

205 CMR 231: RENEWAL OF A SPORTS WAGERING LICENSE

231.01 License Renewal Process

231.01 License Renewal Process

- (1) An Operator may submit a renewal request in accordance with this 205 CMR 231 on a form approved by the Commission between nine and twelve months before:
 - (a) for a Sports Wagering License other than a Temporary License, the date on which the Operator's Sports Wagering License is scheduled to expire;
 - (b) or, for a Temporary License for which the Operator has already received a renewal in accordance with 205 CMR 219.04, the date on which the Temporary License is scheduled to expire.
- (2) The Commission may, in its discretion, extend the time for filing a complete renewal request to enable an Operator to cure a deficiency in its request, provided that the renewal request was submitted before the established deadlines, or to provide a reasonable additional time for filing in cases where extraordinary circumstances prevented a timely filing.
- (3) Administrative sufficiency review.
 - (a) The Commission's Division of Licensing will review each renewal request for administrative sufficiency.
 - (b) When determining whether a request is administratively sufficient, the Division of Licensing shall review only the form required by 205 CMR 231.01(1), and only determine whether all information or materials required to be provided in response to each question or request has been submitted.
 - (c) If a request is determined to be insufficient:
 - (i) The Division shall notify the Operator by email. The notification shall specifically identify the deficiencies.
 - (ii) The Operator shall have the right to submit supplemental or corrected information to cure the deficiencies within one month.
 - (iii) For each deficient request component, the one-month period established in 205 CMR 231.01(3)(c)(ii) shall begin the day after:
 - (a) The deadline established by 205 CMR 231.01(1), if that deadline has not passed; or

- (b) The date on which the notification sent pursuant to 205 CMR 231.01(3)(c)(i) was sent, if the deadline established by 205 CMR 231.01(1) has passed.
 - (d) A positive determination of administrative sufficiency shall not constitute a finding with respect to the accuracy of the information submitted, and shall not bar a request for further information by the Commission, the Bureau or their agents and employees with respect to the request.
- (4) Non-expiration of licenses while timely renewal request is pending.
 - (a) In accordance with G.L. c. 30A, § 13, if an Operator has submitted a timely renewal request, the Operator's Sports Wagering License shall not expire until:
 - (i) the request has been finally determined by the Commission; or
 - (ii) the operator fails to cure a deficiency within the time permitted by 205 CMR 231.01(3)(c).
 - (b) A renewal request shall be considered timely if it has been submitted within the time permitted, as applicable, by 205 CMR 231.01(1), 205 CMR 231.01(2), or 205 CMR 231.01(3)(c).
- (5) Before the Commission may consider the renewal request, the Bureau shall conduct an investigation and submit a written report to the Commission.
 - (a) For the renewal of a Sports Wagering License other than a Temporary License, the Bureau's investigation and written report shall address:
 - (i) The topics listed in 205 CMR 215.01(2)(b);
 - (ii) The Operator's history of compliance with M.G.L. c. 23N and 205 CMR 200 *et seq.*; and
 - (iii) Any other topic as directed by the Commission.
 - (b) For the renewal of a Temporary License:
 - (i) Within one month of a positive determination of administrative sufficiency, the Commission shall determine the scope of the investigation and the contents of the report, and may determine that no investigation and report is necessary.
 - (ii) If the Commission does not direct the Bureau as to the scope of the investigation and contents of the report, the Bureau's investigation and written report shall conform to 205 CMR 215.01(2)(b).

- (6) Upon receiving a report from the Bureau in accordance with 205 CMR 231.01(5), the Commission shall, at an open public meeting, either grant or deny the requested renewal.
- (7) In reviewing the renewal request, the Commission may, at such times and in such order as the Commission deems appropriate, take any of the actions listed in 205 CMR 218.04(1).
- (8) Evaluating the renewal request.
 - (a) If the Operator holds a Sports Wagering License other than a Temporary License, and continues to meet all requirements of M.G.L. c. 23N and the rules and regulations of the Commission, the Commission shall grant the requested renewal.
 - (b) If the Operator holds a Temporary License, and continues to meet all requirements of M.G.L. c. 23N and the rules and regulations of the Commission, and any delays in making a supplemental determination of suitability are primarily attributable to:
 - (i) the Commission and its staff rather than the Operator or its Qualifiers, the Commission shall grant the requested renewal; or
 - (ii) the Operator or its Qualifiers rather than the Commission and its staff, the Commission may, in its sole discretion, grant or deny the requested renewal.
 - (c) If the Operator has violated any requirements of M.G.L. c. 23N or the rules and regulation of the Commission:
 - (i) The Commission may, in its sole discretion, grant or deny the requested renewal.
 - (ii) In deciding whether to grant or deny the requested renewal, the Commission may consider, in addition to any other factor, the seriousness and duration of the Operator's violation or violations; the Operator's mitigation or remediation efforts; and the Operator's overall history of compliance with M.G.L. c. 23N and 205 CMR.
- (9) If the Commission grants the requested renewal:
 - (i) Within 30 days, the Operator shall pay a non-refundable license fee of \$5,000,000 (for a renewed Sports Wagering License other than a Temporary License) or \$1,000,000 (for a renewed Temporary License). The payment shall be made in accordance with 205 CMR 221.02.

- (ii) The term of the license shall be extended for five years (for a renewed Sports Wagering License other than a Temporary License) or one year (for a renewed Temporary License), subject to further renewals. The determination of the License's new expiration date shall exclude any automatic extension provided for by 205 CMR 231.01(4).
- (10) If the Commission denies the requested renewal, the License shall expire no sooner than two weeks after the date on which the Commission denies the renewal.

DRAFT