# Artificial Intelligence, Biometrics & Big Data in the Gaming Industry: An Analysis of Privacy Protections and Public Policy and Its Impact on Regulation
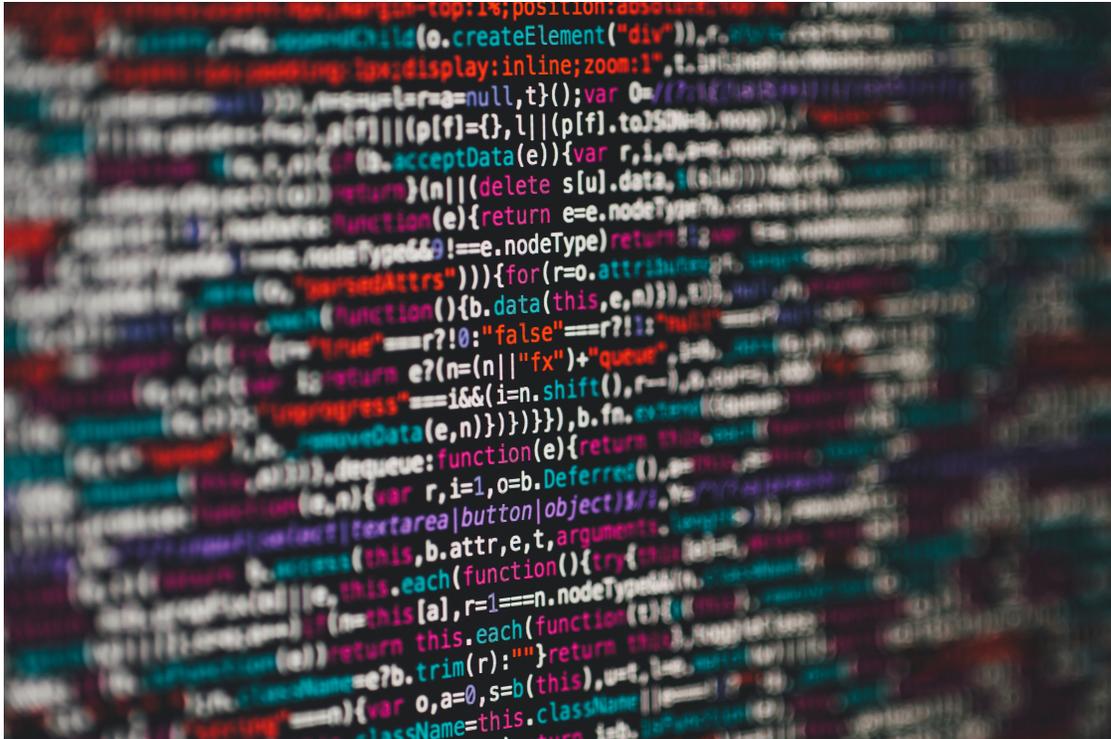


January 17th, 2020
UNLV Boyd School of Law

UNLV | WILLIAM S. BOYD
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| Session | Topic | Presenters | Time |
|---|---|---|---|
| | **Introduction to the conference/welcome** | Ngai Pindell, Professor, UNLV Boyd School of Law | 9-9:15 |
| **1** | **Current and Future Uses of Biometrics Technology** | | |
| *1a* | *An Overview: Bioinformatics Data Privacy Protection and Legal Issues* | Joe Lombardo, Executive Director, National Supercomputing Institute and Dedicated Research Network | *9:15-9:40* |
| *2* | *Demonstration of Biometrics Technology in the Gaming Industry* | Thomas Soukup, Chief Systems Product Officer, Konami Gaming, Inc. | 9:40 -10:00 |
| *3* | *Problem Gaming* | Connie Jones, Director of Responsible Gaming, AGEM, Moderator/Presenter<br><br>Alan Feldman, Chair, International Center for Responsible Gaming<br><br>Kim Mouridsen, Professor Head Neuroinformatics Research, CFIN Head Neuroimaging Methods, MINDLab Aarhus University | 10:00-10:50 |
| | *Break* | | 10:50-11:00 |
| *4* | *Marketing, customer experience and loyalty* | Sanjiv Goyal, CEO, Extent AI<br><br>Amit Kumar, CEO, Dragonfruit AI | 11:00 - 11:30 |
| *5* | *Security, Surveillance and AML* | Douglas L. Florence Sr., CPP | 1130-noon |
| | **Lunch** | | Noon -1:10 |
| **6** | **Industry Perspectives on Commercial Use of Biometric Technology** | Anthony Cabot, Distinguished Fellow of Gaming Law, UNLV Boyd School of Law, Moderator<br><br>Dan Cherry, Corporate VP of Gaming Operations, Penn National | 1:10-1:50 |

| | | Martin Lycka, solicitor, Director of Regulatory Affairs, GVC Holdings. | |
| :-: | :-- | :-- | :-: |
| | | Katie Lever, Chief Legal Counsel, Drew Las Vegas | |
| 7 | **Patron Rights, Casino Responsibilities, And the Current State of Biometrics Law and Regulation** | Niya McCray, CIPP/US Parker, Hudson, Rainer & Dobbs LLP | 1:50-2:20 |
| 8 | **Data Breaches and What Are the Responsibilities of Industry and Policymakers** | Jeff Greene, Greenburg Traurig | 2:20-2:50 |
| | **Break** | | 2:50-3:00 |
| 9 | **Regulator Perspectives on the Surveillance of Consumers and Their Data: Implications for the Gaming Industry** | Kevin Mullally, Vice President of Government Relations & General Counsel at Gaming Laboratories International, Moderator<br><br>Sandra Douglas Morgan, Chair, Nevada Gaming Control Board<br><br>Marcus Fruchter, Administrator, Illinois Gaming Board<br><br>David Grothaus, Executive Director, Missouri Gaming Commission | 3:00-4:00 |
| 10 | **Consideration of Best Practices and Model Regulations** | Ngai Pindell, Professor, UNLV Boyd School of Law<br><br>Joe Bertolone, Director, International Center for Gaming Regulation,<br><br>Nicole Cannizzaro, Majority Leader of the Nevada Senate<br><br>Terry Johnson, Member, Nevada Gaming Control Board | 4:00-5:00 |
| | **End** | | 5:00 |

# The Speakers

**Joe Bertolone**'s experience spans over 20 years in the gaming industry with very diverse roles. His gaming manufacturing roles include serving as the President, North America for global slot machine manufacturer Ainsworth Game Technology and as President & CEO of DEQ Systems, a global, publicly-traded provider of table games progressives and content. As an industry operator, Mr. Bertolone was the Director of Operations for William Hill US, one of worlds sports wagering companies, where he helped to build the company's early Nevada retail and mobile operations. As an industry regulator, he served as the Chief of the Technology and Administration Divisions at the Nevada Gaming Control Board during expansion and technological change in the industry. Prior to his involvement in the gaming industry, Mr. Bertolone held management positions income of the world's largest information technology companies such as networking systems stalwart Cisco Systems and cashless payments leader VeriFone Systems. He began his career as a staff account at Arthur Andersen & Co. Mr. Bertolone holds a bachelor's degree in Business Administration - Finance from California State University, Chico.

**Anthony Cabot** is the Distinguished Fellow of Gaming Law at the Boyd School of Law, where he teaches gaming law. Before joining the Boyd School of Law in March 2018, Cabot practiced gaming law for 37 years and was a former chair of the gaming law practice and executive committee member at Lewis Roca Rothgerber Christie LLP.

Professor Cabot is a prolific author on gaming law. Besides numerous journal articles, he has authored or edited thirteen books on gaming-related topics including Sports Wagering in America: Policies, Economics, and Regulation (2018), Regulating Land-based Casinos, (2d. 2018), The Law of Gambling and Regulated Gaming: Cases and Materials (2d 2015), Regulating Internet Gaming: Challenges and Opportunities (2013), and Practical Casino Math (2d ed. 2005)

Professor Cabot is a founder and past president of the International Masters of Gaming Law, past president of the Nevada Gaming Attorneys Association, and past general counsel to the International Association of Gaming Attorneys.

Professor Cabot is on the Board of Advisors, International Center for Gaming Regulation, University of Nevada, Las Vegas (2015-present), and is a Director and Vice President of the Nevada Council on Problem Gambling, (2009-present) a member of the Gaming Law Advisory Council, University of Nevada, Las Vegas, Boyd College of Law (2009-present). He is an honorary president and serves on the academic council to the Asia Pacific Association for the Study of Gambling and Commercial Gaming, an organization made up of professors from the entire Asian region including Taiwan, Japan, China, Macau, and Australia.

**Nicole Cannizzaro** is the Majority Leader of the Nevada State Senate and has served in the State Senate since 2016. She was the main sponsor of SB 220, amending Nevada's privacy statute in the fall of 2019. She is a lifelong Nevadan with a degree from the University of Nevada, Reno (Business Administration) and the University of Nevada, Las Vegas (JD). She is a Chief Deputy District Attorney at the Clark County District Attorney's Office.

**Dan Cherry** has over 15 years of experience as an executive within the gaming industry. Prior to joining Penn National Gaming in 2014, he spent 10 years in various roles at Ameristar Casinos and then Pinnacle Entertainment. He began his career at Ameristar Casino St. Charles as a P&A Analyst. He then held various roles with Ameristar, including Director of Table Games for the company, where he led efforts to standardize table games product, and introduced new technology and operating practices to drive profitable revenue.

Dan is responsible for developing the strategic gaming operations plan for the Penn organization. He's focused on improving operational efficiencies, product performance and the guest gaming experience.

Dan graduated from Washington University in St. Louis with a BSBA in Finance.

**Alan Feldman** is an internationally respected figure in responsible gaming. After a long and distinguished career in the gaming industry, he was appointed as a Distinguished Fellow of the International Gaming Institute at UNLV where he leads the Institute's responsible gaming programs.

Mr. Feldman also serves as Chair of both the National Center for Responsible Gaming as well as the Nevada Advisory Committee on Problem Gambling. Additionally, he serves as a member of the Gambling Research Advisory Committee for the Massachusetts Gaming Commission.

Mr. Feldman has developed relationships with academics, clinicians, public health officials and problem gambling patients throughout his almost 30 year career and is a frequent speaker on responsible gaming at conferences, universities and media events around the world.

**Douglas L. Florence Sr., CPP** is a gaming, hospitality and retail security/surveillance operations expert. Today on the Patrocinium team providing multi-dimensional communications in 4D with way-point. In an increasingly unpredictable world, organizations are expected to monitor and account for their assets, property, and personnel in real-time. Additionally, organizations are often expected to co-manage the impact of natural and man-made disasters alongside public safety agencies. Organizations that respond to emergencies quickly and effectively are better positioned to assert control and repair reputational damage. Douglas maintains his CA PI 19496 licensing since 1991 and NV PI 1672 License in abeyance as QA for Beskmark a Hospitality Secret Shopper NV PI 1095. Previously a Sr Sales Director at 3VR a San Francisco based company that "captures, analyzes and translates Video data into strategic insights that drive better business decisions providing Security & Surveillance Solutions to the industry". He was formerly BD Director Gaming at Avigilon, VP Strategic operations for eConnect and was also the VP of Security & Surveillance for the M Resort Spa Casino. During his 23 years of working with the Gaming Industry worldwide Douglas was the Director of Surveillance for the Mirage, Director of Surveillance for the Rio and was the Executive Director of Security for the Hard Rock Casino in Las Vegas. He has worked for KPMG as a Manager for Corporate Security and Gaming in their Boston office. As an associate with Kroll Associates an international consulting firm with corporate offices in Manhattan and Boston, where Douglas was responsible for investigations in corporate security. He has been a subject matter expert on the use and manufacture of digital video technology and game protection technology and has appeared on numerous Casino Documentaries and other news media on "Advantage Play", Security and Game Protection. Douglas is designated as a (CPP) Certified Protection Professional by A.S.I.S. International (American Society for Industrial Security International) "Board Certified in Security Management" and served as the founding Council Chair for the ASIS Int'l Gaming & Wagering Protection Council which he founded in 1996. Douglas has also served as the Vice President of Affiliate Membership for the IMGL.

**Marcus D. Fruchter** is an accomplished professional with experience in both government service and the private sector. He was appointed Administrator of the Illinois Gaming Board on May 6, 2019. Mr. Fruchter served as a senior counsel in the Securities and Exchange Commission's Enforcement Division from 2015 until joining the Gaming Board. At the SEC, Mr. Fruchter was a member of the Enforcement Division's Cyber Unit and Market Abuse Unit. He investigated and brought enforcement actions covering multiple areas of securities fraud, including insider trading, account intrusions and unauthorized trading schemes, market manipulation and abusive trading practices, and dark web-related misconduct. Before joining the SEC, Mr. Fruchter was an attorney in private practice for more than a decade and was a litigation partner at Honigman LLP and its Chicago predecessor firm Schopf & Weiss LLP. In private practice, he represented clients in federal and state courts nationwide in complex business disputes involving commercial fraud, trade secrets and unfair competition, professional liability, and patent and trademark infringement. Mr. Fruchter also worked as a senior public policy associate at a major non-profit organization and served as a legislative aide in the United States Senate. He graduated from the University of Chicago Law School and earned a B.A. in public policy, with honors, from James Madison College at Michigan State University.

**Sanjiv Goyal** is a leading futurist driven to solve the world's biggest business challenges through innovation. A forward-thinker, Sanjiv sees our inevitable horizon upon us - the integration of artificial intelligence and dynamic learning are becoming ever-present in today's economic and social markets. Sanjiv propels businesses forward by providing proven strategies that promise long-term value in industries across the globe.

As an entrepreneur, Sanjiv has started over eight companies in the areas of food tech, advertising, venture capital, education, and another emerging tech

With a Master's Degree in Technology from the Indian Institute of Technology (IIT) in Delhi, India, Certificate in Innovation from Stanford University, USA. Sanjiv is an advocate of the importance of artificial intelligence in our forward-driven world. Throughout his career, Sanjiv demystifies smart technologies and contributes profound efforts towards humanities emergence into its limitless possibilities.

Sanjiv is transforming the industry by inspiring CEOs, industry leaders, brands, and retailers alike to embrace new and innovative ways of solving long-standing challenges. Pioneering creative solutions, Sanjiv implements strategies to maximize ROI, promote team-based productivity, and cultivate new forms of consumer engagement.

**Jeffrey Greene** is a shareholder in the Litigation Practice in the firm's Boston office and is Co-Chair of the firm's global eDiscovery & eRetention Practice. Chair of the Boston Litigation Department, Jeff is an experienced trial lawyer who focuses his practice on complex litigation and investigations that involve complex legal, factual and data management issues.

Jeff frequently assists clients in navigating state, federal and international data privacy laws while complying with U.S. discovery obligations and is a recognized thought-leader on the discovery and retention challenges posed by emerging technologies. He regularly conducts risk assessments and prepares key documentation, such as incident response plans, privacy policies, and privacy notices. Jeff also drafts and negotiates contracts concerning data-related vendors, assists clients in assessing privacy risks in corporate transactions, and provides guidance on and conducts privacy and security assessments. He has managed dozens of data breaches, and helps clients prepare for and immediately respond to security incidents and breaches. Jeff represents clients across a wide range of industries, including gaming, retail, apparel, pharmaceutical, technology and real estate. Jeff regularly speaks on cybersecurity, data protection and e-discovery issues.

**David Grothaus** is a seasoned public servant with over 42 years of government service. He has been with the Missouri Gaming Commission since December 2018 when he was hired as the Assistant Deputy Director for Operations. He was selected to be the Executive Director in February 2019 and assumed those duties on March 1, 2019.His law enforcement career began as a Trooper with the Missouri State Highway Patrol and ended as a Supervisory Special Agent/Division Chief with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Mr. Grothaus was assigned as a Special Agent and surveillance pilot in St. Louis and Resident Agent in Charge of the Wyoming Field Office before being transferred to Bureau Headquarters in Washington, DC. His assignments there included Special Agent in Charge of Resource Management, Deputy Chief of the Career Development Division, Chief of the Legislative Affairs Division, and Chief of the Advanced Firearms and Operations Training Division. He retired from ATF in December 2007.

Mr. Grothaus is a veteran of the U.S. Air Force and the U.S. Army Reserve and Missouri National Guard. He served a total of 41 years and spent 11 years on active duty including his initial four-year enlistment and five mobilizations. He holds a Master of Science in Management from The Johns Hopkins University, a Bachelor of Arts in Management (Accounting emphasis) from Webster University, and an Associate in Applied Science in Criminal Justice from the St. Louis Community College at Meramec. He is a graduate of the Police Executive Leadership Program at Johns Hopkins University and the Executive Leadership Institute at the University of Virginia. He has also been a Certified Fire Investigator and Certified Fraud Examiner.

**Terry Johnson** was initially appointed to the Nevada Gaming Control Board by Gov. Brian Sandoval on November 12, 2012 and was subsequently reappointed. Before joining the Board, Member Johnson served in Gov. Sandoval's cabinet as the State Director of Business & Industry. Prior to that, he was the Assistant Director at the Clark County District Attorney's Office. He previously served in the cabinet of former Nevada Governor Kenny Guinn, and also served as the State Labor Commissioner for 5 years, receiving the Nevada Taxpayers Association's "Good Government Award" for his accomplishments. He began his career in public service as the state's Assistant Business Advocate, serving as a liaison between state government and small businesses. Member Johnson holds an undergraduate degree in Political Science from UNLV and a Juris Doctor degree from UNLV's Boyd School of Law.

**Constance Jones** is Director of Responsible Gaming for the Association of Gaming Equipment Manufacturers (AGEM). Her role has helped to strengthen the bridge of communication and understanding between the gaming industry, specifically that of gaming technology providers, and the problem gambling communities. Jones, a twenty-year veteran of the gaming industry, has presented at numerous conferences and events on the gaming manufacturer's role in RG and the evolution of RG technologies. Casino Enterprise Management magazine named her as one the "Great Women in Gaming." Jones, a former board member of the National Council on Problem Gambling for over 12 years, currently serves on the boards of the Nevada Council on Problem Gambling, the Problem Gambling Center in Las Vegas as well as the Global Gaming Guidance Group based in Europe. In 2011 Jones was appointed by Nevada Governor Gibbons, then reappointed by both Governors Sandoval and Sisolak for 3 additional terms to serve on the state's Advisory Committee on Problem Gambling. She is also a member of International Masters of Gaming Law and chairs their Responsible Gaming Committee.

**Amit Kumar** is Founder & CEO of Dragonfruit AI, a Cloud Video Storage and AI Analytics company. Previously, he was VP/GM at Yahoo SMB (a $150mil business), and founder/CEO of two startups, Lexity (sold to Yahoo) and Trimian (sold to Nerdwallet). His experience spans Computer Networks, Video Streaming, Enterprise and Web Search, E-Commerce and Consumer Internet**.**

**Katie Lever** serves as Chief Legal Counsel for Drew Las Vegas, an integrated resort and casino development on the Las Vegas Strip, where she is responsible for structuring and managing all legal, regulatory, and compliance functions. She was previously General Counsel and EVP at Baha Mar, a $4.3 billion luxury integrated resort in the Bahamas, where she implemented and managed the legal, compliance, AML, risk management, and surveillance functions for opening and operating the property's casino and hospitality offerings. Previously, Katie spearheaded the legal strategy for the $1.3B acquisition of SHFL entertainment by Bally Technologies, and, twelve months later, the $5.3B acquisition of Bally Technologies by Scientific Games. In her role of General Counsel and EVP of Scientific Games, she was responsible for all legal matters related to its multi-faceted operations. She joined the company through the acquisition of Bally Technologies, Inc., where she was General Counsel and SVP of Legal and Regulatory Affairs; she joined that company through the acquisition of SHFL entertainment, Inc., where she was General Counsel and EVP. Katie was the first General Counsel and EVP of Global Cash Access (now Everi) and was previously a Partner with the Las Vegas law firm Schreck Brignone (now Brownstein Hyatt Farber Schreck). Katie is committed to the philanthropic life of her community and serves as Chair of the Las Vegas Go Red for Women Luncheon, is a Board member of Global Gaming Women, a Counselor and past-president of the International Association of Gaming Advisors, a member of the Gaming Law Advisory Board of UNLV Boyd School of Law and a frequent speaker on topics ranging from iGaming to mentoring.

**Joseph Lombardo** is the Executive Director of the National Supercomputing Institute located at UNLV. Additionally, he serves as core PI on 2 independent NIH COBRE Awards in collaboration with the Cleveland Clinic Lou Ruvo Center for Brain Health and the Nevada Institute of Personalized Medicine in Nevada. Mr. Lombardo has served as a PI and administrative lead on numerous federal awards and contracts over a 23-year tenure. He has been a consultant to private industry, academia and government laboratories with an expertise in computational modeling, parallel computing, data management and data visualization. He has published numerous technical papers and reports and co-authored three textbooks. Mr. Lombardo has served as an expert witness for the United States Senate Committee on Commerce, Science, and Transportation "Subcommittee on Technology, Innovation, and Competitiveness" in the area of High-Performance Computing as it relates to and supports academic research. A fundamental objective of his research is to demonstrate a wide variety of nationally important applications that support primary government interests, including health care, education, scientific research, and the improvement of U.S. business competitiveness.

**Martin Lycka**, solicitor, is Director of Regulatory Affairs at GVC Holdings. Martin has been in-house legal and regulatory counsel to global online gambling operators for over 10 years. Martin also serves as a board member of the Europan Gaming and Betting Association and JDigital as well as a trustee of the GVC Global Foundation and GVC Foundation US. Prior to working with GVC, Martin worked with inter alia Paddy Power Betfair, Salans Europe LLP and the Ministry of Foreign Affairs of the Czech Republic. He has graduated from the Prague Law Faculty and has obtained a LLM degree at the College of Europe in Bruges as well as a LLB degree at the University of Law London. Martin is the 2019 Global Regulatory Awards Head of Regulatory Affairs of the Year Award

**Niya McCray** is a Certified Information Privacy Professional in United States private sector law. Niya is currently practicing business litigation, employment, and data privacy in the Atlanta office of Parker, Hudson, Rainer & Dobbs LLP. She has written several articles, in national publications, focusing on the ever-changing legal landscape of biometric privacy, as well as considerations for government contractors subject to NIST/DFARS regulations. Niya also held a position on Law360's inaugural Editorial Advisory Board for Data Privacy and Cybersecurity matters. Niya received both her undergraduate degree and law degree from Vanderbilt University, where she received several accolades for her scholarship.

**Sandra Douglass Morgan** serves as Chair and Executive Director of the Nevada Gaming Control Board where she is responsible for the Board's daily operations, including managing a $44 million-dollar budget and approximately 400 employees in five cities throughout Nevada.

She is a former government affairs director for a Fortune top 10 telecommunications company and previously served as the City Attorney for the City of North Las Vegas. Prior to her public service with the City, she served as a Litigation Attorney for one of the world's largest gaming companies. Sandra also served on the Gaming Commission and the Athletic Commission.

Her awards and honors include the Corporate to Community Connector award from the National Urban League Young Professionals, "Women in Business and Politics" award from the Urban Chamber of Commerce, Ladies of Distinction Award from Olive Crest, the National Bar Association's Nation's Best Advocates "40 under 40," and Attorney of the Year Award by the Las Vegas Chapter of the National Bar Association.

Sandra is a member of the State Bar of Nevada. She earned her B. A. in Political Science from the University of Nevada, Reno and her J. D. from the William S. Boyd School of Law at University of Nevada, Las Vegas.

**Kim Mouridsen** is head of Neuroimaging Methods at the Center for Functionally Integrative Neuroscience and MINDLab. He has previously worked at the University College of London and held faculty positions at Harvard Medical School/Massachusetts General Hospital and the Norwegian University of Science and Technology. He has a track-record of developing clinically applicable decision support tools and predictive models and developed the core technology used in Cercare Medical. As an entrepreneur, Kim has co-founded several successful companies in the decision support segment. Scientifically, Kim has published over 50 papers in peer-reviewed journals (H-index: 22) including Nature Medicine and holds 6 patent applications.

**Kevin P. Mullally** is the Vice-President of Government Relations and General Counsel for Gaming Laboratories International, LLC (GLI). Mr. Mullally is GLI's chief legal officer and is responsible for all risk management policies for the company as well as supervision of all outside attorneys and consultants. In addition, he serves internationally as GLI's primary liaison to elected and appointed officials. He regularly interacts with regulatory agencies, legislators, law enforcement and organizations devoted to developing gaming policy.

Mr. Mullally provides GLI with over 37 years of diversified leadership in law, management, public policy, public relations, economic analysis, and organizational administration. Prior to joining GLI, Mr. Mullally was the Executive Director of the Missouri Gaming Commission. Previously, he served as General Counsel and Chief of Staff to Missouri State Senator Harry Wiggins. Mr. Mullally serves on the Board of Trustees for the International Association of Gaming Advisors. As the author of the first self-exclusion program while serving as a regulator in Missouri, he has a long history of involvement in developing and studying responsible gaming policy.

Mr. Mullally consults with jurisdictions globally on matters relating to regulatory practice, regulatory reform and the creation of more efficient and effective regulatory structures. He is a frequent teacher, author, and speaker on issues relating to administrative and business law topics, public policy development, gaming regulatory issues, and problem gambling. He is the author of the chapter on Public Policy Implementation & Regulatory Practice for the University of Nevada-Las Vegas Law School's textbook on Land-Based Casino Regulation.

**Tom Soukup** is responsible for the development of all components of the comprehensive SYNKROS casino management system. He oversees Konami's systems product vision to provide accurate, robust, real-time casino enterprise management to properties of all specialties and sizes. Mr. Soukup joined Konami Gaming, Inc. in 2001 with more than 20 years' experience in the field of computer science including a position as a senior system engineer in advanced technology. He is also the author of the book Visual Data Mining: Tools and Techniques for Data Visualization and Mining. He earned a Bachelor of Arts degree in computer science and holds a master's degree in Mathematics and Computer Science.

**ABOUT UNLV WILLIAM S. BOYD SCHOOL OF LAW**
Established in 1998, the William S. Boyd School of Law at the University of Nevada, Las Vegas has nearly 400 students and offers three juris doctor degree programs: a full-time day program, a part-time day program, and a part-time evening program. The school also offers a Master of Laws (LL.M.) in Gaming Law and Regulation and three dual degree programs: the J.D./MBA, J.D./M.S.W., and J.D./Ph.D. It is fully accredited by the American Bar Association and is a member of the Association of American Law Schools. For more information about UNLV Law, please visit law.unlv.edu and stay connected on Facebook, Instagram, and Twitter.

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