

# The Virginia Lottery

In the Matter of Betfair Interactive US, LLC d/b/a FanDuel

Docket No. 2023-09-01

## **SETTLEMENT AGREEMENT**

Pursuant to Article 2 of Chapter 40 of Title 58.1 of the Code of Virginia (“Va. Code”), § 58.1-4030, *et seq.* (“Sports Betting Law”), and Virginia Administrative Code 11VAC5-70-120H, the Executive Director (“Director”) of the Virginia Lottery (“Lottery”) and Betfair Interactive US, LLC d/b/a FanDuel (“FanDuel”) wish to resolve this matter without a formal administrative hearing. Accordingly, the parties recite the following facts and make the following agreements:

### **BACKGROUND**

The Director and Lottery staff, through regulations adopted by the Virginia Lottery Board (“Board”), regulate the operation of Virginia’s legal sports betting program, and are responsible for authorizing qualified persons to offer legal sports betting within the Commonwealth of Virginia and for ensuring that the operation of sports betting platforms is conducted legally. Va. Code §§ 58.1-4007, 58.1-4031; 11VAC5-70.

If a permit holder or licensee violates a provision of the Sports Betting Law, a regulation promulgated by the Board, or a directive of the Lottery or the Director, the Director is authorized to, after a hearing, take action against the permit holder or licensee that may include suspension or revocation of the sports betting permit or license and levying a civil penalty for each violation. Va. Code § 58.1-4035; 11VAC5-70-120B. The Director may impose these sanctions on a permit holder for violations committed by the permit holder’s principals, suppliers, vendors, or employees. 11VAC5-70-120D. The Director may also

determine that is in the best interest of the Commonwealth of Virginia to reach an agreed-upon settlement with a permit holder to resolve a violation. 11VAC5-70-120H.

On January 20, 2021, the Director issued a sports betting permit to FanDuel in conjunction with the Washington Commanders football team. FanDuel's platform began accepting wagers in Virginia shortly thereafter.

As a result of an audit performed by its Gaming Compliance staff, the Lottery discovered that FanDuel had failed in July 2022 to ensure that an individual on the Lottery's Voluntary Exclusion List was prohibited from placing wagers on FanDuel's platform and from receiving marketing materials in violation of 11VAC5-60-40.A.2, 11VAC5-60-40.A.4, 11VAC5-80-70.A.2, 11VAC5-70-240.N, and 11VAC5-80-120.C. In a memorandum dated August 3, 2023, the Lottery informed FanDuel of the Lottery's belief that these facts constituted alleged violations of the Sports Betting Law and the Lottery's related regulations and that these actions were sanctionable. The Lottery specified the violations for which the Director is proposing a settlement amount. FanDuel has taken corrective measures to ensure future compliance with the Sports Betting Law and its related regulations.

The parties agree to the following terms and conditions as a means of resolving the captioned alleged violations.

#### **TERMS AND CONDITIONS**

1. This Settlement Agreement is being entered into as a means of settling the alleged violations and avoiding the potential expense and inconvenience of a formal hearing.
2. There has not been a formal finding as to the merits of the allegations. This Settlement Agreement does not constitute an allegation, an admission, or a denial by either party that a violation of law or regulation has occurred.


3. Upon execution of this Settlement Agreement by both parties and no later than 10 days after, FanDuel shall remit payment of \$15,000 to the Lottery for deposit into the Commonwealth's General Fund, and shall donate \$15,000 to the Virginia Council on Problem Gambling or other responsible gambling program that has been approved for this donation by the Department.
4. Upon receipt of payment from FanDuel and evidence of its donation, the Director will close these matters.
5. FanDuel will continue to take appropriate measures to ensure future compliance with the Sports Betting Law and its related regulations.
6. If FanDuel violates a term of this Settlement Agreement, the Director may impose a sanction or penalty on FanDuel for violating the Agreement or for the underlying violations, or both.
7. By entering into this Settlement Agreement, FanDuel waives all rights to administrative or judicial review of these alleged violations pursuant to 11VAC5-70-120H.
8. This Settlement Agreement extends only to those alleged violations that were referenced in the Lottery's discussions with FanDuel. If the Lottery subsequently discovers additional facts of a material and substantial nature involving any of those incidents, and said facts constitute additional alleged violations, the Lottery may pursue such additional alleged violations. FanDuel may dispute such additional alleged violations.
9. This Settlement Agreement constitutes the entire agreement between the parties. No prior or subsequent understandings, agreements, or representations, oral or written, that

are not specified or referenced within this document will be valid provisions of this Settlement Agreement.


10. This Settlement Agreement may not be modified, supplemented, or amended, in any manner, except by written agreement signed by the parties.

IN WITNESS WHEREOF, the parties have signed this Settlement Agreement as set forth below:

Date: 9/11/23

  
\_\_\_\_\_  
Tony R. Russell  
Executive Director  
Virginia Lottery

Date: 09/11/2023

  
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David Jennings  
Chief Financial Officer  
Betfair Interactive US, LLC d/b/a FanDuel