



## NOTICE OF MEETING AND AGENDA

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

**Monday | January 30, 2023 | 12:00 p.m.**

**VIA REMOTE ACCESS: 1-646-741-5292**

**MEETING ID/ PARTICIPANT CODE: 111 584 2061**

**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 - #431**

1. Call to Order – Cathy Judd-Stein, Chair
2. Administrative Update – Karen Wells, Executive Director
3. Sports Wagering Implementation – Karen Wells, Executive Director; Todd Grossman, General Counsel; Bruce Band; Director of Sports Wagering
  - a. Certificate of Operations Approval **VOTE**
4. Legal – Todd Grossman, General Counsel; Carrie Torrisi, Deputy General Counsel; Caitlin Monahan, Deputy General Counsel
  - a. Discussion regarding M.G.L. c. 23N, § 23: Determination of whether winner of cash prize owes past-due child support or tax liability to the Commonwealth; duties of operator. **VOTE**
5. Commissioner Updates
6. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.



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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: January 26, 2023 | 10 a.m. EST

January 25, 2023

*Cathy Judd-Stein*

*Cathy Judd-Stein, Chair*

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



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TO: Chair Cathy Judd-Stein  
Commissioner Bradford R. Hill  
Commissioner Jordan Maynard  
Commissioner Eileen O'Brien  
Commissioner Nakisha Skinner

FROM: Bruce E. Band Director, Sports Wagering

CC: Karen Wells – Executive Director  
Loretta Lillios, IEB Director  
Todd Grossman, General Counsel

DATE: January 30, 2023

RE: Sports Wagering Operation Certificate

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Massachusetts Gaming Commission regulation 205 CMR 251 requires that a sports wagering operations certificate must be issued before sports wagering may commence at each of the Category 1 properties. The requirements of the certificate are outlined in the regulation which is reproduced below. Also below *in italics* is the current status of each item required by the regulation. At this time, it is my recommendation as Director of Sports Wagering that the Commission issue an operation certificate in accordance with 205 CMR 251 for MGM Springfield and Plainridge Park Casino. I also recommend that GLI complete its review of Encore Boston Harbor's Internal Control submissions before making a determination on the operation certificate for EBH.

## 205 CMR 251: SPORTS WAGERING OPERATION CERTIFICATE

### 251.01: Issuance of Operation Certificate

(1) Before a Sports Wagering Operator may conduct Sports Wagering, other than for testing purposes in accordance with 205 CMR 251.02, a Sports Wagering Operator must request and obtain from the Commission an Operation Certificate. The Operation Certificate shall not issue until the Commission has conducted all reviews, including, for Category 1 Sports Wagering Operators and Category 2 Sports Wagering Operators, on-site tests and inspections required in accordance with 205 CMR 251.00 or otherwise deemed necessary by the Commission. The Commission may authorize a designee to issue a conditional Operation Certificate,



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subject to ratification by the full Commission, subsequent to a successful test period in accordance with 205 CMR 251.02 and satisfaction of any other outstanding condition.

- **ENCORE BOSTON HARBOR** – Requested operation certificate on January 13, 2023; on-site tests and inspections performed
- **MGM SPRINGFIELD** – Requested operation certificate on January 13, 2023; on-site tests and inspections performed
- **PLAINRIDGE PARK CASINO** – Requested operation certificate on January 13, 2023; on-site tests and inspections performed

(2) The Operation Certificate shall be in the form prescribed by the Commission and shall be conspicuously posted within a Category 1 or Category 2 Sports Wagering Facility, or prominently displayed on a Category 3 Sports Wagering website or mobile application.

- **ENCORE BOSTON HARBOR** – Pending Issuance by MGC; certificate to be posted in Sportsbook cage
- **MGM SPRINGFIELD** – Pending Issuance by MGC; certificate to be posted in Sportsbook cage
- **PLAINRIDGE PARK CASINO** – Pending Issuance by MGC; certificate to be posted in Sportsbook cage

(3) An Operation Certificate shall not issue unless the Sports Wagering Operator has demonstrated to the Commission that it has complied with all requirements of M.G.L. c. 23N, 205 CMR, and all applicable laws. Such compliance includes, but is not limited to:

(a) Approval of its system of internal controls including implementation of all approved policies and procedures required;

- **ENCORE BOSTON HARBOR** – *pending GLI approval*
- **MGM SPRINGFIELD** – GLI has reviewed MGM's submissions and determined them to be in compliance
- **PLAINRIDGE PARK CASINO** – GLI has reviewed PPC's submissions and determined them to be in compliance

(b) Provision of a current list of all Sports Wagering employees, Sports wagering Vendors, and Non-Sports Wagering Vendors;

- **ENCORE BOSTON HARBOR** – Received as confirmed by Licensing Division



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- **MGM SPRINGFIELD** – Received as confirmed by Licensing Division
- **PLAINRIDGE PARK CASINO** – Received as confirmed by Licensing Division

(c) For a Category 1 or Category 2 Sports Wagering Licensee, the Sports Wagering facility has been built and is of a superior quality and complies with any applicable conditions of licensure;

- **ENCORE BOSTON HARBOR** – YES
- **MGM SPRINGFIELD** – YES
- **PLAINRIDGE PARK CASINO** - YES

(d) For a Category 1 or Category 2 Sports Wagering Licensee, a copy of an emergency response plan that includes, but is not limited to, the elements listed in 205 CMR 151.01(3)(g), and which is filed with the Commission and with fire department and police department of the Host Community; or an update to such plan already filed pursuant to 205 CMR 151.01;

- **ENCORE BOSTON HARBOR** – Certified delivery to fire and police departments on January 9<sup>th</sup>, 2023
- **MGM SPRINGFIELD** – Certified delivery to fire and police departments on January 9<sup>th</sup>, 2023
- **PLAINRIDGE PARK CASINO** -Certified delivery to fire and police departments on January 11<sup>th</sup>, 2023

(e) For a Category 1 or Category 2 Sports Wagering Licensee, a copy of the certificate of occupancy issued by a building commissioner or inspector of buildings of the Host Community in accordance with 780 CMR 111.00: *Certificate of Occupancy* that includes an approval under 521 CMR: *Architectural Access Board*, indicating the necessary use and occupancy to operate the Sports Wagering Facility; as well as copies of any other permits required to be issued by the Host Community prior to the opening of a like facility; and

- **ENCORE BOSTON HARBOR** – Received December 8, 2022
- **MGM SPRINGFIELD** – Received August 5, 2022
- **PLAINRIDGE PARK CASINO** – Received January 1, 2023

(f) Compliance with any other condition imposed by the Commission to secure the objectives of M.G.L. c. 23N and 205 CMR.



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- **ENCORE BOSTON HARBOR** – Operation Certificate Conditional upon Encore Boston Harbor, completing Operational Audits of Wagering Procedures and Practices and Technical Security Controls as required by the Commission’s technical standards governing sports wagering within 90 days of the commencement of sports wagering operations.
- **MGM SPRINGFIELD** – Operation Certificate Conditional upon MGM Springfield, completing Operational Audits of Wagering Procedures and Practices and Technical Security Controls as required by the Commission’s technical standards governing sports wagering within 90 days of the commencement of sports wagering operations.
- **PLAINRIDGE PARK CASINO** - Operation Certificate Conditional upon Plainridge Park Casino, completing Operational Audits of Wagering Procedures and Practices and Technical Security Controls as required by the Commission’s technical standards governing sports wagering within 90 days of the commencement of sports wagering operations.

#### 251.02 Operation Certificate: Test Period

- (1) Prior to the issuance of an Operation Certificate, a Sports Wagering Operator shall successfully complete an evaluation and test period in accordance with such terms and conditions as are reasonably calculated by the Commission to allow the Commission to assess whether the licensee is in compliance with G.L. c. 23N and this 205 CMR 251.
  - **ENCORE BOSTON HAROBOR**: Evaluation and Test period completed on 1/30/2023 by GLI and MGC’s IT Division
  - **MGM SPRINGFIELD**: Evaluation and Test period completed on 1/18/2023 by GLI and MGC’s IT Division
  - **PLAINRIDGE PARK CASINO**: Evaluation and Test period completed on 1/19/2023 by GLI and MGC’s IT Division
- (2) The Commission will provide the Sports Wagering Operator with the terms and conditions of the test period promptly upon receipt of the licensee's request for an Operation Certificate. See 205 CMR 251.03(f) above for Condition imposed on each category 1 licensee. *Completed.*



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- (3) The terms and conditions of the test period as determined by the Commission, or its designee, shall incorporate, at a minimum, the following:
  - (a) The dates and times of the test period; provided, said schedule may be increased or decreased by the Commission or its designee as necessary;
  - (b) Any physical areas of a Sports Wagering facility that will be tested, inspected, and reviewed including a review of the layout of the Sports Wagering facility; and
  - (c) Any actions necessary to preserve and to assure an effective evaluation of the Sports Wagering Operator during such test period.

*All subsections of this regulation were satisfactorily completed.*

251.03: Operation Certificate: Effective Date; Duration

- (1) Upon the successful completion of the test period in accordance with [205 CMR 251.02](#) the Commission shall establish the effective date of the Operation Certificate and the scope of the Sports Wagering Operator's authority to conduct Sports Wagering.
- (2) Each certificate, once issued, shall remain in effect throughout the term of the Sports Wagering Operator License under such terms and conditions as the Commission may impose, but may be revoked, suspended, limited, or otherwise altered by the Commission.
- (3) Each Sports Wagering licensee to which an Operation Certificate is issued shall conduct Sports Wagering strictly in accordance with the terms of its original Operation Certificate and shall not change any of the items to which the Operation Certificate applies except as otherwise approved by the Commission.



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TO: Chair Cathy Judd-Stein  
Commissioner Bradford R. Hill  
Commissioner Jordan Maynard  
Commissioner Eileen O'Brien  
Commissioner Nakisha Skinner

FROM: Bruce E. Band Director, Sports Wagering

CC: Karen Wells – Executive Director  
Loretta Lillios, IEB Director  
Todd Grossman, General Counsel

DATE: January 30, 2023

RE: Sports Wagering Operation Certificate

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Massachusetts Gaming Commission regulation 205 CMR 251 requires that a sports wagering operations certificate must be issued before sports wagering may commence at each of the Category 1 properties. The requirements of the certificate are outlined in the regulation which is reproduced below. Also below *in italics* is the current status of each item required by the regulation. At this time, it is my recommendation as Director of Sports Wagering that the Commission issue an operation certificate in accordance with 205 CMR 251 for MGM Springfield and Plainridge Park Casino. I also recommend that we issue Encore Boston Harbor's an operation certificate in accordance with 205 CMR 251 now that they have met all the requirements,

## 205 CMR 251: SPORTS WAGERING OPERATION CERTIFICATE

### 251.01: Issuance of Operation Certificate

(1) Before a Sports Wagering Operator may conduct Sports Wagering, other than for testing purposes in accordance with 205 CMR 251.02, a Sports Wagering Operator must request and obtain from the Commission an Operation Certificate. The Operation Certificate shall not issue until the Commission has conducted all reviews, including, for Category 1 Sports Wagering Operators and Category 2 Sports Wagering Operators, on-site tests and inspections required in accordance with 205 CMR 251.00 or otherwise deemed necessary by the Commission. The Commission may authorize a designee to issue a conditional Operation Certificate,



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subject to ratification by the full Commission, subsequent to a successful test period in accordance with 205 CMR 251.02 and satisfaction of any other outstanding condition.

- **ENCORE BOSTON HARBOR** – Requested operation certificate on January 13, 2023; on-site tests and inspections performed
- **MGM SPRINGFIELD** – Requested operation certificate on January 13, 2023; on-site tests and inspections performed
- **PLAINRIDGE PARK CASINO** – Requested operation certificate on January 13, 2023; on-site tests and inspections performed

(2) The Operation Certificate shall be in the form prescribed by the Commission and shall be conspicuously posted within a Category 1 or Category 2 Sports Wagering Facility, or prominently displayed on a Category 3 Sports Wagering website or mobile application.

- **ENCORE BOSTON HARBOR** – Pending Issuance by MGC; certificate to be posted in Sportsbook cage
- **MGM SPRINGFIELD** – Pending Issuance by MGC; certificate to be posted in Sportsbook cage
- **PLAINRIDGE PARK CASINO** – Pending Issuance by MGC; certificate to be posted in Sportsbook cage

(3) An Operation Certificate shall not issue unless the Sports Wagering Operator has demonstrated to the Commission that it has complied with all requirements of M.G.L. c. 23N, 205 CMR, and all applicable laws. Such compliance includes, but is not limited to:

(a) Approval of its system of internal controls including implementation of all approved policies and procedures required;

- **ENCORE BOSTON HARBOR** – GLI has reviewed Encore Boston Harbor's submissions and determined them to be in compliance
- **MGM SPRINGFIELD** – GLI has reviewed MGM's submissions and determined them to be in compliance
- **PLAINRIDGE PARK CASINO** – GLI has reviewed PPC's submissions and determined them to be in compliance

(b) Provision of a current list of all Sports Wagering employees, Sports wagering Vendors, and Non-Sports Wagering Vendors;

- **ENCORE BOSTON HARBOR** – Received as confirmed by Licensing Division



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- **MGM SPRINGFIELD** – Received as confirmed by Licensing Division
- **PLAINRIDGE PARK CASINO** – Received as confirmed by Licensing Division

(c) For a Category 1 or Category 2 Sports Wagering Licensee, the Sports Wagering facility has been built and is of a superior quality and complies with any applicable conditions of licensure;

- **ENCORE BOSTON HARBOR** – YES
- **MGM SPRINGFIELD** – YES
- **PLAINRIDGE PARK CASINO** - YES

(d) For a Category 1 or Category 2 Sports Wagering Licensee, a copy of an emergency response plan that includes, but is not limited to, the elements listed in 205 CMR 151.01(3)(g), and which is filed with the Commission and with fire department and police department of the Host Community; or an update to such plan already filed pursuant to 205 CMR 151.01;

- **ENCORE BOSTON HARBOR** – Certified delivery to fire and police departments on January 9<sup>th</sup>, 2023
- **MGM SPRINGFIELD** – Certified delivery to fire and police departments on January 9<sup>th</sup>, 2023
- **PLAINRIDGE PARK CASINO** -Certified delivery to fire and police departments on January 11<sup>th</sup>, 2023

(e) For a Category 1 or Category 2 Sports Wagering Licensee, a copy of the certificate of occupancy issued by a building commissioner or inspector of buildings of the Host Community in accordance with 780 CMR 111.00: *Certificate of Occupancy* that includes an approval under 521 CMR: *Architectural Access Board*, indicating the necessary use and occupancy to operate the Sports Wagering Facility; as well as copies of any other permits required to be issued by the Host Community prior to the opening of a like facility; and

- **ENCORE BOSTON HARBOR** – Received December 8, 2022
- **MGM SPRINGFIELD** – Received August 5, 2022
- **PLAINRIDGE PARK CASINO** – Received January 1, 2023

(f) Compliance with any other condition imposed by the Commission to secure the objectives of M.G.L. c. 23N and 205 CMR.



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- **ENCORE BOSTON HARBOR** – Operation Certificate Conditional upon Encore Boston Harbor, completing Operational Audits of Wagering Procedures and Practices and Technical Security Controls as required by the Commission’s technical standards governing sports wagering within 90 days of the commencement of sports wagering operations.
- **MGM SPRINGFIELD** – Operation Certificate Conditional upon MGM Springfield, completing Operational Audits of Wagering Procedures and Practices and Technical Security Controls as required by the Commission’s technical standards governing sports wagering within 90 days of the commencement of sports wagering operations.
- **PLAINRIDGE PARK CASINO** - Operation Certificate Conditional upon Plainridge Park Casino, completing Operational Audits of Wagering Procedures and Practices and Technical Security Controls as required by the Commission’s technical standards governing sports wagering within 90 days of the commencement of sports wagering operations.

#### 251.02 Operation Certificate: Test Period

- (1) Prior to the issuance of an Operation Certificate, a Sports Wagering Operator shall successfully complete an evaluation and test period in accordance with such terms and conditions as are reasonably calculated by the Commission to allow the Commission to assess whether the licensee is in compliance with G.L. c. 23N and this 205 CMR 251.
  - **ENCORE BOSTON HAROBOR**: Evaluation and Test period completed on 1/30/2023 by GLI and MGC’s IT Division
  - **MGM SPRINGFIELD**: Evaluation and Test period completed on 1/18/2023 by GLI and MGC’s IT Division
  - **PLAINRIDGE PARK CASINO**: Evaluation and Test period completed on 1/19/2023 by GLI and MGC’s IT Division
- (2) The Commission will provide the Sports Wagering Operator with the terms and conditions of the test period promptly upon receipt of the licensee's request for an Operation Certificate. See 205 CMR 251.03(f) above for Condition imposed on each category 1 licensee. *Completed.*



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- (3) The terms and conditions of the test period as determined by the Commission, or its designee, shall incorporate, at a minimum, the following:
  - (a) The dates and times of the test period; provided, said schedule may be increased or decreased by the Commission or its designee as necessary;
  - (b) Any physical areas of a Sports Wagering facility that will be tested, inspected, and reviewed including a review of the layout of the Sports Wagering facility; and
  - (c) Any actions necessary to preserve and to assure an effective evaluation of the Sports Wagering Operator during such test period.

*All subsections of this regulation were satisfactorily completed.*

251.03: Operation Certificate: Effective Date; Duration

- (1) Upon the successful completion of the test period in accordance with [205 CMR 251.02](#) the Commission shall establish the effective date of the Operation Certificate and the scope of the Sports Wagering Operator's authority to conduct Sports Wagering.
- (2) Each certificate, once issued, shall remain in effect throughout the term of the Sports Wagering Operator License under such terms and conditions as the Commission may impose, but may be revoked, suspended, limited, or otherwise altered by the Commission.
- (3) Each Sports Wagering licensee to which an Operation Certificate is issued shall conduct Sports Wagering strictly in accordance with the terms of its original Operation Certificate and shall not change any of the items to which the Operation Certificate applies except as otherwise approved by the Commission.



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# Sports Wagering Category 1 Operations Certificate Checklist

(Refer to corresponding memo for governing regulation and regulatory language)

## Plainridge Park Casino:

### 251.01 Operation Certificate: Issuance and Posting of Operation Certificate

☒ **251.01 (1)** -Requested operation certificate on January 13, 2023

☐ **251.01 (2)** -Pending issuance by the MGC - *Certificate to be posted in Sportsbook cage*

#### **251.01 (3)**

☒ **(a)** GLI has reviewed MGM's submissions and determined them to be in compliance

☒ **(b)** Current list of all Sports Wagering employees, Sports wagering Vendors, and Non-Sports Wagering Vendors RECEIVED

☒ **(c)** Sports Wagering facility is built, superior quality and in compliance

☒ **(d)** Emergency Response plan certified delivery to fire and police departments on January 11<sup>th</sup>, 2023

☒ **(e)** Certificate of Occupancy and necessary permits received January 1, 2022

☐ **(f)** Conditional upon Plainridge Park Casino, completing Operational Audits of Wagering Procedures and Practices and Technical Security Controls as required by the Commission's technical standards governing sports wagering within 90 days of the commencement of sports wagering operations

# Plainridge Park Casino:

## 251.02 Operation Certificate: Test Period

☒ **251.02 (1)** - Evaluation and Test Period - January 19, 2023

## MGM Springfield:

### 251.01 Operation Certificate: Issuance and Posting of Operation Certificate

☒ **251.01 (1)** -Requested operation certificate on January 13, 2023

☐ • **251.01 (2)** -Pending issuance by the MGC - *Certificate to be posted in Sportsbook cage*

#### **251.01 (3)**

☒ **(a)** GLI has reviewed MGM's submissions and determined them to be in compliance

☒ **(b)** Current list of all Sports Wagering employees, Sports wagering Vendors, and Non-Sports Wagering Vendors RECEIVED

☒ **(c)** Sports Wagering facility is built, superior quality and in compliance

☒ **(d)** Emergency Response plan certified delivery to fire and police departments on January 9<sup>th</sup>, 2023

☒ **(e)** Certificate of Occupancy and necessary permits received August 5, 2022

☐ **(f)** Conditional upon MGM Springfield, completing Operational Audits of Wagering Procedures and Practices and Technical Security Controls as required by the Commission's technical standards governing sports wagering within 90 days of the commencement of sports wagering operations.



# MGM Springfield:

## 251.02 Operation Certificate: Test Period

☒ **251.02 (1)** - Evaluation and Test Period - January 18, 2023

## Encore Boston Harbor:

### 251.01 Operation Certificate: Issuance and Posting of Operation Certificate

- ☒ **251.01 (1)** -Requested operation certificate on January 13, 2023
- ☐ **251.01 (2)** -Pending issuance by the MGC - *Certificate to be posted in Sportsbook cage*
- 251.01 (3)**
  - ☐ **(a)** Awaiting GLI confirmation
  - ☒ **(b)** Current list of all Sports Wagering employees, Sports wagering Vendors, and Non-Sports Wagering Vendors RECEIVED
  - ☒ **(c)** Sports Wagering facility is built, superior quality and in compliance
  - ☒ **(d)** Emergency Response plan certified delivery to fire and police departments on January 9<sup>th</sup>, 2023
  - ☒ **(e)** Certificate of Occupancy and necessary permits received December 8, 2022
  - ☐ **(f)** Conditional upon Encore Boston Harbor, completing Operational Audits of Wagering Procedures and Practices and Technical Security Controls as required by the Commission's technical standards governing sports wagering within 90 days of the commencement of sports wagering operations.

## Encore Boston Harbor:

### 251.02 Operation Certificate: Test Period

☒ **251.02 (1)** - Evaluation and Test Period - January 20, 2023

Final Inspection January 30, 2023