



## INTERACTIVE FANTASY SPORTS CONTEST OPERATORS APPLICATION FOR REGISTRATION

This form has been designed to satisfy unique information and documentation that is required pursuant to Article 14 of the Racing, Pari-Mutuel Wagering and Breeding Law and 9 NYCRR Chapter VI (Parts 5601 through 5613) in order to obtain a registration to administer, manage or otherwise make available a platform hosting paid-entry interactive fantasy sports contests.

### COMPLETING THIS APPLICATION:

- a. You must make accurate statements and include all material facts. **Any misrepresentation, or the failure to provide requested information, may result in the denial of your application and could result in referral to law enforcement for criminal prosecution pursuant to Section 210.45 of the Penal Law.**
- b. Read each question carefully prior to answering. Answer every question completely. Do not leave blank spaces. If a question does not apply to you or you have nothing to disclose, state “**Does Not Apply**” in response to that question. Failure to provide a response to every question could result in the delay of processing or denial of your application.
- c. Each item contained in this application requires a narrative response. At the beginning of each attached response, please clearly state the question number and, if applicable, subsection letter to which the information is responsive.
- d. You may not make any modification to questions or requests for information in this form.
- e. Once your application is submitted, it becomes the property of the Commission and will not be returned.
- f. Your completed application may be filed by email to [request@gaming.ny.gov](mailto:request@gaming.ny.gov) or mailed to: Secretary, N.Y.S. Gaming Commission, P.O. Box 7500, Schenectady, New York 12301-7500 or delivered to: Secretary, N.Y.S. Gaming Commission, 1 Broadway Center, Suite 600, Schenectady, New York 12305.

### PROCESS:

Commission staff will review and process all applications for registrations. A determination to award a registration will be made after the Commission is satisfied that the applicant meets all of the requirements of Racing, Pari-Mutuel Wagering and Breeding Law (“PML”) Article 14 and 9 NYCRR Subtitle T, Chapter VI (Parts 5601 through 5613). No incomplete applications will be processed. No operator may conduct interactive fantasy sports contests in New York State until the Commission has issued such operator a registration, unless the operator is offering interactive fantasy sports pursuant to a Commission-issued temporary permit and such temporary permittee files an application for registration **on or before January 16, 2024**. See PML § 1402(1)(b). Please be reminded that any operator operating pursuant to a temporary permit may offer only those contests set forth in such operator’s temporary permit or as may otherwise have been approved by the Commission. An operator’s temporary permit will expire on January 16, 2024 or when such operator holding a temporary permit receives a registration confirmation, whichever occurs first, unless such operator has applied for registration on or before January 16, 2024, in which case the temporary permit remains in effect until such registration application has been approved or denied.

### BE SURE:

- a. To sign the **Statement** at the end of this application.
- b. To retain a completed copy of this application for your own records.
- c. Complete and submit the Multi-Jurisdictional Personal History Disclosure Form for each individual required by 9 NYCRR § 5601.2(b) to file a personal history disclosure supplement.

- d. Complete and submit the Multi-Jurisdictional Business Form for each creditor required to make a disclosure pursuant to 9 NYCRR § 5601.2(c).

APPLICANT INFORMATION					
1.	Entity Name		d/b/a		
2.	Business Street Address				
	City		State		ZIP
	Mailing Address (if different than business address)				
	City		State		ZIP
3.	Business Phone		Fax Number		
4.	Contact Name			Contact Title	
5.	Contact Email			Contact Mobile Phone	
6.	Business Website(s)				
7.	Entity type	<input type="checkbox"/> Corporation <input type="checkbox"/> Limited liability company <input type="checkbox"/> Partnership <input type="checkbox"/> Sole proprietorship <input type="checkbox"/> Other (describe in an attachment)			
<p><b>Attach as an Exhibit to this application answers to the following questions. To the extent that any response is addressed in the applicant's internal controls, the response should identify the specific portion (or portions) of the internal controls that is (or are) responsive to the application item.</b></p>					
Exhibit Number	Information Requested	Applicable law		Attached?	
1	List each officer, director of the applicant. For each such person, submit a personal history disclosure supplement.	9 NYCRR §§ 5601(b)(1), 5601.2(b)		YES <input type="checkbox"/>	NO <input type="checkbox"/>
2	List: (a) each shareholder owning a 10 percent or more equity interest, direct or indirect, in the applicant, if the applicant is a corporation, (b) each person owning a five percent or more direct or indirect ownership interest in the applicant, if the applicant is an entity other than a corporation, and (c) each officer, director, or a shareholder owning a 10 percent or more equity interest, direct or indirect, in the applicant's special purpose entity. For each such person, submit a personal history disclosure supplement.	9 NYCRR §§ 5601.1(b) and 5601.2(b)		YES <input type="checkbox"/>	NO <input type="checkbox"/>

3	<p>List each creditor of the applicant that holds at least 10 percent of debt of the applicant, along with the full names and addresses of the officers and directors of such creditor and of those stockholders or other owners, direct or indirect, of more than 10 percent of such creditor. The Commission may require any such creditor or such officer, director, owner, principal or partner of such creditor, to file with the Commission a personal history disclosure form and produce all information, documentations and assurances as the Commission may require to determine the qualifications of the applicant. The Commission may also require such officers, directors, owners, principals and partners to submit fingerprints according to the procedures set forth in 9 NYCRR § 5601.2(b), as if such person were a person covered by the requirements of such subdivision (b).</p>	9 NYCRR § 5601.2(c)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
4	<p>List each special purpose entity that shall perform services for the registrant pursuant to 9 NYCRR §§ 5605.5 and 5605.6, along with the full names and addresses of the officers and directors of such SPE and of those stockholders or other owners, direct or indirect, of more than 10 percent of such SPE. The Commission may require any such SPE or such officer, director or owner of such SPE to produce all information, documentations and assurances as the Commission may require to determine the qualifications of the applicant for registration. The Commission may also require such officers, directors and owners to submit fingerprints according to the procedures set forth in subdivision (b) of this section.</p>	9 NYCRR § 5601.2(d)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
5	<p>Describe how each contest will be conducted and will comply with PML Article 14 and 9 NYCRR Subtitle T, Chapter VI (Parts 5601 through 5613). Specify the underlying sport and sports league, association or other organization upon which each type of interactive fantasy sports contest is based. Provide rules of play for each contest, each set of such rules shall demonstrate that all winning outcomes:</p> <ul style="list-style-type: none"> <li>(a) reflect the relative knowledge and skill of the authorized players;</li> <li>(b) are determined predominantly by accumulated statistical results of the performance of individuals in sports events;</li> <li>(c) are based on a contestant's roster of selected athletes;</li> <li>(d) are not based on discrete occurrences or statistics within a sports event unrelated to rosters of athletes selected by contestants;</li> <li>(e) are not based on the score, point spread, or performance of a single sports team, or any combination of such teams;</li> </ul>	PML § 1404(1)(o)-(r) and (4); 9 NYCRR §§ 5601.2(e) and 5602.1(a)	YES <input type="checkbox"/>	NO <input type="checkbox"/>

	<p>(f) are not based on proposition betting or contests that have the effect of mimicking proposition betting;</p> <p>(g) are not contests in which a contestant must choose, directly or indirectly, whether an individual athlete or a single team will surpass an identified statistical achievement, such as points scored;</p> <p>(h) are not based solely on any single performance of an individual athlete in a single sport or athletic event; and</p> <p>(i) are not based on a prohibited sports event, as defined in PML § 1401(15).</p>			
6	Provide the applicant's internal controls.	9 NYCRR §§ 5601.2(f), 5606.1	YES <input type="checkbox"/>	NO <input type="checkbox"/>
7	Describe the applicant's policies and procedures to: <p>(a) limit each authorized player to one active and continuously used account, and</p> <p>(b) prevent prohibited players from maintaining accounts or participating in any contest offered by such operator or registrant.</p>	PML § 1404(1)(a); 9 NYCRR § 5604.1(b)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
8	Describe the applicant's policies and procedures to prohibit minors from participating in an interactive daily fantasy sports contest.	PML § 1404(1)(b); 9 NYCRR § 5604.1(b)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
9	Describe the applicant's procedure for refunding a deposit received from a minor when a minor has participated in one of applicant's contests.	PML § 1404(1)(b)(i); 9 NYCRR § 5604.1(b)(4)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
10	Describe the applicant's parental control procedures to allow parents or guardians to exclude minors from access to any contest or platform.	PML § 1404(1)(b)(ii)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
11	Submit the directions that will appear on the main page of the applicant's platform to explain to authorized players contest play and how a player may identify a highly experienced player.	PML § 1404(1)(f)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
12	Describe how highly experienced players in any contest will be identified, through easily visible means, on all platforms supported by the applicant.	PML § 1404(1)(g)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
13	Describe the applicant's policies and procedures to: <p>(a) disclose the maximum number of total entries allowed for each contest;</p> <p>(b) disclose the number of entries a single authorized player may submit to each contest; and</p> <p>(c) prevent authorized players from submitting more than the allowable number of entries per contest.</p>	PML § 1404(1)(h) and (i) and (i) and (2)	YES <input type="checkbox"/>	NO <input type="checkbox"/>

14	Describe the applicant's policies and procedures to ensure that the value of any prizes and awards offered to authorized players are:  (a) established and made known to such players in advance of the contest; and  (b) not determined by the number of authorized players or the amount of any entry fees paid by such players.	PML § 1404(1)(n)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
15	Describe the applicant's policies and procedures to prevent any prohibited participant, as defined in PML § 1401(14), to enter any contest.	PML § 1404(5)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
16	Describe the applicant's policies and procedures to enable authorized players to:  (a) exclude themselves from contests;  (b) prevent themselves from entering a contest from which they have been self-excluded; and  (c) permanently close an account registered to such player on all platforms supported by the applicant.	PML § 1404(1)(d) and (e); 9 NYCRR §§ 5604.3 and 5604.4	YES <input type="checkbox"/>	NO <input type="checkbox"/>
17	Provide the applicant's policies and procedures to prohibit the use of third-party scripts or scripting programs for any contest and ensure that measures are in place to deter, detect and, to the extent reasonably possible, prevent cheating, including collusion, and the use of cheating devices, including use of software programs that submit entry fees or adjust the athletes selected by an authorized player.	PML § 1404(7); 9 NYCRR § 5603.7	YES <input type="checkbox"/>	NO <input type="checkbox"/>
18	Provide the applicant's procedure to be displayed prominently on the applicant's platform for the filing of a complaint by an authorized player against the applicant.	PML § 1404(8)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
19	Provide the applicant's policies and procedures for maintaining records of all accounts belonging to authorized players and retaining such records for five years from the date an account was created.	PML § 1404(9)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
20	Describe the applicant's policies and procedures to ensure that the following are not inaccurate or misleading:  (a) advertisements concerning the chances of winning and the number of winners; and  (b) statements upon contest entry referencing the chances or likelihood of winning.	PML § 1404(1)(c)	YES <input type="checkbox"/>	NO <input type="checkbox"/>

21	Describe the applicant's policies and procedures to prevent the promotion or advertisement of any of the applicant's online fantasy or simulation sports games or contests with an entry fee during the conduct of any of the applicant's online fantasy or simulation sports games or contests without an entry fee. If the applicant will prohibit players from participating in online fantasy or simulation sports games or contests without an entry fee, please so state.	PML § 1404(3)(b)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
22	Describe the applicant's policies and procedures for preventing the targeting of prohibited participants, minors or self-excluded persons in advertisements.	PML § 1404(6)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
23	Provide an example of an advertisement or website material containing representations or implications the applicant intends to make about average winnings from contests.	PML § 1404(6); 9 NYCRR § 5607.3(c)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
24	Describe the applicant's policies and procedures to enable authorized players to: (a) exclude themselves from contests; (b) prevent themselves from entering a contest from which they have been self-excluded; and (c) permanently close an account registered to such player on all platforms supported by the applicant.	PML § 1404(1)(d) and (e); 9 NYCRR §§ 5604.3 and 5604.4	YES <input type="checkbox"/>	NO <input type="checkbox"/>
25	Describe the applicant's compulsive play plan, including screenshots of each of the applicant's proposed websites that list information concerning assistance for compulsive play in New York state.	PML § 1404(1)(m); 9 NYCRR § 5604.2	YES <input type="checkbox"/>	NO <input type="checkbox"/>
26	Provide a list of the applicant's members, officers, employees, and agents, for purposes of tracking play by such prohibited persons.	9 NYCRR § 5604.1(f)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
27	Describe the applicant's policies and procedures to: (a) protect the privacy and online security of authorized players and their accounts; and (b) ensure that all authorized players are offered access to each player's own account history and account details.	PML § 1404(1)(j) and (k)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
28	Provide the applicant's cybersecurity program, policies and procedures, including the name and contact information of the applicant's chief information security officer.	9 NYCRR § 5606.2	YES <input type="checkbox"/>	NO <input type="checkbox"/>
29	Describe the applicant's policies and procedures to prevent the disclosure of insider information to any person who may make roster selections.	9 NYCRR § 5603.4(a)	YES <input type="checkbox"/>	NO <input type="checkbox"/>

30	Describe the applicant's policies and procedures to prevent a prohibited player from disclosing any non-public information with the intent to provide an advantage to a person who may enter a contest or when knowing that it is probable that such information shall be used in such manner.	9 NYCRR § 5603.4(b)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
31	Describe the applicant's policies and procedures to prevent disclosure of insider or non-public information to a contestant before such information is made public, to knowingly permit any contestant to obtain or provide another contestant with any such information and to avoid facilitating any such disclosures.	9 NYCRR § 5603.4(c)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
32	Provide the bylaws, policies, procedures and internal controls of the special purpose entity that the applicant will use in connection with offering interactive fantasy sports contests in New York state. Provide the name, address and contact information of each governing board or corporate director, identifying which are independent of the applicant.  If the applicant intends to use a bond in lieu of a special purpose entity, provide a copy of such bond.	PML § 1404(1)(l); 9 NYCRR §§ 5605.5 and 5605.7	YES <input type="checkbox"/>	NO <input type="checkbox"/>
33	Provide the applicant's anti-money-laundering plan, including any internal policies, procedures and controls to assess anti-money-laundering-related risks present within its business, including the name and contact information of the applicant's anti-money laundering compliance officer.	9 NYCRR § 5605.10	YES <input type="checkbox"/>	NO <input type="checkbox"/>
34	Provide the applicant's audited financial statements for the past three years.	9 NYCRR § 5605.1	YES <input type="checkbox"/>	NO <input type="checkbox"/>
35	If the applicant is a public company, provide SEC 10-K forms for the previous three years.	9 NYCRR § 5605.1(g)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
36	Provide the applicant's data retention plan.	9 NYCRR § 5606.3	YES <input type="checkbox"/>	NO <input type="checkbox"/>
37	Provide the applicant's complaint-resolution plan.	9 NYCRR § 5606.3(c), Part 5612	YES <input type="checkbox"/>	NO <input type="checkbox"/>
38	Has the applicant had a registration or license to offer or conduct contests denied, suspended, or revoked in any other state or country? If so, describe completely the facts and circumstances.	PML § 1403(4)(b)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
39	Has the applicant legally defaulted in the payment of any obligation or debt due to any state or political subdivision? If so, describe completely the facts and circumstances.	PML § 1403(4)(c)	YES <input type="checkbox"/>	NO <input type="checkbox"/>

40	Has the applicant offered interactive fantasy sports contests in New York State after August 3, 2016? If so, attach a statement confirming that the contests offered were limited to the types set forth in a Commission-issued temporary permit. If the applicant is or was a temporary permittee and offered a contest type not set forth in the applicant's temporary permit, attach a copy of the Commission-issued permission to offer each such contest type.	PML § 1402(1)(b) and (2)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
41	Has the applicant offered interactive fantasy sports contests in New York State after August 3, 2016 that were not approved pursuant to a Commission-issued temporary permit or other Commission permission? If so, for each such contest, attach records showing the dates on which each interactive fantasy sports contest was offered by, through, or on behalf of the applicant to participants in New York State from/through (a) the website of the applicant, (b) the applicant's iOS app, and (c) the applicant's Android app (each contest individually a "Contest"; collectively the "Contests").	PML § 1412	YES <input type="checkbox"/>	NO <input type="checkbox"/>
42	Has the applicant offered mobile sports wagers in New York State that were not offered pursuant to a Commission license issued pursuant to PML Article 13? If so, for each such wager, attach records showing the dates on which each mobile sports wager was offered by, through, or on behalf of the applicant to participants in New York State from/through (a) the website of the applicant, (b) the applicant's iOS app, and (c) the applicant's Android app ("Sports wagers").	PML § 1367-a(4)(b)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
43	For each of the Sports Wagers and Contests, attach records (a) showing the number of entries and wagers received from participants in New York State; (b) showing monetary amounts paid by each participant who was located in New York State at the time of wager or entry; (c) showing monetary amounts won by each participant who was located in New York State at the time of payment of winnings; (d) showing the applicant's profit (or loss) from each Sports Wager and Contest; (e) describing any Sports Wager and Contest offered to participants in New York State that was not expressly approved by the New York State Gaming Commission, including, without limitation (i) dates on which each unapproved Sports Wager and/or Contest was offered to participants in New York State, and (ii) the Internet URL for each unapproved Sports Wager and/or Contest offered to participants in New York State.	PML §§ 1367-a(4)(b) and 1412	YES <input type="checkbox"/>	NO <input type="checkbox"/>

The applicant shall file promptly with the Commission an update explaining any new or changed facts or circumstances whenever any material new or changed fact or circumstance occurs with respect to any matter set forth in the application. See 9 NYCRR § 5601.5(a).



**Statement and Authorization**

I, as the duly authorized representative of the applicant named below, have supplied the information contained in this application. I understand and read the English language or I have had an interpreter read, explain and record my answer to each and every question on this application. I have read Article 14 of the Racing, Pari-Mutuel Wagering and Breeding Law and 9 NYCRR Subtitle T, Chapter VI (Parts 5601 through 5613). Any document accompanying this application that is not an original document is a true copy of the original document. I swear that the foregoing statements are true, as they pertain to the applicant, and are legally binding on the applicant.

\_\_\_\_\_  
*(Entity Name)*

\_\_\_\_\_  
*(Printed Name of Duly Authorized Representative)*

\_\_\_\_\_  
*(Address)* *(City, State, Zip)*

DATED: \_\_\_\_\_

\_\_\_\_\_  
*(Signature of Duly Authorized Representative)*