



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF REGIONAL OFFICES
BUFFALO REGIONAL OFFICE

Telephone: (716) 853-8457
February 21, 2020

Via First-Class & Certified Mail (Return Receipt Requested)

John Fitzgerald, CEO
Apex Parks Group LLC
27061 Aliso Creek Rd, Ste 100
Aliso Viejo, CA 92656-5322

Dear Mr. Fitzgerald:

I write on behalf of the New York State Office of the Attorney General (“OAG”). It has come to our attention that Fantasy Island, an amusement park in Erie County, New York operated by Apex Parks Group LLC (“Apex”) has abruptly closed. Many New Yorkers purchased season passes, meal plans and other goods and services for the 2020 season at Fantasy Island. Please confirm that Apex will provide such consumers with a prompt and complete refund of all monies paid now that the park has closed without operating during 2020.

Please be advised that if Apex does not promptly provide refunds to impacted consumers, the OAG will proceed to issue subpoenas to Apex, and potentially its employees, affiliates and corporate parents. Following such investigation, the OAG may proceed with litigation to obtain restitution for impacted consumers. The OAG believes that Apex’s actions—if it fails to provide refunds—may be in violation of, *inter alia*, New York General Business Law Article 22-A and Executive Law § 63(12).

Please confirm in writing no later than March 2, 2020, that Apex will provide refunds to all consumers who purchased good and services for the 2020 season at Fantasy Island. I look forward to your anticipated cooperation.

Regards,

s/ Christopher L. Boyd
CHRISTOPHER L. BOYD
Assistant Attorney General