



# Gaming Commission

One Broadway Center, Schenectady, NY 12305  
[www.gaming.ny.gov](http://www.gaming.ny.gov)

John A. Crotty, Commissioner  
Peter J. Moschetti, Jr., Commissioner  
John J. Poklemba, Commissioner  
Barry Sample, Commissioner  
Todd R. Snyder, Commissioner

Robert Williams, Executive Director  
Edmund C. Burns, General Counsel

September 8, 2016

Nic Sulsky  
President  
DraftDay Gaming Group, Inc.  
902 Broadway  
11<sup>th</sup> Floor  
New York, NY 10010

Re: Temporary Permit

Dear Mr. Sulsky:

On September 8, 2016, the New York State Gaming Commission ("Commission"), having determined that DraftDay Gaming Group, Inc. ("Applicant") meets each of the requirements set forth in sections 1402 and 1404 of the Racing, Pari-Mutuel Wagering and Breeding Law to hold a temporary permit to offer interactive fantasy sports contests, hereby provides this temporary permit for Applicant to offer interactive fantasy sports contests in New York State, on a provisional basis, subject to the following conditions:

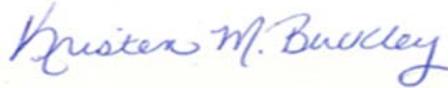
1. The material submitted in connection with Applicant's Interactive Fantasy Sports Contest Application for a Temporary Permit is accurate and not misleading.
2. Applicant shall comply with all applicable provisions of Article 14 of the Racing, Pari-Mutuel Wagering and Breeding Law and any amendments thereto, as determined by Commission;
3. Applicant shall remit all payments to the State pursuant to Article 14 of the Racing, Pari-Mutuel Wagering and Breeding Law according to any instruction or direction of the Gaming Commission;
4. Applicant shall file an application for registration within 90 days of the promulgation of regulations to effectuate the registration process, as required by paragraph (b) of subdivision 1 of section 1402 of the Racing, Pari-Mutuel Wagering and Breeding Law; and

DraftDay Gaming Group, Inc.  
September 8, 2016

5. Applicant is permitted to offer in New York State only those types of games and contests, as set forth in the Appendix attached hereto, that Applicant offered to the public in New York State prior to November 10, 2015.

This temporary permit is not assignable and shall be effective until 90 days following the promulgation of regulations to effectuate the registration process to offer interactive fantasy sports in New York State or, if Applicant applies to be an interactive fantasy sports registrant in New York State, then this temporary permit shall be effective until Applicant is registered as an interactive fantasy sports operator pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1402 or Applicant's application for registration as an interactive fantasy sports operator pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1402 is denied.

Sincerely,

A handwritten signature in blue ink that reads "Kristen M. Buckley". The signature is written in a cursive style and is contained within a light blue rectangular box.

Kristen M. Buckley  
Acting Secretary to the Commission

cc: Robert Williams  
Bradley Fischer  
Edmund Burns

## Appendix

For each of Major League Baseball, the National Basketball Association, the National Football League and the National Hockey League, contests in which contestants select a roster of players and statistics for selected players are aggregated pursuant to announced scoring rules to determine contest outcomes, in the following formats:

- (a) **Salary Cap**—Large contests where each contestant is allocated \$100,000 (of available virtual currency) to be used to draft a fantasy team for each of the predefined roster spots (athlete positions) of that tournament. Each athlete has a unique salary generated daily by DraftDay. MLB, NBA, and NHL salaries are recalculated daily, and NFL salaries are recalculated weekly. Within Salary Cap tournaments there are further options relating to the game type and winner payout ratios, being:
- 1) Fifty-Fifty: Fifty-Fifty games split the resulting prize pool among the top 50% of the finishers.
  - 2) Triple Up: Triple up games split the resulting prize pool among the top 33% of the finishers.
  - 3) Tournament: Tournament winners are awarded a higher percentage of the prize depending on the place in which they finish, the higher the place a player finishes the higher percentage of the prize is won.
- (b) **Pick' Em**—Large contests where a contestant picks one athlete from each tier of players offered.
- (c) **Brackets**—Large contests in which single contestants are randomly matched up one-on-one in a bracket style tournament lasting multiple days. Prizes are paid out as a contestant advances through the bracket.
- (d) **Live Draft**—Large contests where contestants take turns drafting a team and then compete against one another for one day, allowing the contestant to draft a new team each day or for each new tournament.