



# **Sports Wagering and Electronic Sports Guidance**

**Division of Gaming Compliance & Sports Betting,  
North Carolina State Lottery Commission**

**September 25, 2024**

## **North Carolina State Lottery Commission**

The North Carolina State Lottery Commission is an independent, self-supporting, and revenue-raising agency of the State of North Carolina. Funds it generates from lottery games through the North Carolina Education Lottery are allocated by the General Assembly to support education. The Commission is also the licensing and regulatory body for authorized sports wagering and pari-mutuel wagering on horse race events. The Commission's wagering licensees generate tax revenues and fees that the North Carolina General Assembly allocates to support numerous programs.

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## I. Introduction and Executive Summary

This guidance document<sup>1</sup> concerns the application of Article 9 (“Sports Wagering”) of the North Carolina State Lottery Act (the “Act”) to electronics sports. North Carolina law and the North Carolina State Lottery Commission’s Rules sets forth that licensed Interactive Sports Wagering Operators can offer and accept bets on eSports Competitions authorized by the Commission for sports wagering purposes.

While eSports Competitions resemble traditional sports in many ways, the growing eSports industry presents unique governance, integrity, and technological circumstances for the Commission’s consideration when new wagers and events are proposed for sports wagering purposes. Accordingly, staff have developed a petition designed to help the Commission gather information it needs to review proposals to add eSports Competitions to its Sports Wagering Catalog. While the straight-forward petition speaks for itself, this guidance document provides some additional logistical and procedural information about eSports, as well as background information about sports wagering in North Carolina and eSports generally.

## II. Sports Wagering in North Carolina

The North Carolina State Lottery Act, N.C. Gen. Stat. §§ 18C-100 *et seq.*, establishes the North Carolina State Lottery Commission (“Commission”) as the state’s licensing body and regulator for authorized wagering on sports and horse racing<sup>2</sup>. Only licensed Interactive Sports Wagering Operators that have obtained a certificate of compliance from the Commission are permitted to offer and accept sports wagers in North Carolina. It is illegal for an unlicensed entity to offer sports bets or wagers on horse races. In addition to applicable state and federal law, North Carolina sports wagering licensees are also subject to requirements set forth in the North Carolina State Lottery Commission Rules Manual for Sports Wagering and Pari-Mutuel Wagering, which is available online.

In North Carolina, sports wagering is permitted via online platforms and at in-person locations that the Commission authorizes and regulates. Currently, eight Interactive Sports Wagering Operators are licensed by the Commission to provide online sports wagering; at this time, no in-person Wagering Facilities have been proposed or approved by the Commission.

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<sup>1</sup> See Session Law 2023-42, Section 7 (requiring the Commission to establish guidance that, among other things, “address[es] the application of Article 9 of Chapter 18C of the General Statutes . . . to electronic sports with due consideration to the key role of game publishers as creators of the underlying video game.”).

<sup>2</sup> On June 8, 2023, the N.C. General Assembly passed Session Law 2023-42 (H347), “An Act to Authorize and Regulate Wagering on Professional, College, and Amateur Sports and on Horse Racing in North Carolina, and to Authorize Live Horse Racing in North Carolina,” and the governor signed it into law on June 14, 2023. Subsequently, the N.C. General Assembly amended portions of this enabling legislation sports wagering through Session Law 2023-134 (H259), “An Act to Make Base Budget Appropriations for Current Operations of State Agencies, Departments, and Institutions.”

Not everyone is allowed to place bets. All of the following persons are prohibited from engaging in sports betting or wagering:

- Any person under the age of 21;
- Any person who has requested and not revoked a voluntary exclusion designation from sports wagering;
- Any person who has been adjudicated by law as prohibited from engaging in sports wagering;
- Any member or employee of the Commission when placing a sports wager in this State;
- Any employee or key person of an Interactive Sports Wagering Operator or service provider licensee when placing sports wagers with that Interactive Sports Wagering Operator;
- Any participant in a sporting event, including an athlete, coach, trainer, official, or any employee or staff of a participant, is prohibited from placing a sports wager on a sporting event in which they are participating;
- Any employee or staff of a sports governing body, when placing a sports wager on sporting events with which that individual or sports governing body is affiliated.

The law authorizes sports wagering on professional sports, college sports, electronic sports, amateur sports, or any other event approved by the Commission. The Commission maintains a Sports Wagering Catalog that lists all approved sporting events and wagers in North Carolina. The Sports Wagering Catalog also lists approved leagues and their governing bodies as well as the governing body's website.

The Commission's Rules Manual sets forth governance concerning the potential addition of sporting events or wager types to the Sports Wagering Catalog so that Interactive Sports Wagering Operators can offer those items in North Carolina. A party seeking to have a sporting event, eSports Competition, other event, or wager type added to the Sports Wagering Catalog should become familiar with the following Commission Rules:

- **Rule 24 NCAC 06B .0301:** Authorized and Prohibited Sporting Events and Wager Types
- **Rule 24 NCAC 06B .0302:** Petition for a Category of Sporting Event or Wager Type
- **Rule 24 NCAC 06B .0303:** Limitations on Certain Sports Wagering Events for Good Cause

### III. Overview of eSports

#### 1. Generally

eSports is a form of competition where video gamers compete formally through the medium of a video game’s software and within the specified rules of that video game’s software code. Depending on the game, video gamers may compete individually or in teams. eSports exist across a variety of video gaming genres and game publishers frequently design games with competitive play in mind.

Video game publishers play a significant role in sanctioning and operating eSports Competitions. In the context of video games, U.S. copyright law generally allows the owner of a copyright the exclusive right to display and perform its copyrighted audiovisual work – here, a video game’s software output – "publicly by means of a digital audio transmission." 17 U.S.C. § 106; see id. § 101 (defining "Audiovisual works" as encompassing game software output). Thus, the video game developer or publisher, which often holds the copyright, has significant ability to structure the governance of eSports Competitions. For example, the copyright holder may choose to host and coordinate competitive gaming tournaments itself or it may choose to license the use of its copyright to third-party tournament organizers (eSports Competition Operators) and sponsors that seek to hold and broadcast eSports events. Governance for eSports and eSports competition is often characterized as “decentralized” because private contractual forces play a significant role when a publisher or copyright holder chooses not to organize competitions itself. No unified body regulates eSports in the United States.

With respect to game-play, eSports typically operate in accordance with the software code of a game. The electronic medium itself implements and applies the rules of the game on the “digital playing field.” Strict protocols and procedures to secure IT assets ensure fair play and the integrity of events.

## **2. Defined Terms**

The Act and the Commission’s Rules Manual include many defined terms applicable to eSports:

- “eSports” or “Electronic Sports” or “eSports Competition” means leagues, competitive circuits, tournaments, or similar competitions where individuals or teams play video games, typically for spectators, either in person or online, for prizes, money, or entertainment. N.C. Gen. Stat. § 18C-901(5).
- “eSports Competition Operator” means a Person which sanctions, regulates, or organizes an eSports Competition. 24 NCAC 06B .0101(10).
- “Sporting event” means a professional sports, amateur sports, and college sports, all of which may include electronic sports, and any other event approved by the Commission. N.C. Gen. Stat. § 18C-901(16).
- “Sports governing body” means an organization headquartered in the United States that prescribes final rules with respect to a sporting event and enforces the

code of conduct for participants therein. In the context of electronic sports, the sports governing body shall be the video game publisher of the title used in the electronic sports competition, regardless of location. N.C. Gen. Stat. § 18C-901(18).

- “Sports wager or sports wagering” means placing of wagers on any of the following: (i) a sporting event, (ii) a portion of a sporting event, or (iii) the individual performance statistics of athletes in a sporting event or combination of sporting events. The term also includes single-game wagers, teaser wagers, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play wagers, proposition wagers, straight wagers, and any other wager approved by the Commission. N.C. Gen. Stat. § 18C-901(19).

### **3. Wager types**

As noted on the [ncgaming.gov](http://ncgaming.gov) website and within the Sports Wagering Catalog, the Commission has previously authorized Interactive Sports Wagering Operators to offer the following wager types to North Carolina Registered Players for sporting events, including authorized eSports:

#### **Exchange Wagering**

- A form of wagering in which two or more Persons place identically opposing wagers in a given market, allowing Players to wager on both winning and non-winning outcomes in the same event.

#### **In-Game Wagering**

- Placing a Sports Wager during a sporting event which is not an in-play wager.

#### **In-Play Wagers**

- Proposition Wagers placed on a specific action during the sporting event which could not be wagered on prior to the start of the sporting event.

#### **Moneyline**

- Sports Wagers placed on the winner of a sporting event.

#### **Over-Under**

- Sports Wagers on the total of approved numerical aspects of one or more sporting events.

#### **Parlays**

- Sports Wagers that combine two or more individual wagers and are dependent on all individual wagers winning.

#### **Pool**

- An offering where Players may make selections of outcomes on a set number of sporting events and Wager type on a Card to enter for a chance to win the Prize Pool or a portion thereof.

### **Proposition Wagers**

- Sports Wagers placed on the occurrence or non-occurrence of a specific outcome of events within a sporting event not directly involving the sporting event's final outcome.

### **Single-game wagers**

- One or more Sports Wagers which take place on or within a single sporting event.

### **Straight Wagers**

- Sports Wagers placed on a sporting event's final outcome prior to its start that will be determined by an over-under, point spread, moneyline or total score.

### **Teaser Wagers**

- Parlays where the player adjusts the point spread or over-unders resulting in a change of payout.

A party may seek Commission approval of other wagering types for specific Sporting Events, including eSports Competitions.

## **IV. Petition for eSports Event or Wager Type**

### **1. Logistical Information regarding the eSports Petition**

The Commission has developed a specific Petition for eSports Competitions or Wager Types ("eSports Petition"). See **Exhibit A**. Interested parties can use the eSports Petition to suggest that the Commission authorize and approve additions to the Sports Wagering Catalog. It is available online at <https://ncgaming.gov>. As with the Petition for a Sporting Event or Wager Category, the Petition for eSports Competitions or Wager Types may be submitted by an Interactive Sports Wagering Operator on its own accord, or by another individual or entity with the sponsorship of an Interactive Sports Wagering Operator.

To facilitate Commission review and to increase the likelihood of an eSports Petition's success, petitioners are encouraged to provide complete responses to each of the enumerated inquiries and to contemporaneously provide copies of all requested supporting materials and attachments. Together, these materials constitute the petitioner's submission. Petitioners are to submit a signed copy of the Petition, as well as all related attachments to the North Carolina State Lottery Commission via email at: [sportswagering@ncgaming.gov](mailto:sportswagering@ncgaming.gov). If a submission is incomplete, illegible, or otherwise deficient, it will be rejected or denied.



If a Petitioner has a question about which petition to use for a proposed sporting event or wager type, they should contact Commission staff at [sportswagering@ncgaming.gov](mailto:sportswagering@ncgaming.gov) for assistance. Hybrid events and competitions that utilize (i) eSports technology or intellectual property, and (ii) physical playing field or physical component/feature not mediated by technology will generally utilize the eSports Petition (e.g., a hybrid cycling or golf event).

## **2. Guidance regarding Sections in the eSports Petition**

The eSports Petition is comprised of six unique sections that organize various questions and inquiries that help Commission staff evaluate proposals for eSports competitions to be added to the Sports Wagering Catalog. In many respects, the eSports Petition mirrors the Commission’s Petition for “traditional” sporting events; however, the more granular inquiries set forth in the eSports Petition are designed to collect information that may be unique in the eSports context.

### **Section A: Background Information**

This section collects information about the Petitioner; the Interactive Sports Wagering Operator sponsoring the eSports Petition; and the proposed eSports Competition or Wager Type, including whether it’s a new request or a variation on a previously-authorized item in the Sports Wagering Catalog.

### **Section B: eSports Competition Operator**

For purposes of the Act, the sports governing body for an eSport is the publisher of the video game title used in the electronic sports competition, regardless of the publisher’s location. N.C. Gen. Stat. § 18C-901(18). This section seeks important data and artifacts showing the relationship between the business entities that serves as the would-be eSports Competition Operator and the eSports governing body (i.e., the publisher of the video game title).

Petitioner should describe in detail the contractual or business relationship between the eSports governing body and the eSports Competition Operator if these are separate, distinct legal entities. If these entities are corporate affiliates or the same organization, please provide additional details. Because there may be a great deal of variance among corporate structures and contractual frameworks among these actors, it is difficult for the Commission to forecast with precision the kinds of documents or artifacts that may assist in the evaluation process. Petitioner is encouraged to take a proactive approach to providing the Commission supporting documents in this section.

Further, this section seeks to make clear the particular duties and responsibilities the eSports Governing Body and the eSports Competition Operator undertake when conducting an eSports Competition, including the demarcation of duties and responsibilities between and among these actors.

## **Section C: Description of Proposed eSports Competition and Wagering Categories**

This section seeks information about the eSports Competition, including detailed explanations of the competition, game rules, and how the eSports Competition Operator functionally oversees the competition. Open-ended questions allow the petitioner to provide specific information and flexibility to organize their responses. As needed, provide location-specific or venue-specific information about the eSports Competition, especially if competitions will occur on multiple occasions or in multiple locations.

## **Section D: Description of Proposed eSports Wagering Categories**

As noted above, the Commission has already authorized certain wager types for use with sports wagering, including eSports. This section examines the kinds of wagers associated (or potentially associated) with an eSports Competition, as well as the Data Source for settling the bets and how data is made available to the public. Petitioner's (and Sponsor's) representations and confirmations regarding technical aspects of offered wagers are useful to the Commission for compliance purposes.

## **Section E: Technical Matters**

The security, protection, and management of IT infrastructure that supports and enables the eSports Competition are central to fair play and event integrity. A Petitioner's responses to inquiries in this section will be effective if they demonstrate a thoughtful approach to deploying technology in order to achieve these and other goals. Further, this section seeks information about the level of transparency with respect to game versions and game updates utilized in competition.

## **Section F: Integrity and Security Matters**

Of the six sections in the Petition, Section F contains the most inquiries for the Petitioner to address. Throughout this section, as needed, the Petitioner may refer to the applicable security and integrity policies and procedures requested in questions 1 and 2. To the extent the Petitioner relies on such policies and procedures to answer other questions in this section, please ensure that the answers specifically cite or reference applicable policy provisions by section number, page, title, or similar.

This section also seeks information about certifications and affiliations that the eSport Competition and its Operator have with integrity-related organizations. With respect to integrity-related certifications and organizations, Commission staff recommend that Petitioners err on the side of being over-inclusive when identifying applicable – and potentially applicable – data points.

Petitioners are to provide information regarding integrity safeguards concerning eSports Competition officials and players. Where appropriate, Petitioner may choose to include real-life examples to illustrate successful deployment of those safeguards.

Finally, the Commission seeks information about eSports Competition Operator's approach to ensuring certain prohibited bettors do not place wagers on the eSport Competition in violation of state law or its own security and integrity policies.

## **V. Confidentiality Protections**

Under certain circumstances, portions of the eSports Petition submission may include documents or information that constitute "confidential information" under North Carolina law. See, e.g., N.C. Gen. Stat. § 132-1.2. The party or individual that submits an eSports Petition to the Commission is responsible for conspicuously marking documents and materials as "Confidential" or "Trade Secret," as appropriate, before submitting them to the Commission. The best practice is to include such markings not only in the electronic file name but also within or upon the document itself. If the petitioner fails to mark documents or materials that are otherwise not subject to public disclosure, the petitioner assumes the risk that such documents may be disclosed later, whether inadvertently or purposefully, in response to a records request or in connection with the Commission's day-to-day business.

## **VI. About this Guidance Document**

This guidance document does not supplant or modify applicable statutes or Commission Rules. Instead, it represents the Commission's Gaming Compliance & Sports Betting Division's current approach to regulating wagering on electronic sports. This document does not create or confer any rights for or on any person. This Guidance does not operate to bind the Commission, the public, or any Commission licensee or applicant. Alternative approaches can be used if such approach satisfy requirements of the applicable state and federal statutes, regulations, or Commission Rules.

From time to time the Commission and staff may revise this document and the Petition for eSports Event or Wager Types based on constructive feedback, for clarity, to conform to applicable law or Commission rules, to improve processes, or to accommodate or incorporate emerging best practices. Interested parties and members of the public may provide comments to the Commission or staff regarding this document via email to [sportswagering@ncgaming.gov](mailto:sportswagering@ncgaming.gov). Visit <https://ncgaming.gov> for additional information.

# **Exhibit A:**

**Petition for eSport Event or Wager Type**

	<p style="text-align: center;"><b>North Carolina State Lottery Commission</b> <b>PETITION:</b> <b>eSPORT EVENT or WAGER TYPE</b> Commission Rule 24 NCAC 06B .0302: Petition for a Category of Sporting Event or Wager Type</p>
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**Instructions**

The party submitting this Petition for an eSport Event must provide complete responses to each of the inquiries and all requested supporting materials and attachments, which are incorporated by reference into the petition. For ease of submission or review, you may utilize a separate document to capture responses; please provide responses in the same order as inquiries are presented. A signed copy of the submission is required. If a submission is incomplete, illegible, or otherwise deficient, it will be rejected or denied. Please submit this request and related attachments to the North Carolina State Lottery Commission via email at: [sportswagering@ncgaming.gov](mailto:sportswagering@ncgaming.gov).

**Section A: Background Information**

1. Provide the following information regarding the Petitioner:
  - a. Name
  - b. Address
  - c. Organization
  - d. Title
  - e. Telephone number
  - f. Email
  - g. Website
  
2. Provide the following information regarding the sponsoring Interactive Sports Wagering Operator:
  - a. Name
  - b. Address
  - c. Organization
  - d. Title
  - e. Telephone number
  - f. Email
  - g. Website
  
3. Provide the following information regarding the proposed eSport Competition or Wager Type:
  - a. Name of eSport
  - b. Tradename of the game
  - c. Publisher of eSport game
  - d. Copyright holder(s) of eSport game (provide certificate of registration or other proof of copyright)
  - e. Platform(s) for eSports competition

4. New Request or Variation?

- a. Is this petition a new request for an eSport Competition or Wager Type: [ ] yes [ ] no.
- b. Is this petition a variation of or a composite of an authorized Sporting Event, eSport Competition, or Wager Type? [ ] yes [ ] no. If “yes,” identify the previously-approved items.

**Section B: eSports Competition Operator**

1. Provide the following information regarding the eSports Competition Operator:

- a. Legal Name
- b. Business Name
- c. Address
- d. State of Incorporation
- e. Website
- f. Point of Contact Information
  - a. Name
  - b. Address
  - c. Title
  - d. Telephone number
  - e. Email

2. Under what legal or business arrangement is the eSports Competition Operator able to offer the proposed eSports Competition? Describe this arrangement in detail and provide available supporting documentation, including any conditions or provisions set forth by video game publishers.

Note: The Commission may request information regarding (i) license or contractual agreements that the eSports Competition Operator has with the eSports game publisher and/or copyright holder or (ii) corporate structure information if an entity affiliated with the game publisher is the eSports Competition Operator.

3. What role does the eSports Competition Operator play in sanctioning, regulating, and/or organizing the proposed eSports Competition?

4. Does any other eSports Governing Body (or equivalent) play a role in sanctioning, regulating, or organizing the proposed eSports Competition? If so, (a) identity such entities; (b) provide contact information; (c) describe their respective role(s); and (d) confirm whether that entity has been informed of this petition.

5. Identify any players’ associations with whom the eSports Competition Operator engages concerning the proposed eSports Competition.

**Section C: Description of Proposed eSport Competition and/or Wagering Categories**

1. Provide a summary description of the eSports Competition.

2. Provide a copy of the eSport Competition rules.

3. If not specified in the eSport Competition rules, provide details regarding how eSports Competition oversees the competition (e.g., including assignment of officials, the number of participants in the eSports Competition, appeals, testing, and/or any other information deemed important by the entity overseeing the competition).
4. At what location(s) will the eSports Competition take place? Provide information about the following:
  - a. Describe the environment(s) (e.g., stadium, auditorium, studio, other) where the eSports Competition will occur.
  - b. Describe venue- or location-specific precautions or safeguards to ensure a secure eSports Competition and restrict access to critical IT.
  - c. Are any eSports Competitions held outside of the United States and its territories? Identify those non-U.S. locations and any relevant foreign governing authority, whether it be a government regulator, independent governing board, or similar.
5. Presently, in what U.S. jurisdictions is the proposed eSports Competition approved for wagering? Petitioner may provide information about tribal or non-U.S. jurisdictions that offer the eSports Competition for wagering.

#### **Section D: Description of Proposed eSport Wagering Categories**

1. List the Wager Types Petitioner seeks to see offered for the eSports Competition. Provide a summary description of the manner in which wagers would be placed and winning wagers would be determined.
2. Provide a draft of the proposed wagering rules.
3. Confirm that all proposed Wagers contemplated by this Petition will be based upon statistical results.
4. Identify and describe the Data Source, box score, aggregation of box scores, or other statistical analysis processes that will be used to verify wager results.
5. How will eSports Competition statistics be made available to the public? Identify the actor(s) responsible for making such data available and the cadence for providing updated data from eSports Competitions. To the extent historical data is provided or made available, please describe what is available to the public.
6. Confirm that all proposed Wagers contemplated by this Petition will be based on the performance of a single or group of rostered or otherwise registered participants in the eSports Competition.
7. Confirm that all proposed Wagers contemplated by this Petition will be based on the result of an outcome on the virtual field of play in a “live” competition.

## **Section E: Technical Matters**

1. Provide a general summary of the IT infrastructure utilized (i) to conduct the eSports Competition and (ii) offer approved wagers.
2. Identify current certifications or credentials concerning IT or security that the eSports Competition Operator possesses, if any, that pertain to technology used to facilitate an eSports Competition. To the extent the eSports Competition Operator utilizes third-parties to facilitate an eSports Competition, identify such entities and their applicable certifications or credentials.
3. Is real-time video available of the eSports Competition? If so, is it available to players participating in the eSports Competition?
4. What game version(s) will be utilized for the eSports Competition?
5. How does the eSports Competition Operator make competitors and the public aware of updates to or versions of the software that will be used in eSports Competition?
6. Describe how IT used to support the eSports Competition is kept secure from tampering, unauthorized changes, or compromise?

## **Section F: Integrity and Security Matters**

1. Provide a copy of applicable integrity policies and procedures for the eSports Competition enforced by the eSports Competition Provider and/or otherwise applicable to the proposed eSports Competition or Wager Type.
2. Provide a copy of applicable security policies and procedures for the eSports Competition enforced by the eSports Competition Provider, and/or otherwise applicable to the proposed eSports Competition or Wager Type.
3. As contemplated by 24 NCAC 06B .0302(c)(5) and (d), provide a complete and detailed description about how the proposed eSports Competition and Wager Types shall:
  - a. have outcomes that can be verified;
  - b. have outcomes generated by reliable and independent processes;
  - c. be conducted in a manner that ensures sufficient Integrity Monitoring controls exist so that the outcome may be trusted;
  - d. have outcomes not likely to be affected by a Sports Wager placed; and
  - e. be conducted in conformity with applicable laws.
4. Is the eSport Competition Operator certified by the Esports Integrity Commission or similar organization? Identify and describe any current integrity-related certifications.
5. Is the eSport Competition monitored by IBIA, US Integrity (IC360), or a similar entity or organization?



6. Have any integrity-related organizations identified any previous incidents involving the eSports Competition or eSports Competition Operator? If so, please describe.

7. Does the eSports Competition Operator have a player code of conduct?

8. Does the eSports Competition Operator require eSports Competition participants / players to disclose instances of sanction, suspension, fines, or discipline from other sporting events or eSports Competitions? What steps, if any, does the eSports Competition Operator take when it knows or has reason to know that a participant / player (or a potential participant / player) in the eSports Competition has been subject to such action?

9. Does the eSports Competition Operator require eSports Competition referees and officials to disclose instances of sanction, suspension, fines, or discipline from other sporting events or eSports Competitions? What steps, if any, does the eSports Competition Operator take when it knows or has reason to know that a referee or an official (or a potential referee or official) for the eSports Competition has been subject to such action?

10. What protocols, policies, or actions does the eSports Competition Operator have in place to ensure compliance with N.C. Gen. Stat. § 18C-902(i)(6) and (7), which identify certain persons prohibited from placing wagers in North Carolina.

### **Signature and Information**

*I swear or attest under the pains and penalties of perjury that the information provide as part of this Petition is true, accurate, and complete to the best of my knowledge and understanding.*

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Date: \_\_\_\_\_