

Is Fantasy Football Gambling? You Bet!

By Reg P. Wydeven
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Since 1993, my buddies and I have gotten together for our annual fantasy football draft. It is 3 hours of soda, snacks, football and lots and lots of trash talking.

A lot has changed in fantasy football in the last two decades. In the old days, the commissioner would have to look in USA Today for our players' stats. He would write our scores in a notebook and we would all have to double check them. Today, we plug our players into the computer, which automatically calculates our scores to one-hundredth of a point.

While watching last week's Packer game, however, I noticed something else that's changed about fantasy football. Instead of being a season-long marathon, now you can play daily. It seems every other ad features daily fantasy sports companies, like FanDuel or DraftKings.

Companies like these are boasting multi-million dollar payoffs and that players can become millionaires by wagering as little as \$20. The huge surge in popularity of daily fantasy sports has casinos and sports books extremely concerned. While putting \$20 on the Packers is illegal in most parts of the country, playing fantasy sports is allowed in all states but five: Arizona, Iowa, Louisiana, Montana or Washington. Casinos and sports books are complaining that daily fantasy sports sure seem like gambling, but the fantasy sports companies aren't subject to the same strict regulations that they are.

Companies like DraftKings and FanDuel, each worth more than \$1 billion, claim that the Unlawful Internet Gambling Enforcement Act, passed in 2006, specifically excludes "fantasy sports" from regulation. At the time the law was passed, fantasy sports like rotisserie baseball or fantasy football were viewed as games of skill. Because the games required players to make many decisions over the course of a months-long season, fantasy sports were viewed more as "gaming" than "gambling."

Skeptical players often worry that daily games might be viewed as gambling. In fact, in the FAQ section of FanDuel's website, the company asserts that, "Thanks to fantasy sports being specifically excluded from laws affecting online sports betting, FanDuel is not illegal in any way. Trust us, our lawyers drive very nice cars so that we can keep it that way."

And because fantasy football owners need to watch the games to see how their players fare, the NFL fully supports the position that fantasy sports are not gambling. According to Brian McCarthy, an NFL spokesman, "Daily fantasy is considered a game of skill and not gambling," when asked why it's different than traditional sports betting. Of course, both companies advertise heavily with the league. Plus, several owners have invested in the companies, such as Robert Kraft, owner of the Patriots, who has invested in DraftKings.

One of my pals dipped his toe in the pool and bet \$10 on DraftKings. He won \$30. He says the experience was very addicting and he predicts he will be living out of his car by the end of the football season.

It's a safe bet state and federal regulators will be revisiting the fantasy sports exception to the law, especially if sob stories of gamers losing their life savings unfold.

Personally, I don't view our fantasy football league as gambling. Gambling implies a chance of losing. My teams perennially lose, so I view it as a \$50 donation to my friends.

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