



## 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 | January 4, 2024 | 10:00 a.m.**  
**VIA REMOTE ACCESS: 1-646-741-5292**  
**MEETING ID/ PARTICIPANT CODE: 112 203 9875**  
**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 - #494**

1. Call to Order – Cathy Judd-Stein, Chair
2. Minute Minutes – Commissioner Jordan Maynard, Judith Young, Associate General Counsel
  - a. March 27, 2023 **VOTE**
  - b. March 30, 2023 **VOTE**
  - c. April 6, 2023 **VOTE**
3. Administrative Update – Todd Grossman, Interim Executive Director & General Counsel
  - a. Regulatory Development Update on Cashless Wagering for Casinos – Carrie Torrisi, Deputy General Counsel
  - b. Responsible Gaming Conference Planning Update – Mark Vander Linden, Director of Research and Responsible Gaming
  - c. Status of Lease of Boston Office Space at 101 Federal Street – Maryann Dooley, Office Operations Manager, Derek Lennon, Chief Financial and Accounting Officer
  - d. Directors and Officers Insurance Policy Overview – Todd Grossman, Interim Executive Director & General Counsel
4. Legislative Update – Commissioner Brad Hill



Massachusetts Gaming Commission

5. Sports Wagering Division – Bruce Band, Director of Sports Wagering
  - a. Request for House Rules Amendments: Fanatics – Andrew Steffen, Interim Sports Wagering Operations Manager; Michael Levine, Fanatics Senior Director Regulatory Operations **VOTE**
  - b. Request for House Rules Amendments: DraftKings – Andrew Steffen, Interim Sports Wagering Operations Manager; Jacob List, DraftKings Senior Director Regulatory Operations **VOTE**
  - c. WynnBET Request for Reducing Customer Service Hours – Crystal Beauchemin, Sports Wagering Business Manager **VOTE**
  
6. IEB – Caitlin Monahan, Interim IEB Director
  - a. Update on Anticipated Temporary Licensure Process
  - b. Report on Encore Boston Harbor’s Petition to Amend Floorplan – Burke Cain, Chief, Gaming Agents Division, Luis Lozano, Casino Regulatory Manager, Gaming Agents Division
  
7. Research & Responsible Gaming – Mark Vander Linden, Director of Research & Responsible Gaming
  - a. Voluntary Self-Inclusion (VSE) Program: Massachusetts Process and Data – Long Banh, Responsible Gaming Program Manager
  
8. Community Affairs Division – Joe Delaney, Chief of Community Affairs
  - a. Community Mitigation Fund: 2023 Grant Modification –Mary Thurlow, Senior Program Manager, Lily Wallace, Program Manager
    - i. Springfield Safe Ride Home Project **VOTE**
  
9. MGC Diversity Audit of Casino Licensees – Commissioner Nakisha Skinner, David Muldrew, Chief People & Diversity Officer, Boniswa Sundai, Senior DEI Program Manager
  
10. Executive Director Screening Committee Update – Commissioners Eileen O’Brien and Jordan Maynard
  
11. IEB Director Screening Committee Update – Commissioners Nakisha Skinner and Bradford Hill
  
12. Commissioners Update
  - a. The Regulated Market: Exploring Potential for MGC Seal of Licensure – Chair Cathy Judd-Stein and Commissioner Eileen O’Brien



Massachusetts Gaming Commission

13. 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: January 2, 2024 | 10:00 a.m. EST. |

January 2, 2024

*Cathy Judd-Stein*

*Cathy Judd-Stein, Chair*

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



Massachusetts Gaming Commission



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** March 27, 2023, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 048 1739

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](#) (00:11)

Chair Judd-Stein called to order the 445<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. [Update on Assessment of Civil Administrative Penalties under MGL Chapter 23K](#) (01:03)

Loretta Lillios, Director of the Investigations and Enforcement Bureau ("IEB") introduced Heather Hall, Chief Enforcement Counsel of the IEB, who gave an update on an administrative penalty assessed to licensee Encore Boston Harbor ("EBH"). Ms. Hall explained that the penalty stemmed from two alcohol over-service violations that occurred in August and September 2022 at the Memoire nightclub within EBH. Ms. Hall indicated that the IEB had seen improvements in Memoire's approach to alcohol service in recent months and confirmed that the IEB would continue to monitor these matters, with the goal of improving public safety.

[Legal](#) (3:32)

Deputy General Counsel Caitlin Monahan provided a brief introduction, noting that many of the regulations on the agenda for this meeting had already been discussed and voted upon at the Commission's last public meeting, held on March 23, 2023. Attorney Monahan noted that the only regulations presented today for discussion were 205 CMR 202.00: *Authority and Definitions*, and 205 CMR 256.00: *Sports Wagering Advertising*. She then introduced Attorney Mina Makarious, outside counsel from the law firm Anderson and Krieger to walk the Commissioners through the regulations.

- j. [205 CMR 256.00: Sports Wagering Advertising](#) – Regulation and Amended Small Business Impact Statement for final review and possible adoption. (04:30)

Attorney Makarious then presented a reminder of prior actions regarding 205 CMR 256.00 related to sports wagering advertising. Mr. Makarious noted that several public comments suggesting changes were received and discussed at the Commission's last meeting held on March 23, 2023. *A matrix of public comments received for 205 CMR 256: Sports Wagering Advertising* was included in the Commissioner's Packet on pages 20 through 81.

Mr. Makarious also stated that the Legal Team had also received public comments and *Proposed Amendments to Mobile Sports Wagering Regulations from the Attorney General's Office*, which were included in the Commissioner's Packet on pages 84 through 102. He then briefed the Commission on the highlighted edits to the regulations that had been made since the last meeting, according to those comments. He stated that the Legal Team was seeking Commission feedback on those edits.

Commissioner O'Brien asked for clarification as to whether the Attorney General's Office ("AGO") preferred to have a prohibition on all third-party revenue sharing agreements for advertisers in exchange for driving web traffic to a sports wagering licensee's website, while the sports wagering operators had pushed for the less stringent compromise language as included in the redline of 256.01(3), which only prohibits such agreements based on a percentage of revenue. Mr. Makarious confirmed that her categorization of the two requests was correct.

Commissioner O'Brien then asked for any updates on any pending Connecticut regulations that would ban promotions altogether for sports wagering advertisers. Communications Division Chief Thomas Mills answered that he had received a call from the Department of Consumer Protection in Connecticut, and that such a regulation change was not currently in development.

Commissioner Hill then asked for confirmation that the current proposed language allowed for third-party affiliates cost per acquisition agreements but no revenue sharing. Mr. Makarious then explained that cost per acquisition would be allowed based on the clicks or engagements generated, but clarified that revenue sharing, or the method of distribution based on a percentage

of revenue earned from user sign-ups would be prohibited by the regulations. Commissioner Hill noted he was comfortable with this language as explained.

Chair Judd-Stein asked for further detail on the type of revenue sharing that would be allowed, and whether it would be consistent with industry practice. Mr. Makarios explained that revenue sharing would be allowed based upon number of net wagers only, not upon a percentage of total money that a user may load into an account but not actually use to place bets.

Commissioner Skinner asked if the prohibition in the current language was specific to percentages of user money generated by an advertiser, and if the language would permit revenue sharing based on a flat fee amount paid to an advertiser for each user coming to an operator's website. Mr. Makarios confirmed her understanding and noted that a flat fee arrangement would be permitted.

Chair Judd-Stein asked about the basis of industry's distinction between cost per acquisition and revenue sharing at the recent roundtable discussion. Mr. Makarios answered that this distinction was partly based on the timing of payments to advertisers. He stated that marketing affiliates received performance-based compensation for advertising through either revenue sharing or cost per acquisition agreements. A revenue sharing agreement granted the marketing affiliate a proportional payment of funds that were wagered by a patron drawn to the site by that affiliate's ad or marketing strategy. Conversely, under a cost per acquisition agreement, the affiliate received payment for each patron enrolling and creating an account. He noted that cost per acquisition models were a standard practice across the sports wagering industry, but that revenue sharing models based on wagering activity and amount of money wagered were more varied across jurisdictions, and sometimes prohibited.

Commissioner Skinner stated that the current proposed language was acceptable to her. She understood that it would allow cost per acquisition agreements to continue if they were not based on a percentage of net sports wagering revenue, and it would allow smaller sports wagering operators and third-party affiliates to be competitive in Massachusetts. She was unclear on whether it would allow higher compensation for higher wager amounts.

To address these concerns, Mr. Makarios referenced a recent bulletin outlining the types of advertising agreements permitted for sports wagering in New Jersey.

Mr. Makarios noted that New Jersey allows revenue sharing models based on compensation per-click and per-view, as well as flat fee sponsorship deals and flat rate per-action (defined user non-gaming action) deals, as well as deals permitting advertisers to get a percentage of deposit paid by each newly registered user signed up to a platform. He explained that all these deals would also be allowed in Massachusetts, under the proposed language. He said the only type of agreement prohibited by the proposed language would be one where advertisers would get a percentage of net gaming revenue paid by each new user. He reminded the Commission that such a percentage deal was allowable under a waiver now in effect, but he was unsure whether any

operators in Massachusetts were now operating under such a deal, who would need to change their deal to the permissible type.

Commissioner Skinner then referred to the higher level of licensure currently required to engage in revenue sharing in which advertisers were paid a percentage of net wagering revenue under 205 CMR 234 and asked whether that level would even be necessary after the proposed changes, given that paying advertisers a percentage of net wagering revenue was exactly what would be prohibited under the proposal. Mr. Makarios agreed that the language of 205 CMR 234 would need to be adjusted to remove this level, and that such adjustment was forthcoming. He also noted that some definitions within 205 CMR 202 would also need to change, which was part of the reason that discussion of 205 CMR 202 was held off for later in today's meeting.

Commissioner O'Brien noted that she wanted to make sure that the proposed language did not unduly incentivize pay-per-click revenue sharing models, since industry representatives had expressed concerns about predatory pay-per-click advertising schemes. Mr. Makarios confirmed that the proposed language allowed pay-per-click but was unsure whether it would be incentivized or not. He pointed out that other regulations, such as the prohibitions on deception or on targeting certain audiences, created safeguards against predatory advertising. Mr. Makarios added that there were further regulations under discussion with the AGO regarding third-party data usage and security that would further disincentivize predatory advertising and protect vulnerable users. Commissioner O'Brien stated that data usage was one of her main concerns about allowing any sort of revenue sharing for advertisers, and that the onus should be on the operators to mitigate the risk of data misuse.

Commissioner Maynard expressed his belief that allowing revenue sharing deals based on cost per acquisition would help curb the onslaught of general advertising that the Commission had noticed on operator platforms, and lead to more targeted advertising aimed at users who were interested in placing wagers. He voiced his concern regarding the risks of revenue sharing to startup businesses trying to enter the sports wagering market.

Chair Judd-Stein concurred with this assessment and reiterated the importance of fair revenue sharing regulations to foster competitiveness of "good players" who follow the rules, versus illegal offshore operators. She noted the example of a small operation run by Kevin Garnett, who explained in their letter to the Commission that organizations like theirs do not have patron lists needed to pay advertising affiliates under a cost per acquisition model, so some alternative revenue-sharing structure should continue to be allowed.

Deputy General Counsel Caitlin Monahan explained that both cost per acquisition -based models and other revenue-sharing arrangements were allowed under the current temporary waiver, but she hadn't heard of any public inquiries about how the additional licensure category would be specifically impacted.

Mr. Makarios confirmed that all types of revenue sharing deals were currently allowed under the waiver, but the proposed language would ban deals based on advertisers getting a percentage of net wagering revenue generated. This language would not ban either general revenue sharing deals or flat-fee-based deals. He referred to the earlier point made by Commissioner Skinner that the type of deal carved out by the additional licensure category would be banned by the proposal, and so that category would need to be removed if the proposal were adopted.

Karalyn O'Brien, Licensing Division Chief pointed out that there were five operators currently applying for this higher category of licensure, out of a total of 30 applicants for sports wagering licenses. She noted that the five applicants would need to change their agreements if the proposal was adopted. Chair Judd-Stein asked whether it was possible to get information about the size of their revenue-sharing agreements.

General Counsel Grossman replied that a request would probably be permissible if the requested information was not too sensitive or specific to the applicants, but merely asking for general information about how large they were, and how large their typical deals were. Chair Judd-Stein also suggested looking into whether they would qualify as small businesses (less than 50 employees) and whether they were minority or women-owned. The Commissioners agreed that they would like Chief O'Brien to try to obtain that data if it wouldn't be too onerous.

Commissioner Hill then asked about how the addition of 205 CMR 256.04(6)(1) regarding a prohibition on advertiser affiliates representing themselves as "experts" for purposes of providing advice on wagering, could impact local TV or web shows that may offer wagering advice, such as NESN or ESPN SportsNet.

Mr. Makarios replied that an operator may trigger this prohibition if they compensated a media network to have their representative give wagering advice on such a show. Conversely, a network would be permitted to provide neutral wagering advice, which was not being paid for by or through an operator.

Commissioner O'Brien pointed out that 205 CMR 256.05(4)(2)(a) regarding limits on sports wagering advertising on media outlets targeting youth, appeared to be missing the phrase "or more" following the 25% expected youth audience share. Mr. Makarios replied that the omission was not intentional and would be corrected in the final draft of the regulation.

Executive Director Karen Wells stated that specific language for the responsible gaming messaging to be required to include in advertisements by 205 CMR 256.06(2) was currently under consideration by the Department of Public Health ("DPH"). Mr. Ortiz, who heads the DPH responsible gaming program, would update the Commission on this language soon.

Commissioner Hill asked for confirmation that the regulation as written mandated that the phone number and website for the DPH responsible gaming program was to be included with advertising on the operator web platforms, but not on other advertising such as TV, print, or



other websites. Director Wells responded that it was up to the Commission if they wanted to mandate the inclusion of information such as the DPH hotline number in advertising on other media.

Commissioner Hill then proposed that the Commission should seek input, not only from DPH but also from the Council on Gaming and Health, and from GameSense, to advise on the information to be included with gaming advertisements on other media, as well as on operator platforms. Commissioner Hill posed that this may be the best way to avoid any confusion over this information.

Mark Vander Linden, Director of Research and Responsible Gaming, explained that there were currently two phone numbers to access problem gaming resources that had been displayed on advertisements such as billboards. He thought it would be clearer to require just one number going forward. He suggested that any such hotline number should be able to give information on the voluntary self-exclusion program and play-management settings on operator platforms, as well as community-based help for problem gambling from GameSense advisors. He also suggested cooperating with GameSense and DPH to develop a brief tagline to use, along with a website and phone number. Commissioner O'Brien also suggested having a hyperlinked logo on social media advertising, that would lead directly to a resources site.

Commissioner Skinner agreed that a cooperative approach between GameSense and DPH to develop a unified message would be desirable. She was concerned at the lack of a referral process at DPH for those that may need services for problem gambling, or for those that might want information on the Voluntary Self-Exclusion list.

Chair Judd-Stein asked which phone number was provided in Gaming Commission literature provided to patrons who might want to be placed on the Voluntary Self-Exclusion list. Director Vander Linden replied that it was the Council on Gaming and Health number for remote enrollment, and not the GameSense hotline number. Chair Judd-Stein stated that it was important for people who called the number from advertising to be made aware of the DPH resources for problem gambling treatment as well as the Voluntary Self-Exclusion list. She reiterated the need to give the operators clarification on this messaging.

Commissioner Hill asked the difference between having "or" (current language) versus "and" in 205 CMR 256.06(2). Mr. Makarious replied that "or" allowed for the Problem Gambling Helpline number among various options to include as "responsible gaming messaging", whereas "and" would mean always including the Helpline number as a minimum requirement.

Commissioner Skinner pointed out the possible confusion that could result from mandating the inclusion of a website, phone number and tagline for both DPH and another resource such as GameSense. She suggested that Mr. Vander Linden provide a visual representation of whatever "responsible gaming messaging" was proposed after discussion with DPH and other entities.

Director Vander Linden stated his preference for having only one phone number included, as there was one number that could effectively provide information on both treatment resources and the Voluntary Self-Exclusion list, with a “warm handoff” capability between the two: either via phone tree menu options, or a phone call transfer by the person on the phone. Chair Judd-Stein asked whether this could mean the Council on Gaming and Health number for Voluntary Self-Exclusion list enrollment would no longer be used in the advertising message, while the Helpline number could simply include an easy transfer or menu option for such enrollment.

Director Vander Linden confirmed this was his recommendation. Executive Director Wells then suggested using both numbers on advertising messages temporarily, until this “warm handoff” capability could be implemented. Commissioner Skinner suggested a transitional solution to include only the DPH information on the operators’ platforms, but include the GameSense information on all other advertising, while discussions continued with DPH on their recommended messaging.

Commissioner Hill discussed his experience at the State House, where a hotline number called “Mass 211” was created. He said this has worked very well as a one-stop shop for citizens to get urgent help with issues such as childcare, transportation, food insecurity, and housing. He stated his hope that the Problem Gambling Helpline would serve such a purpose for problem gamblers, with cooperation from all relevant agencies. He said that he liked Director Vander Linden’s idea of establishing a “warm handoff” capability.

Director Wells summated earlier suggestions to include GameSense information as part of possible “responsible gaming messaging” to recommend to operators, as well as possibly the DPH Helpline number, website, and tagline. She also discussed adding language about being over 21 years old to participate in gaming, and maybe the GameSense logo. She then recalled operators’ concerns about font size, and not having so much required information that it overly restricts their ability to advertise. Chair Judd-Stein mentioned that operator platforms have been including an “RG button” linking to responsible gaming information, which may already include the GameSense number and website.

Commissioner Hill suggested bringing operator representatives into the discussion between DPH and other agencies that was recommended earlier, so they could give opinions on what might be most helpful to put on advertisements, to avoid running the risk of requiring too much information that may confuse and overwhelm patrons, as well as forcing the use of smaller fonts. Commissioner Skinner concurred.

Commissioner Hill reiterated his position that the minimum required information that operators must include should be the Helpline number, DPH website, and DPH tagline. He further stated that operators should be informed that this recommendation was subject to change pending further discussions with DPH and other entities.

Commissioner Maynard shared his sentiment that the recommendations to operators should not change from the status quo until the conclusion of those discussions, and the current proposed regulation should be adopted as was, since the “or” allows enough flexibility for future changes.

Commissioner O’Brian raised, for future discussion, the issue of whether the required messaging should prioritize a website or a phone number in different types of advertising as the best way to reach different demographic groups of consumers.

Director Vander Linden agreed, and then raised the defined term “Responsible Gaming Messaging” which he thought was more about preventive services such as play management, whereas “Problem Gaming”, used to describe the Helpline, was more about medical intervention and counseling services.

Mr. Makarios added that no comments from operators had indicated confusion over these terms but expressed his opinion that “Responsible Gaming Messaging” could potentially be changed to “Required Messaging”. Director Vander Linden stated that the concern had come from DPH over the two different phone numbers, which was addressed earlier in this meeting.

Commissioner Skinner stated that she thought the intended language was clear, and the proposed language need not be changed, but noted that she liked the sound of “responsible gaming over required gaming. Chair Judd-Stein then recommended that a policy be created to memorialize what has been decided and voted upon, so that language could be shared with all relevant stakeholders.

Mr. Makarios then offered a brief overview of the following portions of the regulations that were updated due to comments submitted to the Commission: 205 CMR 256.06(5), which now included the mandatory unsubscribe language moved up from 205 CMR 256.07(3) as suggested by the AGO; an addition to 205 CMR 256.10(1) regarding maintenance of records for social media sites for advertising. This change was recommended by the AGO to capture not only the record of the advertising, but also any targeting parameters to show compliance with social media provisions to exclude underage users. Lastly, 205 CMR 256.09(2) repeated and reiterated the requirement to disclose any endorsements and compensation relationships within sports wagering advertisements Mr. Makarios concluded his presentation and invited Chief O’Brien and other parties to offer additional comments to Commissioners.

Chief O’Brien then gave the results of the research that had been requested from the Licensing Division earlier in the meeting. She stated that the Licensing Division staff had done a high-level survey of applications received for both the special license for revenue sharing agreements and other marketing affiliate applications which included cost per acquisition deals. The only data that they had on the revenue sharing applicants was that they ranged from mid six figures to low seven figures in estimated annual value. She did report, however, that the Licensing Division had heard from some marketing affiliates that they considered doing marketing in the Commonwealth, but the value of their contracts with operators would not make it financially

worthwhile for them to pay the initial five-thousand-dollar registration fee, let alone the fifteen-thousand-dollar fee for a special revenue sharing license.

Chief O'Brien further stated that the Licensing Division did not have the estimated annual value of the applicants with cost per acquisition or flat fee agreements because that information was not a part of that application. because that information was not requested in the application. She speculated that they could have several agreements with different operators, since there's nothing that would necessarily bar them from doing business with only one operator, so each affiliate could have one agreement, or there could have five, and they did not have that data. Lastly, she stated that, for the applications where it was recorded, there were no applicants that had provided certification that they were minority owned, woman owned, or veteran owned. Commissioner Hill thanked her for looking up this information.

Chair Judd-Stein asked for clarification of what "estimated annual value" referred to. Chief O'Brien replied that this was an estimated value of goods and services that an affiliate provided to operators each year in Massachusetts. She also clarified that an affiliate could be providing services to more than one operator within Massachusetts, and that there was no indication in the data of how many agreements were reflected in that value.

Chair Judd-Stein then asked if the Secretary of State's definition of a small business appeared anywhere in the sports wagering regulations, or in the Massachusetts gaming regulations in general. General Counsel Grossman answered that he was not aware of whether it was, but that he could find out. Mr. Makarios then interjected that this definition appeared in G.L. c. 30A, § 1 as a business entity or agricultural operation, including affiliates, that was, (1) independently owned and operated, (2) with a principal place of business in the Commonwealth and that, (3) would be defined as a "small business" under applicable federal law. He said that such determination would be made by federal agencies such as the U.S. Small Business Administration or the U.S. Department of State. He further explained that what makes a small business may vary by industry, so there was no uniform definition, and what was small enough to meet the definition in one industry may not be considered small enough in another industry.

Chair Judd-Stein then reiterated that if the Commission were to adopt the proposed version of 205 CMR 256, they would be adopting most of the New Jersey version of the advertising regulation, except that they would be prohibiting the type of percentage-based revenue sharing agreement that New Jersey allows, as well as adding additional safeguards. Mr. Makarios concurred with Chair Judd-Stein's assessment.

Chair Judd-Stein asked Deputy General Counsel Carrie Torrisi to explain the impact that voting on regulation 205 CMR 256 would have on the waiver that was currently in effect. Ms. Torrisi replied that the waiver would expire on April 14, 2023, and that the proposed language within the regulation, prohibiting the percentage-based revenue sharing model that was allowed by the special licensure, would take effect after the waiver expired. Chair Judd-Stein said that she remained unsure of whether prohibiting percentage-based revenue sharing models would create

an undue hardship for small affiliates such as the one mentioned earlier that was sponsored by Kevin Garnett. Commissioner Skinner, however, stated her belief that the proposed language struck a satisfactory balance between the AGO's concerns and operators' concerns.

Commissioner O'Brien then moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 256 as included in the Commissioner's packet and discussed here today; and further, that the staff be authorized to take steps necessary to file the reported documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. 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.*

- d. [205 CMR 202.00](#): Authority and Definitions – Regulation and Amended Small Business Impact Statement for final review and possible adoption. (03:54:07)

Commissioner O'Brien inquired as to whether the Commission needed to vote upon 205 CMR 202 or whether any further discussion was needed first. Mr. Makarious stated that this regulation had been thoroughly discussed at a previous meeting. He then gave a summary of this regulation as it was redlined. He ultimately recommended no further edits but did explain that 205 CMR 202 may need to be revisited as other regulations were promulgated, including those regarding Category 2 operators, data privacy and other topics as necessary. *This draft of 205 CMR 202 and its associated Small Business Impact Statement* were included in the Commissioner's Packet on pages 3 through 9.

Commissioner O'Brien then moved that the Commission approve the amended Small Business Impact Statement and the draft of 205 CMR 202 as included in the Commissioner's packet and discussed here today; and further, that the staff be authorized to take steps necessary to file the reported documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner Hill 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. [Other Business](#) (03:57:37)

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

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

*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. Notice of Meeting and Agenda dated March 23, 2023
2. [Commissioner's Packet from the March 23, 2023](#), meeting (posted on massgaming.com)



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** March 30, 2023, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 233 7338

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 446<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. [Investigations and Enforcement Bureau](#) (00:51)

- a. Massasoit Greyhound Association Application for Category 2 Sports Wagering License – Review of Applicant's Operating Lease Agreement with American Wagering, Inc. (Caesars Sportsbook)

Loretta Lillios, Director of the Investigations and Enforcement Bureau ("IEB") stated that the IEB had reviewed an operating agreement between the Massasoit Greyhound Association ("MGA"), also known as Raynham Park, and Caesars Sportsbook. She stated that MGA conducted simulcasting operations and that they sought out Caesars' expertise and experience related to sports wagering.

Kathleen Kramer, Senior Enforcement Counsel reported that MGA had applied for a category two sports wagering license. She stated that MGA had created a new subsidiary, Raynham Park Sportsbook (“RPS”), and that the two entities had entered into an operating lease agreement with Caesars. She detailed that Caesars would manage and perform all operations and regulatory compliance functions, and that the IEB had submitted a memorandum highlighting the conditions of the operating lease agreement. She reported that the IEB was treating Caesars Sportsbook as an entity qualifier pursuant to 205 CMR 215.

Commissioner Skinner inquired whether the IEB had any concerns about the agreement. Ms. Kramer stated that the structure was different than what the IEB had seen from other operators, but that there were presently no concerns.

General Counsel Grossman stated that he wanted to ensure the Commission had a clear understanding of the interplay of the parties and terms of agreement. He reported that nothing in the agreement raised concerns. Commissioner Skinner asked if there were additional qualifiers from Caesars to be reviewed. Director Lillios stated that Caesars Sportsbook was licensed as a category three operator and had its qualifiers vetted in that process.

Chair Judd-Stein noted that under General Law Chapter 23N, all liability would remain with the licensee. General Counsel Grossman agreed with the Chair’s assessment and stated that liability could not be delegated away by contract. Attorney Jed Nosal from the law firm Womble, Bond, Dickinson LLP stated that the ultimate responsibility to the Commonwealth and Commission would reside with the licensee, who was referred to as “Raynham Park” in some of the documents. He stated that MGA would also benefit from contracting with an experienced operator.

Director Lillios asked if particular conditions should be attached to the license, given the format of the arrangement. Mr. Nosal stated that other jurisdictions made similar arrangements. He noted that Caesars Sportsbook had already been found preliminarily suitable due to their category three sports wagering license. He stated that the arrangement should not affect the timeline for licensure for MGA. He noted that MGA would provide a temporary and permanent facility for the sportsbook and that MGA management would be onsite overseeing operations. He reported that Caesars would provide sportsbook services, signage, and promotional programs.

Director Lillios noted that the new entity RPS was a party to the agreement and asked how that entity was involved. Mr. Nosal replied that RPS was a wholly owned subsidiary of MGA, created for corporate organizational purposes. Attorney Steve Eichel from Rimon Law, the firm representing MGA, stated that the corporate structure would prevent records from being intermingled and confusing. Mr. Nosal stated that both entities were designated qualifiers.

Commissioner Hill asked what other jurisdictions had similar agreements. Senior Vice President and Chief Development Officer for Caesars Digital Dan Shapiro explained that Caesars was



involved in 180 sportsbooks nationwide, and that Caesars had similar agreements in New Jersey, Iowa, Washington D.C., and Ohio. Chair Judd-Stein inquired what Caesars expected from this arrangement. Mr. Shapiro stated that it was an opportunity to bring retail sports wagering to a different area of the state.

Commissioner Hill asked if Caesars was going to partner with MGA's parimutuel horse racing operation. Mr. Shapiro stated that the temporary location was for sports wagering only, but that Caesars would manage parimutuel operations once the permanent location was constructed. He noted that sports wagering might bring a new audience for parimutuel betting and that efficiencies could be created by cross-marketing them.

Commissioner Maynard expressed concerns about the different age requirements for parimutuel wagering and sports wagering. Mr. Nosal replied that the temporary and permanent spaces would be for those aged twenty-one and older.

Chair Judd-Stein noted that while an executive session was reserved, an executive session was not needed for this agenda item, as it appeared that Commissioners were satisfied with the level of discussion in a public meeting.

b. [Disclosure by Betr Holdings, Inc. \(Category 3 Licensee\) relating to SEC matter](#)  
(34:55)

Director Lillios explained that the Securities and Exchange Commission ("SEC") had announced charges against Jake Paul, who was a qualifier for category three licensee BetR. She stated that the SEC announced on March 22, 2023, that Mr. Paul was one of eight celebrities that illegally touted crypto-companies asset securities. She explained that Mr. Paul had promoted crypto assets in a tweet on February 21, 2021, without disclosing he was paid to give publicity by the company. She stated that in exchange for the tweet, Mr. Paul received crypto assets valued at approximately \$25,000. She noted that Mr. Paul had settled the charges without admitting or denying the SEC's findings by paying \$25,000 to cover the value of the asset and a civil penalty of \$75,000. She stated that BetR notified the IEB within twenty-four hours of the resolution with the SEC, and that BetR was not a party to the matter before the SEC.

Commissioner O'Brien asked if IEB was given notice upon learning the SEC was investigating Mr. Paul, or upon the issue being resolved. Director Lillios stated that the notification was upon resolution of the matter. Commissioner O'Brien inquired why there was no notification that charges were pending. Director Lillios stated that the IEB was in the process of reviewing those details. She added that the IEB was planning a meeting with the licensees and a letter further detailing the operators' duties. Chair Judd-Stein commented that it was possible the SEC had prohibited discussion of the matter until the public announcement.

3. [Sports Wagering](#) (39:27)

a. Commission Approval of House Rules for BetR Holdings, Inc. (D/B/A Betr)

Sports Wagering Operations Manager Sterl Carpenter presented BetR's proposed house rules. The *proposed house rules from BetR* were included in the Commissioner's Packet on pages 4 through 13. Mr. Carpenter noted that all comments from the Commission's previous meetings had been addressed. He stated that BetR had fewer rules due to limiting wagers to football, basketball, and baseball.

Chair Judd-Stein asked if there were any concerns related to the proposed house rules. Mr. Carpenter stated that BetR had addressed several areas with the Sports Wagering Division. He noted that the house rules were drafted with a compliance team reviewing the Massachusetts regulations. He stated that BetR was responsive to the Commission's staff requested changes.

Commissioner Maynard moved that the Commission approve the house rules submitted by BetR Holdings, Inc., D.B.A. BetR, as included in the Commissioner's Packet and discussed today. 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.*

4. [Legal](#) (44:42)

a. Withdrawal of PointsBet Massachusetts, LLC application for a Category 3 Sports Wagering License

Deputy General Counsel Carrie Torrisi reported that PointsBet had submitted a request to withdraw their application for a category three sports-wagering license. She explained that 205 CMR 213.01(2) required that the Commission expressly approve the withdrawal based on a finding of good cause. The *Request For Withdrawal*, with competitively sensitive information redacted, was included in the Commissioner's Packet on pages 14 through 16.

Commissioner Hill moved in accordance with 205 CMR 213.01(2) that the Commission find that PointsBet Massachusetts, LLC, has shown good cause for the withdrawal of its category three sports wagering license application; and further, that the Commission approve PointsBet Massachusetts LLC's application withdrawal request. 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.*

b. [Determination as to Whether Wagering on Horse Racing may be Included in the Sports Wagering Catalog Approved by the Commission under G.L. c. 23N \(48:03\)](#)

General Counsel Grossman stated that some operators had questioned whether wagers on horseracing or greyhound racing could be considered sporting events that the operators could offer wagers on. He stated that 205 CMR 247.01(2)(d) expressly prohibited wagering on these events.

General Counsel Grossman stated that the laws regarding simulcast and live racing were also set out in General Law Chapters 128A and 128C. He stated that racing laws expressly set out requirements that needed to be met for a licensee to offer wagering on these races. He noted that G.L. Chapter 128A, § 13 expressly criminalized holding or conducting a gambling pool or wagering on a horse or dog race except as permitted in G.L. Chapter 128A. He expressed his belief that wagering on these events was confined to this statutory construct. He noted that racing was also subject to the Interstate Horseracing Act under federal law which required certain terms and conditions to be established.

General Counsel Grossman stated that there were also policy concerns as the takeout structure of G.L. Chapter 128A and 128C, and the taxation of sports wagering were different. Chair Judd-Stein agreed, stating that allowing horseracing and greyhound racing as sporting events did not seem consistent with the statutory structure of Chapter 23N.

Commissioner Hill moved that the Commission find that horseracing shall not be included in the sports wagering catalog approved by the Commission under G.L. Chapter 23N. 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.*

5. [Racing \(59:26\)](#)

a. FanDuel Request for Approval to Enable Access Points to FanDuel Racing Within the FanDuel Sportsbook

Director of Racing and Chief Veterinarian, Dr. Alex Lightbown, explained that FanDuel had requested to direct-link their sportsbook and Advanced Deposit Wagering (“ADW”) FanDuel racing application. She stated that FanDuel had been an approved vendor for Suffolk Downs for account wagering for several years. She noted that the ADW system would remain separate from the sports wagering system as far as monies were concerned. She stated that the link would allow patrons to not have to log-in twice if going to FanDuel racing from the FanDuel Sportsbook. She noted that new users going to FanDuel racing would be prompted with the terms and conditions regarding account wagering, and that FanDuel indicated that eleven other states have this system in place. She stated that the link could drive business towards ADW wagering which benefits the tracks, horseman’s purses, and the budget of the Racing Division.

Commissioner O’Brien asked if the licensees with the ADW relationship were in support of this request. Dr. Lightbown stated that Director of Racing with Plainridge Park Casino (“PPC”) Steve O’Toole had indicated that the racetrack has no issues with this link to the ADW services.

Commissioner O’Brien asked if there were concerns about underage individuals using these links to gain a backdoor entrance to sports wagering. Legal and Regulatory Affairs and Product Counsel from FanDuel Josh Mehta stated that the eligibility service for the sports wagering system was certified by GLI and that only individuals over the age of twenty-one would be able to participate in the sports wagering. He stated that they were distinct platforms.

Commissioner Skinner sought clarification regarding the difference between this request and the request from DraftKings in the previous meeting. Dr. Lightbown explained that DraftKings had requested to be an account wagering vendor for Suffolk Downs, whereas FanDuel had already been an account wagering vendor that was approved by the Commission. She stated that FanDuel was requesting to put a direct link in their sportsbook linking to their account wagering for horseracing. Commissioner Skinner asked if there were any concerns with approving the request. Dr. Lightbown replied that there were no concerns.

Chair Judd-Stein asked if there would be the possibility of new responsible gaming messages for the ADW patrons with this link. Mr. Mehta stated that FanDuel applied responsible gaming tools across all of their platforms. Chair Judd-Stein asked if responsible gaming language was required for ADW accounts. Dr. Lightbown stated that Suffolk Downs, Raynham Park, and PPC all worked on responsible gaming and were in contact with the Research and Responsible Gaming Division.

Commissioner Maynard sought clarification on whether there were plans to cross-promote and stated that he wanted to ensure that there were separate accounting features on the promotions. Mr. Mehta stated that the accounting features were separate. He noted that promotional credits were product specific. He stated that if the Commission had concerns about cross-promotions, FanDuel could opt not to offer them.

General Counsel Grossman stated that FanDuel was a legally authorized ADW provider and a sports wagering operator, and that if FanDuel followed both sets of laws appropriately, he could not think of any consequences that may arise as a result.

Commissioner Skinner moved that the Commission approve FanDuel, Inc.'s request to enable access points to the FanDuel Racing Experience within FanDuel Sportsbook as included in the Commissioner's Packet and discussed here today. Commissioner Hill 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.*

## 6. [FY24 Research Agenda](#) (1:47:34)

Director of the Research and Responsible Gaming Division Mark Vander Linden presented the proposed FY24 Research Agenda. The *Proposed FY24 Research Agenda* was included in the Commissioner's Packet on pages 43 through 49.

Commissioner Hill sought clarification regarding the FY24 budget. Director Vander Linden stated that the proposed FY24 gaming research agenda budget was \$1,865,000. He noted that it was a 30% increase from FY23 that was largely due to the expansion of the research agenda due to a number of studies related to sports wagering. Chair Judd-Stein asked if some of the research required new procurements. Director Vander Linden confirmed that some of the new research did require procurements.

Chair Judd-Stein inquired about the budget for the Social and Economic Impacts of Gambling in Massachusetts ("SEIGMA") team. Director Vander Linden stated that the budget for SEIGMA was approximately \$990,000. He stated that the rest of the budget was spread out over new procurements and smaller procurements. Chair Judd-Stein asked if those procurements had already occurred. Director Vander Linden replied that they had not, as this was the proposed budget for approval.

Chair Judd-Stein asked if there were other areas the Commission wanted to explore related to public safety. Commissioner O'Brien expressed that she wanted more information about the interplay of advertising and sports wagering but noted that topic would not fall into the public safety category. Chair Judd-Stein expressed an interest in more information related to human trafficking and anti-money laundering, but questioned whether that would be too much to add for this fiscal year. Commissioner O'Brien suggested that offering training on those topics would be a good resource. Director Vander Linden noted that adding anything to the research framework would require more money or re-allocating resources.

Chair Judd-Stein stated that training could be discussed with the IEB. Director Vander Linden stated that an extensive literature review to identify what research had been done might help with identifying the training's objectives and subject matter. Chair Judd-Stein stated that if the Research And Responsible Gaming Division had the resources to do a literature review it would be helpful. Director Vander Linden stated that as part of the FY23 budget, the Research And Responsible Gaming Division was looking at the impacts of gambling advertising. He stated that the research would be presented later this year in the summer.

Chair Judd-Stein asked how the budget for the community-driven research projects was estimated. Director Vander Linden stated that there would be new procurements with an estimated cost of \$100,000 each. Chair Judd-Stein inquired whether more interviews and in-depth reports could be conducted if there was more funding and questioned whether \$100,000 was enough. Director Vander Linden explained that the research teams worked with the Research and Responsible Gaming Division during the procurement process. He stated that he could look at the overall budget and see how priorities could be shifted. He stated that the Commission should continue to explore how to promote community-engaged research.

Commissioner Skinner noted that the Commission's share of money from the public health trust fund had decreased in the past few years. She expressed an interest in an opportunity to revisit that funding with the Executive Office of Health and Human Services.

Chair Judd-Stein asked about the proposed study to review marketing affiliates' payment structure and how it affected sports wagering would be in-line with the research Commissioner O'Brien wanted. Commissioner O'Brien confirmed that it was sufficient.

Commissioner Skinner noted that the Attorney General's Office had mentioned using the data online sports wagering operators collected regarding patron behavior patterns, and asked if it should be considered for the sports wagering research. Director Vander Linden stated that developing risk markers based off of patron data was an area of interest for the Division. Commissioner Skinner stated that it might be an item for the FY25 research budget, as it would require time for the sports wagering industry to set in to receive the data. Commissioner O'Brien stated that parameters could be placed on operators to provide information, and that the data could be used for research.

Commissioner Maynard asked what was being evaluated in the advertising research. Director Vander Linden stated that the study would evaluate how the marketing affiliates pay structures impacted behavior.

## 7. [Commissioner Updates](#) (2:52:08)

Chair Judd Stein noted that Director VanderLinden would address the Commission on the subject of Play Management. Director Vander Linden reported that March 31, 2023, was the

one-year anniversary of PlayMyWay being launched at MGM Springfield. He stated that Massachusetts was the first state to have this type of play management feature available on every slot machine in the Commonwealth, and now also available on every sports wagering platform. Chief of the Communications Division Thomas Mills stated that MGM Springfield had invited Director Vander Linden and the Commission to their property to celebrate the anniversary of PlayMyWay and the end of Problem Gambling Awareness Month. He reported that the event would begin at 11:30 a.m.

The Commission thanked the Research and Responsible Gaming Division for their work.

8. [Other Business](#) (2:57:31)

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

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

*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. Notice of Meeting and Agenda dated March 28, 2023
2. [Commissioner's Packet](#) from the March 30, 2023, meeting (posted on massgaming.com)



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** April 6, 2023, 11:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 020 7240

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 Jordan Maynard

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

Chair Judd-Stein called to order the 447<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted. Chair Judd-Stein, Commissioner O'Brien, Commissioner Hill, and Commissioner Maynard were present. Commissioner Skinner was not present at this meeting.

#### 2. [Minutes from Commission Agenda Setting Meetings](#) (00:48)

##### a. November 10, 2022

Commissioner Hill moved that the Commission approve the minutes from the November 10, 2022, 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 O'Brien seconded the motion.

Chair Judd-Stein noted that she was not present for a large portion of the November 10, 2022, public meeting and asked if she should abstain. Commissioner O'Brien stated that she could vote



yes, for so much of the meeting as she was present, and noted alternatively that the Commission did have a quorum without her vote.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye, to the extent she was present.*

*The motion passed unanimously, 4-0.*

### 3. [Licensing](#) (02:34)

#### a. Encore Boston Harbor Beverage License Amendment Request

Chief of the Licensing Division Karalyn O'Brien stated that there was a request from Encore Boston Harbor ("EBH") to amend their beverage license. She introduced Licensing Supervisor David MacKay to present on the matter. The *Request from EBH* was included the Commissioner's Packet on pages 3 through 8.

Mr. MacKay stated that EBH wanted to add a new license area for their venue, Medium Rare. He stated that the request had been reviewed by the Licensing Division and an onsite inspection was performed by Casino Regulatory Manager, Luis Lozano.

Commissioner Hill asked for a brief overview of the venue space. Juliana Catanzariti, Executive Director of Legal at EBH, explained that Medium Rare was adjacent to the steakhouse Rare. She stated that Medium Rare would complement Rare and would act as a bar with small bites, a raw bar, and a cocktail lounge. Commissioner O'Brien asked if there were concerns about securing the liquor onsite. Mr. Lozano confirmed that there were no concerns.

Chair Judd-Stein asked if this new venue would require a new alcohol and beverage certificate or if EBH's existing certificate listing all the licenses would be amended. Chief O'Brien stated that Medium Rare would have its own license within EBH's existing license. Chair Judd-Stein stated that she wanted to ensure the certificate would be processed prior to the opening date. Ms. Catanzariti stated that the soft opening was on April 11, 2023. Chair Judd-Stein asked if there were any issues raised by the Alcoholic Beverages Control Commission. Mr. Lozano stated that there were no concerns.

Commissioner Hill moved that the Commission approve Encore Boston Harbor's gaming beverage license amendment request to add Medium Rare as a new licensed area in accordance with G.L. Chapter 23K, § 26, and 205 CMR 136.03 and 136.04. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

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

*The motion passed unanimously, 4-0.*

4. [Sports Wagering](#) (9:42)

a. Approval of House Rules for WynnBet

Director of Sports Wagering Bruce Band introduced Sports Wagering Operations Manager Sterl Carpenter. Mr. Carpenter stated that WynnBet had requested to change their minimum wager from a dollar to a penny. Chair Judd-Stein asked if there was insight as to what motivated this change. Mr. Carpenter stated that it could create more enjoyment for the patron, with less risk.

Commissioner Hill moved that the Commission approve the amendments to the house rules submitted by WynnBet as included in the Commissioner's Packet and discussed here today. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*  
*Commissioner Hill: Aye.*  
*Commissioner Maynard: Aye.*  
*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

b. [Approval of House Rules for Caesars Sportsbook](#) (12:43)

Mr. Carpenter stated that Caesars Sportsbook ("Caesars") had updated their language regarding rounding in their house rules so that there would not be rounding. He explained that Caesars had clarified their language regarding the team race for record language in baseball. He added that the licensee had added cycling, volleyball, and softball to their events offered; and added the rules of softball to their house rules. He noted that Caesars had changed the language of "bet credit" to "bonus bet" and had removed the term "bonus cash".

Executive Director Wells sought clarification as to whether cycling, volleyball, and softball had been approved by the Commission as part of the events catalog. Mr. Carpenter confirmed that they were approved events. Commissioner Maynard stated that he appreciated the change to the rounding language, and asked if there were concerns related to the changes to the promotions' language. Mr. Carpenter stated that operators frequently changed how they referred to promotions.

Commissioner O'Brien noted that she had seen another licensee use the language "win or lose" in a promotion. She expressed concern that the implication of that language was similar to "risk free." She noted that this observation was not relevant to Caesars, but she wanted to raise the

issue in this meeting. Chair Judd-Stein stated that she would have the Sports Wagering Division and Legal Division look into this issue.

Commissioner Hill moved that the Commission approve the amendments to the house rules submitted by Caesars Sportsbook as included in the Commissioner's Packet and discussed here today. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

c. [Approval of House Rules for BetMGM](#) (20:38)

Mr. Carpenter stated that BetMGM proposed language to help clarify the section of their house rule regarding teaser payouts. He stated that they added language about baseball and softball mercy rules to the house rules but noted that he was unaware of any mercy rule in the leagues approved in the event catalog. He stated that BetMGM had removed references to e-sports that had not been approved for wagering in Massachusetts. He stated that BetMGM clarified their language regarding wagering on football futures.

Commissioner Hill stated that he had only seen the mercy rule in amateur sports, and that he did not think it applied to the Commission's approved events. Mr. Carpenter stated that he was unsure where the mercy rule language would apply. Commissioner Hill requested that the sports wagering division reach out to BetMGM to understand the inclusion of this language.

Chair Judd-Stein asked if the Commission could make recommendations to operators based upon what are perceived as best practices for house rules. She noted that while house rules were not uniform, the Commission did require some specific language and rules for them to adopt.

Commissioner Maynard requested that the operators provide more insight into the reasoning behind the changes they submit to the Commission. Commissioner O'Brien agreed. Chair Judd-Stein noted that there may be the opportunity to develop a standardized approach to house rules changes.

General Counsel Todd Grossman stated that there was a regulation detailing the topics that must be addressed in the house rules. He stated that the regulation could be changed to be more prescriptive. Commissioner Hill agreed with Commissioner Maynard that it would be helpful to understand the reasoning behind the changes. Commissioner O'Brien agreed and stated that the reasoning behind the changes could help with establishing a reporting baseline across all house rules.

Mr. Carpenter reported that BetMGM added the softball rules. He noted that the mercy rule was included for softball, and that he would reach out to bet MGM for clarification regarding that change.

Commissioner Maynard moved that the Commission approve the amendments to the house rules submitted by BetMGM as included in the Commissioner’s Packet and discussed here today. Commissioner O’Brien seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

Commissioner Hill provided an update to the Chair and Commissioners that he researched the mercy rule and shared that it was used for NCAA softball. Commissioner O’Brien asked if there were tournaments with four or more teams for NCAA softball that would be eligible for wagering in Massachusetts. Commissioner Hill confirmed that there were tournaments of that size.

d. [Approval of House Rules for MGM Springfield](#) (40:10)

Mr. Carpenter stated that MGM Springfield (“MGM”) had adopted many of changes BetMGM had. He noted that MGM had added the changes to football futures, the softball rules, changed the language on all futures, and added the mercy rule for baseball and softball to their house rules. He stated that MGM had not mistakenly included e-sports in their catalog, as BetMGM had, so that change was not necessary.

Commissioner O’Brien moved that the Commission approve the amendments to the house rules submitted by MGM Springfield as included in the Commissioner’s Packet and discussed here today. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

e. [Approval of New Events for the sports wagering catalog](#) (43:05)

Chair Judd-Stein stated that several requests for new events in the sports wagering catalog were received by the Commission. She stated that the Commission was considering an expanded

process that would allow for public comments from interested members in the community. Executive Director Wells stated that she would work with the Sports Wagering Division to develop that process. Chair Judd-Stein stated that due to timeliness, the Commission would discuss the request relevant to the Boston Marathon, but would not discuss the other requests at this meeting.

Commissioner O'Brien agreed and stated that she wanted to review the regulation and criteria required to make changes to the event catalog. She noted that the Commission had received a comment from the Boston Athletics Association ("BAA"), the governing body for the Boston Marathon, the night before the meeting.

Commissioner Hill agreed, and noted his concern that the Commission did not yet have enough information to weigh in on discussing the other events. He stated that he wanted to ensure the Commission received as much information as was available to them. Commissioner Hill agreed to isolate the discussion to the Boston Marathon request. He stated that he wanted additional information about the other requested events prior to their discussion.

Mr. Carpenter stated that DraftKings had requested that the Boston Marathon be adopted into the sports events catalog. He stated that they had provided all the information required by 205 CMR 247.03. Commissioner O'Brien stated that a comment from the BAA and another member of the public were also received by the Commission. The *Public Comment from The BAA* was in the Commissioner's Packet on page 93.

Executive Director Wells stated that the BAA expressed concerns that they could not complete their due diligence to ensure protocols were in place to ensure event security and integrity with only twelve days until the event. She stated that the BAA noted that the Boston Marathon was a trademarked and protected name, and that the BAA did not grant their permission to use the trademark relative to DraftKings' request. She added that the BAA had requested that the marathon not be part of the events catalog.

Commissioner O'Brien stated that the Boston Marathon should not be included in the events catalog at this point, as there were concerns over integrity parameters. She cautioned against moving forward where the governing body had expressed a lack of communication with an Operator.

General Counsel Grossman stated that General Law Chapter 23N, § 11(b) discussed comments from a sports governing body and that 205 CMR 247.04 detailed how the Commission should address such a request.

Chair Judd-Stein noted that any person could make a request for an event to be approved. She suggested developing a template to ensure the request meets all of the required regulatory standards. She questioned whether the Commission would be denying DraftKings request or approving the BAA's objection. General Counsel Grossman noted that the process in 205 CMR

247.04 for approving the sports governing body's objections required a comment period from the operators. He stated that based on the objection by the BAA, it would not be prudent to include the Boston Marathon in the events catalog.

Commissioner O'Brien stated that the Commission could deny DraftKings' request to add the event to the catalog independent of moving under 205 CMR 247.04. She stated that she would prefer more information prior to moving under 205 CMR 247.04.

The Commission reached unanimous consensus to not support the inclusion of the Boston Marathon in the events catalog.

General Counsel Grossman explained that the definition of sports governing body was set out in G.L. Chapter 23N, § 3, and that the BAA met the definition. He explained that DraftKings' request was submitted under 205 CMR 247.03, and that the Commission's considerations of the criteria for the request were in 205 CMR 247.03(4). He noted that 205 CMR 247.035 allowed the Commission to consider relevant information from the sport governing body during their consideration of the request.

General Counsel Grossman explained that a sports governing body may request in writing that the Commission restrict, limit, or exclude a type, form, or category of events that the sports governing body believed may undermine the perceived integrity of the sports governing body or integrity of the event. He stated the request from the BAA generally fits these criteria. He stated that the Commission could provisionally grant the BAA's request upon good cause shown, but that the operators would have the opportunity to comment under 205 CMR 247.04(1).

Commissioner O'Brien stated that the public comment from the BAA could be used for the denial of the request based upon 205 CMR 247.03(5), and that the approach under 205 CMR 247.04 was not necessary. Chair Judd-Stein stated that 205 CMR 247.04 would be more appropriate if the Commission did not agree with the BAA's request. Commissioner Maynard noted that the Commission seemed to be in agreement, and that 205 CMR 247.03 would be the better approach in this instance. Commissioner Hill agreed that 205 CMR 247.03 seemed more appropriate.

Commissioner Maynard stated that the Boston Marathon was a local event and that he would respect the concerns raised by the local governing body. He expressed that he did not believe the issues between DraftKings request and the BAA's objections could be resolved within twelve days. Commissioner O'Brien expressed her expectation that the operators requesting events would communicate with the governing body of the events. She stated that she was disappointed that a local operator did not do this. Chair Judd-Stein stated that she appreciated that the BAA submitted comments and suggested the Commission institutionalize a comment period for these matters.

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

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

## 5. [Investigations and Enforcement Bureau](#) (1:50:29)

### a. Discussion Regarding Sports Wagering Related Suitability Investigation

Executive Director Wells stated that the Commission was going to review and discuss suitability and the standards for suitability within the purview of Sports Wagering licensing. She stated that there was some information that the Investigations and Enforcement Bureau considered to be detrimental to investigations, should the information be made public. She suggested the Commission hold an executive session to discuss this information.

#### I. [Executive Session](#) (1:51:54)

Chair Judd-Stein read the following statement into the record, "the Commission anticipates it will meet in executive session in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 4, §7(26)(f) to discuss investigatory materials related to the issuance of a sports wagering license necessarily compiled out of the public view by the IEB, the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest." The Chair stated that the public session of the Commission meeting would not reconvene at the conclusion of the executive session.

Commissioner O'Brien moved that the Commission go into executive session for the reasons stated by the Chair. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

## 6. [Commissioner Updates](#) (1:53:27)

Chair Judd-Stein asked if there were any further updates before entering the executive session.

Commissioner Maynard noted that there was a hold for a meeting on the Commissioners' calendar on May 18, 2023. He noted that Chair Judd-Stein had stated she had an event she was attending that weekend, and asked if it would be possible to move the date of the meeting to accommodate Chair Judd-Stein. Chair Judd-Stein stated that she wanted to hear the quarterly reports and would appreciate moving the meeting if it did not compromise the Commission's schedule. She noted that the scheduling of the May 18 meeting could be discussed further at a future Commission meeting.

7. [Other Business](#) (1:59:11)

Hearing no other business, Chair Judd-Stein requested the Commission enter the executive session. The Commission meeting did not reconvene at the conclusion of the executive session.

**List of Documents and Other Items Used**

1. [Revised Notice of Meeting and Agenda](#) dated April 4, 2023
2. [Commissioner's Packet](#) from the April 6, 2023, meeting (posted on massgaming.com)





DATE

The Honorable Karen E. Spilka  
President of the Senate  
(VIA EMAIL: [Karen.Spilka@masenate.gov](mailto:Karen.Spilka@masenate.gov))

The Honorable Ronald Mariano  
Speaker of the House  
(VIA EMAIL: [Ronald.Mariano@mahouse.gov](mailto:Ronald.Mariano@mahouse.gov))

The Honorable Michael J. Rodrigues  
Chair, Joint Committee on Ways and Means  
(VIA EMAIL: [Michael.Rodrigues@masenate.gov](mailto:Michael.Rodrigues@masenate.gov))

The Honorable Aaron Michlewitz  
Chair, Joint Committee on Ways and Means  
(VIA EMAIL: [Aaron.M.Michlewitz@mahouse.gov](mailto:Aaron.M.Michlewitz@mahouse.gov))

The Honorable John J. Cronin  
Chair, Joint Committee on Consumer Protection and Professional Licensure  
(VIA EMAIL: [John.Cronin@masenate.gov](mailto:John.Cronin@masenate.gov))

The Honorable Tackey Chan  
Chair, Joint Committee on Consumer Protection and Professional Licensure  
(VIA EMAIL: [Tackey.Chan@mahouse.gov](mailto:Tackey.Chan@mahouse.gov))

**RE: Amendments to Gaming, Sports Wagering, and Horse Racing laws**

Dear Senate President Spilka, Speaker Mariano, Chair Rodrigues, Chair Michlewitz, Chair Cronin, and Chair Chan:

The Massachusetts Gaming Commission (“Commission”) is grateful for the Legislature’s continuous support and its efforts to ensure that the Commission is well-positioned to carry out its mission effectively. To that end, the Commission has performed a comprehensive review of existing statutes within its purview (G.L. c. 23K, G.L. c. 23N, G.L. c. 128A, and G.L. c. 128C), and proposes the statutory amendments that follow. These proposals are collectively intended to help ensure that the Commission is able to efficiently, fairly, and transparently execute its mandate while at the same time ensuring that it has a clear, modern, and flexible statutory base from which to regulate. The following proposals are intended to serve those ends:

**Align Sports Wagering Oversight with Gaming Oversight**



Massachusetts Gaming Commission

- Amend G.L. c. 23K, 23N, and 128A to create a statutory exemption under the Massachusetts Public Records Law for records received by the Commission from its licensees that, in its discretion, are determined to contain trade secrets, competitively-sensitive or other proprietary information, the public disclosure of which would place the subject licensee at a competitive disadvantage (Rationale- It is difficult for the Commission to engage in robust oversight of the regulated entities in the sports wagering or racing space without being able to access certain sensitive information [e.g.- unaudited financial reports] that are otherwise not subject to an exemption to the public records law. While there is some ability to protect certain information from public disclosure on the casino gaming side, language more clearly outlining that authority would be beneficial.);
- Amend G.L. c. 23K, § 21(a)(7) to clarify the authority of the Commission to enter into nondisclosure agreements with gaming licensees and the types of materials that may be covered by such agreements (Rationale- Similar to the previous point, it is imperative that the Commission be afforded the ability to receive sensitive information from its licensees in order to ensure robust regulatory oversight. While there is some ability to do so at present, a clearer outline of such authority would be beneficial.);
- Amend G.L. c. 23N to allow the Commission and the Investigations and Enforcement Bureau (“IEB”) to obtain or provide pertinent information regarding applicants or licensees from or to law enforcement entities or sports wagering regulatory authorities and other domestic, federal or foreign jurisdictions, including the Federal Bureau of Investigation, and to transmit such information to each other electronically. See G.L. c. 23K, § 6(e) (Rationale- While this authority exists on the casino gaming side and is a beneficial tool allowing a cooperative and efficient approach across regulatory jurisdictions, no such authority exists in the context of sports wagering and may hinder the Commission’s ability to secure information relative to its licensed entities or applicants.);
- Add language to G.L. c. 23N affording the Commission the ability to direct sports wagering licensees to provide to the Commission customer tracking data collected or generated by loyalty programs, player tracking software, player card systems, or online transactions similar to that required of gaming establishments under Section 97 of Chapter 194 of the Acts of 2011 (Rationale- The inclusion of this requirement in the casino gaming law was an important step towards understanding gambling habits and related issues. Similar authority to require such information should be afforded to the Commission in the sports wagering space.);



Massachusetts Gaming Commission

### **Enhanced Operational Flexibility**

- Amend G.L. c. 23K, § 61(b) to afford the Commission greater discretion to distribute funds in the Community Mitigation Funds for the overall enhancement of host, surrounding, and nearby communities to a gaming establishment (Rationale- At present, the Commission may only distribute monies from the Fund for the narrow purpose of assisting the host community and surrounding communities in offsetting costs related to the construction and operation of a gaming establishment. By broadening the scope for which funds may be distributed, greater benefit may be achieved in the communities in some way affected by the operation of a casino.);

### **Racing Modifications**

- Add language to G.L. c. 23K, § 60 authorizing the Commission to allocate a limited percentage of funds annually from the Race Horse Development Fund for the administration of the Commission's Racing Division (Rationale- The funding sources for the operation of the Commission's Division of Racing are generally insufficient to support the sort of robust regulatory oversight expected of the Commission. Broadening the allowable use of monies from the Fund will benefit the entire industry.);
- Amend G.L. c. 23K, § 60 to afford the Commission greater discretion to distribute funds in the Race Horse Development Fund as may be deemed necessary to enhance the interests of the racing industry and its participants (Rationale- At present, monies from the Fund may only be distributed for three specific purposes: purses, breeding, and health and welfare benefits. By affording the Commission greater discretion, funds may be awarded for other beneficial uses including the development of a new race track.);
- Amend G.L. 128A, § 2 to afford the Commission the ability to set a deadline for the filing of an application for a horse racing license for the following calendar year in lieu of the existing October 1 date. Similarly, remove the November 15 deadline by which a decision to grant or dismiss the application must be made by the Commission (Rationale- By prescribing artificial dates in the statute, the Commission is forced to adjust its review to these artificial dates instead of setting out a reasonable time period by which to effectively review a particular application. Affording the Commission discretion to set the dates would be a benefit to all involved parties.);
- Amend G.L. c. 128A, § 5(h) to modernize the purposes and order of priority the distribution of pari-mutuel taxes and other revenues collected by the Commission relative to horse



Massachusetts Gaming Commission

racing are expended. Similarly, amend G.L. c. 128A § 5B in conjunction with section 5(h) to ensure a cohesive method of funding the Commission is established (Rationale- Given the changes in the racing industry over the past decade, many of the expenditures identified in the statute are outdated. Further, the Commission should be afforded discretion to expend the subject funds in the best interests of the racing industry including for purposes of ensuring rigorous regulatory oversight.);

### **Responsible Gaming Considerations**

- Amend G.L. c. 23K, § 29 to reflect the use of modern technology and responsible gaming principles relevant to providing patrons of a gaming establishment monthly access to their total bets, win, and loss figures (Rationale- The statute does not address the use of modern technology, like e-mail, and does not contemplate responsible gaming related consequences of mailing a notice to a person's home. While the principles underlying this section of the statute are sound, the particulars should be modernized to ensure the intended outcome.)

We appreciate your consideration of these important matters. The Commissioners and team are available to discuss these proposals at your convenience.

Respectfully submitted,

**MASSACHUSETTS GAMING COMMISSION**

By:

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Cathy Judd-Stein, Chair

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Nakisha L. Skinner, Commissioner

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Eileen M. O'Brien, Commissioner

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Jordan Maynard, Commissioner

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Bradford R. Hill, Commissioner



Massachusetts Gaming Commission



December 29, 2023

The Honorable Karen E. Spilka  
President of the Senate  
**(VIA EMAIL: Karen.Spilka@masenate.gov)**

The Honorable Ronald Mariano  
Speaker of the House  
**(VIA EMAIL: Ronald.Mariano@mahouse.gov)**

The Honorable Michael J. Rodrigues  
Chair, Joint Committee on Ways and Means  
**(VIA EMAIL: Michael.Rodrigues@masenate.gov)**

The Honorable Aaron Michlewitz  
Chair, Joint Committee on Ways and Means  
**(VIA EMAIL: Aaron.M.Michlewitz@mahouse.gov)**

The Honorable John J. Cronin  
Chair, Joint Committee on Consumer Protection and Professional Licensure **(VIA EMAIL: John.Cronin@masenate.gov)**

The Honorable Tackey Chan  
Chair, Joint Committee on Consumer Protection and Professional Licensure **(VIA EMAIL: Tackey.Chan@mahouse.gov)**

**RE: Amendments to Gaming, Sports Wagering, and Horse Racing laws**

Dear Senate President Spilka, Speaker Mariano, Chair Rodrigues, Chair Michlewitz, Chair Cronin, and Chair Chan:

The Lower Mystic Transportation Management Association (TMA) is writing to you in support of the Massachusetts Gaming Commission's request to:

“Amend G.L. c. 23K, § 61(b) to afford the Commission greater discretion to distribute funds in the Community Mitigation Funds for the overall enhancement of host, surrounding, and nearby communities to a gaming establishment (Rationale- At present,

the Commission may only distribute monies from the Fund for the narrow purpose of assisting the host community and surrounding communities in offsetting costs related to the construction and operation of a gaming establishment. By broadening the scope for which funds may be distributed, greater benefit may be achieved in the communities in some way affected by the operation of a casino.)”

The development of the Encore Casino has been the catalyst for large scale re-development of multiple neighborhoods within the Lower Mystic region, most notably Everett and Charlestown. In Everett, over 4,000 new residential units are either permitted or under construction. In terms of commercial development, the Wynn Company is planning a new entertainment complex including two hotels The Davis Companies is planning a new mixed-use neighborhood with over one million SF of new development including housing, technology and light industrial spaces, along with a network of corresponding sidewalks and roadways on the current Exxon mobile tank site, and the Kraft organization is hoping to build a professional soccer stadium on a 43-acre site in Everett. In Charlestown, the City of Boston’s newly adopted development plan includes 18 million square feet and up to 8,000 new residential units much of it in the industrial areas surrounding Sullivan Square. While these developments are welcomed by their respective communities, their needs and impacts on the regional transportation system are significant and require a comprehensive strategy to ensure that regional mobility services and infrastructure are adequate to serve not only the new development, but also the existing neighborhoods.

Founded in 2022, The Lower Mystic Transportation Management Association (TMA) is a public/private partnership that brings together municipalities, businesses, developers, and institutions to reduce congestion, enhance access, and support economic development through the implementation of carefully considered strategies tailored to the existing resources and opportunities within its service area to reduce barriers to shared and/or non-motorized transportation. The organization serves the Lower Mystic Communities of Charlestown, Chelsea, Everett, Malden, and Medford. In a recently concluded study conducted by the TMA of current and future development in Charlestown and Everett that analyzed access to transit for the purposes of employment, shopping/entertainment, and healthcare, notable gaps in transit as well as barriers to transit access such as limited sidewalk and biking infrastructure were identified.

In the rapidly expanding, already dense Lower Mystic area, we do not have the capacity to expand our roadway network to support the pace of development. In order to maintain a quality of life for residents, employees, and for citizens of surrounding and regional communities traveling to and through the area, it is critically important that we maximize the efficiency and connectivity provided by our current transportation infrastructure. Amending G.L. c. 23K § 61(b) to enhance the scope of projects for which the Gaming Commission can distribute funds will support the opportunity for the host community and surrounding communities in the Lower Mystic region to:

- Maintain and modernize a connected network of transit, roadways, sidewalk, and biking infrastructure in a state of good repair;

- Fill the gaps in the current transit network by allowing a network of connected travel options – transit, biking, walking, and public/private shuttle services linking housing, jobs, healthcare, and entertainment activities;
- Upgrade travel infrastructure with real time transportation monitoring systems that prioritize bus and publicly accessible shuttle services to provide a faster, more predictable public transit option;
- The development of a network of regional shuttles that are open to the public connecting to Lower Mystic area commercial and residential developments to major transit hubs; and
- Allow for investments in bus/shuttle amenities including shelters real-time transit information (e-ink signs) at shelters and within employments centers, and housing developments.

We thank you for the opportunity to provide this letter of support for the Gaming Commission’s request to amend G.L. c. 23K § 61(b). Please feel free to reach out to us if we can provide any additional information related to our support for this amendment.

Regards,



Andrea Leary, co-Director  
Lower Mystic TMA



Allison Simmons, co-Director  
Lower Mystic TMA

Cc: Massachusetts Gaming Commission  
Jonathan Block, Block Properties  
Robert Burns, Nightshift Brewing  
James Fitzgerald, City of Boston – Boston Planning & Development Authority  
Matthew Grogan, Encore Boston Harbor  
Daniel Lee, Quarterra  
Christopher Legocki, Greystar  
Jay Monty, City of Everett – Transportation Department  
John Tocco, V10 Development



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

FROM: Andrew Steffen – Interim Sports Wagering Operations Manager

CC: Todd Grossman – Interim Executive Director  
Bruce Band – Sports Wagering Division Director

DATE: December 14, 2023

RE: Update to Licensee's House Rules

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Pursuant to 205 CMR 247.02(4), the Commission reviews all changes proposed by a licensee to their house rules. A Sports Wagering Operator shall not change or modify the House Rules without the prior written approval of the Commission.

**EXECUTIVE SUMMARY:**

Fanatics Betting & Gaming (FBG) Sportsbook has requested changes to their online sportsbook house rules. A full detailed summary of changes can be found in the attached exhibit.

The summary of changes are as follows:

1. **General Betting Rules:** Deletion of sentence referencing Same Game Parlays that is no longer applicable.
2. **Football:** Addition of rules to address new market types and deletion of section that is replaced by NFL Special Market Rules
3. **Basketball:** Revisions for clarification, addition of specific minimum requirements for season long player markets, addition of rules to address new market types, restructuring and reordering of sentences.
4. **Baseball:** Revisions for clarification on settlement.





*Sports Wagering Division*

5. **Ice Hockey:** Revisions for clarification.
6. **Golf:** Revisions for clarification.
7. **Mixed Martial Arts:** Reordering of a section and revisions for clarification on settlement.
8. **Motor Sports:** Revisions for clarification.
9. **Cycling:** Revisions for clarification on general settlement rules and additional rules on specific cycling market types.
10. **Pickleball:** Addition of rules to address new sport type.

**CONCLUDING STATEMENT:**

The Sports Wagering Division confirms all requirements have been met under 205 CMR 247.02 and has no reservations about moving forward on approving these changes.

# Rules for Fanatics Sportsbook

## General Betting Rules

### Parlays

A parlay bet consists of two or more legs. A leg is defined as a chosen selection in any individual event market.

- Where one or more legs of a parlay is void for any reason, the bet will be settled using the remaining selections, which will become a new parlay, or a single wager in the event that only one leg remains. Potential payout will be reduced to reflect the combined odds of the revised wager. ~~This excludes Same Game Parlays, which are subject to market specific rules.~~

## Sport-Specific Rules

### Football

#### Football Player Market Rules

##### Most Passing, Rushing or Receiving Yards in a game (by an individual player)

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Multi-player markets offering the opportunity to bet on a selected player to achieve the most passing, rushing, or receiving yards in an individual game. These are all-in markets where a listed player must lead in these statistical categories.

In the absence of an "Any Other/Any Other Player" selection, all selections will be graded as a loss.

#### Daily/Weekly Cross Match Player Props/Team Specials

A variety of special markets offered on events to occur across the daily/weekly slate of games within a specified competition. These may include (but are not limited to) player prop parlays across multiple games, or combined totals of points, wins etc by various combinations of named teams and/or players.

- The number of games (or a list of the relevant games) applicable to the Daily specials will be mentioned in the market name or market notes. If this number of games does not take place then any special market which depends on action from all games (e.g 'Each game to have 40+ points' or '400+ combined points across all games') will be made void.
- Where markets are offered such as 'Highest Scoring Game' or 'Lowest Scoring Game' dead heat rules will apply.
- For player specific markets, if any player named in the bet is inactive or does not play the entire selection will be made void.

## NFL Specials Market Rules/ Daily/Weekly Cross Match Player Props/Team Specials

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- A variety of special markets are offered for events, including those across a slate of games within a specified competition over a certain period of time or at a particular time. These markets may encompass, but are not limited to, player prop parlays across multiple games or combined totals of points, wins, etc., involving various combinations of named teams and/or players.
- For any cross-game markets, such as 'Team A to score the most points in the day/time band', markets are void if any game involved is abandoned or postponed, unless unequivocally determined.
- Where a market or selection offers a proposition for the first player to perform an action (For example: 1st Player to score a TD in the 1pm ET Games) the bet will be settled based on the Game Clock of all games with the same advertised kickoff time. The winning selection will be the player to perform the requested action with the least amount of time expired in their game. Inactive players will be settled as void.
- Most/least statistical categories, in which one or more of the games do not take place, will be settled based on the results of the other games played in the specified time period (e.g., Most TDs scored in Sunday Games).
- A selection must be a clear outright winner of this market. In the event of a tie, dead-heat rules will apply.
- All specials markets will be settled based on the results of the league's governing body, nfl.com
- A player must participate in the game and play at least one snap for bets to stand.
- 4. ● In the event that none of the listed players are the winning selection the selection entitled 'Any other player' will be settled as the winner. Where this selection is absent from the market bets will be made void in the event the winning selection is not listed.

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## **Basketball**

### **Basketball Player Market Rules**

#### Block Milestones

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A market offering the chance to bet on a specific player achieving the stated number of Blocks in the match.

- A player must play at least 1 second of game time to be considered to have action. If the player does not play, bets will be void.

### Steal Milestones

A market offering the chance to bet on a specific player achieving the stated number of Steals in the match.

- A player must play at least 1 second of game time to be considered to have action. If the player does not play, bets will be void.

### Player Turnovers

A market offering the chance to bet on a specific player achieving the stated number of Turnovers in the match.

- A player must play at least 1 second of game time to be considered to have action. If the player does not play, bets will be void.

### Top Points Scorer

A market offering the chance to bet on the highest points scorer in a specific match.

- In the event of a tie in this market (2 or more players), all selections tied with the most points will be settled as winners.
- 4.● A player must play at least 1 second of game time to be considered to have action. If the player does not play, bets will be void.

### **Season Long Player/Coach Futures Markets**

A variety of markets offered on the nominated list of players/coaches to receive a specified award or lead a certain statistical category.

- Bets are settled 'All Bets are Action'. ~~See general rules~~[Refer to the General Rules](#) for more information.
- If an award is canceled or not awarded, ~~then~~ bets will be void.
- If an award or statistical category lead is shared, ~~selections then bets~~ will be settled using 'Dead Heat' rules. ~~See general rules~~[Refer to General Rules](#) for more information.

For the player futures markets the minimum requirements (as per NBA rules) to win are listed below:

- Scoring: Player must play 70% of his team's games (58 out of 82).

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- Rebounds: Player must play 70% of his team's games (58 out of 82).
- Field Goal Percentage: 300 field goals made.
- Free Throw Percentage: 125 free throws made.
- 3-Point Percentage: 82 three point field goals made.
- Assists: Player must play 70% of his team's games (58 out of 82).
- Steals: Player must play 70% of his team's games (58 out of 82).
- Blocked Shots: Player must play 70% of his team's games (58 out of 82).
- Minutes: Player must play 70% of his team's games (58 out of 82.)
- Assist/Turnover Ratio: 200 Assists.
- Steals/Turnover Ratio: 82 Steals.

4.

If a player does not hit the minimum requirements for the relevant statistic, bets on this player will be losers.

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### Basketball Lightning Bet Markets

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### Next Minute Both Teams to Score

- Whether or not both teams will score 1 point, or more, in the specified minute.

### Next Minute 3 Point FG Scored

- This is a bet on whether, or not a three-point field goal will be scored in the listed minute.

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### Next 4 Minutes Result

- This is a three-way market on the result of the listed time period. If both teams score the same number of points, a bet on Draw would be a winner.

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### Next 4 Minutes Total Points

- This is an over/under bet on the total number of points scored in the listed time period.

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### Team to Score X Point

- This is a bet on which team will score the listed point.

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## **FIBA Rules**

- Where overtime is required, all bets, unless otherwise stated, will be settled on the result at the completion of the required overtime. The exception to this rule is in the event of regular time not ending in a draw/tie, but overtime is required for qualification purposes, all bets will be settled on the result at the completion of regular time.
- Where a non-playoff game is called early, or abandoned, with no intention to resume play, there must be 2 minutes or less of time remaining on the game clock for bets to have action, except where the specific market outcome is already unconditionally determined. In instances such as this, the score at the time the game is halted will be considered to be the final score referred to for all wagers. If a non-playoff game is paused before the indicated time has been played, and not completed within 48 hours of the scheduled start date, bets will be void except where the specific market outcome is already determined. In the instance of a halted playoff game, all bets will remain open until the completion of the game as determined by the league's governing body. If either team is awarded the win without resumption of the game, non-playoff games rules will be referred to when determining bet settlement.
- All bets are void if there is a change of venue.

### **Regulation Time Result/Moneyline 3 Way Markets**

- Does not include overtime.

### **2nd Half Markets**

- Include overtime unless otherwise stated. The entire 2nd half must be played for bets to stand unless the result of the bet has been unequivocally determined.

### **4th Quarter Markets**

- Do not include overtime. The entire 4th quarter must be played for bets to stand unless the result of the bet has been unequivocally determined.

### **Half Time/Full Time**

- Settles on the result at half time and full time, including overtime.

### Margin Markets

- Excludes overtime when the draw/tie option is offered. If no draw/ties option is offered and in the event of draw/tie at the completion of the game, including overtime if played, all bets are settled as a loss. For settlement purposes, draw/tie counts as a winning margin of 0.

### Tribet Markets

- In the event of a draw/tie at the completion of the game, including overtime if played, "Either Team By X or Less" will be settled as a winner.

### Highest Scoring Half/Quarter

- Does not include overtime

### Will There Be A Fourth Quarter Comeback?

- Settles as a winner only if a team wins the game after trailing at the end of the 3<sup>rd</sup> quarter time.

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### Player Markets

- For all markets, the relevant player (for at least one second) must take the court and play in the relevant period, for bets to stand.

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### Player Head To Head/Line/Trio/Group Matchups

- All listed players must take the court and play (enter the court as an active player) for all bets on the market to stand.

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### Player Most Points

- An all in market that includes all players for settlement purposes.

### Player Most Points Handicap

- All listed players must take the court and play (enter the court as an active player) for all bets on the market to stand.

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### Double-Doubles

- A double-double refers to a specific player recording 10 or more in two or more of the following categories: points, rebounds, assists, blocks, and steals.

### Triple-Doubles

- A triple-double refers to a specific player recording 10 or more in all three or more of the following categories: points, rebounds, assists, blocks, and steals.

### Player Foul Markets

- This market does not include technical fouls.

### Player Shooting Percentages Markets

- For any under/over bet on a player's FT, FG or 3pt %, the player must have a minimum of one attempt of each for any bet to stand. All percentages are calculated to two decimal points. Includes Overtime.

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### First to X Points

- All bets, unless otherwise stated, become void if neither option is offered, and neither team reaches the nominated number of points.

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### First Basket Markets

- Includes all listed players for settlement purposes, if a player is not in the starting lineup when the first basket is made, they will be voided. This is the first made "field goal", free throws do not count for this market.

### Player Multiplier Markets

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- Specified player must participate in the match. Final totals are inclusive of overtime.

### Daily Totals

- For bets across multiple daily NBA matches where any match is canceled, all markets will be void.

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### Team Time to Reach

- On any markets asking to predict the time it will take for a team to reach any specific milestone in a match the time will be calculated to one decimal point. If the team does not reach the selected target the market will be determined at the number of minutes scheduled in regulation regardless of any overtime played.

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### Team to Score X Point

- Which team will score the listed point.

4-

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### FIBA Rules

- ~~Overtime—Where overtime is required, all bets, unless otherwise stated, will be settled on the result at the completion of the required overtime. The exception to this rule is in the event of regular time not ending in a draw/tie, but overtime is required for qualification purposes, all bets will be settled on the result at the completion of regular time.~~
- ~~Abandonment—Where a non-playoff game is called early or abandoned with no intention to resume play, there must be 2 minutes or less of time remaining on the game clock for bets to have action, except where the specific market outcome is already unconditionally determined. In instances such as this, the score at the time the game is halted will be considered to be the final score referred to for all wagers. If a non-playoff game is paused before the indicated time has been played, and not completed within 48 hours of the scheduled start date, bets will be void except where the specific market outcome is already determined. In the instance of a halted playoff game, all bets will remain open until the completion of the game as determined by the league's governing body. If either team is awarded the win without resumption of the game, non-playoff games rules will be referred to when determining bet settlement.~~
- ~~Change of Venue—All bets are void if there is a change of venue.~~
- ~~Regulation Time Result/Moneyline 3 Way markets—Do not include overtime.~~
- ~~2nd Half markets—Do include overtime, unless otherwise stated. The entire 2nd half must be played for bets to stand unless the result of the bet has been unequivocally determined.~~
- ~~4th Quarter markets—Does not include overtime. The entire 4th quarter must be played for bets to stand unless the result of the bet has been unequivocally determined.~~

- Half Time/Full Time—Settles on the result at half time and full time, including overtime.
- Margin markets—Excludes overtime when the draw/tie option is offered. If no draw/ties option is offered and in the event of draw/tie at the completion of the game, including overtime if played, all bets are settled as a loss. For settlement purposes, draw/tie counts as a winning margin of 0.
- Tribet markets—In the event of draw/tie at the completion of the game, including overtime if played, "Either Team By X or Less" will be settled as a winner.
- Highest Scoring Half/Quarter—Does not include overtime.
- Will There Be A Fourth Quarter Comeback?—Settles as a winner only if a team wins the game after trailing at 3 quarter time.
- Player markets—The relevant player must take the court and play, in the relevant period, for bets to stand.
- Player Head To Head/Line/Trio/Group Matchups—All listed players must take the court and play for all bets on the market to stand.
- Player Most Points—All in market, includes all players for settlement purposes.
- Player Most Points Handicap—All listed players must take the court and play for all bets on the market to stand.
- Double Doubles—A double double refers to a specific player recording 10 or more in two or more of the following categories: points, rebounds, assists, blocks, and steals.
- Triple Doubles—A triple double refers to a specific player recording 10 or more in all three or more of the following categories: points, rebounds, assists, blocks, and steals.
- Player Foul markets—Do not include technical fouls.
- Player Shooting Percentages markets—For any under/over bet on a players FT, FG or 3pt %, the player must have a minimum of one attempt for any bet to stand. All percentages are calculated to two decimal points. Includes Overtime.
- First to X Points—All bets, unless otherwise stated, are void if neither option is not offered and neither team reaches the nominated number of points.
- First Basket markets—All in market, includes all players for settlement purposes, does not include free throws.
- Player Multiplier Markets—Player must participate in the match. Final totals are inclusive of overtime.
- Player Most Points and Player Most Points Handicap—All players listed must play for bets to stand. Only listed players are eligible.
- Daily Totals—For bets across multiple daily NBA matches where any match is canceled all markets will be void.
- Team Time to Reach—On any markets asking to predict the time it will take for a team to reach any specific milestone in a match the time will be calculated to two

decimal points. If the team does not reach the selected target the market will be resulted at the number of minutes scheduled in regulation regardless of any overtime played.

### **Basketball Lightning Bet Markets**

- ~~Next Minute Both Teams to Score~~—This is a bet on whether or not both teams will score at least 1 point in the listed minute.
- ~~Next Minute 3 Point FG Scored~~—This is a bet on whether or not a three-point field goal will be scored in the listed minute.
- ~~Next 4 Minutes Result~~—This is a three-way bet on the result of the listed time period. If both teams score the same number of points, a bet on Draw would be a winner.
- ~~Next 4 Minutes Total Points~~—This is an over/under bet on the total number of points scored in the listed time period.
- ~~Team to Score X Point~~—This is a bet on which team will score the listed point.

## **Baseball**

### **Baseball Market Rules**

#### **Total Runs & Total Team Runs (Including Innings Specific Totals)**

A total runs bet provides an opportunity to bet on whether the number of runs scored in the game or by a team (within a stated time period) will be less than or greater than the number offered. Bets on the outcome of the whole game are inclusive of extra innings, bets placed on specific innings apply to that inning only and will not include runs scored in any extra period of play.

- The game must go at least 9 full innings (8.5 innings if the home team is ahead resulting in the end of the game), unless the result of the market is already determined. In the event that the game does not go at least 9 full innings (8.5 innings if the home team is ahead resulting in the end of the game), bets will be void unless the result of the market is already determined.
  - For games that are scheduled over 7 innings the game must go at least 7 full innings (6.5 innings if the home team is ahead resulting in the end of the game), unless the result of the market is already determined, and the game result is declared official. In the event that the game does not go at least 7 full innings (6.5 innings if the home team is ahead resulting in the end of the game), bets will be void unless the result of the market is already determined.

**When will the first run be scored?**

These markets offer customers the opportunity to bet on which inning will be the first to have a run scored in.

- Settled on the first run of the game (irrespective of whether or not a full game, or a certain number of innings, have been completed).
- If the game is not played in full (i.e. abandoned), and the score remains 0-0 at the time, wagers on this selection will be made void.

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### **Total Bases/Hits/Stolen Bases/RBIs/Runs/Singles/Doubles/Triples/Home Runs**

These 2-way prop markets offer the customer the opportunity to bet on whether a hitter will go under or over a stated total of the relevant batting category statistic. All markets will have action if the nominated player is in the starting lineup and has at least 1 plate appearance.

- Walks do not count as a total base.
- Runners who start extra innings on 2nd base are treated as pinch runners, as such they would not be credited with a run scored or any total base toward the settlement of any base prop.

### **Batter To Record A Strikeout**

A 2-way market allows betting on whether the batter will be out via strikeout.

- 'Yes' will be settled as a winner if the batter is out via the following methods:
  - On any third strike, a pitch clock violation is called.

## **Ice Hockey**

### **Ice Hockey Player Market Rules**

#### **First/Last/Anytime Goalscorer**

A market offering the chance to bet on the chosen player to score a goal subject to the criteria specified in the market name.

- Players must be dressed/active for bets to stand (as per official competition source)
- Where no goals are scored, all player selections in these markets will be settled as losers.
- Where the selection 'Any Other' is not quoted within the market but the market notes stated language such as 'Other Scorers Available on Request' then all selections will be settled as losers in the event that the winning scorer was not specifically offered.

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- Own goals do not count for settlement purposes. If the only goals scored are own goals, then 'No Goalscorer' will be settled as the winner [where offered and all other selections will be settled as losers](#).
- Goals scored in shootouts will not count towards settlement of this market.

## Golf

### Golf Stroke Play Market Rules

#### Hole in One & /Albatross/[Double Eagle](#) Specials

A series of markets offered around the proposition of whether (and at which hole, stage of tournament etc) a hole in one or albatross/[double eagle](#) will be scored.

- Where a tournament is reduced in duration by more than 18 holes bets on the following markets will be made void, [unless already determined](#).
  - Tournament hole in one/albatross/[double eagle](#)
  - Player to make a tournament hole in one/albatross/[double eagle](#)
  - Stated hole to provide a hole in one/albatross/[double eagle](#)

## MMA

### General MMA Rules

- [In declaration of a "No Contest" all bets will be void and wagers will be refunded, with the exception of markets where the outcome has already been determined.](#)
- ~~All bets will be settled on the official result announced at the end of the fight. Subsequent appeals/amendments do not affect settlement. If an announcer is found to have misread or announced scores incorrectly then this will be acknowledged and events will be resettled accordingly.~~
- ~~In declaration of a "No Contest" all bets will be void and wagers will be refunded, with the exception of markets where the outcome has already been determined. All bets will be settled on the official result announced at the end of the fight. Subsequent appeals/amendments do not affect settlement. If an announcer is found to have misread or announced scores incorrectly then this will be acknowledged and events will be resettled accordingly.~~

## Motor Sports

### Motor Sport Market Rules

#### Lap 1 Retirements

A market offering the customer the opportunity to bet on: how many drivers will retire without completing a single lap

- Only cars ~~who are lined up~~positioned on the grid ~~when at the moment~~ the lights ~~go out to signal~~initiate the start of the race will be ~~deemed to be considered~~ starters and ~~counted recorded~~ as a-Lap 1 ~~retirement~~participants. ~~Cars who fail to complete~~Any cars that do not finish the warm-up lap, or ~~who do not fail to~~ reach the starting grid will ~~not be included~~be excluded from this count.

## Cycling

### General Cycling Rules

- ~~If there is no presentation ceremony, outcomes will be determined in accordance with the official result of the relevant governing body, regardless of any subsequent disqualification or amendment to the result. Unless the amendment is announced within 24 hours of the initial settlement of the relevant market in order to correct an error in reporting the result.~~
- ~~Where a match is abandoned before the completion of the regular time markets will be made void unless the match is rearranged and played within 48 hours of the original start time.~~
- ~~Bets on any participant who takes part in qualifying for a specified event, but then fails to qualify for the main round(s), will be settled as losers.~~
- If a rider withdraws before the event or stage starting, all wagers on that rider will be voided.
- For stage betting, the stage must be completed for all bets to stand. If a stage is canceled or abandoned, all bets will be made void.
- The podium presentation will count for all settlements, any further amendments/disqualifications after that will not count for grading purposes.
- If there is no podium presentation, all markets will be settled via the official result given by the relevant governing body after the race. Any subsequent amendments to the results after that, will not count for grading purposes.
- For riders who share the same time in the official results, the rider who finishes higher up in the results, will be deemed the winner for grading purposes.
- Match-ups will be graded on which rider finishes in the highest placing in the specified event/stage. If both cyclists start the specified stage/event but fail to finish, all bets will be void. In the event both cyclists start but only one finishes, the cyclist that finishes will be deemed the winner.

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## Cycling Market Rules

- Match Betting/Head to Head—Unless otherwise stated in the Special Rules for the specific sport: At least one competitor must finish the event, or all bets are considered void. If one or more competitor(s) fail to start all bets are considered void. If all competitors are disqualified or otherwise excluded all bets are considered void. If both competitors in a head to head achieve the same result and no draw odds are offered, then all bets are considered void.
- For 'To Win A Stage' markets, if the named rider fails to start the race all bets on that rider will be void. If the named rider is involved in a dead heat for first place in any stage, this will count as a stage win.
- Cyclist Number of Stage Wins—in the event a cyclist not starting the specified event, bets will be deemed void.
- Cyclist To Finish in Top 3—in the event a cyclist not starting the specified event, bets will be deemed void.

### Match Betting/Head to Head

Markets that offer the customer the opportunity to bet on which cyclist will finish in the higher position in a race or stage.

- At least one competitor must finish the event or all bets are considered void.
- If one, or more, competitor(s) fail to start all bets are considered void.
- If all competitors are disqualified, or otherwise excluded, all bets are considered void.
- If both competitors in a head-to-head achieve the same result where no draw odds were offered then all bets are considered void.

### To Win A Stage

- If the named rider fails to start the race all bets on that rider will be void.
- If the named rider is involved in a dead heat for first place this will count as a stage win.

### Cyclist Number of Stage Wins

- In the event of a cyclist not starting the specified event, bets will be deemed void.

### Cyclist To Finish in Top 3

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- In the event of a cyclist not starting the specified event, bets will be deemed void.

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## Pickleball

### General Pickleball Rules

- In the event a match does not take place or a player/pairing is given a walkover, all bets on the match will be voided.
- In the event of a retirement or disqualification at any point after the match has started, the player/team that is awarded the victory/progresses to the next round will be settled as the Winner in the Match Result/Moneyline market. Selections placed on the retiring or disqualified player/team will be voided. All other markets will be voided unless the market has already been determined, or unless otherwise stated. Any markets that have already been determined will settle as such.
- If any player within any match is replaced after the wager is struck, selections will be declared void.
- Players awarded at the podium will be declared the winners for settlement purposes, and any subsequent disqualification will not overturn the original settlement.
- 4. ● Official score sheets will be used for settlement of all wagers.

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*Sports Wagering Division*

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

FROM: Andrew Steffen – Interim Sports Wagering Operations Manager

CC: Todd Grossman – Interim Executive Director  
Bruce Band – Sports Wagering Division Director

DATE: December 5, 2023

RE: Update to Licensee's House Rules

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Pursuant to 205 CMR 247.02(4), the Commission reviews all changes proposed by a licensee to their house rules. A Sports Wagering Operator shall not change or modify the House Rules without the prior written approval of the Commission.

**EXECUTIVE SUMMARY:**

DraftKings Sportsbook has requested changes to their online sportsbook house rules. A full detailed summary of changes can be found in the attached exhibit.

The summary of changes are as follows:

1. **Throughout Document:** Adjustment of verbiage from “declared void” to “settled as push”.
2. **Market Rules:** Clarification on language in Parlay, Round Robins, Same Game Parlay, and Teasers. Included language on Progressive Parlays.
3. **Soccer:** Addition of language on settlement rules.
4. **Tennis:** Addition of language on Pre-live Same Game Parlays and Live Same Game Parlays.
5. **Baseball:** Addition of language in player proposition wagers.



*Sports Wagering Division*

6. **Hockey:** Clarification of language on Pre-live Same Game Parlays
7. **Rugby:** Addition of language on settlement rules.

**CONCLUDING STATEMENT:**

The Sports Wagering Division confirms all requirements have been met under 205 CMR 247.02 and has no reservations about moving forward on approving these changes.

## Market Rules

### Parlay

A "Parlay" is a bet where the customer chooses two (2) or more selections and requires every selection to be correct in order for the Parlay to win. In the event a Parlay contains a selection which is settled as void or push, then the individual selection will be excluded from the Parlay, and the odds of the Parlay will be recalculated to reflect the remaining selections in the Parlay.  
A "parlay" or "parlay bet" is a bet where the customer chooses two (2) or more selections and requires every selection to be correct in order for the parlay bet to win. If, as part of a parlay bet, an individual selection is void, then the individual selection will be excluded from the parlay bet, and the odds of the parlay bet will be recalculated to reflect the remaining selections in the parlay bet.

### Round Robins

A "Round Robin" is similar to a Parlay bet.~~Round Robins are similar to parlays~~ in that you choose several selections within one bet, but all possible combinations of bets from those selections are covered, with the advantage of winning even if not all picks are winners.

### Same Game Parlay

A "Same Game Parlay" is a single bet combining multiple selections from the same event and is dependent on all of those selections winning, with the exception of some selections which are settled as void or push voided selections. Further details for the settlement rules for Same Game Parlays are set forth in the Sports Rules for the relevant sport.

### Progressive Parlay

A "Progressive Parlay" is similar to a normal Parlay where the customer chooses three (3) or more selections. However, a Progressive Parlay provides a margin of error, as a Progressive Parlay can still pay out in the event of a losing selection within the Progressive Parlay. The number of selections within a Progressive Parlay that can be settled as lost and the Progressive Parlay still pay out is dependent on the total number of selections in the Progressive Parlay. Similarly, the potential returns for a Progressive Parlay are dependent on the number of selections in the Progressive Parlay. The greater the number of selections included in a Progressive Parlay, the greater the potential returns and the greater number of losing selections allowed. The full breakdown of the pay table, based on the number of selections in a Progressive Parlay, is available in the bet slip. The pay table includes the payout amount and the number of losing selections allowed to still have some returns.

A selection that is settled as push is considered a losing selection in a Progressive Parlay. A selection that is settled as void (for clarity, a selection settled as push is not considered a voided selection in a Progressive Parlay) will result in the Progressive Parlay being downgraded to the

next lowest number of selections. For example, in the event a Progressive Parlay was placed with four (4) selections, one (1) of the selections was voided, and the Progressive Parlay contains no losing or pushed selections, then the Progressive Parlay would drop down to be a three (3) selection Progressive Parlay. In the event that the number of voided selections result in there being no more than two (2) selections in the Progressive Parlay, and there is no more than one (1) selection settled as lost or push, then the whole Progressive Parlay will be settled as void.

### **Teasers**

A "Teaser" allows you to adjust the points spread and game totals on two (2) or more basketball or football teams by choosing a fixed number of points. The number of teams and points selected determines your payout odds. A teaser bet allows you to adjust the points spread and game totals on two (2) or more football or basketball teams by choosing a fixed number of points. The number of teams and points selected determines your payout odds.

All selections must be successful for the Teaser bet to win. A selection settled as void or push in a Regular Teaser with more than two (2) teams, without a losing selection, will result in the Teaser dropping to the next level down. For example, a regular three (3) team Teaser with one (1) pushed selection and no losing selections will drop down to be a regular two (2) team Teaser. A selection settled as void or push in a regular two (2) team Teaser (including those that have dropped down to a two (2) team Teaser), without a losing selection, will result in the Teaser being "no action" and the wager will be refunded. In the event a selection in a Super or Monster Teaser is settled as void (for clarity, a selection settled as push is not considered a voided selection in a Super or Monster Teaser) will result in the Super or Monster Teaser being "no action" and the wager will be refunded, irrespective of the settlement of the other selections in the Super or Monster Teaser. In the event a selection in a Super or Monster Teaser is settled as push, without a selection settled as void, will result in the Super or Monster Teaser being settled as lost. All selections must be successful for the teaser bet to win. A push (or a selection that is cancelled due to a game being postponed) in a regular teaser with more than two (2) teams, without a losing selection, will result in the bet dropping to the next level down. For example, a regular three (3) team teaser with one (1) pushed selection and no losing selections will drop down to be a regular two (2) team teaser. A push (or a selection that is cancelled due to a game being postponed) in a regular two (2) team teaser (including those that have dropped down to a two (2) team teaser), without a losing selection, will be "no action" and the wager will be refunded. In the event a selection in a super or monster teaser is cancelled due to a game being postponed, the super or monster teaser will be "no action" and the wager will be refunded, irrespective of the settlement of the other selections in the bet. A push in a super or monster teaser, without a cancelled selection, will result in the bet being settled as lost.

Teasers are only allowed on pre-game basketball and football games. The different types of Teasers for each sport are as follows: Teaser bets will only be allowed on pre-game events and only for selected leagues, including:

1. ~~Basketball Regular Teasers: buying 4, 4.5 or 5 points~~~~Regular teasers for NBA, college basketball, NFL, college football or any other league in which teaser bets are allowed (4, 4.5 and 5 for Basketball and 6, 6.5 and 7 for Football)~~
2. Basketball Super Teasers: 3 team teaser - buying 8 points, ties lose, odds - 120/1.83
3. Basketball Monster Teasers: 4 team teaser - buying 10 points, ties lose, odds - 120/1.83
4. ~~Football Regular Teasers: buying 6, 6.5 or 7 points-~~
4. ~~Football Super Teasers: 3 team teaser - buying 10 points, ties lose, odds - 120/1.83-~~
5. ~~Football Monster Teasers: 4 team teaser - buying 13 points, ties lose, odds -140/1.71~~

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## Soccer

### Settlement Rules

- Bets will stand if a team name is listed without specifying the term 'XI' in the name.
- All settlements are based on the statistics and results provided by the official website of the league's governing body, or league's official statistical provider, unless otherwise stated.
- In the absence of a statistic/result required for settlement of a specific market, another reputable statistical source will be used to support bet settlement.

## Tennis

### Pre-live Same Game Parlays

- In the event a pre-live Same Game Parlay contains a selection which is settled as void or push, the pre-live Same Game Parlay will be repriced based on the odds available on the DraftKings website at the time of bet placement. In the event all selections in a pre-live Same Game Parlay are settled as void or push, then the whole bet will be settled as void.
- All Tennis specific rules also apply to pre-live Same Game Parlays.

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### Live Same Game Parlays

- In the event a live Same Game Parlay contains a selection which is settled as void or push, the live Same Game Parlay will be repriced based on the odds available on the DraftKings website at the time of bet placement. In the event all selections in a live Same Game Parlay are settled as void or push, then the whole bet will be settled as void.

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- 1. All Tennis specific rules also apply to live Same Game Parlays.

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## Baseball

### Player Props

- Plate Appearance Markets
  - Plate Appearance Pitch Count
    - Pitch timer violations do not count towards the settlement of this market.

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## Hockey

### Pre-live Same Game Parlays

- In the event a pre-live Same Game Parlay contains a selection which is settled as void or push, the pre-live Same Game Parlay will be repriced based on the odds available on the DraftKings website at the time of bet placement. In the event all selections in a pre-live Same Game Parlay are settled as void or push, then the whole bet will be settled as void. Settlement of these bets will be based on the following criteria:-

- All Hockey specific rules also apply to pre-live Same Game Parlays. In the event a pre-live Same Game Parlay contains a selection applicable to a player who did not participate in the game ("Hockey Non-Participating Player"), the selection containing the Hockey Non-Participating Player will be voided and the pre-live Same Game Parlay will be repriced based on the last odds available to DraftKings prior to the start of the game. In the event all selections in a pre-live Same Game Parlay are Hockey Non-Participating Players, then the whole bet will be settled as void.-

- 1. in the event a pre-live Same Game Parlay contains at least one (1) selection, other than a selection containing a Hockey Non-Participating Player, which is settled as void, then the whole pre-live Same Game Parlay will be settled as void, irrespective of whether the pre-live Same Game Parlay contains other winning or losing selections, unless the game associated with the pre-live Same Game Parlay is abandoned.-

- 2. in the event the game associated with the pre-live Same Game Parlay is abandoned, and the pre-live Same Game Parlay contains an already losing selection at the time of abandonment, the pre-live Same Game Parlay will be settled as lost, otherwise the pre-live Same Game Parlay will be settled as void.-

- 3. in the event a selection is a tie, and no tie outcome is offered for that selection (for example "Race to X Goals" where neither team reaches the number of goals), then the pre-live Same Game Parlay will be settled as lost.-

- 1. A game is abandoned in the event:-
  - 2. the game does not start on the scheduled day (local stadium time).-

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- ~~3. The game starts but is then postponed and not rescheduled and played within thirty six (36) hours of the original start time. This rule applies to pre-live Same Game Parlays irrespective of the Playoff Game Rule, or any other exceptions.~~
- ~~4. 3rd period markets include overtime and shootout. However, player markets do not include shootouts.~~
- ~~5. For all player markets, selected players must take part in the game for bets to have action, otherwise the player is a Hockey Non-Participating Player. Taking part in the game is defined as taking to the rink as an active player during any game time of the relevant game, regardless of whether the selection in question references a specific period of the game. Stats accrued during overtime count for settlement purposes. However, stats accrued during shootouts do not count for settlement purposes.~~
- ~~6. All Hockey specific rules also apply to pre-live Same Game Parlays. In the event of a conflict between any other Hockey specific rule and the Hockey pre-live Same Game Parlay rules, solely as they relate to a Hockey pre-live Same Game Parlay, the pre-live Same Game Parlay rules prevail.~~

## Rugby Union/League

### Settlement Rules

- All settlements are based on the statistics and results provided by the official website of the league's governing body, or league's official statistical provider, unless otherwise stated.
- In the absence of a statistic/result required for settlement of a specific market from the sources listed above, another reputable statistical source will be used to support bet settlement.



**TO:** Chair Cathy Judd-Stein; Commissioner Eileen O'Brien; Commissioner Brad Hill  
Commissioner Nakisha Skinner; and Commissioner Jordan Maynard

**FROM:** Crystal Beauchemin, Sports Wagering Business Manager  
Bruce Band, Director of Sports Wagering

**MEMO DATE:** December 20, 2023

**MEETING DATE:** January 4, 2024

**RE:** WynnBET Request for Reducing Customer Service Hours

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**OVERVIEW:**

WSI US, LLC dba WynnBET is requesting permission to have Customer Support hours for its mobile operations available from 9 a.m. to 7 p.m. EST (6 a.m. - 4 p.m. Pacific).

**BACKGROUND:**

The Sports Wagering (SW) division acknowledges that customer service and phone access for patrons were priority points during the application process. Though we do not have documentation of such items being made a licensing requirement or any particular parameters being put in place as a result of the review process, we are cautious to ensure the priorities of the Commissioners are met as we move forward with implementation.

**MEMO:**

A review of WynnBET's patron contact activities have shown that the majority of contact occurs between 9am and 7pm (EST.) As such, WynnBET requests that they be allowed to reduce their customer support hours and make revisions to staffing to accommodate peak hours.

**SUPPORTING DOCUMENTS:**

At the division's request, WynnBET provided the following information:

- Nearly all of MA live chats are received between 9:00am and 7:00pm as per the below:
  - WynnBET receives approximately 50-100 contacts from Massachusetts patrons daily. These volumes can fluctuate based upon the sport calendar.
  - Currently there is an average of ~10 live chats daily from 7:01pm – 8:50am
  - All contact received during closed hours convert into an email.



- All emails received during closed hours are responded to immediately upon the next day when operations resume. This will not change.

**CONCLUSION:**

Director Band finds this request to be reasonable and would recommend approving the revision to the operator's customer service hours. In addition, we'd like to ensure that going forward, similar requests can be reviewed and approved or denied by the Sports Wagering division.

As a note, our Communications team ensures that points of contact available for each operator are listed on our website to maintain access and transparency for our patrons and the Commonwealth. The SW division will ensure that we work with Comms to identify this change online, and also include the hours of availability.



November 27, 2023

Jacqui Krum  
Encore Boston Harbor  
One Broadway  
Everett, MA 02149

RE: Request for Amendment to Existing Gaming Area

Dear Ms. Krum,

The Massachusetts Gaming Commission (“MGC”) Investigations and Enforcement Bureau (“IEB”) has reviewed Encore Boston Harbor’s proposed amendments to the existing approved floor plan submitted on October 4, 2023 (“request”), in accordance with 205 CMR 138.07.

This request proposes the following:

1. Please see Attachment 1 (1st Floor) and Attachment 2 (2nd Floor) for depictions of the proposed new configuration to the gaming area compared to the existing configuration.
2. Please see Attachment 3 (1st Floor) and Attachment 4 (2nd Floor) for depictions of the new proposed outer perimeter of the gaming area compared to the existing configuration.
3. Please see Attachment 5 (Parking Level B-1) for depictions of the proposed reduction to the gaming area on this level.
4. The proposed changes as set forth on Attachments 1 – 5 would decrease the total gaming area from 211,971 to 204,807.

This request satisfies all of the items required in 205 CMR 138.07(3)(a)(1 through 5).

Following review, the IEB finds your proposed modifications will not result in a violation of law, regulation, or approved internal control, or jeopardize the safety and/or security of a patron or the integrity of the gaming operation. See 205 CMR 138.07(3)(b). Therefore, the IEB is preliminarily approving the proposed modifications as presented in the request by Encore Boston Harbor on October 4, 2023.

Final approval of Encore Boston Harbor amendments to the casino floor are subject to final inspection, and the following of all the conditions in the attached Addendum, which is attached and incorporated herein. See 205 CMR 138.07(3)(b). If you have any questions, please do not hesitate to contact Burke Cain, IEB Gaming Agents Division Chief at 617-356-4396, or me.

Sincerely,

*Heather E. Hall*

Heather E. Hall  
Interim Director/Chief Enforcement Counsel, Investigations & Enforcement Bureau

cc: Chair Cathy Judd-Stein  
Commissioner Eileen O'Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Jordan Maynard  
Todd Grossman, Interim Executive Director/General Counsel  
Burke Cain, Gaming Agents Division Chief  
Luis Lozano, Casino Regulatory Manager  
David DiOrio, Compliance Coordinator  
Doug Williams, VP Gaming, EBH

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# Encore Boston Harbor

Amendment to Floor Plan

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11/30/2023

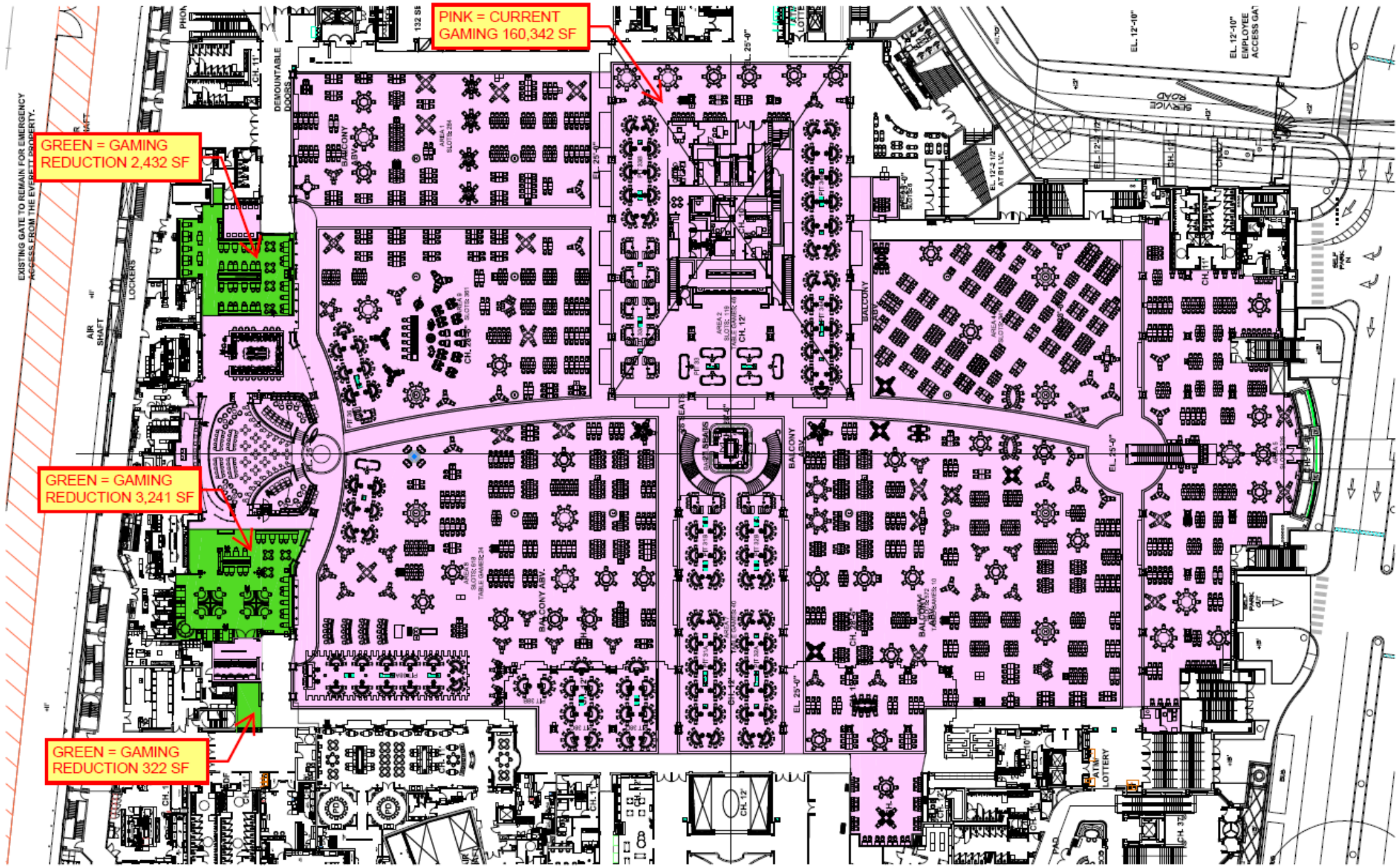


Pursuant to 205 CMR 138.07(3), Encore respectfully submits this request to the Commission to amend its floor plan

The proposed changes as set forth would decrease the total gaming area from 211,971 to 204,807.

- The removal of the restaurant square footage of Frank & Nick and Shack will result in a reduction of gaming of 5,995 (3,241 and 2,432) square feet.
- The re-allocation of the of the existing betting kiosk area will result in a reduction of gaming of 322 square feet. This area will turn into a gift giveaway room.
- The removal of the snack bar at the second level loft will result in an additional gaming space of 972 square feet. Approximately 78 slot machines will be added. Table Game numbers will not change.
- The removal of the existing Balcony and Sports bar gaming area will result in a reduction of gaming of 1,309 (1,198 and 111) square feet.
- The removal of B1 Gaming area will result in a reduction of gaming of 832 square feet.





PINK = CURRENT GAMING 160,342 SF

GREEN = GAMING REDUCTION 2,432 SF

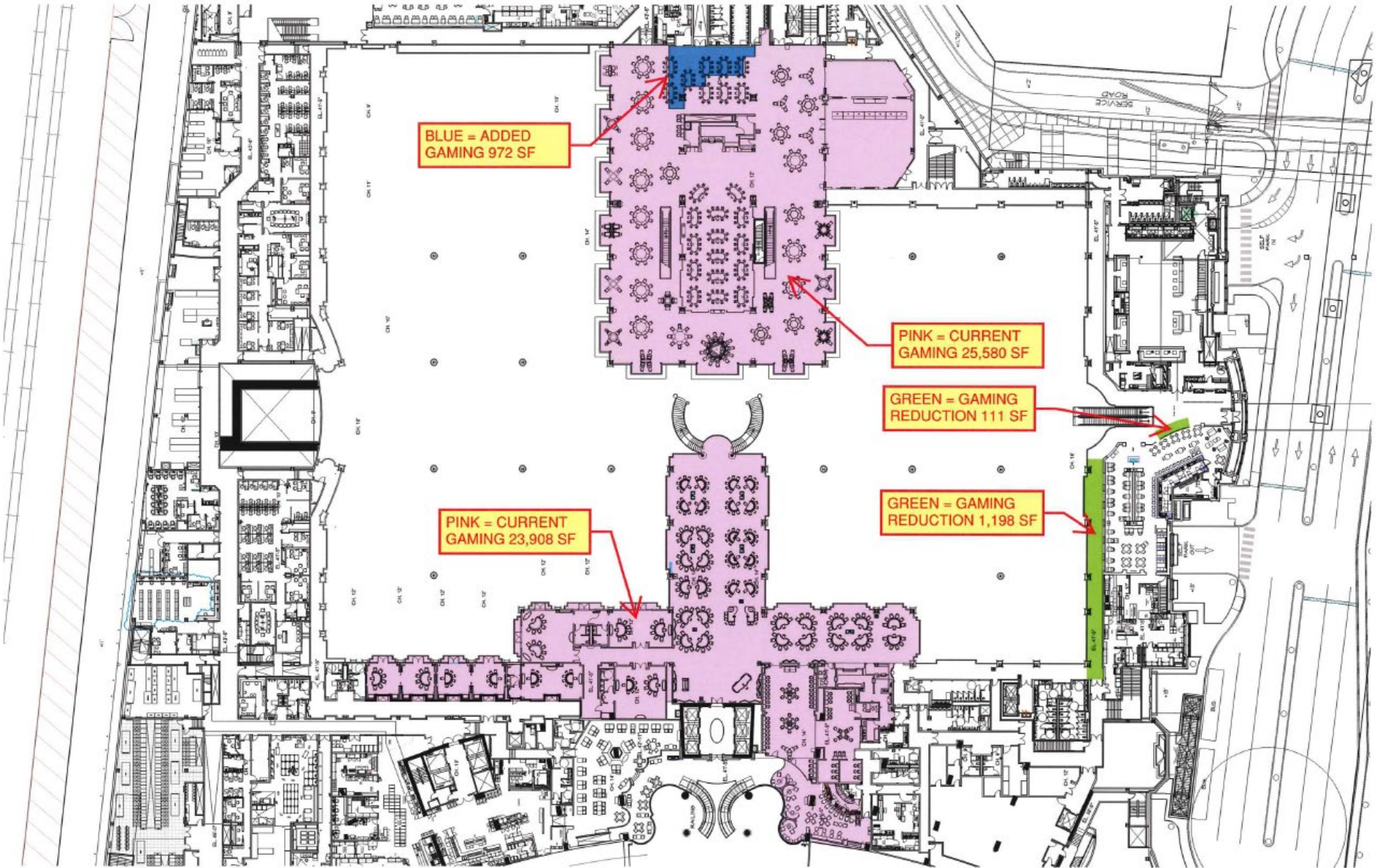
GREEN = GAMING REDUCTION 3,241 SF

GREEN = GAMING REDUCTION 322 SF

CASINO LEVEL - COLOR

SCALE: 1" = 80'-0"

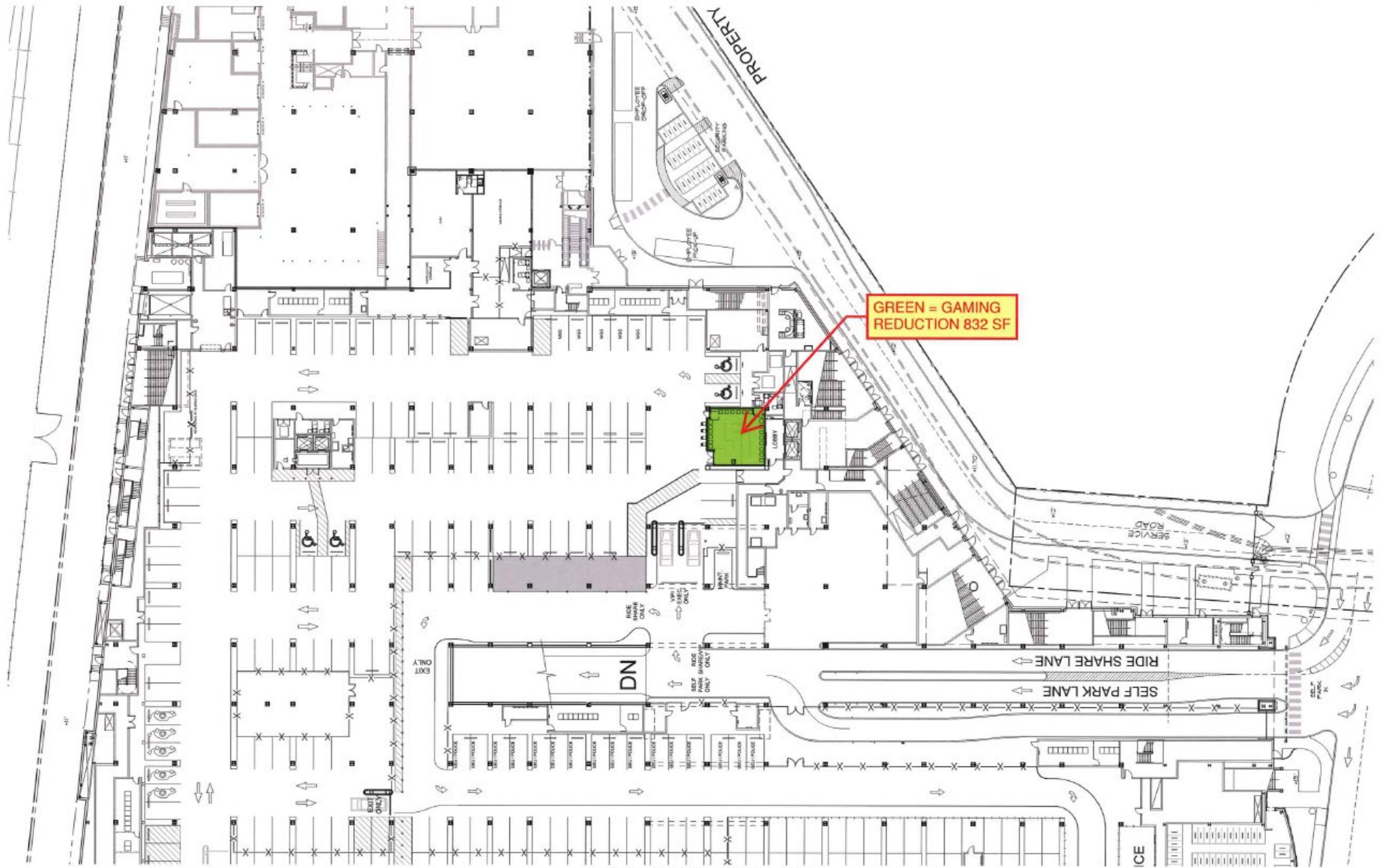
27-Sep-23



**2nd LEVEL - COLOR**

SCALE: 1" = 60'-0"

27-Sep-23



GREEN = GAMING  
REDUCTION 832 SF

**B1 LEVEL - COLOR**

SCALE: 1" = 60'-0"

27-Sep-23





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101 Federal Street, 12<sup>th</sup> Floor, Boston, MA 02110

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# Encore Boston Harbor

Amendment to Floor Plan

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11/30/2023



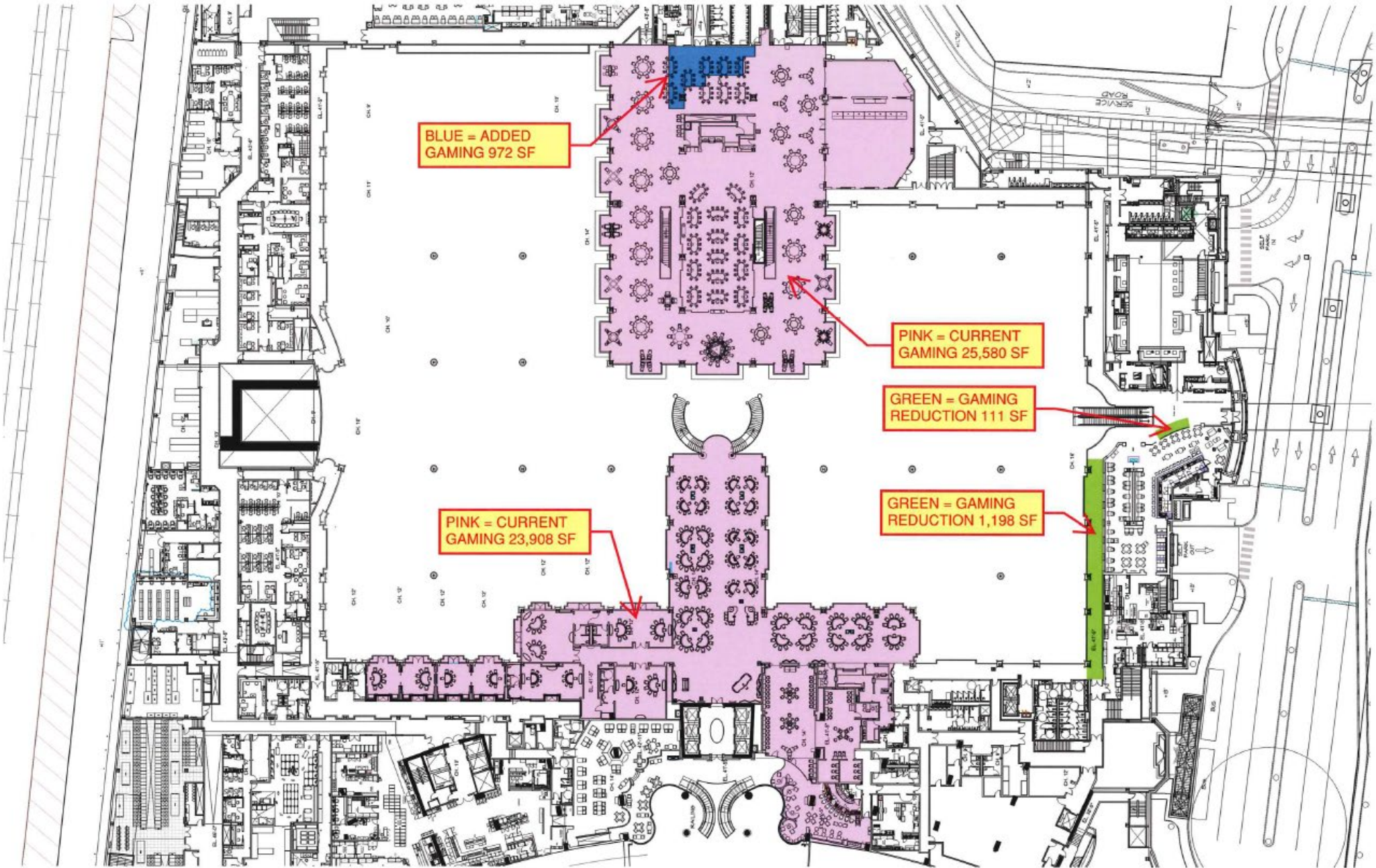
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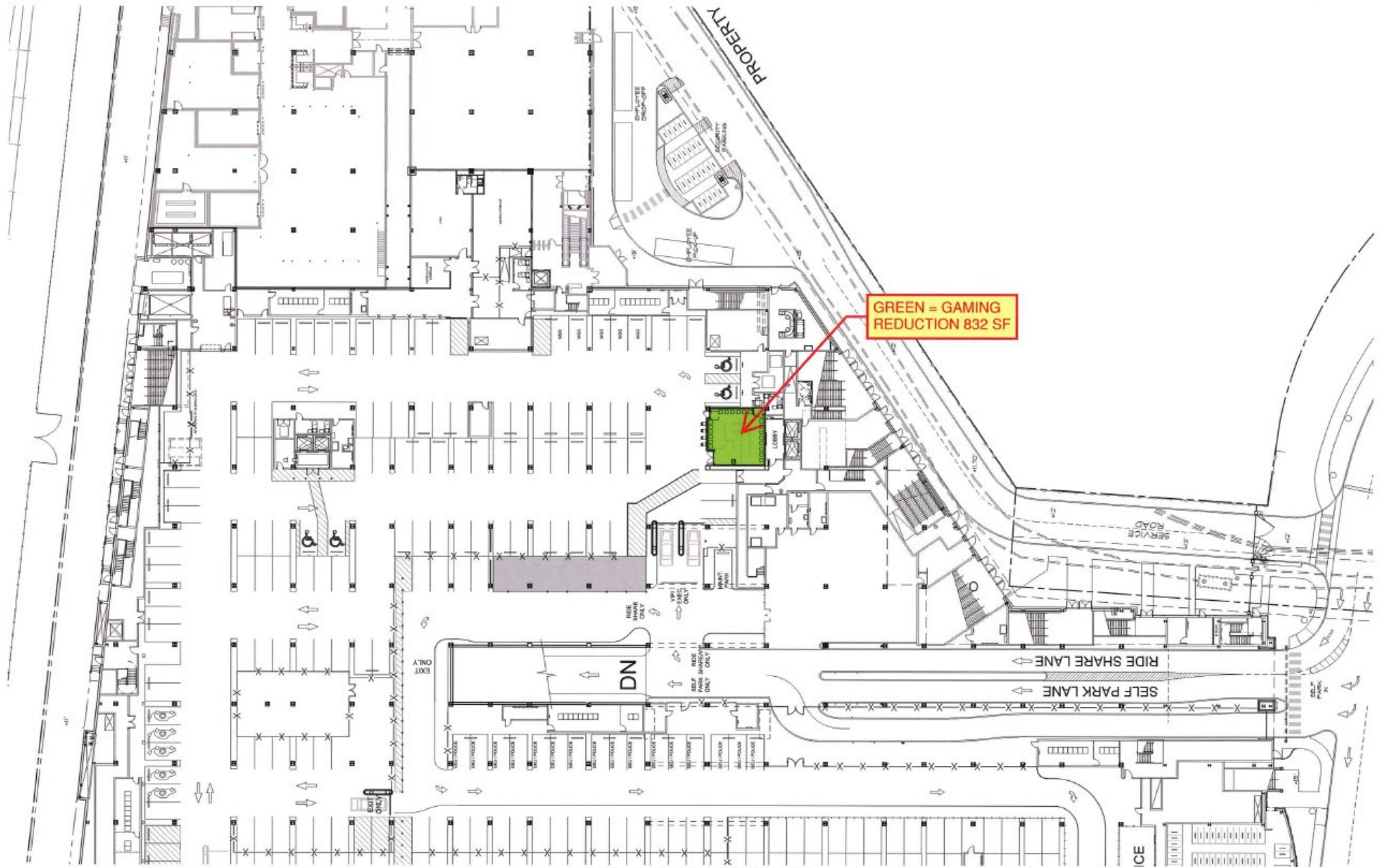




**2nd LEVEL - COLOR**

SCALE: 1" = 60'-0"

27-Sep-23



GREEN = GAMING  
REDUCTION 832 SF

**B1 LEVEL - COLOR**

SCALE: 1" = 60'-0"

27-Sep-23



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TO: Chair Judd-Stein, Commissioners O'Brien, Hill, Skinner, and Maynard

FROM: Mark Vander Linden, Director of Research and Responsible Gaming;  
Long Banh, Responsible Gaming Program Manager

DATE: January 4, 2024

RE: Voluntary Self-Exclusion (VSE) Program: Massachusetts Process and Data

---

The Act Establishing Expanded Gaming and Act Regulating Sports Wagering in the Commonwealth include a number of key mandates to ensure the successful implementation casino gambling and sports wagering, while preventing and mitigating gambling harms to the maximum extent possible. Once such measure includes the establishment of a self-exclusion program which allows individuals to voluntarily exclude themselves from entering the gaming floor of Massachusetts gaming establishments and/or sports wagering.

To fulfill this mandate, the Commission adopted regulations for the self-excluded persons list, including procedures for placement, removal and transmittal of the list to gaming and sports wagering establishments. The Commission promulgated the procedures for placement and removal of the self-excluded persons to meet individualized needs of the person and support to the self-excluded person.

As of December 26, 2023, there are approximately 2,300 persons who have enrolled in the VSE program. About 32% have completed a reinstatement session to be removed from the VSE program.



Massachusetts Gaming Commission





# Voluntary Self-Exclusion (VSE) Program: Massachusetts Process and Data



Mark Vander Linden

Director of Research and Responsible Gaming

Long Banh, MBA, LICSW

Program Manager

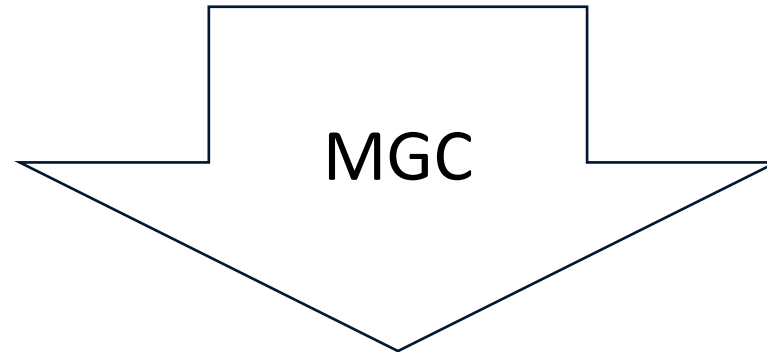
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January 4, 2024



# Statutory and Regulatory Requirements

- Acts (2011) Chapter 194: An Act Establishing Expanded Gaming in the Commonwealth (M.G.L.c.23K)
  - Section 45(f)
- Acts (2022) Chapter 173: An Act Regulating Sports Wagering
  - Section 13(e)(2)



- 205 CMR133: Voluntary Self-Exclusion
- 205 CMR233: Sports Wagering Voluntary Self-Exclusion



# Findings from MA VSE Evaluation (2018)

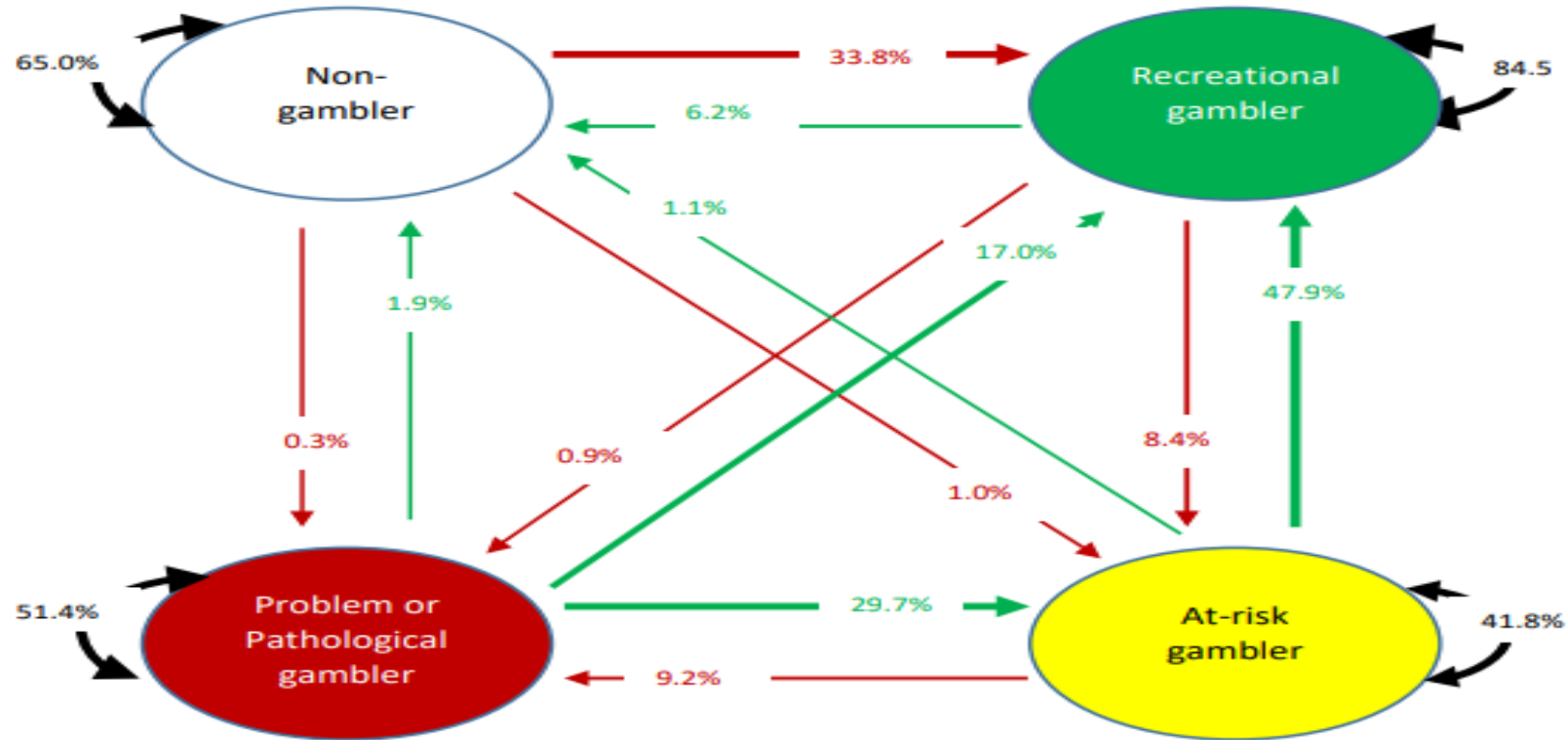
- 17% reported breaching their self-exclusion duration
- Rates of gambling abstinence after VSE enrollment are higher
- Those who continued to gamble, large percentage reported reductions in gambling frequency and losses
- 75% of VSE enrollees who completed follow-up interview self-reported reductions in gambling
- VSE enrollees reported positive outcomes related to well-being, mental health and relationships

Nelson, S. E., Kleschinsky, J. H., LaPlante, D.A., & Shaffer, H.J. (2018). *Evaluation of the Massachusetts Voluntary Self Exclusion Program: June 24, 2015 – November 30, 2017*. Medford, MA: Division of Addiction, Cambridge Health Alliance, a Harvard Medical School Teaching Hospital.



# Problem Gambling and Relapse

First Order Markov Transitional Probabilities for all Four Categories of MA Gamblers



Red lines indicate increase risk, Green lines indicate decrease risk, Black lines indicates no change

Williams, R.J., Volberg, R.A., Zorn, M., Stanek III, E.J., & Evans, V. (2021). A Six-Year Longitudinal Study of Gambling and Problem Gambling in Massachusetts. *Massachusetts Gambling Impact Cohort Study (MAGIC)*. Amherst, MA: University of Massachusetts School of Public Health and Health Sciences.

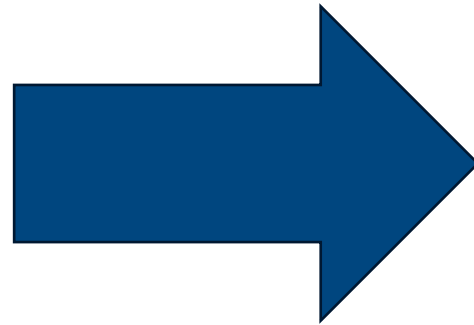


# Relapse

About 90% of people who experience problem gambling relapse

## Origin of Stigma

- Lack of Knowledge
- Misinformation
- Prejudice
- Discrimination



## Relapse (through solution-based approach)

- Learn
- Re-evaluate
- Grow

Schreier, Andrew J. (2022): Wisconsin Public Psychiatry Network Teleconference (WPPNT). Access on December 15, 2023 (<https://www.dhs.wisconsin.gov/non-dhs/dcts/relapse-substance-use-gambling-september-22-2022.pdf>)



# Key Elements to MA VSE Enrollment

- Can be conducted in-person or virtually by designated agents
- Patron **freely**, **knowingly**, and **voluntarily** enrolling into the program
- Terms of program explained and discussed to patrons
  - Agreement between patron and licensees
  - Removed motivation of big winnings, marketing and rewards
  - Resources and referrals offered to patrons



# VSE Reinstatement Requirement in VSE Enrollment

(initial)

I understand that I am only eligible for reinstatement upon completion of my selected duration of exclusion. I can request removal from the list by participating in a reinstatement session with a designated agent. My name shall remain on the list after the completion of the selected duration of exclusion until such time when I submit a petition for removal and it is approved by the Commission or its designee.

(initial)

I agree to schedule and participate in a reinstatement session with a designated agent in order to remove myself from the list. The reinstatement session shall include a review of the risks and responsibilities of gambling, budget setting and a review of problem gambling resources should I wish to seek them. A reinstatement session may be scheduled by contacting the Massachusetts Council on Gaming and Health at 800-GAM-1234, the Massachusetts Gaming Commission at vse@massgaming.gov or with the agent with whom you originally enrolled.

(initial)

If you choose, the Massachusetts Gaming Commission will notify you once you approach your term completion and you become eligible to participate in a reinstatement session. Please check the best method of contact below should you opt into the reminder.

Send Reminder  No Reminder

Email

Email Address

Standard Mail

Address

Apartment

City

State

ZIP

Country



# VSE Materials to Newly Enrolled Patrons

If you have questions about the **Voluntary Self-Exclusion Program**, or to ask any gambling-related question, contact us 24/7 at 1-800-GAM-1234 or **LiveChat** by visiting [GameSenseMA.com](http://GameSenseMA.com)

**TO LEARN MORE ABOUT PROBLEM GAMBLING AND AVAILABLE RESOURCES: CONTACT THE MA PROBLEM GAMBLING HELPLINE AT 1-800-327-5050.**

GameSense

## My VSE Information:

**Date of Enrollment:** \_\_\_\_\_

**Term of Enrollment:** \_\_\_\_\_

**Date Eligible to Reinstate:** \_\_\_\_\_

**GSA/M Initials:** \_\_\_\_\_

REMINDER: A Reinstatement Session with a GameSense Advisor must be completed before being removed from the VSE list.

GameSense





# VSE Materials to Newly Enrolled Patrons

## What to Expect During Your Self-Exclusion

### Where will I be excluded from?

When you sign up for casino exclusion, you'll be excluded from all 3 MA casinos - Encore Boston Harbor, MGM Springfield, and Plainridge Park. The casinos may also extend your casino exclusion to their retail sportsbook and online platforms. This means you cannot enter the casino floors at any of these properties.

### Can I exclude just from sports betting?

Yes! You can exclude just from sports betting by signing up through GameSense or the Massachusetts Gaming Commission. This will prohibit you from placing any sports wagers at retail sportsbooks or online platforms in MA. The casinos may also extend your sports betting exclusion to their entire casino floor in additional states - check with each property for their specific policies.

### Can I end my exclusion early?

Your exclusion term is binding. You must complete the full term and complete reinstatement session with a GameSense advisor.

### Is the list confidential?

Absolutely. Only GameSense, the Gaming Commission, and casino security can access the list, and only for limited purposes. It will not be shared publicly.

### How do I get a win/loss statement?

Call the casino's player services line to request a statement by mail. Encore: 857-770-7000, MGM Springfield: 413-273-5000, Plainridge Park: 508-576-4500.

### Where can I get additional support or resources?

GameSense Advisors are available 24/7 on via phone at 800-GAM-1234 or LiveChat on GameSenseMA.com. The Gambling Helpline is also available via phone at 800-327-5050 or visit [gamblinghelpline.com](http://gamblinghelpline.com).

## REINSTATING AFTER YOUR EXCLUSION:

### When can I reinstate?

You must complete your full exclusion duration and complete a reinstatement session with a GameSense Advisor.

### What about my rewards and points?

Unfortunately, any rewards or points will be forfeited when you enroll. Make sure to use them beforehand!

### How do I schedule a reinstatement session?

No appointment needed! Just call or chat with GameSense when your period ends. Let us know if you need help entering the casino floor.

### What if I enter the gaming floor of a casino early?

You'll be escorted off the floor and forfeit any winnings. The casino may trespass you. Let's avoid this!

GameSense

GameSense

If you have questions about the Voluntary Self-Exclusion Program, or to ask any gambling-related question, contact us 24/7 at 1-800-GAM-1234 or LiveChat by visiting [GameSenseMA.com](http://GameSenseMA.com)



YOU'RE NOT ALONE

TO LEARN MORE ABOUT PROBLEM GAMBLING AND AVAILABLE RESOURCES: CONTACT THE MA PROBLEM GAMBLING HELPLINE 1-800-327-5050



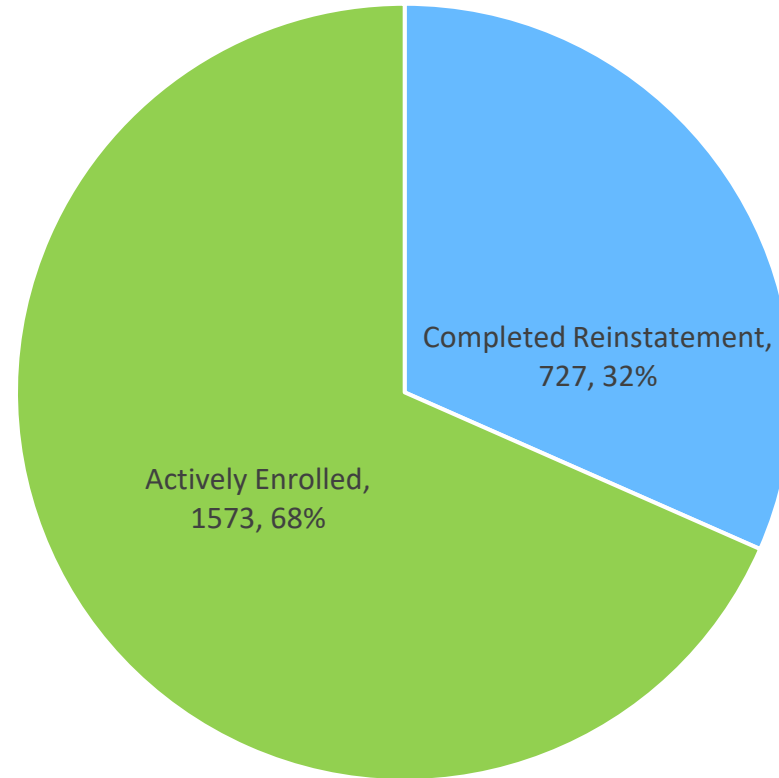
# Key Elements to MA Reinstatement Session

- Can be conducted in-person or virtually by designated agent
- Patron **freely**, **knowingly**, and **voluntarily** reinstating to gaming
- Structured educational session, not a clinical assessment
  - Check readiness to return to the gaming floor
  - Setting budget
  - Contingency planning
  - Positive Play
- Resources and referrals offered to patrons



# VSE Enrollment and Reinstatement Data\*

As of December 26, 2023, there have been about 2,300 patrons who have enrolled in the Voluntary Self-Exclusion Program

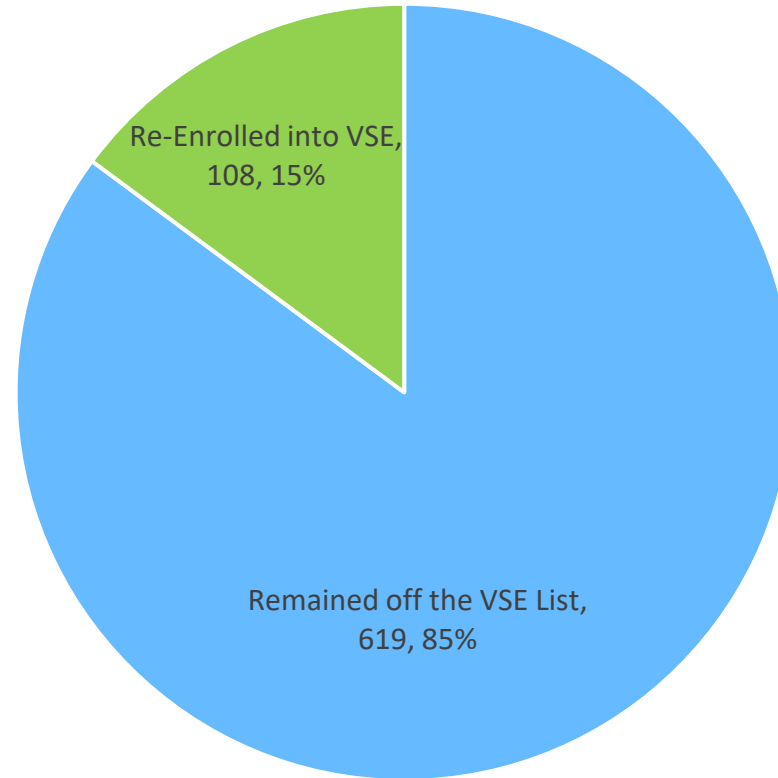


\* Reconciling VSE data prior to VSE App launch (January 10, 2022). Previous reinstatements and re-enrollments were not captured in the data during transition to the VSE App.



# VSE Enrollment and Reinstatement Data\*

As of December 26, 2023, about 727 patrons who have successfully completed a reinstatement session



\* Reconciling VSE data prior to VSE App launch (January 10, 2022). Previous reinstatements and re-enrollments were not captured in the data during transition to the VSE App.



# January 2023 – December 21, 2023

## VSEs on Gaming Floor per Property

	Encore Boston Harbor	MGM Springfield	Plainridge Park Casino	Massachusetts Total
Total	76	36	21	<b>133</b>
Unique	73	31	20	<b>124</b>

## Eligible to Reinstate VSEs on Gaming Floor per Property

	Encore Boston Harbor	MGM Springfield	Plainridge Park Casino	Massachusetts Total
Total	8	8	10	<b>26</b>
Unique	8	7	9	<b>24</b>

**In 2023, about 19% of total VSEs on Gaming Floor were Eligible to Reinstate**



# References

Nelson, S. E., Kleschinsky, J. H., LaPlante, D.A., & Shaffer, H.J. (2018). *Evaluation of the Massachusetts Voluntary Self Exclusion Program: June 24, 2015 – November 30, 2017*. Medford, MA: Division of Addiction, Cambridge Health Alliance, a Harvard Medical School Teaching Hospital.

Schreier, Andrew J. (2022): Wisconsin Public Psychiatry Network Teleconference (WPPNT). Access on December 15, 2023 (<https://www.dhs.wisconsin.gov/non-dhs/dcts/relapse-substance-use-gambling-september-22-2022.pdf>)

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[www.springfield-ma.gov](http://www.springfield-ma.gov)

**November 20, 2023**

Mr. Joseph Delaney,  
Chief, Division of Community Affairs  
Massachusetts Gaming Commission  
101 Federal Street  
Boston, MA, 02110

Dear Mr. Delaney,

I am writing on behalf of the *Springfield Safe Ride Home Project*; a 2023 Community Mitigation Fund grant our department received earlier this year. We are requesting budget modifications for the project to assist our department to reach the goals and objectives identified in the original grant funded proposal.

Our department would like to request a reallocation of \$20,115 from the community health worker (CHW) budget line item of \$62,400. Due to the delayed hiring of our CHW we will only be spending \$42,285 for his employment. To support the goals of the project we would like to reallocate the unspent \$20,115 to complete two surveys among Springfield residents and MGM patrons that will inform the *Safe Ride Home Project* media campaign about issues related to excess alcohol consumption at the MGM casino followed by driving a motor vehicle under the influence. Attached is a budget that explains how we would like to utilize the reallocated resources.

Secondly our department would like to request the release of the \$2,000 for office supplies included in our original budget. My understanding is that these resources are among the withheld funds that will be available to the project once the research phase of the project is completed, following CMF approval. Because office supplies are needed to conduct day to day operations as well as both the research and implementation phases, we are requesting access these funds for current and future project work in the immediate future.

Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Helen R. Caulton-Harris". The signature is stylized and overlaps the printed name below it.

Helen Caulton-Harris, Commissioner  
Springfield Department of Health and Human Services





## Springfield Safe Ride Home 2023 Community Mitigation Fund Grantee Budget Modification Request

Due to the delayed hiring of the CHW for the 2023 Community Mitigation Fund *Springfield Safe Ride Home Project*, \$20,115 of the CHW line item will not be expended. The Springfield Department of Health and Human Services is requesting that we be allowed to reallocate these resources to support the research as proposed in the 2023 *Springfield Safe Ride Home Project*. The following is a budget with justifications for the proposed budget reallocation.

<b>1. Research Expenses (Dec '23 – April '24)</b>	<b>1) Community Survey Expenses for Campaign Message Development</b> <ul style="list-style-type: none"> <li>• <b>Campaign Community Survey/Community Conversations:</b> Goal of 300 surveys among Springfield residents.</li> <li>• <b>Expenses include:</b> hiring a Hiring a Spanish Speaking Consultant to administer the survey among Latino Springfield residents Incentives for participants, \$15 Grocery Gift Card for participants who complete the survey, translation of survey to Spanish, Development and printing expenses for problem gambling brochures in English and Spanish, iPad and wireless internet service)</li> </ul>	<b>300 Community Surveys/Conversations:</b> <ul style="list-style-type: none"> <li>• Hire a Consultant Familiar with Problem Gambling to Conduct Survey/Conversation in Spanish <b><u>\$6,500</u></b></li> <li>• Gift Card Incentives to Survey Participants <b><u>\$4,500</u></b></li> <li>• iPad <b><u>\$1,000</u></b></li> <li>• 2 Wireless Internet hubs for survey collection in the community <b><u>\$800</u></b></li> <li>• Translation <b><u>\$1500</u></b></li> <li>• Development and Printing outreach brochure on outcomes/effects of Gambling and substance use - <b><u>\$565</u></b></li> </ul>	<b>\$14,865</b>
	<b>2) Campaign Survey among MGM Patrons vi MGM's online Reward System (Participant Incentive: \$15 Dunkin Donut or Amazon Gift Card for 350 individuals at \$15 each)</b>	350 Dunkin Donut or Amazon Gift Card Incentive <b><u>\$5,250</u></b>	<b>\$5,250</b>
<b>Total</b>			<b>\$20,115</b>



**TO:** Chair Cathy Judd-Stein and Commissioners Eileen O'Brien, Bradford Hill, Nakisha Skinner and Jordan Maynard

**FROM:** Joe Delaney, Mary Thurlow, Lily Wallace

**CC:** Todd Grossman, Interim Executive Director

**DATE:** December 8, 2023

**SUBJECT:** Request by Springfield Department of Health and Human Services for a budget modification of the 2023 Safe Ride Home Project

---

On November 20<sup>th</sup> the City of Springfield requested consideration for a re-allocation of grant funds. Springfield would like to utilize unspent funds in the amount of \$20,115 from the Community Health Worker allocation to fund additional research. This research would develop two surveys to be conducted among Springfield residents and MGM patrons to explore issues related to excess alcohol consumption.

On June 15, 2023 the Massachusetts Gaming Commission authorized the award of \$191,200 to the Springfield for the Safe Ride Home Project. The initial funding was allocated the following way:

	Award	Proposed Change
Capacity building for a program including one Problem Gambling Focused Community Health Worker	\$62,400	\$42,285
Casino gambling and OUI's Research Funding	\$17,500	\$37,615
Program Consulting Fees with the Massachusetts Council on Gaming and Health	\$50,000	\$50,000
The remainder of the funds (\$61,300) are dependent on the completion of the research phase and a new workplan relating to this initiative approved by the Commission staff.		

The unused funds for the Community Health Worker are due to a delay in hiring this staff member. The proposed surveys are a change in scope that Springfield believes will better inform the media campaign regarding the consumption of excess alcohol and driving under the influence.

Additionally, Springfield would like to use funding which is part of the \$61,300 for program supplies. To date they have not expended any funds on supplies although they do have a need to purchase. There is an allocation of \$2,000.

Massachusetts Gaming Commission



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Staff recommends transferring \$20,115 to the Research funding and also recommends allowing Springfield to purchase the identified supplies.



**TO:** Chair Judd-Stein, Commissioner O'Brien, Commissioner Hill, Commissioner Skinner, and Commissioner Maynard

**FROM:** Boniswa Sundai, Senior DEI Program Manager

**CC:** Todd Grossman, Interim Executive Director and David Muldrew, Chief People and Diversity Officer

**DATE:** January 2, 2023

**RE:** Update on the PlainRidge Park Casino (PPC), MGM, and Encore Boston Harbor Workforce and Supplier Diversity Audit

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## Overview

This memo provides an updated overview of the Casino Workforce and Supplier Diversity Audit conducted by RSM for Plain Ridge Park Casino (PPC), MGM, and Encore Boston Harbor. With all three casinos now in Phase III, this document focuses on RSM's approach in this final stage of the audit process.

### Project Status and Phase III for All Casinos

- **Current Phase for All Casinos:** PPC, MGM, and Encore Boston Harbor have each progressed to Phase III.
- **Focus of Phase III:** This phase is centered on the write-up and formulation of final recommendations for each casino.
- **Importance of Phase III:** It is a critical phase where RSM consolidates and analyzes findings, preparing comprehensive recommendations for each property.

### Overcoming Challenges

- **Encore Boston Harbor:** The delay due to NDA negotiations with RSM has been resolved.
- **MGM:** The impact of the cybersecurity attack has been effectively managed.
- **PPC:** Steady progress continues in line with the audit objectives.

### Current Outlook and Steps Forward by RSM

- **Auditor's Approach:** RSM is conducting the final phase of the audit for each casino, ensuring a thorough and individualized assessment.
- **Progress Efficiency:** This phase aims to streamline the audit process while maintaining a high level of detail and accuracy.
- **Final Phase Activities:** Involves detailed analysis, thorough documentation of findings, and crafting specific recommendations tailored to the unique context of each casino.
- **Expected Completion:** RSM aims to deliver a comprehensive final report with in-depth insights and customized recommendations for each property, anticipated by mid-January.

This memo highlights the structured and meticulous approach RSM is employing to ensure that the audit yields detailed, relevant, and actionable insights, tailored to the unique operational dynamics of PPC, MGM, and Encore Boston Harbor.