



Gaming Commission

One Broadway Center, Schenectady, NY 12305
www.gaming.ny.gov

John A. Crotty, Commissioner
Peter J. Moschetti, Jr., Commissioner
John J. Poklemba, Commissioner
Barry Sample, Commissioner
Todd R. Snyder, Commissioner

Robert Williams, Executive Director
Edmund C. Burns, General Counsel

August 22, 2016

Tim Dent
Chief Financial Officer/Chief Compliance Officer
DraftKings, Inc.
125 Summer Street, Suite 510
Boston, MA 02110

Re: Temporary Permit

Dear Mr. Dent:

On August 22, 2016, the New York State Gaming Commission ("Commission"), having determined that DraftKings, Inc. ("Applicant") meets each of the requirements set forth in sections 1402 and 1404 of the Racing, Pari-Mutuel Wagering and Breeding Law to hold a temporary permit to offer interactive fantasy sports contests, hereby provides this temporary permit for Applicant to offer interactive fantasy sports contests in New York State, on a provisional basis, subject to the following conditions:

1. The material submitted in connection with Applicant's Interactive Fantasy Sports Contest Application for a Temporary Permit is accurate and not misleading.
2. Applicant shall comply with all applicable provisions of Article 14 of the Racing, Pari-Mutuel Wagering and Breeding Law and any amendments thereto, as determined by Commission;
3. Applicant shall remit all payments to the State pursuant to Article 14 of the Racing, Pari-Mutuel Wagering and Breeding Law according to any instruction or direction of the Gaming Commission;
4. Applicant shall file an application for registration within 90 days of the promulgation of regulations to effectuate the registration process, as required by paragraph (b) of subdivision 1 of section 1402 of the Racing, Pari-Mutuel Wagering and Breeding Law; and

DraftKings, Inc.
August 22, 2016

5. Applicant is permitted to offer in New York State only those types of games and contests, as set forth in the Appendix attached hereto, that Applicant offered to the public in New York State prior to November 10, 2015.

This temporary permit is not assignable and shall be effective until 90 days following the promulgation of regulations to effectuate the registration process to offer interactive fantasy sports in New York State or, if Applicant applies to be an interactive fantasy sports registrant in New York State, then this temporary permit shall be effective until Applicant is registered as an interactive fantasy sports operator pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1402 or Applicant's application for registration as an interactive fantasy sports operator pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1402 is denied.

Sincerely,

A handwritten signature in blue ink that reads "Kristen M. Buckley". The signature is written in a cursive style and is contained within a light blue rectangular box.

Kristen M. Buckley
Acting Secretary to the Commission

cc: Robert Williams
Bradley Fischer
Edmund Burns

Appendix

For each of Major League Baseball, the National Basketball Association, the National Football League, National Hockey League, golf, Nascar, soccer, mixed martial arts (MMA) and League of Legends (eSports) contests in which contestants select a roster of players and statistics for selected players are aggregated pursuant to announced scoring rules to determine contest outcomes, in the following formats:

- (a) **GPP (Guaranteed Prize Pool) Contests**—Large contests with no limit on the number of contestants.
- (b) **Leagues**—League contests among a set number of participants, which may be between three and 300 contestants.
- (c) **Head-to-head**—Contests between two contestants.
- (d) **50/50s**—Large contests in which contestants finishing in the top-half of the field win.
- (e) **Qualifier contests**—Contests in which contestants win tickets that can be used for free entry into a higher-stakes contest.
- (f) **Multipliers**—Large contests open to many contestants in which winners receive a multiple of the entrance fee.
- (g) **Steps**—A four-level series of contests with continually higher entrance fees.
- (h) **Beginner**—Contests that allow contestants to build their skills by playing against other beginners in up to 50 contests for each sport.
- (i) **Multi-Match Head-to-Head**—Contests that enter a contestant into a number of unique head-to-head matchups, under one entry, with a prize structure that mimics the payout a contestant would receive if the contestant played each other contestant in a single head-to-head contest.