



## NOTICE OF MEETING AND AGENDA

Pursuant to the Massachusetts Open Meeting Law (G.L. c. 30A, §§ 18-25), St. 2022, c. 107, and St. 2023, c. 2, notice is hereby given of a public meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

**Thursday | April 11, 2024 | 10:00 a.m.**  
**VIA REMOTE ACCESS: 1-646-741-5292**  
**MEETING ID/ PARTICIPANT CODE: 111 435 9381**  
**All meetings are streamed live at [www.massgaming.com](http://www.massgaming.com).**

Please note that the Commission will conduct this public meeting remotely utilizing collaboration technology. Use of this technology is intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public. If there is any technical problem with the Commission's remote connection, an alternative conference line will be noticed immediately on [www.massgaming.com](http://www.massgaming.com).

All documents and presentations related to this agenda will be available for your review on the morning of the meeting date by visiting our website and clicking on the News header, under the Meeting Archives drop-down.

### **PUBLIC MEETING - #513**

1. Call to Order – Jordan Maynard, Interim Chair
2. Meeting Minutes
  - a. July 11, 2023 **VOTE**
3. Administrative Update – Dean Serpa, Executive Director
4. Legislative Update – Commissioner Brad Hill
5. Sports Wagering Division – Bruce Band, Director of Sports Wagering
  - a. Update on Status of Bally's Operations Plan – Crystal Beauchemin, Sports Wagering Business Manager; Brett Calapp, COO – Bally's
  - b. Event Catalog Addition Request: Pro Volleyball Federation – Andrew Steffen, Sports Wagering Operations Manager **VOTE**



Massachusetts Gaming Commission

- c. Temporary Waiver requests related to 248.04 (4) regarding identity authentication questions – Crystal Beauchemin, Sports Wagering Business Manager
    - I. Caesars Sportsbook **VOTE**
    - II. Fanatics Sportsbook **VOTE**
  - d. Presentation on Sports Wagering in the Commonwealth Year at a Glance – Crystal Beauchemin, Sports Wagering Business Manager
6. Racing – Dr. Alexandra Lightbown, Director of Racing and Chief Veterinarian
- a. Plainridge Request to Offer Place Pick (n) Pools per CMR 6.36 – Steve O’Toole, Director of Racing – Plainridge Park Casino **VOTE**
7. Legal – Todd Grossman, General Counsel
- a. 205 CMR 257: Data Privacy – Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to begin the promulgation process – Carrie Torrisi Deputy General Counsel; Mina Makarious, Anderson & Kreiger **VOTE**
  - b. 205 CMR 3.12: Judges – Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to begin the promulgation process – Justin Stempeck, Deputy General Counsel; Dr. Alex Lightbown, Director of the Division of Racing and Chief Veterinarian **VOTE**
  - c. 205 CMR 3.29: Medications and Prohibited Substances – Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to begin the promulgation process– Justin Stempeck, Deputy General Counsel; Dr. Alex Lightbown, Director of the Division of Racing and Chief Veterinarian **VOTE**
  - d. 205 CMR 6.24: Deposits – Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to begin the promulgation process – Justin Stempeck, Deputy General Counsel; Dr. Alex Lightbown, Director of the Division of Racing and Chief Veterinarian **VOTE**
  - e. Table Games Rules Update: Baccarat, Midi Baccarat, and Mini Baccarat – Judith Young Associate General Counsel; Burke Cain, Chief of the Gaming Agents Division **VOTE**



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- 8. Legal and Investigations and Enforcement Bureau – Justin Stempeck, Deputy General Counsel; Caitlin Monahan, Director of Investigations and Enforcement Bureau
  - a. Discussion of Process for Alleged Sports Wagering Noncompliance Adjudicatory Hearings
  
- 9. Community Affairs Division – Joe Delaney, Chief of Community Affairs; Mary Thurlow, Senior Program Manager; Lily Wallace, Program Manager
  - a. Community Mitigation Fund Applications
    - I. Lynn **VOTE**
    - II. Longmeadow **VOTE**
    - III. Northampton **VOTE**
    - IV. Holyoke Community College **VOTE**
    - V. MassHire Metro North **VOTE**
    - VI. Middlesex District Attorney’s Office **VOTE**
  
- 10. Commissioner Updates
  
- 11. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that this Notice was posted as “Massachusetts Gaming Commission Meeting” at [www.massgaming.com](http://www.massgaming.com) and emailed to [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us). Posted to Website: April 9, 2024 | 10:00 a.m. EST

April 9, 2024



Jordan M. Maynard, Interim Chair

*If there are any questions pertaining to accessibility and/or further assistance is needed, please email [Grace.Robinson@massgaming.gov](mailto:Grace.Robinson@massgaming.gov).*



Massachusetts Gaming Commission



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** July 11, 2023, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 509 0803

The Commission conducted this public meeting remotely utilizing collaboration technology. The Use of this technology was intended to ensure an adequate, alternative means of public access to the Commission’s deliberations for any interested member of the public.

### **Commissioners Present:**

Chair Cathy Judd-Stein  
Commissioner Eileen O’Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Jordan Maynard

#### 1. [Call to Order](#) (00:00)

Chair Judd-Stein called to order the 464<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission (“Commission”). Roll call attendance was conducted, and all five commissioners were present for the meeting.

#### 2. [Meeting Minutes](#) (01:48)

##### a. January 12, 2023

The January 12, 2023, Public Meeting Minutes were included in the Commissioner’s Packet on pages 3 through 23. Commissioner Hill noted that the January 18, 2023, minutes were also supposed to be presented, but that they needed some additional editing.

Commissioner Hill moved that the Commission approved the minutes from the January 12, 2023, Public Meeting that are included in the Commissioner’s Packet subject to any necessary corrections for typographical errors or any other non-material matters. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

3. [Administrative Update](#) (02:50)

Executive Director Karen Wells congratulated General Counsel Todd Grossman who had been selected to begin as the Interim Executive Director starting the following week.

4. [Succession of Officers and Positions](#) (05:16)

Commissioner O'Brien stated that based upon the procedures adopted at the prior meeting, the presumptive nominee for the Treasurer position was Commissioner Hill, and the presumptive nominee for the Secretary position was Commissioner Maynard.

Commissioner Hill expressed that he was always excited to learn more about the agency and that he would be happy to accept the Treasurer position. Commissioner Maynard echoed Commissioner Hill's sentiments and stated that he would be happy to fill the Secretary position. Commissioner Maynard stated that he was confident Commissioner Hill would be able to provide valuable advice about the Secretary Position.

Commissioner Skinner moved that the Commission, in accordance with Massachusetts General Law Chapter 23K § 3(f), appoint Commissioner Hill as Treasurer for a term of one year. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

Commissioner Hill moved that the Commission, in accordance with Massachusetts General Law Chapter 23K § 3(f), appoint Commissioner Maynard as Secretary for a term of one year. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*  
*Commissioner Skinner: Aye.*  
*Commissioner Maynard: Abstain.*  
*Chair Judd-Stein: Aye.*  
*The motion passed, 4-0, with one abstention.*

5. [Sports Wagering Division](#) (09:21)

a. Event Catalog Addition Request – LIV Golf

Sports Wagering Operations Manager Sterl Carpenter stated that under 205 CMR 247.03, the Commission was required to review all requests for additional events to be placed into the sports wagering catalog. He stated that category three sports wagering operator DraftKings had submitted a request on June 12, 2023, for the approval of the LIV Golf Tour to be added to the golf section of the sports wagering catalog. The *Request from DraftKings* was included in the Commissioner’s Packet on pages 24 through 28.

Mr. Carpenter stated that LIV Golf Tour, the PGA World Tour, and DP World Tour agreed to unify and move forward as a large commercial business. He stated that the request from DraftKings was for the LIV Golf Tour as it was currently constituted and would cover events prior to the merger.

Mr. Carpenter stated that the Sports Wagering Division confirmed that all requirements of 205 CMR 247.03 had been met. He stated that DraftKings had not informed the LIV Golf Tour that they had made this request. He stated that DraftKings had indicated that they offer wagering for this category of events in other states, and that DraftKings had expressed that the expansion of this offering into the Commonwealth did not require them to inform the governing body.

Commissioner O’Brien noted that the U.S. Justice Department was investigating the LIV Golf merger and that concerns were raised in the press regarding the financial backing of the LIV Golf Tour. She stated that she did not feel comfortable offering the LIV Golf Tour in the sports wagering catalog without considering the merger.

Commissioner Hill agreed with Commissioner O’Brien and stated that he was not comfortable putting LIV Golf Tour in the sports wagering catalog with the current controversy surrounding it.

Mr. Carpenter clarified that the vote would be on whether to approve wagering on the LIV Golf Tour events as it stands now, prior to the merger. He stated that if the merger was permitted, the Commission could then direct the Sports Wagering Division to review the terms and present the proposal again to the Commission regarding the LIV Golf Tour. Commissioner Hill stated that after clarification, he was even more opposed to voting to approve the LIV Golf Tour.

Chair Judd-Stein asked if the Commission had already voted to keep the LIV Golf Tour out of the events catalog. Mr. Carpenter stated that while this event was brought up in conversations, it was never formally requested to be put in the sports wagering catalog.

Commissioner Skinner stated that she was of like mind with Commissioner O'Brien and Commissioner Hill. Commissioner Skinner noted that the golf league season started on February 23, 2023, and questioned why the request did not come forward sooner. She stated that with the public discussions related to LIV Golf Tour, she would prefer to hold off on making decisions.

Commissioner Maynard noted that the governing body for the Boston Marathon had previously objected to being included in the sports wagering catalog, and asked if there might be a reason why the LIV Golf Tour would want to be excluded from inclusion in the sports wagering catalog. Mr. Carpenter explained that DraftKings offered wagering on LIV Golf in other jurisdictions and that they did not feel the need to contact the organization, as DraftKings believed it to already be approved.

Commissioner O'Brien moved that the Commission deny the request to amend the official catalog of events and wagers to include the LIV Golf Tour as included in the Commissioner's Packet and further discussed here today. Commissioner Hill seconded the motion.

Commissioner Skinner noted that by regulation, if a request was not acted on by the Commission within sixty days it was automatically denied. She asked if there was any implication to denying the request outright in comparison to staying silent on the request. General Counsel Grossman stated that requests required express approval, and that there was no practical distinction between the processes. Commissioner O'Brien added that any denial of a request was without prejudice.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

b. [Update to House Rules – Barstool Sportsbook and Casino](#) (21:03)

Mr. Carpenter stated that Barstool had submitted a change to their house rules due to change in their service provider. He noted that Barstool Sports was now renamed to 'Barstool Sportsbook and Casino'. He stated that their platform was currently under maintenance transferring to an in-house provider, The Score. He stated that Barstool had purchased The Score approximately eighteen months prior. *Barstool Sportsbook and Casino's Updated House Rules* were included in the Commissioner's Packet on pages 29 through 35.

Executive Director Wells stated that Penn National notified the Commission that they changed the name on their license. Commissioner Skinner inquired whether the name change by the operator required Commission's approval. Chair Judd-Stein sought clarification if the Commission had approval rights, or whether the notification was simply a courtesy to inform the Commission. Commissioner O'Brien asked if the change was to the corporate name, or the name Penn Sports Interactive was doing business as ("D/B/A"). Executive Director Wells stated that changing a name was not something particularly substantive that would trigger regulatory authority.

General Counsel Grossman stated that the Commission did not have a standard to apply or a process in place as to whether to allow a name change to an entity's existing D/B/A. He clarified that a change to the licensee's business entity name would require administrative adjustments.

Commissioner Skinner requested further clarification that the name change was for the D/B/A and not the licensed entity changing its name. Mr. Carpenter stated that Barstool implemented this change in all jurisdictions where they were licensed, and that the language "and casino" was added because some jurisdictions allowed iGaming. Chair Judd-Stein stated that once General Counsel Grossman checked for clarification regarding Commissioner Skinner's inquiry, the Commission would return to this agenda item.

c. [Request for Temporary Waivers](#) (29:00)

I. [205 CMR 238.45 \(2\)\(e\) – Personally Identifiable Information Security](#)

Sports Wagering Business Manager Crystal Beauchemin explained that four operators had requested a waiver from the requirements of 205 CMR 238.45(2)(e). She noted that the requests had unique dates for each operator. She stated that the waiver requests for this provision were received from FanDuel, DraftKings, Fanatics, and Penn Sports Interactive. The *Waiver Requests for 205 CMR 238.45(2)(e)* were included in the Commissioner's Packet on pages 39 through 49.

Ms. Beauchemin stated that DraftKings had requested the waiver through September 6, 2023; Fanatics had requested the waiver through September 30, 2023; Penn Sports Interactive requested the waiver through August 1, 2023; and that FanDuel had requested the waiver through the effective date of the final regulation language, as published. She noted that the Sports Wagering Division had reviewed the requests, and had no concerns regarding granting the requested waivers.

II. [205 CMR 248.16 – Responsible Gaming Limits](#) (30:52)

Ms. Beauchemin stated that operators had also requested temporary waivers through the dates listed within the packet to implement technological changes required for responsible gaming limits. She stated that the Sports Wagering Division had reviewed the requests, and had no



concerns regarding granting the requested waivers. The *Waiver Requests for 205 CMR 248.16* were included in the Commissioner's Packet on pages 50 through 59.

Commissioner O'Brien asked what the date associated with FanDuel's request related to 205 CMR 238.45 would be. Ms. Beauchemin stated that it would be the date the Legal Team submits the final regulation language to the Massachusetts Register. She stated that the waiver request was to allow FanDuel time to evaluate how the regulation affected their technology. Deputy General Counsel Carrie Torrisi noted that the Commission had yet to schedule which meeting the regulations would come for final approval.

Commissioner O'Brien noted that Fanatics' request for a waiver until December 30, 2023, was months beyond the August 1, 2023, and September 6, 2023, requests submitted by other operators. Ms. Beauchemin stated that Fanatics was still implementing technology as they were not in as many jurisdictions in comparison to other operators. She stated that the December 30, 2023, date was speculated; based on Fanatics' smaller tech team.

Commissioner O'Brien expressed the preference that protection of the regulation be made available, regardless of the size of the operator. She added that she did not feel comfortable extending a waiver past September 6, 2023.

Commissioner Skinner asked if any operator had submitted concerns regarding technological difficulty during the public comment period, or why a universal date was not considered when filing by emergency. Deputy General Counsel Torrisi stated that no comments were received regarding the provision of 205 CMR 248.16 that the operators requested be waived.

Deputy General Counsel Caitlin Monahan noted that the data privacy regulation was going through a normal promulgation process. Chair Judd-Stein asked when the data privacy regulation would go into effect. Deputy General Counsel Monahan stated that it would be effective by the end of August. Chair Judd-Stein noted that Penn Sports Interactive's request for a waiver until August 1, 2023, would not apply. Commissioner Skinner commented that the waiver requests might be premature. She suggested having further discussion on August 1, and stated that the Commission needed to get a better understanding of the wide range of dates being requested.

Commissioner Skinner stated that a waiver could be done for 205 CMR 248, but that the wide variation in requested dates should be looked into. Commissioner Maynard stated that he supported a universal waiver. Commissioner O'Brien stated that a universal waiver was acceptable, as long as it was only through September 6. She stated that Fanatics could return with a more realistic assessment if they needed additional time.

Chair Judd-Stein noted that Fanatics was in a different development stage than other licensees, but that she expected they still had some security measures with respect to personally identifiable information. She stated that she did not support a universal waiver, as there was a regulatory

standard of how waivers should be issued. She suggested that Fanatics inform the Commission of what personally identifiable information protections they had in place.

Ms. Beauchemin stated that Fanatics had some protections, but that they were trying to discern what the “clearly and conspicuously” language entailed and what changes would need to be made to implement that component. Commissioner O’Brien stated that the December 30, 2023 date was still troublesome. She stated that she wanted this protection in place before the NFL season started. She noted that several operators had not requested a waiver, indicating that they had already addressed this issue.

Commissioner Maynard stated that September 6 seemed like the last reasonable date before the NFL season began. Chair Judd-Stein stated that the Commission should consider waivers on an individual basis unless the regulation is a universal challenge. Commissioner O’Brien suggested a September 6, 2023, waiver for the licensees who had submitted requests for waiver. She stated that if other licensees required a waiver, they could request it at a later meeting.

Ms. Beauchemin noted that communications were sent to the operators that the issue of waivers for these provisions was scheduled for discussion. She noted that if the operators had not yet requested a waiver, they were made aware the subject was being discussed in this meeting.

Chair Judd-Stein asked if the challenges with implementing the regulation were narrow or broad. Ms. Beauchemin stated that some protections were in place, but the operators were evaluating how to comply with the language. Deputy General Counsel Torrisi offered a correction that both 205 CMR 238 and 205 CMR 248 were in effect by emergency, and that there was confusion due to a mention of the data privacy regulation, a term which the legal team used to refer to 205 CMR 257. Chair Judd-Stein noted that the requests for waivers were therefore timely for both regulations.

Commissioner Hill stated that with that clarification he was willing to grant temporary waivers until September 6, 2023, for DraftKings, FanDuel, Fanatics, and Penn Sports Interactive. He stated that further discussion could take place if Fanatics did not meet the September 6, 2023, deadline. Commissioner O’Brien agreed.

Commissioner O’Brien moved that in accordance with 205 CMR 202.03(3) the Commission issue the following waivers from the requirements outlined in 205 CMR 238.45(2)e as granting such waivers meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of General Laws Chapter 23N, as to all of the licensees who requested today namely DraftKings, Fanatics, FanDuel and Penn Sports Interactive that the waiver go through September 6, 2023. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*  
*Commissioner Maynard: Aye.*  
*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

Commissioner Maynard moved that in accordance with 205 CMR 202.03(3), the Commission issue the following waivers from the requirements outlined in 205 CMR 248.16(1), specifically, the requirement that the limits must be clearly and conspicuously displayed prior to allowing registration of a new account; the first time the patron makes a deposit into an account; and the first time a patron places a wager from an account, as granting such waivers meet the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of General Laws Chapter 23N, specifically as to BetMGM, Fanatics, FanDuel, and Penn Sports Interactive for a date ending September 6, 2023.

Chair Judd-Stein inquired why the September 6, 2023, date was used for this waiver instead of the requested dates of August 1, 2023, and August 24, 2023. Commissioner Maynard moved to amend his motion to make the waivers effective through August 24. Commissioner O'Brien then seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*  
*Commissioner Hill: Aye.*

Commissioner Skinner noted that the August 24, 2023, date would mean that FanDuel would have two separate dates to work with in complying with the regulation, and asked if it made sense to stick with the September 6, 2023, date. Commissioner Maynard stated that he supported not requiring two separate dates and offered to withdraw his motion. Chair Judd-Stein questioned whether it would be proper procedure to withdraw a motion in the middle of the voting process. She suggested the remaining commissioners abstain and that a new motion be made.

*Commissioner Skinner: Abstain.*  
*Commissioner Maynard: Abstain.*  
*Chair Judd-Stein: Abstain.*

*The motion did not pass, 2-0, with three abstentions.*

Commissioner Maynard moved that in accordance with 205 CMR 202.03(3), the Commission issue the following waivers from the requirements outlined in 205 CMR 248.16(1), specifically, the requirement that the limitations must be clearly and conspicuously displayed prior to allowing registration of a new account; the first time the patron makes a deposit into an account; and the first time a patron places a wager from an account; as granting such waivers meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of General Laws Chapter 23N, specifically as to BetMGM, Fanatics, FanDuel, and Penn Sports Interactive through September 6, 2023. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

General Counsel Grossman clarified that the category three tethered license was awarded to Penn Sports Interactive, LLC, and that Barstool Sportsbook and Casino was identified as a D/B/A brand. He stated that a name change to a D/B/A was not addressed by regulation, and there was no requirement that the Commission approve the name change. Commissioner Skinner stated that it would be helpful for operators to notify the Commission of such changes, regardless.

Commissioner O'Brien noted that the operations certificate referenced Barstool's previous D/B/A and would need to be amended. She stated that the process of requesting a change to the operations certificate might be an appropriate vehicle to notify the Commission of a D/B/A name change.

Commissioner Skinner moved that the Commission approve the amendments to the house rules submitted by the category three sports wagering operator Penn Sports Interactive, now doing business as Barstool Sportsbook and Casino, as included in the Commissioner's Packet, and discussed here today. The motion was seconded by Commissioner Maynard

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

## 6. [Community Affairs Division](#) (1:13:05)

### a. Encore Boston Harbor East of Broadway Expansion Continued Discussion

Chief of the Community Affairs Division, Joe Delaney stated that public hearing had occurred regarding Encore Boston Harbor's ("EBH") East of Broadway development project. He stated that the next step in the process was to start a review of the project and see if the Commission wanted to move forward with it. He stated that this would include modifying the gaming license to include the East of Broadway development as part of the gaming establishment. He stated that a modification of the operations certificate was required when construction was proposed to be completed, and that Section 61 findings should be amended as part of the Massachusetts Environmental Policy Act process.

Chief Delaney stated that he had compiled a request for information to submit to EBH. The *EBH Information Request* was included in the Commissioner's Packet on pages 73 through 75.

Chair Judd-Stein asked if the conditions of the garage and bridge projects would be included as part of the development. Chief Delaney stated that this project would supersede the previous projects, and that the Commission could attach conditions upon approval. Chair Judd-Stein noted that the conditions could be added to this project to incorporate the Commission's concerns. Chief Delaney noted that EBH received its decision on the draft environmental impact report and that he would send the Commission a copy of that report.

Chief Delaney asked if the Commission had any additional areas they would like to receive information on. Commissioner Hill stated that the letter reflected what the Commission heard during public hearings. Commissioner O'Brien agreed and asked that the language regarding the re-opening of host and surrounding community agreements be more strongly worded. She noted that the community wanted to see the agreement re-opened and would like to see commitment from EBH. Chief Delaney suggested that the language be changed to 'update the Commission on the status of the host and surrounding community agreements within 45 days.'

Chair Judd-Stein stated that the Commission had received a letter from the Mayor of Medford and suggested attaching that letter as a reference. Chief Delaney stated that there was also an email from the City of Boston stating that they were interested in reopening the agreement. Commissioner O'Brien proposed copying the host and surrounding communities with this letter as well.

Commissioner Skinner stated that the letter was comprehensive and suggested information be requested regarding problem gambling mitigation measures. She stated that this could be the opportunity to discuss the possibility of a GameSense satellite office in the East of Broadway development, so that patrons would not need to cross the bridge to talk to GameSense staff. Chief Delaney stated that he would add this as a bullet point to the letter and agreed that it would be desirable to have a satellite office or kiosk for GameSense. Chair Judd-Stein suggested that Chief Delaney reach out to the Responsible Gaming Division to develop questions related to responsible gaming. Commissioner O'Brien noted that the first bullet-point requested information regarding planned space for the Gaming Enforcement Unit and suggested expanding the language to include Commission staff and GameSense staff.

Commissioner Skinner noted that the Commission's decision that the expansion would not constitute part of the gaming establishment had several conditions applied and stated that she wanted to ensure the conditions would be captured in the letter going to EBH. Chief Delaney stated that this would void the previous decision as a determination would be made that the proposed area was part of the gaming establishment. He noted that the Commission would be required to modify the gaming license. He stated that the Commission would have the opportunity to add conditions to any decision the Commission makes. Commissioner O'Brien noted that the conditions would have to be reviewed as some may be moot at this point.

Chair Judd-Stein suggested that the letter request information regarding EBH's plans in regard to their ILEV. Chief Delaney stated that the request could be added to the letter. Commissioner O'Brien stated that the ILEV required communication and that EBH had lagged with their communication.

Chief Delaney stated that Commissioner Hill had requested in a public meeting that a letter be drafted to the City of Everett outlining the public's concerns that the Commission hear at public hearings. The letter to the Mayor of Everett was included in the Commissioner's Packet on pages 76 through 77.

Commissioner Hill thanked Chief Delaney for drafting the letter. He expressed frustration that the citizens of Everett were unaware of the ways in which the Commission used the Community Mitigation fund to try to address issues in their community. He stated that he would like to invite Everett city officials to discuss these issues in a public meeting. Chair Judd-Stein echoed Commissioner Hill's interest in having the elected officials of Everett engage in open discussions with the Commission.

Commissioner O'Brien offered a correction to a typographical error within Chief Delaney's letter. Commissioner Maynard stated that he appreciated Chief Delaney for drafting this letter and appreciated Commissioner Hill's local government expertise. Commissioner Skinner asked if there was a final dollar amount to fill in the section regarding the Community Mitigation Fund. Chief Delaney stated that it was over \$6,200,000. Commissioner Skinner inquired as to who the signatory would be for this letter. Commissioner O'Brien suggested the letter use a signature block with all five commissioner's signatures.

The Commissioners reached unanimous consensus to send the letter, with the edits discussed in this meeting, to the Mayor of Everett and to copy the Everett City Council. Commissioner Skinner requested to review the letter after the edits were made.

## 7. [Search for Permanent Executive Director](#) (2:17:59)

### a. Consideration of Executive Director Search Process

Attorney Mina Makarious, outside Counsel from the law firm Anderson & Krieger stated that the Commission had flexibility in how it conducts its search for the Executive Director position, but it was limited by the open meeting law. He stated that the Commissioners could delegate one individual to screen applications, and that if it chooses to use a larger group, a screening committee would be needed. He noted that the screening committee could not have more than two Commissioners due to the open meeting law. He stated that a screening committee must present two or more candidates for the Commission to interview in public.

Mr. Makarios stated that the practice followed by many public entities in the Commonwealth was to have a screening committee do the initial work of putting out a job description with or without the help of a search firm, vet the applications, and report updates to the Commission. He stated that the screening committee would then present a list of two or more finalists to the Commission.

Mr. Makarios stated that the other option would be to have a process with no screening committee where all five commissioners participate in the search process as part of their regular agenda. He warned that this would mean the Commission would have to publicly discuss all applications before the Commission.

Chair Judd-Stein stated that the Commissioners did not have to decide regarding the process yet, as the job description was not finalized. Commissioner O'Brien asked if there were screening committees that utilized non-employees, such as a former commissioner. Mr. Makarios stated that it was common to have screening committee members who were not part of the organization but have expertise related to the job position. He stated that it was also important to designate staff as liaison to the screening committee, as there would be the need for minutes and meeting postings.

Chair Judd-Stein stated that the screening committee could assess applications and that the Commission could determine the size of the final applicant group. Mr. Makarios stated that the decision regarding the finalist count could be made in the beginning or as applications came in.

Commissioner Maynard asked if the Commission could establish boundaries and guidelines for the screening subcommittee. Mr. Makarios stated that the Commission could set guidelines, including but not limited to the job description, areas the Commission wants the job posted, and how long the posting would be up.

b. [Review of Executive Director Job Description](#) (2:30:02)

The *Job Description For The Executive Director Position* was included in the Commissioner's Packet on page 78 through 80. Mr. Makarios suggested that the job description should reference G.L. Chapter 23K, and G.L. Chapter 23N to alert candidates to review the statutory obligations of the Executive Director.

Chair Judd-Stein noted that G.L. Chapter 23K § 3, outlined the responsibilities and statutory requirements of the Executive Director. Commissioner O'Brien stated that the job description was outdated as it did not reference horseracing or sports wagering, which were also under the Commission's regulatory authority.

Executive Director Wells stated that the job description should use the exact statutory language from G.L. Chapter 23K. She noted that the job description in the packet was more geared towards the implementation of casino gaming and not its existing regulation. She suggested

adding language regarding casino gambling, horseracing, and sports wagering as overarching responsibilities of the agency. She also suggested the term ‘directors’ be changed to ‘senior staff.’

Chair Judd-Stein sought clarification about the term ‘senior staff.’ Executive Director Wells stated that there were only a few director titles, and that the term ‘division head’ or ‘senior staff’ would better encompass the staff’s roles.

Executive Director Wells noted that the job description referenced annual and individual business plans. She stated that she had never seen this document before or performed this duty. She stated that the description sounded similar to getting performance metrics. She suggested the language be changed to “establishes appropriate performance metrics for divisions and reports to the Commission”.

Executive Director Wells suggested the terminology regarding field agents be changed to ‘gaming agents’, and suggested that “oversight of consultants, advisors, and outside counsel” be added to the description. She noted that the “development of legal and regulatory policy” was more accurately the Commission’s duty, and that the Executive Director’s role was in implementation. She stated that overseeing and coordinating the development of a system of review and referral to the Massachusetts Attorney General’s Office Division of Gaming Enforcement fit better within the role of the director of the IEB than Executive Director.

Executive Director Wells noted that the language was casino-focused and recommended adding references to horseracing and sports wagering throughout the job description. Commissioner Hill asked if the language for sports wagering and horse racing would be helpful in the experience section. Executive Director Wells stated that any kind of experience in that area would be helpful, and that it was up to the Commissioners whether that experience would be required or preferred. She stated that requiring those qualifications could limit the number of candidates, and that HR had discussed wanting to attract a diverse candidate pool.

Executive Director Wells stated that previous startup experience was not as relevant now that the industries the Commission governed were established. Chair Judd-Stein stated that it should be clear that racing was part of the Executive Director’s role, as during the interim period the racing Division was reporting directly to Commissioner Hill.

Commissioner O’Brien proposed referencing G.L. Chapter 128A and 128C, in addition to the references to G.L. Chapter 23K and G.L. Chapter 23N. She suggested adding language about the structure of the Commission and a preference for candidates who had experience in responding to five bosses simultaneously. She noted that all three prior Executive Directors had some level of exposure to gaming before working for the Commission, and that she would prefer that experience to be a requirement.



Chair Judd-Stein recommended keeping the language as “preferred” if the term “required” would limit the pool of applicants. She stated that gaming can be learned. Commissioner O’Brien stated that she would be willing to compromise to “strongly preferred” experience with gaming, sports wagering, and horseracing. Commissioner Hill agreed with Commissioner O’Brien. He asked if there was a way to condense the language related to the industries that the Commission regulates. Commissioner O’Brien suggested the term ‘betting industries.’ Commissioner Hill stated that the gaming industry might be more sufficient.

Commissioner Maynard expressed his preference that gaming industry experience be preferred, but not required. He stated that there were other Commissions and boards in Massachusetts and that there could be competitive candidates without gaming experience. Chair Judd-Stein suggested adding language to clarify that this was a full-time Commission. She stated that it was important for the Executive Director to understand each Commissioners’ role and expectations. Commissioner O’Brien suggested the term Commission in the job description be changed to “full-time, five-member commission.”

Commissioner O’Brien suggested that the ‘experience and skills’ section add language prioritizing experience with organizational development and restructuring. She stated that experience in merging agencies and shifting structures would be beneficial. Commissioner Skinner suggested that the job description should also reference soft skills such as being able to address the personalities and preferences of each Commissioner. She stated that it was important to manage each of the Commissioners. She stressed the importance of an Executive Director allowing equal opportunities for the Commissioners to influence and develop policy, strategies, and timelines.

Commissioner O’Brien stated that it was previously suggested that the screening committee be given a table of contents of what the Commission expects the candidates to be vetted by. She suggested that a summary of qualities preferred in a candidate be provided to the screening committee. Commissioner Maynard agreed.

Chair Judd-Stein noted that Commissioner Skinner had opined that the Executive Director must manage the Commissioners and clarified that while the Executive Director managed other employees, the Executive Director would not be managing the Commissioners. Commissioner Skinner clarified that she was referring to the soft skill of managing a boss’ personalities, expectations, and needs. She stated that a strong candidate could ensure that there was a level playing field for each Commissioner.

Chair Judd-Stein stated that the Chair bore certain responsibilities and had additional statutory responsibilities. Commissioner Skinner stated that she respected that the Chair had additional responsibilities, but also understood that a lot of the Commission’s interpretation of statutory language relied on one interpretation. She reiterated her request to have a fulsome discussion regarding the interpretation of the statute.

Chair Judd-Stein stated that she consulted the legal team and outside counsel to assist in the interpretation of the statute. She expressed her opinion that it was important to reference the role of the Chair in the job description. Commissioner Maynard stated that he respected the work the Chair did, but that he wanted to ensure every Commissioner had an equal voice when it came to policies and votes. He expressed a preference that the whole Commission be active within discussions and not have the Commission's decisions structured before the conversation in the public meeting.

Chair Judd-Stein offered clarification that the decisions were not structured prior to discussion, and that the Commission was transparent with its process. She stated that each Commissioner was capable of choosing how they vote when it came to decisions, plans, and policies.

Commissioner Maynard stated that he wanted to integrate the review of the structure in which the Executive Director reports to the Commission into this process. Chair Judd-Stein stated that it was important for the Executive Director to know that there were five full-time commissioners and that the work was done in public.

Commissioner O'Brien offered clarification that Commissioner Skinner's use of the term "manage" seemed to be a more colloquial use of the term, such as "managing relationships." She noted that the Executive Director was in charge of managing staff, but would also be managing upwards, in how to equitably use their time with the members of the Commission. She stated that each Commissioner needed equal access to the Executive Director. She stated that while the Commission was considering restructuring, it would be important to evaluate how staff reported to the Executive Director and to the Commission. She expressed an interest in ensuring the candidates were aware of this expectation. Commissioner O'Brien reiterated that the dynamic between the executive directors and the Commissioners should be clear in the job description.

Commissioner O'Brien opined that the next step would be to wordsmith the job description. Chair Judd-Stein asked if Executive Director Wells thought that the Executive Director should limit access to the Commission. Executive Director Wells stated that she was working on her transition memo. She stated that the language could be as simple as "the Executive Director reports to the Commission of five and is responsible for keeping each Commissioner informed of ongoing issues and coordinating with the Chair regarding specific responsibilities under G.L. Chapter 23K § 3."

Chair Judd-Stein stated that perhaps it would be appropriate to have more fulsome administrative updates from the Executive Director in public meetings. Executive Director Wells stated that if there was an issue with one of the licensees, the Commission wants to be informed of that promptly, and that it may end up reported in the press before the Commission could convene a public meeting. She stated that a lot of communication was required for the Executive Director position.

Chair Judd-Stein noted that an administrative update ensured that all Commissioners receive information simultaneously. Executive Director Wells agreed but noted that some things could not wait for Commission meetings. She opined that the best quality in an Executive Director was good judgment, and the ability to trust that person to know when they need to check in. She highlighted that the Commission had to work within the parameters of the Open Meeting Law.

Chair Judd-Stein suggested that the job description be modified to reference the use of virtual meetings and stated that in-person meetings could begin again in the fall. She stated that additional editing was required, and that she was not ready to vote on the job description today. Commissioner O'Brien recommended that the job description should be redlined with Executive Director Wells' suggestions, so that it could be finalized at the next meeting. Commissioner Skinner and Commissioner O'Brien offered to make the edits to the job description in advance of the next meeting.

8. [Other Business](#) (3:27:44)

Hearing no other business, Chair Judd-Stein requested a motion to adjourn.

Commissioner O'Brien moved to adjourn. The motion was seconded by Commissioner Skinner.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

**List of Documents and Other Items Used**

1. [Revised Notice of Meeting and Agenda](#) dated July 10, 2023
2. [Commissioner's Packet](#) from the July 11, 2023, meeting (posted on massgaming.com)



**TO:** Interim Chair Jordan Maynard  
Commissioner Eileen O'Brien  
Commissioner Brad Hill  
Commissioner Nakisha Skinner

**FROM:** Andrew Steffen, Sports Wagering Operations Manager  
Bruce Band, Director of Sports Wagering

**MEMO** **MEETING**  
**DATE:** April 4, 2024 **DATE:** April 11, 2024

**RE:** Request to add Professional Volleyball Federation to MGC Event Catalog

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**BACKGROUND:**

Pursuant to [205 CMR 247.03](#), a sports wagering operator must petition the Commission for approval of a new sporting event or wager category. Accordingly, DraftKings submitted the required form to request for the addition of the [Professional Volleyball Federation](#) (PVF) to be added to the [MA Sports Wagering Catalog](#).

Under 247.03(8), the Commission may grant, deny, limit, restrict, or condition a request made pursuant to this rule, and may revoke, suspend, or modify any approval granted under this rule.

**SUPPORTING DOCUMENTS:**

Petition from DraftKings  
PVF Integrity Policy  
PVF Competition Manual/Rulebook (Provided [HERE](#) due to length of document)

**OVERVIEW/ PVF DETAILS:**

Dating back to November 17<sup>th</sup>, 2022, it was announced that a professional indoor women's volleyball league would be created to provide players access to high level volleyball. The newly created league began their inaugural season this past January 2024, with the first match drawing record attendance for a women's professional volleyball match. This inaugural season currently has seven teams based out of Atlanta, Columbus, Grand Rapids, Omaha, Orlando, San Diego, and Las Vegas. Three additional teams are already approved to join for the 2025 season based out of Dallas, Indianapolis, and Kansas City. Each team, consisting of 14 players, will play a 16-week 24-match season, ending on May 12. The postseason will consist of 3 games from May 15 to May 18 (the top four teams with the best record) with a championship game to be played in Omaha, NE.

Founders of the league include volleyball pioneers Cecile Reynaud and Olympic medalist Laurie Corbelli as well as Super Bowl winning quarterback Trent Dilfer. Members of team ownership include quarterback Joe Burrow, sports executive Dan DeVos, musician Jason Derulo, and beach volleyball gold medalist Kerri Walsh Jennings. CBS Sports is the primary broadcaster for the PVF, airing 10 matches this season as well as the playoffs. Additionally, several matches throughout the season will air on Stadium Sports Network, YouTube TV, and other streaming platforms.

The official rules are available: [Competition Manual](#). A match is won by the team that wins three sets. A set (excluding the deciding 5th set) is won by the team which first scores 25 points with a minimum lead of two points. In the case of a 2-2 tie, the deciding 5th set is played to 15 points with a minimum lead of 2 points.

**SUMMARY:**

The current MA Catalog offerings for Volleyball are as follows:

Sport	Governing Body	League	Website
Volleyball	International Volleyball Federation (FIVB)	International and domestic events sanctioned by the Federation International de Volleyball (FIVB) or FIVB member federations	<a href="https://www.fivb.com/en">https://www.fivb.com/en</a>
	Fédération Internationale de Volleyball (FIVB)	Leagues and Events organized by FIVB member federations.	<a href="https://www.fivb.com/en">https://www.fivb.com/en</a>
<a href="#">Return to Index</a>	NCAA	NCAA Volleyball	<a href="https://www.ncaa.com/">https://www.ncaa.com/</a>

Per DraftKings, this event is approved for wagering in their 19 jurisdictions of Arizona, Colorado, Connecticut, Illinois, Louisiana, New Hampshire, Oregon, Pennsylvania, Tennessee, Virginia, West Virginia, Wyoming, Washington, Kansas, Maryland, Kentucky, Maine, Vermont, and Ontario, CA.

Lastly, DraftKings stated they have informed the PVF of its intentions to petition the league for wagering. While the league does not have a player’s association or union, the PVF is in favor of their league being an approved sporting event and assisted in providing the information to DraftKings.

Based on 247.03(4), certain minimum criteria must be met for the Commission to authorize the addition of the event. Those criteria are outlined below with applicable supporting notes provided.

**(a) The outcome can be verified;**

*DraftKings states in their petition the results will be verified by the official PVF website - <https://provolleyball.com/>.*

**(b) The Sporting Event generating the outcome is conducted in a manner that ensures sufficient integrity controls exist so the outcome can be trusted;**

*DraftKings states the PVF acts as its own governing body, however they do have a partnership with USA Volleyball (the national governing body for the sport in the US).*

**(c) The outcome is not likely to be affected by any Sports Wager placed;**

*DraftKings states the Pro Volleyball Federation, in partnership with USA Volleyball, strictly*

*prohibits game manipulation by athletes, officials, and all league personnel. DraftKings provided a league integrity policy outlining such prohibitions.*

**(d) The Sporting Event is conducted in conformity with all applicable laws.**

*DraftKings states in their petition the sporting event conforms to all applicable laws and regulations and does not contravene any gaming legislation in the state.*

**CONCLUSION:**

The Sports Wagering division confirms the minimum requirements have been met pursuant to 205 CMR 247.03. The Professional Volleyball Federation has similar game play, rules, and governance to the approved volleyball leagues. In addition, house rules for DraftKings encompass any approved volleyball league they currently offer; this request would fall in line with their current house rules.



## MASSACHUSETTS GAMING COMMISSION

# PETITION FOR A SPORTING EVENT OR WAGER CATEGORY

*In accordance with 205 CMR 247.03*

### **Directions:**

Please fill out and address all areas of the form. If an area does not apply to the request, please place 'NA' in the section. Each section will extend to accommodate large answers. If needed, one may attach additional documents. Please make sure any attachments reference the relevant section and number in their title.

### **SECTION A** **BACKGROUND**

1. NAME OF OPERATOR(S) PETITIONING: [Crown MA Gaming, LLC d/b/aDraftKings](#)
2. REQUESTING A SPORTS WAGERING EVENT OR WAGERING CATEGORY: [Sports Wagering Event](#)
3. NAME OF EVENT OR WAGERING CATEGORY: [Pro Volleyball Federation \(PVF\)](#)
4. IS THIS A VARIATION OF AN AUTHORIZED SPORTING EVENT OR WAGER CATEGORY? [Yes](#)
5. IS THIS A COMPOSITE OF AUTHORIZED SPORTING EVENTS OR WAGER CATEGORIES? [Yes](#)
6. IS THIS A NEW SPORTING EVENT OR WAGER CATEGORY? [YES](#)

WEBSITE LINK FOR THE EVENT AND/OR GOVERNING BODY: <https://provolleyball.com/>

### **SECTION B** **A COMPLETE AND DETAILED DESCRIPTION OF THE SPORTING EVENT OR WAGER CATEGORY FOR WHICH APPROVAL IS SOUGHT**

1. A summary of the Sporting Event or Wager Category and the manner in which Sports Wagers would be placed and winning Sports Wagers would be determined.

[Pro Volleyball Federation \(PVF\)](#) is the premier women's professional volleyball league in North America. [Pro Volleyball Federation](#) is played in a league format with teams playing in major league arenas across North America. In 2024, PVF will have its inaugural season in a league format featuring 7 teams from 7 different cities. There are 14 players per team roster and each team plays 24 matches. A match is won by the team that wins three sets. A set (excluding the deciding 5th set) is won by the team which first scores 25 points with a minimum lead of two points. In the case of a 2-2 tie, the deciding 5th set is played to 15 points with a minimum lead of 2 points. A four-team championship will take place in mid-May with a \$1 million prize money for the winning team. Sports Wagers would be placed through [DraftKings' platform](#). Sports Wagers determined in accordance with the already proposed [Volleyball House Rules](#).



2. A draft of the proposed House Rules, including a description of any technology that would be utilized to offer Sports Wagering on the Sporting Event or Wager Category.

The already proposed Volleyball House Rules will be utilized for this league. Technology used is provided by DraftKings Sportsbook.

3. Any rules or voting procedures related to the Sporting Event or Wager Category.

Attached Pro Volleyball Federation Match Operations Manual and Competition Manual.

4. Assurance that the Sporting Event or Wager Category meets the requirements of 205 CMR 247.03(4) (*details are required in the minimum criteria section below*).

Verified the event follows all requirements set by Reg 247.03 – 4(a-d).

5. Whether and to what extent the outcome of the Sporting Event or Wager Category is determined solely by chance.

Non-applicable because PVF events are not determined solely by chance.

### SECTION C

#### IF THE PROPOSED SPORTING EVENT OR WAGER CATEGORY IS BASED ON ESPORTS ACTIVITIES, PLEASE ANSWER THE FOLLOWING QUESTIONS

1. The proposed location(s) of the eSports event(s). N/A

2. The video game used for the eSports event, including, without limitation, the publisher of the video game.

N/A

3. The eSports event operator, whether the eSports event operator is approved to host events by the video game publisher, and whether the eSports event operator has any affiliation with the video game publisher. N/A

4. The manner in which the eSports event is conducted by the eSports event operator, including, without limitation, eSports event rules and certification from a third party, such as an eSports event operator or the game publisher, that the eSports event meets the Commission's event integrity requirements. N/A





**SECTION D**  
**POLICIES AND PROCEDURES REGARDING EVENT INTEGRITY**

*To the extent known by the operator(s), please provide a description of policies and procedures regarding event integrity.*

To ensure the integrity of the events, PVF maintains an Integrity Policy for all players, members, team operators, owners, and all officers, directors, managers, coaches, referees and other employees, representatives, agents and third-party contractors of any Team or Team Operator or the League. The Integrity Policy consists of prohibitions on match manipulation, disclosing confidential or nonpublic team/league information, and wagering on any matches. See attached Pro Volleyball Federation Integrity Policy for more information.

The PVF also has a Player Policies Manual, which is attached.

**SECTION E**  
**MINIMUM CRITERIA**

1. Can the outcome of the Sporting Event or Wager Category be verified? If yes, explain the verification process.

Yes, event dates and start times are available at <https://provolleyball.com/> as soon as they are finalized.

2. Is the Sporting Event generating the outcome conducted in a manner that ensures sufficient integrity controls exist so the outcome can be trusted? Please explain.

Yes, the Pro Volleyball Federation acts as its own governing body; however, they do have a partnership with USA Volleyball - the national governing body of the sport in the U.S.

3. Is the outcome likely to be affected by any Sports Wager placed? Please explain.

No, the Pro Volleyball Federation, in partnership with USA Volleyball, strictly prohibits game manipulation by athletes, officials, and all league personnel.

4. Is the Sporting Event conducted in conformity with all applicable laws? Please explain.

Yes, we have verified the event follows all requirements set by Reg 247.03 -4(a-d).

**SECTION F**  
**THE COMMISSION WILL CONSIDER THE REQUEST, ALL PROVIDED MATERIALS, AND ANY RELEVANT INPUT FROM THE SPORTS GOVERNING BODY OR THE CONDUCTOR OF THE SPORTING EVENT PRIOR TO AUTHORIZING A SPORTING EVENT OR WAGER CATEGORY.**

1. NAME OF SPORTS GOVERNING BODY: Pro Volleyball Federation (PVF)



2. HAS THE SPORTS GOVERNING BODY BEEN INFORMED OF THIS REQUEST? [Yes](#)

*IF 'NO' PLEASE EXPLAIN THE REASON BEHIND IT:*

3. IF THERE IS NO SPORTS GOVERNING BODY, NAME THE ENTITY THAT CONDUCTS THE SPORTING EVENT: [N/A](#)

4. HAS THE ENTITY THAT CONDUCTS THE SPORTING EVENT BEEN CONTACTED REGARDING THIS REQUEST? [N/A](#)

*IF 'NO' PLEASE EXPLAIN THE REASON BEHIND IT:*

5. HAS ANY RELEVANT PLAYER'S ASSOCIATION BEEN INFORMED OF THIS PETITION? [No, the league confirmed, there is no player association for the PVF.](#)

IF ANY OF THE ABOVE ENTITIES HAVE BEEN CONTACTED, PLEASE PROVIDE ADDITIONAL DETAIL BELOW, INCLUDING BUT NOT LIMITED TO WHEN THE ENTITIES WERE INITIALLY CONTACTED ABOUT THE REQUEST ANY COMMENTS OR INPUT PROVIDED BY THE ENTITIES:

[PVF is in favor of PVF being an approved sporting event and has assisted with providing the information contained herein.](#)

### **SIGNATURE AND INFORMATION**

*I swear or attest under the pains and penalties of perjury that the information provided as part of this request for a hearing is true and accurate to the best of my knowledge and understanding.*

/s/ Jodie Lau

March 26, 2024

Signature of individual requesting new event/wager

Date

[If this request is submitted via email, it may be signed electronically by typing the petitioner's name on the signature line above. In that case, the 'signature' must be preceded by /s/ (e.g.- /s/ John S. Doe). Use of an electronic signature permits the Commission to rely upon the signature as if it were handwritten.]

Please submit this request and any attachments to the Massachusetts Gaming Commission via email at: [mgsportswagering@massgaming.gov](mailto:mgsportswagering@massgaming.gov)





## PRO VOLLEYBALL FEDERATION INTEGRITY POLICY

### Match Manipulation and Wagering.

1. As used in this document, the term “Persons” means all Players, all Members, Team Operators, Owners and all officers, directors, managers, coaches, referees and other employees, representatives, agents and third-party contractors of any Team or Team Operator or the League.
2. No Person shall agree, conspire, aid or attempt to cause any volleyball match (or any act, event or occurrence within any volleyball match), whether or not such match is organized by the League, to result otherwise than on its merits, including, without limitation, by engaging in any spot-fixing or any other “match manipulation.”
3. No Person may: (a) directly or indirectly wager money or anything of value on the outcome of any match (or any act, event or occurrence within a match) played by any Team or in which any Player participates; (b) directly or indirectly disclose any confidential or other nonpublic League or Team information (which includes, but is not limited to, (i) confidential or nonpublic information concerning the medical, personal, or other condition of any Player, coach or referee); (ii) any Player transaction; (iii) any disciplinary action taken or to be taken by the League, the Board, the CEO or a Team; and (iv) referee schedules, assignments, statistics, and ratings) to any individual or entity, under circumstances where the Person knows or should know that such individual or entity intends to use such information in connection with wagering money or anything of value on the outcome of any match (or any act, event or occurrence within a match) played by a Team or in which any Player participates; (c) directly or indirectly induce or attempt to induce any individual or entity to wager money or anything of value on the outcome of any match (or any act, event or occurrence within a match) played by any Team or in which any Player participates; or (d) engage in any other conduct related to wagering money or anything of value on the outcome of any match (or any act, event or occurrence within a match) played by any Team or in which any Player participates that the CEO deems prejudicial or detrimental to the League.
4. Each Team, at the direction of the Board or the CEO and per League Rules, shall take such action as the Board or the CEO may direct in order to effectuate the purposes of this section.

### **Prohibition on Gambling Affiliations.**

Except as otherwise approved by the CEO, no Member, Owner, or any of their respective Affiliates, may at any time (a) carry on or be involved in, or enter into any loan, agreement or other transaction (including on an intercompany basis) with, any business that is engaged in or associated with the operation of a gambling casino or the acceptance of bets on professional or amateur sporting events (other than lawful pari-mutuel horse racing wagering and related horse racing activities and the ownership of less than five percent (5%) of any class of securities of any business that has been registered under Section 12(g) of the Securities Exchange Act of 1934, as amended); (b) permit, allow or induce any Player, Coach, or other employee of any Team, Team Operator or Owner, or any other individual directly involved or identified with any Team, to promote or otherwise be in any way associated or affiliated with any gaming venture, gambling activity or business associated with a gaming venture or gambling activity (a "Gaming Entity") that is not a League or Team partner or sponsor; or (c) use, or allow or permit any other individual or entity to use, the name, insignia or other intellectual property of the League or any Team in connection with any Gaming Entity unless it is a League or Team partner or sponsor. Unless the CEO's prior written consent is obtained (which consent may be withheld in the CEO's sole discretion), no individual may serve as an officer or director of any Team if such individual also serves as an officer or director of any business engaged in any of the operations described in this section. Each Team, Team Operator and Owner shall comply with all other League Rules related to gambling and shall enforce all such League Rules against all of its Team-Related Parties.

### **Daily Fantasy Matches.**

All Teams, Team Operators, Owners and Players, all employees, consultants and interns of the League and all Teams, and all League employees and referees are prohibited from (i) participating in League-related daily fantasy matches in which money, prizes or other compensation are awarded to participants and (ii) assisting individuals who are competing in such games or arranging for others to participate on their behalf.



**TO:** Interim Chair Jordan Maynard  
Commissioner Eileen O'Brien  
Commissioner Brad Hill  
Commissioner Nakisha Skinner

**FROM:** Crystal Beauchemin, Sports Wagering Business Manager  
Carrie Torrisi, Deputy General Counsel

**DATE:** April 3, 2024

**RE:** Waiver Requests related to 205 CMR 248.04(4)

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**EXECUTIVE SUMMARY:**

Caesars and Fanatics sportsbooks are seeking the Commission's approval of temporary waivers from 205 CMR 248.04(4).

205 CMR 248.04(4) requires that the operators' KYC/Account Verification process include "identity authentication questions that require a patron to provide information known only to the patron through security questions," (also known as KBA, or knowledge-based authentication). An operator is not prohibited from using additional methods of account verification, but if an operator wishes to use alternate methods of account verification, those alternate methods must be approved by the Commission.

Both Caesars' and Fanatics' KYC processes have been reviewed internally by the Sports Wagering team and our IT team [including Kevin Gauvreau (Information and Network Security Manager) and Cristian Taveras (Gaming Technical Compliance Manager)]; and though we have determined the KYC process to be as strong, if not more advanced, than the KBA requirement alone, the operators' multi-step processes do not include the traditional identity authentication questions. (Of note, they do include SSN verification, which GLI has indicated can be defined as "verification questions known only to the patron.") In addition, these KYC processes are/were also reviewed by GLI for validity of functionality and GLI confirmed the processes used are industry standard or better/more advanced than traditional KBA.

**BACKGROUND:**

*205 CMR 248.04: Age and Identity Verification*

*(4) The Sports Wagering Operator shall at the time of account establishment, utilize identity authentication questions that require a patron to provide information known only to the patron through security questions, unless an alternate method of authentication is approved by the Commission.*

On June 15, 2023, the Commission voted to finalize the draft of 205 CMR 248 which was promulgated by emergency. The Commissioners then granted a uniform waiver for compliance with 205 CMR 248.04(4) through the regulation's effective date of September 1, 2023.

**SUPPORTING DOCUMENTS:**

Due to confidentiality concerns and documentation containing information regarding secure processes and account creation/KYC, we have provided the Commission with the waiver requests, process documentation and additional documents under separate cover.

**CONCLUSION/ RECOMMENDATION:**

The Sports Wagering and legal divisions recommend approving these temporary waivers to allow the operators to be in technical compliance with the Commission's regulation for the duration of the Commission's process review. We recommend that such approval be made on the condition that Caesars and Fanatics sportsbooks continue to use the KYC processes that have been reviewed by the Commission's IT and Sports Wagering Divisions and validated by GLI, and that no additional changes be made to their KYC processes until their existing processes are reviewed by the Commission as proposed alternate methods of account verification under 205 CMR 248.04(4).

The sports wagering division recommends granting such waivers for a period of 90 days, which will allow time for the Commission to review (in executive sessions) and understand all operators' existing KYC processes; have further discussions with GLI, GTC, our IT team and the sports wagering division about the advancements in KYC; and make a determination as to whether to require the use of KBA questions or to approve these and/or other alternate methods of authentication as authorized by 205 CMR 248.04(4).



# YEAR ONE AT A GLANCE

A QUICK LOOK AT SPORTS WAGERING IN THE COMMONWEALTH

## SUMMARY

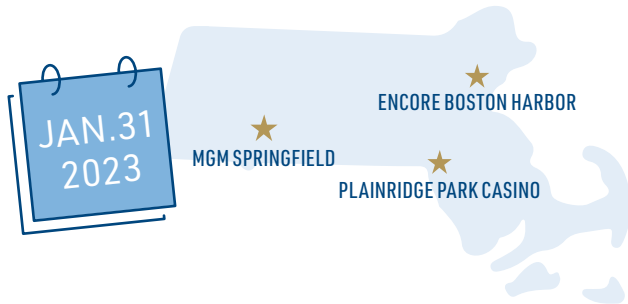
In 2023, sports wagering launched in Massachusetts, with retail operations starting on January 31st and mobile operations going live on March 10th. This report provides a brief overview of the most relevant and interesting statistics related to sports wagering (SW) over the course of the first year.<sup>1</sup>

TOTAL ACTIVE MA ACCOUNTS  
**1,629,065**

## LICENSEE OVERVIEW<sup>2</sup>

### APPROVED / LAUNCH DATE

#### CATEGORY 1 / RETAIL SPORTSBOOK



#### CATEGORY 3 / MOBILE

MARCH 10, 2023



MAY 11, 2023



MAY 25, 2023



### CEASED OPERATIONS / CESSATION DATE<sup>4</sup>

CATEGORY 3

FEBRUARY 16, 2024: **betr**

FEBRUARY 23, 2024: **wynnBET** SPORTS

## EMPLOYMENT IMPACTS<sup>5,6</sup>

MA RESIDENT  
**131**

WOMEN  
**3,346**

MINORITY  
**4,492**

VETERANS  
**113**

<sup>1</sup>Data from January 31st, 2023, through March 10th, 2024. <sup>2</sup>In addition to the licensees seen here, an application for a Category 2 license was preliminarily reviewed. To date, no Category 2 licensees are active. <sup>3</sup>First launched as "Barstool Sportsbook" on 3.10.23. Rebranded to "ESPN BET" during Q4, official launch day 11.14.23. <sup>4</sup>Cessation dates approved by the Commission 2.21.24 (Betr) and 2.28.24 (WynnBet). <sup>5</sup>Data provided in quarterly reporting as of Q4 2023 submissions. One operator removed as they did not provide sportsbook-only employment numbers. <sup>6</sup>Numbers representative of US, UK, and CAN employees for some operators.

## FINANCIAL RUNDOWN<sup>7</sup>



**\$594.9M**

GROSS GAMING REVENUE

**\$6.2B**  
Total Ticket Write

**\$118.5M**  
Total Tax Revenue

**\$135.7M**  
Transferred to the SW Fund<sup>8</sup>

**\$90K**  
Total Fines Levied<sup>9</sup>

**\$204.7K**  
Department of Revenue Intercepts

## THE STAT SHEET: SUPER BOWL LVIII<sup>10</sup>



TOTAL GROSS GAMING REVENUE<sup>11</sup>

**\$9 MILLION**

**\$1.8M**  
Total Taxes Collected

**3.3M**  
Total Bets Placed

**355K**  
Patrons Using Category 3 (Mobile) Operators<sup>12</sup>

## RESPONSIBLE GAMING (RG) RECORD

**38,629**



TOTAL NUMBER OF MA ACCOUNTS UTILIZING PLAY MANAGEMENT LIMITS

**57**  
Voluntary Self-Exclusions (VSE) From SW Only<sup>13</sup>

**327**  
Voluntary Self-Exclusions From SW and Gaming

**86,165**  
Numbers of Inquiries/Clicks Related to Play Management/RG

**8,728**  
Total Numbers of MA Accounts Utilizing Temporary Prohibitions

<sup>7</sup>Totals reflect data through 2.29.24. <sup>8</sup>Total includes taxes, license fees, and fines. "Fines" includes money wagered and lost by any underage persons per 205 CMR 250.01(6). <sup>9</sup>Full list can be found on the [MGC website](#) – on the right-hand side under "Related Content," select "Noncompliance Enforcement Actions." <sup>10</sup>Numbers presented are self-reported approximations by operators and were not independently verified by the Sports Wagering Division. <sup>11</sup>Raw data may have included sums where federal excise tax had not yet been removed. <sup>12</sup>This number is not representative of the actual number of individuals who wagered with Cat 3 operators; it reflects unique sports wagering accounts. One individual may have an account with more than one operator. <sup>13</sup>Total inclusive of one (1) patron who enrolled in VSE on 01.29.23. (Requests for VSE for SW opened on 01.27.23.)





OVER  
**\$48.3 MILLION**

**SPORTS WAGERING OPERATORS  
TOTAL REPORTED SPEND**

WITH DIVERSE VENDORS/SUPPLIERS<sup>14</sup>

<b>13</b> Event Petitions Submitted	<b>3</b> Approved Events <sup>15</sup>	<b>538</b> SW Patron Disputes Fielded	<b>33</b> SW Vendor Licenses
<b>891</b> Change Management Requests	<b>45</b> SW Requests for Review/Approval <sup>16</sup>	<b>181</b> Compliance Incidents Reviewed	<b>153</b> SW Registrants <b>67</b> of which are SW Marketing Affiliates

<sup>14</sup>Category 3, only. (Cat 1 reporting includes casino activities.) <sup>15</sup>Not inclusive of the original development and approval of the Event Catalog prior to launch, 1.24.23. <sup>16</sup>Requests related to marketing, reporting, terms of use updates, KYC/RG variations and approvals, etc.



Division of Racing

TO: Jordan Maynard, Interim Chairman  
Eileen O'Brien, Commissioner  
Bradford Hill, Commissioner  
Nakisha Skinner, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Dean Serpa, Executive Director  
Todd Grossman, General Counsel

DATE: April 11, 2024

RE: Plainridge Request for Approval of a Place Pick (n) Carryover Wager for 2024

---

Dear Commissioners:

Plainridge Park Casino Director of Racing Steve O'Toole has submitted a request for approval of a Place Pick (n) Carryover Wager for the 2024 racing season. This is in accordance with 205 CMR 6.36: Place Pick (n) Pools, which is cited in his request. In brief, the association must obtain written approval from the Commission and designate one of the methods prescribed in 205 CMR 6.36 (2). He has chosen Method 1:

*205 CMR 6.36 (2) The Place Pick (n) pool shall be apportioned under one of the following methods:*

*(a) Method 1, Place Pick (n) with Carryover. The net Place Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first or second-place finisher in each of the Place Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first or second-place finisher in the greatest number of Place Pick (n) contests; and the remainder shall be added to the carryover.*

The name of the pool will be Plainridge Park Place Pick and there will be no cap. Per 205 CMR 6.36 (2), 50% will be designated for distribution and 50% for carryover.

**Recommendation: That the Commission approve the request of Plainridge Park**



Massachusetts Gaming Commission

**Casino to offer a Place Pick (n) Carryover wager for the 2024 racing season in accordance with 205 CMR 6.36 (1) and (2)(a), as detailed above.**



Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)



PLAINRIDGE PARK  
CASINO

April 3, 2024

Alexandra Lightbown  
Director of Racing  
Massachusetts Gaming Commission  
101 Federal St.  
Boston, MA 02110

Dear Director Lightbown,

Plainridge Park Casino respectfully requests approval to offer a Place pick (n) Carryover Wager in accordance with 205 CMR 6.36 (1) & (2). With respect to 205 CMR 6.36 (1), the wager would be named the **Plainridge Park Place Pick**. There will be no cap set on the carryover. With respect to 205 CMR 6.36 (2) 50% will be designated for distribution and 50% will be designated for carryover.

*6.36: Place Pick (n) Pools*

*(1) The Place Pick (n) requires selection of the first or second-place finisher in each of a designated number of contests. The association must obtain written approval from the Commission concerning the scheduling of Place Pick (n) contests, the designation of one of the methods prescribed in 205 CMR 6.36(2), the distinctive name identifying the pool and the amount of any cap to be set on the carryover. Any changes to the approved Place Pick (n) format require prior approval from the Commission. (ARCI c. 9 cal. § H(1).)*

*(2) The Place Pick (n) pool shall be apportioned under one of the following methods: (a) Method 1, Place Pick (n) with Carryover. The net Place Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first or second-place finisher in each of the Place Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first or second-place finisher in the greatest number of Place Pick (n) contests; and the remainder shall be added to the carryover.*

Sincerely,

Steve O'Toole  
Director of Racing  
Plainridge Park Casino  
Plainville Gaming and Redevelopment, LLC



*Legal Division*

To: Interim Chair Jordan Maynard  
Commissioner Brad Hill  
Commissioner Eileen O'Brien  
Commissioner Nakisha Skinner

From: Carrie Torrisi, Deputy General Counsel  
Mina Makarious, Anderson & Kreiger

Re: Amendments to 205 CMR 257: Data Privacy

Date: April 5, 2024

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As the Commission may recall, 205 CMR 257 regarding Data Privacy was drafted and promulgated via the standard regulatory promulgation process in the summer of 2023, and took effect on September 1, 2023. However, the Commission granted several waivers to operators in the fall of 2023 that extended the deadlines to comply with several of the provisions of 205 CMR 257 to accommodate operators' needs to engage internal and external technology teams to implement the data protection aspects of the regulation.

During the discussion of those waivers on November 16, 2023, the Commission's legal team, the Sports Wagering Division, and outside counsel also noted examples of portions of the regulations where operators had asked for clarification as to their obligations, rather than a waiver. The Commission discussed at the time the possibility of bringing the regulation back for further consideration in the winter of 2023/2024 to discuss whether any of the clarifications provided by the Commission during that conversation should be reflected in changes to the regulation.

On February 1, 2024, the Commission's legal team provided some potential clarifications to the regulation that could be made by the Commission to provide that additional clarity. The Commission reviewed those changes then and asked for time to discuss the regulation again at a later meeting following further review by the legal team, and the legal team's consultation with the Attorney General's Office, which has now occurred.

The potential clarifications being offered for consideration are as follows:

- **257.02(1) and (4); 257.03; 257.04:** Changes are suggested to confirm the intention of the regulation to permit Sports Wagering Operators to utilize Personally Identifiable Information and Confidential Information for legitimate business purposes of the Operator, including permissible advertising to patrons. In addition, a proposed addition



Massachusetts Gaming Commission

is made to permit the use of such information in the conduct of due diligence associated with corporate transactions. To avoid unintentional differences in regulatory scope between sections of this regulation, data “retention” is now covered under 257.02(1), and changes are made throughout the rest of the regulation to align the permissible purposes for the use, retention and sharing of data, as well as instances when data may be deleted or anonymized.

Based on the Commission’s February 1 discussion, the Legal Team does not believe the addition of the modifier “reasonably” in addition to “legitimate business purposes” is necessary to clarify the scope of permissible uses and would therefore not recommend that modification.

- **257.02(2):** A slight reorganization is suggested to emphasize that patron consent may be given for *categories* of permissible uses and is not required for each specific use. This is a matter of emphasis only, rather than a change, and is being made as this was an issue of significant discussion in waiver applications.
- **257.02(3)(a):** An amendment was offered in February to clarify that the Commission will not consider seasonal advertising to a patron that has demonstrated an interest in a particular type of wagering to be considered advertising based on account “dormancy.”

However, based on the discussion at the February 1 meeting, the proposed amendment appears to introduce unnecessary ambiguity and we therefore do not recommend this modification. The Legal Team believes that the original language adequately describes the Commission’s intent that operators should not utilize Personally Identifiable Information or Confidential Information to target advertisements directly at patrons who have not used operators’ platforms in some time based on their non-use.

- **257.02(3)(e):** An amendment is proposed to clarify that the regulation only prohibits the use of algorithms automated decision-making, machine learning, artificial intelligence, or similar system that is known or reasonably expected by the *Sports Wagering Operator* or a vendor to the *Sports Wagering Operator* to make the gaming platform more addictive. If the use of a particular method or product is being used, but the Operator or its vendor have no basis to know it may have an addictive effect, this would not result in a violation.
- **257.02(5):** This section is proposed to be amended at the request of the Responsible Gaming division to make clear that the Commission could request and use individualized data to address responsible gaming issues. A provision was also added to avoid the inadvertent disclosure of Confidential Information or Personally Identifiable Information.
- **257.03(4):** The proposed language alerts operators that they may seek permission from the Commission to utilize data protection methods other than encryption and hashing.



Massachusetts Gaming Commission

- **257.05:** Changes are made throughout this section to make clear that an Operator may offer to anonymize rather than delete patron data. In addition, 257.02 is amended to make clear that an Operator's data privacy policy should not include information that may make the Operator's data privacy program vulnerable to attack.



Massachusetts Gaming Commission

205 CMR 257: SPORTS WAGERING DATA PRIVACY

- 257.01: Definitions
- 257.02: Data Use and Retention
- 257.03: Data Sharing
- 257.04: Patron Access
- 257.05: Data Program Responsibilities
- 257.06: Data Breaches

257.01: Definitions

As used in 205 CMR 257.00, the following words and phrases shall have the following meanings, unless the context clearly indicates otherwise:

Data Breach means Breach of Security as that phrase is defined in M.G.L. c. 93H, § 1.

Confidential Information means information related to a Sports Wagering Account, the placing of any Wager or any other sensitive information related to the operation of Sports Wagering including the amount credited to, debited from, withdrawn from, or present in any particular Sports Wagering Account; the amount of money Wagered by a particular patron on any event or series of events; the unique patron ID or username and authentication credentials that identify the patron; the identities of particular Sporting Events on which the patron is Wagering or has Wagered, or the location from which the patron is Wagering, has Wagered, or has accessed their Sports Wagering Account. Confidential Information may also include Personally Identifiable Information.

Personally Identifiable Information means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular patron, individual or household. Personally Identifiable Information includes, but is not limited to, Personal Information as that phrase is defined in M.G.L. c. 93H and 201 CMR 17.00. Personally Identifiable Information may also include Confidential Information.

257.02: Data Use and Retention

- (1) A Sports Wagering Operator shall only use and retain Confidential Information and Personally Identifiable Information for legitimate business purposes reasonably necessary to operate or advertise a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed or reasonably anticipated legal claims, and for other reasonable safety and security purposes. In addition, use and retention of a patron's Confidential Information or Personally Identifiable Information may be permissible where necessary to conduct commercially reasonable review of a Sports Wagering Operator's assets in the context of the sale of all or a portion of the Sports Wagering Operator's business.

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(2) If a Sports Wagering Operator seeks to use a patron's Confidential Information or Personally Identifiable Information for purposes beyond those specified in 257.02(1), a Sports Wagering Operator shall obtain the patron's consent, which may be withdrawn at any time.

(a) Consent may be obtained for categories of uses, rather than specific instances of such uses.

~~(a)~~(b) Such consent must be clear, conspicuous, and received apart from any other agreement or approval of the patron. Acceptance of general or broad terms of use or similar documents that purport to permit the sharing of Confidential Information or Personally Identifiable Information in the same document shall not constitute adequate consent, nor shall hovering over, muting, pausing, pre-selecting, or closing a given piece of content without affirmative indication of consent.

~~(b)~~(c) Consent shall not be deemed to be a waiver of any of the patron's other rights.

~~(c)~~ The option to withdraw such consent must be clearly and conspicuously available to the patron on the Sports Wagering Operator's Sports Wagering Platform. A patron shall not be required to confirm withdrawal of consent more than once, and no intervening pages (other than those needed to confirm withdrawal of consent) or offers will be presented to the patron before such confirmation is presented to the patron.

~~(d) A Sports Wagering Operator may obtain consent for categories of uses for which it seeks consent for use of a patron's Personally Identifiable Information or Confidential Information, rather than specific instances of such uses.~~

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(3) A Sports Wagering Operator may not use a patron's Personally Identifiable Information or Confidential Information, or any information derived from it, to promote or encourage specific wagers or promotional offers based on:

~~(a)~~ a period of dormancy or non-use of a Sports Wagering Platform, other than a period of non-use associated with the seasonality of Wagers on particular events are available pursuant to 205 CMR 247 (e.g., the National Football League season);

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(b) the wagers made or promotional offers accepted by other patrons with a known or predicted social connection to the patron;

(c) the communications of the patron with any third party other than the Operator;

(d) the patron's actual or predicted;

- i. income, debt, net worth, credit history, or status as beneficiary of governmental programs;
  - ii. medical status or conditions; or
  - iii. occupation.
- (e) Any computerized algorithm, automated decision-making, machine learning, artificial intelligence, or similar system that is known or reasonably expected by the Sports Wagering Operator or a vendor to the Sports Wagering Operator to make the gaming platform more addictive;
  - (f) Engagement or utilization of play management options, including type of limit, frequency of engagement or utilization of play management options, and frequency of changing limits;
  - (g) Engagement or utilization of cooling-off options, including duration of cooling-off period, frequency of engagement or utilization of cooling-off options, and frequency of changing cooling-off periods;
  - (h) Engagement or utilization of any measure in addition to those described in 205 CMR 257.02(3)(f)-(g) intended to promote responsible gaming.

~~(4)~~ A Sports Wagering Operator shall only retain a patron's Confidential Information and Personally Identifiable Information as necessary to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed or reasonably anticipated legal claims, and for other reasonable safety and security purposes.

~~(5)~~(4) A Sports Wagering Operator shall collect ~~and aggregate~~ patrons' Confidential Information and Personally Identifiable Information to analyze patron behavior for the purposes of identifying and developing programs and interventions to promote responsible gaming and support problem gamblers, and to monitor and deter Sports Wagering in violation of G.L. c. 23N and 205 CMR. The Sports Wagering Operator shall provide a report to the Commission at least every six months on the Sports Wagering Operator's compliance with this subsection, including the trends observed in this data and the Sports wagering Operator's efforts to mitigate potential addictive behavior, but shall not, in such report provide patrons' Confidential Information or Personally Identifiable Information except if specifically requested by the Commission.

257.03: Data Sharing

- (1) A Sports Wagering Operator shall not share a patron's Confidential Information or Personally Identifiable Information with any third party except ~~for as necessary, legitimate business purposes~~ reasonably necessary to operate ~~or advertise~~ a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed ~~or reasonably anticipated~~ legal claims, and for other reasonable safety and security purposes. In addition, sharing of a patron's Confidential Information or Personally Identifiable Information may be permissible where necessary to conduct commercially reasonable review of a Sports Wagering Operator's assets in the context of the sale of all or a portion of the Sports Wagering Operator's business.
- (2) If a Sports Wagering Operator shares a patron's Confidential Information or Personally Identifiable Information pursuant to 257.03(1), the Operator shall take commercially reasonable measures to ensure the party receiving a patron's Confidential Information or Personally Identifiable Information keeps such data private and confidential, except as required ~~to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity for the authorized use or purpose pursuant to 205 CMR 257.03(1)~~. The party receiving such data shall only use a patron's Confidential Information or Personally Identifiable Information for the purpose(s) for which the data was shared.
- (3) If a Sports Wagering Operator deems it necessary to share a patron's Confidential Information or Personally Identifiable Information with a Sports Wagering Vendor, Sports Wagering Subcontractor, or Sports Wagering Registrant ~~in order to operate its Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity~~, a Sports Wagering Operator shall enter into a written agreement with the Sports Wagering Vendor, Sports Wagering Subcontractor or Sports Wagering Registrant, which shall include, at a minimum, the following obligations:
  - (a) The protection of all Confidential Information or Personally Identifiable Information that may come into the third party's custody or control against a Data Breach;
  - (b) The implementation and maintenance of a comprehensive data-security program for the protection of Confidential Information and Personally Identifiable Information, which shall include, at a minimum, the following:

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- i. A security policy for employees relating to the storage, access and transportation of Confidential Information or Personally Identifiable Information;
  - ii. Restrictions on access to Personally Identifying Information and Confidential Information, including the area where such records are kept, secure passwords for electronically stored records and the use of multi-factor authentication;
  - iii. A process for reviewing data security policies and measures at least annually; and
  - iv. An active and ongoing employee security awareness program for all employees who may have access to Confidential Information or Personally Identifiable Information that, at a minimum, advises such employees of the confidentiality of the data, the safeguards required to protect the data and ~~any~~ potentially applicable civil and criminal penalties for noncompliance pursuant to state and federal law.
- (c) The implementation, maintenance, and update of security and breach investigation and incident response procedures that are reasonably designed to protect Confidential Information and Personally Identifiable Information from unauthorized access, use, modification, disclosure, manipulation or destruction; and
- (d) A requirement that the maintenance of all Confidential Information and Personally Identifiable Information by a Vendor, Subcontractor or Registrant must meet the standards provided in 257.0203.
- (4) Sports Wagering Operators shall encrypt or hash and protect, including through the use of multi-factor authentication, from incomplete transmission, misrouting, unauthorized message modification, disclosure, duplication or replay all Confidential Information and Personally Identifiable Information within their possession, custody or control. An Operator may request approval by the Commission to protect Confidential Information and Personally Identifiable Information in another manner that is equally protective of the information in question.

257.04: Patron Access

- (1) Patrons shall be provided with a method to make the requests in 205 CMR 257.04(1)(a)-(e). The request must be clearly and conspicuously available to the patron online through the Sports Wagering Operator's Sports Wagering Platform. A patron shall not be required to confirm their request more than once, and no intervening pages (other than those needed to confirm withdrawal of consent) or offers will be presented to the patron before such confirmation is presented to the patron.

- (a) A description as to how their Confidential Information or Personally Identifiable Information is being used, including confirmation that such Confidential Information or Personally Identifiable Information is being used in accordance with this Section 205 CMR 257;
  - (b) Access to a copy of their Confidential Information or Personally Identifiable Information maintained by the Operator or a Vendor, Subcontractor, or Registrant of the Operator;
  - (c) Updates to their Confidential Information or Personally Identifiable Information;
  - (d) The imposition of additional restriction on the use of their Confidential Information or Personally Identifiable Information for particular uses; and
  - (e) That their Confidential Information or Personally Identifiable Information be erased or anonymized so it is no longer associated, traceable to the patron with them when it is no longer required to be retained by applicable law or Court order. The Sports Wagering Operator may choose to offer either erasure, anonymization, or both as an option pursuant to this subsection.
- (2) A Sports Wagering Operator shall provide a written response to a request submitted pursuant to 257.04(1) that either grants or denies the request.
- (a) If the Sports Wagering Operator grants the patron's request to access a copy of their Personally Identifiable Information, the Sports Wagering Operator shall provide the patron their Confidential Information or Personally Identifiable Information in a structured, commonly used and machine readable format.
  - (b) If the Sports Wagering Operator denies the request, the Sports Wagering Operator shall provide in its written response specific reason(s) supporting the denial and directions on how the patron may file a complaint regarding the denial with the Commission.
- (3) A Sports Wagering Operator shall grant the patron's request to impose a restriction or erase or anonymize their Confidential Information or Personally Identifiable Information if it is no longer necessary to retain the patron's Confidential Information or Personally Identifiable Information (or to retain the patron's Confidential Information or Personally Identifiable Information without the requested restriction) to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, or for any other purpose authorized pursuant to 205 CMR 257.01, or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend

~~against filed or reasonably anticipated legal claims, and for other reasonable safety and security purposes;~~ and

- (a) The patron withdraws their consent to the Sports Wagering Operator's retention of their Confidential Information or Personally Identifiable Information;
  - (b) There is no overriding legal interest to retaining the patron's Confidential Information or Personally Identifiable Information;
  - (c) The patron's Confidential Information or Personally Identifiable Information was used in violation of 205 CMR 257.00; or
  - (d) Restriction, anonymization or erasure is necessary to comply with an order from the Commission or a court.
- (4) If the Sports Wagering Operator grants the patron's request to erase or anonymize their Confidential Information or Personally Identifiable Information, the Sports Wagering Operator shall erase or anonymize the patron's Personally Identifiable Information or Confidential from all storage media it is currently using to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, including HDD, SDD, flash, mobile, cloud, virtual, RAID, LUN, hard disks, solid state memory, and other devices. The Sports Wagering Operator shall also request commercially reasonable confirmation of deletion or anonymization from any Vendor, Registrant, or Subcontractor who received the patron's Confidential Information or Personally Identifiable Information from the Sports Wagering Operator. Notwithstanding, the foregoing, the Sports Wagering Operator shall not erase or anonymize a patron's Confidential Information or Personally Identifiable Information on backup or storage media used to ensure the integrity of the Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform from technology failure or to comply with its data retention schedule or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity.
- (5) An Operator, or a Vendor, Registrant or Subcontractor of an Operator shall not require a Patron to enter into an agreement waiving any of the Patron's rights under this Section 257.

257.05: Data Program Responsibilities

- (1) A Sports Wagering Operator shall develop, implement and maintain comprehensive administrative, technical and physical data privacy and security policies appropriate to the size and scope of business and addressing, at a minimum:
- (a) Practices to protect the confidentiality, integrity and accessibility of Confidential Information or Personally Identifiable Information;

- (b) The secure storage, access and transportation of Confidential Information or Personally Identifiable Information in the Sports Wagering Operator's possession, custody or control, including the use of encryption and multi-factor authentication;
- (c) The secure and timely disposal or anonymization of Confidential Information or Personally Identifiable Information, including data retention policies;
- (d) Employee training on data privacy and cybersecurity for employees who may have access to Confidential Information or Personally Identifiable Information that, at a minimum, advises such employees of the confidentiality of the data, the safeguards required ~~the~~to protect the data and any applicable civil and criminal penalties for noncompliance pursuant to state and federal law;
- (e) Restrictions on access to Personally Identifying Information or Confidential Information, including the area where such records are kept, secure passwords for electronically stored records and the use of multi-factor authentication;
- (f) Reasonable monitoring of systems, for unauthorized use of or access to Confidential Information or Personally Identifying Information;
- (g) Reasonably up-to-date versions of system security agent software which must include malware protection and reasonably up-to-date patches and virus definitions, or a version of such software that can still be supported with up-to-date patches and virus definitions, and is set to receive the most current security updates on a regular basis;
- (h) Cybersecurity insurance, which shall include, at a minimum, coverage for data compromise response, identity recovery, computer attack, cyber extortion and network security;
- (i) Data Breach investigation and incident response procedures;
- (j) Imposing disciplinary measures for violations of Confidential Information and Personally Identifiable Information policies;
- (k) Active oversight and auditing of compliance by Vendors, Registrants, or Subcontractors with 257.03(3) and with the Operator's Confidential Information and Personally Identifying Information policies.
- (l) Quarterly information system audits; and
- (m) A process for reviewing and, if necessary, updating data privacy policies at least annually.

- (2) A Sports Wagering Operator shall maintain on its website and Sports Wagering Platform a readily accessible copy of a written policy explaining to a patron the Confidential Information and Personally Identifiable Information that is required to be collected by the Sports Wagering Operator, the purpose for which Confidential Information or Personally Identifiable Information is being collected, the conditions under which a patron's Confidential Information or Personally Identifiable Information may be disclosed, and the measures implemented to otherwise protect a patron's Confidential Information or Personally Identifiable Information. A Sports Wagering Operator shall require a patron to agree to the policy prior to collecting any Confidential Information or Personally Identifiable Information, and require a patron to agree to any material updates. Agreement to this policy shall not constitute required consent for any additional uses of information. The Sports Wagering Operator shall not be required to include in the publicly available version of such policy any information which might compromise the policy's effectiveness in protecting and safeguarding Confidential Information, Personally Identifiable Information.
- (3) A Sports Wagering Operator, Sports Wagering Vendor, Sports Wagering Subcontractor, Sports Wagering Registrant, or Person to whom an Occupational License is issued shall comply with all applicable state and federal requirements for data security, including M.G.L. c. 93A, M.G.L. c. 93H, 940 CMR 3.00, 940 CMR 6.00 and 201 CMR 17.00.

257.06: Data Breaches

- (1) In the event of a suspected Data Breach involving a patron's Confidential Information or Personally Identifiable Information, a Sports Wagering Operator shall immediately notify the Commission and commence an investigation of the suspected Data Breach, which shall be commenced no less than five (5) days from the discovery of the suspected breach, and completed as soon as reasonably practicable thereafter.
- (2) Following completion of the investigation specified pursuant to 205 CMR 257.06(1), the Sports Wagering Operator shall submit a written report to the Commission describing the suspected Data Breach and stating whether any patron's Confidential Information or Personally Identifying Information was subjected to unauthorized access. Unless the Sports Wagering Operator shows that unauthorized access did not occur, the Sports Wagering Operator's written report shall also detail the Operator's plan to remediate the Data Breach, mitigate its effects, and prevent Data Breaches of a similar nature from occurring in the future.
- (3) Upon request by the Commission, the Sports Wagering Operator shall provide a report from a qualified third-party forensic examiner, the cost of which shall be borne by the Sports Wagering Operator being examined.w
- (4) In addition to the other provisions of this 205 CMR 257.06, the Sports Wagering Operator shall be required to comply with any other legal requirements applicable



to such Data Breaches or suspected Data Breaches, including its obligations pursuant to G.L. c. 93H and 201 CMR 17.00.



## **SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2, relative to the proposed amendments to **205 CMR 257 SPORTS WAGERING DATA PRIVACY**.

This regulation was promulgated as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and is authorized by G.L. c. 23N, §4. It governs the use, protection and retention of patron data by Sports Wagering Operators.

This regulation is unlikely to have an impact on small businesses as it governs the behavior of Sports Wagering Operators who are not small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

This regulation is unlikely to have an impact on small businesses.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation.

3. State the appropriateness of performance standards versus design standards:

No standards applicable to small businesses are set forth. Provided standards are performance standards.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

This amendment is unlikely to have any impact on the formation of new businesses in the Commonwealth.



Massachusetts Gaming Commission

Massachusetts Gaming Commission  
By:

/s/ Carrie Torrasi  
Carrie Torrasi, Deputy General Counsel

Dated: February 1, 2024



Massachusetts Gaming Commission

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TO: Interim Chair Jordan Maynard  
Commissioner Brad Hill  
Commissioner Eileen O'Brien  
Commissioner Nakisha Skinner

FROM: Justin Stempeck, Deputy General Counsel

CC: Todd Grossman, General Counsel  
Dr. Alex Lightbown, Director of Racing

DATE: March 19, 2024

RE: 205 CMR 3.12(7) and (20)

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The proposed updates to 205 CMR 3.12 address two subsections, subsection (7) addressing horses required to go a qualifying mile and subsection (20) concerning the Judges' penalizing authority.

The 205 CMR 3.12(7) proposed change merely extends the amount of time that horses have to show a satisfactory racing line from 30 to 45 days. Notably, the Commission has been routinely approving this request from PPC since 2018 and the Division of Racing has no objection to making this change. The satisfactory racing line is a non-betting event that allows a horse to be evaluated by the track veterinarian before it may race.

The proposed change to 205 CMR 3.12(20) was made to align with the range of penalties set forth in the Association of Racing Commissioners International's (ARCI) Uniform Classification Guidelines for Foreign Substances. Existing language in 205 CMR 3.29 already refers to this document for guidance on penalties, and the recommended penalties may exceed the existing Judge's authority as set forth in 205 CMR 3.12(20). This change alters the language for consistency with 205 CMR 3.29 and the ARCI guidance document while providing wider discretion for the Judges to implement financial and other penalties. The existing regulation limits suspensions to 180 days and fines to \$3,000, but the ARCI recommendations often recommend stricter penalties for more serious infractions. Further, this proposed change provides the Judges with broader discretion to impose financial and suspension penalties generally in non-medication instances.

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205 CMR 3.12

3.12: Judges

- (1) The Judges shall have the power to interpret 205 CMR 3.00 and to decide all questions not specifically covered by them, such decisions to be reported to the Commission within 24 hours.
- (2) In matters pertaining to racing, the orders of the Judges supersede the orders of the officers and directors of the Association.
- (3) The Judges shall have general supervision over owners, trainers, drivers, grooms and other persons attendant on horses, and also over all the other officials of the meeting.
- (4) Judges' Authority Concerning Race Objections.
- (a) An objection to an incident alleged to have occurred during a race shall be received only when lodged with the Judges, by the owner, the authorized agent of the owner, the trainer or the driver of a horse engaged in the same race.
- (b) An objection following the completion of any race must be filed before the race results are declared official.
- (c) The Judges shall make all findings of fact as to all matters occurring during and incident to the completion of a race; shall determine all objections and inquiries, and shall determine the extent of disqualification, if any, of horses in the race. Such findings of fact and determinations shall be final and shall not be appealable.
- (d) In the case of disqualification the Judges shall immediately make public the reason for the disqualification and the same shall be announced over the public address system.
- (5) During each racing day the Judges of the meeting shall be at the office building on the grounds of the Association where the racing meeting is being held not later than one hour before post time of the first race of the day to exercise the authority and perform the duties imposed on the Judges by the Rules of Racing.
- (6) At least one Judge shall occupy the Judges' Stand during the running of all qualifying races and non-wagering races.

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(7) The Judges shall require all horses not showing a satisfactory racing line during the previous ~~30~~45 days to go a qualifying mile in a race before the Judges. The Association may request a waiver of this requirement.

(8) All questions pertaining to the conduct of the meeting shall be determined by a majority of the Judges.

(9) No hearing shall be held on 205 CMR 3.00 following the last race of any day during the racing meeting, unless by special permission of the Commission. 205 CMR 3.12(8) shall not apply on the last day of any racing meeting.

(10) The Judges shall occupy the Judges Stand, from the time the post parade is formed for each race until the race is made official, and their duty shall be to place and record five horses or as many more as they think proper in the order of their finish in each race.

(11) The Judges shall properly display the numbers of the first four horses in each race in the order of their finish.

(12) When the Judges differ in their placing the majority shall prevail.

(13) The Judges shall make public their decision as promptly as possible.

(14) If it is considered advisable to consult a picture from the finish camera, the Judges shall post, without waiting for a picture, such placements as are in their opinion unquestionable, and after consulting the picture, make the other placements.

(15) The Judges may call for a picture from the photo-finish camera to aid them in arriving at a decision. However, in all cases the camera is merely an aid and the decision of the Judges shall be final.

(16) In determining the places of the horses at the finish of a race, the Judges shall consider only the relative position of the respective noses of such horses.

(17) After the finish of the race all drivers shall report to the Judges' Stand. The Judges shall not declare the race official until each driver has had an opportunity to file a protest as to what occurred in the race.

(18) There shall be no alteration of placement after the sign "Official" has been purposely displayed, except as in provided in 205 CMR 6.00: *Pari-mutuel Rules for Horse Racing, Harness Horse Racing and Greyhound Racing*.

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(19) The Judges shall each day file with the Commission a copy of the official placement of the first five horses in each race of that day and shall supply to the other officials such information in respect to the racing as the Association may require.

(20) The Judges may suspend ~~for no greater period than 180 days~~ anyone whom they have authority to supervise, and/or they may impose a forfeiture.<sup>7</sup> In the case of a finding of a violation of 205 CMR 3.29, the Judges shall consider the classification level of the violation as listed at the time of the violation in the *Uniform Classification Guidelines for Foreign Substances* as promulgated by the Association of Racing Commissioners International (ARCI) and impose penalties and disciplinary measures consistent with the recommendations contained therein, not exceeding \$3,000.00. All such suspensions and forfeitures must be reported to the Commission. ~~If the punishment to be imposed is not in the opinion of the Judges sufficient, they shall so report to the Commission.~~

## SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2, relative to the proposed adoption of **205 CMR 3.12(7) and (20)**.

These regulations are being promulgated as part of the process of updating regulations governing live racing in the Commonwealth. Specifically, they extend the amount of time that horse have to show a satisfactory racing line and update the range of racing penalties available to racing judges.

The proposed 205 CMR 3.12(7) and (20) apply to prospective and current race track operators and those participating in racing in the Commonwealth. Accordingly, this regulation may have an impact on small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

Small businesses that own or race horses may be subject to these regulatory changes but it would be a relatively small number of businesses compared to the total number of small businesses in the Commonwealth.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation.

3. State the appropriateness of performance standards versus design standards:

The standards set forth are process focused, akin to design standards.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:



These regulatory changes are unlikely to encourage or deter the formation of new business in the Commonwealth.

Massachusetts Gaming Commission  
By:

/s/ Justin Stempeck  
Justin Stempeck, General Counsel

Dated: April 4, 2024

TO: Interim Chair Jordan Maynard  
Commissioner Brad Hill  
Commissioner Eileen O'Brien  
Commissioner Nakisha Skinner

FROM: Justin Stempeck, Deputy General Counsel

CC: Todd Grossman, General Counsel  
Dr. Alex Lightbown, Director of Racing

DATE: March 19, 2024

RE: 205 CMR 3.29

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The proposed updates to 205 CMR 3.29 clarify the discretion of the racing stewards in crafting penalties for multiple medication violations that occur before official notice of a violation is provided to a trainer. Because of the inherent delays in receiving drug testing results there is the possibility that a trainer can be found positive multiple times for the same medication without an opportunity to respond and investigate or change their practices to try and prevent the positives, thus this change would allow the stewards to consolidate such violations into a single violation if the circumstances warrant. Judges have previously utilized their inherent discretion to make these determinations and this change would memorialize this practice. Additionally, in the event of that a single post-race sample results in multiple different medication positives, this change would permit the stewards to penalize the trainer for each medication positive and not simply as one violation.

The proposed additional language states:

(f) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the Commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the Stewards may treat each substance found as an individual violation, depending upon the facts and circumstances of the case.

Notably, similar language exists in the Commission regulations with respect to the ARCI Multiple Medication Violation program at 205 CMR 3.29(2A)(c), however; penalties under that program would be in addition to any penalties imposed by the stewards under this proposal as set forth in 205 CMR 3.29(2)(f).

The second minor change to 205 CMR 3.29(2A)(d) simply adds language allowing the Stewards to consider the USTA records in addition to the ARCI records. Given that the USTA records are the primary record source this change merely clarifies actual practice.

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205 CMR 3.29

3.29: Medications and Prohibited Substances

(1) Aggravating and Mitigating Factors. Upon a finding of a violation of 205 CMR 3.29, the judges shall consider the classification level of the violation as listed at the time of the violation in the *Uniform Classification Guidelines for Foreign Substances* as promulgated by the Association of Racing Commissioners International (ARCI) and impose penalties and disciplinary measures consistent with the recommendations contained therein. The judges shall also consult with the official veterinarian, laboratory director or other individuals to determine the seriousness of the laboratory finding or the medication violation. All medication and drug violations shall be investigated and reviewed on a case by case basis. Extenuating factors include, but are not limited to:

- (a) The past record of the trainer, veterinarian and owner in drug cases;
- (b) The potential of the drug(s) to influence a horse's racing performance;
- (c) The legal availability of the drug;
- (d) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;
- (e) The steps taken by the trainer to safeguard the horse;
- (f) The probability of environmental contamination or inadvertent exposure due to human drug use;
- (g) The purse of the race;
- (h) Whether the drug found was one for which the horse was receiving a treatment as determined by the Medication Report Form;
- (i) Whether there was any suspicious betting pattern in the race; and

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(j) Whether the licensed trainer was acting under the advice of a licensed veterinarian.

As a result of the investigation, there may be mitigating circumstances for which a lesser or no penalty is appropriate for the licensee and aggravating factors, which may increase the penalty beyond the minimum.

(2) Penalties.

(a) In issuing penalties against individuals found guilty of medication and drug violations, a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.

(b) If a licensed veterinarian is administering or prescribing a drug not listed in the *ARCI Uniform Classification Guidelines for Foreign Substances*, the identity of the drug shall be forwarded to the official veterinarian to be forwarded to the Racing Medication and Testing Consortium for classification.

(c) Any drug or metabolite thereof found to be presenting a pre- or post-race sample which is not classified in the version of the *ARCI Uniform Classification Guidelines for Foreign Substances* in effect at the time of the violation shall be assumed to be a *ARCI Class 1 Drug* and the trainer and owner shall be subject to those penalties as set forth in schedule "A" therein unless satisfactorily demonstrated otherwise by the Racing Medication and Testing Consortium, with a penalty category assigned.

(d) Any licensee of the Commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.

(e) Procedures shall be established to ensure that a licensed trainer is not able to benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

(f) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the Commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the Stewards may treat each substance found as an individual violation, depending upon the facts and circumstances of the case.

(2A) Multiple Medication Violations (MMV). A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-C, as provided in the most recent version of the *ARCI Uniform Classification Guidelines for Foreign Substances*, or similar state regulatory guidelines, shall be assigned points as follows:

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<b>Penalty Class</b>	<b>Points if Controlled Therapeutic Substance</b>	<b>Points if Non-controlled Substance</b>
Class A	N/A	6
Class B	2	4
Class C	½ for first violation with an additional ½ point for each additional violation within 365 days <sup>1</sup> one for first violation with an additional ½ point for each additional violation within 365 days	
Class D	0	0

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<sup>1</sup> *Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points are not to be separately assigned for a stacking violation.*

If the Stewards or Commission determine that the violation is due to environmental contamination, they may assign lesser or no points against the trainer based upon the specific facts of the case.

(a) The points assigned to a medication violation by the Stewards' or Commission's Ruling shall be included in the ARCI official database. The ARCI shall record points consistent with Section 13(a) including, when appropriate, a designation that points have been suspended for the medication violation. Points assigned by such regulatory ruling shall reflect, in the case of multiple positive tests as described in [205 CMR 6.29\(3\)\(d\)](#), whether they constitute a single violation. The Stewards' or Commission's Ruling shall be posted on the official website of the Commission and within the official database of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such Ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

(b) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained by the ARCI. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered by the Commission in its determination to subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in 205 CMR 3.00.

(c) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the Commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the Stewards may treat each substance found as an individual violation for which points will be assigned, depending upon the facts and circumstances of the case.

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(d) The official ARCI record and/or USTA record shall be used to advise the Stewards or Commission of a trainer's past record of violations and cumulative points. Nothing in 205 CMR 3.00 shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.

(e) The Stewards or Commission shall consider all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in 205 CMR 3.00 shall be imposed.

(f) In addition to the penalty for the underlying offense, the following enhancements shall be imposed upon a licensed trainer based upon the cumulative points contained in his or her official ARCI record:

<b>Points</b>	<b>Suspension in Days</b>
5-5.5	15 to 30
6-8.5	30 to 60
9-10.5	90 to 180
11 or more	180 to 360

(g) MMV penalties are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:

1. Has had more than one medication violation for the relevant time period, and
2. Exceeds the permissible number of points.

(h) The Stewards and Commission shall consider aggravating and mitigating circumstances, including the trainer's prior record for medication violations, when determining the appropriate penalty for the underlying offense. The MMP is intended to be a separate and additional penalty for a pattern of violations.

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1. The suspension periods as provided in Section 13(g) shall run consecutive to any suspension imposed for the underlying offense.

2. The Stewards' or Commission's Ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon a Steward or Commission review of the trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.

3. Points shall expire as follows:

Penalty Classification	Time to Expire
A	three years
B	two years
C	one year

In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.

(3) Medication Restrictions.

(a) A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is *prima facie* evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

1. Drugs or medications for which no acceptable threshold concentration has been established;
2. Controlled therapeutic medications in excess of established threshold concentrations or administration within the restricted time period as set forth in the version of the ARCI Controlled Therapeutic Medication Schedule in effect at the time of the violation;
3. Substances present in the horse in excess of concentrations at which such substances could occur naturally; and

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4. Substances foreign to a horse at concentrations that cause interference with testing procedures.

(b) Except as otherwise provided by 205 CMR 3.00, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to 205 CMR 3.00 during the 24-hour period before post time for the race in which the horse is entered.

(4) Medical Labeling.

(a) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with 205 CMR 3.29(4).

(b) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

1. The name of the product;
2. The name, address and telephone number of the veterinarian prescribing or dispensing the product;
3. The name of each patient (horse) for whom the product is intended/prescribed;
4. The dose, dosage, duration of treatment and expiration date of the prescribed/ dispensed product; and
5. The name of the person (trainer) to whom the product was dispensed.

(5) Non-steroidal Anti-inflammatory Drugs (NSAIDs). The use of one of three approved NSAIDs shall be permitted under the following conditions:

(a) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with



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administration by a single intravenous injection at least 24 hours before the post time for the race in which the horse is entered:

1. Phenylbutazone. two micrograms per milliliter;
2. Flunixin. 20 nanograms per milliliter;
3. Ketoprofen. two nanograms per milliliter.

(b) These or any other NSAID are prohibited to be administered within the 24 hours before post time for the race in which the horse is entered.

(c) The presence of more than one of the three approved NSAIDs in the post-race serum or plasma sample is not permitted.

1. A finding of phenylbutazone below a concentration of .5 microgram per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 3.29(5).

2. A finding of flunixin below a concentration of three nanograms per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 3.29(5).

(d) The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(e) The presence of any unapproved NSAID in the post-race serum or plasma sample is not permitted.

(6) Furosemide.

(a) In order for a horse to be placed on the Furosemide List the following process must be followed.

1. After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide, the official veterinarian or his or her designee shall be notified, using the prescribed form, that the horse is to be put on the Furosemide List.

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2. The form must be received by the official veterinarian or his or her designee by the time of entry.

3. A horse placed on the official Furosemide List must remain on that list unless the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or his or her designee, on the proper form, no later than the time of entry.

4. After a horse has been removed from the Furosemide List, the horse may not be placed back on the list for a period of 60 calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official Furosemide List a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.

5. Furosemide shall only be administered on association grounds.

6. Furosemide shall be the only authorized bleeder medication.

7. The use of furosemide shall not be permitted in two year olds.

(b) The use of furosemide shall be permitted under the following circumstances on association grounds where a detention barn is not utilized:

1. Furosemide shall be administered by single intravenous injection no less than four hours prior to post time for the race for which the horse is entered.

2. The furosemide dosage administered shall not exceed 500 mg. nor be less than 150 mg.

3. After treatment, the horse shall be required by the Commission to remain in the proximity of its stall in the care, custody and control of its trainer or the trainer's designated representative under general association and/or Commission security surveillance until called to the saddling paddock.

(c) Test results must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

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1. The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010. If the specific gravity of the urine is found to be below 1.010 or if a urine sample is unavailable for testing, quantitation of furosemide in serum or plasma shall be performed;

2. Quantitation of furosemide in serum or plasma shall be performed when the specific gravity of the corresponding urine sample is not measured or if measured below 1.010. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

(d) A horse which has been placed on the Furosemide List in another jurisdiction pursuant to 205 CMR 3.00 shall be placed on the Furosemide List in this jurisdiction. A notation on the horse's electronic eligibility certificate of such shall suffice as evidence of being on a Furosemide List in another jurisdiction.

(7) Bleeder List.

(a) The official veterinarian shall maintain a Bleeder List of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by the official veterinarian.

(b) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the minimum following time periods:

1. First incident - 14 days;

2. Second incident - 30 days;

3. Third incident - 180 days; and

4. Fourth incident - barred for racing lifetime.

(c) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period.

(d) The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the

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initial period of ineligibility as defined by 205 CMR 3.29(7).

(e) A horse which has been placed on a Bleeder List in another jurisdiction pursuant to rules similar to 205 CMR 3.29(7) shall be placed on a Bleeder List in this jurisdiction.

(8) Androgenic-anabolic Steroids (AAS).

(a) No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the indicated thresholds.

(b) Concentrations of these AAS shall not exceed the following plasma or serum thresholds for unchanged (*i.e.*, not conjugated) substance or urine threshold concentrations (*i.e.*, free drug or metabolite and drug or metabolite liberated from its conjugates):

1. Boldenone: 15 ng/ml of total boldenone in urine of male horses other than geldings, or 25 pg/ml of boldenone in plasma or serum of all horses regardless of sex;

2. Nandrolone: 1 ng/ml of total nandrolone in urine for fillies, mares, and geldings, or 45 ng/ml (as 5 $\alpha$ -estrane-3 $\beta$ , 17 $\alpha$ -diol) in urine, in male horses other than geldings, or 25 pg/ml of nandrolone in plasma or serum for geldings, fillies, and mares.

3. Testosterone:

a. In Geldings. 20 ng/ml total testosterone in urine, or 25 pg/ml of testosterone in plasma or serum; and

b. In Fillies and Mares. 55 ng/ml total testosterone in urine, or 25 pg/ml of testosterone in plasma or serum.

(c) Any other anabolic steroids are prohibited in racing horses.

(d) Post-race urine samples must have the sex of the horse identified to the laboratory.

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(9) Alkalinizing Substances. The use of agents that elevate the horse's TCO<sub>2</sub> or Base excess level above those existing naturally in the untreated horse at normal physiological concentrations is prohibited.

(a) The following levels also apply to blood gas analysis:

1. The regulatory threshold for TCO<sub>2</sub> is 37.0 millimoles per liter of plasma/serum or a Base excess level of 10.0 millimoles; and

2. The decision level to be used for the regulation of TCO<sub>2</sub> is 37.0 millimoles per liter of plasma/serum plus the measurement uncertainty of the laboratory analyzing the sample or a Base excess level of 10.4 millimoles per liter of plasma/serum.

(b)1. If the level of TCO<sub>2</sub> is determined to exceed 37.0 millimoles per liter of plasma/ serum plus the laboratory's measurement of uncertainty and the owner or trainer of the horse certifies in writing to the judges within 24 hours after the notification of the test results that the level is normal for that horse, the owner or trainer may request in writing that the horse be held in quarantine. If quarantine is requested, the licensed association shall make guarded quarantine available for that horse for a period of time to be determined by the steward or judges, but in no event for more than 72 hours.

2. The expense to maintain the quarantine shall be borne by the owner or trainer.

3. During quarantine, the horse shall be retested periodically by the Commission veterinarian.

4. The horse shall not be permitted to race during a quarantine period, but it may be exercised and trained at times prescribed by the licensed association and in a manner that allows monitoring of the horse by a Commission representative.

5. During quarantine, the horse shall be fed only hay, oats, and water.

6. If the Commission veterinarian is satisfied that the horse's level of TCO<sub>2</sub>, as registered in the original test, is physiologically normal for that horse, the judges:

a. Shall permit the horse to race; and

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b. May require repetition of the quarantine procedure established in 205 CMR 3.29(9)(b)1. through 6. to reestablish that the horse's TCO2 level is physiologically normal.

### Credits

History: [1414 Mass. Reg. 133](#), amended eff. Apr. 03, 2020.

The Massachusetts Administrative Code titles are current through Register No. 1516, dated March 1, 2024. Some sections may be more current; see credits for details.

### Footnotes

<sup>1</sup> <sup>1</sup> *Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points are not to be separately assigned for a stacking violation.*

Mass. Regs. Code tit. 205, § 3.29, 205 MA ADC 3.29

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End of Document

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## **SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2, relative to the proposed adoption of **205 CMR 3.29(2)(f) and (2A)(d)**

This regulation is being promulgated as part of the process of updating regulations governing live racing in the Commonwealth. Specifically, it updates penalty regulations speaking to multiple medication positives.

The proposed 205 CMR 3.29(2)(f) applies to standardbred trainers whose horses test positive for multiple medications. The proposed 205 CMR 3.29(2A)(d) clarifies what judges will reference for a trainer’s past record of violations. Accordingly, these regulations may have an impact on small businesses, to the extent the business owns horses or employs trainers. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

A small number of small businesses may be subject to this regulation to the extent they own horses or employ trainers of horses.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation. This regulation clarifies penalties surrounding multiple medication positives in standardbred racehorses.

3. State the appropriateness of performance standards versus design standards:

The standards set forth are process focused, akin to design standards.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

These regulations, which clarifies the penalties for multiple medication violations in standardbred horses and allow judges to consider a trainers USTA history of penalties, are unlikely to deter or encourage the formation of small businesses in the Commonwealth.

Massachusetts Gaming Commission

By:

/s/ Justin Stempeck  
Justin Stempeck, General Counsel

Dated: April 4, 2024



TO: Interim Chair Jordan Maynard  
Commissioner Brad Hill  
Commissioner Eileen O'Brien  
Commissioner Nakisha Skinner

FROM: Justin Stempeck, Deputy General Counsel

CC: Todd Grossman, General Counsel  
Dr. Alex Lightbown, Director of Racing

DATE: March 19, 2024  
RE: 205 CMR 6.24

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In contrast to G.L. c. 23K, G.L. c. 128A, §5C explicitly permits the use of credit and debit cards to fund an advance deposit wagering account:

As used in this section, “account wagering” shall mean a form of pari-mutuel wagering in which an individual may deposit money to an account established through an agreement with a person licensed to conduct a running horse, harness horse or dog racing meeting and use the account balance to make and pay for wagers by the holder of the account which wagers may be made in person, by direct telephone call or by communication through other electronic media by the holder of the account to the licensee. **An individual who has established a betting account with a racing meeting licensee may deposit money into said account through the use of a credit card or debit card issued by a federal or state-chartered bank and a racing meeting licensee may collect and deposit money received in such a manner at the licensee’s racetrack or through the telephone, Internet or other telecommunications media.** Only those persons who have established a betting account with a person licensed to conduct a running horse, harness horse or dog racing meeting in accordance with this section shall place bets by telephone or by communication through other electronic media with such licensee. No credit shall be extended to a betting account by a running horse, harness horse or dog racing meeting licensee. (emphasis added).

The proposed updates to 205 CMR 6.24 would mirror the statutory language above in c. 128A and eliminate any inconsistency where the previous version of the regulation stated that “No deposits may be made by credit or debit card.” Such a change would remove confusion and clarify funding mechanisms for ADW accounts.

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205 CMR 6.24

6.24: Deposits

Deposits may be made in person or by mail, in cash or by check or negotiable order of withdrawal. The proceeds of a check may first need banker's clearance. Holding periods will be determined by the association and advised to the account holder. ~~An individual who has established a betting account with a racing meeting licensee may deposit money into said account through the use of a credit card or debit card issued by a federal or state-chartered bank and a racing meeting licensee may collect and deposit money received in such a manner at the licensee's racetrack or through the telephone, Internet or other telecommunications media. No deposits may be made by credit or debit card, and no credit is allowed. No credit shall be extended to a betting account by a running horse, harness horse or dog racing meeting licensee.~~ A receipt for the deposit must be issued to the account holder, but does not need to reflect the current account balance.

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## **SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2, relative to the proposed adoption of **205 CMR 6.24, DEPOSITS**.

This regulation is being promulgated as part of the process of updating regulations governing live racing in the Commonwealth. Specifically, it sets forth the depositing process for betting accounts with racing meeting licensees.

The proposed 205 CMR 6.24 applies to prospective and current race track operators, individual bettors and credit card / debit card companies. Accordingly, this regulation is unlikely to have an impact on small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

Small businesses are unlikely to be subject to this regulation.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation. This regulation governs prospective and current race track operators, individual bettors and credit card / debit card companies, none of which will be or are small businesses.

3. State the appropriateness of performance standards versus design standards:

The standards set forth are process focused, akin to design standards.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

This regulation, which clarifies the deposit process for betting accounts with racing meeting licensees, will support the formation of small businesses supporting race track operations in the Commonwealth.

Massachusetts Gaming Commission

By:

/s/ Justin Stempeck  
Justin Stempeck, General Counsel

Dated: April 4, 2024



*Legal Division*

TO: Jordan Maynard, Interim Chair  
Eileen O'Brien, Commissioner  
Brad Hill, Commissioner  
Nakisha Skinner, Commissioner

FROM: Judith Young, Associate General Counsel  
Burke Cain, Chief of the Gaming Agents Division, IEB  
Luis Lozano, Casino Regulatory Manager, Encoré Boston Harbor

RE: Rules Update – Baccarat, Midi Baccarat, Mini Baccarat

DATE: April 11, 2024

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### Overview:

Before the Commission is a request for a vote to authorize an update to the three versions of posted Baccarat Rules online at the Commission's website in accordance with 205 CMR 147.02. The update to the rules will include reference to "free hands" within the 'Definitions' section, and within the 'Wagers' section of each set of rules. The IEB and Casino Regulatory Staff feel strongly that amending the rules to plainly define and authorize the use of a free hand will establish clearer policies and uniform implementation across tables and amongst EBH's table game staff.

These modifications neither impact nor alter the physical layout of what is included on the Baccarat/ Mini Baccarat or Mini Baccarat tables, as mentioned within CMR 146.00. Accordingly, a regulation amendment has not been requested at this time.

The drafts of these rules are included in the Commissioner's packet, with the amendments shown in redline. Members of the IEB and Legal Division are available if the Commissioners have questions about the three styles of Baccarat, and these changes specifically.



Massachusetts Gaming Commission

# BACCARAT

## Rules

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### **1. Definitions**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Curator*-- The player who accepts the dealing shoe and who is responsible for dealing the cards in accordance with this chapter and the instructions of the dealer calling the game.

*Dragon 7*-- A Banker's hand which has a Point Count of 7 with a total of three cards dealt and the Player's hand which has a Point Count of less than 7.

*EZ Baccarat*-- A variation of Baccarat in which vigorish is not collected.

*Natural*-- A hand which has a Point Count of 8 or 9 on the first two cards dealt.

*Panda*-- A Player's hand which has a Point Count of 8 with a total of three cards dealt and the Banker's hand which has a Point Count of less than 8.

*Free Hand* – A courtesy hand that is dealt without any wagers being placed on the table.

### **2. Baccarat table physical characteristics**

- (a) Baccarat shall be played on a table having numbered positions for 10 to 14 seated players.
- (b) The layout for a Baccarat table shall be submitted to the IEB and approved in accordance with CMR 205 CMR 146.18 (relating to approval of table game layouts, signage and equipment)
  - (1) If a licensee offers the Dragon Bonus Wager, authorized under Section 8(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.
  - (2) If a licensee offers EZ Baccarat:
    - (i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under Section 8(a)(5), for each player.
    - (ii) Inscriptions that advise patrons that a wager on the Banker's hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information must be posted at each Baccarat table.
    - (iii) Separate areas designated for the placement of the Panda 8 Insurance Wager, authorized under Section 8(a)(6), for each player.
  - (3) If a licensee offers the House Money Wager, authorized under Section 8(a)(7), separate areas designated for the placement of the House Money Wager for each player.
  - (4) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the licensee's Rules Submission, collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

- (c) Each Baccarat table must have a discard bucket capable of holding 8 decks of cards.

### **3. Cards; number of decks**

- (a) Baccarat shall be played with six to eight decks of cards that are identical in appearance and two cover cards.
- (b) The decks of cards opened for use at a Baccarat table shall be changed after the play of each dealing shoe.

### **4. Opening of the table for gaming**

- (a) After receiving the six or more decks of cards at the table in accordance with 205 CMR 146.49, the dealer shall, as applicable, comply with the requirements of either 205 CMR 146.49 and (b) through (d), below, or the requirements of 205 CMR 146.50.
- (b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face upwards on the table for visual inspection by the first participant or participants to arrive at the table. The cards shall be spread out in columns by deck according to suit and in sequence. The cards in each suit shall be laid out in sequence within the suit.
- (c) After the first participant or participants is afforded an opportunity to visually inspect the cards, the cards shall be turned face downward on the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards and stacked.
- (d) If the licensee uses pre-inspected and pre-shuffled cards, addressed under 205 CMR 146.50 on their baccarat games they must follow in accordance with their procedure submitted in the licensee's Rules Submission.
- (e) If the licensee uses a batch type shuffle machine, addressed under 205 CMR 146.50 on their baccarat games they must follow in accordance with their procedure submitted in the licensee's Rules Submission.

### **5. Shuffle and cut of the cards**

- (a) Immediately prior to the commencement of play, unless the cards were pre-shuffled pursuant to the gaming equipment regulations, and after each shoe of cards is completed, the gaming licensee shall require its dealers to perform, at its option, either of the following procedures.
  - (1) One or more of the dealers shall shuffle the cards so that they are randomly intermixed. After the cards have been shuffled, a dealer shall lace approximately one deck of cards so that they are evenly dispersed into the remaining stack.
    - (i) After lacing the cards, the gaming licensee may, as an additional option, require the dealer calling the game to shuffle some or all of the cards again.

- (ii) A gaming licensee shall not initiate or terminate the use of this reshuffling option unless the gaming licensee provides its surveillance department and the Commission with at least 30 minutes prior written notice.
  - (2) One or more of the dealers shall "wash" and stack the cards, after which each of the three dealers shall shuffle the stack of cards independently.
- (b) Any shuffling or lacing option chosen for use by a gaming licensee pursuant to (a) above shall be implemented at all tables within a pit.
- (c) After shuffling or lacing the cards and, where applicable, reshuffling them, the dealer calling the game shall perform one of the following options. The dealer will offer the stack of cards, with backs facing away from him to the players to be cut, or at the casino's discretion, the dealer will cut the stack of cards for the table. The dealer shall begin with the participant seated in the highest number position at the table or, in the case of reshuffle the last curator and working counterclockwise around the table, shall offer the stack to each participant until a participant accepts the cut. If no participant accepts the cut, the dealer shall cut the cards.
- (d) The cards shall be cut by placing the cutting card in the stack at least a deck in from either end.
- (e) Once the cutting card has been inserted into the stack, the dealer shall take all cards in front of the cutting card and place them to the back of the stack. The dealer shall then insert one cutting card in a position at least 14 cards in from the back of the stack and the second cutting card at the end of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play. Prior to commencement of play, the dealer shall remove the first card from the shoe and place it, and an additional amount of cards equal to the amount on the first card drawn, in the discard bucket after all cards have been shown to the players. Face cards and tens count as tens. Aces count as one.
- (f) After the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut, at the gaming licensee's option, by the player who last cut the cards, or by the next person entitled to cut the cards, as determined by section (c) above.
- (g) When the licensee is using a manual shuffle the following steps will be incorporated into their shuffle procedure.
- (1) The "plug" is a method for inserting unused cards from behind the cut card into the cards in the discard tray. This is usually the first step.
  - (2) The "riffle" is when the cards are divided into two piles and interlaced.
  - (3) The "turn" involves dividing the shoe into two stacks and rotating one stack 180 degrees before riffling the stacks together.
  - (4) The "strip" also known as running cuts. The strip should not occur before at least two riffles have taken place.
  - (5) The "cut" is the final step before the cards are put back into the shoe. This ensures that the top card cannot be identified if it was accidentally exposed during the other steps.



## **6. Value of cards; Point Count of hand**

- (a) The value of the cards in each deck shall be as follows:
  - (1) Any card from 2 to 9 shall have its face value.
  - (2) Any 10, jack, queen or king shall have a value of zero.
  - (3) Any ace shall have a value of one.
- (b) The Point Count of a hand shall be a single digit number from 0 to 9 and determined by totaling the value of the cards in the hand. If the total value of the cards in a hand is a two-digit number, the left digit of the number shall be discarded and the right digit shall constitute the Point Count of the hand. Examples of this rule are as follows:
  - (1) A hand composed of an ace, 2 and 4 has a Point Count of 7.
  - (2) A hand composed of an ace, 2 and 9 has a total value of 12 but a Point Count of only 2 since the left digit in the number 12 is discarded.

## **7. Dealing shoe; selection of the player to deal cards**

- (a) Cards used to play Baccarat shall be dealt from a manual dealing shoe specifically designed for that purpose.
- (b) After the cards have been shuffled and placed in the dealing shoe, the dealer calling the game shall offer the dealing shoe to the player in seat number one at the table. If that player rejects the dealing shoe or if there is no one in seat number one, the dealer shall offer the dealing shoe to each of the other players in turn, moving counterclockwise around the table, until one of the players accepts the dealing shoe.
- (c) The player that accepts the dealing shoe shall be designated as the curator.
- (d) Notwithstanding subsections (b) and (c), above, the dealer may act as the curator if either:
  - (1) A player who accepts the dealing shoe and any other player to whom the dealing shoe is relinquished under Section 14 (relating to continuation of curator as dealer; selection of a new curator) designates the dealer calling the game as the curator.
  - (2) No player to whom the dealing shoe is offered accepts the dealing shoe.

## **8. Wagers**

- (a) The following are permissible wagers in the game of Baccarat:
  - (1) A wager on the Banker's hand which shall:
    - (i) Win if the Banker's hand has a Point Count higher than that of the Player's hand unless EZ Baccarat is being played and the Point Counts of the Banker's hand result in a Dragon 7.
    - (ii) Lose if the Banker's hand has a Point Count lower than that of the Player's hand.

- (iii) Tie and be returned to the player if the Player's hand and the Banker's hand have the same Point Count or if EZ Baccarat is being played and the Point Counts of the Player's hand and the Banker's hand result in a Dragon 7.
- (2) A wager on the Player's hand which shall:
  - (i) Win if the Player's hand has a Point Count higher than that of the Banker's hand and if EZ Baccarat is being played and the Point Counts of the Player's hand and the Dealer's Hand result in a Panda 8.
  - (ii) Lose if the Player's hand has a Point Count lower than that of the Banker's hand or if EZ Baccarat is being played and the Point Counts of the Player's hand and the Banker's hand result in a Dragon 7.
  - (iii) Tie and be returned to the player if the Point Counts of the Player's hand and the Banker's hand are equal.
- (3) A Tie Wager which shall:
  - (i) Win if the Point Counts of the Player's hand and the Banker's hand are equal.
  - (ii) Lose if Point Counts of the Player's hand and the Banker's hand are not equal.
- (4) If offered by a licensee, a Dragon Bonus Wager on the Player's hand or Banker's hand, or both, which shall:
  - (i) Win if the selected hand is:
    - a. A Natural and the other hand is not a Natural.
    - b. A Natural 9 and the other hand is a Natural 8.
    - c. Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.
  - (ii) Lose if the selected hand is:
    - a. A Natural 8 and the other hand is a Natural 9.
    - b. Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.
    - c. Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.
  - (iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.
- (5) A Dragon 7 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:
  - (i) Win if the Banker's hand has a Point Count of 7 with a total of three cards dealt and the Player's hand which has a Point Count of less than 7.
  - (ii) Lose if the Point Counts of the Banker's hand do not result in a Dragon 7.
- (6) A Panda 8 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:
  - (i) Win if the Point Counts of the Player's hand has a Point Count of 8 with a total of three cards dealt and the Banker's hand which has a Point Count of less than 8.
  - (ii) Lose if the Point Counts of the Player's hand do not result in a Panda 8.
- (7) If offered by a licensee, a House Money Wager which shall:
  - (i) Win if the first two cards of either the Player's hand or Banker's hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of the same rank (two queens, for example), regardless of suit.
  - (ii) Lose if in the first two cards dealt to the Player's hand and the Banker's hand, neither the Player's hand nor the Banker's hand contains a pair.

(b) Wagers at Baccarat shall be made by placing value chips, plaques, or match play coupon on the appropriate areas of the Baccarat layout. Verbal wagers accompanied by cash may be accepted provided that the verbal wagers are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

~~(b)~~(c) At the discretion of the Licensee, the player/players at the table may be allowed to omit their wagers and request a 'Free Hand' be played out.

~~(e)~~(d) A wager may not be made, increased or withdrawn after the dealer has announced “no more bets.”

### **9. Hands of Banker and Player; procedure for dealing initial two cards to each hand**

- (a) There shall be two hands dealt in the game of Baccarat, one of which shall be designated the Player's hand and the other designated the Banker's hand.
- (b) After the dealer calling the game announces “no more bets,” the dealer calling the game shall instruct the curator to commence dealing the cards by announcing “cards.”
- (c) The curator shall deal an initial four cards from the dealing shoe face down to the areas designated for the placement of the Player's hand and the Banker's hand. The first and third cards dealt shall constitute the first and second cards of the Player's hand. The second and fourth cards dealt shall constitute the first and second cards of the Banker's hand. Except as provided in subsection (d), after the cards are dealt to each hand, the dealer calling the game shall place the cards face up in front of himself. Any third cards that are required to be dealt shall first be dealt face up to the Player's hand and then to the Banker's hand by the curator.
- (d) A licensee may, if specified in its Rules Submission (relating to table games Rules Submissions), elect to use the following procedures in lieu of the procedures in subsection (c), above, and Section 10(a) (relating to procedure for dealing a third card), after all four cards have been dealt:
- (1) The curator shall place the Banker's hand underneath the right corner of the dealing shoe.
  - (2) The dealer calling the game shall then hand the two cards of the Player's hand, face down, to the player with the highest wager on the Player's hand. After viewing the Player's hand, the player shall return the two cards, face up, to the dealer calling the game, who shall place the cards face up on the area designated for the Player's hand and announce the Point Count of the Player's hand.
  - (3) The dealer calling the game shall then hand the two cards of the Banker's hand, face down, to the player with the highest wager on the Banker's hand. After viewing the Banker's hand, the player shall return the two cards, face up, to the dealer calling the game, who shall place the cards face up on the area designated for the Banker's hand and announce the Point Count of the Banker's hand.
  - (4) Any third card required to be dealt to the Player's hand shall be placed face down on the area designated for the Player's hand. The dealer calling the game shall then hand the card, face down, to the player who was handed and returned the Player's hand. After viewing the card, the player shall return the card, face up, to the dealer calling

- the game, who shall place the card face up on the area designated for the Player's hand.
- (5) Any third card required to be dealt to the Banker's hand shall be placed face down on the area designated for the Banker's hand. The dealer calling the game shall then hand the card, face down, to the player who was handed and returned the Banker's hand. After viewing the card, the player shall return the card, face up, to the dealer calling the game, who shall place the card face up on the area designated for the Banker's hand.
  - (6) If two or more players wager an equally high amount on the Player's hand, the player making the wager who is closest to the dealer calling the game, moving counterclockwise around the table, shall be handed the Player's hand and any third card required to be dealt. If two or more players wager an equally high amount on the Banker's hand, the player making the wager who is closest to the dealer calling the game, moving counterclockwise around the table, shall be handed the Banker's hand and any third card required to be dealt.
  - (7) In the event there are no wagers on the Player's hand, the dealer calling the game shall turn the Player's hand face up and any additional card required to be dealt. In the event there are no wagers on the Banker's hand, the dealer calling the game shall turn the Banker's hand face up and any additional card required to be dealt.
- (e) After the initial two cards of the Player's hand and Banker's hand have been turned face up on the layout but prior to dealing a third card in accordance with subsections (c) and (d), above, the dealer shall settle all House Money Wagers as follows:
- (1) If a player placed a House Money Wager, beginning from the dealer's right and moving counterclockwise around the table, the dealer shall collect all losing House Money wagers and pay all winning wagers in accordance with Section 13(h) (relating to payout odds; vigorish) provided that, at a player's discretion, the player may add the winning House Money payout to the player's original wager on the Player's or Banker's hand in accordance with the following:
    - a. All of the winning House Money payout or, if specified in the licensee's Rules Submission filed, only a specified portion of the winning House Money payout shall be added to the area designated for the placement of the player's original wager on the Player's or Banker's hand. The player's original wager and the House Money payout which was added to the player's original wager shall then be settled based on the outcome of the player's wager on the Player's or Banker's hand.
    - (ii) A player may not touch the winning House Money payout. The dealer shall either hand the entire winning House Money payout to the player or place all or a portion thereof, as authorized by the licensee, on the area designated for the placement of the player's wager on the Player's or Banker's hand.
  - (2) After settling the House Money Wagers, the game shall resume by dealing any third cards that are required to be dealt in accordance with subsection (c) or (d)(4), above.
- (f) The dealer or floorperson assigned to the table may require any player to relinquish the right to turn over the cards in accordance with subsection (d), above, if the player unreasonably delays the game. If the voluntary or compulsory relinquishment of that right occurs, the

dealer shall offer it to the player immediately to the right of the previous player. If the player does not accept it or there is not a player in that position, the dealer shall offer it to each of the other players in turn, moving counterclockwise around the table for the remainder of that round of play. If no player accepts the cards, the dealer shall turn the cards over and place them on the designated areas of the layout.

#### **10. Procedure for dealing a third card**

- (a) Except as provided in Section 9(d) (relating to hands of Player and Banker; procedure for dealing initial two cards to each hand), after the initial four cards have been dealt and the dealer calling the game places the cards face up in front of himself, the dealer calling the game shall announce the Point Count of the Player's hand and the Banker's hand.
- (b) Following the announcement of the Point Counts of each hand, the dealer calling the game shall instruct the curator whether to deal a third card to either or both hands in accordance with Section 11 (relating to rules for determining whether a third card shall be dealt). Any third cards required shall be dealt as provided in Section 9(c) or (d).
- (c) In no event may more than one additional card be dealt to either hand.
- (d) If the cut card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cut card shall be removed and placed to the side and the hand will be completed. Upon completion of that hand, the dealer calling the game shall announce "last hand." At the completion of one more hand, the cards shall be replaced with new decks of cards.

#### **11. Rules for determining whether a third card shall be dealt**

- (a) If either the Player's hand or the Banker's hand is a Natural, no more cards may be dealt to either hand.
- (b) If the Point Count of the Player's hand and the Banker's hand is 0 to 7 on the first two cards, the Player's hand shall:
  - (1) Draw (take a third card) if the Player's hand has a Point Count of less than 6.
  - (2) Stay (not take a third card) if the Player's hand has a Point Count of 6 or more.
- (c) If the Point Count of the Player's hand and the Banker's hand is 0 to 7 on the first two cards, the Banker's hand shall draw or stay in accordance with the following requirements:
  - (1) If the Player's hand does not receive a third card, the Banker's hand shall be dealt a third card if the Point Count of the Banker's hand is 5 or less.
  - (2) If the Player's hand is dealt a third card and:
    - (i) The Banker's hand has a Point Count of less than 3, the Banker's hand shall be dealt a third card.
    - (ii) The Banker's hand has a Point Count of 7, the Banker's hand may not be dealt a third card.

- (iii) The Banker's hand has a Point Count of 3, 4, 5 or 6, the Banker's hand shall be dealt or not dealt a third card in accordance with Table 1 as follows:

**Table 1**

<b>When the Banker's first two cards total</b>	<b>Banker draws when Player's third card is</b>
<b>0, 1, 2</b>	Banker hand always draws
<b>3</b>	Banker hand draws unless Player's third card is 8
<b>4</b>	2 – 7
<b>5</b>	4 – 7
<b>6</b>	6 – 7
<b>7</b>	Banker hand stands
<b>8, 9</b>	Natural – Neither hand draws

**12. Announcement of result of round; payment and collection of wagers**

- (a) After each hand has received all the cards to which it is entitled under Sections 9, 10 and 11 (relating to hands of Player and Banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer calling the game shall announce the final Point Count of each hand indicating which hand has won the round. If the two hands have equal Point Counts, the dealer shall announce "tie hand." If the table is designated for play as an EZ Baccarat table and the Point Counts of the Player's hand and the Banker's hand result in a Dragon 7 or a Panda 8, the dealer shall announce "Dragon 7" or "Panda 8."
- (b) After the result of the round is announced, the dealer or dealers responsible for the wagers on the table shall first collect each losing wager. After the losing wagers are collected, the dealer or dealers responsible for the wagers on the table shall, starting at the highest numbered player position at which a winning wager is located, pay that player's winning wager and immediately thereafter mark or collect the vigorish owed by that player unless the table is designated for play as an EZ Baccarat table in which vigorish is not collected. The dealer shall then proceed in descending order to the next highest numbered player position at which a winning wager is located and repeat this procedure until each winning wager is paid and the vigorish owed by each player, if any, is either marked or collected.
- (c) At the conclusion of a round of play, the dealer shall remove all cards from the table and place the cards in the discard bucket.

**13. Payout odds; vigorish**

- (a) A winning wager made on the Player's hand shall be paid at odds of 1 to 1.
- (b) A winning Tie Wager shall be paid at odds of at least 8 to 1.
- (c) A winning wager made on the Banker's hand shall be paid at odds of 1 to 1, except that the licensee shall extract a vigorish from the winning players in an amount equal to 5% of the

amount won, unless the licensee is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the licensee may round off the vigorish to 25¢ or the next highest multiple of 25¢.

- (d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the licensee in its Rules Submission:
- (1) At the time the winning payout is made.
  - (2) At a later time, provided that:
    - (i) The outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first.
    - (ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.
    - (iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.
- (e) If a licensee offers the Dragon Bonus Wager, in accordance with Section 8(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following pay tables selected by the licensee in its Rules Submission:

<b>Hand</b>	<b>Paytable A</b>	<b>Paytable B</b>	<b>Paytable C</b>
<b>Win by 9 points</b>	30 to 1	20 to 1	30 to 1
<b>Win by 8 points</b>	10 to 1	8 to 1	10 to 1
<b>Win by 7 points</b>	6 to 1	7 to 1	4 to 1
<b>Win by 6 points</b>	4 to 1	4 to 1	4 to 1
<b>Win by 5 points</b>	2 to 1	3 to 1	2 to 1
<b>Win by 4 points</b>	1 to 1	1 to 1	2 to 1
<b>Natural winner</b>	1 to 1	1 to 1	1 to 1
<b>Natural tie</b>	Push	Push	Push

- (f) A winning Dragon 7 Insurance Wager, as described in Section 8(a)(5), shall be paid out at odds of 40 to 1.
- (g) A winning Panda 8 Insurance Wager, as described in Section 8(a)(6), shall be paid at odds of 25 to 1.
- (h) If a licensee offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following pay table:

Hand	Odds
Player and Banker Pair	15 to 1
Player or Banker Pair	3 to 1

- (i) If a licensee offers the Royal 9 Baccarat Multi-Level Progressive as a side wager the game must be played with a standard 52 card, six or eight deck shoe. Each chair will have a pre-determined unique Personal King-9 combination that will trigger the progressive jackpot. The Royal 9 Progressive wager is a fixed \$5 wager that is determined by the first four cards dealt. The wagers outcome is determined by the payable below.

Paytable 1 - Multi-Level Progressive		Reseed	Contribution
Personal King-9 vs. Personal King-9	100% Star Progressive	<i>*Options</i>	<i>*Options</i>
	100% Spade		
Banker Personal King-9	Progressive	\$450	5%
	100% Heart		
Player Personal King-9	Progressive	\$450	5%
Other Personal King-9 vs. Identical King-9	\$5,000		
Suited Royal 9 vs. Suited Royal 9	\$1,500		
Royal 9 vs. Royal 9	\$250		
Any Suited Royal 9	\$50		
Any Royal 9	\$25		

Note: Each player chair assigned ONE pre-printed unique Personal Royal-9 non-suited combination

Star Progressive (top prize) Options*			
	Reseed	Contribution	
Option 1	\$25,000		6%
Option 2*	\$50,000		6%

\*recommended option

The “Personal King-9 vs Personal King-9” combination is awarded when both the banker and player hands have the exact same combination which matches the combination posted at the chair that the player is in. A Royal 9 hand is a hand that consists of a 9 and any face card (Jack, Queen, or King).

Hand Definitions	
Personal King-9 vs. Personal King-9	Player and Banker hand have exact "King-9" matching preprinted combination player is seated at
Banker Personal King-9	Banker hand matches preprinted combination player is seated at



Player Personal King-9	Player hand matches preprinted combination player is seated at
Other Personal King-9 vs. Identical King-9	Both Player and Banker hands match a "King-9" combination preprinted on any other seat
Suited Royal 9 vs. Suited Royal 9	Player hand and Banker hand both have a suited Royal 9, does not have to be same combination
Royal 9 vs. Royal 9	Player hand and Banker hand both have a Royal 9, does not have to be same combination
Any Suited Royal 9	A suited nine and any face card (J thru K) in the initial two cards dealt to Player or Banker hand
Any Royal 9	A nine and any face card (J thru K) in the initial two cards dealt to Player or Banker hand

- (j) If Must Hit Progressive for Stax is available, the dealer hitting end-round will determine if there is a random winner from those that participated in the Royal 9 Baccarat Progressive optional side bet. This will be indicated with the light-up bet sensor at that player spot as well as being indicated to the dealer on the dealer touch interface and the double-sided progressive display at the table. Table 1 below describes the optional Must Hit Progressive configurations:

**Table 1. Must Hit Progressive Configurations**

Configuration #	Reset Value	Max Value	Increment Rate
1	\$250	\$1,000	5.00%
2	\$100	\$500	5.00%
3	\$100	\$200	2.00%

#### **14. Continuation of curator as dealer; selection of a new curator**

- (a) The curator, after any round of play, may either pass the dealing shoe or remain as curator except that:
- (1) The curator shall pass the dealing shoe whenever the Banker's hand loses.
  - (2) The dealer calling the game or a floorperson or above may order the curator to pass the dealing shoe if the curator unreasonably delays the game or repeatedly makes invalid deals.
- (b) When a voluntary or compulsory relinquishment of the dealing shoe occurs, the dealer shall offer the dealing shoe to the player immediately to the right of the previous curator and, if that player does not accept the dealing shoe or there is no player in that position, the dealer shall offer the dealing shoe to each of the other players in turn, moving counterclockwise around the table. The first player to accept the dealing shoe when offered shall become the new curator.

#### **15. Irregularities**

- (a) Except as provided in subsection (b), below, a card drawn in error from the dealing shoe that is not disclosed shall be used as the first card of the next hand of play.
- (b) A third card dealt to the Player's hand that is not disclosed, when a third card is not authorized under Section 11 (relating to rules for determining whether a third card shall be dealt), shall become the third card of the Banker's hand if the Banker's hand is required to draw under Section 11(c). If the Banker's hand is required to stay, the card dealt in error shall become the first card of the next hand of play.
- (c) If a third card dealt to the Player's hand, when a third card is not authorized under Section 11, is disclosed at the time it is dealt or is found face up in the dealing shoe, the dealer calling the game shall use the disclosed card as the third card of the Banker's hand if the Banker's hand is required to draw under Section 11(c). If the Banker's hand is required to stay, the dealer calling the game shall, in accordance with one of the following procedures designated in the licensee's Rules Submission (relating to table games Rules Submissions):
  - (1) Place the disclosed card and one additional card, drawn face down from the dealing shoe, into the discard bucket without disclosing the additional card.
  - (2) Use the disclosed card as the first card of a simulated round of play in which wagers may not be accepted. The cards shall be dealt in accordance with the rules of this chapter and placed in the discard bucket upon completion of the dealing procedures.
- (d) Except as provided in subsection (c), above, if a card is disclosed at the time it is dealt or a card is found face up in the dealing shoe, the dealer shall use the disclosed card as the first card of a simulated round of play in which wagers may not be accepted. The cards shall be dealt in accordance with this chapter and placed in the discard bucket upon completion of the dealing procedures.
- (e) If there are insufficient cards remaining in the dealing shoe to complete a round of play, that round shall be void and all wagers shall be returned. A new round shall commence after the entire set of cards has been replaced and the new set of cards have been placed in the dealing shoe.

# BACCARAT – MIDI BACCARAT

## Rules

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### **1. Definitions**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Dragon 7*-- A Banker's Hand which has a Point Count of 7 with a total of three cards dealt and the Player's Hand which has a Point Count of less than 7.

*EZ Baccarat*-- A variation of Midibaccarat in which vigorish is not collected.

*Natural*-- A hand which has a Point Count of 8 or 9 on the first two cards dealt.

*Panda 8*-- A Player's Hand which has a Point Count of 8 with a total of three cards dealt and the Banker's Hand which has a Point Count of less than 8.

*Free Hand* – A courtesy hand that is dealt without any wagers being placed on the table.

### **2. Midibaccarat table physical characteristics**

- (a) Midibaccarat shall be played on a table having numbered positions for no more than nine seated players on one side of the table and a place for the dealer on the opposite side of the table.
- (b) The layout for a Midibaccarat table shall be submitted to the IEB and approved in accordance with 205 CMR 146.18 (relating to approval of table game layouts, signage and equipment)
  - (1) If a licensee offers the Dragon Bonus Wager, authorized under Section 7(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.
  - (2) If a licensee offers EZ Baccarat in which vigorish is not collected:
    - (i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under Section 7(a)(5), for each player.
    - (ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information shall be posted at each Midibaccarat table.
    - (iii) Separate areas designated for the placement of the Panda 8 Insurance Wager, authorized under Section 7(a)(6), for each player.
  - (3) If a licensee offers the House Money Wager, authorized under Section 7(a)(7), separate areas designated for the placement of the House Money Wager for each player.
  - (4) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the licensee's Rules Submission (relating to table games Rules Submissions), collects the vigorish from a

player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

- (c) Each Baccarat table must have a discard bucket or rack capable of handling 8 decks of cards.

### **3. Cards; number of decks**

- (a) Midibaccarat shall be played with at least six decks of cards having backs of the same color and design and two additional cut cards. The cut cards shall be opaque and in a solid color readily distinguishable from the color of the backs and edges of the playing cards, as approved by the Commission.

### **4. Opening of the table for gaming**

- (a) After receiving the six or more decks of cards at the table in accordance with 205 CMR 146.49, the dealer calling the game shall, as applicable, comply with the requirements of either the gaming equipment regulations and (b) through (c) below or the requirements of the gaming equipment regulations
- (b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face upwards on the table for visual inspection by the first participant or participants to arrive at the table. The cards shall be spread out in columns by deck according to suit and in sequence. The cards in each suit shall be laid out in sequence within the suit.
- (c) After the first participant or participants is afforded an opportunity to visually inspect the cards, the cards shall be turned face downward on the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards and stacked.
- (d) If the licensee uses pre-inspected and pre-shuffled cards, addressed under 205 CMR 146.50 on their baccarat games they must follow in accordance with their procedure submitted in the licensee's Rules Submission.
- (e) If the licensee uses a batch type shuffle machine, addressed under 205 CMR 146.51 on their baccarat games they must follow in accordance with their procedure submitted in the licensee's Rules Submission.

### **5. Shuffle and cut of the cards**

- (a) Immediately prior to the commencement of play, unless the cards were pre-shuffled (pursuant to the gaming equipment regulations), and after each shoe of cards is completed, the gaming licensee shall require the dealer to shuffle the cards so that they are randomly intermixed. After the cards have been shuffled, the dealer shall lace approximately one deck of cards so that they are evenly dispersed into the remaining stack.
  - (1) After lacing the cards, the gaming licensee may, as an additional option, require the dealer to shuffle some or all of the cards again.

- (2) A gaming licensee shall not initiate or terminate the use of this reshuffling option unless the gaming licensee provides its surveillance department and the Commission with at least 30 minutes prior written notice.
- (b) Any shuffling or lacing option chosen for use by a gaming licensee pursuant to (a) above shall be implemented at all tables within a pit.
- (c) After shuffling or lacing the cards and, where applicable, reshuffling them, the dealer calling the game shall perform one of the following options. The dealer will offer the stack of cards, with backs facing away from him to the players to be cut, or at the casino's discretion, the dealer will cut the stack of cards for the table. The dealer shall begin with the participant seated in the highest number position at the table or, in the case of reshuffle the last curator and working clockwise around the table, shall offer the stack to each participant until a participant accepts the cut. If no participant accepts the cut, the dealer shall cut the cards.
- (d) The cards shall be cut by placing the cut card in the stack at least a deck in from either end.
- (e) Prior to commencement of play, the dealer shall remove and expose the first card from the dealing shoe and place it, and an additional number of cards, drawn face down, equal to the face value of the first card drawn, in the discard rack. When determining the face value of the first card removed from the dealing shoe, a 10, jack, queen or king shall count as ten and an ace shall count as one. The licensee has the option of placing the burned cards face up for the player prior to placing them in the discard rack or bucket.
- (f) After the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut, at the gaming licensee's option, by the player who last cut the cards, or by the next person entitled to cut the cards, as determined by section (c) above.
- (g) When the licensee is using a manual shuffle the following steps will be incorporated into their shuffle procedure.
- (1) The "plug" is a method for inserting unused cards from behind the cut card into the cards in the discard tray. This is usually the first step.
  - (2) The "riffle" is when the cards are divided into two piles and interlaced.
  - (3) The "turn" involves dividing the shoe into two stacks and rotating one stack 180 degrees before riffling the stacks together.
  - (4) The "strip" also known as running cuts. The strip should not occur before at least two riffles have taken place.
  - (5) The "cut" is the final step before the cards are put back into the shoe. This insures that the top card cannot be identified if it was accidentally exposed during the other steps.

## **6. Value of cards; Point Count of hand**

- (a) The value of the cards in each deck shall be as follows:

- (1) Any card from 2 to 9 shall have its face value.
  - (2) Any 10, jack, queen or king shall have a value of zero.
  - (3) Any ace shall have a value of one.
- (b) The Point Count of a hand shall be a single digit number from 0 to 9 and shall be determined by totaling the value of the cards in the hand. If the total of the cards in a hand is a two-digit number, the left digit of the number shall be discarded and the right digit shall constitute the Point Count of the hand. Examples of this rule are as follows:
- (1) A hand composed of an ace, 2 and 4 has a Point Count of 7.
  - (2) A hand composed of an ace, 2 and 9 has a total of 12 but a Point Count of only 2 since the left digit of the number 12 is discarded.

## **7. Wagers**

- (a) The following are permissible wagers in the game of Midibaccarat:
- (1) A wager on the Banker's Hand which shall:
    - (i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand unless EZ Baccarat is being played and the Point Counts of the Banker's Hand result in a Dragon 7.
    - (ii) Lose if the Banker's Hand has a Point Count lower than that of the Player's Hand.
    - (iii) Tie and be returned to the player if the Banker's Hand and the Player's Hand have the same Point Count or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.
  - (2) A wager on the Player's Hand which shall:
    - (i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand and if EZ Baccarat is being played and the Point Counts of the Player's Hand and the Banker's Hand result in a Panda 8.
    - (ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.
    - (iii) Tie and be returned to the player if the Point Counts of the Banker's Hand and the Player's Hand are equal.
  - (3) A Tie Wager which shall:
    - (i) Win if the Point Counts of the Banker's Hand and the Player's Hand are equal.
    - (ii) Lose if Point Counts of the Banker's Hand and the Player's Hand are not equal.
  - (4) If offered by a licensee, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:
    - (i) Win if the selected hand is:
      - a. A Natural and the other hand is not a Natural.
      - b. A Natural 9 and the other hand is a Natural 8.
      - c. Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.
    - (ii) Lose if the selected hand is:
      - a. A Natural 8 and the other hand is a Natural 9.
      - b. Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.

- c. Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.
- (iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.
- (5) A Dragon 7 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:
  - (i) Win if the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.
  - (ii) Lose if the Point Counts of the Banker's Hand and the Player's Hand do not result in a Dragon 7.
- (6) A Panda 8 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:
  - (i) Win if the Point Counts of the Banker's Hand and the Player's Hand result in a Panda 8.
  - (ii) Lose if the Point Counts of the Banker's Hand and the Player's Hand do not result in a Panda 8.
- (7) If offered by a licensee, a House Money Wager which shall:
  - (i) Win if the first two cards of either the Banker's Hand or Player's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of same rank (two queens, for example), regardless of suit.
  - (ii) Lose if in the first two cards dealt to the Banker's Hand and the Player's Hand, neither the Banker's hand nor the Player's hand contains a pair.

(b) Wagers at Midibaccarat shall be made by placing value chips, plaques, or match play coupon on the appropriate areas of the Midibaccarat layout. Verbal wagers accompanied by cash may be accepted provided that the verbal wagers are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

~~(b)~~(c) At the discretion of the Licensee, the player/players at the table may be allowed to omit their wagers and request a 'Free Hand' be played out.

~~(e)~~(d) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

## **8. Hands of Banker and Player; procedure for dealing initial two cards to each hand**

- (a) There shall be two hands dealt in the game of Midibaccarat, one of which shall be designated the Player's Hand and the other designated the Banker's Hand.
- (b) Prior to dealing any cards, the dealer shall announce "no more bets."
- (c) The dealer shall then deal an initial four cards from the dealing shoe. The first and third cards dealt shall be placed face down on the area designated for the Player's Hand and the second and fourth cards dealt shall be placed face down on the area designated for the Banker's Hand.
  - (1) After all four cards have been dealt, the dealer shall place the Banker's Hand underneath the right corner of the dealing shoe. The dealer shall then hand the two cards of the Player's Hand, face down, to the player with the highest wager on the Player's Hand. After viewing the Player's Hand, the player shall return the two cards, face up, to the

dealer, who shall place the cards face up on the area designated for the Player's Hand and announce the Point Count of the Player's Hand.

- (2) The dealer shall then hand the two cards of the Banker's Hand, face down, to the player with the highest wager on the Banker's Hand. After viewing the Banker's Hand, the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the Banker's Hand and announce the Point Count of the Banker's Hand.
- (3) Prior to dealing a third card to the Banker's or Player's hand, the dealer shall settle all House Money Wagers as follows:
  - (i) If a player placed a House Money Wager, after the initial two cards of the Banker's Hand and Player's Hand have been turned face up on the layout, beginning from the dealer's right and moving counterclockwise around the table, the dealer shall collect all losing House Money wagers and pay all winning wagers in accordance with Section 12(h) (relating to payout odds; vigorish) provided that, at a player's discretion, the player may add the winning House Money payout to the player's original wager on the Banker's or Player's hand in accordance with the following:
    - a. All of the winning House Money payout or, if specified in the licensee's Rules Submission filed (relating to table games Rules Submissions), only a specified portion of the winning House Money payout shall be added to the area designated for the placement of the player's original wager on the Banker's or Player's hand. The player's original wager and the House Money payout which was added to the player's original wager shall then be settled based on the outcome of the player's wager on the Banker's or Player's hand.
    - b. A player may not touch the winning House Money payout. The dealer shall either hand the entire winning House Money payout to the player or place all or a portion thereof, as authorized by the licensee, on the area designated for the placement of the player's wager on the Banker's or Player's hand.
  - (ii) After settling the House Money Wagers, the game shall resume by dealing any third cards that are required to be dealt.
- (4) Any third card required to be dealt to the Player's Hand shall be placed face down on the area designated for the Player's Hand. The dealer shall then hand the card, face down, to the player who was handed and returned the Player's Hand. After viewing the card, the player shall return the card, face up, to the dealer, who shall place the card face up on the area designated for the Player's Hand.
- (5) Any third card required to be dealt to the Banker's Hand shall be placed face down on the area designated for the Banker's Hand. The dealer shall then hand the card, face down, to the player who was handed and returned the Banker's Hand. After viewing the card, the player shall return the card, face up, to the dealer, who shall place the card face up on the area designated for the Banker's Hand.
- (6) If two or more players wager an equally high amount on the Player's Hand, the player making the wager who is closest to the dealer, moving counterclockwise around the table, shall be handed the Player's Hand and any third card required to be dealt. If two or more players wager an equally high amount on the Banker's Hand, the player making the wager who is closest to the dealer, moving counterclockwise around the table, shall be handed the Banker's Hand and any third card required to be dealt.



- (d) The dealer or floorperson assigned to the table may require any player to relinquish the right to turn over the cards in accordance with subsection (c), above, if the player unreasonably delays the game. If the voluntary or compulsory relinquishment of that right occurs, the dealer shall offer it to the player immediately to the right of the previous player. If the player does not accept it or there is not a player in that position, the dealer shall offer it to each of the other players in turn, moving counterclockwise around the table for the remainder of that round of play. If no player accepts the cards, the dealer shall turn the cards over and place them on the designated areas of the layout.

## **9. Procedure for dealing a third card**

- (a) After the dealer positions the cards in accordance with Section 8(c) (relating to hands of banker and player; procedure for dealing initial two cards to each hand), the dealer shall announce the Point Count of the Player's Hand and the Banker's Hand.
- (b) Following the announcement of the Point Counts of each hand, the dealer shall determine whether to deal a third card to each hand in accordance with Section 10 (relating to rules for determining whether a third card shall be dealt). Any third cards required shall be dealt as provided in Section 8(c).
- (c) In no event may more than one additional card be dealt to either hand.
- (d) If the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and placed to the side and the hand will be completed. Upon completion of that hand, the dealer shall announce "last hand." At the completion of one more hand, the cards shall be replaced with new decks of cards.

## **10. Rules for determining whether a third card shall be dealt**

- (a) If either the Banker's Hand or the Player's Hand is a Natural, no more cards may be dealt to either hand.
- (b) If the Point Count of the Banker's Hand and the Player's Hand is 0 to 7 on the first two cards, the Player's Hand shall:
- (1) Draw (take a third card) if the Player's Hand has a Point Count of less than 6.
  - (2) Stay (not take a third card) if the Player's Hand has a Point Count of 6 or more.
- (c) If the Point Count of the Banker's Hand and the Player's Hand is 0 to 7 on the first two cards, the Banker's Hand shall draw or stay in accordance with the following requirements:
- (1) If the Player's Hand does not receive a third card, the Banker's Hand shall be dealt a third card if the Point Count of the Banker's Hand is 5 or less.
  - (2) If the Player's Hand is dealt a third card and:
    - (i) The Banker's Hand has a Point Count of less than 3, the Banker's Hand shall be dealt a third card.
    - (ii) The Banker's Hand has a Point Count of 7, the Banker's Hand may not be dealt a third card.

(iii) The Banker's Hand has a Point Count of 3, 4, 5 or 6, the Banker's Hand shall be dealt or not dealt a third card in accordance with Table 1 as follows:

**Table 1**

<b>When the Banker's first two cards total</b>	<b>Banker draws when Player's third card is</b>
<b>0, 1, 2</b>	Banker hand always draws
<b>3</b>	Banker hand draws unless Player's third card is 8
<b>4</b>	2 – 7
<b>5</b>	4 – 7
<b>6</b>	6 – 7
<b>7</b>	Banker hand stands
<b>8, 9</b>	Natural – Neither hand draws

**11. Announcement of result of round; payment and collection of wagers**

- (a) After each hand has received all the cards to which it is entitled under Section 8, Section 9 and Section 10 (relating to hands of banker and player; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer shall announce the final Point Count of each hand indicating which hand has won the round. If two hands have equal Point Counts, the dealer shall announce "tie hand." If the table is designated for play as an EZ Baccarat table and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7 or a Panda 8, the dealer shall announce "Dragon 7" or "Panda 8."
- (b) After the result of the round is announced, the dealer shall first collect each losing wager. After the losing wagers are collected, the dealer shall, starting at the highest numbered player position at which a winning wager is located, mark or collect the vigorish owed by that player, unless the table is designated for play as an EZ Baccarat table in which vigorish is not collected. Immediately thereafter, the dealer shall pay that player's winning wager and then, proceeding in descending order to the next highest numbered player position at which a winning wager is located, repeat this procedure until the vigorish owed by each player is either marked or collected and each winning wager is paid.
- (c) At the conclusion of a round of play, the dealer shall remove all cards from the table and place the cards in the discard rack.

**12. Payout odds; vigorish**

- (a) A winning wager made on the Player's Hand shall be paid at odds of 1 to 1.
- (b) A winning Tie Wager shall be paid at odds of at least 8 to 1.
- (c) A winning wager made on the Banker's Hand shall be paid at odds of 1 to 1, except that the licensee shall extract a vigorish from the winning players in an amount equal to 5% of the

amount won unless the licensee is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the licensee may round off the vigorish to 25¢ or the next highest multiple of 25¢.

- (d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the licensee in its Rules Submission (relating to table games Rules Submissions):
- (1) At the time the winning payout is made.
  - (2) At a later time, provided that:
    - (i) The outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first.
    - (ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.
    - (iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.
- (e) If a licensee offers the Dragon Bonus Wager, in accordance with Section 7(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following pay tables selected by the licensee in its Rules Submission filed:

<b>Hand</b>	<b>Paytable A</b>	<b>Paytable B</b>	<b>Paytable C</b>
<b>Win by 9 points</b>	30 to 1	20 to 1	30 to 1
<b>Win by 8 points</b>	10 to 1	8 to 1	10 to 1
<b>Win by 7 points</b>	6 to 1	7 to 1	4 to 1
<b>Win by 6 points</b>	4 to 1	4 to 1	4 to 1
<b>Win by 5 points</b>	2 to 1	3 to 1	2 to 1
<b>Win by 4 points</b>	1 to 1	1 to 1	2 to 1
<b>Natural winner</b>	1 to 1	1 to 1	1 to 1
<b>Natural tie</b>	Push	Push	Push

- (f) A winning Dragon 7 Insurance Wager, as described in Section 7(a)(5), shall be paid at odds of 40 to 1.
- (g) A winning Panda 8 Insurance Wager, as described in Section 7(a)(6), shall be paid at odds of 25 to 1.
- (h) If a licensee offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following pay table:

Hand	Odds
<b>Player and Banker Pair</b>	15 to 1
<b>Player or Banker Pair</b>	3 to 1

- (i) If a Licensee offers the Royal 9 Baccarat Progressive side wager for Midibaccarat games the Licensee will use either six or eight standard 52-card decks and either six or seven seats at a table. Each player chair will be assigned one unique Personal King-9 combination that can award a progressive. Personal King-9 combinations must be non-suited and unique to each player seat.

Game play begins with players placing their underlying Midibaccarat wagers and optionally the Royal 9 Baccarat Progressive wager. The wager is fixed at \$5.00. After all wagers are placed, the Banker hand and Player hand each receive two cards according to their game's procedures.

**Table 1. Paytable**

Hand	Pay
Personal King-9 vs. Personal King-9	Star Progressive
Banker Personal King-9	Spade Progressive
Player Personal King-9	Heart Progressive
Other Personal King-9 vs. Identical King-9	\$5,000
Suited Royal 9 vs. Suited Royal 9	\$1,500
Royal 9 vs. Royal 9	\$250
Any Suited Royal 9	\$50
Any Royal 9	\$25
All other hands	Loss

Hand Definitions	
Personal King-9 vs. Personal King-9	Player and Banker hand have exact "King-9" matching preprinted combination player is seated at
Banker Personal King-9	Banker hand matches preprinted combination player is seated at
Player Personal King-9	Player hand matches preprinted combination player is seated at
Other Personal King-9 vs. Identical King-9	Both Player and Banker hands match a "King-9" combination preprinted on any other seat
Suited Royal 9 vs. Suited Royal 9	Player hand and Banker hand both have a suited Royal 9, does not have to be same combination
Royal 9 vs. Royal 9	Player hand and Banker hand both have a Royal 9, does not have to be same combination
Any Suited Royal 9	A suited nine and any face card (J thru K) in the initial two cards dealt to Player or Banker hand
Any Royal 9	A nine and any face card (J thru K) in the initial two cards dealt to Player or Banker hand

The "Personal King-9 vs. Personal King-9" combination occurs when both the Banker and Player hands have the exact "King-9" combination which matches the combination posted at the chair that the player placing the wager is seated at, while the "Banker Personal King-9" and "Player Personal King-9" combinations occur if only one of the

Banker or Player hands match. The “Other Personal King-9 vs. Identical King-9” combination occurs when both the Banker and player hands match one of the “King-9” combinations posted at a chair that the player placing the wager is not seated at. The “Other Personal King-9 vs. Identical King-9” combination is awarded regardless of whether the other players are placing a Royal 9 Baccarat Progressive side wager.

“Royal 9” means a nine and any face card (Jack through King) in the initial two cards dealt to a Banker or Player hand. A “Suited Royal 9” is a “Royal 9” combination where both cards in the hand are the same suit. A “Royal 9 vs. Royal 9” hand is when the Player hand and Banker hand both have a “Royal 9” combination, not necessarily the same “Royal 9” combination. A “Suited Royal 9 vs. Suited Royal 9” hand is when the player has a “Suited Royal 9” combination and the banker also has a “Suited Royal 9” combination, not necessarily the same suit or “Royal 9” combination. “Any Royal 9” and “Any Suited Royal 9” combinations are awarded when either the Banker hand or Player hand contains the respective combination.

- (j) If Must Hit Progressive for Stax is available, the dealer hitting end-round will determine if there is a random winner from those that participated in the Royal 9 Baccarat Progressive optional side bet. This will be indicated with the light-up bet sensor at that player spot as well as being indicated to the dealer on the dealer touch interface and the double sided progressive display at the table.

### **13. Irregularities**

- (a) Except as provided in subsection (b), below, a card drawn in error from the dealing shoe that is not disclosed shall be used as the first card of the next hand of play.
- (b) A third card dealt to the Player’s Hand that is not disclosed, when a third card is not authorized under Section 10 (relating to rules for determining whether a third card shall be dealt), shall become the third card of the Banker’s Hand if the Banker’s Hand is required to draw under Section 10(c). If the Banker’s Hand is required to stay, the card dealt in error shall become the first card of the next hand of play.
- (c) If a third card dealt to the Player’s Hand, when a third card is not authorized under Section 10, is disclosed at the time it is dealt or is found face up in the dealing shoe, the dealer shall use the disclosed card as the third card of the Banker’s Hand if the Banker’s Hand is required to draw under Section 10(c). If the Banker’s Hand is required to stay, the dealer shall, in accordance with one of the following procedures designated in the licensee’s Rules Submission (relating to table games Rules Submissions):
  - (1) Place the disclosed card and one additional card, drawn face down from the dealing shoe, into the discard bucket without disclosing the additional card.
  - (2) Use the disclosed card as the first card of a simulated round of play in which wagers may not be accepted. The cards shall be dealt in accordance with this chapter and placed in the discard bucket upon completion of the dealing procedures.

- (d) Except as provided in subsection (c), above, if a card is disclosed at the time it is dealt or a card is found face up in the dealing shoe, the dealer shall use the disclosed card as the first card of a simulated round of play in which wagers may not be accepted. The cards shall be dealt in accordance with this chapter and shall be placed in the discard bucket upon completion of the dealing procedures.
- (e) If there are insufficient cards remaining in the dealing shoe to complete a round of play, that round shall be void and all wagers shall be returned. A new round shall commence after the entire set of cards has been replaced and the new set of cards have been placed in the dealing shoe.

# MINIBACCARAT

## Rules

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### 1. Definitions

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Dragon 7*-- A Banker's Hand which has a Point Count of 7 with a total of three cards dealt and the Player's Hand which has a Point Count of less than 7.

*EZ Baccarat*-- A variation of Minibaccarat in which vigorish is not collected.

*Natural*-- A hand which has a Point Count of 8 or 9 on the first two cards dealt.

*Panda 8*-- A Player's Hand which has a Point Count of 8 with a total of three cards dealt and the Banker's Hand which has a Point Count of less than 8.

*Free Hand* – A courtesy hand that is dealt without any wagers being placed on the table.

### 2. Minibaccarat table physical characteristics

- (a) Minibaccarat shall be played on a table having numbered positions for no more than nine seated players on one side of the table and a place for the dealer on the opposite side of the table.
- (b) The layout for a Minibaccarat table shall be submitted to the Massachusetts Gaming Commission and approved in accordance with 205 CMR 146.18 (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:
  - (1) An area designated for the placement of cards for the Banker's Hand and Player's Hand.
  - (2) If a Licensee offers the Dragon Bonus Wager authorized under Section 7(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.
  - (3) If a Licensee offers EZ Baccarat in which vigorish is not collected:
    - (i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under Section 7(a)(5), for each player.
    - (ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information shall be posted at each Minibaccarat table.
    - (iii) Separate areas designated for the placement of the Panda 8 Insurance Wager, authorized under Section 7(a)(6), for each player.
  - (4) If a Licensee offers the House Money Wager, authorized under Section 7(a)(7), separate areas designated for the placement of the House Money Wager for each player.

(5) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the Licensee's Rules Submission, collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

(c) Each Minibaccarat table must have a discard rack securely attached to the top of the dealer's side of the table.

### **3. Cards; number of decks**

(a) Except as provided in subsection (b), below, Minibaccarat shall be played with six to eight decks of cards that are identical in appearance and two cover cards.

(b) If an automated card shuffling device is utilized, Minibaccarat shall be played with 12 to 16 decks of cards in accordance with the following requirements:

(1) The cards shall be separated into two batches with an equal number of decks included in each batch.

(2) The cards in each batch must be of the same design but the backs of the cards in one batch must be of a different color than the cards in the other batch.

(3) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being used to play the game.

(4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(5) The cards from only one batch shall be placed in the discard rack at any given time.

(c) The decks of cards opened for use at a Minibaccarat table shall be changed at least once every 24 hours.

### **4. Opening of the table for gaming**

(a) After receiving six or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, they shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked.

(d) If an automated card shuffling device is utilized and two batches of cards are received at the table, all the decks in one batch of cards shall be spread for inspection on the table separate from the decks in the other batch of cards. After the first player is afforded an opportunity to visually inspect the cards, each batch of cards shall separately be turned face down on the table and stacked.



- (e) If the decks of cards received at the table are preinspected and reshuffled in accordance with 205 CMR 146.50, subsections (a)—(d), above, do not apply.

## **5. Shuffle and cut of the cards**

- (a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with 205 CMR 146.48 (relating to cards; receipt, storage, inspection and removal from use), after each dealing shoe of cards is dealt or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. If the cards have been manually shuffled, the dealer shall leave the entire stack of cards intermixed but not entirely squared off (leave them feathered) so that the floorperson can verify that the shuffle did not result in any uneven distribution of cards.
- (b) After shuffling or lacing the cards and, where applicable, reshuffling them, the dealer calling the game shall perform one of the following options. The dealer will offer the stack of cards, with backs facing away from him to the players to be cut, or at the casino's discretion, the dealer will cut the stack of cards for the table. The dealer shall begin with the participant seated in the highest number position at the table or, in the case of reshuffle the last curator and working clockwise around the table, shall offer the stack to each participant until a participant accepts the cut. If no participant accepts the cut, the dealer shall cut the cards.
- (c) The cards shall be cut by placing the cut card in the stack at least a deck in from either end.
- (d) Once the cover card has been inserted into the stack, the dealer shall take all cards above the cover card and place them on the bottom of the stack. The dealer shall then insert the second cover card in a position at least 14 cards above the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.
- (e) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson or above determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut by the next person entitled to cut the cards, as determined by subsection (b), above. The stack of cards shall then be inserted into the dealing shoe for commencement of play.
- (f) Prior to commencement of play, the dealer shall remove and expose the first card from the dealing shoe and place it, and an additional number of cards, drawn face down, equal to the face value of the first card drawn, in the discard rack. When determining the face value of the first card removed from the dealing shoe, a 10, jack, queen or king shall count as ten and an ace shall count as one. The licensee has the option of placing the burned cards face up for the player prior to placing them in the discard rack or bucket.
- (g) If there is no gaming activity at a Minibaccarat table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack, and spread out on the table face

down unless a player requests that the cards be spread face up on the table. After the first player is afforded an opportunity to visually inspect the cards:

- (1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.
  - (2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the batch of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt, if:
    - (i) The automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner.
    - (ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures submitted to the IEB.
- (h) When the licensee is using a manual shuffle the following steps will be incorporated into their shuffle procedure.
- (1) The “plug” is a method for inserting unused cards from behind the cut card into the cards in the discard tray. This is usually the first step.
  - (2) The “riffle” is when the cards are divided into two piles and interlaced.
  - (3) The “turn” involves dividing the shoe into two stacks and rotating one stack 180 degrees before riffling the stacks together.
  - (4) The “strip” also known as running cuts. The strip should not occur before at least two riffles have taken place.
  - (5) The “cut” is the final step before the cards are put back into the shoe. This insures that the top card cannot be identified if it was accidentally exposed during the other steps.

## **6. Value of cards; Point Count of hand**

- (a) The value of the cards in each deck shall be as follows:
  - (1) Any card from 2 to 9 shall have its face value.
  - (2) Any 10, jack, queen or king shall have a value of zero.
  - (3) Any ace shall have a value of one.
- (b) The Point Count of a hand shall be a single digit number from 0 to 9 and determined by totaling the value of the cards in the hand. If the total of the cards in a hand is a two-digit number, the left digit of the number shall be discarded and the right digit shall constitute the Point Count of the hand. Examples of this rule are as follows:
  - (1) A hand composed of an ace, 2 and 4 has a Point Count of 7.
  - (2) A hand composed of an ace, 2 and 9 has a total of 12 but a Point Count of only 2 since the left digit of the number 12 is discarded.

## **7. Wagers**

- (a) The following are permissible wagers in the game of Minibaccarat:
  - (1) A wager on the Banker's Hand which shall:

- (i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand unless EZ Baccarat is being played and the Point Counts of the Banker's Hand result in a Dragon 7.
  - (ii) Lose if the Banker's Hand has a Point Count lower than that of the Player's Hand.
  - (iii) Tie and be returned to the player if the Banker's Hand and the Player's Hand have the same Point Count or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.
- (2) A wager on the Player's Hand which shall:
- (i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand and if EZ Baccarat is being played and the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.
  - (ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.
  - (iii) Tie and be returned to the player if the Point Counts of the Banker's Hand and the Player's Hand are equal.
- (3) A Tie Wager which shall:
- (i) Win if the Point Counts of the Banker's Hand and the Player's Hand are equal.
  - (ii) Lose if Point Counts of the Banker's Hand and the Player's Hand are not equal.
- (4) If offered by a Licensee, a Dragon Bonus Wager on the Banker's Hand or Player's Hand, or both, which shall:
- (i) Win if the selected hand is:
    - a. A Natural and the other hand is not a Natural.
    - b. A Natural 9 and the other hand is a Natural 8.
    - c. Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.
  - (ii) Lose if the selected hand is:
    - a. A Natural 8 and the other hand is a Natural 9.
    - b. Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.
    - c. Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.
  - (iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.
- (5) A Dragon 7 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:
- (i) Win if the Banker's Hand has a Point Count of 7 with a total of three cards dealt and the Player's Hand which has a Point Count of less than 7.
  - (ii) Lose if the Point Counts of the Banker's Hand do not result in a Dragon 7.
- (6) A Panda 8 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:
- (i) Win if the Point Counts of the Player's Hand has a Point Count of 8 with a total of three cards dealt and the Banker's Hand which has a Point Count of less than 8.
  - (ii) Lose if the Point Counts of the Player's Hand do not result in a Panda 8.
- (7) If offered by a Licensee, a House Money Wager which shall:

- (i) Win if the first two cards of either the Banker's Hand or Player's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of same rank (two queens, for example), regardless of suit.
- (ii) Lose if in the first two cards dealt to the Banker's Hand and the Player's Hand, neither the Banker's Hand nor the Player's Hand contains a pair.

(b) Wagers at Minibaccarat shall be made by placing value chips or plaques on the appropriate areas of the Minibaccarat layout. Verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

~~(b)~~(c) At the discretion of the Licensee, the player/players at the table may be allowed to omit their wagers and request a 'Free Hand' be played out.

~~(e)~~(d) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

## **8. Hands of Banker and Player; procedure for dealing initial two cards to each hand**

- (a) There shall be two hands dealt in the game of Minibaccarat, one of which shall be designated the Player's Hand and the other designated the Banker's Hand.
- (b) Prior to dealing any cards, the dealer shall announce "no more bets."
- (c) The dealer shall then deal an initial four cards from the dealing shoe. The first and third cards dealt shall be placed face down on the area designated for the Player's Hand and the second and fourth cards dealt shall be placed face down on the area designated for the Banker's Hand.
  - (1) After all four cards have been dealt, the dealer shall place the Banker's Hand underneath the right corner of the dealing shoe. The dealer shall then hand the two cards of the Player's Hand, face down, to the player with the highest wager on the Player's Hand. After viewing the Player's Hand, the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the Player's Hand and announce the Point Count of the Player's Hand.
  - (2) The dealer shall then hand the two cards of the Banker's Hand, face down, to the player with the highest wager on the Banker's Hand. After viewing the Banker's Hand, the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the Banker's Hand and announce the Point Count of the Banker's Hand.
  - (3) Prior to dealing a third card to the Banker's or Player's Hand, the dealer shall settle all House Money Wagers as follows:
    - (i) If a player placed a House Money Wager, after the initial two cards of the Banker's Hand and Player's Hand have been turned face up on the layout, beginning from the dealer's right and moving counterclockwise around the table, the dealer shall collect all losing House Money wagers and pay all winning wagers in accordance with Section 12(h) of the Rules of the Game of Baccarat-Midi Baccarat (relating to payout odds; vigorish) provided that, at a player's discretion, the player may add the winning House Money payout to the player's original wager on the Banker's or Player's Hand in accordance with the following:

- a. All of the winning House Money payout or, if specified in the licensee's Rules Submission filed, only a specified portion of the winning House Money payout shall be added to the area designated for the placement of the player's original wager on the Player's or Banker's Hand. The player's original wager and the House Money payout which was added to the player's original wager shall then be settled based on the outcome of the player's wager on the Player's or Banker's Hand.
  - b. A player may not touch the winning House Money payout. The dealer shall either hand the entire winning House Money payout to the player or place all or a portion thereof, as authorized by the licensee, on the area designated for the placement of the player's wager on the Player's or Banker's Hand.
- (ii) After settling the House Money Wagers, the game shall resume by dealing any third cards that are required to be dealt.
- (4) Any third card required to be dealt to the Player's Hand shall be placed face down on the area designated for the Player's Hand. The dealer shall then hand the card, face down, to the player who was handed and returned the Player's Hand. After viewing the card, the player shall return the card, face up, to the dealer, who shall place the card face up on the area designated for the Player's Hand.
- (5) Any third card required to be dealt to the Banker's Hand shall be placed face down on the area designated for the Banker's Hand. The dealer shall then hand the card, face down, to the player who was handed and returned the Banker's Hand. After viewing the card, the player shall return the card, face up, to the dealer, who shall place the card face up on the area designated for the Banker's Hand.
- (6) If two or more players wager an equally high amount on the Player's Hand, the player making the wager who is closest to the dealer, moving counterclockwise around the table, shall be handed the Player's Hand and any third card required to be dealt. If two or more players wager an equally high amount on the Banker's Hand, the player making the wager who is closest to the dealer, moving counterclockwise around the table, shall be handed the Banker's Hand and any third card required to be dealt.
- (d) The dealer or floorperson assigned to the table may require any player to relinquish the right to turn over the cards in accordance with subsection (c), above, if the player unreasonably delays the game. If the voluntary or compulsory relinquishment of that right occurs, the dealer shall offer it to the player immediately to the right of the previous player. If the player does not accept it or there is not a player in that position, the dealer shall offer it to each of the other players in turn, moving counterclockwise around the table for the remainder of that round of play. If no player accepts the cards, the dealer shall turn the cards over and place them on the designated areas of the layout.

## **9. Procedure for dealing a third card**

- (a) After the dealer positions the cards in accordance with Section 8(c)(1) or (2) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), the dealer shall announce the Point Count of the Banker's Hand and the Player's Hand.

- (b) Following the announcement of the Point Counts of each hand, the dealer shall determine whether to deal a third card to each hand in accordance with Section 10 (relating to rules for determining whether a third card shall be dealt).
- (c) After the dealer positions the cards in accordance with Section 8(c)(1) or (2), any third card required to be dealt shall first be dealt face up to the Player's Hand and then to the Banker's Hand.
- (d) In no event may more than one additional card be dealt to either hand.
- (e) If the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and placed to the side and the hand will be completed. Upon completion of that hand, the dealer shall announce "last hand." At the completion of one more hand, the cards shall be reshuffled.

**10. Rules for determining whether a third card shall be dealt**

- (a) If either the Banker's Hand or the Player's Hand is a Natural, no more cards may be dealt to either hand.
- (b) If the Point Count of the Banker's Hand and the Player's Hand is 0 to 7 on the first two cards, the Player's Hand shall:
  - (1) Draw (take a third card) if the Player's Hand has a Point Count of less than 6.
  - (2) Stay (not take a third card) if the Player's Hand has a Point Count of 6 or more.
- (c) If the Point Count of the Banker's Hand and the Player's Hand is 0 to 7 on the first two cards, the Banker's Hand shall draw or stay in accordance with the following requirements:
  - (1) If the Player's Hand does not receive a third card, the Banker's Hand shall be dealt a third card if the Point Count of the Banker's Hand is 5 or less.
  - (2) If the Player's Hand is dealt a third card and:
    - (i) The Banker's Hand has a Point Count of less than 3, the Banker's Hand shall be dealt a third card.
    - (ii) The Banker's Hand has a Point Count of 7, the Banker's Hand may not be dealt a third card.
    - (iii) The Banker's Hand has a Point Count of 3, 4, 5 or 6, the Banker's Hand shall be dealt or not dealt a third card in accordance with Table 1 as follows:

**Table 1**

When the Banker's first two cards total	Banker draws when Player's third card is
0, 1, 2	Banker hand always draws
3	Banker hand draws unless Player's third card is 8
4	2 – 7
5	4 – 7
6	6 – 7
7	Banker hand stands
8, 9	Natural – Neither hand draws

### **11. Announcement of result of round; payment and collection of wagers**

- (a) After each hand has received all the cards to which it is entitled under Sections 8, 9 and 10 (relating to hands of player and banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer shall announce the final Point Count of each hand indicating which hand has won the round. If two hands have equal Point Counts, the dealer shall announce "tie hand." If the table is designated for play as an EZ Baccarat table and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7 or a Panda 8, the dealer shall announce "Dragon 7" or "Panda 8."
- (b) After the result of the round is announced, the dealer shall first collect each losing wager. After the losing wagers are collected, the dealer shall, starting at the highest numbered player position at which a winning wager is located, mark or collect the vigorish owed by that player, unless the table is designated for play as an EZ Baccarat table in which vigorish is not collected. Immediately thereafter, the dealer shall pay that player's winning wager and then, proceeding in descending order to the next highest numbered player position at which a winning wager is located, repeat this procedure until the vigorish owed by each player is either marked or collected and each winning wager is paid.
- (c) At the conclusion of a round of play, the dealer shall remove all cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

### **12. Payout odds; vigorish**

- (a) A winning wager made on the Player's Hand shall be paid at odds of 1 to 1.
- (b) A winning Tie Wager shall be paid at odds of at least 8 to 1.
- (c) A winning wager made on the Banker's Hand shall be paid at odds of 1 to 1, except that the Licensee shall extract a vigorish from the winning players in an amount equal to 5% of the amount won unless the Licensee is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the Licensee may round off the vigorish to 25¢ or the next highest multiple of 25¢.

- (d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the Licensee in its Rules Submission:
- (1) At the time the winning payout is made.
  - (2) At a later time, provided that:
    - (i) The outstanding vigorish shall be collected prior to the reshuffling of the cards in a dealing shoe or when the player leaves the gaming table, whichever occurs first
    - (ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.
    - (iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.
- (e) If a Licensee offers the Dragon Bonus Wager, in accordance Section 7(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following pay tables selected by the Licensee in its Rules Submission filed:

<b>Hand</b>	<b>Paytable A</b>	<b>Paytable B</b>	<b>Paytable C</b>
<b>Win by 9 points</b>	30 to 1	20 to 1	30 to 1
<b>Win by 8 points</b>	10 to 1	8 to 1	10 to 1
<b>Win by 7 points</b>	6 to 1	7 to 1	4 to 1
<b>Win by 6 points</b>	4 to 1	4 to 1	4 to 1
<b>Win by 5 points</b>	2 to 1	3 to 1	2 to 1
<b>Win by 4 points</b>	1 to 1	1 to 1	2 to 1
<b>Natural winner</b>	1 to 1	1 to 1	1 to 1
<b>Natural tie</b>	Push	Push	Push

- (f) A winning Dragon 7 Insurance Wager, as described in Section 7(a)(5), shall be paid at odds of 40 to 1.
- (g) A winning Panda 8 Insurance Wager, as described in Section 7(a)(6), shall be paid at odds of 25 to 1.
- (h) If a Licensee offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following pay table:

<b>Hand</b>	<b>Odds</b>
<b>Player and Banker Pair</b>	15 to 1
<b>Player or Banker Pair</b>	3 to 1



- (i) If a Licensee offers the Royal 9 Baccarat Progressive side wager for Minibaccarat games the Licensee will use either six or eight standard 52-card decks and six seats at a table. Each player chair will be assigned one unique Personal King-9 combination that can award a progressive. Personal King-9 combinations must be non-suited and unique to each player seat.

Game play begins with players placing their underlying Minibaccarat wagers and optionally the Royal 9 Baccarat Progressive wager. The wager is fixed at \$5.00. After all wagers are placed, the Banker hand and Player hand each receive two cards according to their game's procedures.

**Table 1. Paytable**

Hand	Pay
Personal King-9 vs. Personal King-9	Star Progressive
Banker Personal King-9	Spade Progressive
Player Personal King-9	Heart Progressive
Other Personal King-9 vs. Identical King-9	\$5,000
Suited Royal 9 vs. Suited Royal 9	\$1,500
Royal 9 vs. Royal 9	\$250
Any Suited Royal 9	\$50
Any Royal 9	\$25
All other hands	Loss

Hand Definitions	
Personal King-9 vs. Personal King-9	Player and Banker hand have exact "King-9" matching preprinted combination player is seated at
Banker Personal King-9	Banker hand matches preprinted combination player is seated at
Player Personal King-9	Player hand matches preprinted combination player is seated at
Other Personal King-9 vs. Identical King-9	Both Player and Banker hands match a "King-9" combination preprinted on any other seat
Suited Royal 9 vs. Suited Royal 9	Player hand and Banker hand both have a suited Royal 9, does not have to be same combination
Royal 9 vs. Royal 9	Player hand and Banker hand both have a Royal 9, does not have to be same combination
Any Suited Royal 9	A suited nine and any face card (J thru K) in the initial two cards dealt to Player or Banker hand
Any Royal 9	A nine and any face card (J thru K) in the initial two cards dealt to Player or Banker hand

The "Personal King-9 vs. Personal King-9" combination occurs when both the Player and Banker hands have the exact "King-9" combination which matches the combination posted at the chair that the player placing the wager is seated at, while the "Banker Personal King-9" and "Player Personal King-9" combinations occur if only one of the Banker or Player hands match. The "Other Personal King-9 vs. Identical King-9" combination occurs when both the Banker and Player hands match one of the "King-9" combinations posted at a chair that the player placing the wager is not seated at. The "Other Personal King-9 vs. Identical King-9" combination is awarded regardless of whether the other players are placing a Royal 9 Baccarat Progressive side wager.

“Royal 9” means a nine and any face card (Jack through King) in the initial two cards dealt to a Banker or Player hand. A “Suited Royal 9” is a “Royal 9” combination where both cards in the hand are the same suit. A “Royal 9 vs. Royal 9” hand is when the Banker hand and Player hand both have a “Royal 9” combination, not necessarily the same “Royal 9” combination. A “Suited Royal 9 vs. Suited Royal 9” hand is when the player has a “Suited Royal 9” combination and the banker also has a “Suited Royal 9” combination, not necessarily the same suit or “Royal 9” combination. “Any Royal 9” and “Any Suited Royal 9” combinations are awarded when either the Banker hand or Player hand contains the respective combination.

- (j) If Must Hit Progressive for Stax is available, the dealer hitting end-round will determine if there is a random winner from those that participated in the Royal 9 Baccarat Progressive optional side bet. This will be indicated with the light-up bet sensor at that player spot as well as being indicated to the dealer on the dealer touch interface and the double sided progressive display at the table.

### **13. Irregularities**

- (a) Except as provided in subsection (b), below, a card drawn in error from the dealing shoe that is not disclosed shall be used as the first card of the next hand of play.
- (b) A third card dealt to the Player’s Hand that is not disclosed, when a third card is not authorized under Section 10 (relating to rules for determining whether a third card shall be dealt), shall become the third card of the Banker’s Hand if the Banker’s Hand is required to draw under Section 10(c). If the Banker’s Hand is required to stay, the card dealt in error shall become the first card of the next hand of play.
- (c) If a third card dealt to the Player’s Hand, when a third card is not authorized under Section 10, is disclosed at the time it is dealt or is found face up in the dealing shoe, the dealer shall use the disclosed card as the third card of the Banker’s Hand if the Banker’s Hand is required to draw under Section 10(c). If the Banker’s Hand is required to stay, the dealer shall, in accordance with one of the following procedures designated in the Licensee’s Rules Submission:
  - (1) Place the disclosed card and one additional card, drawn face down from the dealing shoe, into the discard rack without disclosing the additional card.
  - (2) Use the disclosed card as the first card of a simulated round of play in which wagers may not be accepted. The cards shall be dealt in accordance with this chapter and placed in the discard rack upon completion of the dealing procedures.
- (d) Except as provided in subsection (c), above, if a card is disclosed at the time it is dealt or a card is found face up in the dealing shoe, the dealer shall use the disclosed card as the first card of a simulated round of play in which wagers may not be accepted. The cards shall be dealt in accordance with this chapter and placed in the discard rack upon completion of the dealing procedures.

- (e) If there are insufficient cards remaining in the dealing shoe to complete a round of play, that round shall be void and all wagers shall be returned. A new round shall commence after the entire set of cards are reshuffled and placed in the dealing shoe.

**14. Continuous shuffling shoe or device**

In lieu of the dealing and shuffling requirements set forth in Section 5, a gaming licensee may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that such shoe or device and the procedures for dealing and shuffling the cards through use of this device are approved by the Commission or its authorized designee.

To: Commissioners  
From: Legal/IEB  
Re: Potential Adjudicatory Hearing Approaches  
Date: April 3, 2024

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This memorandum reviews the law applicable to sports wagering discipline and adjudicatory proceedings. It then reviews the law governing the IEB's possible participation as a party in adjudicatory proceedings resulting from the possibility of sports wagering discipline and concludes that nothing in Chapter 23N or elsewhere bars the IEB from participating. Last, it discusses how the IEB's participation could work, and what practical consequences that participation may have.

## **I. Sports Wagering Discipline: Sources of Law**

### **a. Statutory Provisions**

Six different provisions in the Massachusetts Sports Wagering Act empower the Commission to discipline operators and other licensees in various circumstances. As the following summary shows, the six provisions overlap in some respects, and are distinct in others:

1. Section 9(a): the Commission may reprimand a licensee or suspend or revoke a license for a variety of misconduct pertaining mainly to the licensee's integrity.
2. Section 9(b): the Commission may reprimand a licensee, or suspend or revoke an operator license, if the "licensee has not met the requirements of [Chapter 23N]."
3. Section 16(a): the Commission may assess a civil administrative penalty "on an operator who fails to comply with any provision of [Chapter 23N], house rules or any regulation or order adopted by the commission."
4. Section 16(i): the Commission may condition, suspend or revoke an operator license, or "reprimand or assess a fine on an operator," for a variety of misconduct including committing a criminal or civil offence, violation of sports wagering regulations, breaching a license condition, or employing a "business practice [that] is injurious to the policy objectives of" Chapter 23N.
5. Section 21(a): the Commission "may impose on any person who violates this chapter a civil penalty not to exceed \$2,000 for each violation or \$5,000 for violations arising from the same series of events."
6. Section 21(b) is practically identical to Section 16(i).

Of all of them, only Section 16(a) includes procedures (set out in Sections 16(b)-(h)) the Commission must follow *before* it can impose a penalty. Those procedures apply to "civil administrative penalties" under Section 16(a) but, not revocation, suspension or conditioning of an operator license, or reprimands or "fines" under other provisions.

### **b. 205 CMR 232.00**

The Commission adopted 205 CMR 232.00 in an effort to bring these distinct provisions together, ensure operators and others received procedural due process for all kinds of discipline,

and leverage its experience with disciplinary proceedings for gaming establishments. The regulation empowers the IEB to recommend disciplinary action to the Commission. If an operator is the target of the discipline, the steps set out in 205 CMR 232.00 conform to the steps required to assess a civil administrative penalty on an operator under Section 16(a).<sup>1</sup> If the target is a vendor or occupational licensee, the process is more streamlined. Nothing in 205 CMR 232.00 deprives the Commission of its inherent authority to initiate disciplinary proceedings to direct the IEB to investigate, or to make a final determination.

## **II. Adjudicatory Proceedings in General and Before the Commission**

Most adjudicatory proceedings in the Commonwealth, including the Commission's, are governed by G.L. c. 30A. Chapter 30A establishes high-level requirements to ensure that agencies such as the Commission "afford all parties an opportunity for full and fair hearing," but offers a range of options for conducting those hearings. G.L. c. 30A, § 10; *see also Strasnick v. Bd. of Registration in Pharmacy*, 408 Mass. 654, 660 (1990) (citing *Langlitz v. Bd. of Registration of Chiropractors*, 396 Mass. 374, 377 (1985)). The touchstones are basic fairness: e.g., whether parties have "[r]easonable notice of the hearing," "sufficient notice of the issues" to prepare, and the right "to call and examine witnesses, to introduce exhibits, to cross-examine witnesses who testify, and to submit rebuttal evidence." G.L. c. 30A, §§ 10-11.

Many Massachusetts agencies proceed under the standard rules of adjudicatory procedure set out at 801 CMR 1.00. Many, like the Commission, have also adopted their own rules or hybrids. *See* 205 CMR 101. Those regulations assume that the IEB or Racing Division, as appropriate, will appear as parties in adjudicatory proceedings in matters within their respective remits in gaming or racing.

## **III. The IEB May Appear as a Party in a Sports Wagering Enforcement Proceeding.**

### **a. Many of the Commission's enforcement powers under G.L. c. 23N are delegable.**

The disciplinary provisions in Chapter 23N generally refer to the "commission" taking certain actions. For example, in determining whether a violation is isolated or part of a pattern, the Commission must consider "whether *the commission* had previously notified the operator of [similar] noncompliance." G.L. c. 23N, § 16(b) (emphasis added).

For the most part, the Commission may interpret these references to refer to the Commission and its staff rather than exclusively to the five Commissioners. Chapter 23N relies on Chapter 23K to establish the staffing and functioning of the Commission, and Chapter 23K already anticipates that the Commission will use staff "to perform the functions of the commission." G.L. c. 23K. Also, in many cases, Chapter 23N assigns powers and duties to "the

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<sup>1</sup> Chapter 23N, § 16(e) provides that an operator has 21 days *after* the Commission seeks to impose a civil administrative penalty to seek an adjudicatory hearing challenging that assessment. The regulation provides for a 10-day period for the operator to request a hearing following a recommendation from the IEB. To avoid confusion, we recommend revising the regulation to fully harmonize these two provisions and allowing a 21-day period to request a hearing in both instances.

commission” that the Legislature would likely expect staff under the direction or supervision of the Commission to carry out.<sup>2</sup>

Even if the statute were silent on what it means for “the commission” to act, the Commission would be allowed to delegate. Section 4(i) of Chapter 23N empowers the Commission to “exercise any other powers necessary to effectuate this chapter and the rules and regulations of the Commission.” This broad language gives the Commission considerable flexibility in adopting procedures to streamline their operations, including adjudicatory proceedings. For example, even though a statute expressly provides that MCAD “may appoint a single *commissioner* to hold public hearings,” the Appeals Court still upheld a regulation delegating MCAD hearings to non-Commissioner hearing officers. *Town of Hull v. Mass. Comm’n Against Discrimination*, 72 Mass. App. Ct. 525, 529 (2008). MCAD had a broad grant of power to effectuate its mission much like Section 4(i), and besides that, MCAD had to process thousands of cases annually, the practice had been accepted for years, and the Commission retained ultimate decisional authority. *Id.* at 529-30. Reading the “Commission” to include the IEB is typically permissible for similar reasons.

**b. The IEB appearing as a party is consistent with other MGC enforcement proceedings and practice at other agencies.**

Again, the Commission’s regulations contemplate the IEB appearing as a party in numerous disparate situations where it must present evidence before the Commission. *See* 205 CMR 101.01(9)(b), (c) and (e). The IEB also routinely appears as a party defending its own actions in front of hearing officers and on appeals of those matters to the full Commission. *See* 205 CMR 101.02-03. This dual role—agency staff appearing as a party before the agency—is a common administrative practice in Massachusetts and generally consistent with due process. *See Raymond v. Board of Registration in Med.*, 387 Mass. 708, 716–717 (1982); *Kippenberger v. Bd. of Registration in Veterinary Med.*, 448 Mass. 1035, 1036 (2007). *See also* 801 CMR 1.02(10)(g)(1)-(2) (anticipating that the “Agency” is entitled to the same rights and duties as a party to present witnesses, introduce evidence, make arguments, and question and refute testimony).

**IV. Consequences of the IEB Appearing at a Hearing**

The Commission has the authority to designate the IEB as a party at an adjudicatory hearing conducted pursuant to 205 CMR 101.00.

**a. Procedure**

The IEB’s role at an adjudicatory hearing on an alleged sports wagering violation would closely resemble the IEB’s role in other adjudicatory hearings. As a party, the IEB would “have

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<sup>2</sup> To name a few: running background checks on prospective employees, G.L. c. 23N, § 3(l); issuing individual occupational licenses, G.L. c. 23N, § 8; and studying retail sports wagering kiosks, including “consult[ing] retailers, convenience stores, restaurants, women and minority owned businesses and small business owners.” G.L. c. 23N, § 20.

the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses who testify, and to submit rebuttal evidence.” M.G.L. c. 30A, § 11(3).

The Clerk’s scheduling order would set a deadline for the submission of prehearing materials, including prehearing memoranda and exhibits, and, as appropriate, witness lists or any prehearing motion practice. The IEB’s prehearing memorandum would outline its investigation and findings, and it would engage in motion practice as appropriate.

At the adjudicatory hearing, the IEB would present an overview of its investigation and would have material witnesses available for questioning by the alleged violator and by the Commission. The Commission could require questioning be conducted as formally (or informally) as is appropriate to the circumstances. The matter may involve openings, formal questioning, and closings before the Commission (as in 2019 Wynn Resorts disciplinary hearing), or could resemble more of an oral argument before the Commission in matters where the factual disputes are minimal (as in the Barstool “Can’t Lose” hearing).

This may need additional infrastructure for more formal adversarial hearings, including rulings on any objections made, prehearing motions, and requests to introduce evidence. The formal examination of witnesses would create the need for contemporaneous rulings on these matters, and procedures for identifying evidence that should be taken up in a private session. In addition, these considerations may require more comprehensive pre-hearing pleadings to streamline issues prior to their presentation before the Commission in a public forum.

#### **b. Practical Considerations**

Allowing the IEB to appear as a party would streamline the Commission’s review of matters. In general, allowing the IEB to focus on presenting the affirmative case for finding a violation frees the Commission to focus on adjudication. Rather than the Commission trying to understand and frame the issues as it adjudicates them, the IEB would be responsible for presenting the affirmative case through a prehearing memorandum or brief, material witnesses, and exhibits. The alleged violator would have a comparable opportunity to present its own case. In short, disputes would come before the Commission in neater packages, making hearings more efficient and often fairer to both sides, and clarifying the record for any appeal. These benefits will be especially important in complex or serious matters that are more likely to result in adjudicatory hearings.



**March 6, 2024**

**Via Email**

Caitlin W. Monahan, Director, Investigations and Enforcement Bureau  
Justin Stempeck, Deputy General Counsel  
Massachusetts Gaming Commission  
101 Federal Street, 12th Floor  
Boston, Massachusetts 02110

**Re:** *Procedures for Hearings on Alleged Violations of Chapter 23N and 205 CMR 247*

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Dear Director Monahan and Attorney Stempeck:

On February 15, 2024, the Massachusetts Gaming Commission (“Commission”) was briefed on alleged noncompliance matters related to Category 3 Sports Wagering Licensees, including the process for conducting adjudicatory hearings for these matters and the role the Investigations and Enforcement Bureau (IEB) would play in these hearings. As part of that discussion and a follow-up discussion on February 21, 2024, the Commission directed staff, including the IEB, to provide analysis of the Commission’s options for assessing penalties and fines against an operator. These options included a procedure where the IEB would conduct an investigation, present the results of the investigation to the Commission and the Commission would then conduct an adjudicatory hearing with notice to the operator where the IEB would participate as a party “in a prosecutorial role,” present recommendations pertaining to violations and the Commission would then issue a determination of an appropriate penalty or other action based on the facts presented during the adjudicatory hearing. As part of that analysis the Commission also requested that staff provide the perspective of the operators.

On behalf of BetMGM, please accept the following comments in connection with the staff analysis. As further set forth below, the process for adjudicatory hearings involving violations for Chapter 23N and 205 CMR 247 is set forth in M.G.L. c. 23N § 16. In all matters involving a potential fine or other discipline against an operator, the Commission should direct the IEB to investigate alleged violations to inform the Commission’s determination of proposed discipline and, where an adjudicatory hearing is requested by an operator, present evidence of such violations.<sup>1</sup>

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<sup>1</sup> Whether or not the IEB is considered a party in an adjudicatory proceeding is governed by Chapter 30A. Under Chapter 30A, a “party” is defined as “the specifically named persons whose legal rights, duties or privileges are being determined in the proceeding,” persons with constitutional or statutory rights to participate fully in the proceeding or any other person allowed by the Commission to intervene as a party. M.G.L. c. 30A, § 1. The Commission may allow a person to intervene as a party only upon a “showing that he may be substantially and specifically affected by the





While much of the Commission’s preferred option for disciplining a sports wagering operator meets the requirements of Chapter 30A and Chapter 23N, the Commission may have to modify its notice and hearing process to conform to G.L. c. 23N § 16. Section 16(c) of Chapter 23N requires *the Commission* to serve in hand or by certified mail a notice of violation to the operator with specific information before it may issue a civil administrative penalty. The Commission’s notice must provide the following:

- (i) a concise statement of the alleged act or omission for which such civil administrative penalty is sought to be assessed; (ii) each law, regulation, order, license or approval that has not been complied with as a result of such alleged act or omission; (iii) the amount that the commission seeks to assess as a civil administrative penalty for each alleged act or omission; (iv) a statement of the operator’s right to an adjudicatory hearing on the proposed assessment; (v) the requirements the operator shall comply with to avoid being deemed to have waived the right to an adjudicatory hearing; and (vi) the manner of payment thereof if the operator elects to pay the penalty and waive an adjudicatory hearing.

Because the civil penalties that may be imposed must be specified, allegations of specific violations must be served prior to an adjudicatory hearing. Thus, the Commission (through IEB) necessarily must investigate the facts before an adjudicatory hearing. Section 23N § 16(c) provides that prior to commencement of an adjudicatory hearing the operator must be served with the specific allegations of the violation including the amount of the intended fine. An operator receiving such notice may elect to accept the proposed discipline and pay any fine. An adjudicatory hearing is only triggered when an operator files “a written statement denying the occurrence of any of the acts or omissions alleged by the commission in the notice or asserting that the amount of the proposed civil administrative penalty is excessive.”<sup>2</sup> A notice that does not include the amount that the Commission seeks to assess as an administrative penalty or a process that assesses an administrative penalty *after* an adjudicatory hearing deprives an operator of its statutory right to challenge the amount of an administrative penalty as “excessive” before the Commission. *See*, M.G.L. c. 23N, § 16(e).

Moreover, while the IEB can make recommendations regarding alleged violations or proposed discipline as contemplated under 205 CMR 232.02(2), the IEB’s recommendations and report cannot be the basis of requesting an adjudicatory hearing. Such recommendations may be

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proceeding.” M.G.L. c. 30A, § 10. In contrast, in an adjudicatory hearing under chapter 23N, “*the commission* shall be required to prove, by a preponderance of the evidence, the occurrence of each act or omission alleged by the commission in the notice.” M.G.L. c. 23N, § 16(e) (emphasis added). Rather, IEB’s role is to perform the Commission’s investigative role. Documents submitted by IEB may be offered into evidence by the Commission and made part of the record. M.G.L. c. 30A, § 11 (“All evidence, including any records, investigation reports, and documents in the possession of the agency of which it desires to avail itself as evidence in making a decision, shall be offered and made a part of the record in the proceeding . . .”).

<sup>2</sup> The notice provisions under 205 CMR 232.02(3) are inconsistent with Section 16. The Commission’s service of a notice of violations and penalties to the operator starts the clock, and the operator has 21 days, not 10 business days. *Compare* M.G.L. c. 23N, § 16(e) *with* 205 CMR 232.02(3).



adopted by the Commission and included in the notice required by Chapter 23N, § 16 which attaches an operator's Chapter 30A rights. M.G.L. c. 23N, §§ 16(c) and 16(d). At such a hearing, "the *commission* shall be required to prove, by a preponderance of the evidence, the occurrence of each act or omission alleged by the commission in the notice." M.G.L. c. 23N, § 16(e). The imposition of penalties or other discipline requires findings of fact *by the Commission*. M.G.L. c. 23N, § 16(i).

Chapter 23N does not provide for different procedures or options to address alleged violations of sports wagering law. The procedure for disciplining a sports wagering operator is governed by Section 16 of Chapter 23N. Under Chapter 23N, the Commission may direct the IEB to conduct an investigation into the alleged violations and then make a recommendation to the Commission. Where multiple violations are alleged that involve common questions of facts or types of violations, these matters should be consolidated to preserve the investigative resources of the IEB and to ensure that alleged violations are resolved consistently and without delay.

After receipt of the IEB's factual report, the Commission can then decide whether to seek civil administrative penalties or other discipline and issue a notice of violation to the operator which includes a statement of the facts, the specific statutes and regulations alleged to have been violated and the intended fine as required by Section 16(c).<sup>3</sup> After such notice, the operator may choose to accept such a fine or has an absolute right to seek an adjudicatory hearing and present evidence under Chapter 30A challenging the acts or omissions alleged by the Commission or asserting that the amount of the proposed civil administrative penalty is excessive.

Thank you for your consideration of these comments in connection with your review of this matter.

Best regards,

**Womble Bond Dickinson (US) LLP**

Jed M. Nosal

*Counsel to BetMGM*

JMN/dlw

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<sup>3</sup> Civil penalties and discipline are also governed by M.G.L. c. 23N, § 21.



TO: Interim Chair Jordan Maynard and Commissioners Eileen O'Brien,  
Bradford Hill and Nakisha Skinner

FROM: Joseph E. Delaney, Mary Thurlow and Lily Wallace

CC: Dean Serpa, Executive Director, Todd Grossman, General Counsel

DATE: April 4, 2024

RE: Community Mitigation Fund Evaluation Memo – 04/11/24 Commission Meeting

The FY 2025 Community Mitigation Fund (CMF) grant round created new mechanisms for the application and award of grants. The Municipal Block Grant Program established a formula for the distribution of funds to eligible municipalities and the Regional Agency Grant Program modified and expanded eligibility for regional entities to obtain funds from the CMF. The Commission voted proposed municipal grant amounts in the fall of 2023. Municipal applications may now include multiple projects across several project categories within a single grant application. All applicants were provided additional guidance through the development of identified impacts, acceptable projects and ineligible projects for each of the grant categories. These changes have resulted in record demand for funds, with grant requests totaling approximately \$22 million.

The Community Affairs Division recruited a Review Team consisting of seven staff members and two Commissioners covering four different MGC Divisions. Each application was submitted timely to the Commission, received an in-depth review by the Review Team and each applicant was afforded an opportunity to meet with the Review Team to provide any further clarification needed.

The following applications are presented in this memo for the Commission's review and action.

Municipal Block Grant Applications: Lynn, Longmeadow and Northampton

Regional Grant Applications: Holyoke Community College, MassHire Metro North and Middlesex District Attorney's Office



Massachusetts Gaming Commission

## MUNICIPAL BLOCK GRANT APPLICATIONS

<b>Applicant Name:</b> City of Lynn	<b>Region:</b> A
<b>MGC FY25 Allocation:</b> \$200,000	<b>Requested Amount:</b> \$199,981.80
<b>Recommended Grant Amount:</b> \$200,000	
<b>Waiver:</b> N/A	
<b>1. Public Safety - City Cameras - \$199,981.80</b>	
<b>Recommendation: Full Funding - \$200,000</b>	
<p><b>Description:</b> This project provides funding for the installation of 30 closed circuit television (CCTV) cameras to be installed strategically on telephone poles, traffic lights and bridges around the City in high incident areas to streamline police investigations, improve traffic safety and reduce impaired driving. Project funding includes cameras, installation costs, associated wiring, and antennas.</p>	
<p><b>Impact:</b> The grant application cited the following impacts that were identified in the CMF Guidelines: increases in visitation and employment due to the casino will likely increase the interaction between public safety personnel and casino patrons and employees; casinos and other hospitality related businesses may attract certain types of crime including increased assaults, fraud, and property crimes; and the presence of casinos has been demonstrated to cause an increase in cases of operating under the influence.</p>	
<p><b>Determination:</b> The Review Team agrees that this project addresses the identified impacts.</p>	
<p><b>Rationale:</b> The use of cameras at key locations in a community has been recognized in the public safety industry as an effective method to assist police departments in identification and apprehension of suspects, accident investigation and monitoring traffic flow. The Review Team asked for additional information regarding the location of the cameras. The City provided a map that showed that most of the cameras were on or adjacent to Routes 107 and 1A, which are the primary routes for casino patrons and employees coming from Lynn and other points north. The Review Team agrees that the applicant identified casino related impacts and a project that would help address those impacts. Therefore, the Review Team recommends full funding of this grant.</p>	



Massachusetts Gaming Commission

<b>Applicant Name: Longmeadow</b>	<b>Region: B</b>
<b>MGC FY25 Allocation: \$324,800</b>	<b>Requested Amount: 324,800</b>
<b>Recommended Grant Amount: Full Funding: \$324,800</b>	
<b>Waiver: Yes.</b> Longmeadow seeks a waiver for an expedited review to enable them to begin construction on the crosswalk project in May/June 2024. A decision by the Commission on April 11 would allow staff to execute the necessary Grant documents to allow the construction to start on the Town's timetable.	
<b>1. Transportation - Williams Street Raised Crosswalk Retrofit - \$104,955</b>	
<b>Recommendation: Full Funding - \$104,955</b>	
<b>Description:</b> This project is for the installation of an Americans with Disabilities Act (ADA) compliant raised crosswalk on Williams Street, which carries a high volume of traffic in proximity to Longmeadow High School, Middle School and Longmeadow Shops. This project includes curb ramps, crosswalk and pavement markings and related accessories.	
<b>Impact:</b> The application identifies the increase in traffic associated with the casino causing an increase in vehicular/bicycle/pedestrian conflicts, which is one of the impacts identified in the Guidelines.	
<b>Determination:</b> The Review Team agrees that this project addresses the identified impact.	
<b>Rationale:</b> Williams Street is a significant east/west corridor through Longmeadow that connects into Route 5 and then to Springfield to the north. Route 5 was identified in the Trip Distribution map as carrying about 3% of the casino related traffic. Given the proximity of I-91, it is expected that most of the traffic heading south of Longmeadow into Connecticut would likely use I-91 rather than the local roadway network, which would mean that most of the 3% of casino related traffic trips would terminate in Longmeadow. While the Trip Distribution maps do not identify the volume of traffic using Williams Street, it is reasonable to assume that a fairly significant portion of the traffic using Route 5 will also use Williams Street to access points to the east. The Review Team agrees that this constitutes an increase in traffic associated with the casino and that the proposed project would improve pedestrian safety in the area. Therefore, the Review Team recommends full funding for this project.	
<b>2. Public Safety - Traffic Camera Project Phase III - \$133,333</b>	
<b>Recommendation: Full Funding: \$133,333</b>	
<b>Description:</b> This project is for the purchase and installation of five traffic cameras at the following intersections: Longmeadow Street at South Road; Dwight Road at Williams Street; Longmeadow Street at Bliss Road; Shaker Road at Maple Road; and George Washington Road at Maple Road. This project will also include the installation of fiber optic cable to connect these locations to the existing camera network.	
<b>Impact:</b> The application identifies increases in casino related traffic causing increases in accidents and that increases in property crime may be attributable to the casino, which are two impacts identified in the CMF Guidelines.	
<b>Determination:</b> The Review Team agrees that this project addresses the identified impacts.	
<b>Rationale:</b> The installation of these cameras builds on the network of cameras installed with previous grants. Two of these locations are on Longmeadow Street (Route 5), which is estimated to carry about 3% of the casino related traffic. The other locations are on feeder routes into Route 5. As discussed in the Transportation application above, it is reasonable to assume that these roads carry a fairly significant portion of the casino related traffic as well. The use of cameras at key locations in a community has been recognized in the public safety industry as an effective method to assist police departments in identification and apprehension of suspects, accident investigation and monitoring traffic flow. The proposed project will provide safer, more efficient response times and will assist law enforcement with identifying evidence needed to combat crime. The Review Team agrees that the applicant has identified a casino related impact and that this project will assist the community in addressing that impact. Therefore, the Review Team recommends full funding of the project.	



### 3. Public Safety - Increasing Rescue Capability for I-91 Corridor - \$106,512

#### Recommendation: Full Funding \$106,512

**Description:** The Fire Department requests new rescue and emergency medical equipment to improve response capabilities on the I-91 corridor. Items include equipment to conduct extrication, stabilization and lifting of vehicles, medication infusion pumps, a CPR compression device and other associated equipment.

**Impact:** The application identifies increases in casino related traffic causing increases in traffic accidents, which is one of the impacts identified in the CMF Guidelines.

**Determination:** The Review Team agrees that this project addresses the identified impact.

**Rationale:** The Longmeadow Fire Department is the primary response agency for motor vehicle accidents and medical emergencies on I-91 between the Connecticut State Line and Springfield and conducts between 60 and 90 emergency responses annually. The Trip Distribution map for MGM Springfield estimates that approximately 20% of the casino related traffic uses I-91 through Longmeadow. The Review Team agrees that the applicant has identified a casino related impact and that the project will assist the community in addressing this impact. Therefore, the Review Team recommends full funding of this project.



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<b>Applicant Name: Northampton</b>	<b>Region: B</b>
<b>MGC FY25 Allocation: \$75,000</b>	<b>Requested Amount: \$150,000</b>
<b>Recommended Grant Amount: \$75,000</b>	
<p><b>Waiver:</b> The City of Northampton originally requested a waiver for an additional \$145,000 dollars bringing their total request to \$220,000. When the Review Team met with the City, the applicant changed this request to an additional \$75,000 bringing their total request to \$150,000. At the time of the original application the City did not have responses to their RFP for the program and the winning bid came in below what was originally expected.</p>	
<b>Transportation - ValleyBike Share Operations and Planning</b>	
<b>Recommendation: Partial funding in the amount of \$75,000 with conditions</b>	
<p><b>Description:</b> The ValleyBike program was established in 2018 but was shut down in 2023 due to the system operator going bankrupt. These funds will allow the City of Northampton to restart the ValleyBike program and cover their portion of the operational costs. Operational costs include costs for maintaining bikes, maintenance of a storage facility, daily balancing of bikes, data and reporting, and customer service and IT support for users.</p>	
<p><b>Impact:</b> The application discusses impacts identified in the CMF Guidelines including increased traffic associated with gaming causing increased congestion on the major routes leading to/from the gaming establishment, and increased visitation to the gaming establishment area may place a strain on public transit services. The application also discussed other impacts that were not identified in the CMF Guidelines such as impacts on all modes of transportation including vehicular travel, public transit and pedestrian/bicycle travel.</p>	
<p><b>Determination:</b> The Review Team agrees that this project could address the regional capacity building needed to ensure the successful implementation of the ValleyBike program, however, the Review Team did not agree that the identified impacts were sufficiently associated with the casino to warrant an amount over the \$75,000 community allocation.</p>	
<p><b>Rationale:</b> The Review Team recommends funding \$75,000 towards this project but does not recommend approving the waiver request.</p> <p>This application did not identify a significant casino related impact. It identified traffic associated with the casino causing increased congestion on major routes leading to/from the casino as a primary impact. However, the Trip Distribution map for MGM Springfield does not identify any traffic related impact on Northampton, and the City did not submit any documentation to quantify traffic related impacts. The other impact identified in the application was increased visitation to the casino causing strain on public transit services. There are PVRTA buses that connect Northampton to Springfield and the City identified the use of ValleyBike as a "last mile" connection for commuters. Considering the distance from Northampton to Springfield (approximately 20 miles), the Review Team agreed that there could be a small number of individuals using this option. The City was unable to provide any details of relevant ridership as the ValleyBike system is currently not operational.</p> <p>The City of Northampton is the lead community in re-establishing the ValleyBike program. They have issued an RFP for a new operator and have entered into MOUs with the other participating communities (Springfield, West Springfield, Holyoke, Chicopee, Northampton, Easthampton, Amherst, South Hadley and UMass). Northampton will administer the contract on behalf of the participating communities. Considering the regional nature of the program as well as Northampton being the lead, the Review Team agrees that there should be some recognition of this leadership role in reviving this program. The fact that the communities close to the casino (Springfield and West Springfield) will participate in the program leads the Review Team to agree that the City should be able to use the \$75,000 allotted to the community for re-establishing this program. Given the small impact that the casino has on Northampton, and the fact that four of the nine entities participating in the ValleyBike program are not identified as being impacted by the casino, the Review Team does not believe that granting of the waiver is warranted.</p>	



Northampton's participation is crucial for the reopening of the ValleyBike system based on their position as the contract manager for the region, however, the Review Team is proposing to limit the amount of funding to be spent quarterly to ensure that the funds spent are proportional to the costs incurred. The Review Team is proposing that Northampton be allowed to draw up to \$26,500 in the first quarter of the grant (\$10,000 administrative funding and planning, and \$16,500 operational costs) and up to \$16,500 in each subsequent quarter. The City is proposing future funding through a new program being proposed by MAPC and MassDOT that would distribute bikeshare funds around the state.



Massachusetts Gaming Commission

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## REGIONAL AGENCY GRANT APPLICATIONS

<b>Applicant Name:</b> Holyoke Community College	<b>Region:</b> B
<b>MGC FY25 Allocation:</b> N/A	<b>Requested Amount:</b> \$750,000
<b>Recommended Grant Amount:</b> \$750,000	
<b>Waiver:</b> N/A	
<b>1. WorkReady24</b>	
<b>Recommendation:</b> Full Funding \$750,000	
<p><b>Description:</b> These grant funds will enable Holyoke Community College (HCC), Springfield Technical Community College (STCC), and the Springfield Public Schools (SPS) to continue their WorkReady program in FY 2025. This consortium provides various high school equivalency programs, English for Speakers of Other Languages (ESOL) classes, occupational trainings, and digital literacy courses for those in the greater Springfield area. The increased availability of funding will increase the number of courses offered and participants served.</p> <p>HCC is proposing to train 7 cohorts in Line Cook training for a total of 84 trainees. Students will be able to attain credentials including a Line Cook Certificate, ServSafe Food Manager, and an Allergen Certificate. New for this year is the creation of 4 cohorts of Hotel Front Desk/Room Attendant training with a total of 32 trainees. Credentials include Certificate of Completion and Guest Service Gold Customer Service (recommended by MGM). Both programs will include a tour of MGM Springfield, an interview workshop with MGM including individual feedback on interview skills, and a job application to MGM Springfield.</p> <p>SPS will continue their "Ahead of the Game" program, which focuses on supporting low-skilled, low-income adult students in acquiring skills relevant to casino-related careers. The next year's main goal is to help 100 adult students gain training, education, and access to post-secondary programs that lead to gainful employment. The target population for the program is low- skilled adults without high school credentials.</p> <p>The Hampden Prep Program, under the STCC Division of Workforce Development, will offer high-impact computer &amp; digital literacy training and job readiness skills with ESL support, HiSET/GED test preparation Fast Track, contextualized ESOL for hospitality/customer service, and hospitality industry related certifications.</p>	
<p><b>Impact:</b> The application discussed impacts identified in the CMF Guidelines including an increase in demand for employees with a high school diploma or equivalent credentials, an increase in demand for employees with understanding of roles in the hospitality field, an increase in demand for employees who speak English, and an increase in demand for applicants with basic digital literacy</p>	
<p><b>Determination:</b> The Review Team agrees that this project addresses the identified impact.</p>	
<p><b>Rationale:</b> The Review Team agreed that the applicant's proposed scope of work falls in line with the goals of the CMF's workforce development guidelines. The programs have historically been very successful and the expansion of this program from \$500,000 per year to \$750,000 per year will allow more individuals access to critical skills needed to be competitive applicants in the hospitality and restaurant field. 69.3% of adult job seekers in Hampden County lack a high school credential, and often lack the basic digital literacy skills to seek, apply for, obtain or retain a job. Adults from communities of color (BIPOC) show even higher degrees of unemployment, educational attainment, and digital literacy. The gaps in educational attainment and digital literacy of job seekers in Hampden County impact all industries. These are a particular barrier for MGM Springfield since MGM requires a high school credential for all positions, and all job applications are accepted online and initial interviews are conducted remotely. The Review Team felt that the applicant did a good job of responding to Commissioner feedback on last year's application and have done more outreach to further tie these occupational programs to MGM with the creation of employment workshops with MGM.</p>	



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<b>Applicant Name: MassHire Metro North</b>	<b>Region: A</b>
<b>MGC FY25 Allocation: N/A</b>	<b>Requested Amount: \$750,000</b>
<b>Recommended Grant Amount: \$750,000</b>	
<b>Waiver: N/A</b>	
<b>Metro Boston Regional Hospitality Consortium</b>	
<b>Recommendation: Full Funding \$750,000</b>	
<p><b>Description:</b> These funds will allow Masshire Metro North Workforce Board to continue the Metro Boston Regional Hospitality Consortium (MBRHC) to provide workforce development programs in the greater Boston area. With the help of nine partner organizations, the MBRHC proposes to serve at least 1,500 residents in one or more of the services funded by this grant. An estimated 183 of these residents will be enrolled in an Occupational Skills training program. This grant will continue the funnel of services approach to provide wrap around services for individuals trying to enter the workforce. The following are the partners for this round:</p> <ul style="list-style-type: none"> <li>• Action For Equity (A4E) - Connects residents to employers and opportunities focusing on high quality jobs in hospitality and gaming near Encore.</li> <li>• Boston Chinatown Neighborhood Center (BCNC) - BCNC will deliver four cycles of its English Speakers of Other Languages (ESOL) for Customer Service training program.</li> <li>• Boston Education, Skills, and Training (BEST) Corporation - Housekeeping Pre-Apprenticeship Program and Culinary Training.</li> <li>• La Colaborativa - Job Readiness Workshops, Career Counseling, English Classes, Digital Literacy Classes.</li> <li>• Community Work Services (CWS) - At Your Service (AYS) Hospitality Training Program, Environmental Commercial Cleaning/Building &amp; Grounds Maintenance Training Program, Hospitality Services Training Program.</li> <li>• International Institute of New England (IINE) - two eight-week cycles of its Ready, Set, Serve!</li> <li>• Somerville Community Corporation (SCC) - First Source Jobs Program.</li> <li>• New England Culinary Arts Training (NECAT) - 14-week multilingual culinary arts training.</li> <li>• YMCA of Greater Boston (YGB) - Artes Culinarias: Culinary Arts Training Program.</li> </ul>	
<p><b>Impact:</b> The application discussed impacts identified in the CMF Guidelines including an increase in demand for employees with a high school diploma or equivalent credentials, an increase in demand for employees with understanding of roles in the hospitality field, an increase in demand for employees who speak English, and an increase in demand for applicants with basic digital literacy.</p>	
<p><b>Determination:</b> The Review Team agrees that this project addresses the identified impacts.</p>	
<p><b>Rationale:</b> The Review Team agreed that the scope of work falls in line with the goals of the CMF's workforce development guidelines. The applicant utilized impacts identified in the CMF Guidelines and provided relevant regional workforce data directly relating to jobs at Encore. The programs have historically been very successful and the expansion of this program from \$500,000 to \$750,000 will allow more individuals access to critical skills needed to be competitive applicants in the hospitality and restaurant field. As requested previously, Masshire will continue to provide 30-Day employment and retention data to MGC. As identified in the CMF Guidelines, the Commission has proposed to fund only one consortium application per region. This year Region A received two workforce development applications. The Review Team recommends that the Commission fund this application over the Middlesex DA's office due both the relevancy of the impacts and proposed work as well as the number of individuals served by these programs.</p>	



<b>Applicant Name: Middlesex District Attorney's Office</b>	<b>Region: A</b>
<b>MGC FY25 Allocation: N/A</b>	<b>Requested Amount: \$750,000</b>
<b>Recommended Grant Amount: \$0</b>	
<b>Waiver: N/A</b>	
<b>1. MassReconnect Chamber of Commerce Partnership</b>	
<b>Recommendation: The Review Team Does Not Recommend Funding</b>	
<p><b>Description:</b> These funds would enable the Middlesex District Attorney's Office to offer community-based employment opportunities partnering with Chambers of Commerce in the Host and Surrounding Communities in Middlesex County. The program would be targeted to students in the hospitality, accounting, advertising and marketing programs of MassReconnect, a new state initiative connecting adults over 25 with higher education opportunities at Massachusetts Community Colleges. Identified students would be offered internships and/or employment at area Chambers of Commerce. These students would be employed by the Middlesex DA's office and assigned to the relevant Chambers. The project proposes hiring eleven full-time and eleven part-time employees to be paid \$20.00 per hour. The funding would also cover the purchase and monthly costs of eleven cell phones, advertising in multiple languages for the opportunity, and administrative funding for the Middlesex DA's office.</p>	
<p><b>Impact:</b> The Applicant cited an impact from the CMF Guidelines that Encore has created negative impacts on businesses competing in the hospitality or entertainment industries.</p>	
<p><b>Determination:</b> The Review Team does not agree that this project addresses the identified impact. The impact identified in the application falls within the Regional Planning category and not the Workforce Development category. The Middlesex DA's office is not eligible to apply under the Regional Planning category as that is reserved for the Regional Planning Agencies associated with each Host Community.</p>	
<p><b>Rationale:</b> The approved FY 2025 CMF Guidelines outline the intent to fund one Workforce Development program per region with a maximum value of \$750,000.</p> <p>This application identified an impact eligible for a grant under the Regional Planning category, not under the Workforce Development category. The Review Team did not agree that the impact was relevant or that the applicant provided sufficient evidence for this to be eligible for the Workforce Development category. While there certainly is merit in ensuring appropriate staffing levels at local Chambers of Commerce that could provide more support to regional businesses, the Review Team felt that the funding of nonprofit employees was not an appropriate use of funds.</p> <p>The Review Team also had questions about the viability of this program. The DA's office reached out to the six Chambers of Commerce in Middlesex County that would be eligible for grants under the CMF. Only two of those expressed interest in this program (Somerville and Medford). Chambers of Commerce are often staffed by less than five employees and this program would create 22 positions. Even if all six Chambers participated, this program would place three or more staff members at each Chamber. The Review Team was not convinced that the DA's office could recruit, hire and place 22 staff members at the region's Chambers of Commerce.</p> <p>The Review Team does not recommend funding this application for the reasons stated above. In addition, the Review Team recommends that the Commission fund Masshire's application over the Middlesex DA's application due to both the relevancy of the impacts as well as the number of individuals served by these programs.</p>	

