



State of New Jersey

Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

Office of the Attorney General
Department of Law and Public Safety
Division of Gaming Enforcement
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May 17, 2022

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Bally's Corporation
100 Westminster St.
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Lloyd Levenson, Esq.
Lynne Levin Kaufman, Esq.
Cooper Levenson
1125 Atlantic Avenue – 3rd Floor
Atlantic City, NJ 08401

Re: Action in Lieu of Complaint

Dear Counsel:

The Division of Gaming Enforcement (Division) brings this Action in Lieu of Complaint against Premier Entertainment AC, LLC d/b/a Bally's Atlantic City (Bally's AC) concerning failures to comply with requirements set forth in the Division's regulations at *N.J.A.C. 13:69D-1.11* promulgated under the Casino Control Act (Act), *N.J.S.A. 5:12-1, et seq.* Bally's AC previously has been warned with regard to multiple failures to abide those and related regulations. In particular, Bally's AC has violated *N.J.A.C. 13:69D-1.11(b)* and (h) concerning the separation of Thomas Bird (TB),¹ Sportsbook General Manager of Bally's AC, which is the mandatory key position for Bally's AC as required under *N.J.A.C. 13:69D-1.11(b)(8)*.

On March 31, 2022, and solely as a result of the Division's direct inquiry, the Division received a notification from Bally's AC indicating that TB had been terminated on January 14, 2022 for performance reasons by Betfair Interactive US LLC d/b/a FanDuel Sportsbook (FanDuel),² that Ryan Marchese (RM)³ of FanDuel had been fulfilling TB's duties in the interim, and that James Barry⁴ would serve as FanDuel's permanent replacement, pending regulatory approval.

¹ TB holds a plenary casino key employee license #10016-11

² Pursuant to an agreement dated September 23, 2020 between FanDuel and Bally's AC, FanDuel serves as the operator for the retail sportsbook of Bally's AC.

³ RM holds a plenary casino key employee license #10221-11

⁴ James Barry was issued a temporary casino key employee license #10621-11 on April 13, 2022.



The Division received said notification 76 days following TB's separation, in violation of *N.J.A.C. 13:69D-1.11(h)(1)* which required notification of same within 5 days of TB's January 14, 2022 separation, i.e., by no later than January 19, 2022. In addition, Bally's AC violated *N.J.A.C. 13:69D-1.11(h)(2)* by failing to notify the Division of RM's interim appointment as Sportsbook General Manager within 30 days of TB's separation.

The Division therefore accepts the offer of casino licensee Bally's AC to pay a civil monetary penalty pursuant to *N.J.S.A. 5:12-123, -129, and -130* in the amount of \$10,000 payable under the Act in accordance with *N.J.S.A. 5:12-145a*. Bally's AC has agreed to pay such amount in recognition of the seriousness of its failures related to noncompliance as to the mandates of *N.J.A.C. 13:69D-1.11* with regard to the required position of Sportsbook General Manager, as well as in recognition of a February 11, 2021 warning letter regarding the failure to ensure proper temporary casino key employee licensure for a sportsbook supervisor, and a February 16, 2022 verbal warning issued by the Division to Bally's AC concerning numerous qualifier and notification issues in violation of the Act and the regulations promulgated thereunder. Any subsequent violations of the above-referenced statute and regulation by Bally's AC may result in further regulatory action by the Division as appropriate under the circumstances.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Rebeck", with a long horizontal flourish extending to the right.

DAVID REBUCK
DIRECTOR