

**NEW YORK STATE GAMING COMMISSION
VIOLATION NOTIFICATION**

A. Incident Information:

Date of Notification: July 13, 2023
Date of Violation: June 28, 2023
Incident Location: PointsBet NY
NYSGC Case Number:

B. Vendors/Licensees Cited:

<u>Name</u>	<u>Address</u>
<u>PointsBet New York LLC</u>	<u>1331 17th Street, Suite 900 Denver, CO 80202</u>

C. Statutes, Regulations and/or Internal Controls Violated:

9 NYCRR §5326.3

(a) A gaming facility licensee shall train its employees and establish procedures to:

(4) ensure that self-excluded persons do not receive, either from the gaming facility licensee or any agent thereof, gaming junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed facility

D. Summary of Violations:

On June 28, 2023, at 1:40 PM EDT, a customer retention promotion including an odds boost offer intended for a small selection of customers was incorrectly sent to all PointsBet customers. The error occurred due to a filter not being applied, causing a significant number of customers to receive the email who would not have otherwise received the promotion. Of those customers, 503 had previously self-excluded, 62 via the New York State Self-Exclusion list and 441 via a mechanism provided on the PointsBet platform. On June 28, 2023, at 4:11 PM EDT, a follow up email was sent to those customers with open accounts who were not eligible for the offer to apologize.

The actions of the PointsBet NY staff that incorrectly sent an email to all customers who have an account, including self-excluded patrons resulted in 503 violations of Chapter IV, Subchapter B 9 NYCRR §5326.3 (a)(4).



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Failure to request a hearing within 30 days shall be considered your waiver of any available hearing, and any requests for a hearing received after 30 days of your receipt of this letter shall be rejected as untimely.

cc: Edmund Burns, General Counsel
Thomas Anapolis, Director, Division of Gaming