

## 205 CMR 219: TEMPORARY LICENSING PROCEDURES

219.01 Eligibility to Request a Temporary License

219.02 Temporary License Request Process

### 219.01 Eligibility to Request a Temporary License

- (1) A Person shall be eligible to request a Temporary License if:
  - (a) The Commission deems it eligible in accordance with 205 CMR 218.07(1)(a); or
  - (b) The Commission awards it a Sports Wagering License in accordance with 205 CMR 218.07(1)(b).

### 219.02 Temporary License Request Process

- (1) Any Person who is eligible to request a Temporary License may submit a request for a Temporary License to the Executive Director on a form to be approved by the Commission. Such request shall be accompanied by an initial licensing fee of \$1,000,000 payable to the Commission.
- (2) Upon receiving a request for a Temporary License, the Executive Director or their designee shall within **fourteen** days determine whether the requestor is eligible to request a Temporary License and has paid the initial licensing fee as described in 205 CMR 219.02, and make a written recommendation to the Commission as follows:
  - (a) If the Executive Director determines that the requestor is eligible and has paid the initial licensing fee, they shall recommend to the Commission that the Commission issue the requested Temporary License.
  - (b) If the Executive Director determines that the requestor is not eligible or has not paid the initial licensing fee, they shall recommend to the Commission that the Commission deny the requested Temporary License.
- (3) Upon receiving a recommendation from the Executive Director in accordance with 205 CMR 219.02(2), the Commission shall, at an open public meeting held within **fourteen** days, either issue or deny the requested Temporary License.
  - (a) The Commission shall send written notice of the public meeting to the requestor at least **seven** days in advance of the meeting.
  - (b) The Commission may in its discretion receive comment or presentations from representatives of the requestor or from the public.
- (4) Any Temporary License shall be subject to conditions in accordance with M.G.L. c. 23N and 205 CMR 220.

### 219.03 Temporary License Expiration

- (1) The Temporary License shall expire after the Commission makes a supplemental determination of suitability in accordance with 205 CMR 218.06(7), or one year, whichever is longer; provided, that if the Commission has not made a supplemental determination of suitability within one year, the Temporary License shall:
  - (a) expire after the Commission makes a supplemental determination of suitability in accordance with 205 CMR 218.06(7), or after three years, whichever is shorter, if the Operator does not request a renewal in accordance with 205 CMR 219.04; or
  - (b) expire after the Commission makes a supplemental determination of suitability in accordance with 205 CMR 218.06(7), or after five years, whichever is shorter, if the Operator timely requests and is granted a renewal in accordance with 205 CMR 219.04.
- (2) Under no circumstances shall any Operator conduct Sports Wagering under a Temporary License after five years from the date the Temporary License issued.

### 219.04 Temporary License Renewal Process

- (1) No Operator shall submit a renewal request in accordance with this 205 CMR 219.04 until twenty-one months or more than two years after the date the Temporary License issued.
- (2) Renewal requests shall be submitted to the Executive Director on a form approved by the Commission.
- (3) Before the Commission may consider the renewal request, the Bureau shall conduct an investigation into the qualifications and continued suitability of the licensee and its Qualifiers, and submit a written report to the Commission, in accordance with 205 CMR 215.01(2)(b).
- (4) Upon receiving a report from the Bureau in accordance with 205 CMR 219.03(2), the Commission shall, at an open public meeting, either grant or deny the requested renewal. The Commission shall send written notice of the public meeting to the requestor at least **fourteen** days in advance of the meeting.
- (5) If the Commission denies a request for renewal of a Temporary License, the Temporary License shall expire no sooner than **two weeks after** the date on which the Commission denies the renewal.

(6) Renewal application and licensing fees.

(a) Application fee.

- (i) Any renewal request shall be accompanied by a nonrefundable application fee of \$50,000 to defray the costs associated with the processing of the renewal request and investigation of the licensee. Except for the dollar amount of the fee, said fee shall be subject to the provisions of 205 CMR 214.01 and 205 CMR 214.02.
- (ii) The Executive Director shall deny, without prejudice, any renewal request not accompanied by the required application fee.

(b) Renewal licensing fee.

- (i) Within 30 days after the renewal of a Temporary License pursuant to 205 CMR 219.04(4), the licensee shall pay a non-refundable license fee of \$1,000,000 in accordance with 205 CMR 221.01(2).