



**NOTICE OF MEETING AND AGENDA:  
Sports Wagering Application Evaluation Discussions**

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, and Chapter 107 of the Session Acts of 2022, notice is hereby given of a public meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

**Tuesday | December 20, 2022 | 10:00 a.m.**  
**VIA REMOTE ACCESS: 1-646-741-5292**  
**MEETING ID/ PARTICIPANT CODE: 112 768 3893**  
**All sessions are streamed live at [www.massgaming.com](http://www.massgaming.com).**

Please note that the Commission will conduct this public meeting remotely utilizing collaboration technology. Use of this technology is intended to ensure an adequate, alternative means of public access to the Commission’s deliberations for any interested member of the public. If there is any technical problem with the Commission’s remote connection, an alternative conference line will be noticed immediately on [www.massgaming.com](http://www.massgaming.com).

All documents and presentations related to this agenda will be available for your review on the morning of the meeting date by visiting our website and clicking on the News header, under the Meeting Archives drop-down.

**PUBLIC MEETING - #415**

1. Call to Order
2. Legal Framework relative to the award of a Category 3 sports wagering operator license – Todd Grossman, General Counsel
3. Continuation of Application Review from December 14, 2022 (#411) for Category 3 sports wagering operator license submitted by **American Wagering, Inc. (Caesars Entertainment, Inc)** in accordance with 205 CMR 218.06(3) and (5)
4. Executive Session:  
 The Commission anticipates that it may meet in executive session in conjunction with its review of the American Wagering, Inc. (Caesars Entertainment, Inc) application in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 23N, § 6(i) to consider information submitted by the applicant in the course of its application for an operator license that is a trade secret, competitively-sensitive or proprietary and which if disclosed publicly would place the applicant at a competitive disadvantage and/or G. L. c. 4, § 7(26)(c) (the privacy exemption) to consider information submitted in the application materials related to named individuals, the disclosure of which may constitute an unwarranted invasion of personal privacy, and/or G. L. c. 4, § 7(26)(n) (certain records for which the public disclosure is likely to jeopardize public safety or cyber security) to consider information submitted in the



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application materials related to the security or safety of persons or buildings, structures, facilities, utilities, transportation, cyber security or other infrastructure located within the commonwealth, the disclosure of which is likely to jeopardize public safety or cyber security.

**VOTE**

The public session of the Commission meeting will reconvene at the conclusion of the executive session.

- 5. American Wagering, Inc. (Caesars Entertainment, Inc) Category 3 license application determination by the Commission in accordance with 205 CMR 218.07 **VOTE**

- 6. Continuation of Application Review from December 6, 2022 (#406) for Category 1 sports wagering operator license submitted by **Plainville Gaming Redevelopment, LLC (d/b/a Plainridge Park Casino)** (“PPC”) in accordance with 205 CMR 218.06(3) and (5)

- 7. Executive Session:

The Commission anticipates that it may meet in executive session in conjunction with its review of the Plainville Gaming Redevelopment, LLC (d/b/a Plainridge Park Casino) (“PPC”) application in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 23N, § 6(i) to consider information submitted by the applicant in the course of its application for an operator license that is a trade secret, competitively-sensitive or proprietary and which if disclosed publicly would place the applicant at a competitive disadvantage and/or G. L. c. 4, § 7(26)(c) (the privacy exemption) to consider information submitted in the application materials related to named individuals, the disclosure of which may constitute an unwarranted invasion of personal privacy, and/or G. L. c. 4, § 7(26)(n) (certain records for which the public disclosure is likely to jeopardize public safety or cyber security) to consider information submitted in the application materials related to the security or safety of persons or buildings, structures, facilities, utilities, transportation, cyber security or other infrastructure located within the commonwealth, the disclosure of which is likely to jeopardize public safety or cyber security.

**VOTE**

The public session of the Commission meeting will reconvene at the conclusion of the executive session.

- 8. Plainville Gaming Redevelopment, LLC (d/b/a Plainridge Park Casino) (“PPC”) Category 1 license application determination by the Commission in accordance with 205 CMR 218.07

**VOTE**



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9. Presentation of Application for Category 3 sports wagering operator license submitted by **Penn Sports Interactive, LLC** including demonstration of technology and user experience in accordance with 205 CMR 218.06(3)
  
10. Presentations and Analysis Relevant to review and evaluation of Application for Category 3 sports wagering operator license submitted by Penn Sports Interactive, LLC:
  - a. Technical Components- Katrina Jagroop-Gomes, Chief Information Officer; Gaming Laboratories International ("GLI")
  - b. Report on suitability of the Applicant –Heather Hall, Chief Enforcement Counsel, IEB
  - c. Financial and Economic Impact Analysis – RSM US LLP: Greg Naviloff, Theresa Merlino, Jeff Katz, Connor Loughlin, Casey Moran
  
11. Review and evaluation of Application for Category 3 sports wagering operator license submitted by Penn Sports Interactive, LLC in accordance with 205 CMR 218.00 including, but not limited to consideration of the following criteria:
  - a. Experience and Expertise related to Sports Wagering (205 CMR 218.06(5)(a))
  - b. Economic impact and other benefits to the Commonwealth if applicant is awarded a license (205 CMR 218.06(5)(b))
  - c. Proposed measures related to responsible gaming (205 CMR 218.06(5)(c))
  - d. Applicant’s willingness to foster racial, ethnic, and gender diversity, equity, and inclusion (205 CMR 218.06(5)(d))
  - e. Technology that the applicant intends to use (205 CMR 218.06(5)(e))
  - f. Suitability of the applicant and its qualifiers (205 CMR 218.06(5)(f))
  - g. Other appropriate factors (205 CMR 218.06(5)(g))

12. Executive Session

The Commission anticipates that it may meet in executive session in conjunction with its review of the Penn Sports Interactive, LLC application in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 23N, § 6(i) to consider information submitted by the applicant in the course of its application for an operator license that is a trade secret, competitively-sensitive or proprietary and which if disclosed publicly would place the applicant at a competitive disadvantage and/or G. L. c. 4, § 7(26)(c) (the privacy exemption) to consider information submitted in the application materials related to named individuals, the disclosure of which may constitute an unwarranted invasion of personal privacy, and/or G. L. c. 4, § 7(26)(n) (certain records for which the public disclosure is likely to jeopardize public safety or cyber security) to consider information submitted in the application materials related to the security or safety of persons or buildings, structures, facilities, utilities, transportation, cyber security or other infrastructure located within the commonwealth, the disclosure of which is likely to jeopardize public safety or cyber security.

**VOTE**



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The public session of the Commission meeting will reconvene at the conclusion of the executive session.

13. Penn Sports Interactive, LLC license application determination by the Commission in accordance with 205 CMR 218.07 **VOTE**
  
14. Presentation of Application for Category 3 sports wagering operator license submitted by **FBG Enterprises Opco, LLC (“Fanatics”)** including demonstration of technology and user experience in accordance with 205 CMR 218.06(3)
  
15. Presentations and Analysis Relevant to review and evaluation of Application for Category 3 sports wagering operator license submitted by FBG Enterprises Opco, LLC (“Fanatics”):
  - a. Technical Components- Katrina Jagroop-Gomes, Chief Information Officer; Gaming Laboratories International ("GLI")
  - b. Report on suitability of the Applicant –Heather Hall, Chief Enforcement Counsel, IEB
  - c. Financial and Economic Impact Analysis – RSM US LLP: Greg Naviloff, Theresa Merlino, Jeff Katz, Connor Loughlin, Casey Moran
  
16. Review and evaluation of Application for Category 3 sports wagering operator license submitted by FBG Enterprises Opco, LLC (“Fanatics”) in accordance with 205 CMR 218.00 including, but not limited to consideration of the following criteria:
  - h. Experience and Expertise related to Sports Wagering (205 CMR 218.06(5)(a))
  - i. Economic impact and other benefits to the Commonwealth if applicant is awarded a license (205 CMR 218.06(5)(b))
  - j. Proposed measures related to responsible gaming (205 CMR 218.06(5)(c))
  - k. Applicant’s willingness to foster racial, ethnic, and gender diversity, equity, and inclusion (205 CMR 218.06(5)(d))
  - l. Technology that the applicant intends to use (205 CMR 218.06(5)(e))
  - m. Suitability of the applicant and its qualifiers (205 CMR 218.06(5)(f))
  - n. Other appropriate factors (205 CMR 218.06(5)(g))
  
17. Executive Session
 

The Commission anticipates that it may meet in executive session in conjunction with its review of the FBG Enterprises Opco, LLC (“Fanatics”) application in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 23N, § 6(i) to consider information submitted by the applicant in the course of its application for an operator license that is a trade secret, competitively-sensitive or proprietary and which if disclosed publicly would place the applicant at a competitive disadvantage and/or G. L. c. 4, § 7(26)(c) (the privacy exemption) to consider information submitted in the application materials related to named individuals, the disclosure of which may constitute an unwarranted invasion of



personal privacy, and/or G. L. c. 4, § 7(26)(n) (certain records for which the public disclosure is likely to jeopardize public safety or cyber security) to consider information submitted in the application materials related to the security or safety of persons or buildings, structures, facilities, utilities, transportation, cyber security or other infrastructure located within the commonwealth, the disclosure of which is likely to jeopardize public safety or cyber security. **VOTE**

The public session of the Commission meeting will reconvene at the conclusion of the executive session.

18. FBG Enterprises Opco, LLC (“Fanatics”) license application determination by the Commission in accordance with 205 CMR 218.07 **VOTE**

19. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that this Notice was posted as “Massachusetts Gaming Commission Meetings - Sports Wagering Application Evaluation Discussions ” at [www.massgaming.com](http://www.massgaming.com) and emailed to [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us).  
Posted to Website: December 16, 2022 | 9:30 a.m. EST

December 15, 2022

*Cathy Judd-Stein*

*Cathy Judd-Stein, Chair*

*If there are any questions pertaining to accessibility and/or further assistance is needed, please email [crystal.beauchemin@massgaming.gov](mailto:crystal.beauchemin@massgaming.gov).*



Massachusetts Gaming Commission



December 15, 2022

VIA E-MAIL

Chair Cathy Judd-Stein  
Massachusetts Gaming Commission  
101 Federal St., 12th Floor  
Boston, MA 02110

RE: Category 1 and Category 3 License Application Evaluation

Dear Chair Judd-Stein:

On behalf of PENN Entertainment, Inc. (“PENN” or the “Company”) and its wholly owned subsidiaries PENN Sports Interactive, LLC (“PSI”) and Plainville Gaming and Redevelopment, LLC d/b/a Plainridge Park Casino (“PPC”), I write in response to the hearing conducted on December 6, 2022, regarding PPC’s Category 1 License Application. I appreciate the opportunity to address the important topics raised during the hearing and to respond to the follow up questions presented by the Massachusetts Gaming Commission (“MGC”) with additional data and relevant facts.

First, with the hope of clearing up any lingering confusion over the difference between Barstool Sports, Inc. (“Barstool”), a media company, and the Barstool Sportsbook, an online sports wagering platform owned and operated by PENN, I offer the following:

**I. PENN/BARSTOOL SPORTSBOOK AND BARSTOOL SPORTS, INC.**

As the MGC is aware, PENN acquired a 36% equity position in Barstool on February 20, 2020. Barstool is a sports and pop culture internet entertainment company that provides a wide variety of content to its audience with 110 personalities across 95 shows in 17 verticals, including sports, comedy, pop culture and business. These shows include the nation’s top overall sports podcast (*Pardon My Take*, featuring Dan Katz), the top overall hip hop podcast in the U.S. (*Million Dollaz Worth of Game*, featuring Wallo and Gillie) and numerous other programs appealing to a broad and diverse audience, including women, military veterans and the LGBTQ+ community. Barstool’s

advertisers include some of the world's most respected brands, including Chevrolet, E. & J. Gallo, TaylorMade and other Fortune 500 companies.

Barstool has grown significantly since it was founded by David Portnoy in 2003 in Boston, with over 400 employees today and a diverse executive team led by CEO Erika Ayers Nardini. Last year, Barstool set new records from both an audience and revenue standpoint as it continues to redefine the digital media landscape. Importantly, Barstool continues to serve as a responsible corporate citizen that gives back to the community, such as raising over \$40 million for more than 800 small businesses across the country affected by the COVID-19 pandemic, including minority-, women- and veteran-owned businesses. A local example of a grant recipient (there were over 25 in Massachusetts alone) is Diggity Dogs Service Dogs, a nonprofit located in Shelburne Falls, that provides service dogs, training and support.

Much of what Barstool does on the charitable front occurs behind the scenes without much fanfare, such as their fundraising support for the families of fallen firefighters and police officers and their assistance in our Hurricane Laura relief efforts for team members impacted by the devastating storm. I encourage you to watch this *Barstool Difference* video available via this [link](#).

Prior to PENN's 36% investment in early 2020, Barstool acted as a marketing partner for many of the country's top sports betting operators. In connection with our investment, Barstool agreed to exclusively promote PENN's various gaming offerings and licensed to PENN the right to use its brand for our retail sportsbooks and online sports wagering and iCasino products. As a result, in September 2020, PENN launched the first online Barstool Sportsbook in Pennsylvania. Today, PENN operates retail Barstool Sportsbooks in 13 of our casinos across the U.S. and the online Barstool Sportsbook in 14 states. PENN is also set to launch Barstool Sportsbooks at our four casinos and online in Ohio in January.

To be clear, neither Mr. Portnoy nor anyone else at Barstool has any control or decision-making authority over the operations of either the retail or online operations of Barstool Sportsbook. All decisions, directions, and influence over the operations of sports betting are made entirely by PENN team members who are authorized to do so and are licensed to do so as required. Barstool is solely PENN's media and marketing partner and will continue to operate as such once PENN acquires 100% of Barstool in February 2023. (Please see post-acquisition org chart attached as Exhibit A).

Barstool has been a successful partner and they are a critical element of PENN's unique omni-channel strategy, which focuses on organic cross-sell opportunities, reinforced by our investments in our market-leading retail casinos, sports media assets, and cutting-edge technology. Our relationship with Barstool is one of the reasons we have been able to significantly grow the younger (21- to 45-year-old) segments of our customer database over the last two years, leading to meaningful revenue growth at our retail casino operations.



To directly address the Commission's concern over the age of the Barstool audience, according to independent third-party Google Analytics, approximately 85% of Barstool's audience on its owned and operated platforms (website, media app, etc.) is over the age of 25. In addition, analytics from Facebook, Instagram, Spotify and Podtrac reveal that approximately 90% of Barstool's audience on Facebook and approximately 70% of its audience on Instagram is over the age of 25, while nearly 90% of Barstool's podcast audience is over the age of 22.

We believe Barstool's targeted promotion to its overwhelmingly 21+ year old audience is more effective from both a cost and responsible gaming perspective than the general television and radio ads prevalent in the industry. For example, PENN became a leading operator in the crowded New Jersey market despite launching two to three years after most of our peers. More recently, on September 1, we launched both retail and online sports betting in Kansas. Beginning with the Hollywood 400 presented by Barstool Sportsbook (one of NASCAR's premier races) and continuing with coordinated joint marketing efforts, our omni-channel approach in Kansas delivered one of our strongest launches to date when you combine both retail and online sports betting results.

In sum, Barstool is a media company and successful marketing partner. PENN, PPC, and PSI are gaming operators. The Barstool Sportsbook is a sports wagering platform owned and operated exclusively by PENN.

## **II. RESPONSIBLE GAMING**

PENN and Barstool take responsible gaming and our compliance obligations very seriously. Nothing is more important to PENN than its gaming licenses and the positive, honest and transparent relationships that we maintain with our regulators.

PENN acknowledges that Barstool is comprised of entertainers, some of whom create edgy, adult-oriented content that includes irreverent humor and satire, in an unscripted 24/7 reality TV format. Recognizing this, and seeking to be proactive at the time of our transaction, in consultation with PENN's corporate Compliance Committee, PENN established meaningful compliance guardrails focusing on responsible gaming, illegal activity, responsible alcohol consumption, harassment/discrimination, political commentary, and SEC regulations. (Please see our compliance guardrails training deck attached as Exhibit B.) These guardrails are included in the Barstool employee handbook, which every employee must sign. Barstool cannot take certain marketing actions without approval of the PENN appointees to the Barstool board if that action could have an adverse impact on PENN's gaming licenses. In addition, PENN's corporate Compliance Committee regularly receives updates on Barstool's compliance and regulatory matters.

PENN's support of Barstool's culture of compliance and its adherence to the guardrails remains primarily overseen by PENN's Chief Compliance Officer, Chris Soriano and Michael West, Vice President of Legal – Strategy and Business Affairs.



Mr. West is the principal liaison between Barstool and PENN on regulatory matters. As part of those duties, Mr. West is responsible for training Barstool employees on the guardrails and monitoring Barstool's new content for any potential violations that may arise (including regular discussions with Barstool employees). Within five weeks of closing on our Barstool investment, Mr. West conducted approximately 20 customized training sessions for the entire Barstool team, focusing on the guardrails, the importance of compliance, and providing education on responsible gaming. These sessions were mostly live and in-person (while COVID-19 restrictions required some to be conducted online) and the Barstool team's engagement and feedback helped further shape Barstool's training and compliance efforts. Mr. West and PENN's compliance team continue to train new Barstool hires, as well as provide periodic refresher sessions at least annually.

The results of PENN's compliance efforts and Barstool's sincere and open-minded approach have been positive. While we acknowledge we are not perfect, we own up to our mistakes, we learn from them, and are deeply committed for both personal and professional reasons to responsible gaming and a culture of compliance. A few of us on my executive team and our Board, including myself, have friends and/or loved ones who have experienced gambling problems in their lives. It's a very serious issue and how we deal with it is a big part of who we are at PENN.

Our partnership with Barstool allows us the unique opportunity to speak directly to our patrons in the way they talk about sports betting. To that end, Barstool has created multiple public service announcements, including one featuring David Portnoy and Dan Katz, which has received over 1.1 million views and counting on Twitter alone (the video PSA is available via this [link](#) and a summary of other examples is available via this [link](#)). All of this, when coupled with the satirical, entertaining personalities at Barstool, results in authentic, engaging and creative content on sports betting and responsible gaming.

These unique efforts are above and beyond PENN's industry leading responsible gaming policies and protections. Additionally, there are a multitude of resources within the online Barstool Sportsbook for users who either need support to play responsibly or to avoid gambling altogether, including time limits, deposit limits, bet limits, and the ability to self-exclude from playing on the Barstool Sportsbook. The retail Barstool Sportsbooks are likewise subject to PENN's responsible gaming policies. Further, the responsible gaming message and the hotline are prominently displayed in marketing across both PENN's retail Barstool Sportsbooks and the online Barstool Sportsbook.

Beyond PENN's internal efforts, as Mr. Soriano mentioned during the hearing, PENN was actively involved in the development of the American Gaming Association's ("AGA") Responsible Marketing Code for Sports Wagering. In addition, Mr. Soriano serves on the AGA's Code Compliance Review Board, which includes monitoring sports betting related activities on college campuses.

As referenced during the hearing by Erin Chamberlin, Sr. Vice President of Regional Operations, the Barstool Sportsbook recently passed the Responsible Gambling Council's ("RGC") RG Check. The RGC has been a leader in the prevention of problem

gambling in Canada and globally for more than 35 years. Penn Interactive, the direct parent entity of PSI, became one of the first U.S. operators to voluntarily go through the RGC's exhaustive RG Check accreditation process. Notably, the RGC found "Penn Interactive's overall approach to RG is comprehensive. A strong commitment to harm mitigation and prevention contributes to the quality of the program." In addition, RGC found that "Penn Interactive's RG policies document a clear commitment to prevent marketing materials that could be misleading. Potentially vulnerable players, including those who are underage or enrolled in exclusion, are appropriately considered."

Finally, on the issue of Responsible Gaming, I want to address the November 20<sup>th</sup> *New York Times* article, which was referenced multiple times during the hearing. To be clear, we proactively provided a copy of the article to the MGC not out of concern of risk to PENN, but solely in the interest of full transparency, which we have always done with our regulators and will continue to do any time our integrity or record of compliance is called into question.

First, PENN was well aware of the *New York Times*' focus on this subject, as the reporter had contacted numerous former colleagues, friends, industry insiders, former regulators and others over the past eight months. Notably, PENN was not contacted directly by the reporter or her associates in the course of their research until we were sent a list of questions to "fact check" for the final story mere days before it was published. Based on the questions, which were entirely conclusory and negatively slanted, we chose not to participate in the article. Upon publishing, we were disappointed by the number of misrepresentations and factual inaccuracies contained therein. The headline alone reveals the sensationalized nature of the story -- "*Desperate for Growth, Aging Casino Company Embraced 'Degenerate Gambler.'*" Ironic, given PENN was named to Fortune Magazine's list of 100 fastest-growing companies in the U.S. a record six consecutive times and we had virtually doubled the size of our Company twice prior to acquiring our 36% interest in Barstool.

Other examples of misleading reporting by the *New York Times* include a reference to the Illinois Gaming Board's assistant general counsel writing to colleagues that Mr. Portnoy was "a creep who has questionable sexual encounters with much younger women." PENN conducted a FOIA request and learned that the assistant general counsel in the e-mail exchange was answering a direct question from his superior, the general counsel, about what a November 4, 2021 article by *Business Insider* said, not providing his own opinion, as was portrayed in the *New York Times* article. (Attached as Exhibit C).

The *New York Times* article also provides an account of a virtual town hall meeting we held with our employees, right down to what I was wearing that day. The writer was not present for the virtual town hall and did not reference who informed her of the subject matter or discussion, but portrayed what she wrote about the town hall as fact. I can tell you first-hand, as can any of my current management team members who were present on that virtual call, that what she described as the substance of my remarks were factually inaccurate and completely taken out of context.

Prior to the article's publication date, we received an email from one of the prominent responsible gaming organizations quoted in the story who shared with us that they pointed out to the reporter that Barstool's responsible gaming messages "may help reach some of those hard to reach young, male sports bettors." That point never made the story. Nor did other positive comments that we know were made to the *New York Times* during some of the interviews with our former colleagues, friends, industry insiders and former regulators.

Incidentally, others in the gaming industry are also troubled by the *New York Times'* one-sided take on sports betting, which was covered in three other articles that were published on the same day the PENN/Barstool story ran. The AGA has responded in a letter to the editor (Attached as Exhibit D) and there have been complaints by sources named in the articles of misrepresentations or outright fabrication of their quotes, such as a top executive from Spectrum Gaming Group who demanded a retraction in a strongly worded response. (Attached as Exhibit E).

### **III. BARSTOOL COLLEGE FOOTBALL SHOW**

In response to the Commission's request for further information on the Barstool College Football Show (the "Show"), which was launched by Barstool in 2019 (prior to PENN's investment in Barstool and before PENN offered any Barstool Sportsbooks), we have attached the schedule and the locations for each week of the 2022 season. (Attached as Exhibit F). The Show is recorded either in studio in New York City, or on location before a live audience. Unlike other on-site college football pre-game shows, including the popular on-campus ESPN College Game Day (in which sports betting is a featured component), only two of the 17 Barstool Shows were located on a college campus. And while sports wagering has been discussed on the Show, and its hosts may refer to their sports wagering picks, the focus of the Show is on college football and that weekend's schedule of college football games. The Show features a diverse slate of entertaining guests, such as Toledo Mayor Wade Kapszukiewicz (who awarded Barstool personality Dan Katz a key to the City of Toledo), comedian Theo Von, University of Iowa's three-time All American wrestler Spencer Lee, and former Rutgers University athlete and motivational speaker Eric LeGrand.

The Commission specifically inquired about Mr. Portnoy's actions during the Show in September in Knoxville, Tennessee prior to a University of Tennessee football game. To clarify, the event was not organized by the Barstool Sportsbook, the principal focus and intent of the event was on the upcoming game and not to promote sports betting, and it occurred not on campus but in an off-campus bar. During the Show Mr. Portnoy referenced his bet on the University of Georgia. To be clear, Mr. Portnoy wagers from his personal accounts with bets that are well within his means. The size of his wager may seem large on its face, but is based on his unique circumstances, including his annual income. Finally, Mr. Portnoy, like all players on the Barstool Sportsbook, is subject to our customary responsible gaming practice of monitoring for problem gaming behaviors, and he is very open with his audience when he loses and feels he needs to take a break, which can be a very effective and genuine responsible gaming message.

Earlier this week, there were press reports that the Ohio Casino Control Commission has issued a notice of violation to PSI for an advertisement during an episode of the Show at the University of Toledo. We look forward to having the opportunity to address the matter directly with the Ohio Casino Control Commission through its regulatory process and would be happy to answer any questions from the MGC about this in Executive Session following our upcoming hearing.

To the Commission's stated concerns of the Show's appeal to an underage audience, approximately 86% of the Show's viewers on YouTube, where the vast majority of viewers watch the program, are above the age of 25, which satisfies the AGA Marketing Code for Sports Wagering's minimum of 73.6% over the age of 21. Consistent with the Show's protections to not target or appeal to minors, the Show's personalities and producers have been through multiple training sessions on responsible gaming and Barstool and PENN's compliance guardrails.

Notably, Barstool has no sports betting-related marketing or promotional relationships with any colleges or universities. However, Barstool is currently working with over 500 college campuses across the country to increase awareness around mental health and campus safety. In January, Barstool plans to kick off an effort focused on supporting college students coping with depression and anxiety.

Notwithstanding any of the facts and data provided above, in response to the MGC's concerns raised at the December 6th hearing, Barstool will voluntarily restrict live audience access to any of its College Football Shows going forward to age 21 and over.

#### **IV. CONCLUSION**

In closing, PENN understands and appreciates the important questions and concerns raised during the December 6<sup>th</sup> hearing. We hope that you find our answers to your questions and the accompanying data, facts and statistics informative. PENN has undergone rigorous regulatory oversight of the Barstool Sportsbook in fourteen states over the last two years, and through our experienced compliance functions, our comprehensive guardrails and extensive training programs, we are committed to meeting the MGC's expectations and standards regarding the conduct of our sports wagering activities in Massachusetts.

Barstool was founded in the Commonwealth and has held a Non-Gaming Vendor Registration issued by this Commission since May 20, 2020. Barstool has similar registrations or licenses, all in good standing, in several other gaming jurisdictions throughout the U.S. Since Barstool is a marketing partner with zero control over any of PENN, PPC, or PSI's gaming operations, we respectfully submit there is no basis in law or fact to deny PPC a Category 1 License or PSI a Category 3 License. Furthermore, for all the reasons cited above we believe granting the licenses is in the best interest of the Commonwealth.

As has been our practice, we will continue to keep the Commission and its staff fully up to speed on our ongoing responsible gaming and compliance efforts and to take immediate action regarding any issues. As proud as we are of our responsible gaming

Chair Judd-Stein  
December 15, 2022  
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track record, we are always open to suggestions for improvement and would welcome the MGC's thoughts. For example, if you would like more frequent reporting to review the facts around our marketing and promotional activities, and for us to respond to questions regarding any of our partners and/or affiliates, including Barstool, we are happy to do so.

I look forward to seeing you for the follow up licensing hearing for our pending Category 1 and Category 3 applications and to answering any further questions.

Sincerely,

*Jay Snowden*

Jay Snowden  
CEO and President  
PENN Entertainment

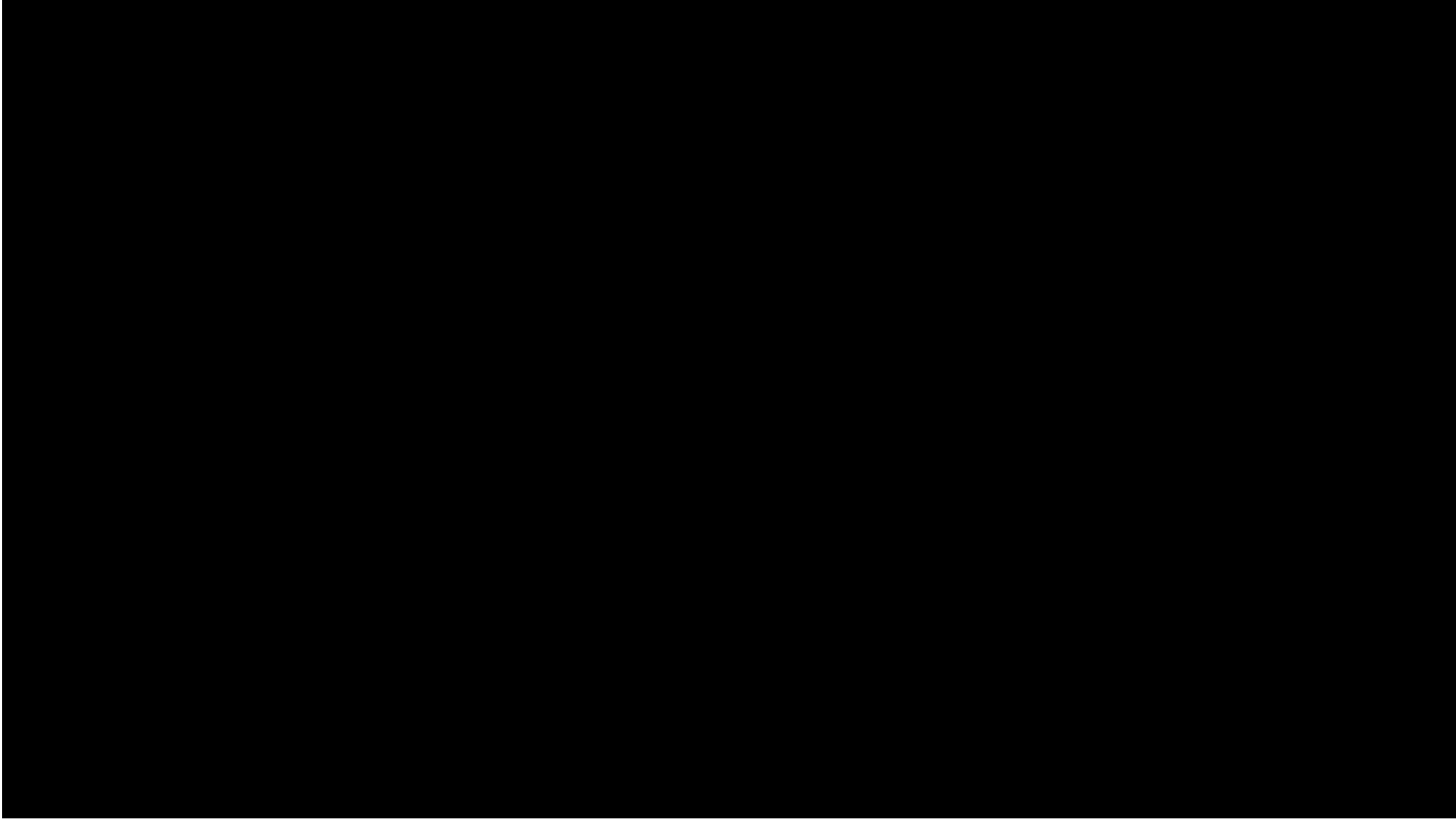
cc: Commissioner Eileen O'Brien  
Commissioner Brad Hill  
Commissioner Nakisha Skinner  
Commissioner Jordan Maynard  
Executive Director Karen Wells  
General Counsel Todd Grossman  
IEB Director Loretta Lillios

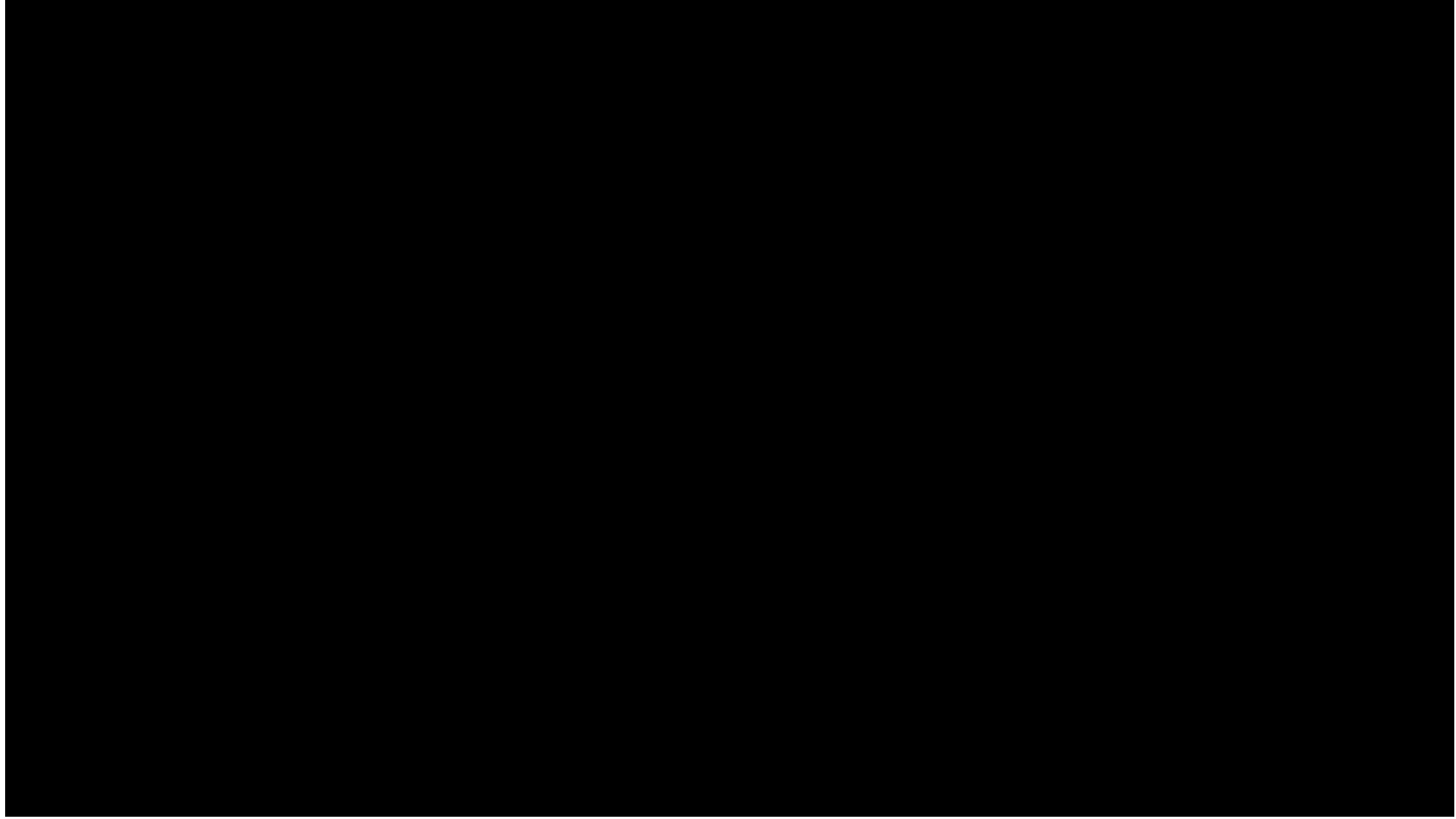
# EXHIBIT A

PENN Entertainment, Inc. Post-Transaction  
Organization









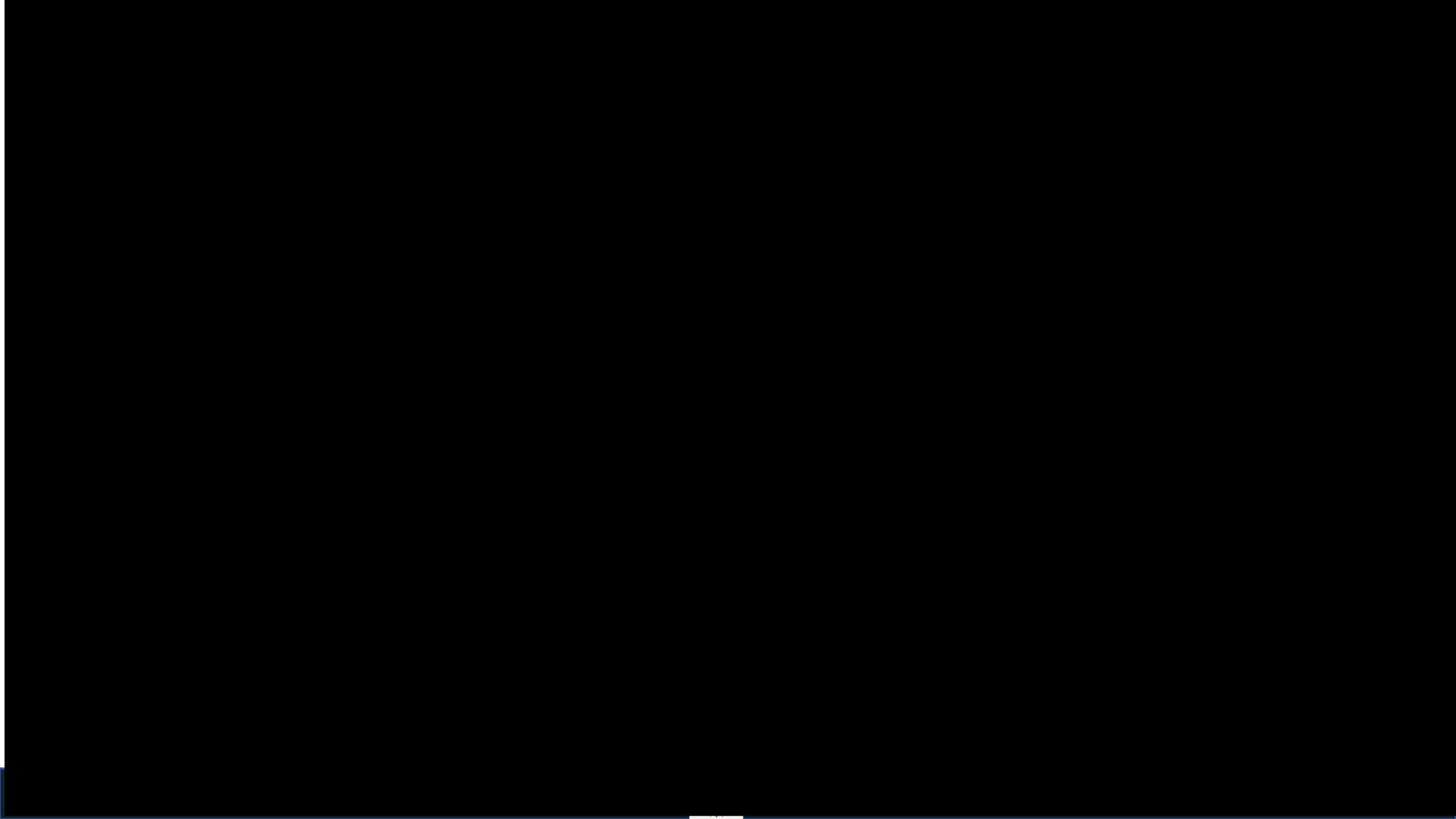




# EXHIBIT B

Barstool Sportsbook & Casino Compliance Training Deck



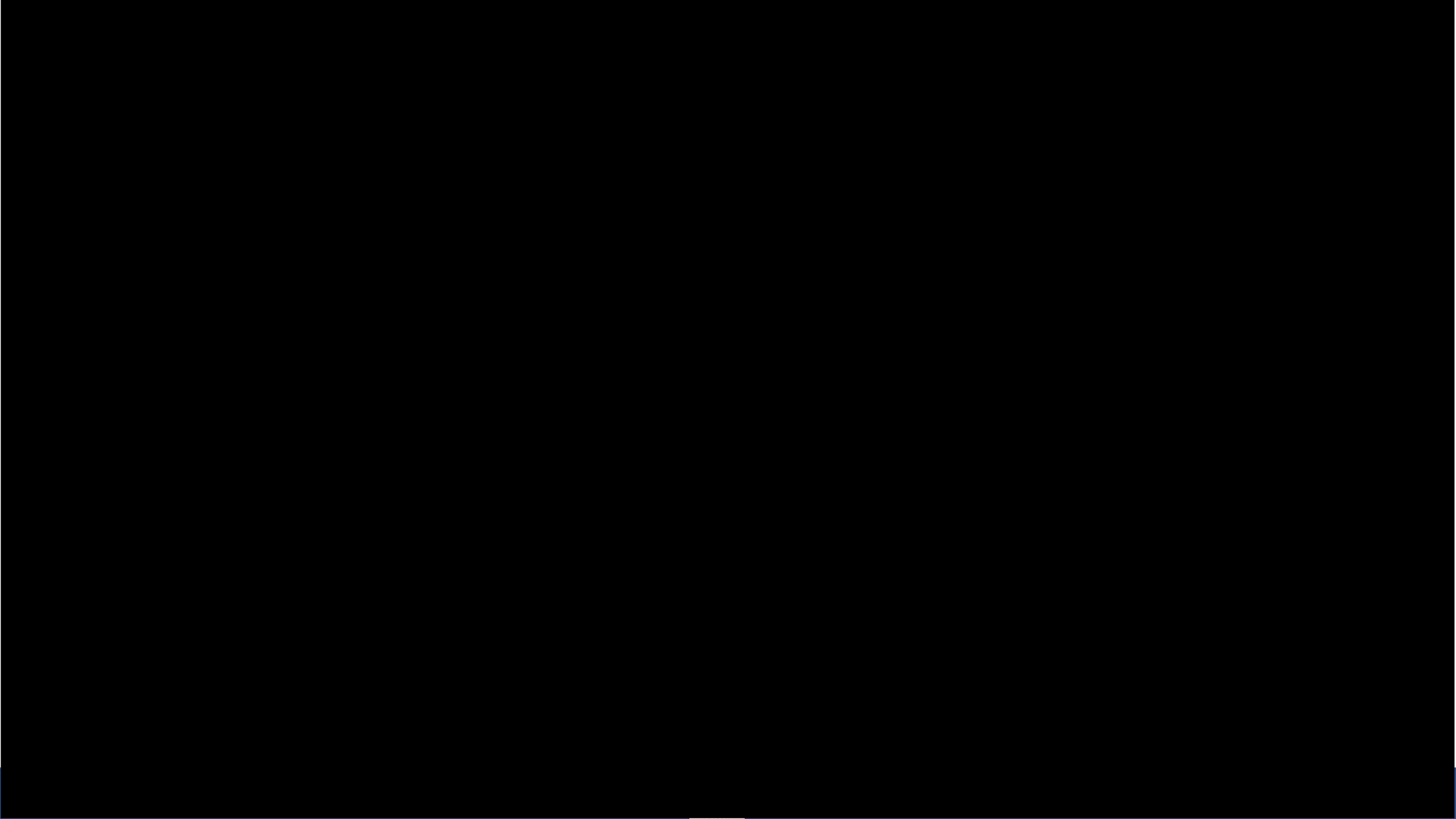




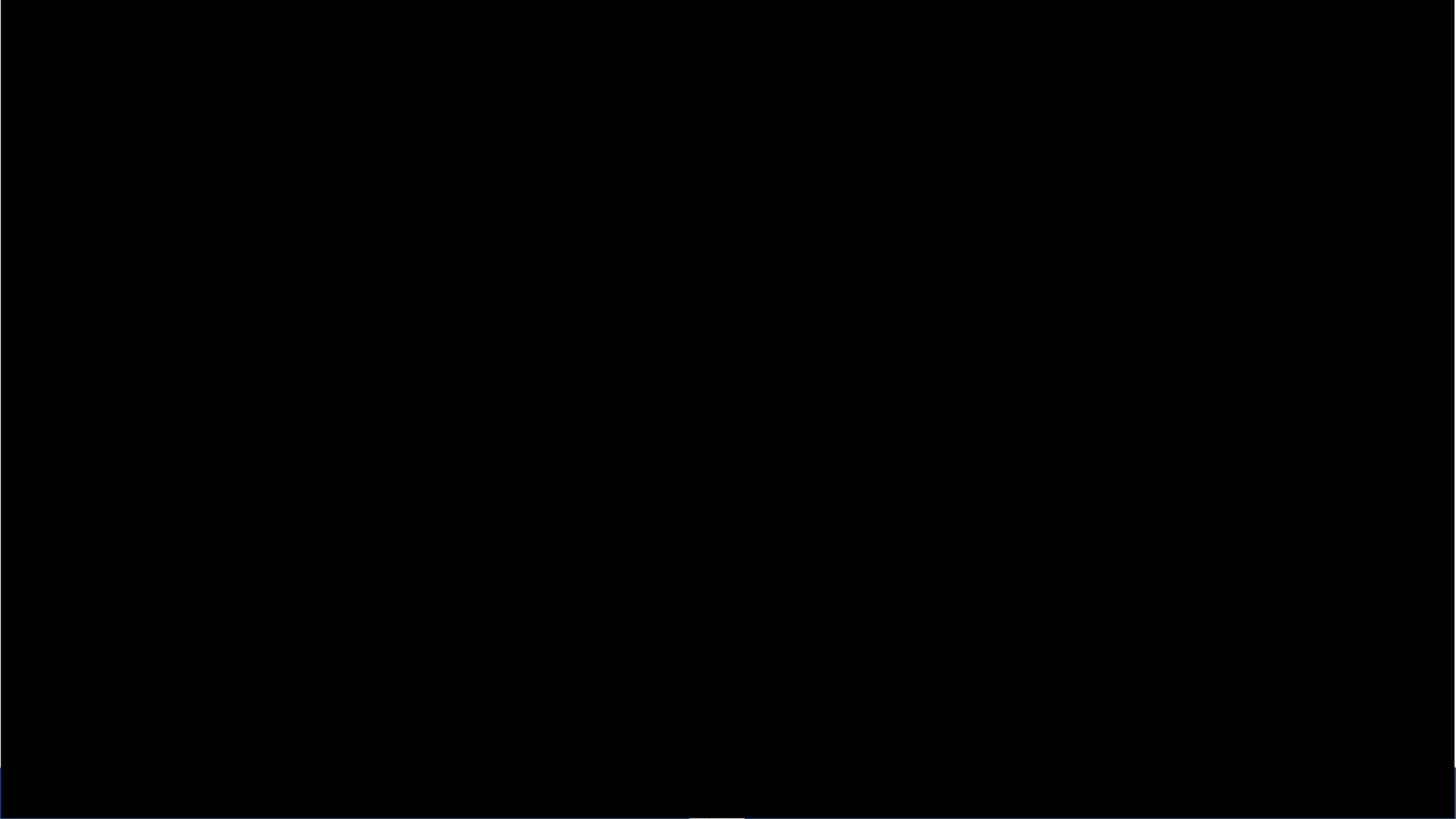






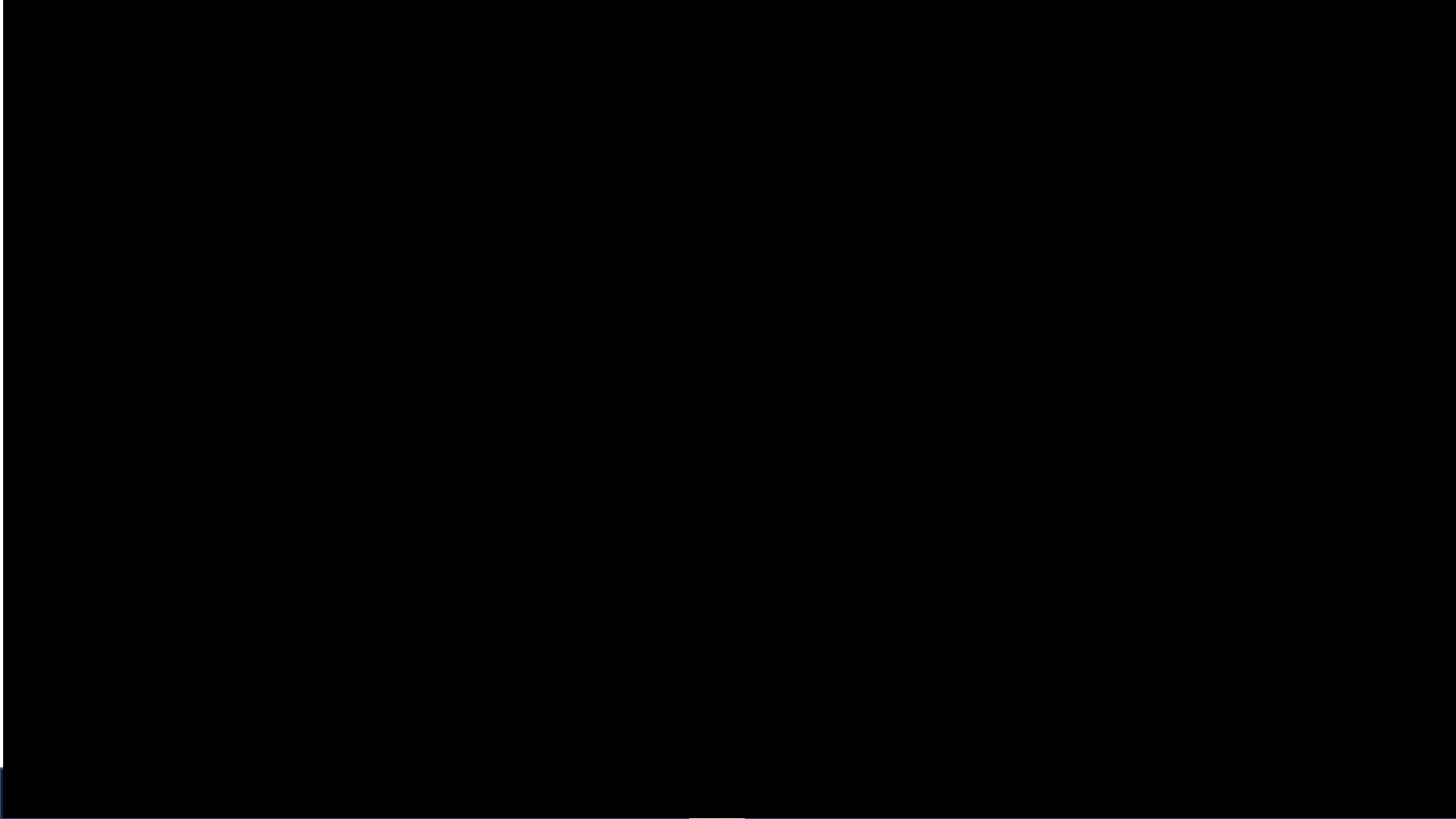


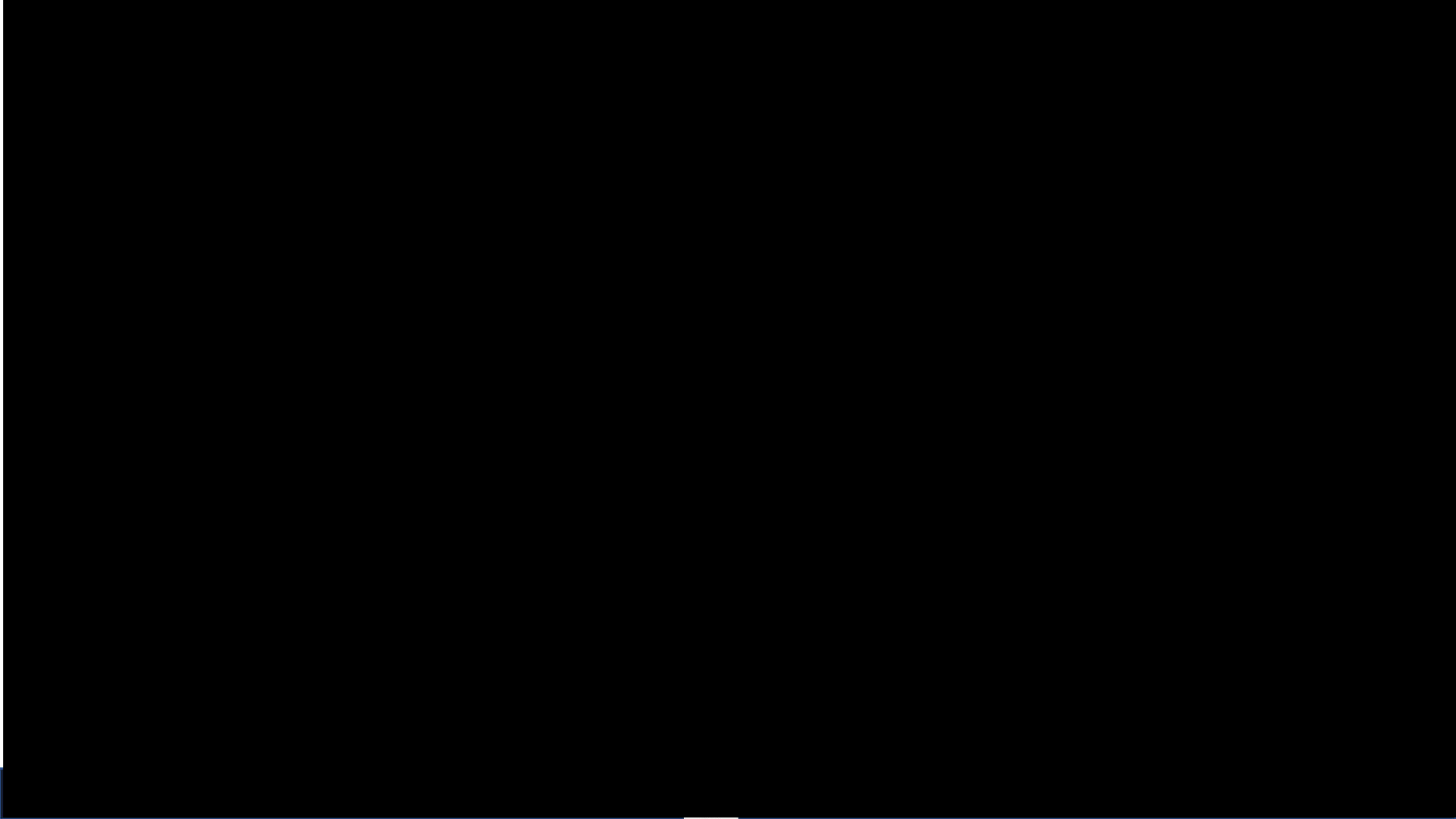


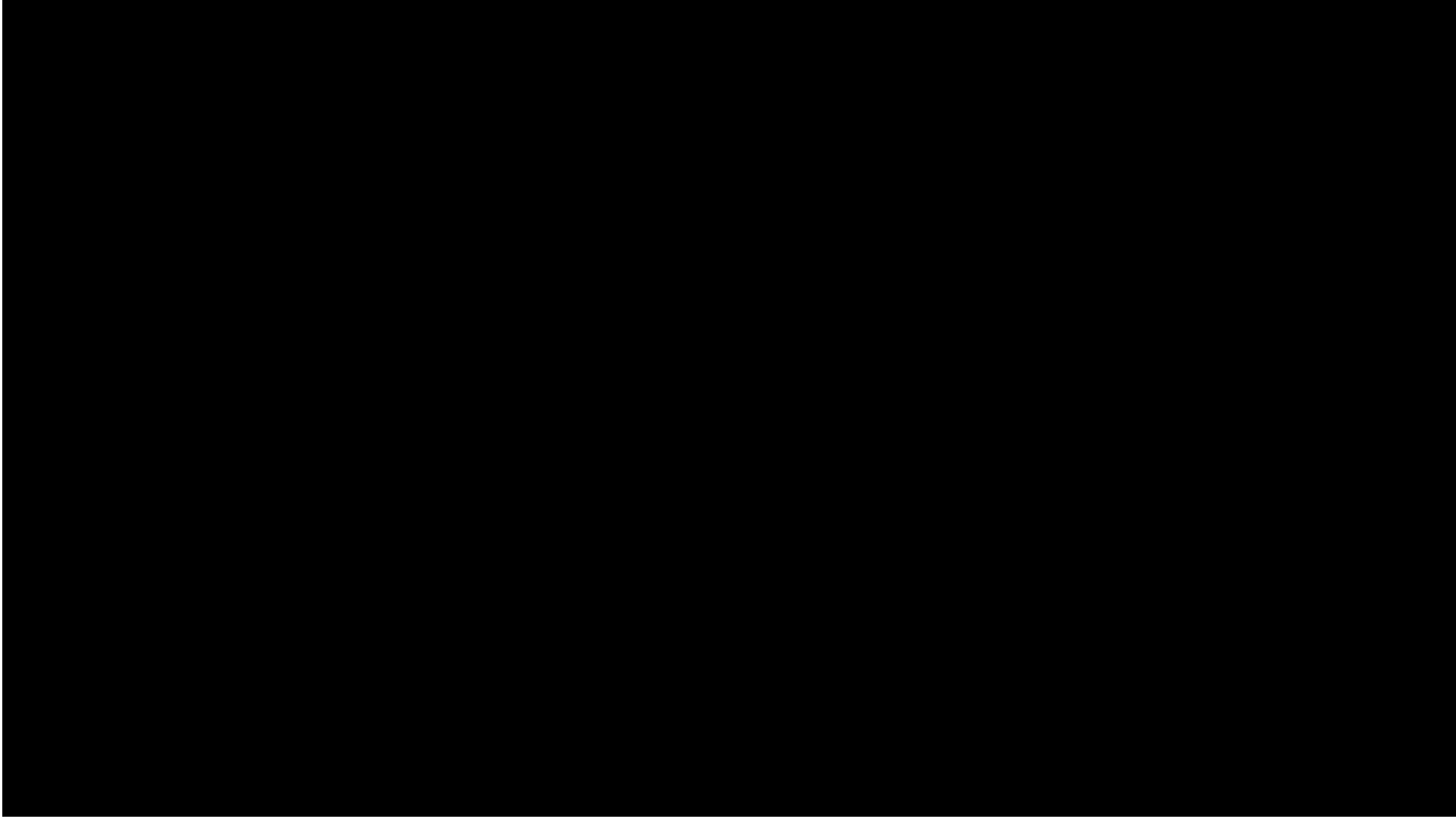






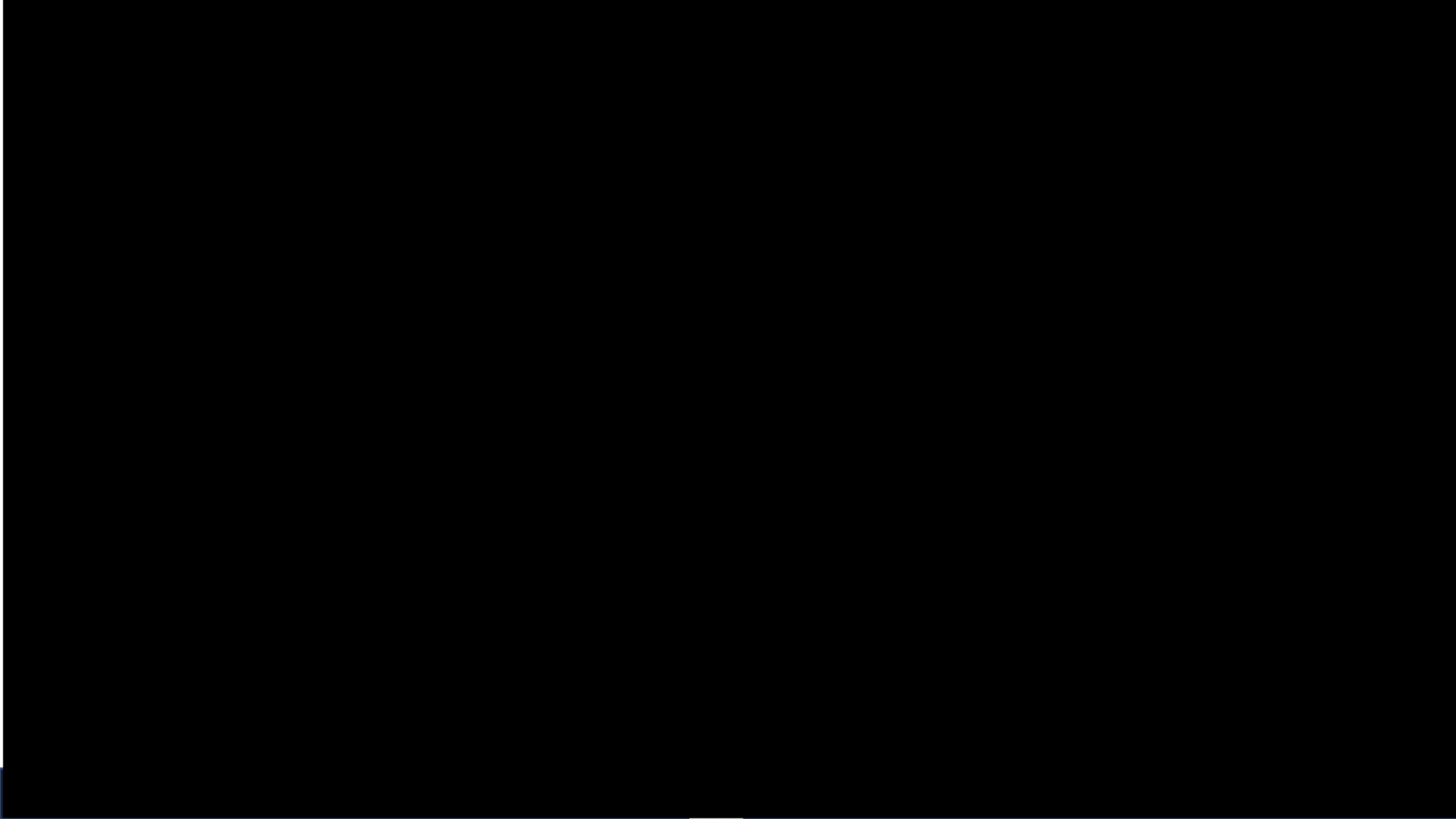


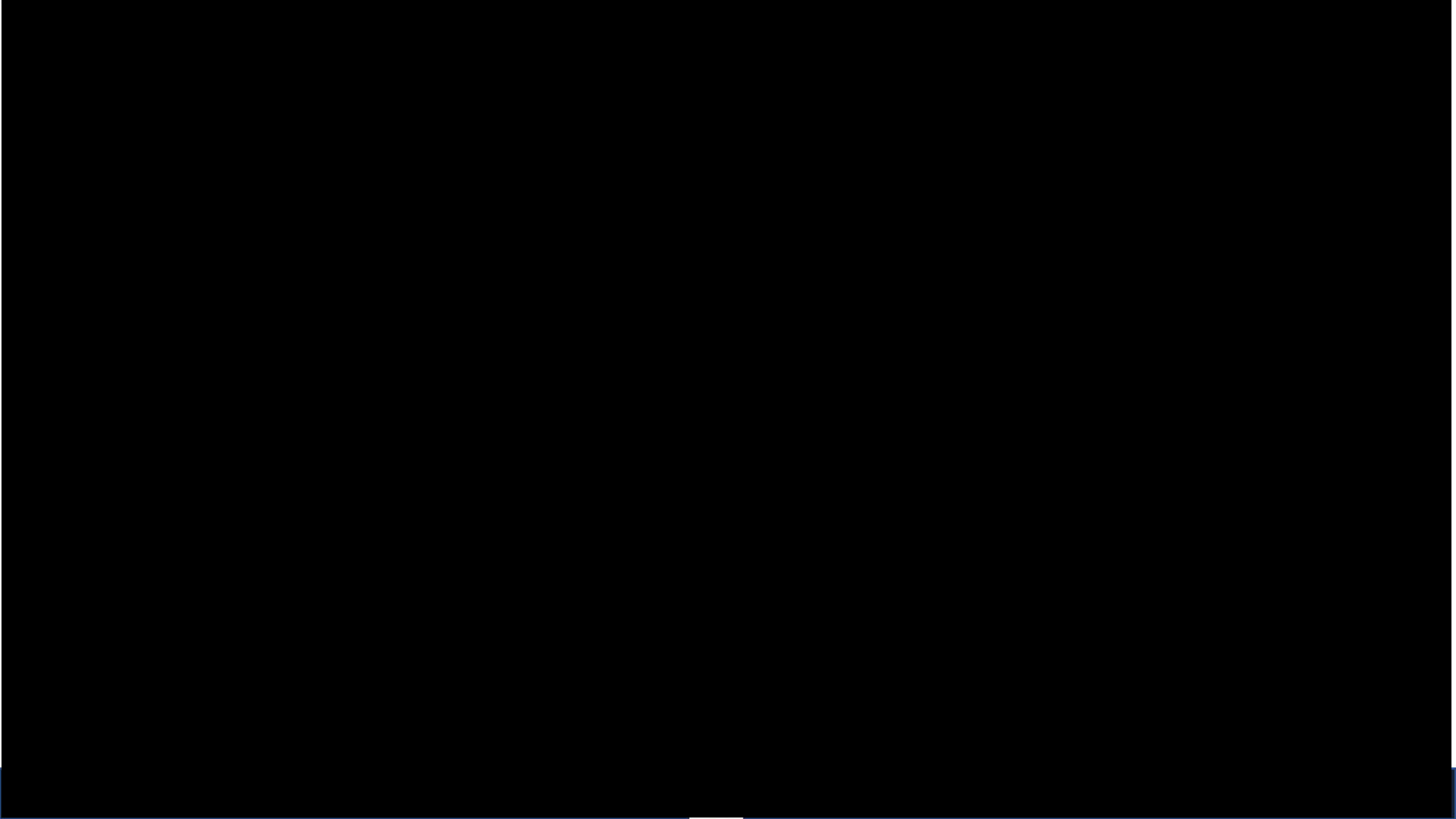




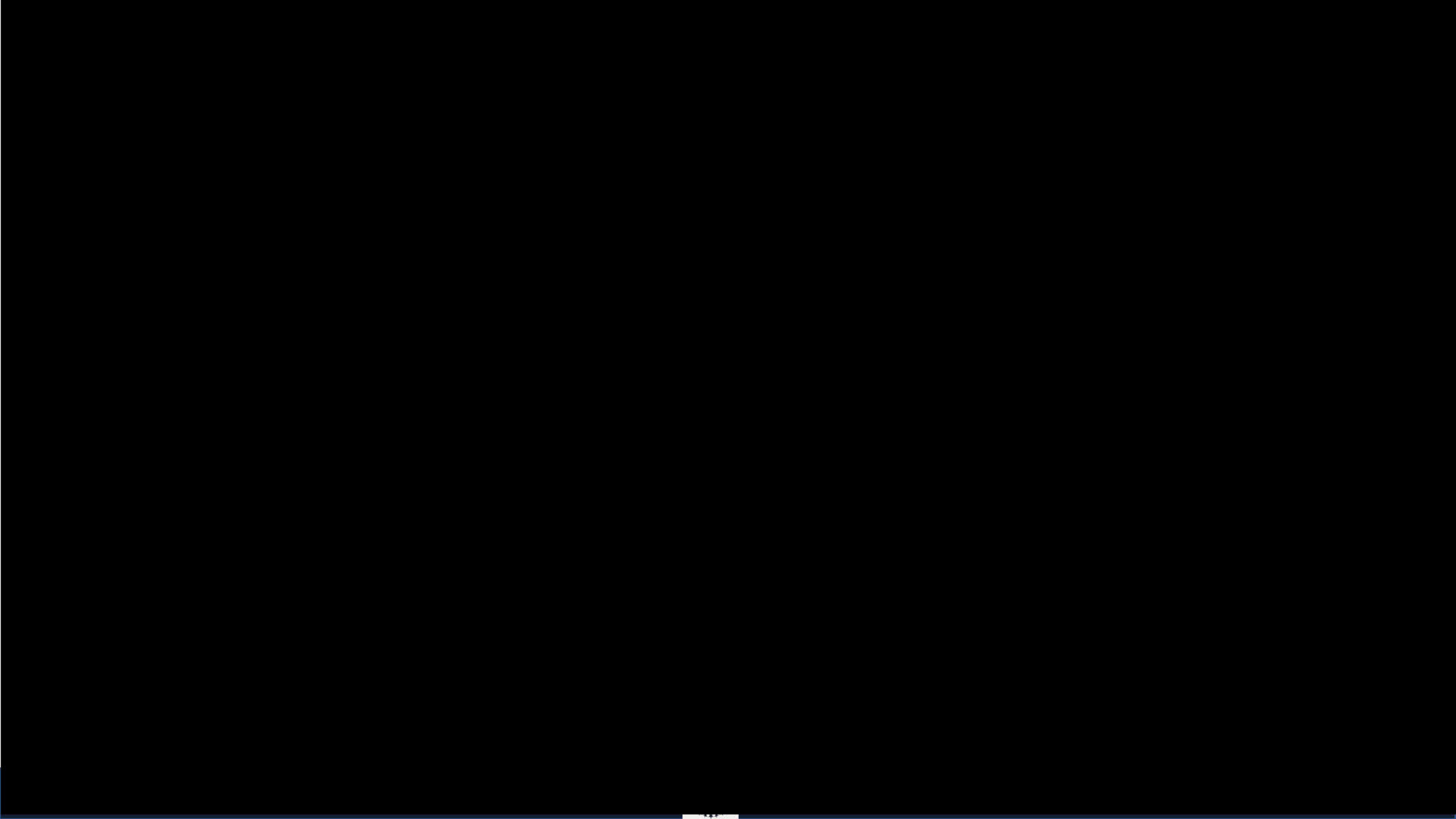








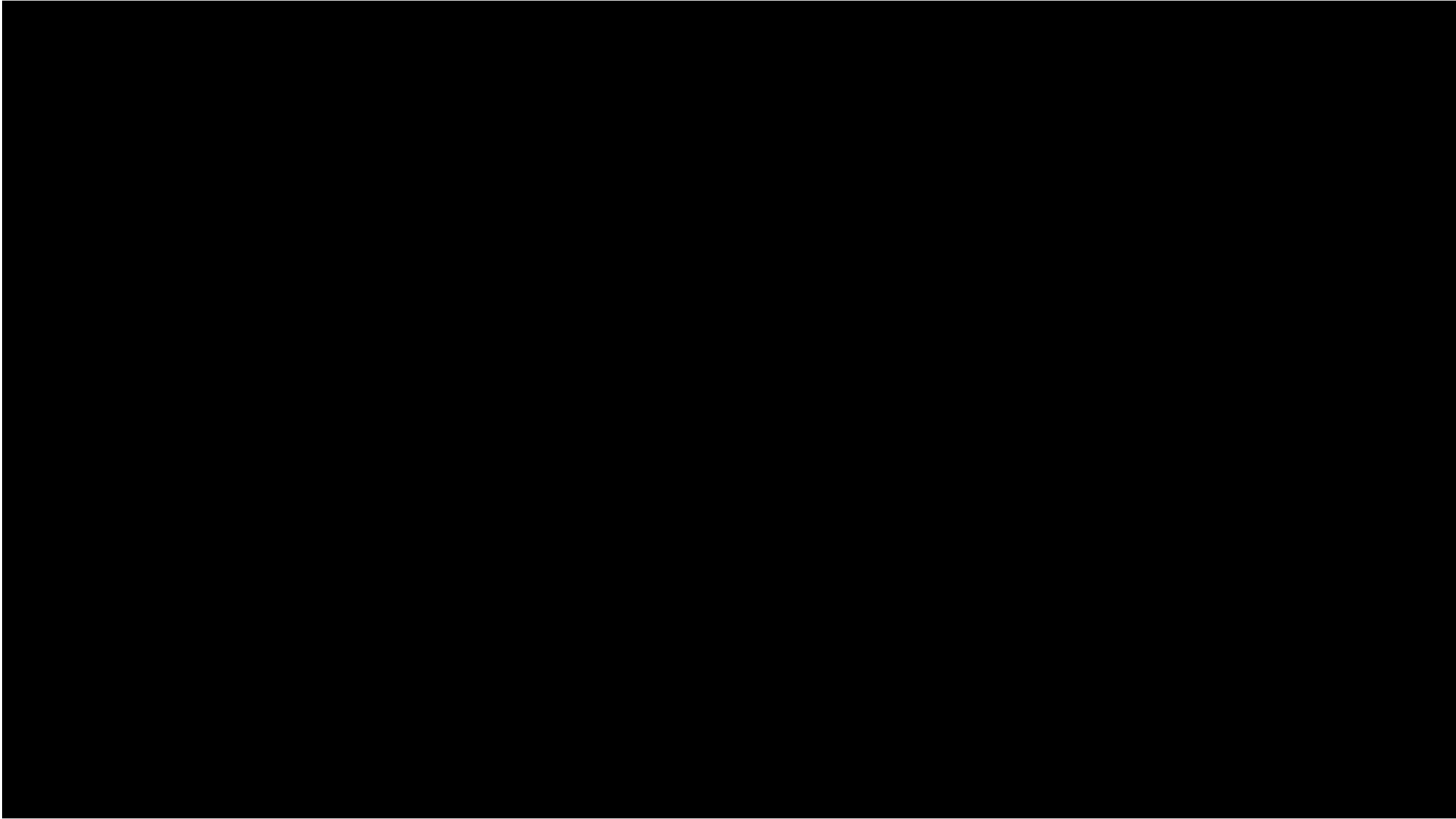


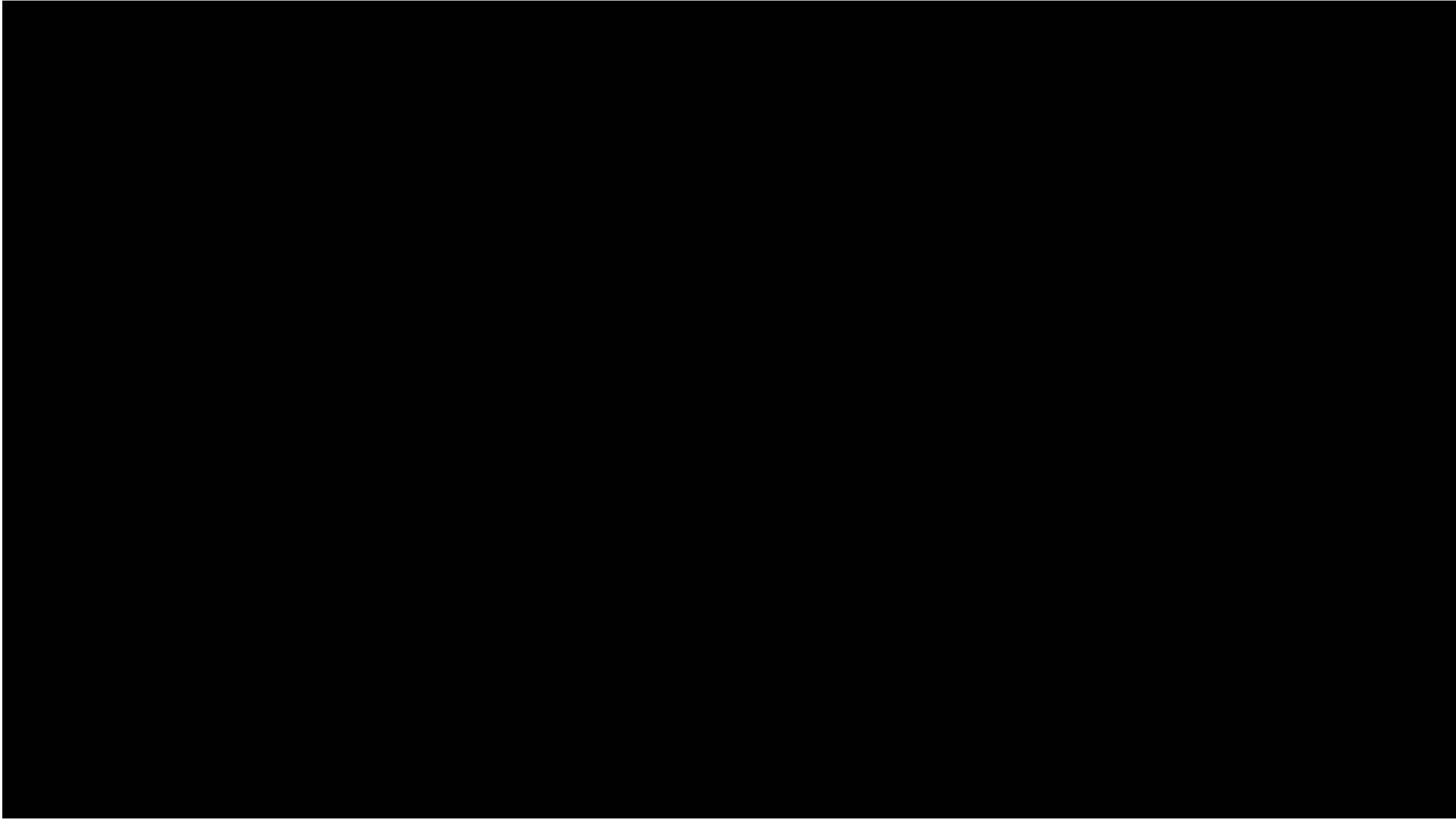












# EXHIBIT C

FOIA Email





# EXHIBIT D

American Gaming Association's  
Letter to the Editor of the New York Times

# *Legal Sports Betting Benefits Consumers and Communities*

The AGA Responds to *The New York Times* in a Letter to the Editor

Since the federal sports betting ban ended in 2018, millions of Americans have left the illegal, unregulated market to wager with legal, licensed operators. Your one-sided “investigation” of sports betting legalization omits the enormous benefits generated by this massive shift in consumer behavior.

**Legal sports betting has produced \$2.45 billion in federal and state taxes since 2018—new funding for schools, public safety and problem gambling programs.**

Today, thousands of state gambling regulators enforce robust consumer protections and federal regulators oversee rigorous financial requirements. Operators invest billions annually to meet regulatory requirements and support responsible gambling.

None of this exists in the illegal market. In fact, illegal sports betting funds violent crime and exploits the underage and vulnerable.

**We’re proud of our industry’s efforts to establish legal, regulated sports betting.** While good for our industry, it also delivers clear benefits for consumers and communities.

Bill Miller  
President and CEO, American Gaming Association



# EXHIBIT E

Spectrum Gaming Statement on NYT Article



Michael Pollock · 1st

Managing Director, Spectrum Gaming Group

3w · Edited · 🗨️



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We at [Spectrum Gaming Group](#) are appalled by today's New York Times story <https://lnkd.in/eMJGH-4R>

, which inaccurately and unfairly quoted Joe Weinert from our team. I have won 20 journalism awards in my career, and take a back seat to no one when it comes to promoting journalistic ethics, but that article manufactured an inaccurate quote at our expense, ignoring years of work we have done on sports betting, gaming tax policy and other issues. Joe Weinert is also a veteran journalist. We are neither apologists nor spokespeople for gaming. We just expect journalists to get it right, and when they commit malpractice at our expense, we must call it out.

A hard-working reporter would have read our reports, and called us. We would have answered the call, as we always do. Lazy, unethical reporters would take shortcuts.

Here is an excerpt from Joe Weinert's response to [Eric Lipton](#):

I am, frankly, angry that you violated journalistic ethics by quoting me (and doing so inaccurately)

... I have been interviewed dozens of times in my 18+ years at Spectrum, and I am always exceedingly careful about what I say as an executive of the company. There is zero – zero – chance I would have given you the purported quote if you were actually interviewing me.

Further, the quote you attributed to me is some sort of amalgamation that combines different thoughts and a word or whole thought pulled from air; ... What's more, the quote does not represent the range of viewpoints I provided you – and certainly is not Spectrum's position on this important issue.

# EXHIBIT F

Barstool Sports 2022 College Football Show Locations

**Barstool Sports Inc.'s 2022 College Football Show Locations**

Week 1	New York, New York	In Studio
Week 2	Iowa City, Iowa	Private residence, 503 Melrose Ave. Iowa City, IA 52246
Week 3	New York, New York	In Studio
Week 4	Knoxville, Tennessee	The Hill Bar, 1105 Forest Ave, Knoxville, TN 37916
Week 5	New York, New York	In Studio
Week 6	Piscataway, New Jersey	Athletes Glen, 1 Scarlet Knight Way, Piscataway, NJ 08854
Week 7	New York, New York	In Studio
Week 8	Baton Rouge, Louisiana	Fred's Bar and Grill, 1184 Bob Pettit Blvd, Baton Rouge, LA 70820
Week 9	Ann Arbor, Michigan	Private residence, 1300 S Main St, Ann Arbor, MI 48103
Week 9	State College, Pennsylvania	Tau Kappa Epsilon house, 346 E Prospect Ave, State College, PA 16801
Week 10	New York, New York	In Studio
Week 11	New York, New York	In Studio
Week 12	Toledo, Ohio	Lot 8, 2915 E Rocket Dr, Toledo, OH
Week 12	DeKalb, Illinois	Fatty's Pub & Grille, 1312 W Lincoln Hwy, DeKalb, IL 60115
Week 13	New York, New York	In Studio
Week 14	New York, New York	In Studio
Week 15	Philadelphia, Pennsylvania	Lot N, 700 Pattison Ave, Philadelphia, PA 19148