

NEW YORK STATE GAMING COMMISSION VIOLATION NOTIFICATION

A. Incident Information

Date of Notification: October 27, 2021

Date of Violation: March 30, 2020 – April 2, 2021

NYSGC Case Number: FNMA-IFS-001-2020

B. Entities in Violation

<u>Name</u>	<u>Address</u>
Fanamana, Inc.	1001 Connecticut Ave NW, #725, Washington, D.C. 20036

C. Statutes Violated and Implicated

Racing, Pari-Mutuel Wagering and Breeding Law (“RWL”) §§ 116, 1400(3), 1401(8), 1402(1)(b), 1402(2), 1404(1)(o), 1404(3)(a), 1405, and 1412.

D. Summary of Facts

On November 14, 2016, the New York State Gaming Commission (“Commission”) issued a temporary permit to Fanamana, Inc. to operate certain interactive fantasy sports contests, as set forth in the Appendix to such approval. The temporary permit approval letter was conditioned upon, among other things, the information submitted in connection with Fanamana, Inc.’s Interactive Fantasy Sports Contest Application for a Temporary Permit being accurate and not misleading, Fanamana, Inc.’s compliance with all applicable provisions of RWL Article 14, and Fanamana, Inc.’s offering in New York State of only those types of games and contests, as set forth in the Appendix attached to such approval, that Fanamana, Inc. offered to the public in New York State prior to November 10, 2015. The temporary permit approval letter language states that the temporary permit is not assignable. On July 3, 2019 the Commission’s Division of Gaming (“Gaming”) had a phone call with [REDACTED] representing Fanamana, Inc., and [REDACTED] co-founder and CEO of Sport Analytics and Data Corp. (“SADC”) in regard to a new contest idea called “QuickPicks.” Gaming asked for additional

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information, stating it would make a determination with regard to authorization after the additional information was received.

On October 28, 2019, [REDACTED] emailed Gaming with the requested information.

On November 6, 2019, Gaming advised counsel for Fanamana, Inc. that the QuickPicks contest is not an authorized contest. Upon a request for reconsideration, Gaming declined to amend the position that QuickPicks is not authorized.

Gaming made this determination because the QuickPicks contest is not a game of skill wherein one or more contestants compete against each other by using their knowledge and understanding of athletic events and athletes to select and manage rosters of simulated players within the meaning of RWL § 1401(8), and the operator would not be implementing measures to ensure all winning outcomes reflect the relative knowledge and skill of the authorized players as required by RWL §§ 1402(2) and 1404(1)(o).

In addition, the QuickPicks contest was not a contest such operator was offering before November 10, 2015, as required by RWL § 1402(2).

On October 21, 2020, [REDACTED] contacted Gaming to discuss a potential sale of Fanamana Inc. to another company and to inquire whether Fanamana, Inc.'s temporary registration was transferable. Gaming did not advise at that time whether a registration is transferable. On the same day, Gaming discovered QuickPicks.com after hearing a radio advertisement stating that New York is a state where players are authorized to participate. [REDACTED] Gaming telephoned [REDACTED] and requested additional information with regard to QuickPicks.com including the name of the operator and whether Fanamana, Inc. had been sold to another company. [REDACTED] did not provide this information but stated he would get back to Gaming with his response.

[REDACTED] Gaming emailed [REDACTED] on November 16 and December 8, 2020 to follow up on the aforementioned conversation. These emails were not answered.

On December 15, 2020 Gaming created an account on QuickPicks.com to investigate the issue, reported that their location was New York, and confirmed with this account that New York residents are able to participate in QuickPicks contests.

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E. Violations

Upon investigation, the following determinations were made:

1. Fanamana, Inc. knowingly and intentionally operated illegal, non-IFS gambling contests (QuickPicks) that accepted 1,937 wagers, more or less, from New York residents in violation of RWL §§ 1402(2), 1404(1)(o), 1404(3)(a), and 1412 and the terms and conditions set forth in the November 14, 2016 grant of a temporary permit to Fanamana, Inc.
2. Fanamana, Inc. knowingly and intentionally operated contests that were not offered to New York residents before the enactment of Article 14 of RWL, in violation of RWL § 1402(2) and the terms and conditions set forth in the November 14, 2016 grant of a temporary permit to Fanamana, Inc.
3. It is necessary and appropriate to terminate the temporary permit of Fanamana, Inc. to safeguard the integrity of the games and participants and to ensure accountability and the public trust pursuant to RWL §§ 1400(3) and 1405.
4. Fanamana, Inc. failed to report to the Commission its anticipated and completed sale to SADC in violation of RWL § 1402, the directions and requirements in the application to qualify for a temporary permit and the terms and conditions of the November 14, 2016 grant of a temporary permit.

F. Findings and Remedies

1. Fanamana Inc.'s temporary registration is revoked.
2. A fine of \$25,000 is issued against Fanamana, Inc. in the aggregate for at least 1,937 violations, more or less, involving unauthorized contests.

Please remit the amount of this fine to the New York State Gaming Commission within 35 days of the date of this letter. Funds must be wired to the New York State Gaming Commission. Please notify RevenueAudit@gaming.ny.gov at the time of payment, that payment has been made, including "NYSGC Case Number FNMA-IFS-001-2020" in the email subject line. Payments not made timely will be subject to interest and collection fees pursuant to New York State's State Finance Law § 18.

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If you wish to contest the violation(s) contained in this letter, you may request a hearing pursuant to RWL §§ 104(2) and 104(6) by submitting your request for such a hearing within 30 days of receipt of this letter to:

**Secretary to the Commission
New York State Gaming Commission
P.O. Box 7500
Schenectady, NY 12301**

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.

Sincerely,



Thomas Anapolis
Director, Division of Gaming

cc: Robert Williams, Executive Director
Edmund Burns, General Counsel
Chris Palmer, Deputy Director, Division of Gaming
James Googas, Assistant Manager of Gaming Operations
Bureau of Licensing