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FILED

JUN 23 2004

Division of Consumer Affairs

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

IN THE MATTER OF
BIG GAME LLC and
TODD NORTHROP.

Administrative Action

CONSENT ORDER

This matter having been opened by the New Jersey Division of Consumer Affairs, Office of Consumer Protection (hereinafter referred to as "Consumer Affairs" and/or the "Division"), as an investigation to ascertain whether alleged violations of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. ("CFA"), the regulations promulgated thereunder, N.J.A.C. 13:45A-1.1 et seq. ("Regulations") and/or the New Jersey State Lottery Law (hereinafter "Lottery Law"), N.J.S.A. 5:9-1 et seq. have been or are being committed by Big Game LLC and/or Todd Northrop, their owners, officers, directors, employees, agents, representatives, successors, assigns and independent contractors (hereinafter referred to as "Respondents"), and it appearing that the State and Respondents have reached an amicable agreement resolving the issues in controversy and concluding this matter without the need for further action, and Respondents having voluntarily consented to the

entry of the within order (hereinafter "Consent Order") without having admitted any violation of law or finding of fact, and for good cause shown:

IT IS on this 23 day of June, 2004 ORDERED AND AGREED as

follows:

1. INJUNCTIVE RELIEF

1.1 Respondents shall not engage in any unfair and/or deceptive acts or practices in violation of any state laws, rules, and regulations as now constituted or as may hereafter be amended, which are applicable to all future sales of lottery tickets in the State of New Jersey (the "State") including, but not limited to the CFA, the Regulations and/or the Lottery Law.

1.2 Unless licensed as a State lottery sales agent, Respondents shall not engage in any future sales of tickets for New Jersey lottery games and/or tickets for multi-state games in which New Jersey participates (e.g. MegaMillions).

1.3 Respondents shall not use, as an Internet Domain Name and/or Uniform Resource Locator ("URL") or otherwise, any name that may be used by the New Jersey Division of State Lottery ("State Lottery") including, but not limited to, "Big Game Lottery" and/or any other current or future trade names as well as any names with which the State is affiliated by way of agreement with other states. Respondents shall not charge the State or any of its entities for the previous use, or current ownership of, any Internet Domain Name and/or URL for any name that may be used by State Lottery and/or any other current or future trade names which the State is affiliated by way of agreement with other states.

1.4 Respondents shall be permitted to use, display or provide any information and/or newsworthy content related to the State Lottery and its games of chance, provided Respondents

clearly and conspicuously state that they are not agents, representatives or in any other way affiliated with the State Lottery or any of its games.

2. INTERNET DOMAIN NAME PHASE OUT

2.1 Respondents shall immediately begin phasing out, and within one hundred twenty (120) days from the date this Consent Order is filed (the "Effective Date"), permanently phase out their usage of all Internet Domain Names/URL's related to State Lottery games of chance including, but not limited to the following:

- a. biggamelottery.com;
- b. buybiggame.com;
- c. pick6lottery.com;
- d. picksixlottery.com;
- e. playbiggame.com;
- f. playbiggamelottery.com;
- g. playbiggamelotto.com;
- h. playnjlotto.com;
- i. playnjlottery.com; and
- j. playpowerball.com.

2.2 Within 10 days of completion of the phase out, Respondents shall send written confirmation to the Division verifying the phase out of each of the Domain Names/URL's identified in paragraph 2.1. The notices shall be sent to DAG David Puteska, New Jersey Division of Law, 124 Halsey Street, Fifth Floor, Newark, New Jersey 07101.

3. PAYMENT TO THE STATE

3.1 Within twelve (12) months of April 21, 2004, Respondents shall jointly and severally pay the amount of Thirty-Five Thousand and 00/100 Dollars (\$35,000.00) to the State (the "Settlement Payment"). The Settlement Payment shall be paid as follows, an initial payment of \$5,000 due on or before June 30, 2004 followed by twelve (12) monthly installments of \$2,500 due

on July, 1, 2004 and the first day of each month thereafter, through and including June 2005. All payments shall be made by either certified check, money order or attorney trust check made payable to "Treasurer, State of New Jersey" and shall be forwarded to

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New Jersey Division of Law
124 Halsey Street
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3.2 The Settlement Payment includes reimbursement for the State's reasonable and appropriate investigative and other costs, pursuant to N.J.S.A. 56:8-11.

4. GENERAL PROVISIONS

4.1 This Consent Order does not constitute an admission by Respondents that any of their acts and/or practices are unfair or deceptive or violate the CFA, Regulations and/or Lottery Law.

4.2 Except as otherwise explicitly provided in this Consent Order, nothing herein shall be construed to limit the authority of the Attorney General of the State of New Jersey to protect the interests of the State or the people of the State.

4.3 Respondents represent that they have fully read and understand this Consent Order, that they understand the legal consequences involved in signing the Consent Order, and that there are no other representations or agreements not stated in writing herein.

4.4 Respondents represent and warrant that they are represented by the undersigned legal counsel, that they are fully advised of their legal rights in this matter, and that the person signing below is fully authorized to act on their behalf.

4.5 This Consent Order applies to Respondents and their affiliated companies, owners, officers, directors, employees, representatives, agents, successors, assigns and independent contractors.

4.6 This Consent Order shall be effective on the date that it is filed.

4.7 This Consent Order contains the entire agreement among the Parties. Except as otherwise provided herein, this Consent Order shall be modified only by a written instrument signed by or on behalf of the Division and Respondents.

4.8 This Consent Order shall be governed by, and construed and enforced in accordance with, the laws of the State of New Jersey.

4.9 Respondents shall not represent or imply that any business practice or other act or practice hereinafter used or engaged in by Respondents has been required or approved, in whole or part, by the Attorney General, Consumer Affairs, the State Lottery, the State of New Jersey or any of the State's agencies, agents or subdivisions, exclusive of such act(s) either required or permitted to be performed by Respondents under paragraphs 1.4 and 2.1 hereof.

4.10 This Consent Order is agreed to by the Parties and entered into by the Division for settlement purposes only. Neither the fact of, nor any provision contained in, this Consent Order nor any action taken hereunder shall constitute, or be construed as: (a) an approval, sanction or authorization by the Attorney General, Consumer Affairs, State Lottery or any other governmental unit of the State of any act or practice of the Respondents; or (b) an admission by Respondents that any of their acts or practices described in or prohibited by this Consent Order are unfair or deceptive or violate the CFA, Regulations and/or Lottery Law.