

STATE OF NEW JERSEY
Office of the Attorney General
Department of Law and Public Safety
Division of Gaming Enforcement

**IN THE MATTER OF PLAYUP
INTERACTIVE NJ, INC**

Civil Action

ORDER_____

WHEREAS, PlayUp Interactive NJ, Inc. (PlayUp) is an applicant for licensure as a casino service industry enterprise (CSIE); and

WHEREAS, prior to July 19, 2023, PlayUp had been providing online sports wagering services to New Jersey customers pursuant to transactional waivers issued by the Division of Gaming Enforcement (Division) in connection with a partnership with FR Park Racing, L.P., a racetrack sports wagering licensee and the operator of Freehold Raceway; and

WHEREAS, pursuant to Division Director Order No. 2577 dated July 19, 2023, the Division revoked all transactional waivers pertaining to PlayUp without prejudice to PlayUp reapplying for a transactional waiver in the future; and

WHEREAS, as of the July 19, 2023 issuance of Order No. 2577, PlayUp is not permitted to transact any future internet gaming or sports wagering related business with any New Jersey casino or racetrack but is required to pay amounts owed to patrons; and

WHEREAS, by an Order to Show Cause entered on March 28, 2024, the Division Director required cause to be shown by no later than April 8, 2024, as to shutting down the PlayUp site and requiring the closure of all accounts with full refunds to all patrons for

whom PlayUp held account balances, in response to which PlayUp voluntarily agreed to proceed to a shutdown of its operations; and

WHEREAS, PlayUp ceased accepting wagers and deposits in July 2023. PlayUp also ceased creating new accounts in July 2023; and

WHEREAS, PlayUp now has presented an exit plan under which the sports wagering site and its operating systems will be shut down (Exit Plan) and its CSIE license application is requested to be withdrawn as of June 30, 2024.

WHEREAS, pursuant to the plan, patrons who have remaining deposits shall have until June 29, 2024 to process withdrawal of their funds, and any patron accounts with funds remaining as of June 29, 2024 will be mailed a paper check at the address listed on the account; there are no pending wagers and all prior wagers have been electronically settled; and

WHEREAS, PlayUp seeks from the Division permission to withdraw its pending application for a CSIE license as of June 30, 2024.

IT IS THEREFORE ORDERED that PlayUp's Exit Plan for the New Jersey market, as submitted to the Division on May 24, 2024, is approved.

IT IS FURTHER ORDERED that the PlayUp website and its systems shall cease operation on or before June 30, 2024.

IT IS FURTHER ORDERED that PlayUp will comply with all applicable regulations regarding data storage and shall make any data requested by the Division available upon Division request. Moreover, PlayUp shall inform the Division not later than June 29, 2024 of the contact person through whom the Division can obtain archived data should that

prove necessary, and PlayUp shall have the continuing obligation to update that contact information when and as necessary.

IT IS FURTHER ORDERED that PlayUp's request to withdraw its pending CSIE license application is granted as of June 30, 2024 and that PlayUp shall not be eligible to reapply for any license, credential or other approval for a period of one year thereafter pursuant to *N.J.A.C. 13:69A-8.6*.

IT IS FURTHER ORDERED that all regulatory fee and related obligations under the Casino Control Act (Act), *N.J.S.A. 5:12-1 et seq*, and the regulations promulgated thereunder, as well as all local, State and federal taxes and any other obligations owed to any New Jersey State agency or authority or divisions thereof, must be paid in full. In particular, PlayUp shall continue to be obligated to pay any prior, present or future invoices issued by the Division. Failure to pay these invoices as required will subject PlayUp to civil collection actions.

IT IS FURTHER ORDERED in the event that PlayUp seeks to return to the New Jersey gaming regulatory system as a CSIE license applicant or otherwise, any such obligations, as determined, will constitute part of DGE's financial stability analysis under the Act and impact upon PlayUp's affirmative obligation to prove by clear and convincing evidence its qualifications.



Mary Jo Flaherty
Interim Director

Dated: June 19, 2024