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Department of Law and Public Safety
Division of Gaming Enforcement
140 East Front Street
P.O. Box 047
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By: Mary A. Carboni
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STATE OF NEW JERSEY
DIVISION OF GAMING ENFORCEMENT
File No.: O-01-20-115
Docket No.: 21-0092-VC

STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF GAMING ENFORCEMENT,	:	
	:	
Complainant	:	Civil Action
	:	
v.	:	COMPLAINT
	:	
CROWN NJ GAMING, INC. d/b/a DRAFTKINGS INC.,	:	
	:	
Respondent.	:	

Complainant, State of New Jersey, Department of Law and Public Safety, Division of Gaming Enforcement (“Division”), located at 140 East Front Street, P.O. Box 047, Trenton, New Jersey 08625-0047, says:

1. Respondent, Crown NJ Gaming, Inc. d/b/a DraftKings Inc. (“DraftKings”) is a casino service industry enterprise license applicant and holds a transactional waiver

to conduct business in New Jersey. Patrons may wager online if physically present in New Jersey and are not prohibited from doing so by reason of being excluded, self-excluded, underage, or otherwise prohibited.

2. DraftKings offers online gaming to the public through its partnership with Resorts Digital Gaming, LLC (“Resorts Digital”), which is affiliated with DGMB Casino, LLC d/b/a Resorts Casino Hotel (“Resorts”).

3. Resorts holds, and at all times relevant hereto, held, a valid casino license.

4. Resorts Digital holds, and at all times relevant hereto, held, a valid Internet gaming permit. Accordingly, Resorts Digital was authorized to conduct Internet gaming.

5. *N.J.A.C. 13:69G-2.4(b)1* provides that procedures must be established to ensure that Internet self-excluded patrons do not receive any type of promotional materials related to Internet gaming.

6. On November 25, 2020, patron “AC” complained to the Division that despite the fact he has been self-excluded for lifetime since 2012, he received a promotional mailing from DraftKings at his home.

7. When DraftKings sends out a direct promotional mailing, the target names and addresses are manually reviewed by a DraftKings employee. Any individuals who are on the self-exclusion list are removed from the mailing list.

8. In this instance, a third-party group, [REDACTED], provided DraftKings with the names of 50,000 individuals as potential recipients of the promotional mailer. A DraftKings Analyst (“Analyst”) was responsible for reviewing the list received from [REDACTED] and removing any individuals who were self-

excluded. Analyst missed a step in the process and failed to remove any individuals who do not have a DraftKings account but who are on the self-excluded list. This error resulted in AC and ten other self-excluded individuals not being removed from the mailing list. Accordingly, of a total of eleven self-excluded individuals potentially received the mailer. DraftKings management addressed the incident with Analyst.

WHEREFORE, Complainant demands the following relief:

- A. Judgment that DraftKings violated *N.J.A.C. 13:69G-2.4(b)1*;
- B. Judgment imposing an appropriate civil penalty pursuant to *N.J.S.A. 5:12-129a(5)*;
- C. Judgment requiring DraftKings to submit to the Division by March 3, 2021 a detailed account of all methodologies it uses to ensure that its promotional mailing list does not include prohibited individuals; and
- D. Judgment imposing such other relief as may be deemed just and appropriate under the circumstances.

Respectfully submitted,

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DATED: March 1, 2021