

**ORDER 2024-92  
IN RE SETTLEMENT AGREEMENT**

**POINTSBET INDIANA, LLC.  
d/b/a FANATICS  
24-PB-01**

After having reviewed the attached Settlement Agreement, the Indiana Gaming Commission hereby:

**APPROVED**

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APPROVES OR DISAPPROVES

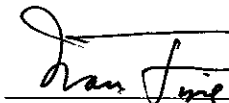
the proposed terms of the Settlement Agreement.

**IT IS SO ORDERED THIS THE 20<sup>th</sup> DAY OF JUNE, 2024.**

**THE INDIANA GAMING COMMISSION:**

  
Milton O. Thompson, Chair

ATTEST:

  
Marc Fine, Commissioner

**STATE OF INDIANA  
INDIANA GAMING COMMISSION**

**IN RE THE MATTER OF:** )  
 ) **SETTLEMENT**  
**POINTSBET INDIANA, LLC** ) **24-PB-01**  
**d/b/a FANATICS** )

**SETTLEMENT AGREEMENT**

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Greg Small and PointsBet Indiana, LLC d/b/a Fanatics (“Fanatics”), (collectively, the “Parties”) desire to enter into this settlement agreement (“Agreement”) prior to the initiation of a disciplinary proceeding pursuant to 68 IAC 13-1-18(a). The Parties stipulate and agree that the following facts are true:

**FINDINGS OF FACT**

1. 68 IAC 27-1-2(16) defines a prohibited sports wagering participant as an individual listed on the commission's exclusion list kept under 68 IAC 6-1, that has a voluntarily excluded person (VEP) status as defined under 68 IAC 6-3 or has signed up for the statewide internet self-restriction program (ISRP).
2. 68 IAC 27-13-2(d) provides that sports wagering operators must restrict wagering by statewide Internet self-restriction participants and may not market to statewide Internet self-restricted participants.
3. 68 IAC 6-3-4(a) provides each casino licensee and casino license applicant shall establish internal control procedures for compliance with this rule, which shall be submitted and approved under 68 IAC 11.
4. 68 IAC 6-3-4(b)(3) provides the internal controls must, at a minimum, address that the casino licensee must refuse wagers from and deny gaming privileges to any voluntarily excluded person.
5. 68 IAC 27-5-2(2)(F) provides prior to beginning sports wagering operations, a sports wagering operator must submit for approval under 68 IAC 11 internal controls for procedures to prevent wagering by prohibited sports wagering participants.
6. Fanatics’ approved internal controls procedures, Section 11, describe the process for prohibited participants and responsible gaming.
7. On April 8, 2024, Gaming Agents began an investigation into a prohibited participant violation after receiving a report from Fanatics. The report from Fanatics provided that a prohibited participant was allowed to place wagers on their platform. The prohibited participant had an effective date of December 4, 2023, for a one-year exclusion. Fanatics

provided that the prohibited participant's account was set to active when they migrated from the PointsBet platform to the Fanatics platform on February 27, 2024.

8. When the account was migrated over, the prohibited participant initially set his account to a twenty-one (21) day timeout ending on March 19, 2024. Between February 27, 2024, and March 22, 2024, the prohibited participant, excluding the time out period, was able to deposit \$1,300 and place twenty-two (22) wagers, totaling \$3,208.42. The prohibited participant had a final account balance of \$1,101.56 which was refunded to him on March 24, 2024. Fanatics provided that the violation was discovered by their exclusion matching service. Upon discovery, the account was flagged by the responsible gaming team and subsequently suspended.

### **TERMS AND CONDITIONS**

Commission staff alleges that the acts or omissions of Fanatics by and through its agents as described herein constitute a breach of IC 4-38, 68 IAC, and/or Fanatics approved internal control procedures. The Commission and Fanatics hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Fanatics.

Fanatics shall pay to the Commission a total of \$2,500 in consideration for the Commission foregoing disciplinary action based on the facts specifically described in the Findings of Fact contained in this Agreement. This Agreement extends only to those violations and findings of fact specifically alleged in the findings above. If the Commission subsequently discovers facts that give rise to additional or separate violations, the Commission may pursue disciplinary action for such violations even if the subsequent violations are similar or related to an incident described in the findings above.

Upon execution and approval of this Agreement, Commission staff shall submit this Agreement to the Commission for review and final action. Upon approval of the Agreement by the Commission, Fanatics agrees to promptly remit payment in the amount of \$2,500 and shall waive all rights to further administrative or judicial review.

This Agreement constitutes the entire agreement between the Parties. No prior or subsequent understandings, agreements, or representations, oral or written, not specified or referenced within this document will be valid provisions of this Agreement. This Agreement may not be modified, supplemented, or amended, in any manner, except by written agreement signed by all Parties.

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original agreement and both of which shall constitute one and the same agreement. The counterparts of this Agreement may be executed and delivered by electronic mail, facsimile, or other electronic signature by either of the parties and the receiving party may rely on the receipt of such document so executed and delivered electronically as if the original had been received.

This Agreement shall be binding upon the Commission and Fanatics.

IN WITNESS WHEREOF, the Parties have signed this Agreement on the date and year as set forth below.

*Greg Small*

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Greg Small, Executive Director  
Indiana Gaming Commission  
5/30/24

\_\_\_\_\_  
Date

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Alex Smith, SVP – Regulatory Compliance  
PointsBet Indiana, LLC d/b/a Fanatics

*Alex Smith*

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May 29, 2024  
Date