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Anti-gambling group sues over New York fantasy sports law

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Four New York citizens, backed by an anti-gambling government reform group, filed suit Wednesday against Gov. Andrew Cuomo and the state gaming commission over a new fantasy sports law passed this summer.

The suit claims the law mischaracterizes daily fantasy sports contests as games of skill, rather than chance, and therefore violates the state constitution by expanding gambling.

The suit was filed in New York Supreme Court in Albany County by attorney Neil Murray of law firm O'Connell and Aronowitz and on behalf of New York citizens: Jennifer White, Katherine West, Charlotte Wellins and Anne Remington. Each plaintiff has been negatively impacted by gambling, according to the suit.

"The plaintiffs seek to protect the public from predatory gambling consistent with the constitution," Murray said in a release announcing the suit. "They also intend to stop FanDuel, DraftKings and other internet gambling operators from exploiting the financially desperate and the addicted in New York."

When the possibility of a constitutional challenge was brought up after the law was passed in August, New York Sen. John Banacic, one of the bill's sponsors, told The Buffalo News that it had been carefully crafted to withstand any such challenge.

That will be tested by the new lawsuit, which was announced at a morning news conference at the Albany legislative office. It points to New York Attorney General Eric Schneiderman's legal opinion from last November that declared daily fantasy sports sites were operating in violation of state gambling laws. Schneiderman sent cease-and-desist letters to DraftKings and FanDuel at the same time and eventually forced the sites out of the state in late spring.

Three months later, the [New York legislature passed S 8153](#), exempting fantasy sports from state gambling law.

Cuomo signed the bill into law Aug. 3, allowing daily fantasy sites to return to the state in time for the NFL season.

"The legislature legalized internet gambling in every home, every dorm room, every place of employment and on every smartphone in New York," Robb Smith, executive director of public policy group Interfaith Impact of New York State, said in support of the lawsuit.

A statement from the New York Attorney General's office said, "We will review the complaint. The Attorney General has said he will enforce and defend the law."

"The state constitution specifically gives the legislature the power to define what is - and what is not - gambling, and the legislature has done so a number of times in the past and long before the emergence of fantasy sports," a spokesperson for DraftKings and FanDuel said in a statement. "The Attorney General, who certainly has had some strong opinions about fantasy sports, has clearly stated he will enforce and defend this new law. This is a layup - they have no case."

Stop Predatory Gambling said funding for the suit was raised from individuals and citizen groups in New York and that the organization does not accept any financial contributions from gambling interests.

"We believe in improving the lives of the people of New York," Stop Predatory Gambling national director Les Bernal said in the release. "Daily fantasy sports gambling is a huge rip-off for all citizens, regardless whether you gamble or not."
