

205 CMR 152.00: INDIVIDUALS EXCLUDED FROM GAMING AND SPORTS WAGERING

Section

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152.01: Scope and Authority

The provisions of 205 CMR 152.00 shall provide for the establishment and maintenance of a list, and associated protocols and procedures, for exclusion of individuals from gaming in accordance with M.G.L. c. 23K, §§ 45(a) through (e) and 45(i), and sports wagering in accordance with M.G.L. c. 23N, § 13(e)(1), as well as M.G.L. c. 23K, § 45(i). Such list shall be maintained separately from those established and maintained in accordance with M.G.L. c. 23K, § 45(f) through (h) and M.G.L. c. 23N, § 13(e)(2).

152.02: Maintenance and Distribution of Exclusion List

- (1) The commission shall maintain the list of persons to be excluded from gaming and sports wagering as set forth in 205 CMR 152.00. The name and year of birth of each person on the exclusion list shall be posted on the commission's website (<http://massgaming.com/>), except for the individuals on the court ordered exclusion list pursuant to M.G.L. c. 23K, § 45(i).
- (2) The Bureau shall promptly notify each gaming licensee, and Sports Wagering Operator of the placement of an individual on the exclusion list. The notifications shall include:
  - (a) The individual's full name and all aliases the individual is believed to have used;
  - (b) A description of the individual's physical appearance, including height, weight, type of build, color of hair and eyes, and any other physical characteristics which may assist in the identification of the individual;
  - (c) The individual's date of birth;
  - (d) The effective date of the order mandating the exclusion of the individual;
  - (e) A photograph, if obtainable, and the date thereof; and
  - (f) Such other information deemed necessary by the commission for the enforcement of 205 CMR 152.00.

152.03: Criteria for Exclusion

- (1) In the commission's discretion, an individual may be placed on the exclusion list if the commission determines that the individual meets one or more of the following criteria:
  - (a) the individual has been convicted of a criminal offense under the laws of any state, tribe, or the United States that is punishable by more than six months in a state prison, a house of correction or any comparable incarceration, a crime of moral turpitude or a violation of the gaming or other wagering laws of any state, tribe, or the United States;
  - (b) the individual has violated or conspired to violate M.G.L. c. 23K or c. 23N; or violated or conspired to violate any other law, if the violation or conspiracy is in connection with gaming or sports wagering;
  - (c) the individual has a notorious or unsavory reputation which would adversely affect public confidence and trust that the gaming or sports wagering industries are free from criminal or corruptive elements;
  - (d) the individual is an associate of an individual who falls into a category identified in 205 CMR 152.03(1)(a) through (c);
  - (e) the individual's presence in a gaming establishment, sports wagering area, sports wagering facility, or maintenance of a sports wagering account, presents the potential of injurious threat to the interests of the Commonwealth in a gaming establishment, sports wagering area, sports wagering facility, or sports wagering platform, or sports wagering.

## 152.03: continued

(2) In determining whether there exists the potential of injurious threat to the interests of the Commonwealth in accordance with 205 CMR 152.03(1)(e), the commission may consider, without limitation, the following:

- (a) Whether the individual is a known cheat;
- (b) Whether the individual has had a license or registration issued in accordance with 205 CMR 134.00: *Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations*, 205 CMR 234.00: *Sports Wagering Vendors*, 205 CMR 235.00: *Sports Wagering Occupational Licenses*, or a qualification determination made in accordance with 205 CMR 115.00: *Phase 1 and New Qualifier Suitability Determination, Standards, and Procedures*, 205 CMR 116.00: *Persons Required to Be Licensed or Qualified*, or 205 CMR 215.00: *Applicant and Qualifier Suitability Determination, Standards, and Procedures*, or a like license or registration issued by another jurisdiction, suspended or revoked or has been otherwise subjected to adverse action;
- (c) Whether the individual's egregious or repeated conduct poses a clear threat to the safety of the patrons, employees or others on or near the premises of a gaming establishment, sports wagering area, or sports wagering facility; or the individual's egregious or repeated conduct relating to sports wagering poses a clear threat to the safety of others;
- (d) Whether the individual has a documented history of conduct involving the undue disruption of gaming or sports wagering operations in any jurisdiction including, without implied limitation, attempting to corrupt or corrupting a betting outcome of a sporting event;
- (e) Whether the individual is subject to a no trespass order at any casino or gaming establishment, sports wagering area, or sports wagering facility in any jurisdiction; and
- (f) Whether, in connection with sports wagering, the individual has either:
  - 1. willfully and maliciously engaged in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress; or
  - 2. expressed an intent to injure the person or property of another, now or in the future; intended that the threat be conveyed to a particular person; the injury threatened, if carried out, would constitute a crime; and the threat was made under circumstances which could reasonably have caused the person to whom it was conveyed to fear that the individual had both the intention and ability to carry it out.
  - 3. knowingly or negligently failed to prevent a person under the age of 21 from placing wagers, or collecting winnings, from wagering on a sports wagering platform, whether personally or through an agent.
  - 2-4.had their sports wagering account suspended or terminated by a sports wagering operator due to suspected or confirmed underage activity, including if the account holder used a funding method owned by a person under the age of 21.

(3) The commission shall not base a finding to place an individual on the exclusion list on an individual's race, color, religion, religious creed, national origin, ancestry, sexual orientation, gender identity or expression, age (other than minimum age requirements), marital status, veteran status, genetic information, disability or sex.

152.04: Investigation and Initial Placement of Names on the Exclusion List

(1) The Bureau shall investigate any individual who may meet one or more criterion for inclusion on the list in accordance with 205 CMR 152.03 upon referral by the commission, the Gaming Enforcement Division of the Office of the Attorney General, a gaming licensee, a sports wagering operator, a sports governing body, or a players association. The Bureau may investigate any individual on its own initiative.

(2) If, upon completion of an investigation, the Bureau determines to place an individual on the exclusion list, the Bureau shall prepare an order that identifies the individual and sets forth a factual basis as to why the individual meets one or more criterion for inclusion on the list in accordance with 205 CMR 152.03.

- (a) The Bureau shall serve the order prepared in accordance with 205 CMR 152.04(2) upon the named individual advising them that it intends to place the individual's name on the exclusion list. The order shall also notify the individual that placement of their name on the exclusion list will result in their prohibition from being present in a gaming establishment, sports wagering area, or sports wagering facility, and from maintaining a sports wagering account; and