sent: Sunday, February 17, 2019 1:48 PM
To: smokey.campbell@dfa.arkansas.gov; nikki.langston@dfa.arkansas.gov; Byron Freeland
Subject: Casino
Importance: High

2-17-19

To the Racing Commission:

Thank you for the opportunity to comment on the proposed regulations governing casinos in Arkansas. Specifically, I want to make the following comments:

1. I support the published language of Rule 2 (2.13.4(b)) regarding the local officials' letters of support: only letters from the currently elected County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support.
2. I request that the Arkansas Racing Commission take note of the Pope County Ordinance, passed by 68% of county voters in the November election, which states that voters of Pope County shall vote by an election in support of a casino applicant before any letter of support can be written by currently elected County Judge or Quorum Court.

Thank you for your consideration of these requests for support.
Sincerely

Mary and Peter Haggar
#3 Lemley Court
Russellville, Ar 72801



Susie Luce

From: jane new <elsiejanenew@yahoo.com>
Sent: Sunday, February 17, 2019 11:04 AM
To: Byron Freeland
Subject: Arkansas Casino

I approve of rule #2 and think that those of us who live in areas where casinos are to be placed should have a say in the matter.

Sent from my iPhone

Susie Luce

From: kenny haulmark <kennyhaulmark@yahoo.com>
Sent: Sunday, February 17, 2019 4:52 PM
To: smokey.campbell@dfa.Arkansas.gov; nikki.langston@dfa.arkansas.gov; Byron Freeland
Subject: Casino issue

Thank you the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Specifically, I would like to make the following comments:

1. I support the published language of Rule 2 {2.13.4 (b)} regarding the local officials' letters of support; only letters from the currently elected County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support.
2. I request that the Arkansas Racing Commission take note of the Pope County Ordinance, passed by 68% of county voters in the November election, which states that voters of Pope County shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County judge or Quorum Court.

Rule 2.13.4 (b) "All casino applicants for a casino license in Pope County and Jefferson County are required to submit either a letter of support from the county judge or a resolution from the quorum court where the proposed casino is to be located and, if the proposed casino is to be located within a city or town, are also required to submit a letter of support from the mayor in the city or town where the casino applicant is proposing the casino to be located. All letters of support, or resolutions by the Quorum Court, required by these Rules and the Amendment, shall be dated and signed by the County Judge, Quorum Court members, or Mayor holding office at the time of the submission of an application for a casino gaming license."

Thank you
Kenny Haulmark
Pope County
Russellville, AR



Susie Luce

From: KAY HAULMARK <kayhaulmark@yahoo.com>
Sent: Sunday, February 17, 2019 4:11 PM
To: smokey.campbell@dfa.arkansas.gov; nikki.langston@dfa.arkansas.gov; Byron Freeland
Subject: Casino issue

Thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Specifically, I would like to make the following comments:

1. I support the published language of Rule 2 (2.13.4 (b)) regarding the local officials' letter of support: only letters from currently elected County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support
2. I request that the Arkansas Racing Commission take note of the Pope County Ordinance, passed by 68% of county voters in November election, which states that voters of Pope County shall vote by an election in support of a casino application before any letter of support can be written by a currently elected County Judge or Quorum Court.

Rule (2.13.4(b)) "All casino applicants for a casino license in Pope County and Jefferson County are required to submit either a letter of support from the county judge or a resolution from the quorum court in the county where the proposed casino is to be located and, if the proposed casino is to be located within a city or town and also required to submit a letter of support from the mayor in the city or town where the casino applicant is proposing the casino to be located. All letters of support or resolutions by the Quorum Court required by these Rules and the Amendment, shall be dated and signed by the County Judge, Quorum Court members, or Mayor holding office at the time of the submission of an application for a casino gaming license."

Thank you

Kay Haulmark
Russellville, AR
Pope County



Susie Luce

From: Gaye Croom <gayecroom@gmail.com>
Sent: Sunday, February 17, 2019 12:01 AM
To: Byron Freeland
Subject: Projected Casino Regulations

Dear Arkansas Racing Commission:

Thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Specifically I would like to make the following comments:

1. I support the published language of Rule 2 [2.13.4(b)] regarding the local officials' letters of support: only letters from the currently elected County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support.
2. I request that the Arkansas Racing Commission take note of the Pope County Ordinance, passed by 68% of county voters in the November election, which states that voters of Pope County shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

I feel strongly that a casino is not a good fit for our community, and hope that you will consider the voice of the voters as indicated by their support of the ordinance passed in the November election.

Thank you for your consideration of these matters.

Sincerely,

Gaye Croom
River Valley Realty
800 East Main Street
Russellville, AR 72801
(479) 970-7242

Susie Luce

From: Miller Croom <bucky.croom@icloud.com>
Sent: Saturday, February 16, 2019 11:23 PM
To: Byron Freeland
Subject: Proposed Casino Regulations

Dear Mr. Freeland:

Thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Specifically I would like to make the following comments:

1. I support the published language of Rule 2 [2.13.4(b)] regarding the local officials' letters of support: only letters from the currently elected County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support.
2. I request that the Arkansas Racing Commission take note of the Pope County Ordinance, passed by 68% of county voters in the November election, which states that voters of Pope County shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

Sincerely,

M.M.Croom, Jr.

✓

Susie Luce

From: Fritz Kronberger <fkronberger@suddenlink.net>
Sent: Saturday, February 16, 2019 11:55 AM
To: smokey.campbell@dfa.arkansas.gov; nikki.langston@dfa.arkansas.gov; Byron Freeland
Subject: casino in Russellville, AR

Thank you for the opportunity to comment on the new new proposed regulations. Specifically I would like to make the following comments:

I am in full support of the published language of Rule 2 {2.13.4 (b)} regarding the local officials' letters of support. However only letters from the current County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support.

Furthermore I request that the Arkansas Racing Commission take note of the Pope County Ordinance, passed by 68% of county voters in the November election, which states that voters of Pope County shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

Again I thank you for consideration of the Pope County requests.

Sincerely,

Fritz Kronberger

President

Interclasts, Inc.

Russellville, AR

Susie Luce

From: David Bauman <dbauman55@outlook.com>
Sent: Saturday, February 16, 2019 11:08 AM
To: Byron Freeland
Subject: Rule#2 Casino Licensing Process

We are pleased to write you to confirm that as a resident of Pope County we appreciate the current wording of Rule#2 that requires a casino applicant to have a letter of support from a CURRENT county judge or Quorum Court (and mayor if needed). We feel strongly that this rule is fair allowing our voices to be heard in the process through our locally elected officials. Please insure that wording is maintained.

Thanks,

David & Becky Bauman
305 S. Phoenix
Russellville, AR 72801
479-85-3970

✓

Susie Luce

From: Hooper, Christopher <Christopher.Hooper@afbic.com>
Sent: Monday, February 18, 2019 8:09 AM
To: smokey.campbell@dfa.arkansas.gov; nikki.langston@dfa.arkansas.gov; Byron Freeland
Subject: Pope County Casino issue

I am a resident of Pope County Arkansas and I have been for the last 23 years and I have lived in this area for the last 28 years. This is a very nice place to live and I have enjoyed the time I have lived here and raising my family in this area around the cities of Russellville and Pottsville. I would hate to see this county and the surrounding communities affected by the negative aspects of a Casino in this county. I approve the Rule #2 regarding the Casino issues. Please consider this in your deliberations on allowing Casinos in Pope County Arkansas. Please don't allow Casinos to destroy a great community oriented county like Pope County.

Chris Hooper

This e-mail contains proprietary information and is confidential. You are hereby notified that any dissemination, distribution or copying of this e-mail is strictly prohibited.

11 2 12

Susie Luce

From: Anna Stiritz <anna@sanfordlawfirm.com>
Sent: Friday, February 15, 2019 2:37 PM
To: smokey.campbell@dfa.arkansas.gov; nikki.langston@dfa.arkansas.gov; Byron Freeland
Subject: feedback for proposed rules

Racing Commissioners:

I write to express my support for the currently proposed version of Rule 2, paragraph 2.13.4(b).

This rule brings much needed clarity and common sense to the question of who can write a letter of support. *Of course* it should be our currently-elected officials. They are answerable to voters.

Thank you for your consideration.

Anna Stiritz
Sanford Law Firm, PLLC
Offices in Little Rock and Russellville, Arkansas
Email: anna@sanfordlawfirm.com
Direct line: (479) 264-7598

One Financial Center
650 South Shackleford, Suite 411
Little Rock, Arkansas 72211
Telephone: (501) 221-0088
Facsimile: (888) 787-2040
www.sanfordlawfirm.com

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Susie Luce

From: Regina Burris <raburris7@yahoo.com>
Sent: Friday, February 15, 2019 4:25 PM
To: Byron Freeland
Subject: New Proposed Regulations

Thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Specifically, I would like to make the following comments:

1. I support the published language of Rule 2 [2.13.4(b)] regarding the local officials' letters of support: only letters from the currently elected County Judge, Quorum Court or Mayor at the time of application should be considered as valid letters of support.
2. I request that the Arkansas Racing Commission take note of the Pope County Ordinance, passed by 68% of county voters in the November election, which states that voters of Pope County shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

Thank you,

Regina Burris

Sent from Yahoo Mail for iPhone from Yahoo Mail for iPhone

Dear Racing Commission,

Although we have been told that we have already lost this battle, I think it is only fair to share another opinion on why a casino in Pope County could benefit so many. The opposition has made it very vocal that they have "won" and that they have successfully stopped this project that could help so many. Please don't let a few people stop what the entire state voted for.

Here is who can benefit from keeping Judge Gibson's letter in support to Gulfside Casino:

Gas stations (we have many locally owned in town)- obviously more traffic means more gas

Real Estate agents-more jobs brings more growth to our community, therefore demand for homes

Banks (there are multiple local and Arkansas based banks in Russellville)- Out of this world potential for loans, bank accounts, savings accounts, CD's and investments.

Office Supply Business (Barris Office Supply is one of our most beloved small businesses in town!)- Obvious office supply and office furniture purchases

Furniture stores- Furniture purchases

Dry Cleaners- Hotel laundry offerings and an increase in people creates an increase in clothes/laundry

Retail- After visiting the casino to either gamble, watch a venue, or attend a meeting, people can visit local retailers to shop.

Heating and Air Companies- Installation and maintenance on hundreds of HVAC units.

Restaurants- Before and after visiting the casino, visitors can choose from a number of our local and chain restaurants therefore supporting business owners, servers, and other restaurant employees.

Construction companies- casino construction, road construction, subsequent new retailers and restaurants that will come after the casino is built.

Schools- MOST IMPORTANT! Scholarships, updates, financial security without another tax increase

Unemployed Citizens- This is an opportunity for thousands of people to find high paying jobs that Pope County has never before offered.

These are just a few of the businesses that will benefit from the casino that already has a signed letter. They have vowed to do local business and if you do not accept Jim Ed's letter, we will not get any of these! The new Mayor doesn't want any casinos, the Judge has ties to the Cherokees, and our Senator has met with the Choctaws multiple times. The Cherokee and Choctaws have no commitment for local business partnership. Therefore, help us and our state. Don't change the rules! Accept Judge Gibson's letter and sit back, relax, and watch us grow. If you change the rules, sit back, feel bad, and watch us deteriorate in the next 15 years when the Nuclear Plant shuts down. You can do something amazing here. Please help us!

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Friday, February 15, 2019 1:46 PM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW:
Attachments: image2019-02-15-134748.pdf

Received by mail.

Nikki Langston
Business Operations Specialist
Arkansas Racing Commission
Ph: 501-682-1467
Fax: 501-682-5273

From: DoNotReply@dfa.arkansas.gov <DoNotReply@dfa.arkansas.gov>
Sent: Friday, February 15, 2019 1:48 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:

Arkansas Racing Commission,

Thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Specifically I would like to make the following comments:

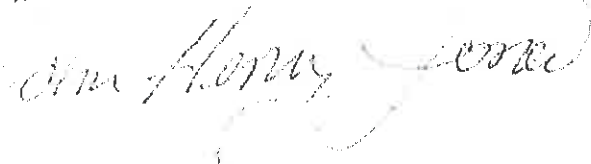
1. I support the published language of Rule 2 [2.13.4(b)] regarding the local officials' letters of support: only letters from the currently elected County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support.

2. I request that the Arkansas Racing Commission take note of the Pope County Ordinance, passed by 68% of county voters in the November election, which states that voters of Pope County shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

RULE 2.13.4(b) "All casino applicants for a casino license in Pope County and Jefferson County are required to submit either a letter of support from the county judge or a resolution from the quorum court in the county where the proposed casino is to be located and, if the proposed casino is to be located within a city or town, are also required to submit a letter of support from the mayor in the city or town where the casino applicant is proposing the casino to be located. All letters of support or resolutions by the Quorum Court, required by these Rules and the Amendment, shall be dated and signed by the County Judge, Quorum Court members, or Mayor holding office at the time of the submission of an application for a casino gaming license."

Again, thank you for the opportunity to comment on the new proposed regulations governing casinos in Arkansas. Your consideration and time is appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dan Henry".

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Friday, February 15, 2019 1:45 PM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW:
Attachments: image2019-02-15-134631.pdf

Received by mail.

Nikki Langston
Business Operations Specialist
Arkansas Racing Commission
Ph: 501-682-1467
Fax: 501-682-5273

From: DoNotReply@dfa.arkansas.gov <DoNotReply@dfa.arkansas.gov>
Sent: Friday, February 15, 2019 1:47 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject:

Susie Luce

From: Carla Jones <cjones13@centurylink.net>
Sent: Friday, February 15, 2019 10:21 AM
To: smokey.campbell@dfa.arkansas.gov; nikki.langston@dfa.arkanasa.gov; Byron Freeland
Subject: Casino Amendment Licensing Process Rule #2

As a resident of Pope County I believe Rule #2 covering the licensing process of the casino amendment is fair, clear, and makes perfect common sense. It allows us to speak through our current elected officials. Please allow the residents of Pope County to have a say in what takes place in OUR county. A casino directly effects US, the residents of the county in which a casino is being considered for.

Thank you,
Carla Jones

Susie Luce

From: Bob Jones <drunclebob@centurylink.net>
Sent: Friday, February 15, 2019 10:25 AM
To: nikki.langston@dfa.arkansas.gov; Byron Freeland; smokey.campbell@dfa.arkansas.gov
Subject: Rule #2

As a resident of Pope County I believe Rule #2 covering the licensing process of the casino amendment is fair, clear, and makes perfect common sense. It allows us to speak through our current elected officials.

Bob



SCOTT C. TROTTER
strotter@trotterfirm.com

A PROFESSIONAL LIMITED LIABILITY COMPANY
Attorneys and Counselors
www.trotterlaw.com

Street Address
425 W. Capitol Ave., Suite 216
Little Rock, Arkansas 72201

TEL 501-353-1069
FAX 501-353-1715

February 14, 2019

John "Smokey" Campbell
Director, Arkansas Racing Commission
1515 W. 7th Street, Suite 505
Little Rock, AR 72201

E-mail: Smokey.Campbell@dfa.arkansas.gov

Re: Comments of Professor Keith Miller on Proposed Casino Gaming Rules

Dear Director Campbell:

Please find enclosed the Comments on Proposed Rules for the Regulation of Casinos in Arkansas, authored by Professor Keith C. Miller, the Ellis and Nelle Levitt Distinguished Professor of Law at Drake University in Des Moines, Iowa. Also enclosed is the Executive Summary for the report and Professor Miller's resume. Please note his impressive professional expertise in rules governing casino operations. Feel free to contact Professor Miller at his office phone in Des Moines, (515) 271-2071.

My firm joined with the Family Council of Little Rock and Rev. Stephen Copley of North Little Rock in funding Professor Miller's report. Jerry Cox is the President of the Family Council and can be reached at 501 (912-6800). Rev. Copley can be reached at 501 626-9220. My cell phone number is 501 690-5459.

You will note that in Professor's Miller's comments he is recommending that the Commission not rush to address every casino operation that may need to be regulated once the casinos are open for business. For example, he believes that the sports betting aspect of casinos should undergo thorough study before adopting rules to allow and govern it. For one thing, Arkansas colleges and universities should be given ample opportunity for input on whether betting on their sporting events should be allowed, and if so, under what regulatory restrictions.

Another point to consider is the need for a detailed index to the rules. They are very long and complex with many subjects covered under broad topics. They are not user friendly.

Finally, Mr. Cox, Rev. Copley and I want to express support for the provision of the rules in Section 2.13. 4. (b) on page 11 that reads:

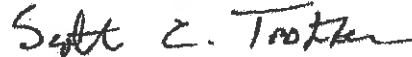
TROTTER LAW FIRM, PLLC

John Campbell
February 14, 2019
Page 2

"All letters of support or resolutions by the Quorum Court, required by these Rules and the Amendment, shall be dated and signed by the County Judge, Quorum Court members, or Mayor holding office at the time of the submission of an application for a casino gaming license."

We hope you find Professor Miller's comments constructive and persuasive and encourage the Commission to act favorably on his recommendations.

Cordially,



By:

Scott C. Trotter

SCT/er
w/encls

Comments on Proposed Rules for the Regulation of Casinos in Arkansas

**By Keith C. Miller, the Ellis and Nelle Levitt Distinguished Professor of
Law at Drake University in Des Moines, Iowa**

EXECUTIVE SUMMARY

February 14, 2019

My comments are respectfully submitted as the Commission considers establishing rules for the regulation of casino gambling as authorized in Amendment 100.

I do not seek to address all possible issues raised by the 315 pages of proposed rules. Rather, I focus on issues that affect consumers and players and that balance the state's desire to establish a regulatory system that creates casino tax revenue while minimizing the harm that can sometimes be produced by gambling.

This is a summary of the points and recommendations I make:

1. EXTENSION OF CREDIT BY CASINO TO PLAYER

- Due to concerns about the potential problems created when players are granted credit by casinos, I recommend that the Commission not allow players to take on debt in this manner. After the Commission has had a period of time to observe the operation of the gambling market, it can make a well-informed judgment whether the issuance of casino credit is advisable.

2. LOCATION OF ATMs AND CREDIT CARD MACHINES

- In order to deter players from acting without reflection to withdraw money on their credit card and debit accounts, I recommend that casino licensees not allow ATMs, credit card cash advance machines, or any other device that dispenses money to be located in the gaming areas (as defined) of the licensed property.

3. FUNDING FOR GAMBLING DISORDER RESEARCH, PREVENTION, AND TREATMENT

- Gambling disorders are a tragic and unfortunate by-product of gambling that implicate public health issues. There should be funds dedicated for research, prevention, and treatment of gambling disorders within the state. I recommend that 1% of net gaming revenues (money wagered less winnings paid) be directed to funding of gambling disorders, and that the state Department of Human Services provide and administer the programs suitable for addressing gambling disorders.

4. GAMBLING DISORDERS AND SELF EXCLUSIONS

- One means of addressing gambling disorders, player self-exclusions, should be available for all forms of gambling. The process of self-exclusion should be administered

by the state Department of Human Services with funds supplied from those directed to treatment of gambling disorders. I recommend that the Commission establish procedures for casinos to assist in enforcing the self-exclusions and to provide penalties for casinos not using best efforts to do so.

5. CREATION OF A RESOLUTION PROCESS FOR DISPUTES BETWEEN CASINOS AND PLAYERS

- I recommend that the Commission, working with the Legislature, establish an administrative dispute resolution process for disagreements between a casino and a player who believes the casino has wrongly withheld money that is owed to him from gambling activity.

6. ARKANSAS CLEAN INDOOR ACT AND NON-SMOKING

- Due to the overwhelming evidence of the health threats presented by second hand smoke, I recommend that the exemption contained in § 20-27-1805 (9) of the Arkansas Clean Indoor Air Act for current racing franchises not be extended to casinos licensed pursuant to Amendment 100. Smoking should not be allowed on the gaming floors of those casinos.

7. REGULATION OF SPORTS BETTING

- While sports betting is authorized under Amendment 100, I recommend that the Commission undertake a study of the specific and distinct issues this form of betting presents before establishing rules for its regulation. The uncertainty created by actions of the federal government and the host of issues needing attention makes it inadvisable to act without such an evaluation. As part of this study, Arkansas colleges and universities should be contacted for input regarding allowing betting on sports contests involving their teams.

Comments on Proposed Rules for the Regulation of Casinos in Arkansas

By Keith C. Miller, the Ellis and Nelle Levitt Distinguished Professor of Law at
Drake University in Des Moines, Iowa

February 14, 2019

Introduction

A. Professional Background

In addition to teaching law students in the areas of casino law and regulation, I am co-author of a leading casebook on gaming law, *THE LAW OF GAMBLING AND REGULATED GAMING* (2d edition, Carolina Academic Press 2015) (co-author Anthony Cabot) and a book on regulation of sports betting, *SPORTS WAGERING IN AMERICA: POLICIES, ECONOMICS, AND REGULATION* (UNLV Gaming Press 2018) (co-author Anthony Cabot), as well as the author of numerous journal articles. My résumé is included as an attachment.

B. Purpose of Comments

I respectfully submit these views on the development of regulations for casino gambling, including sports betting, with the hope they may assist in the difficult process of establishing an appropriate regulatory structure in Arkansas. My comments pertain to the Casino Gaming Rules proposed pursuant to Amendment 100 of the Arkansas Constitution by the Arkansas Racing Commission for written comment by February 18, 2019.

C. Scope of Comments

When a state authorizes the operation of casinos, the next crucial step it takes is developing a regulatory framework for how this new activity is regulated. In establishing this process, there are two important interests that need to be balanced:

- first, it is understandable that government wishes to gain revenue from the gaming profits realized by the casinos. Regulation should promote that governmental interest.
- at the same time, government should take steps to minimize the harm gambling might do to its residents. Revenue enhancement should not be at the expense of fair player protections.

States will differ as to how to accommodate these interests according to the unique culture and values of the state. For that reason, care must be exercised in emulating the regulatory process created by another jurisdiction.

This is especially the case when a state is creating a regulatory regime for casino gambling for the first time. States with mature regulated casino industries may have regulations that have evolved over time. Changes in a regulatory model may occur as the jurisdiction develops more confidence in the suitability of particular regulation for its residents. On the other hand, it may be advisable for a state new to casino regulation to be cautious in setting up the regulatory scheme and to be mindful of the fact that regulation can adapt as experience warrants.

With this in mind, I have identified several issues from the proposed rules that I believe should be given careful scrutiny. A proposal of 315 pages no doubt has many details about which people might disagree. In offering some perspectives here, I do not

suggest that there are not other matters that may deserve attention. Rather, I focus for the most part on matters bearing upon balancing the interests noted above and on consumer and player protection provisions that impact the public interest.

1. EXTENSION OF CREDIT BY CASINO TO PLAYER

- The proposed rules provide for licensed casino properties to extend credit to players. The extension of credit is described in Rule 6.130 (mandating disclosure on a credit application and a credit instrument that a credit instrument has the same legal effect as a check, including criminal penalties for knowingly executing such an instrument on an account with insufficient funds). A number of other proposed rules make reference to the credit process; Rule 6.140 (specifying duties of licensee before and after extending credit, including collection efforts); Rule 1.135 (defining "guaranteed draft" to mean a draft or check accepted by the licensee for gaming purposes where drawer is a casino patron); Rule 1.162 (defining "rim credit" as credit that is not evidenced by the immediate preparation of a credit instrument); and Rule 4.140 (specifying who may collect gaming credit extended by the licensee).

- The issue of whether a casino should have the authority to grant credit to a player is a controversial one. The argument in favor of casinos granting credit is that it allows people to gamble at casinos without having to carry a large amount of money on their person. This, it is argued, is a matter of convenience and safety. The counterargument is that credit provides an opportunity for gamblers to lose more than they can truly afford. In this regard, problem gambling experts have voiced concerns about the extension of

credit.¹ According to the American Gaming Association, a bit more than half the states with casino gambling allow for casinos to extend credit. (14 out of 23)²

- The extension of casino credit to a player has serious implications. As noted, proposed rule 6.130 specifies that the application for credit, and the credit instrument itself, inform the player that the credit instrument is "identical to a personal check," and that criminal charges can be brought for willfully drawing upon an account with insufficient funds. Likewise, the player obtaining credit may be subject to civil proceedings to collect the debt, which, presumably, could include interest charges and attorney's fees.

- The collection process for casino credit is set out in proposed rule 4.140. Though the proposed rule attempts to address the concerns historically associated with collection of casino debts, that provision in fact simply underscores the fact that debt collection is fraught with potential abuse.

- There are several states, even where gambling is permitted, that will not enforce gambling contracts or gambling debts.³ Historically, Arkansas has been one of these states expressing a clear public policy against the granting of credit to gamble. Ark. Code Ann. § 16-118-103(2)(e) provides:

It is the strong public policy of the State of Arkansas that gambling, whether regulated or unregulated, on credit is an unenforceable contract and the courts of

¹ See https://gamblinghelp.org/assets/research_pdfs/Gambling_on_Credit.pdf

² See https://www.americangaming.org/sites/default/files/AGA%202018%20State%20of%20the%20States%20Report_FINAL.pdf

³ See, e.g., Metropolitan Creditors Service of Sacramento v. Sadri, 15 Cal. App. 4th 1821, 19 Cal. Rptr. 2d 46 (1993)

this state shall not enforce gambling debts, regardless of whether the contract was entered into within this state or without this state.

- § 10 of Amendment 100 overrides part of this statute by declaring that statutes forbidding the judicial enforcement of gambling debts are void. But that provision does not negate the general public policy expressed in the law nor does it specify that credit for players must be permitted. A bar on casinos extending credit to gamblers would not conflict with any part of Amendment 100, including Section 10. Permitting gambling in a state, and permitting casino licensees to extend credit to gamblers, are two very different things, and the former does not necessarily require the latter. In a jurisdiction new to regulated casino gambling, I recommend going slow initially and not allowing credit to be extended to gamblers by casinos. This provides regulators an opportunity to observe how the regulated casino markets are operating and whether credit is appropriate or necessary, and to study and evaluate the impact on gamblers if they take on debt to gamble.

2. LOCATION OF ATMs AND CREDIT CARD MACHINES

- To focus only on the extension of credit by casinos ignores an important component of best practices regulation involving credit. Gambling disorders are often characterized by gamblers "maxing out" their credit cards and debit cards.⁴ For a person determined to achieve this, it may be that little can be done to prevent it. However, if ATMs and credit card cash advance machines are located on the gaming floors of casinos, this makes it far too easy for gamblers to tap into their accounts. At the very

⁴ See Gambling and Debt, <https://www.debt.org/advice/gambling/>

least, requiring that the machines be located away from the gaming floors may provide the break needed for a person to think twice before taking funds from the machine.

- Locating the machines away from the gaming areas of the property is an inconvenience for gamblers who do not have a gambling disorder. Nevertheless, the public health interest in trying to minimize the incidence of gambling disorders makes this a worthwhile action. Therefore, a specific requirement of such machines being located off the gaming floor is appropriate.

- It is important to have a clear definition and understanding what the term "gaming floor" refers to. For example, there should be a sign visible to patrons approaching the gaming floor indicating where the gaming floor begins and specifying that persons under the age of 21 may not enter. This would be the line of demarcation for where gambling is, and is not, permitted. Licensed properties should submit a floor plan with the Commission indicating the gaming and non-gaming areas.⁵

- Because non-bank entities may operate devices that dispense money, the scope of the location restriction should be broad. For example, licensees should be directed not to permit a financial institution, vendor, or any other person to dispense cash or credit through an electronic or mechanical device that is located on the designated gaming floor.

3. FUNDING FOR GAMBLING DISORDER RESEARCH, PREVENTION, AND TREATMENT

⁵ See Iowa Code 99F.1 defining "gaming floor," and Iowa Racing and Gaming Commission Regulation 491—5.4(99D,99F) Uniform requirements giving details of requirement of designating "gaming floor."

- The proposed rules give far too little attention to issues relating to gambling disorders. The National Council on Problem Gambling (NCPG) estimates that a "seriously addicted gambler generates social costs of \$1200 per year,"⁶ and that "2.2% or 50,226 are believed to manifest a gambling problem in Arkansas."⁷ As of 2014, this puts the "social cost of gambling addiction in Arkansas [at] \$57.6 million."⁸ And to state the obvious, this data predates the advent of four casinos that may be licensed to operate pursuant to Amendment 100.

- Gambling disorders do not respect age, gender, race, occupation, or economic means. A community may be shocked to hear about a priest who embezzled \$650,000 to support a video gambling addiction, or a lawyer who stole more than \$800,000 of her clients' money to fuel her addiction.⁹ The consequences of gambling addiction such as bankruptcy, job loss, domestic problems and divorce, depression, and suicide, raise serious public health issues that require attention and resources.¹⁰

- When the Arkansas lottery was adopted in 2009, the state agreed to set aside \$200,000 annually for a gambling hotline, treatment services, and education programs to raise the public's awareness of gambling disorders. However, a state law passed in 2015 cut even that modest amount of funding. According to the NCPG, "Arkansas holds the distinction of being the only state that lost its problem gambling service funding in the past

⁶ See Arkansas Gambling Addiction Fact Sheet at <http://www.ncpgambling.org/wp-content/uploads/2014/05/Arkansas-Gambling-Addiction-Fact-Sheet.pdf>

⁷ National Council on Problem Gambling, 2016 Survey of Problem Gambling Services in the United States, located at http://www.ncpgambling.org/wp-content/uploads/2019/01/2016-Survey-of-PGS-in-US_FULL-REPORT-FINAL-12-19-2017-1-18.pdf

⁸ Arkansas Gambling Addiction Fact Sheet, *supra* note 6.

⁹ See Miller, The Utility and Limits of Self-Exclusion Programs, 6 UNLV Gaming L.J. 29, 30 (Spring 2015)

¹⁰ See <https://www.ncpgambling.org/programs-resources/resources/real-stories-of-recovery-awareness/>

three years." Consequently, Arkansas is "one of only 10 U.S. states that does not provide dedicated funding for problem gambling services."¹¹

- The elimination of funding cannot be attributed to financial difficulties for the lottery. In fiscal year 2018 the Arkansas Lottery produced over \$500 million in sales and raised more than \$91 million for scholarships.¹² Moreover, the state collected \$75.6 million in taxes and fees from major types of gambling in 2015.¹³

- In 2017, the NCPG called on "Arkansas leaders to restore funds to prevent and treat gambling addiction."¹⁴ The effect of the elimination of funds in 2015 was that, "[c]lients in counselling for gambling problems were not able to continue their therapy and the enrollment of new clients was halted."¹⁵ The early termination of the state's contract with a call center to handle Helpline calls was "particularly harmful."¹⁶ In reviewing 10 years of Arkansas helpline data in 2015, the NCPG found:

- Over a decade both total helpline calls and actual intakes for help have risen
- African-Americans are overrepresented among helpline callers
- Over one-fifth of helpline callers are 55 years old or older¹⁷

¹¹ 2016 Survey of Problem Gambling Services, *supra* note 7.

¹² https://www.myarkansaslottery.com/sites/default/files/components/files/fy_2018_annual_financial_report.pdf

¹³ Dadayan, L. (2016). State Revenues from Gambling. Rockefeller Institute's Blinken Report

¹⁴ "NCPG Calls on Arkansas Leaders to Take Responsibility for Gambling Addiction," June 7, 2017, found at <http://www.ncpgambling.org/wp-content/uploads/2017/06/NCPG-Calls-on-Arkansas-Leaders-to-Take-Responsibility-for-Gambling-Addiction-final.pdf>

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

The findings also indicated that the cuts in funding affected those who are at most risk for gambling addiction: "poorer, less educated, older Arkansans as well as those who have physical or mental health problems, are depressed or who served in the military."¹⁸

- Arkansas is one of only fifteen jurisdictions without a NCPG state affiliate. According to the NCPG's 2016 survey, "The National Problem Gambling Helpline covers calls originating from Arkansas; however, referral sources in Arkansas are scarce, with only four Gamblers Anonymous meetings listed on www.gamblersanonymous.org and only two certified problem gambling counselors listed on the www.ncpgambling.org counselor directory (as of 2016)."¹⁹ The NCPG reports that it has received more than 15,000 calls from Arkansas since the removal of state support in 2015.²⁰

- It is important to note that the NCPG is neutral on legalized gambling and that many lotteries, casinos, racetracks, gaming product vendors, and state regulatory and health agencies are members of the group. They seek to develop comprehensive policies to reduce the "personal, social and economic costs of problem gambling."²¹ Their judgment is that every dollar invested in treatment and prevention of gambling disorders saves at least \$5 in social costs.²²

- The gambling disorder issue has special significance with the prospect that sports betting will be offered in the state. Sports betting is a popular form of gambling with young people, with one source reporting that 67% of college students bet on sports.²³ With the

¹⁸ *Id.*

¹⁹ 2016 Survey of Problem Gambling Services, *supra* note 7

²⁰ *Id.*

²¹ NCPG Calls on Arkansas Leaders to Take Responsibility for Gambling Addiction, *supra* note 14

²² *Id.*

²³ See College Gambling Facts and Statistics, <https://uncw.edu/crossroads/documents/NPGAWcollegefactsheet.pdf>

spread of legal sports betting, this number will likely increase. Unfortunately, youth is a significant risk factor for developing gambling disorders.

- The NCPG has issued a call for “Responsible Gaming Principles for Sports Gambling Legislation.”²⁴ In the portion of that document directed to legislators and regulators, these provisions are regarded as essential to minimize the harms from sports betting:

Legislators and Regulators Should:

Ensure that any expansion of sports gambling includes dedicated funds to prevent and treat gambling addiction.

Require sports betting operators to implement responsible gaming programs which include comprehensive employee training, self-exclusion, ability to set limits on time and money spent betting, specific requirements for the inclusion of help/prevention messages in external marketing.

Assign a regulatory agency to enforce the regulations and requirements that are enacted.

Conduct surveys of the prevalence of gambling addiction prior to expansion and at regular periods thereafter in order to monitor impacts of legalized sports betting and have data that will support evidence-based mitigation efforts.

²⁴ See <http://www.ncpgambling.org/wp-content/uploads/2018/03/Responsible-Gaming-Principles-for-Sports-Gambling-Legislation.pdf>

Establish a consistent minimum age for sports gambling and related fantasy games.²⁵

- It is critical to provide secure funding for research into, and the prevention and treatment of, gambling disorders. To prevent funding for gambling disorders being reduced or becoming a political football, earmarked money tied to the amount of gambling revenue should fund gambling disorder programs. As more people gamble more money the incidence of gambling disorders can be expected to increase. The NCPG recommends that 1% of gambling revenue be dedicated to prevention and treatment programs.²⁶

- Amendment 100, in authorizing the issuance of licenses for casino gambling, including sports betting, specified that the Arkansas Racing Commission provide at least \$200,000 annually for compulsive gambling disorder education and treatment. This is woefully inadequate and the Casino Gaming Rules, perhaps enabled by legislation, should establish the 1% of gambling revenues standard for funding of gambling disorder programs.

- Amendment 100 directs the Commission to work with the state Department of Human Services "to implement the compulsive gambling treatment disorder programs and the compulsive gambling disorder educational programs."²⁷ Further, the Commission is authorized to contract with the state Department of Human Services to provide and administer programs and services relating to gambling disorder treatment programs, and

²⁵ *Id.*

²⁶ See Arkansas Gambling Addiction Fact Sheet, *supra* note 6.

²⁷ Amendment 100, Section 4 (r)(2)

allows the state DHS "to promulgate rules to administer the compulsive gambling disorder treatment programs and the compulsive gambling disorder educational programs."²⁸

- Amendment 100 sets out a structure for the Department of Human Services to address gambling disorders. All that is needed is adequate funding for that body to discharge these important responsibilities. To reiterate, gambling disorders have tragic consequences and are a matter of public health. When a state expands the gambling available, it has an opportunity, and the obligation, to address this public health issue at the beginning. With the rules now being established for casino gambling and sports wagering, it would be an opportunity lost not to provide secure adequate funding for gambling disorder research, prevention, and treatment.

4. GAMBLING DISORDERS AND SELF EXCLUSIONS

- Among the ways to address the issue of gambling disorders is by the use of self-exclusions. A self-exclusion is a process by which a gambler fills out and submits a form requesting that his/her name be placed on a list of people who are not permitted to gamble at licensed casinos. The document indicates that the person acknowledges he or she can be arrested for trespass if they re-enter a licensed casino property, and that any money or jackpots they win will be forfeited.²⁹

- Self-exclusion programs exist in nearly every state that regulates casino gambling.³⁰ The process of self-exclusion provides an opportunity for gamblers to take

²⁸ Section 4 (r)(3) and (4).

²⁹ See Miller, *The Utility and Limits of Self-Exclusion Programs*, *supra* note 9 for description of characteristics of typical self-exclusion program, 6 UNLV Gaming L.J. at 32-35.

³⁰ See <https://www.americangaming.org/wp-content/uploads/2019/01/Responsible-Gambling-Regulations-WEB.pdf> (indicating 21 out of 24 states with commercial casinos offered statewide self-exclusions)

responsibility for their conduct, and they can be a helpful component of an effort to address problem gambling.

- Proposed Rule 5.130 sets out a process for self-exclusion for those engaged in “interactive gaming” (which generally means gambling by use of the internet or through an application on a communications device like a telephone.....). But the proposed rule, taken verbatim from Nevada Gaming Regulation 5.130, has several shortcomings:

- First, the rule places the burden on operators to establish procedures for self-exclusion without specifying how this process should operate.
- Second, the self-exclusion may operate for as few as 30 days from the date of self-exclusion.
- Third, and most fundamental, there is no provision in this rule, or any other proposed rule for the self-exclusion process, to operate apart from the interactive gaming setting. That is, there is no proposed rule that provides for self-exclusions from casino gaming properties themselves.

- These deficiencies seriously undermine a process that can be an important component of responsible gambling practices in Arkansas. The flaws are largely traceable to the proposed rules’ reliance on the Nevada gaming regulations which, because of the hundreds of places to gamble, do not provide for a state-wide exclusion process.³¹ This approach to self-exclusions would not be appropriate in Arkansas. The number of

³¹ See Kevin Ferguson, Casino Self-Exclusion Programs Grow, Called a ‘Work in Progress,’ LAS VEGAS SUN (Oct. 31, 2001, 10:01 AM), <https://lasvegassun.com/news/2001/oct/31/casino-self-exclusion-programs-grow-called-a-work-in-progress/> (“[Carol O’Hare, Executive Director of the Nevada Council on Problem Gambling, said] it’s unrealistic to expect a program in Nevada like those in Missouri or New Jersey because of the size of the industry in the Silver State.”)

properties offering casino games would be so few that self-exclusions should operate on a state-wide basis.

- While helpful, self-exclusions have limitations and do not constitute a treatment intervention. They depend on a person with a gambling disorder to recognize that fact, and to take action to complete the self-exclusion process. More daunting is the fact that the problem gambler has to exercise the restraint needed to obey the terms of the self-exclusion by not entering gaming areas. The NCPG estimates that approximately 60% of those who have executed self-exclusions breach the terms by gambling at a casino where they are barred. The result is that, if they are caught, they can be arrested for trespass and they forfeit any gaming winnings.³² This presents a stark irony: if a self-excluded gambler breaches the agreement and returns to gamble and loses more money, the person leaves undetected, and their gambling disorder has been exacerbated. On the other hand, if the self-excluded gambler wins a jackpot, identification will be required and the gambler will be subject to arrest for trespass and will forfeit any winnings. The asymmetry of this situation offers little incentive for casinos to enforce the self-exclusion process.

- In order for self-exclusions to be an effective measure for addressing gambling disorders, they need to be integrated into a process of referral and treatment. Otherwise, they operate simply as a punitive measure. In addition to expanding the self-exclusion

³² See, e.g., language from "program Summary" for self-exclusion program in Iowa, "A person in the program found in, or wagering with a licensed facility will be removed from the facility. A person may also be charged with criminal trespassing. Additionally, the person will forfeit the right to any and all winnings." <https://irgc.iowa.gov/self-exclusion-program>

process to casino gambling, a number of other details for self-exclusions should be set out.

- One important ingredient of making self-exclusions an effective treatment intervention is to have the state be in charge of administering the self-exclusion process. If a gambler enrolls at a casino, it is very likely he or she will be dealing with casino employees who have little or no training in dealing with issues of problem gambling. In fact, the matter may be viewed as a "security issue." This makes the orientation of the self-exclusion punitive and not therapeutic. Although information about self-exclusions, and other interventions for gambling disorders, should be made available at the casino, enrollment should be under the direction of the state.³³

- The self-exclusion process could be administered by trained state employees, perhaps employees of the state Department of Human Services, whose salaries would be paid by dedicated gaming revenues. Centralization of the self-exclusion procedure would provide consistency in application and would emphasize that problem gambling is a public health concern. State employees could deal individually with those enrolling in the self-exclusion process and integrate that mechanism with other interventions and counselling that would be appropriate. Ultimately, self-exclusions should be viewed as an opportunity to direct the person to treatment, and the state is better able to perform this function than the casino.³⁴

³³ See Miller, *The Utility and Limits of Self-Exclusion Programs*, supra note 9 for description of characteristics of typical self-exclusion program, 6 UNLV Gaming L.J. at 32, 37-38.

³⁴ Id.

- The duration of a self-exclusion needs to be carefully considered. The 30-day period set out in proposed rule 5.130 is extraordinarily short. Several states provide that a gambler who participates in a self-exclusion is agreeing to a lifetime exclusion. More common is a graduated approach where the term of exclusion can be 1, 3, 5, or even 10 years, with a lifetime exclusion also being available. One concern is that a lifetime ban might be seem so grave that it deters people from enrolling when they might benefit from a self-exclusion. On the other hand, a self-exclusion that is too short functions more as a "time out" than a recognition that the person has a gambling disorder that needs to be addressed. A self-exclusion of less than three years may not achieve the useful objectives of the process.

- Although family members can be negatively affected by the gambling disorder of a spouse, child, or others, it is problematic to give that person standing to seek and compel another family member's exclusion. The practical issues of administration may outweigh the benefits that could exist.

- The enforcement of self-exclusions raises a host of problems. As noted above, casino properties may have insufficient incentive to focus resources on identifying and barring entry to those who have self-excluded. At the very least, the state should create a dedicated database of those on the self-exclusion list and make this available to casinos. Further, there need to be clearly stated expectations for enforcement of the exclusions, and regulatory discipline for non-enforcement. This includes prohibiting marketing information from being sent to persons on the self-exclusion list.

- One possible way to enforce self-exclusions is for the gaming areas of a casino property to have a single entrance where identification could be checked by security

personnel and scanned through the self-exclusion data base, resulting in the self-excluded gambler being denied admission.

- Though the individual who self-excludes has primary responsibility for not going to a casino, it is important to recognize the high breach rate. If self-exclusions are to have any effectiveness, the responsibility for enforcing them needs to be shared by the casino. Otherwise, self-exclusions become another way for a person's gambling disorder to be regarded as their problem only, rather than an important public health issue.³⁵

- Ultimately, self-exclusions are a small part of the array of tools needed to address gambling disorders. They should never be regarded as the industry's predominant means of seeking to reduce the harms of gambling disorders. Meaningful inroads in diminishing the tragic effects of problem gambling will require commitments by both gamblers and the industry that go far beyond the gambler's decision to address his or her problem by self-excluding.

5. CREATION OF A RESOLUTION PROCESS FOR DISPUTES BETWEEN CASINOS AND PLAYERS

- It is not uncommon for disputes to arise between players and casinos. For example, players may believe they won a jackpot on a slot machine while the casino maintains there was, for example, a malfunction that relieves them of the obligation to pay.

- While a licensed property should attempt to resolve a dispute with the player informally this may not always be possible. Rather than leaving the player with no remedy

³⁵ Id. at 39-44

short of filing an action in court, an administrative process should be created to review and decide these disputes. As one example, the state of Nevada has an administrative process expressed in Nev. Rev. Stat. sections 463.362 to 463.368. Regulations elaborating on the details of the administrative process are located in Regulation 7A of the Nevada Gaming Control Board. In Arkansas, the administrative process likely would need to be created by statute, and I recommend that the Commission work with the legislature for that purpose.

- The process would allow a player to file a notice with the Arkansas Racing Commission requesting that an investigation be conducted by a representative of the Commission. If the player disagrees with the decision of the investigator, an administrative officer designated by the Commission would conduct a hearing where both parties could present proof relating to the dispute.

- The ruling of the administrative officer would be subject to appeal to the full Commission, and either party could appeal that decision to a state court of competent jurisdiction to review the reasonableness of the administrative decision.

- The precise details of the administrative procedure would be established consistent with other provisions of state administrative law. Also, it would be reasonable to establish a more streamlined process for disputes involving less than, for example, \$500. Nevertheless, having an administrative process in place that provides an opportunity to resolve the dispute would draw on the expertise of the Commission, and would save the courts from being a tribunal of first resort.

6. ARKANSAS CLEAN INDOOR ACT AND NON-SMOKING

• The Arkansas Clean Indoor Air Act, § 20-27-1801, et seq (Arkansas Code 2017) was enacted in 2006. The findings of that provision, set forth in § 20-27-1802, state that "scientific research data has shown that nonsmokers often receive damage to their health from the smoking of tobacco by others." In addition to finding that "indirect smoking of tobacco through inhaling the smoke of those who are smoking nearby are major causes of preventable diseases and death," the statute declares that, "Secondhand smoke is a known cause of lung cancer, heart disease, chronic lung ailments such as bronchitis and asthma, particularly in children, and low birth-weight births."

• Despite the broad application of the law to public places, there is a notable exemption for the "[d]esignated smoking areas on the gaming floor of any franchisee of the Arkansas Racing Commission." § 20-27-1805 (9). Of note, the current exemption would not be applicable to a casino to be licensed by the Commission that is not a "franchisee of the Arkansas Racing Commission." The two casinos that may be licensed in Jefferson and Pope Counties are not identified in Amendment 100 as franchisees of the Commission. In § 2(g) of Amendment 100, the two casinos to be located at the Oaklawn and Southland racing properties in Arkansas are defined as "franchise holders" – specifically meaning franchises created by the Arkansas Horse Racing Law and the Arkansas Greyhound Racing Law. It is not clear if such existing racing "franchise holders" would qualify as "franchisees of the Arkansas Racing Commission" under the existing smoking exemption statute. The proposed Casino Gaming Rules do not address this issue, and as seen below, I recommend that the exemption contained in § 20-27-1805 (9) of the Arkansas Clean Indoor Air Act not be afforded to casinos licensed pursuant to Amendment 100.

- The dangers of secondhand smoke (SHS) are well-documented. The Centers for Disease Control states that exposure to secondhand smoke contributes to approximately 41,000 deaths among nonsmoking adults per year,³⁶ and other research puts the numbers even higher, with "SHS . . . responsible for an estimated 46 000 heart disease deaths and 3400 lung cancer deaths among non-smoking adults in the USA each year."³⁷

- In a research study conducted by members of the CDC's Office on Smoking and Health, the researchers found that "[e]mployees and patrons are exposed to SHS in casinos, posing a significant, preventable risk to their health. Policies completely prohibiting smoking in casinos would be expected to greatly reduce or eliminate SHS exposure in casinos, thereby protecting the health of casino workers and patrons."³⁸ The exposure to SHS is "documented by elevated levels of SHS constituents in the air of casinos and by elevated levels of tobacco-specific biomarkers in non-smokers' blood, urine and saliva."³⁹ Moreover, the study found, "separating smokers from non-smokers, cleaning the air and ventilating buildings cannot eliminate SHS exposure."⁴⁰ This is consistent with another study which noted the futility of ventilation and air cleaning practices in controlling SHS and found that drifting from SHS contaminated unseparated nonsmoking areas.⁴¹

³⁶ See https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm

³⁷ Stephen Babb, Carrie McNeil, Judy Kruger, and Michael A. Tynan, "Secondhand smoke and smoking restrictions in casinos: a review of the evidence," found at <https://tobaccocontrol.bmj.com/content/24/1/11#ref-43>

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ See Repace JL, Jiang RT, Acevedo-Bolton V, Cheng KC, Klepels NE, Ott WR, Hildemann LM, Fine particle air pollution and secondhand smoke exposures and risks inside 66 US casinos, 111 Environ Res 473-484 (May 2011), found at <https://www.ncbi.nlm.nih.gov/pubmed/21440253>

- The argument made against applying smoke-free air laws to casinos is that patrons who want to smoke while they gamble will stay away from casinos where they can not smoke, go to gaming properties in another state not having a restriction on casino smoking, or frequent tribal casinos that are not subject to the state law. According to that argument, this would have the effect of reducing the gaming revenue of the casinos and the resulting tax revenue to the state.

- There are few studies testing this claim of reduced revenue in part because until recently few casinos had adopted such measures. The studies conducted have arrived at different results, with some finding that smoking prohibitions do not cause revenue drops in casinos, and other studies reaching the conclusion that smoking bans on gaming floors reduce revenues.⁴² Even if gaming revenues are reduced, however, this does not offer a complete picture of the economic implications of a ban. The potential for savings on employee healthcare costs, fire and property insurance premiums, and cleaning and maintenance should also be considered.⁴³

- According to American Gaming Association research, nine (9) states have total prohibitions on smoking on casino gaming floors, six (6) have partial restrictions, and nine (9) have no restrictions.⁴⁴ With Arkansas about to go forward with casino gaming, this is an opportunity for the state to promote important public health considerations and not

⁴² See discussion in Secondhand smoke and smoking restrictions in casinos: a review of the evidence, supra note 37.

⁴³ See Thomas A. Garrett and Michael R. Pakko, The Revenue Performance of Casinos after a Smoking Ban: The Case of Illinois, FEDERAL RESERVE BANK OF ST. LOUIS Research Division June 2009, revised March 2010)(finding that downturn in attendance due to smoking ban need to be considered along health benefits of smoke-free air laws applying to casinos.

⁴⁴ https://www.americangaming.org/wp-content/uploads/2018/08/AGA-2018-State-of-the-States-Report_FINAL.pdf

apply the exemption contained in § 20-27-1805 (9) of the Arkansas Clean Indoor Air Act to casinos licensed pursuant to Amendment 100.

7. REGULATION OF SPORTS BETTING

- Amendment 100 provides that "licensees may accept wagers on sporting events if and when not prohibited by federal law." § 3(b). The Amendment § 4(c) also directs the Commission to "adopt rules necessary to carry out the purposes of this Amendment," including rules governing, "[a]ny other matters necessary for the fair, impartial stringent, and comprehensive administration of its duties under this Amendment." § 4(e)(13).

- Rules governing the regulation of sportsbooks require careful development and consideration. Sports betting is not like any other form of gambling. The "house" does not enjoy a statistical edge with sports betting such as it does with slot machines having a computer chip governing payout percentages. Nor does sports betting have odds favoring the house like it does with house-banked games such as blackjack, craps, or roulette.

- Due to this absence of a house advantage, sports betting operations are a low margin business. Historical figures from Nevada show that sportsbooks hold about 5% of the money bet before they pay taxes and operating costs.⁴⁵ Sports betting exposes the casino to losses unlike any other form of gambling. In the betting on the 2019 Super Bowl, the first time sportsbooks outside Nevada could take sports bets, New Jersey sportsbooks

⁴⁵ See Nevada Sports Betting Totals: 1984-2018, UNLV Center for Gaming Research, found at https://gaming.unlv.edu/reports/NV_sportsbetting.pdf

absorbed a \$4.5 million loss.⁴⁶ In the 2018 Super Bowl, Nevada sportsbooks eeked out a 0.7% win on \$158 million wagered.⁴⁷ Sportsbooks can and do lose money.

- It is misleading to use Nevada's rules for sports betting as a model for Arkansas's new market. Nevada has allowed sports betting since 1949 and is a mature market which has evolved over the years. While the Nevada rules offer guidance on how to regulate sportsbooks they may not always be suitable for a jurisdiction just undertaking to regulate this form of betting.

- I believe the points noted above suggest that sports betting regulations in the state not be promulgated until a dedicated study of the issues is conducted. This would not require a lengthy process but it is one that is necessary for the creation of a suitable regulatory system of this unique form of gambling. In addition to the concerns already mentioned, there are other matters that warrant consideration:

- Some states have statutes or rules that disallow bets on contests involving universities or colleges located within the state, without regard to where the game is being played. New Jersey regards contests involving state institutions as "prohibited sports event[s]" which cannot be bet on. Nevada had a similar policy until it was changed in 2001.
- Proposed rule 20.120.1 (d) allows a professional team, "whose home field, a court, or base is in Arkansas, or any event played in Arkansas involving a professional team, " to request the Commission not to allow wagers on "an event

⁴⁶ See "New Jersey Sportsbooks Take \$4.5 Million Loss On First Super Bowl Sunday," found at <https://www.legalsportsreport.com/28745/nj-sports-betting-super-bowl-revenue/>

⁴⁷ See "Super Bowl Wagering in Nevada Hits Record High for Eagles Win.," found at <https://www.legalsportsreport.com/18241/record-super-bowl-wagering-nevada/>

or the beginning of a series of events.” However, there is no reference to a similar process for colleges and universities within the state. Though I take no position on the appropriateness of a state allowing bets on contests involving universities within the state, this issue is significant enough that it warrants input from the stakeholder universities and colleges before moving forward.

- Sports betting is an attractive form of gambling for young people,⁴⁸ and they are at risk for problem gambling.⁴⁹ It is important that the system regulating sports betting be thoroughly and carefully constructed with this issue, among others, in mind.
- Proposed rule 20.140 requires that a person must be “physically present on the premises of the Licensee/book” to place a sports bet. It appears this limitation was made to limit mobile betting (betting by an application on a phone or tablet or online) on sports, in contrast to pari-mutuel betting, but the experience in states has been that mobile betting has supplied a significant part of the sports betting handle. More detailed consideration should be given to the role of mobile sports betting.
- The Office of Legal Counsel of the Department of Justice recently, January 14, 2019, issued an interpretation of the federal Wire Act that prohibits interstate

⁴⁸ See “Sports Gambling Facts and Statistics,” National Council on Problem Gambling, found at <http://www.ncpgambling.org/wp-content/uploads/2015/01/Sports-Gambling-Facts-and-Statistics.pdf> (finding that sports betting is second to poker in popularity among college students, that 44% of 12th grade males reported betting on sports, and that sports betting is the most popular form of gambling among youth age 14-22, with nearly one-quarter of males saying they bet on sports in an average month.

⁴⁹ See Responsible Gaming Council, “Youth and Young Adults,” found at <https://www.responsiblegambling.org/safer-play/youth-and-young-adults> (finding that age group between 18-24 is at highest risk of developing a gambling problem)

internet gambling for all forms of gambling, not just sports. Moreover, the Opinion does not make it clear whether the Wire Act would apply in cases of "intermediate routing." The term "intermediate routing" means that even when a bettor and computer server are in the same state, internet data generally travels outside a state in order to find the most efficient path back to its ultimate destination. One interpretation of the Opinion is that the Wire Act is implicated even when the internet transmission, and the transaction itself, is ultimately intrastate in nature. Moreover, betting terminals or kiosks using an internet connection rather than a direct, closed data line could also be subject to Wire Act application. The Department of Justice is expected to issue guidance on this Opinion within the next 60 days. Until that guidance is issued, and perhaps even after, there is considerable uncertainty regarding the legality of mobile sports betting, and there is some uncertainty regarding non-mobile forms of sports betting at a casino.

- There is a federal proposal to regulate sports betting that has been introduced in Congress that would dramatically affect how sports betting is regulated.⁶⁰ States would be required to submit an application to the United States Attorney General to offer sports betting and would need to offer proof of compliance with the federal standards set out in the proposal. Additionally, it would allow interstate sports betting in some instances. The prospects for passage are difficult to measure but the Office of Legal Counsel Opinion might supply an

⁶⁰ See S. 3793 "Sports Wagering Market Integrity Act of 2018"

impetus for Congress to act. This adds to the uncertainty of the legal climate for sports betting.

- Sports betting is the clearest example of the need for a “go slow” approach in establishing regulations. Given the considerations raised above, I recommend that the Commission authorize a study of the issues of and choices for regulating sports betting before developing and finalizing regulations. The study would not need to be an exhaustive analysis of all aspects of sports betting, and could be limited in scope and time. Presently, however, I do not believe it is advisable to go forward with establishment of a regulatory process for sports betting until such a study is conducted.

KEITH C. MILLER

Ellis and Nelle Levitt Distinguished Professor of Law
Drake University Law School
Des Moines, Iowa 50311
Phone: (515) 271-2071

EDUCATION

- University of Missouri-Kansas City
B.A. (History) 1973
J.D. 1976
Editor-in-Chief UMKC Law Review 1975-76
- University of Michigan
LL.M. 1979

PROFESSIONAL WORK EXPERIENCE

- Ellis and Nelle Levitt Distinguished Professor of Law, Drake University 1989-Present (Assistant Professor 1979-1981; Associate Professor 1981-1987; Professor 1987-1989)
- Visiting Professor of Law, University of Wisconsin 1987-88
- Visiting Professor of Law, University of Nevada-Las Vegas Boyd School of Law 2015-2019
- Lathrop, Koontz & Norquist, Kansas City, Missouri 1976-78 (private practice)

COURSES TAUGHT

Gaming Law, Law of Sports Betting and Fantasy Sports, Products Liability, Torts, Workers' Compensation, Tort Law and Terrorism, Constitutional Law, Legal History

SELECTED GAMING LAW PUBLICATIONS

- What Every Business Lawyer Needs to Know about Regulated Gambling*, Editor and contributing author (American Bar Association, Gaming Law Committee of Business Law Section 2019) (forthcoming)
- State Lotteries and Their Customers, 9 UNLV Gaming L.J. __ (2019) (forthcoming)
- Sports Wagering in America: Policies, Economics, and Regulation*, co-author Anthony Cabot, (UNLV Gaming Press 2018)
- Regulatory Models for Sports Wagering: The Debate between Federal and State Oversight, 8 UNLV Gaming L.J. 153 (2018)
- The Law of Gambling and Regulated Gaming*, 2d edition, co-author Anthony Cabot (Carolina Academic Press 2015) (with Teacher's Manual)
- The Utility and Limits of Self-Exclusion Programs, 6 UNLV Gaming L. J. 29 (2015)
- Exclusion of Casino Patrons (chapter in book *Regulating Casino Gambling* (Anthony Cabot & Ngai Pindell eds., UNLV Gaming Press) (2014))

- How Should The Past Inform the Future? Reviewing *Regulating Internet Gaming: Challenges and Opportunities* (Anthony Cabot & Ngai Pindell eds., UNLV Gaming Press) 5 UNLV Gaming L. J. 49 (Spring 2014)
- Ethics Across the Gaming Industry, 10 *Casino Lawyer* 30 (Spring 2014) (co-author)
- The Internet Gambling Genie and the Challenges States Face, 17 *J. of Internet Law* 1 (2013)
- Public Policy and the Inevitability of Internet Gambling, *Drake Law Review Discourse*, Vol. 61, 1-34 (2012)
- Editor of International Masters of Gaming Law International Regulatory Library (on IMGL website) (2012)
- Gaming Law in the Academic World: Is There a Fourth Wave? Volume 15, Number 12, *Gaming Law Review and Economics* 759 (December 2011)
- The Law of Gambling and Regulated Gaming-Casebook 2011*--Carolina Academic Press; co-author Anthony Cabot (with Teacher's Manual).
- Preface: 2008 Gaming Law Symposium, 57 *Drake L. Rev.* 319 (2009)
- The Iowa Lottery's TouchPlay Debacle, 11 *Gaming L. Rev.* 88 (2007)

RECENT GAMING LAW ACTIVITIES AND PRESENTATIONS

- Moderator and speaker at ABA Business Law Section Annual Meeting, "Gaming Law Basics for the Business Lawyer I," September 15, 2018
- Speaker at International Masters of Gaming Law Autumn Conference, Prague, Czech Republic, "Sports Betting in the USA: Now That the Gloves Are Off...Who Wins?," September 6, 2018
- 8th Circuit Judicial Conference, moderator of panel on "Legal Issues Surrounding Sports Gambling Case Study: Philip D. Murphy, et al. v. NCAA, et al.," August 16, 2018
- Speaker and panel moderator on "Sports Gambling in New York and the Nation" 18th Annual Saratoga Institute on Equine, Racing and Gaming Law, August 7, 2018
- Speaker at "Let's DU Lunch," Drake University, May 2, 2018, "The Legal Environment for Sports Betting in Iowa"
- Speaker at International Masters of Gaming Law Spring Conference, March 8, 2018, "Skill-Based Gaming and the Millennial Generation"
- Organizer/moderator of conference, "Is Sports Betting Coming to Iowa?" Co-sponsored with Prairie Meadows Casino Resort, March 5, 2018
- Speaker at Fordham Law School, March 2, 2018, 22nd Annual Sports Law Forum, "Is the Supreme Court Going to Open the Door to Sports Betting?"
- Speaker at Conference offered by the Arizona State University American Indian Policy Institute, "Wiring the Rez: Expanding the Borders of Indian Country through E-Commerce" February 2, 2018. Lecture titled, "Is Sports Betting a Feasible Opportunity for Indian Tribes?"
- Moderator of Panel and Speaker on "The Legalization of Sports Betting." 17th Annual Saratoga Institute on Equine, Racing and Gaming Law, August 2017
- Speaker at Stanford Law School on May 6, 2017, "Athletes, Sports Law, and Policy: An Interdisciplinary Symposium"
- Speaker at Fordham Law School, March 24, 2017, 21st Annual Sports Law Forum, "A Uniform Framework for the Regulation of Sports Betting."

- Taught class at Boyd Law School, University of Nevada-Las Vegas, Special Topics: Sports Betting & Fantasy Sports, May 2016, January 2017, January 2018, May 2018
- Moderator of Panel and Speaker for International Masters of Gaming Law Fall Conference, October 2016, "The Future of Horse Racing"
- Moderator of Panel and Speaker on "Implications of the Next Generation of Gaming" 16th Annual Saratoga Institute on Equine, Racing and Gaming Law, August 2016
- Speaker at Conference offered by the Arizona State University American Indian Policy Institute, "Wiring the Rez: Expanding the Borders of Indian Country through E-Commerce" February 12, 2016. Lecture titled, "Tribes and Internet Gambling: The Federal Law Template"
- Moderator of Panel and Speaker on "What is the Future of Fantasy Sports?" ABA Gaming Law Minefield Conference, February 11, 2016
- Taught class at Boyd Law School, University of Nevada-Las Vegas, Special Topics: Sports Betting & Fantasy Sports, January 2016
- Speaker at Symposium on Sports Law and Ethics, sponsored by The Institute of Sports Law and Ethics at Santa Clara University. Lecture titled, "The Legal Environment for Sports Betting and Fantasy Sports," September 10, 2015
- Speaker at UNLV Law School Conference on Regulating Land Based Casinos; lecture titled, "Threats to Tribal Sovereignty in the Bay Mills Case," September 2, 2015
- Moderator of Panel and Speaker on "Have Fantasy Sports Made the Debate on Sports Betting Irrelevant?" 15th Annual Saratoga Institute on Equine, Racing and Gaming Law, August 2015
- Moderator of Panel and Speaker on "Problem Gambling," ABA Gaming Law Minefield Conference, February 2015
- Vice-Chair, American Bar Association Business Law Section: Gaming Law Committee
- Vice-President, Educator Affiliates, International Masters of Gaming Law
- Speaker on "Spousal Disqualification for Gaming Licenses", International Masters of Gaming Law Fall Conference, November 2014
- Moderator of Panel on "Problem Gambling," ABA Gaming Law Minefield Conference, February 2014
- Speaker on "Developments in State Lotteries in the U.S." International Masters of Gaming Law Fall Conference, October 2013
- Moderator of Panel on "Ethics in the Gaming Industry," ABA Gaming Law Minefield Conference, February 2013
- Speaker and Moderator of Panel on "Internet Gambling in the U.S.—Soon on its Way?" International Masters of Gaming Law Fall Conference, October 2012
- Moderator of Panel on "Ethics in the Gaming Industry," ABA Gaming Law Minefield Conference, February 2012
- Speaker on "Internet Gambling in the U.S.," International Masters of Gaming Law Fall Conference, April 2012
- Organizer and Moderator of 2008 Gaming Law Conference co-sponsored by Drake Law Review and International Masters of Gaming Law

GAMING LAW PROFESSIONAL ASSOCIATIONS

- Vice-Chair of the Gaming Law Committee for the Business Law Section of the American Bar Association

- Editorial Board Member, *Gaming Law Review and Economics: Regulation, Compliance and Policy* (Mary Ann Liebert, Inc., publishers)
- Board of Advisors, UNLV Gaming Law Journal

NOTABLE LAW SCHOOL COMMITTEE WORK

- Drake Law Review Faculty Advisor 1992-present
- Faculty Executive Committee (elected by faculty) 1992-2000, 2004-2018
- Dean Search Committee 1996-97; 2007-09
- Retention, Promotion, and Tenure Committee (numerous years, most recently 2006-2018)
- Selection Committee member for awarding of Law School Endowed Professorships 1987, 1990, 1994, 2002, 2006, 2009, 2017

NOTABLE UNIVERSITY COMMITTEE WORK

- Faculty Athletics Representative to NCAA 1996-2000
- Intercollegiate Athletic Council-Chair 1996-2000

OTHER PROFESSIONAL MEMBERSHIPS

- Member, Missouri Bar
- Member, American Bar Association
- Member, Order of the Coif
- Member, Order of the Bench and Robe

SELECTED PROFESSIONAL ACTIVITY

- Professeur Invité, University of Nantes (France) 1992-2013; lectures to classes of French law students and conferences with faculty
- Exchange Scholar at University of British Columbia College of Law, Vancouver, B.C., Fall, 1990
- Lecturer for Iowa State Bar Review School 1982-2008 (author of review outlines published in 1994, 1997, 2002 and 2007)

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Friday, February 15, 2019 9:32 AM
To: Byron Freeland; Susie Luce
Subject: FW: Casino rule comments

From: Robert Coon <coon@impactmanagement.com>
Sent: Friday, February 15, 2019 9:23 AM
To: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Cc: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>; Todd Abbott <todd.abbott@warnergaming.com>; Jerry Hill <jerahill@aol.com>
Subject: Casino rule comments

Director Campbell,

On behalf of Todd Abbott, please see the following comments to proposed Casino rules in accordance with Amendment 100.

1. Rule 3.15 provides for an exemption to Rule 3.03 if a vendor is not operating in a regular and continuous manner. Are there any other exemptions being considered for Rule 3.03 (e.g., licensed professionals such as attorneys and CPAs, entities otherwise licensed by ARC, publicly traded companies regulated by the SEC, banks, agencies of state or local government, or utilities)?
2. Rule 7.010(4) should clarify the distinction that Rule 7 applies to transfers of interest in corporations subject to Rule 13 but shall not apply to transfers of interest in corporations subject to Rule 17.
3. Rule 24.160(1) – the last sentence can be deleted since these Rules don't distinguish between Group I and Group II licensees

Please feel free to contact me, or Todd Abbott, with questions.

Thank you.

Robert Coon
Managing Partner
Impact Management Group
(O) - (501) 244-9600
(M) - (501) 940-6199
coon@impactmanagement.com

Todd Abbott
Chief Compliance Officer
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WarnerGaming.com
todd.abbott@warnergaming.com

Susie Luce

From: zahra erickson <zcmoba@gmail.com>
Sent: Friday, February 15, 2019 8:29 AM
To: Byron Freeland
Subject: Casino Licensing

I have lived in Russellville for the past ten years. It is a great town and I love knowing that it is a safe, family friendly place to raise my son. My husband and I voted against the casino amendment and we voted for the local Pope county ordinance.

It is my sincere hope that you will vote to approve Rule #2 of the licensing process. The rule will allow our community to have a voice in what happens in the process.

Thanks so much for your service on the commission and for reading my email.

Zahra Erickson

Susie Luce

From: Melanie Kelley <Melanie.Kelley@russellvilleschools.net>
Sent: Thursday, February 14, 2019 4:09 PM
To: nikki.langston@dfa.arkansas.gov; smokey.campbell@dfa.arkansas.gov; Byron Freeland
Subject: Rule # 2

I wanted to make my voice heard that Rule #2 covering the licensing process that directly affects both Pope and Jefferson Counties is fair. I live in **POPE County** and I support the requirement that a casino applicant must have a letter of support from a CURRENT county judge or Quorum Court (and mayor if needed). I am thankful to the racing commission for considering the desires of the public in Pope County and that you are listening to our concerns and desires.

Melanie Kelley, NBCT
Dwight Elementary
Russellville, AR 72801
melanie.kelley@russellvilleschools.net

You are braver than you believe

Stronger than you seem

And smarter than you think.

A.A. Milne



Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Thursday, February 14, 2019 3:41 PM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW: Rule #2

From: karen@goldenoakforestry.com <karen@goldenoakforestry.com>
Sent: Thursday, February 14, 2019 3:21 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: Rule #2

I am writing today to ask the commission to give weight to the voice of Pope County voters when considering the application process. A majority of Pope County voters voted against the Casino. While the State as a whole voted for the casino amendment, I strongly encourage you to approve Rule 2 requiring a casino applicant to have a letter of support from a CURRENT county judge or Quorum Court and city mayor. The rule you are currently considering is fair, clear and makes common sense. Forcing a casino on the citizens of Pope County is morally wrong and makes no sense. Applicants should be forced to find a community that wants a Casino in its area.

Thank you for your consideration.

Karen White
Russellville, AR

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Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Thursday, February 14, 2019 3:07 PM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW: Casino rules

From: jbrad@cswnet.com <jbrad@cswnet.com>
Sent: Thursday, February 14, 2019 3:01 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: Casino rules

I'm a resident of Pope County and I do not gamble. I find it boring and the business model is vastly in favor of the owner of the games but I can't see how 500 or 1000 or 1,500 jobs can be overlooked as well as the tax revenue to the City of Russellville and Pope County. This doesn't include a multi million dollar foundation to aid the county's school districts.

But, after the amendment was passed the then currently elected county judge and City of Russellville mayor sent letters of support for the casino. Yet, the commission has in my opinion arbitrarily tossed those two letters aside in favor of the current judge and mayor after the commission writes the rules.

Judge Gibson and Mayor Horton were acting in good faith after the amendment was passed yet the commission in bowing to public sentiment instead of in my opinion should have been the logical action to take and accept the letters from Gibson and Horton.

If you accepted the letter, how now can you reject them?

This letter is being sent to all three commissioners.

Susie Luce

From: Don and Mildred Washington <mdwash66@gmail.com>
Sent: Thursday, February 14, 2019 2:39 PM
To: Byron Freeland
Subject: Casino

My wife and I live in pope county and approve of Rule #2.

Don Washington

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Thursday, February 14, 2019 2:01 PM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW: Casino in Pope County

From: Jenna Manning <Jennamanning2345@outlook.com>
Sent: Thursday, February 14, 2019 1:45 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: Casino in Pope County

Hello,
My name is Jenna Manning and I am writing you to ask you to please consider keeping Jim Ed Gibson's letter for support. If the rule is changed, Pope County will not get the casino that we need to continue to grow and prosper. Please do not change the current rule that allowed him and Mayor Horton to write their letters of support. Please let Judge Gibson's letter stand so that Pope county doesn't block this exciting and potentially life changing project.

Thank you,
Jenna



Susie Luce

From: Kristen Nelson <nelsonkristenm@yahoo.com>
Sent: Thursday, February 14, 2019 12:02 PM
To: Byron Freeland
Subject: Casino & Rule #2

To whom it may concern,
I am a concerned citizen of Pope County. I also happen to be a wife, a mother of four young children and a pediatrician who is extensively involved in this community. I am writing to tell you that I approve of Rule #2.

Thank you,
Kristen Nelson, MD

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Wednesday, February 13, 2019 3:50 PM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW: Rule #2

From: Mike Kinsey <mwk@pobox.com>
Sent: Wednesday, February 13, 2019 3:48 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: Rule #2

Dear Sirs:

I live in Pope county. I think Rule #2 is fair to all. I urge you to consider this Rule in a positive way!

Sincerely,

Robert M. Kinsey
814 Barborek Lane
Russellville, AR 72802

Susie Luce

From: Geoff Kelley <geoffkelley66@gmail.com>
Sent: Thursday, February 14, 2019 9:28 AM
To: Byron Freeland; Melanie Kelley; gkelley@2river.com
Subject: I approve the Rule #2 that recently was submitted.

I wanted to make my voice heard that Rule #2 covering the licensing process that directly affects both Pope and Jefferson Counties is fair. I live in **POPE County** and I support the requirement that a casino applicant must have a letter of support from a CURRENT county judge or Quorum Court (and mayor if needed). I am thankful to the racing commission for considering the desires of the public in Pope County and that you are listening to our concerns and desires.

Sincerely,

Geoff Kelley

1107 Princess Ct, Russellville, AR 72801

479-857-9535

Susie Luce

From: Missy Hines <missy5258@yahoo.com>
Sent: Wednesday, February 13, 2019 10:31 PM
To: Byron Freeland
Subject: Casino in Pope County

I am a resident of Pope County writing in support of Rule #2 regarding the casino letters of support. To require letters from the CURRENT mayor and county judge makes sense and is a very reasonable requirement.

I would hope that you would also take into consideration the will of the citizens of Pope county who voted against the casino by a wide margin and voted FOR an amendment in which the county determined what is best for its residents rather than the entire state.

Thank you for your consideration.

Missy Hines

Sent from Yahoo Mail for iPhone

Sent from Yahoo Mail for iPhone

Sent from Yahoo Mail for iPhone

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Thursday, February 14, 2019 9:23 AM
To: Byron Freeland; Susie Luce
Cc: Smokey Campbell
Subject: FW: Rule #2

From: Beverly Kugler <beverly.kugler@yahoo.com>
Sent: Thursday, February 14, 2019 9:15 AM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: Rule #2

I live in Pope county and support Rule #2.

Sent from Yahoo Mail on Android

✓

Susie Luce

From: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Sent: Thursday, February 14, 2019 1:10 PM
To: Byron Freeland; Susie Luce
Subject: FW: Support for Rule #2 Casino Licensing

-----Original Message-----

From: Smokey Campbell
Sent: Thursday, February 14, 2019 12:58 PM
To: Nikki Langston <Nikki.Langston@dfa.arkansas.gov>
Subject: FW: Support for Rule #2 Casino Licensing

-----Original Message-----

From: Shelia Fletcher <shelia.fletcher3@gmail.com>
Sent: Wednesday, February 13, 2019 6:48 PM
To: Smokey Campbell <Smokey.Campbell@dfa.arkansas.gov>
Subject: Support for Rule #2 Casino Licensing

Dear Mr. Campbell,

I wanted to let you know of my support of rule #2 and the licensing process that requires a casino applicant to have a letter of support from a current county judge or Quorum Court and mayor if needed. I feel that his rule is fair, clear, and makes perfect sense. It allows for the people of prospective casino locations to speak through their elected officials. I am a Pope County resident and I feel that the people of our county made it abundantly clear through a public vote that we did not want a casino in our county. I would appreciate if you would also support Rule # 2. It is a safeguard to prevent one or two people who are getting ready to leave office from going against the expressed will of the people of Pope County or any county that finds themselves in a similar situation in the future. Thank you so much for your consideration in this matter.

Sincerely,
Shelia Fletcher
479-747-1083

Susie Luce

From: Cherie Roe <croe@fbcruss.org>
Sent: Thursday, February 14, 2019 12:51 PM
To: Byron Freeland
Subject: Support Rule #2

Racing Commissioners,

I am a resident of Pope County and I am writing to comment on the new proposed regulations governing casinos in Arkansas.

1. I support the published language of Rule 2 [2.13.4(b)] regarding the local officials' letters of support: only letters from the currently elected County Judge, Quorum Court, or Mayor at the time of application should be considered as valid letters of support.
2. I request that the Arkansas Racing Commission take note of the Pope County Ordinance, passed by 68% of county voters in the November election, which states that voters of Pope County shall vote by an election in support of a casino applicant before any letter of support can be written by a currently elected County Judge or Quorum Court.

Thank you for considering my comments.

Sincerely,
Cherie Roe

