



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 | December 14, 2023 | 9:30 a.m.
VIA REMOTE ACCESS: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 112 662 8903
All meetings are streamed live at 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.

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 - #492

1. Call to Order – Cathy Judd-Stein, Chair
2. Minute Minutes – Commissioner Jordan Maynard, Judith Young, Associate General Counsel
 - a. March 8, 2023 **VOTE**
 - b. March 9, 2023 **VOTE**
3. Administrative Update – Todd Grossman, Interim Executive Director & General Counsel
 - a. Update on Holiday Plans for the Casinos – Burke Cain, Gaming Agents Division Chief
 - b. Plainridge 2023 Meet Wrap-up – Dr. Alexandra Lightbown, Director of Racing and Chief Veterinarian
 - c. Racing Annual Report – Dr. Alexandra Lightbown, Director of Racing and Chief Veterinarian, Chad Bourque, Financial Analyst
4. Commissioners Update
 - a. Complaint filed in *Scanlon, et al. v. DraftKings, Inc.*, Middlesex Superior Court Docket No. 23CU3402 – DraftKings – Chair Cathy Judd-Stein **VOTE**



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5. Human Resources – David Muldrew, Chief People & Diversity Officer
 - a. Recommendation to Commissioners for Prospective Appointment of Interim IEB Director **VOTE**
6. Mission Statement Update – Commissioners Eileen O’Brien and Jordan Maynard **VOTE**
7. Internship Program Update – Commissioners Eileen O’Brien and Jordan Maynard, Trupti Banda, Human Resources Manager
8. Legal – Todd Grossman, Interim Executive Director & General Counsel
 - a. 205 CMR 258: Sports Wagering Operator Cessation. Review of Regulation and Amended Small Business Impact Statement for final adoption, and filing. **VOTE**
 - b. 205 CMR 238.12: Additional Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering – Reserve Requirement. Review of Regulation and Amended Small Business Impact Statement for final adoption, and filing. **VOTE**
9. Sports Wagering Division – Bruce Band, Director of Sports Wagering
 - a. Sports Wagering Operators’ Requests for Waivers from 205 CMR 257.04. Operators requesting waivers include FanDuel, Fanatics, BetMGM, Betr, and Caesars – Bruce Band, Director of Sports Wagering, Caitlin Monahan, Deputy General Counsel, Crystal Beauchemin, Sports Wagering Operations Manager **VOTE**
 - b. Potential noncompliance matter related to G.L. c. 23N, § 3 and 205 CMR 247.01(2)(a)(2): Fanatics – Bruce Band, Director of Sports Wagering, Andrew Steffen, Interim Sports Wagering Operations Manager **VOTE**
10. IEB – Heather Hall, Interim IEB Director & Chief Enforcement Counsel
 - a. Potential noncompliance matter related to G.L. c. 23N, Section 13; 205 CMR 247.07 and 248.10: DraftKings – Zachary Mercer, Enforcement Counsel **VOTE**
11. Research & Responsible Gaming – Mark Vander Linden, Director of Research & Responsible Gaming
 - a. Update on Railing Installation Near GameSense Information Center, MGM Springfield – Mark Vander Linden, Director of Research & Responsible Gaming, Burke Cain, Gaming Division Chief, Daniel Miller, MGM Springfield Compliance Director



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12. Racing – Dr. Alexandra Lightbown, Director of Racing and Chief Veterinarian
- a. Plainridge Park Casino Requests – Steve O’Toole, Director of Racing, Plainridge Park Casino
 - i. Request for Approval of 2024 Simulcast Export Signals **VOTE**
 - ii. Request for Approval of 2024 Simulcast Import Signals **VOTE**
 - iii. Request for 2024 Premium Free Period **VOTE**
 - iv. Request for Approval of 2024 Account Wagering Provider **VOTE**
 - b. Suffolk Downs Requests – Bruce Barnett, Attorney, DLA Piper; Michael Buckley, COO Suffolk Downs
 - i. Request for Approval of 2024 Simulcast Import Signals **VOTE**
 - ii. Request for 2024 Premium Free Period **VOTE**
 - iii. Request for Approval of 2024 Account Wagering Providers **VOTE**
 - c. Raynham Park Requests – Sue Rodrigues, Vice President of Operations, Raynham Park
 - i. Request for Approval of 2024 Simulcast Import Signals **VOTE**
 - ii. Request for Approval of 2024 Account Wagering Provider **VOTE**
13. Community Affairs Division – Joe Delaney, Chief of Community Affairs
- a. Community Mitigation Fund: 2023 Grant Modification – Joe Delaney, Chief of Community Affairs, Mary Thurlow, Senior Program Manager, Lily Wallace, Program Manager
 - i. Springfield Young Adult Gambling Project **VOTE**
14. MGC Diversity Update – Boniswa Sundai, Senior DEI Program Manager, John Scully, Finance and Budget Office Manager
15. Legislative Update – Chair Cathy Judd-Stein, Commissioner Brad Hill, Todd Grossman, Interim Executive Director & General Counsel, Thomas Mills, Communications Division Chief
- a. Presentation of Draft Letter to the Legislature Proposing Amendments to Gaming, Sports Wagering, and Horse Racing Laws for the Commissioners’ Consideration– Todd Grossman, Interim Executive Director & General Counsel **VOTE**
16. 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 and emailed to regs@sec.state.ma.us. Posted to Website: December 12, 2023 | 9:30 a.m. EST. |

December 12, 2023

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.*



Massachusetts Gaming Commission



Massachusetts Gaming Commission Meeting Minutes

Date/Time: March 8, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 709 9599

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 441st Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five Commissioners were present for the meeting.

2. [Legal](#) (2:52)

- a. 205 CMR 152 Individuals Excluded from Gaming and Sports Wagering: Amended Regulation and Small Business Impact Statement for review and approval to commence the promulgation process and/or adoption via emergency.

Outside Counsel from the law firm Anderson and Krieger Attorney Paul Kominers presented the proposed changes to 205 CMR 152. The *amended small business impact statement and draft 205 CMR 152* were included in the Commissioner's Packet on pages 3 through 13.

Commissioner O'Brien asked if it was assumed that an individual disrupting the outcome of the sporting event would be excluded from sports wagering. Mr. Kominers stated that the conduct would have to have a nexus related to sports wagering. He noted that it might also fall under the provisions related to criminal offenses and notorious or unsavory reputation. Commissioner O'Brien expressed concern about attempts to bribe an official or player. Mr. Kominers suggested adding the language "including, without implied limitation, attempting to corrupt a betting outcome of a sporting event". Commissioner O'Brien suggested that it should be "attempting to corrupt or corrupting". Mr. Kominers accepted the change.

Mr. Kominers explained that under 205 CMR 238 the operators' internal controls required them to submit a plan dealing with the overall substantive requirements of involuntary exclusion. He stated that after the regulation was approved there would need to be a one-week waiver for the operators' compliance as they would need time to submit their plans to the Commission.

Commissioner Skinner stated that the waiver made sense. She inquired as to whether one week would be sufficient time for the Commission staff to review the plans submitted. Director of the Investigations and Enforcement Bureau ("IEB") Loretta Lillios stated that the review time was manageable, but that an extra week would help. She noted that there were 58 individuals on the exclusion list. Chair Judd-Stein and Commissioner Maynard expressed that they approved of a two-week period. Director Lillios stated that the plans could be submitted within a week and approved by the second week. Executive Director Karen Wells stated that the waiver could go through the close of business on March 23, 2023. The Commission reached a consensus in support of the waiver period ending on March 23.

Commissioner O'Brien noted that the players associations discussed threatening conduct towards players and families at the round table, and asked where that change was implemented. Mr. Kominers stated that it was in section three, the criteria for exclusion. Commissioner O'Brien asked if additional language was required to encompass the changes mentioned by the players associations. Mr. Kominers stated that the language included any attempt to improperly affect the outcome of the sporting event.

Commissioner O'Brien inquired if this would include threats after the outcome of the event. Chair Judd-Stein questioned whether that would be considered as the intent to corrupt results going forward. Director Lillios stated that the scenarios are intensely fact specific. Commissioner O'Brien noted that the internet and social media could create jurisdictional problems for law enforcement and stated that she wanted to ensure sufficient protections were available. She stated that this regulation could be returned to if the Commission finds it to be insufficient.

Chief Enforcement Counsel Heather Hall stated that 205 CMR 152.031 (e) discussed preventing potential injurious threat to the interests of the Commonwealth. Commissioner O'Brien stated that the Commonwealth's interest included threats made against players and their families. Chief Enforcement Counsel Hall suggested adding the language "integrity and safety of sports wagering in the Commonwealth". Mr. Kominers noted that criminal acts related to sports

wagering were likely covered under 205 CMR 152.03(1)(b) and stated that he would workshop the language prior to the final vote. Commissioner O'Brien stated that the players associations were directed to work with the Commission by the legislature and recommended gathering their input.

Commissioner Maynard stated that if a threat is made after a sport event concluded he would want that individual on the exclusion list. Chair Judd-Stein noted that the Commission only had jurisdiction over those who sports wager and not each individual at a sporting event. Commissioner Maynard stated that those who make threats could still be placed on the exclusion list.

Commissioner Hill noted that the letter from the players association contained the language "if the Commission determines reports of violence, threats, or other acts of intimidation against players, coaches, officials or their families to be credible... Said determination is sufficient cause for exclusion from a sporting event". He suggested this language be tweaked and added to the regulation. Commissioner Skinner asked how the Commission would be made aware of these threatening incidents in Massachusetts. Mr. Kominers stated that the players' association can send a referral to the Commission pursuant to 205 CMR 152.041. He stated that some of this conduct has to be brought to the Commission.

Commissioner O'Brien suggested adding the language "or sporting event" to the IEB's considerations in 205 CMR 152.03. Mr. Kominers stated he would incorporate that change. Chair Judd-Stein stated that this issue would be on the list of continuing matters for the legal team to consider. She stated that the corruption language seemed general enough to capture threats to family members and officials, but she wanted it to be reviewed.

Commissioner O'Brien moved that the Commission approve the small business impact statement and the draft of 205 CMR 152 as included in the Commissioner's Packet and further discussed and edited here today and that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter to begin the regulation promulgation process and further that staff be authorized to modify chapter or section numbers or titles to file additional regulation sections as reserved or make any other administrative changes as necessary to execute 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.

Commissioner O'Brien moved that in accordance with 205 CMR 202.02(3) the Commission issue a waiver to all licensed sports wagering operators from the requirements of 205 CMR 152.06(5) through close of business on March 23, 2023, as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of General Law Chapter 23N. 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.

b. [205 CMR 138](#): Uniform Standards of Accounting Procedures and Internal Controls (1:07:19)

Deputy General Counsel Torrisi explained that regulations were published by the Secretary of the Commonwealth in the Massachusetts Register on a bi-weekly basis. She noted that regulations go into effect upon that publication, but in cases of emergency regulations they go into effect upon filing. She stated that the five regulations approved in the prior meeting would not be effective until March 17, 2023, and therefore the unedited emergency versions would be applicable on the March 10 launch date. She requested that those regulations receive an emergency vote.

Commissioner Hill moved that the Commission authorize staff to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency for the following regulations as included in the Commissioner's Packet and discussed and approved on March 2, 2023, and to thereafter take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process for 205 CMR 138, 205 CMR 238, 205 CMR 247, 205 CMR 248, and 205 CMR 254. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

*The motion passed unanimously, 5-0. *

3. [Sports Wagering](#) (1:37:59)

a. Approval of House Rules for Category 3 Operators

Director of Sports Wagering Bruce Band introduced Sports Wagering Operations Manager Sterl Carpenter to present the house rules from six of the category three sports wagering operators planning to launch on March 10, 2023, pursuant to 205 CMR 247.

Mr. Carpenter noted that one operator had submitted a plan to round payouts to the nearest five cents. Commissioner Hill expressed that numbers should only be rounded up. Commissioner Skinner agreed and stated that patrons should be entitled to every cent of their winnings. Commissioner Maynard agreed with Commissioner Hill. stated that it should be a patron-centered process. Commissioner O'Brien stated that if rounding is to occur it should be rounded up in the patron's favor. The Commission reached unanimous consensus that operators do not round down the patron's winnings.

Mr. Carpenter noted that the description of parlay wager rules the submissions ranged from two sentences to 168 references. Commissioner O'Brien noted that each operator other than FanDuel used the term "round robin" to describe tiered parlay wagers, and expressed concern that this could cause confusion. Director of Government Affairs from FanDuel Andrew Winchell stated that clarifying language could be added to the house rules to reference round robins.

Chair Judd-Stein stated that she wanted to ensure the language was ready for a vote during this meeting. Mr. Winchell stated he would add a bullet point noting that FanDuel offers round robins that are situated in the same format as the rest of the parlay wagers.

Commissioner Skinner asked if the range of detail provided from each operator regarding parlay wagers was sufficient. Mr. Carpenter stated that each operator answered the question sufficiently and that nothing was omitted. Commissioner Skinner asked if any sections required further information. Mr. Carpenter stated that the submissions addressed the questions and that operators could field further questions from patrons. Commissioner Skinner inquired as to what the process was for the Commission or IEB to receive a complaint about a patron's concerns. Mr. Carpenter stated that the licensees each used language provided by the Commission as to how to submit a complaint to the sports wagering division.

Commissioner Skinner asked if the complaints made to the operator could be audited by the Commission. Mr. Carpenter stated that each operator was required to provide the Commission with a report on all claims to be reviewed. Commissioner O'Brien noted that there was a vast difference between two sentences and 168 references. Mr. Carpenter stated that the licensee who had submitted two sentences was not appearing today and only offered a limited number of events.

Chair Judd-Stein sought clarification regarding the definition of obvious errors that would allow the voiding or cancellation of wagers. Mr. Carpenter stated that obvious errors were defined in the house rules. Chair Judd-Stein asked if any other jurisdiction allowed a bet to be voided without regulator approval. Deputy General Counsel Caitlin Monahan stated that some wagers

could be cancelled without Commission permission, such as if a particular player was not playing or the game location changed, and that all other instances required the operator to request Commission approval to cancel a wager.

Commissioner O'Brien noted that some of the definitions of obvious errors in the proposed house rules seemed to have subjective criteria. She expressed concern with how this rule would balance with consumer protection laws such as General Law Chapter 93A and federal statutes. She stated that an obvious error should be either a factual impossibility or illegal wager.

General Counsel Todd Grossman stated that some of the proposed definitions of obvious error in the house rules were agreeable, while others were less clear and could be refined. Director of Client Solutions from GLI Joe Bunevith stated that 205 CMR 238.353 allowed patrons to request a review of any wager declared cancelled or voided by the operator. Commissioner O'Brien expressed that she did not want that to be the exclusive remedy.

Mr. Carpenter presented BetMGM's definitions for obvious error.

Sports Betting and Gaming Senior Manager of Trading Compliance from BetMGM Alex Walder stated that 70% of the jurisdictions BetMGM is active in allowed the voiding of wagers without prior approval by the regulator. He noted that New Jersey and New York required regulatory approval. Chair Judd-Stein asked if the regulatory approval caused delays. Mr. Walder stated that it is a longer process, but BetMGM follows the process. He noted that each other jurisdiction BetMGM is active in had accepted the definition of obvious error in the proposed house rules.

Commissioner O'Brien expressed that she would prefer Commission approval prior to voiding wagers. She noted that some of the criteria listed in BetMGM's proposed house rules were subjective, such as "materially different odds" and "odds being clearly incorrect". Mr. Carpenter agreed that those provisions could be viewed as areas of weakness. M

Commissioner O'Brien noted that Caesar's proposed definition for obvious error contained the same subjective criteria as BetMGM's submission. She stated that she was unsure how the consumer protections in General Law Chapter 93A would interact with this definition. She noted that the definition should be a specific list as opposed to Caesar's definition that it was not an exhaustive list.

Vice President of Trading at Caesars Entertainment Craig Mucklow stated that Caesars would work with the Commission to come to a decision regarding errors. Commissioner Maynard stated that he would be more comfortable with the Commission reviewing wagers before they are voided. The Commission reached a unanimous decision that potentially voided or cancelled bets come before the Commission for approval.

Trading Director from DraftKings Stephen Baumohl stated that he understood the Commission's concerns regarding subjectivity in the definitions. He stated that DraftKings only used these rules

in extreme circumstances and that they would be happy to collaborate with the Commission. Mr. Walder agreed on behalf of BetMGM.

Executive Director Wells stated that a condition could be placed on the operations certificate that operators come to the Commission prior to cancelling wagers until the language of the regulation is amended. General Counsel Grossman stated that the Commission could also do a waiver to the regulations that mention obvious error, 205 CMR 247.07(10) and 205 CMR 238.35.

Vice President and General Counsel from WynnBet Jennifer Roberts sought clarification as to whether an operator could cancel a wager placed in error at the patron's request before the event takes place. Chair Judd-Stein asked if this was a general practice. Mr. Walder stated that there were some non-discretionary cancellations pursuant to the house rules where the operators were forced to cancel without discretion.

Deputy General Counsel Monahan noted that 205 CMR 247.03(11) required that operators immediately cancel and refund any wagers that were unauthorized or placed on unauthorized events. She wanted to ensure that this provision was not waived, and that the waiver was exclusive to the obvious error provisions.

Commissioner Skinner asked if there were any other scenarios where a bet could be voided without Commission approval other than the patron requesting a cancellation prior to the event and the non-discretionary cancellations. Head of Gaming from BetR Alex Ursa stated that there could be an error in the payout due to a mistake in information gathered from the leagues. Mr. Bunevith explained that data providers have a technical feed to sportsbook platforms and that there can be confusion with more subjective statistics such as sacks or assists. He noted that real statistical results need to be rendered appropriately for bets.

Mr. Carpenter noted that if a customer made an error their bet could be cancelled through the operator's internal controls, but it must be performed by a supervisor. Commissioner O'Brien requested that the Commission vote on this regulation the following day to provide more time to review 205 CMR 247.0710. Commissioner Skinner and Commissioner Maynard agreed. General Counsel Grossman stated that amending the regulations would have to be added to the agenda for the next meeting.

Mr. Carpenter stated that the sports wagering division was in discussions with BetR regarding their methods of calculations. Chair Judd-Stein noted that BetR was not planning to launch on March 10, 2023, and would be returning with their house rules at a later date.

Commissioner O'Brien noted that there was a distinction between a game consequence following a penalty and betting on the penalty itself. Commissioner Maynard stated that some fouls and penalties are part of the game, and he did not foresee the statute banning wagering on penalties banning wagers on free-throws. He stated that there was a distinction between fouls that are a part of the competition and technical fouls or injuries. Commissioner Hill and Commissioner

Skinner agreed. General Counsel Grossman stated that this discussion would be helpful in drafting the language.

Commissioner Hill sought clarification regarding section four of BetR's methods of calculation. Chair Judd-Stein noted that BetR was not launching on March 10. Mr. Ursa explained that the 5.0 payout multiplier on a \$100 bet referred to the \$100 of the amount bet and the \$400 in winnings. He noted that BetR had used this calculation in other jurisdictions. Mr. Carpenter stated that it was different from the standards used by other operators and that the sports wagering division had the same concerns. Mr. Ursa stated that BetR would implement this feedback.

Chair Judd-Stein noted that outside of the definition of obvious error the changes discussed at this meeting were regarding the rounding down language submitted by Caesars and the clarification of round robin tournaments from FanDuel. Director of Regulatory and Corporate Compliance from Caesars Lisa Rankin stated that Caesars would be removing the rounding down language.

Commissioner Skinner expressed an interest in having more time to consider the proposed amended language. Commissioner Maynard stated that more time for comments was often beneficial, but the Commission had two options in terms of either the waiver or amended regulation. Commissioner Hill expressed his preference for the waiver for the two provisions and having the language return to the Commission on a future date.

General Counsel Grossman stated that the operators with specific amendments could make those changes and suggested that any wagers being cancelled or voided due to obvious errors reasons should come to the Commission for approval. Executive Director Wells stated that the changes should be submitted to Mr. Carpenter.

Mr. Walder asked if a provision could be added that the operator would seek Commission approval before voiding or cancelling bets but keep the examples of obvious errors to provide notice to the patrons of potential situations that can result in a voided bet. Chair Judd-Stein stated that would work. Commissioner O'Brien stated that the Commission did not address how they would change the definition of obvious error. Mr. Carpenter stated that the standard language would be helpful to include. He noted that there was an error in BetMGM's proposed house rules which cited 205 CMR 238.51 when it meant to reference 205 CMR 238.35. Mr. Walder stated that he would make the adjustment.

Chair Judd-Stein inquired as to what the language in this provision would consist of. Deputy General Counsel Monahan suggested the language "the operator will not cancel or void a wager due to obvious errors without prior approval of the Commission". Commissioner O'Brien suggested the additional language "and reserve the right to seek approval in the following circumstances:". She stated that this would incorporate how they define obvious error and put customers on notice.

4. [Commissioner Updates](#) (3:38:01)

The Commissioners did not present any updates at this meeting.

5. [Other Business](#) (3:30:03)

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

Commissioner Hill moved to adjourn. The motion was seconded by Commissioner Maynard.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. [Revised Notice of Meeting and Agenda](#) dated March 8, 2023
2. [Commissioner's Packet](#) from the March 8, 2023, meeting (posted on massgaming.com)



Massachusetts Gaming Commission Meeting Minutes

Date/Time: March 9, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 378 6693

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 442nd Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five Commissioners were present for the meeting.

2. [Meeting Minutes for October 20, 2022](#) (02:17)

Commissioner Hill moved that the Commission approve the minutes from the October 20, 2022, public meeting that are included in the Commissioner's Packet subject to any necessary corrections for typographical errors or other non-material matters. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

3. [Testimony Regarding Written Comments on MGC Sports Wagering Regulations](#) (04:04)

First Assistant Attorney General Pat Moore expressed concern that while legal gaming had previously been confined to brick-and-mortar sites it would now be available on all smartphones. He stated that there is a population of people negatively affected by mobile sports wagering and that the Attorney General's Office was dutybound to protect those individuals. He stated that operators needed to abide by consumer protection laws and operate in a way that mitigates addiction. He noted that those under the age of twenty-five were at particular risk. He stated that certain promotions, such as referral bonuses, were not permitted in other industries that posed public health risks. He expressed an interest in operators not using targeted digital advertising for marketing towards users, and that customers should have clear and conspicuous opportunities to opt out of marketing.

Acting Chief of Consumer Protections with the Attorney General's Office Mychii Snape stated that for decades the Attorney General's Office used their enforcement authority to investigate new industries and business practices. She expressed concerns that a businesses' attempts to secure market share could overshadow their drive to comply with the law. She stated that there should be clear rules on marketing and promotional activities to build on existing consumer protections.

Director of the Children's Justice Unit of the Attorney General's Office Liza Hirsch stated that youth are especially vulnerable to gambling. She stated that she had two main concerns about the regulations. She stated the first was ensuring the identity of the individual using the sports wagering platform, as it was only required upon account creation and not when wagers were placed. She noted that this left the possibility of an underage user using another's account. She expressed that there should be a minimum standard for accuracy and reliability of age verification.

Ms. Hirsch stated that many advertising platforms can exclude advertising to those under the age of twenty-one. She stated that it should be a requirement that the operators exclude all those under the age of twenty-one from advertising campaigns if that option is available.

Chief of Data Privacy and Security with the Attorney General's Office Jared Rinehimer expressed concern over the potential unfair or deceptive practices that can result from the use of consumer information. He stated that it is possible to alter how the applications behave based on user information to alert the user to reopen the application or take certain actions. He stated that the use of information gathered for advertising purposes from the operators should be prohibited.

Commissioner O'Brien stated that the data from the operators would help develop responsible gaming practices for mobile applications. She expressed an interest in a discussion regarding the interplay of General Law Chapter 93A and the Commission's regulations. She noted that referral bonuses could be used to sidestep the Commission's regulations related to third-party marketing affiliates. She stated that she looked forward to collaborating with the Attorney General's Office.

Commissioner Skinner expressed that she would like to see the Commission explore options regarding consumer data, and suggested the Commission look towards New Jersey's decisions to help inform their understanding of problem sports wagering behavior. She stated that she looked forward to strengthening the advertising regulations to protect the Commonwealth's residents.

Commissioner Hill stated that he was optimistic about this partnership and that he wanted to ensure the protection of Massachusetts consumers and youth. Commissioner Maynard stated that engaging with the Attorney General's Office would provide information that would help the Commission adjust as needed.

Chair Judd-Stein stated that the Commission was focused on ensuring consumer protections, responsible gaming tools and integrity in gaming systems. She stated that the promulgation process for the advertising regulation ends on March 23, and that the language could be strengthened before that date.

Mr. Moore stated that the Attorney General's Office would share proposed language changes during the comment period. He stated that the two primary concerns were having the operators exclude advertising to those under twenty-one where available and the possibility of the Commission reviewing promotions' structure prior to the promotion advertisement airing in order to ensure that the promotions are compliant with responsible gaming and consumer focused. Ms. Snape stated that it would be helpful to acknowledge directly in the advertising regulations that the operators must comply with other laws in the Commonwealth. She stated similar language was in the daily fantasy sports regulations.

4. [Sports Wagering](#) (50:56)

Executive Director Karen Wells stated that as the house rules had not been voted on yet, the memorandum regarding the operators' operations certificates was still in draft form. She requested a break between agenda items 4(c) and 4(d) to finalize the memorandum and post it to the Commission website after the vote on house rules.

a. [Status Update on Report of Advertisement of Credit Card/Pre-Paid Card Use](#) (52:35)

Director of Sports Wagering Bruce Band introduced Chief Enforcement Counsel Heather Hall. Chief Enforcement Counsel Hall explained that issues were raised with three FanDuel advertisements. She noted that one referenced iGaming and another referenced free bets. She stated that those two advertisements had been pulled, but a third advertisement referenced

loading a sports wagering account with credit cards and prepaid cards. She stated that FanDuel indicated that it may take a day to get the third advertisement out of circulation. She requested Commission guidance on how to proceed with respect to these types of matters.

Commissioner O'Brien noted that she had reported these advertisements. She stated that FanDuel was responsive, but expressed concern that there was a myriad of alleged violations happening at the launch. She noted that the potential violations were not self-reported, and that she wanted to investigate further. Commissioner Skinner agreed and asked the Investigations and Enforcement Bureau ("IEB") to share the advertisements with the rest of the commissioners so that the Commission would have full context.

Chair Judd-Stein stated that the Commission should consider developing protocols for the IEB beginning an initial review of alleged violations. She noted that the previous non-compliance issues related to offering wagers on unauthorized events were self-reported, and the non-compliance was established by the report. She stated that a determination of non-compliance needed to be made here as it was not the operator who reported it.

Commissioner O'Brien stated that some of the instances were admitted non-compliance. Commissioner Skinner requested that the Commission be fully informed regarding the circumstances of these advertisements. Chair Judd-Stein agreed. Executive Director Wells stated that Commissioner O'Brien reported the advertisements, Director Band had approached the operator, and the operator pulled the advertisements. Chair Judd-Stein stated that as not all commissioners were apprised regarding this issue that the Commission should be careful about making conclusions on the information.

Commissioner O'Brien stated that the licensee was responsive but that the third advertisement was not pulled until a week later. She expressed an interest in fast-tracking advertising violations. Chair Judd-Stein stated that the discipline regulation was drafted to allow the Commission to act quickly. Deputy General Counsel Caitlin Monahan stated that it would be good for the Commission to have an internal policy as to how these different issues are addressed. Director of the IEB Loretta Lillios stated that the IEB should evaluate the nature of non-compliance even in self-reported matters.

Commissioner O'Brien stated that further clarity about how quickly various marketing mediums could be pulled would help inform her decision. Chair Judd-Stein stated that advertisement issues not addressed immediately could allow harm to continue, but that she needed more information about the specific instance of alleged non-compliance.

Commissioner Hill agreed and requested the IEB return to the Commission after an initial investigation. Commissioner Maynard stated that the Commission should take an active role in developing the process for disciplinary action. Commissioner Skinner requested that information about these advertisements be circulated to the Commission. She noted that FanDuel also had advertisements detailing wager limits and account restrictions.

Commissioner O'Brien requested that a placeholder agenda item be added to public meetings for potential advertising violations. Chair Judd-Stein questioned whether this would impact the IEB investigation and stated that she would want to check in with the IEB about that process.

Commissioner Skinner stated that it would not likely be harmful to the investigation to have the IEB send the Commission the advertisements as the advertisements were available to the public. Director Lillios stated that she would work with the sports wagering division and the operator to send the Commission the advertisements in question.

b. [Update as to implementation of intercept review procedures for category 3 operators for past due child support and tax obligations in accordance with G.L. c. 23N, §24](#)
(1:24:04)

General Counsel Todd Grossman stated that General Law chapter 23N § 24 required the potential intercept of winnings for past due taxes or child support obligations. He stated that the operators were working alongside the Department of Revenue ("DOR") to integrate DOR's data directly into the operators' platforms with an API system. He stated that this system would be ready in a couple of months. He stated that until the API system was ready the operators would use e-services to manually check against DOR's information. He noted that e-services required that each operator have a memorandum of understanding ("MOU") with DOR and background checks of the operator's employees implementing the check. He noted that five of six operators planning to launch on March 10 had an employee undergo these background checks.

General Counsel Grossman stated that e-services might not be ready for the launch date. He presented two options to the Commission. The first option was that licensees withhold winning until an e-services program is available to query the DOR information. The second option was to allow the operators to pay winnings to patrons, but also be responsible for making the Commonwealth whole should the individual later be identified as owing taxes or child support obligations. He noted that the operators and DOR were working to get e-services operation for the launch on March 10.

Commissioner O'Brien asked if the operators would attempt to seek repayment if they pay a patron's obligations this way. General Counsel Grossman noted that the licensees had once paid the patron's obligations when the system checking DOR records was failing to communicate. He noted that in that instance they did not charge the patron. He stated that e-services would likely be available within the next couple of days.

Commissioner Skinner suggested that operators have the choice between option one and option two until e-services were available. General Counsel Grossman stated that API was expected to be used in September and that e-services will only be used until then. He stated that the two options were the most practical options.

Commissioner Maynard stated that an operator paying tax liability or child support would likely trigger a taxable event. He expressed the importance of ensuring that wagers are checked for any obligations owed to DOR. He stated that he supported option one. Commissioner Hill stated that he preferred option one.

Commissioner Skinner stated that withholding winnings from patrons could potentially penalize a patron who does not have tax or child support obligations. She stated that she was less inclined to have an individual not implicated by DOR issues to be penalized and have their winnings withheld for any period of time. She stated that there were no definitive guarantees that the operators would have e-services in place within 72 hours. She stated that withholding funds from those who did not have outstanding obligations seemed inequitable. She stated she supported option two or not launching until e-services were in place.

Chair Judd-Stein questioned whether option two could be imposed on operators, or whether it would have to be a courtesy the operators agree to. Commissioner O'Brien stated that it could be done as a condition. Commissioner Skinner suggested having operators not allow wagers that would trigger a taxable event until e-services were in place. Chief Financial and Accounting Officer ("CFAO") Derek Lennon stated that prohibiting wagering until e-services were in place would have a huge impact on the available betting catalog and require an extensive amount of work.

Chair Judd-Stein requested clarification as to whether imposing the second option was within the Commission's authority. She noted that the previous instance where this option was used was suggested by the licensee rather than imposed by the Commission. Commissioner Skinner inquired as to what assurances had been made that the e-services would be in place within 72 hours. General Counsel Grossman stated that the timeline on e-services was approximate and that it is possible that an operator could want to renegotiate every term in their MOU. CFAO Lennon stated that it could take a week. General Counsel Grossman noted that the MOUs with the casinos allowed the licensee to decide if they would do option one or option two in the event the system goes down.

Commissioner O'Brien moved that in the absence of an electronic check that the operators agree that they are responsible for any back tax or child support that is owed, and that the operators can address that responsibility by either delaying payment until a manual check is performed or by making the payment in the event that it is subsequently determined that it was owed. Commissioner Hill seconded the motion.

Roll call vote:

<i>Commissioner O'Brien:</i>	<i>Aye.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner Skinner:</i>	<i>Aye.</i>
<i>Commissioner Maynard:</i>	<i>Aye.</i>
<i>Chair Judd-Stein:</i>	<i>Aye.</i>

The motion passed unanimously, 5-0.

General Counsel Grossman stated that casino MOUs were amended to incorporate sports wagering. He stated that the licensees agreed to cooperate with the process of getting API services running. He noted that some operator employees still needed to undergo background checks for the e-services process.

Commissioner O'Brien moved that the Commission authorize Executive Director Karen Wells to sign and execute the memorandums of understanding that are currently being finalized between the Department of Revenue and the various licensees absent any material change in the current drafts or anything that is inconsistent with today's conversation amongst the commissioners. 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.

c. [Approval of House Rules for Category 3 Operators](#) (2:35:29)

Sports Wagering Operations Manager Sterl Carpenter stated that all licensees except for Encore Boston Harbor ("EBH") had provided the changes requested during the previous day's meeting. He asked that the Commission approve EBH's house rules with the caveat that they had not yet submitted the change regarding the requirement of Commission approval prior to voiding wagers for obvious error. Mr. Carpenter stated that EBH had indicated that they would submit the changes soon.

Chair Judd-Stein noted that the draft motions only addressed the house rules for category three operators. Commissioner Hill asked if a vote was required on the amendments to the category one licensee's house rules. Deputy General Counsel Monahan stated that a vote to amend was required by statute. She stated that a waiver was required for the provisions related to obvious error due to the discussion in the prior meeting.

Commissioner Hill moved in accordance with 205 CMR 202.02(3) that the Commission issue a waiver to all licensed sports wagering operators from the provisions of 205 CMR 247.0710 and 205 CMR 238.35(1)(h) and (i) until such time as the waiver is lifted by the Commission or the regulations are amended as granting a waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purpose of General Law Chapter 23N and further that while the waiver is in effect all licensed sports wagering operators shall not cancel or void a wager due to a material change in circumstances or an obvious error without prior approval from the Commission as outlined in 205 CMR 238.35. 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.

Executive Director Wells stated that EBH had sent over the amended house rules complying with the requested changes. Commissioner Skinner asked for a brief summary to be presented on the changes made by retail operators prior to voting on the amended house rules.

Commissioner Skinner moved that the Commission approve the house rules submitted by category three sports wagering operator Penn Sports Interactive 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.

Commissioner Hill moved that the Commission approve the house rules submitted by category three sports wagering operator 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 Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Commissioner Skinner moved that the Commission approve the house rules submitted by category three sports wagering operator American Wagering Inc. DBA Caesars Sportsbook 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 Skinner: Aye.
Commissioner Maynard: Aye.
Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Commissioner Maynard moved that the Commission approve the house rules submitted by category three sports wagering operator Crown MA Gaming LLC, DBA DraftKings 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.

Commissioner Skinner moved that the Commission approve the house rules submitted by category three sports wagering operator Betfair Interactive, DBA 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.

Commissioner O'Brien moved that the Commission approve the house rules submitted by category three sports wagering operator 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 Skinner: Aye.
Commissioner Maynard: Aye.
Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Chair Judd-Stein noted that some of the category three operators were not launching on March 10, 2023, and that those operators house rules would be approved at a later date.

Mr. Carpenter stated that EBH had updated the language related to how the Commission should be contacted regarding unresolved patron complaints. He noted that all licensees were provided this language from the Commission staff.

Mr. Carpenter stated that MGM Springfield had added a minimum and maximum wagers. He explained that they had deleted a line about payout ratio limits and deleted references regarding wagering on penalties such as yellow cards.

Mr. Carpenter stated that Plainridge Park Casino had added minimum and maximum wagers. He stated that they had cleaned up grammatical errors and changed the language related to parlay wagers to clarify the definition. He stated that language referencing wagering on penalties was removed. Mr. Carpenter noted that all of the category one licensees had addressed their obvious errors provisions as requested at the previous meeting.

Commissioner Hill moved that the Commission approve the amended house rules submitted by the category one sports wagering operator Penn National DBA Plainridge Park Casino as included in the Commissioner's Packet and discussed here 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.

Commissioner Skinner moved that the Commission approve the amended house rules submitted by the category one sports wagering operator Encore Boston Harbor 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 Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Commissioner Hill moved that the Commission approve the amended house rules submitted by the category one sports wagering operator MGM Springfield 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 Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

d. [Operations Certificate for Launch of Category 3 Operators](#) (3:57:50)

Director Band explained that operations certificates were governed by 205 CMR 251. He stated that requests for operations certificates were received from Caesars, BetMGM, DraftKings, FanDuel, Penn Sports Interactive, and WynnBET. He stated that operators were required to comply with General Law Chapter 23N and the Commission's regulations. He stated that in order to receive an operations certificate the operators must have an approved system of internal controls, implement the required policies and procedures, provide the Commission with a list of sports wagering employees, sports wagering vendors, and other vendors. He stated that the operators must also comply with any other conditions imposed by the Commission. He noted that internal controls required the approval of house rules, implementation of the voluntary self-exclusion list and responsible gaming plan.

Director Band stated that Caesars Sportsbook was seeking a waiver in their request for an operations certificate. He explained that in testing Caesars did not initially pass the requirements related to 205 CMR 248.16. He stated that a fix was submitted to Gaming Laboratories International ("GLI") for testing, but that they were still awaiting GLI approval.

Vice President of Product Compliance with Caesars Sportsbook Floyd Barroga stated that Caesars had successfully remedied the issue and that the platform met the requirements of 205 CMR 248.16. Client Solutions Executive from GLI Gabe Benedik stated that Caesars' system was verified and that a letter of compliance would be issued by the end of day. Chair Judd-Stein asked if additional checks would have to be performed by Commission's IT staff. Manager of Gaming Technical Compliance Christian Taveras stated that once the letter was received there would be additional review and verification. Commissioner Skinner asked if there was any reason to believe that the Commission's internal check would not meet requirements. Mr. Taveras replied that there was no concern that the check would not meet requirements.

Mr. Benedik explained that none of the operators had any major or minor non-conformities. Commissioner O'Brien requested that the Commission review and compare the observations in section four of the report. Commissioner Skinner agreed.

CFAO Lennon stated that observations did not impact the internal controls or regulations as written. He noted that if the observations had an impact, they would be considered non-conformities. Commissioner O'Brien requested more information regarding the observation in Barstool Sports' report regarding 205 CMR 254.031. Executive Director Wells stated that the

observations were not violations that would require the operators to not launch. She stated that the observations were areas the Commission could work with the operators on moving forward. She stated that discussing all observations may take time and would be better suited for a future meeting.

Chair Judd-Stein stated that if the observations were impactful, they would have been moved to non-compliance. She stated that the sports wagering division can look into the observation issues. Commissioner O'Brien requested to review and compare the GLI reports. Commissioner Skinner stated that she was in support of reviewing the reports from GLI but that she did not call into question GLI's judgement. Commissioner Maynard expressed his support for Commissioner O'Brien's request for more information.

Director of Client Solutions from GLI Joe Bunevith explained that some internal controls were not active as the sportsbooks were not currently active. He explained that there was additional auditing that would occur once the operators were live. Client Solutions Executive from GLI

Client Solutions Executive from GLI Thorsten Toms presented the summary of each GLI report from section four. Commissioner O'Brien asked what the difference between verification and auditing were in relation to the audit cycle. Mr. Toms stated that audits will occur at some point in the future and verification is within 90 days.

Executive Director Wells stated that FanDuel had no major or minor non-conformities.

Commissioner Skinner moved that the Commission finds that the requirements outlined in 205 CMR 251 have been satisfied and that an operations certificate be awarded to Betfair Interactive DBA FanDuel Sportsbook for the purposes of operating a category three sports wagering operation commencing March 10, 2023, conditional upon Betfair Interactive DBA FanDuel Sportsbook completing operational audits of wagering procedures and practices and technical security controls as required by the Commission's technical standards governing sports wagering at 205 CMR 243.011 (s) and 205 CMR 243.011 (x) within ninety days of the commencement of sports wagering operations. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Executive Director Wells stated that Penn Sports Interactive had no minor or major non-conformities identified. Commissioner O'Brien requested that the Commission circle back at a later point regarding the observation noted for 205 CMR 254.031.

Commissioner Hill moved that the Commission finds that the requirements outlined in 205 CMR 251 have been satisfied and that an operations certificate be awarded to Penn Sports Interactive for the purposes of operating a category three sports wagering operation commencing March 10, 2023, conditional upon Penn Sports Interactive completing operational audits of wagering procedures and practices and technical security controls as required by the Commission’s technical standards governing sports wagering at 205 CMR 243.011 (s) and 205 CMR 243.011 (x) within ninety days of the commencement of sports wagering operations. Commissioner Skinner seconded the motion.

Commissioner O’Brien offered an amendment to add “DBA Barstool Sports” after Penn Sports Interactive. Commissioner Hill accepted the amendment.

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.

Executive Director Wells stated that DraftKings had no minor or major non-conformities. She stated that DraftKings was in compliance with all regulations.

Commissioner Maynard moved that the Commission finds that the requirements outlined in 205 CMR 251 have been satisfied and that an operations certificate be awarded to Crown MA Gaming LLC DBA DraftKings for the purposes of operating a category three sports wagering operation commencing March 10, 2023, conditional upon Crown MA Gaming LLC DBA DraftKings completing operational audits of wagering procedures and practices and technical security controls as required by the Commission’s technical standards governing sports wagering 205 CMR 243.011 (s) and 205 CMR 243.011 (x) within ninety days of the commencement of sports wagering operations. 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.

Executive Director Wells stated that WynnBET had no non-conformities identified in the review and no observations indicated in the report.

Commissioner O'Brien moved that the Commission finds that the requirements outlined in 205 CMR 251 have been satisfied and that an operations certificate be awarded to WynnBET for the purposes of operating a category three sports wagering operation commencing March 10, 2023, conditional upon WynnBET completing operational audits of wagering procedures and practices and technical security controls as required by the Commission's technical standards governing sports wagering 205 CMR 243.011 (s) and 205 CMR 243.011 (x) within ninety days of the commencement of sports wagering operations. 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.

Executive Director Wells stated that BetMGM had no non-conformities identified in review and no observations indicated in the report.

Commissioner Skinner moved that the Commission finds that the requirements outlined in 205 CMR 251 have been satisfied and that an operations certificate be awarded to BetMGM for the purposes of operating a category three sports wagering operation commencing March 10, 2023, conditional upon BetMGM completing operational audits of wagering procedures and practices and technical security controls as required by the Commission's technical standards governing sports wagering 205 CMR 243.011 (s) and 205 CMR 243.011 (x) within ninety days of the commencement of sports wagering operations. 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.

Executive Director Wells stated that Caesars Entertainment had no non-conformities identified during the review, but that Caesars needed to submit their data security plan to the Commission and fix an incorrect reference. Chair Judd-Stein noted that the Commission was still awaiting the GLI letter and final verification for Caesars. Mr. Bunevith stated that the GLI report was available and sent to the Commission. Commissioner O'Brien requested a follow-up regarding Caesars' data security plan.

Commissioner Skinner stated that Caesars would have to withdraw their request for a waiver once the GLI letter was verified. Mr. Taveras stated that GLI had certified Caesars' platform and

that he had verified the signatures on Caesars' platform via screenshare. General Counsel Grossman stated that Caesars no longer needed a waiver as they were now in conformance. Mr. Barroga withdrew Caesars' request for conditional approval.

Commissioner Maynard moved that the Commission finds that the requirements outlined in 205 CMR 251 have been satisfied and that an operations certificate be awarded to American Wagering Inc. DBA Caesar's Sportsbook for the purposes of operating a category three sports wagering operation commencing March 10, 2023, conditional upon American Wagering Inc. DBA Caesar's Sportsbook completing operational audits of wagering procedures and practices and technical security controls as required by the Commission's technical standards governing sports wagering 205 CMR 243.011 (s) and 205 CMR 243.011 (x) within ninety days of the commencement of sports wagering operations. 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.

5. [Investigations and Enforcement Bureau](#) (5:56:34)

a. Report on Encore Boston Harbor's Non-Compliance with Approved Massachusetts Sports Wagering Catalog

Chief Enforcement Counsel Hall introduced Enforcement Counsel Zachary Mercer. Mr. Mercer stated that there were two incidents of non-compliance at EBH in February of 2023. He noted that this was the second incident of non-compliance from EBH with similar facts. He stated that on February 21, 2023, EBH Senior Vice President and General Counsel Jacqui Krum notified the sports wagering division that EBH inadvertently offered wagering on two unauthorized events. She stated that EBH became aware of the unauthorized events on February 15 and despite actions taken to disable the events, the events were active, and wagers were placed on an NCAA event featuring a team from the commonwealth. She noted that the unauthorized events were identified by a WynnBET trader.

Mr. Mercer stated that the first incident of non-compliance was on a Boston College women's basketball game on February 12. He stated that wagering was available for four hours and that three wagers were placed totaling \$163. He stated that there was one winner with a parlay wager who received \$12.37 from the unauthorized game. He stated that the second incident of non-compliance was regarding a Boston College women's basketball Game on February 19. He stated that four wagers were placed totaling \$50 and that there was one winning wager redeemed for \$9.09. He stated that all seven bets were placed at a kiosk.

Mr. Mercer stated that IEB had reviewed reports from EBH and their vendor GAN. He stated that Gan reported that the submitted titles for the event did not match the titles on the exclusion list. He stated that GAN had excluded Boston College as a term, but that Boston College Eagles Women was not excluded.

Mr. Mercer stated that GAN had placed Boston College Eagles Women, BC, and BC Eagles to the list of excluded teams. He stated that EBH reported GAN is in the process of implementing additional access for WynnBET traders to have control over the posted offerings. He noted that this would increase the ability for WynnBET traders to suspend wagers quicker. He noted that EBH's twice daily audits were still in place.

Commissioner O'Brien questioned if there was a possible way to code the various teams more clearly. Director Lillios stated that the agenda item was only for a report on the matter, and that the party was not present. Chair Judd-Stein noted that for similar matters of non-compliance the Commission had decided to utilize an adjudicatory hearing. The Commission reached unanimous consensus to have an adjudicatory hearing on this matter. Chief Enforcement Counsel Hall stated that the hearing for the first EBH matter was scheduled for March 14. Deputy General Counsel Monahan stated that the second non-compliance matter from EBH will be heard sometime after March 14.

6. [Community Affairs](#) (6:08:04)

a. Request by City of Medford to Repurpose Community Mitigation Funds

Chief of the Community Affairs Division Joe Delaney presented a request from the City of Medford to transfer money between their transportation planning grants. He stated that Medford had two planning grants, one for the Route 28 Wellington underpass and the other being the South Medford Connector bike-path. He noted that the Massachusetts Department of Transportation ("MassDOT") had taken over the bike-path project, and that there was \$175,604 left in the grant. He stated that the City of Medford requested these funds to be transferred to the Route 28 Wellington underpass project.

Chief Delaney stated that the underpass project would be built by MassDOT once the design plans were developed. He stated that transferring the funds would get the design to 75% where MassDOT would take over. He recommended the transfer of \$175,604 from the South Medford Connector grant to the Route 28 Wellington underpass grant.

Chair Judd-Stein asked if the Commission was capping the contribution at the 75% design level. Chief Delaney clarified that the proposed transfer would get the design level to 75%, but that MassDOT indicated they would take over the project when it reached 75% rather than 100%.

Commissioner Hill moved that the Commission authorize a transfer of \$175,604 from the City of Medford's 2018 transportation planning grant to the City of Medford's 2019 Wellington Route

28 underpass project transportation planning grant for further design of the Route 28 Wellington underpass. 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.

7. [Research and Responsible Gaming](#) (6:16:05)

a. Proposed FY24 Research Agenda

Chair Judd-Stein stated that Director of the Research and Responsible Gaming Division Mark Vander Linden requested this item be moved to a future public meeting to allow for more discussion.

8. [Commissioner Updates](#) (6:16:31)

Commissioner O'Brien requested that the sports wagering division send the online promotions she reported to the other commissioners for review.

9. [Other Business](#) (6:17:56)

Executive Director Wells stated that a disclosure of the appearance of a conflict of interest was filed under General Law Chapter 268A § 23 (b)(3) related to the sports wagering vendor GeoComply. She stated that GeoComply had provided the Commission with video technology equipment that shows maps of real-time bets being placed on mobile sports wagering. She stated that this technology would be displayed near the entrance of the Commission's office. She stated that the decision to accept this equipment will not influence the Commission's dealings with GeoComply. She stated that the legal department confirmed that the Commission had the authority to appropriately accept this equipment. She stated that the equipment was a television valued at \$596.99, a wall mount valued at \$99.99, and an Apple Mac Mini 2 base model valued at \$599 for a total value of \$1295.98. Chair Judd-Stein stated that it was her understanding that GeoComply worked closely with regulators.

10. [Executive Session](#) (6:20:38)

Chair Judd-Stein read into the record that the Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(3) to discuss strategy relative to potential litigation related to the employment status and associated circumstances pertaining to a former racing official.

Commissioner Skinner requested the discussion set for executive session be postponed due to time considerations. Commissioner O'Brien stated that it would be helpful to receive the procedural posture while outside counsel was on the call. Commissioner Skinner agreed and stated that she wanted to be respectful of the outside counsel's time.

Commissioner O'Brien moved that the Commission go into executive session in accordance with General Law Chapter 30A § 21 (a)(3) to discuss strategy relative to potential litigation relating to the employment status and associated circumstances pertaining to a former racing official. 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.

Chair Judd-Stein stated that the public session of the Commission meeting would not reconvene at the conclusion of the executive session.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated March 8, 2023
2. [Commissioner's Packet](#) from the March 9, 2023, meeting (posted on massgaming.com)



Division of Racing

2022 ANNUAL REPORT

YEAR ENDING DECEMBER 31, 2022

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COMMISSIONERS

Cathy Judd-Stein Chair

Eileen O'Brien Commissioner

Bradford Hill Commissioner

Nakisha Skinner Commissioner

Jordan Maynard Commissioner

EXECUTIVE STAFF

Karen Wells Executive Director

Todd Grossman General Counsel

Bruce Band Assistant Director IEB and Gaming Agents Division Chief

Joe Delaney Chief, Division of Community Affairs

Katrina Jagroop-Gomes Chief Information Officer

Alexandra Lightbown, D.V.M. Director of Racing and Chief Veterinarian

Loretta M. Lillios Director of Investigations and Enforcement Bureau

Mark Vander Linden Director of Research and Responsible Gaming

Thomas Mills Chief of Communications

David Muldrew Chief People and Diversity Officer

Derek Lennon Chief Financial Officer

Karalyn O'Brien Chief, Division of Licensing

DIVISION OF RACING

Alexandra Lightbown, D.V.M. Director of Racing and Chief Veterinarian

Chad Bourque Financial Analyst

William Egan Licensing Coordinator

MISSION STATEMENT

The mission of the Massachusetts Gaming Commission is to create and maintain a fair, transparent, and participatory process for implementing the expanded gaming law passed by the Legislature and signed by the Governor in November, 2011.

The Commission strives to ensure that its decision-making and regulatory systems engender the confidence of the public and participants, and that they provide the greatest possible economic development benefits and revenues to the people of the Commonwealth, reduce to the maximum extent possible the potentially negative or unintended consequences of expanded gaming, and allow an appropriate return on investment for gaming providers that assures the operation of casino-resorts of the highest quality.

The Massachusetts State Racing Commission (“SRC”) was a predecessor agency created by an act of the General Court in 1934. The State Racing Commission, pursuant to Chapter 4 of the Acts of 2009, was transferred to the Division of Professional Licensure (“DPL”), on January 1, 2010. Effective May 20, 2012, all State Racing Commission functions were further transferred to the Massachusetts Gaming Commission, pursuant to Section 89 of Chapter 194 of the Acts of 2011. DPL continued to manage all racing operations through an inter-agency service agreement through the end of calendar year 2012. The Division of Racing of the Massachusetts Gaming Commission assumed control of the fiscal and operational activities of the old State Racing Commission on January 1, 2013.

2022 MILESTONES

Once again, Plainridge successfully hosted the \$250,000 Spirit of Massachusetts Trot and the \$100,000 Clara Barton Pace. They added the \$100,000 Paul Revere Pace for 3-year-old pacers and the \$100,000 Battle of Bunker Hill Trot for 3-year-old trotters. These all drew national attention to Massachusetts harness racing. The Sire Stakes Program for horses bred in Massachusetts continued to grow, giving out over \$2,000,000 in purses.

Plainridge, the horsemen and women, the Grand Circuit and the Division of Racing worked cooperatively to move the Spirit of Massachusetts Trot and Clara Barton Pace from Sunday to Monday, due to extreme weather conditions. The Division of Racing thanks them all for their cooperation.

PLAINRIDGE PARK CASINO

MAILING ADDRESS

Plainville Gaming and Redevelopment, LLC
d/b/a Plainridge Park Casino
301 Washington Street
Plainville, MA 02762
(508) 643-2500



PLAINRIDGE PARK
CASINO

MEET PERIOD

April 11, 2022 – November 25, 2022

2022 RACING STATS

Number of race days:	109
Number of races (excluding Sire Stakes):	1050
Number of starts (excluding Sire Stakes):	7,783
Average field size (excluding Sire Stakes):	7.4
Purses (excluding Sire Stakes):	\$13,536,420
Average daily purse (excluding Sire Stakes):	\$124,187
Number of Sire Stake Races:	36
Number of Sire Stake Starters:	78
Number of Sire Stake Starts:	232
Average field size:	6.4
Sire Stake purses:	\$2,560,000
Average Sire Stake purse per race:	\$71,111

TRACK STATS

Barn Area Stall Space:	180
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RACE TRACK

5/8ths mile
Pylons

SUFFOLK DOWNS

MAILING ADDRESS

Sterling Suffolk Racecourse, LLC
525 McClellan Highway
East Boston, MA 02128
(617) 567-3900



SIMULCASTING

5 days a week

RAYNHAM PARK

MAILING ADDRESS

1958 Broadway
Raynham, MA 02767
(508) 824-4071



SIMULCASTING

6 days a week

WONDERLAND PARK

MAILING ADDRESS

d/b/a/ Sterling Suffolk LLC
525 McClellan Highway
East Boston, MA 02128
(617) 567-3900



SIMULCASTING

5 days a week

LICENSING

LICENSING STAFF

Bill Egan Licensing Coordinator

George Carrifio Contract Licensing Coordinator

John Gilbert Contract Licensing Coordinator

One of the Commission's foremost responsibilities is the issuance of occupational licenses to every person who participates in racing, and to associations who operate the Commonwealth's racetracks and simulcast facilities. Licensing Coordinators supervise the operation of the Commission's field offices located at Suffolk Downs, Raynham Park, and Plainridge Park Casino. They work closely with Judges, racing officials, track security, the State Police unit and the Gaming Commission to ensure that operations at each track are efficient and effective.

APPLICATIONS FOR LICENSURE

The licensing process requires that every person who participates in racing complete an application. The application is reviewed for completeness by licensing staff who then forward the application to the Massachusetts State Police Gaming Enforcement Unit, who conduct a background check of the applicant.

Once the background check is completed, the application is sent to the Board of Judges at each track. The Board reviews the application to determine if the applicant has the required integrity, ability, and the eligibility for the license for which the applicant has applied. The Commission also has access to the Association of Racing Commissioners' International (ARCI) files in Lexington, Kentucky and the United States Trotting Association's (USTA) database for violations. These files maintain a record of every racing related offense attributed to an applicant anywhere in the country. The Commission provides reciprocity to other jurisdictions and their licensing decisions.

If the Judges recommend licensing an applicant, the licensing staff collects the required fee and enters the appropriate information in the Commission's computer network. The applicant is issued a license card that entitles him to a photo identification badge. No person may enter any restricted area of a racetrack without a photo identification badge. Occupation's license includes jockeys, drivers, trainers, assistant trainers, owners of racing animals, blacksmiths, racing officials, vendors, stable employees and pari-mutuel clerks. Occupational licenses expire annually on December 31.

In 2022, the Division of Racing issued 1,674 occupational licenses and badges to persons participating in horse racing and simulcasting in the State, collecting a total of \$60,120.

MA STATE POLICE INVESTIGATIVE UNIT

MA STATE POLICE

Kevin Young Sergeant

Robert Miller Trooper

Scott Walker Trooper

The Commission's goals of protecting racing participants and the wagering public as well as maintaining the public's confidence in para-mutual wagering are achieved through the Commission's licensing, revenue collection, and investigative activities.

The Gaming Commission applies to the Department of Public Safety for an assignment of a compliment of police officers. In the performance of their duties, the State Police Investigative Unit investigates violations of the rules of racing and the Massachusetts general laws. The Investigative Unit's extensive responsibilities and activities have resulted in a major improvement in the Commission's regulatory/policing functions.

INVESTIGATIONS | BACKGROUND CHECKS

The State Police Investigative Unit committed itself to maintain a constant presence at each racetrack, especially during live racing, working closely with the Judges and other Commission and racing officials to help ensure that each track operated with honesty and credibility. Investigations and inspections are conducted by officers assigned to the State Police Racing Unit and aid in preserving the integrity of racing.

The State Police Investigative Unit conducts stable inspections that focus on the detection of safety violations, the presence of unlicensed persons in restricted areas, and the possession of illegal medications, drugs, and contraband. The State Police Investigative Unit conducts investigations relating to hidden ownership of racehorses, larceny, conduct detrimental to racing, and other administrative inspections. The Unit also conducts background checks and fingerprint submissions pursuant to Massachusetts Racing Licenses. These include Gaming Commission Employees, Racing Officials, and all occupational licensees, who participate at Massachusetts Race Tracks.

State Police Racing members work in conjunction with Gaming Enforcement members stationed at Massachusetts casinos, and the Commission headquarters in Boston. Racing Members are often first to arrive on assistance calls ranging from, medical, arrests, ejections, and altercations.

In 2022, the State Police Investigative Unit performed 1,204 background checks for the Division of Racing.

VETERINARY SERVICES

VETERINARIANS

Alexandra Lightbown, D.V.M. Director of Racing and Chief Veterinarian

Kevin Lightbown, D.V.M. Contract Veterinarian

Rise Sheehan, D.V.M. Contract Veterinarian

The Commission Veterinarians play an indispensable function in ensuring that the quality and integrity of racing within the Commonwealth remains strong by protecting the health and welfare of the equine athletes in Massachusetts.

EQUINE DRUG TESTING

A Commission Veterinarian supervises the testing areas in order to ensure proper collection and continuity of evidence for blood and urine samples collected from the racing animals.

Commission Veterinarians also testify at hearings and meetings on medication use, drug violations, animal care, new policies and procedures, etc.

LABORATORY SERVICES

INDUSTRIAL LABORATORY

In 2016, Massachusetts changed its testing laboratory to Industrial Laboratory in Colorado. Industrial Laboratory is ISO 17025 and Racing Medication Testing and Medication Consortium accredited. They perform testing for several racing jurisdictions. Testing protects the health of the animals and the integrity of races and contests.

Industrial is committed to improving their ability to detect new drugs of abuse. They work closely with the Association of Official Racing Chemists (AORC), Association of Racing Commissioners International, Inc. (ARCI) and Racing Medication Testing Consortium (RMTC). As a result, Industrial Laboratory is a driving force in the application of new technology for the drug testing industry.

In addition to testing urine and blood samples for the presence of drugs, Industrial analyzes syringes, vials, powders and a variety of materials seized as evidence. They also test for drugs in a variety of nutritional supplements.

INTEGRITY OF SAMPLES ENSURED

Special precautions are taken at all Massachusetts racetracks when post-race blood and urine samples are collected to ensure that no tampering can take place. In order to assure the continuity of evidence, every winning horse and all designated horses are under the surveillance of a Gaming Commission employee from the finish of the race until the specimens are obtained.

SAMPLES TAKEN AND ANALYZED

2022 marked the tenth year that the Massachusetts Gaming Commission's Division of Racing participated in the Controlled Therapeutic Medication Program.

There were 1,127 Paired Urine/Blood Samples Analyzed, 1,124 Blood Samples Analyzed, and 2,416 TCO₂ Blood Samples Analyzed.

At Plainridge Park Casino, there was one adverse finding for Altrenogest and two adverse findings for TCO₂. There were three overages for Dexamethasone and one for Phenylbutazone.

Items confiscated in the course of investigations are also submitted for analysis. These items may include feed preparations, vitamins, liniments, antibiotics, other pharmaceuticals and medical devices such as needles and syringes.

ENFORCEMENT OF RULES & REGULATIONS

Enforcement of the rules and regulations of racing begins with the investigation of complaints and prosecution of alleged violations by the Board of three Judges at the racetrack. One Judge is appointed by the racetrack and must be approved by the Gaming Commission and licensed as a racing official. Two Judges are appointed by the Gaming Commission.

The Judges are responsible for reviewing all occupational license applications and recommending or not recommending the applicant for a license. The Judges are present at the racetrack each day on which there is live racing and they oversee everything from drawing of post positions to making official the results of every race. In addition, the Judges preside over all hearings conducted at the track and report their rulings and findings to the Gaming Commission.

Before post time of the first race, the Judges review the daily program of races to approve any changes or report errors. Changes are reported to each department that might be affected by the change (i.e., mutuels, paddock judges, patrol judges, starters, clerk of the course, clerk of scales, program director, TV department and announcer). All changes are also reported promptly to the wagering public.

After observing every live race, both live and on television monitors, the Judges mark the order of finish as the horses cross the finish line. They give the first four unofficial finishers to the Mutuel Department, and when necessary, they post an inquiry, review an objection and request a photo finish. If there is an apparent violation of the rules, the Judges review the videotape and then make a decision before making the results of the race official.

If a violation of the rules occurs, the Judges notify all the parties involved in the violation. Sometimes only a warning will be issued but other times the offending horseman may be fined and/or suspended from participating in racing for a certain amount of time. If any party involved contests the decision of the Judges, then a hearing will be scheduled. After conducting the hearing, the Judges determine if any penalty such as a fine or suspension, purse redistribution, or other sanction should be imposed.

If any licensee disagrees with a decision of the Judges, they may appeal to the Gaming Commission, through its designated hearing officer. The Commission affords appellants adjudicatory hearings on the merits of their appeals. If appellants are dissatisfied with the decision of the Gaming Commission, they may appeal to the Superior Court of the Commonwealth in accordance with Chapter 30A of the General Laws.

PLAINRIDGE PARK BOARD OF JUDGES

COMMISSION JUDGES

Salvatore Panzera Associate Commission Judge

Michael Sorentino, Jr Associate Commission Judge

Peter Tomilla Fill-In Associate Judge

Charles Eaton Association Presiding Judge

ADMINISTRATIVE HEARINGS

The Plainridge Park Board of Judges issued 197 rulings in 2022 resulting in 178 fines, 13 suspensions and one revocation.

APPEALS

In 2022, there were no appeals of Judges' Rulings.

COMMISSION BUSINESS

MEETINGS AND HEARINGS

As required by Chapter 128A of the Massachusetts General Laws, the Commission held a public hearing in the fall of 2021 for the one application for a 2022 harness racing meeting. This was followed by an adjudicatory hearing. The Commission approved the application of Plainville Gaming and Redevelopment, LLC, to conduct harness horse racing in 2022 at Plainridge Park Casino.

One application for a Thoroughbred racing meeting to be held at a new proposed Thoroughbred racetrack was submitted by Commonwealth Equine and Agricultural Center, LLC. The application was withdrawn, so no hearings were held on this application.

DECISIONS APPEALED TO THE DIVISION OF RACING

The Commission has taken extensive precautions to ensure licensees due process throughout the appeal process. The Commission has a Stay-of-Suspension process. These permit licensees suspended by the Judges for a minor violation of the rules that does not compromise the integrity of racing to continue to participate in racing until the licensee has been provided a hearing by the Commission and a decision made. Procedural safeguards were adopted to prevent licensees from abusing the Stay privilege. Hearings are conducted as soon as practicable from the time of the granting of a Stay, thereby preventing a licensee from participating while on a Stay status for an extended period of time. There were no appeals in 2022.

DUE PROCESS AFFORDED ALL LICENSEES

Licensees charged with a violation of the rules that may result in the loss of a license are entitled to a hearing pursuant to the Administrative Procedures Act (APA). Formal disciplinary hearings held by the Racing Division follow the requirements established in the Massachusetts APA. These requirements include issuing timely notice of hearings, providing the opportunity for an appellant to confront witnesses and to be represented by counsel.

COMMISSION DECISIONS APPEALED TO SUPERIOR COURT

In addition to hearing appeals, the Racing Division must prepare a complete record and legal decision for each case that is appealed to the Superior Court. When the record is completed and certified, it is forwarded to the Government Bureau of the Office of the Massachusetts Attorney General and is assigned to an Assistant Attorney General who defends the case in court. The Commission and the Attorney General work closely together to present the best possible case in Superior Court. The Division of Racing takes this opportunity to thank the Office of the Massachusetts Attorney General for the diligent, professional, and expert defense of Commission cases.

PARI-MUTUEL AUDITING AND COMPLIANCE

Responsibilities of the Commission’s auditors include assessing liabilities owed to the Commission and overseeing the calculation of take-out from handle. The handle is the total amount of money wagered at each performance and the take-out percentage of handle is determined by statute.

All money wagered on a horse race goes through the equipment of one of the two Totalisator companies; namely, AmTote and Sportech. These are private companies who sell their services to racetracks. Both Suffolk Downs and Raynham Park use the services of AmTote whereas Plainridge uses Sportech. These companies provide the machines for wagering, those used by the tellers and the self-service terminals. The “tote” system accepts wagers and based on those wagers, it calculates the odds on each betting interest, displays them, produces and configures the payouts following the race and later cashes the tickets given to the bettor. This is all accomplished through very sophisticated computerized equipment that has the ability to combine all wagers placed, no matter where they are coming from, including those placed via computer, live at the track where the race is being conducted and at all guest sites that have contracted to wager with the host track. All these wagers go into a common pool. The term “host” is the track where the race is being run and the term “guest” means any other location where wagers are made on a live race.

Before the start of a race card, all tote companies at the sites that will take wagers on the live product, connect with the tote at the host site. At the start of each individual race, the Steward/Judge at the Host track presses a key/button that locks all the wagering machines. This stops any betting after the start of any race. At the conclusion of a race, the Stewards/Judges determine the order of finish and notify their mutuel department who is linked to the Tote system that the race is going “official” and the numbers of the first 4 finishers are posted along with the payouts for all the different wagers; i.e., win, place, show, daily double, exacta, trifecta, superfecta, or any wager that is offered on the race by the Host track. Printouts from the tote system are audited by the Racing Commission Auditors for accuracy and compliance with current statutes.

A summary sheet, detailing the breakdown of the statutory take-out is prepared by Commission Auditors for each individual racing performance. For live racing, the information is provided by the on-site tote system. For imported simulcast races, a report from the host track is faxed to the guest track. This report is used in conjunction with on-track reports to complete the summary sheet. This activity ensures that the public, the Commonwealth, purse accounts, and all designated trust funds are properly funded. The Commission Auditors prepare a handle reconciliation report on a daily, weekly and monthly basis. This report shows the handle broken down as to live, signal exported and signal imported. Further, the balance of all current unclaimed winning tickets and the liquidity of the mutuel department are audited by the Commission Auditors.

DIVISION OF RACING FINANCIALS

RECEIPTS

Commission	\$964,808
Assessment	\$750,000
Association License Fees	\$329,700
Licensing	\$60,120
Fines & Penalties	\$32,225
Total	\$2,136,853

EXPENDITURES

Regular Employee Compensation	\$721,531
Regular Employee Expenses	\$1,352
Contractor Payroll	\$374,009
Pension/Insurance	\$294,110
Administration Expenses	\$222,146
Facility Operations	\$5,559
Operational Services	\$586,725
Information Technology	\$3,398
Total	\$2,208,830

RACING COMMISSION OPERATIONS

Receipts Available for Racing Operations	\$2,136,853
Expenditures for Racing Operations	(\$2,208,830)
Total	(\$71,997)

Additional Program Receipts

Unclaimed Tickets	\$304,145
Local Aid Appropriation	\$976,321

Additional Program Expenditures

Unclaimed Tickets	\$304,145
Local Aid Appropriation	\$976,321
Jockey's Guild	\$65,000

REVENUE

COMMISSIONS

Plainridge Park Casino	\$78,119
Suffolk Downs	\$81,442
Raynham Park	\$76,516
Wonderland	\$515
ADW's	\$728,216
Total	\$964,808

ASSESSMENTS

Plainridge Park Casino	\$56,186
Suffolk Downs	\$639,548
Raynham Park	\$53,594
Wonderland	\$672
Total	\$750,000

ASSOCIATION LICENSING

Plainridge Park Casino	\$109,500
Suffolk Downs	\$72,600
Raynham Park	\$92,700
Wonderland	\$54,900
Total	\$329,700

LICENSING AND BADGES

Plainridge Park Casino	\$59,280
Suffolk Downs	\$520
Raynham Park	\$320
Total	\$60,120

FINES AND PENALTIES

Plainridge Park Casino	\$32,225
Total	\$2,136,853

COMMISSIONS VARIANCE	2021	2022	VARIANCE	(+/-) %
Plainridge Park Casino	\$74,925	\$78,119	\$3,194	4.26 %
Suffolk Downs	\$94,759	\$81,442	(\$13,317)	(14.05 %)
Raynham Park	\$82,848	\$76,516	(\$6,332)	(7.64 %)
Wonderland	\$629	\$515	(\$114)	(18.12 %)
ADW's	\$796,396	\$728,216	(\$68,180)	(8.56 %)
Total	\$1,049,557	\$964,808	(\$84,749)	(8.07 %)

ASSESSMENTS VARIANCE

Plainridge Park Casino	\$80,796	\$56,186	(\$24,610)	(30.46 %)
Suffolk Downs	\$602,228	\$639,548	\$37,320	6.20 %
Raynham Park	\$65,410	\$53,594	(\$11,816)	(18.06 %)
Wonderland	\$1,566	\$672	(\$894)	(57.08 %)
Total	\$750,000	\$750,000	\$0	0.00 %

ASSOC. LICENSING VARIANCE

Plainridge Park Casino	\$108,900	\$109,500	\$600	0.55 %
Suffolk Downs	\$71,700	\$72,600	\$900	1.26 %
Raynham	\$93,000	\$92,700	(\$300)	(0.32 %)
Wonderland	\$54,600	\$54,900	\$300	0.55 %
Total	\$328,200	\$329,700	\$1,500	0.46 %

LICENSING | BADGES VARIANCE

Plainridge Park Casino	\$64,625	\$59,280	(\$5,345)	(8.27 %)
Suffolk Downs	\$350	\$520	\$170	48.57 %
Raynham	\$0.00	\$320	\$320	100.00 %
Total	\$64,975	\$60,120	(\$4,855)	(7.47 %)

FINES | PENALTIES VARIANCE

Plainridge Park Casino	\$23,200	\$32,225	\$9,025	38.90 %
Total	\$2,215,932	\$2,136,853	\$79,079	(\$3.57 %)

HANDLE

HANGLES

PPC Live	999,668
PPC Export	14,656,675
PPC Simulcast	18,832,414
Suffolk Simulcast	21,718,084
Raynham Park Simulcast	20,404,347
Wonderland Park Simulcast	137,459
Hollywood Races ADW	3,506,105
TVG FanDuel ADW	99,295,867
NYRA ADW	25,133,280
TwinSpires ADW	45,389,340
Xpressbet ADW	20,809,459
Total	270,882,698

HANDLE VARIANCE	2021	2022	VARIANCE	(+/-) %
PPC Live	1,172,301	999,668	(172,633)	(14.72 %)
PPC Export	15,486,083	14,656,675	(829,408)	(5.35 %)
PPC Simulcast	17,758,947	18,832,414	1,073,467	6.04 %
Suffolk Simulcast	25,269,164	21,718,084	(3,551,080)	(14.05 %)
Raynham Park Simulcast	22,092,993	20,404,347	(1,688,646)	(7.64 %)
Wonderland Park Simulcast	167,959	137,459	(30,500)	(18.15 %)
Hollywood Races ADW	4,892,809	3,506,105	(1,386,704)	(28.34 %)
TVG FanDuel ADW	110,193,773	99,295,867	(10,897,906)	(9.88 %)
NYRA ADW	26,458,285	25,133,280	(1,325,005)	(5.00 %)
Twin Spires ADW	47,700,423	45,389,340	(2,311,083)	(4.84 %)
Xpressbet ADW	23,003,570	20,809,459	(2,194,111)	(9.53 %)
Total	294,196,307	270,882,698	(23,313,609)	(7.93 %)

PURSE

PLAINRIDGE PARK CASINO	2021	2022	VARIANCE	(+/-) %
Race Days	110	109	(1)	(1.00 %)
Races	1,075	1086	11	1.02 %
Purses & Bonus Awarded	\$14,827,370	\$16,146,620	\$1,319,250	8.90 %

TRUST FUNDS

PLAINRIDGE PARK CASINO PROMOTIONAL TRUST FUND

Beginning Balance	\$270,274
Program Revenue	\$25,949
Total	\$296,223

SUFFOLK DOWNS PROMOTIONAL TRUST FUND

Beginning Balance	\$786,113
Program Revenue	\$122,451
Total	\$908,564

PLAINRIDGE PARK CASINO CAPITAL IMPROVEMENT TRUST FUND

Beginning Balance	\$798,697
Program Revenue	\$56,746
Total	\$855,443

SUFFOLK DOWNS CAPITAL IMPROVEMENT TRUST FUND

Beginning Balance	\$5,260,377
Program Revenue	\$429,997
Total	\$5,690,374

RACE HORSE DEVELOPMENT TRUST FUND DISTRIBUTIONS

Thoroughbred Accounts	\$1,076,817
Harness Accounts	\$15,693,567
Total	\$16,770,384

MASSACHUSETTS GENERAL LAWS CHAPTER 23K SECTION 60.

The Race Horse Development Fund shall consist of monies deposited under subsection (c) of section 55. The Commission shall make distributions from the Fund to each licensee under chapter 128A. Funds received shall be distributed between Thoroughbred and Standardbred accounts, as approved by the Commission. 2022 is the eighth calendar year that monies have been distributed from the Race Horse Development Fund accounts.

MASSACHUSETTS GENERAL LAWS CHAPTERS 128A and 128C

In addition to licensing racetracks and participants, the Racing Division of the MGC has a primary responsibility to collect revenue in accordance with Chapters 128A and 128C of the General Laws. Each licensed racetrack pays a commission as determined by law in addition to license fees and other assessments. Racing Division Inspectors collect occupational license fees, badge fees and fines. All Commission activities are revenue driven as Commission expenditures come from Commission revenue and are made in a priority order in accordance with Section 5(h) of Chapter 128A.

RACING TERMINOLOGY

OUTS

Outs are the unclaimed winning wagers at each horse track. If the tickets haven't been presented for payment by 90 days after 31 December of the year following the year of the actual wager, they will be distributed to the commission. Subject to the rules and regulations established by the Commission, the Commission shall deposit the unclaimed live wagers into the purse accounts of the racing meeting licensees (Suffolk and Plainridge) that generated those unclaimed live wagers. When the outs come from Wonderland and Raynham, they go to the Racing Stabilization Fund.

BREAKAGE

Breakage – the difference in the rounding off of the pari-mutuel payoffs. The difference in cents between the winning payouts and the nearest dime or nickel is called the Breakage. These breaks shall be paid to the commission on the day following each day of a racing meeting. The commission then dispenses the breaks as follows: The breaks from Suffolk and Plainridge go to their respective Capital Improvement Funds whereas the breaks from Wonderland and Raynham go to the Racing Stabilization Fund.

PURSES

Purses are the monies that the horses earn for racing. Each race has a purse amount assigned to it before the race is run. How much each horse earns of that purse depends on where the horse finishes and the amount of the purse. The actual money wagered on the race does not have an immediate impact on the amount of the purse. However, a percentage of every dollar wagered makes its way into the purse account for races at a later date. The average daily purse is the amount of the total purses awarded during a race meet divided by the number of days of racing for that meet.

SIMULCASTING

Simulcasting is when a racetrack sends a closed-circuit transmission via satellite of its live racing to another location, either in the same state or out of state and sometimes out of the country. The track where the racing is being contested is called the Host and the location where it is viewed is called the Guest. People at the guest site bet on these races in real time. The Guest site customers receive the same payoffs as the customers at the Host track. All the money wagered by both the Host and Guest sites are merged and the odds are computed on the total amount of money wagered into these combined wagering pools. To view their races, the Host charges the Guest a certain percentage of the guest site's handle. This percentage is based on the quality of the racing and by agreement between the Host and Guest.

HANDLE

Handle is the amount of money wagered at a specific location, by individual race/ day/month or by year.

The following terminology is used in reporting simulcast events:

“Signal Received” is categorized as “Simulcast” as this signal is sent from a remote track being received locally.

“Signal Sent” is categorized as “Export,” as this is the local signal being sent to a remote track.



TO: Chair Judd-Stein
Commissioner O'Brien
Commissioner Hill
Commissioner Skinner
Commissioner Hill

FROM: Mission Statement Working Group

DATE: December 14, 2023

RE: Proposed Changes to the MGC Mission Statement

Over the past several weeks, the mission statement working group has met to draft proposed new language for the Massachusetts Gaming Commission's Mission Statement and Core Values. The MGC's current mission statement has not been reevaluated since the inception of this Commission. With the passing of 23N and the introduction of Sports Wagering in mind, the mission statement working group collaborated to update the current language to accurately reflect the work and values of this Commission.

Mission Statement Working Group:

1. Commissioner Eileen O'Brien
2. Commissioner Jordan Maynard
3. Toss Grossman, Interim Executive Director & General Counsel
4. Alex Lightbown, Director of Racing
5. Tom Mills, Chief, Division of Communications
6. Judi Young, Associate General Counsel
7. Crystal Beauchemin, Sports Wagering Business Manager
8. Lily Wallace, Program Manager, Division of Community Affairs
9. John Scully, Finance and Budget Office Manager
10. Grace Robinson, CAO to the Chair

SUPPORTING DOCUMENTS:

Attached please find the proposed new language for the mission statement and the core values of the MGC.

CONCLUDING STATEMENT:

The Mission Statement Working Group is seeking any additional edits/comments from the Commissioners on the proposed new language.

Current mission statement (short)

The Mission of the Massachusetts Gaming Commission is to create and maintain a fair, transparent, and participatory process for implementing the expanded gaming law in the Commonwealth.

Current mission statement (expanded)

The Mission of the Massachusetts Gaming Commission is to create and maintain a fair, transparent, and participatory process for implementing the expanded gaming law passed by the Legislature and signed by the Governor in November 2011.

The Commission strives to ensure that its decision making and regulatory systems engender the confidence of the public and participants, and that they provide the greatest possible economic development benefits and revenues to the people of the Commonwealth, reduce to the maximum extent possible the potentially negative or unintended consequences of expanded gaming, and allow an appropriate return on investment for gaming providers that assures the operations of casino-resorts of the highest quality.

Proposed modified mission statement

The mission of the Massachusetts Gaming Commission is to regulate the legal casino, horse racing, and sports wagering industries with integrity and transparency. Our goal is to maximize consumer protections, minimize negative impacts, and promote responsible gaming through regulation, research, and informed policy making. The Commission endeavors to create a fair and safe gaming environment in the Commonwealth while fostering economic benefits and a diverse workforce for its licensees, residents, and businesses.

Current core values

The commissioners and all employees of the Massachusetts Gaming Commission are committed to public service and to a set of core values that will underpin and guide our work.

- 1) We value an unyielding commitment to a participatory, transparent and fair process for the regulation of expanded gaming and horse racing in Massachusetts.*
- 2) We value an environment with a free-flowing and open exchange of ideas in which all are encouraged to question and participate, with the understanding that all will use their best efforts to implement the resulting decisions.*
- 3) We value an uncompromising commitment to the integrity of the regulatory process, which incorporates a thoughtful balance between the need for rigorous regulation and enforcement, and the effort and cost required to achieve compliance.*
- 4) We value strict adherence to the letter and spirit of our Enhanced Code of Ethics and the Conflict-of-Interest law.*
- 5) We value a diverse workforce and supplier base, and an inclusive culture internally and among our partners in the Massachusetts Gaming Industry.*
- 6) We value a deep commitment to customer service that assures a respectful and professional experience for all with whom we come in contact, no matter their point of entry or point of view.*

Proposed updated core values

The commissioners and all employees of the Massachusetts Gaming Commission are committed to public service and a set of core values that will underpin and guide our work.

The MGC and its employees' value:

- 1) Working collaboratively with our licensees, stakeholders, and the public for the benefit of all Massachusetts residents.
- 2) Fostering an inclusive culture at the Commission and among our partners in the Massachusetts gaming, horse racing, and sports wagering industry that reflects the diversity of the Commonwealth.
- 3) Maintaining the integrity of the Commission's work to promote objective and thorough regulation, enforcement, and compliance.
- 4) Ensuring transparency in the regulation and oversight of the industries we oversee.
- 5) Holding the Commission and its employees to the highest level of ethical conduct through a commitment to the law and our enhanced code of ethics.
- 6) Serving the public with exemplary professionalism and customer service for all whom we come in contact.
- 7) Promoting research and evidence-based best practices to assess the impact of expanded gaming, horse racing, and sports wagering to prevent and mitigate gambling related harms.
- 8) A commitment to promoting responsible gaming to minimize potential gambling-related harm to individuals and the community.



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

FROM: Caitlin Monahan, Deputy General Counsel
Mina Makarious, Esq., Anderson & Kreiger

CC: Todd Grossman, Interim Executive Director and
General Counsel

DATE: October 13, 2023, updated December 8, 2023

RE: 205 CMR 258 and 238.12

12/8/23 Update:

205 CMR 258 was adopted by emergency on October 19, 2023. The Commission has not received any comments on the regulation. We do not recommend any revisions to the regulation and are asking for a final vote on the regulation at the December 14, 2023, meeting.

205 CMR 238.12 was approved to move through the regular promulgation process on October 19, 2023. The Commission received one comment on this regulation, which is included in the packet. We do not recommend any revisions to the regulation and are asking for a final vote on the regulation at the December 14, 2023, meeting.

Below please find the original memo regarding 205 CMR 258 and 205 CMR 238.12 for your reference.

Enclosed for the Commission's review is a proposed 205 CMR 258 for emergency adoption, and 205 CMR 238.12 for amendment in the regular course.

205 CMR 258 addresses the procedures by which Sports Wagering Operators may cease operating in the Commonwealth, such as when Operators decide to scale back their products and services or when Operators cease business altogether. 205 CMR 258 proposes the following procedure:

- Notification. When an Operator becomes aware that it intends to cease operating in the Commonwealth, it is required to immediately notify the Commission of that intent.



Massachusetts Gaming Commission

Notification is required regardless of whether the cessation is intended to be temporary or indefinite and whether cessation is voluntary or involuntary.

- **Commission Action Upon Receipt of Notice.** Upon receiving notice of an Operator's anticipated cessation, the Commission may order the Operator to cease offering or accepting new Sports Wagers; appoint a conservator or receiver to manage the Operator's business in the Commonwealth (similar to 205 CMR 130); or take any further action as necessary to protect the integrity of Sports Wagering in the Commonwealth.
- **Cessation Plan.** After the Operator has notified the Commission of its intent to cease operations, the Operator must submit a plan to the Commission for how it will cease its operations. That plan must address how the Operator plans to resolve all pending Wagers, positive Sports Wagering Account balances, closure of the Operator's Sports Wagering product, and the Operator's plan to satisfy its outstanding debts and obligations. The Commission will then review and approve or deny that plan before the Operator notifies the public of its anticipation cessation and begins to implement the cessation plan.
- **Reporting.** Every 10 days (or on such other schedule as the Commission determines), the Operator is required to provide a written report to the Commission on its cessation progress. These reports provide the Operator an opportunity to seek to amend or deviate from its cessation plan if its progress to date indicates its original cessation plan will not be effective. The Operator will not be able to implement that amendment or deviation until it receives approval from the Commission.
- **Cessation Effective.** Cessation will only become effective after the Operator submits a report to the Commission that it has completed its cessation plan, and the Commission approves the Operator's request to cease operations.
- **Expiration of License.** Upon cessation, the Operator's Sports Wagering License, and any licenses issued solely in connection with the Operator's License, will be deemed to have expired. Following expiration of the license, the Operator will be required to maintain records sufficient to enable the Commission to conduct audits for the next seven years.
- **Bankruptcy.** Because of the preemptive effect of the federal Bankruptcy Code, in the event that an Operator intends to cease operations due to bankruptcy, the Operator may not be subject to the cessation procedures described above, and its obligations will be to notify the Commission of its bankruptcy and provide the Commission adequate means to access and use the letter of credit issued pursuant to an amended 205 CMR 238.12(1).

We recommend adopting 205 CMR 258 as an emergency regulation, given the rapid advent and developing nature of the sports wagering industry.



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205 CMR 238.12 is amended to aid in the promulgation of 205 CMR 258 and specifically, the requirement in 205 CMR 258.03(1)(g) that the Operator provide the Commission means to access and draw upon a letter of credit. 205 CMR 238.12(1) requires Operators to obtain a letter of credit proportional to the portion of its reserve amount allocated to unpaid wagers so if an Operator does cease operations, the Commission has some assurances that patrons will receive any money held by the Operator.

We recommend amending 205 CMR 238.12 in the regular course so the Commission may receive comments from Sports Wagering Operators, who will be required to take affirmative actions with a financial institution if this regulation is ultimately adopted.



Massachusetts Gaming Commission

205 CMR 258: SPORTS WAGERING OPERATOR CESSATION

Section

258.01:	Notification
258.02:	Commission Action Upon Receipt of Notice of Cessation
258.03:	Cessation Plan
258.04:	Reporting
258.05:	Cessation Effective
258.06:	Surrender of License
258.07:	Bankruptcy

258.01: Notification

- (1) A Sports Wagering Operator that intends to cease Sports Wagering Operations in the Commonwealth shall immediately, and in no event fewer than 90 days before such cessation of operations is anticipated to become effective, notify the Commission in writing of its anticipated cessation, as well the circumstances leading to the anticipated cessation.
- (2) The notice required pursuant to 205 CMR 258.01(1) shall be given regardless of whether the anticipated cessation of Sports Wagering Operations is permanent or indefinite, and whether the cessation is through voluntary or involuntary dissolution, liquidation, or bankruptcy of the Sports Wagering Operator.

258.02: Commission Action Upon Receipt of Notice of Cessation

Upon receiving written notification of a Sports Wagering Operator's anticipated cessation, the Commission may:

- (1) Order the Sports Wagering Operator to cease offering or accepting new Sports Wagers within five (5) business days or such longer period as determined by the Commission;
- (2) Appoint a conservator or receiver to manage and operate the business of the Sports Wagering Operator in the Commonwealth through and after the intended date of cessation. The appointment, duties and obligations of the conservator or receiver shall be subject to the same procedures and requirements as those described in 205 CMR 130, which shall be construed relative to Sports Wagering for the purposes of this section; or
- (3) Take any other action it deems necessary in its discretion to protect the integrity of Sports Wagering in the Commonwealth, or otherwise protect the interests of the Commonwealth.

258.03: Cessation Plan

- (1) Within five (5) business days of providing notice of its intended cessation of activities pursuant to 205 CMR 258.01, the Sports Wagering Operation shall submit a plan to the Commission that addresses:
 - (a) The distribution of winnings to patrons holding unredeemed Wagers;
 - (b) The refund of pending Wagers that will not be paid out before the cessation of operation;
 - (c) The distribution of funds in a patron's Sports Wagering Account maintained by a Sports Wagering Operator to that patron;
 - (d) The closure of Sports Wagering Accounts maintained by the Sports Wagering Operator;
 - (e) The closure of the Sports Wagering Operator's Sports Wagering Area, Sports Wagering Facility, or Sports Wagering Platform;
 - (f) The Sports Wagering Operator's plan to satisfy outstanding debts and obligations, including excises taxes due to the Commission pursuant to G.L. c. 23N, § 14 and 205 CMR 240;
 - (g) The Sports Wagering Operator's plan to communicate the cessation plan to the public, patrons, and vendors, including applicable timelines for cessation; and
 - (h) A description of the status and current balance of the letter of credit or other financial assurance mechanism held by the Sports Wagering Operator pursuant to 205 CMR 238.12(6) and any information necessary to permit the Commission or its appointed conservator or receiver to access and use such letter of credit or other financial assurance mechanism to satisfy the obligations in 205 CMR 258.03(1)(a)-(f) to the extent feasible.
- (2) The Commission or its designee shall review the cessation plan required pursuant to 205 CMR 258.03(1) and issue a determination approving or denying the plan, or requiring reasonable modifications or conditions to the plan.
- (3) Upon approval of the plan specified in 205 CMR 258.03(1), the Sports Wagering Operator shall publish notice of cessation in a form to be approved the Commission that shall include instructions on how patrons may:
 - (a) Collect winnings on unredeemed Wagers; and

- (b) Collect remaining funds in their Sports Wagering Account.
- (4) The notice specified in 205 CMR 258.03(3) shall, within five (5) business days be published in:
 - (a) A conspicuous location in the Sports Wagering Area, Sports Wagering Facility, or on the Sports Wagering Platform;
 - (b) On the Sports Wagering Operator’s website and social media platforms; and
 - (c) A daily newspaper of general distribution in the Commonwealth, including on that newspaper’s website.

258.04: Reporting

- (1) The Sports Wagering Operator shall provide the Commission written reports on its implementation of the cessation plan at least every ten (10) days after providing notice pursuant to 205 CMR 258.01. Such reports shall state whether the Sports Wagering Operator is on track to complete cessation by its approved effective cessation date or whether the Sports Wagering Operator requires a delay of its effective cessation date, and whether the Sports Wagering Operator seeks to amend or deviate from its approved cessation plan.
- (2) If a Sports Wagering Operator seeks to amend or deviate from its approved cessation plan, the Sports Wagering Operator’s request shall be accompanied by a statement of reasons explaining why its original approved cessation plan will no longer enable it to accomplish cessation, and why such amendment or deviation is necessary to accomplish cessation. The Commission or its designee shall review the request and issue a determination approving or denying the request and may require reasonable modifications or impose conditions to its approval of the request. The Sports Wagering Operator shall not implement the amendment or deviation until it receives approval from the Commission or its designee.
- (3) In addition to 205 CMR 258.04(2), the Commission or its designee, may, upon review of a report due under 205 CMR 258.04(1), require reasonable modification or impose conditions on a Sports Wagering Operator’s cessation plan without request of the Sports Waging Operator.

258.05: Cessation Effective

- (1) When the Sports Wagering Operator has completed all actions called for in its cessation plan or on the approved effective cessation date, whichever is earlier, the Sports Wagering Operator shall submit a written report to the Commission notifying the Commission that it has completed all actions necessary for cessation

and requesting that cessation become effective. The Commission or its designee shall review the report and issue a written decision approving or denying the cessation request. If the Commission or its designee denies the cessation request, the Commission or its designee may require reasonable modification or impose conditions on the Sports Wagering Operator necessary for effective cessation.

- (2) Cessation shall not be effective until the Commission issues a written decision approving the Sports Wagering Operator's cessation request.

258.06: Surrender of License

- (1) Upon cessation, a Sports Wagering Operator shall surrender its Sports Wagering License to the Commission, at which time the Sports Wagering License shall be deemed to have expired, except to the extent any obligations of the Sports Wagering Operator to the Commonwealth, the Commission, vendors, or patrons thereunder are deemed to survive.
- (2) Within ten (10) days of a Sports Wagering Operator's surrender of its Sports Wagering Operator License, all persons and entities possessing an Occupational License, Sports Wagering Vendor License, Tethered Category 3 License, or other license in connection with the affected Sports Wagering License only, and no other Sports Wagering License, shall surrender their license to the Commission, at which time the license shall be deemed to have lapsed.
- (3) A Sports Wagering Operator shall maintain records sufficient to enable the Commission to conduct audits for a period of seven (7) years following the effective date of cessation.

258.07: Bankruptcy

- (a) Notwithstanding 205 CMR 258.01(1), if cessation is caused in part, or in whole, by the filing of a petition in bankruptcy court or the appointment of a receiver or conservator, the Sports Wagering Operator shall as soon as practicable notify the Commission in writing of the petition or the appointment of a receiver or conservator. The Sports Wagering Operator's notification shall include a copy of the petition filed in bankruptcy court, the order appointing a receiver or conservator, or any other applicable filing or order.

In the event that a court of competent jurisdiction appoints a receiver or conservator, the receiver or conservator shall immediately apply for the necessary qualifications and licenses, including without limitation qualification pursuant to 205 CMR 215 and licensure pursuant to 205 CMR 235, to operate the Sports Wagering Operator's Sports Wagering Area, Sports Wagering Facility, or Sports Wagering Platform. The receiver or conservator shall not commence operating the Sports Wagering Operator's Sports Wagering Area, Sports Wagering Facility, or Sports Wagering Platform until the Commission has issued a license

authorizing the same. The Commission may revoke the receiver's or conservator's license at any time at its discretion without the necessity of revocation or suspension hearing.

- (b) The appointment of a receiver or conservator by a court of competent jurisdiction and subsequent authorization of the same receiver or conservator pursuant to 258.08(2) shall not bar the Commission from appointing an additional receiver or conservator pursuant to 205 CMR 258.02.
- (c) A Sports Wagering Operator subject to cessation based on the filing of a petition in bankruptcy court or the appointment of a receiver or conservator shall not be required to meet the requirements of 205 CMR 258.03-07 to the extent such requirements are inconsistent with the orders of the court.
- (d) Upon notification of cessation based in part, or in whole, by the filing of a petition in bankruptcy court or the appointment of a receiver or conservator, the Sports Wagering Operator shall provide the Commission or the conservator or receiver appointed pursuant to 205 CMR 258.02(1) adequate means to access and use the letter of credit or other financial assurance issued pursuant to 205 CMR 238.12(6).

REGULATORY AUTHORITY

205 CMR 258.00: M.G.L. c. 23N §§ 4, 14



Legal Division

AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this amended Small Business Impact Statement in accordance with G.L. c. 30A, § 5 relative to the proposed amendments to **205 CMR 258.00: Sports Wagering Operator Cessation**, for which a public hearing was held on March 21, 2023.

This regulation was promulgated as a part of the process of regulatory framework governing Sports Wagering in the Commonwealth. This regulation is governed by G.L. c. 23N, §4.

This regulation establishes procedures and requirements by which Sports Wagering Operators may cease operations within the Commonwealth; either by scaling back their products and offerings, or by ceasing business operations altogether. Accordingly, this regulation is not anticipated to have a negative impact on small businesses.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

As a general matter, the Commission does not anticipate that small businesses will be negatively impacted by this amendment as it relates to Sports Wagering Operators who are licensed by the Commission. Accordingly, there are no less stringent compliance or reporting requirements for small businesses.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:

This regulation contains no schedules or deadlines for compliance or reporting requirements that would chiefly pertain to small businesses.

3. Consolidating or simplifying compliance or reporting requirements for small businesses:

This regulation does not impose reporting requirements upon small businesses, but it does establish reporting requirements and procedures for Sports Wagering Operators licensed by the Commission.



Massachusetts Gaming Commission

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation:

The standards and procedures enumerated with 205 CMR 258.00 are performance based.

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

This regulation is not likely to deter nor encourage the formation of new businesses in the Commonwealth, as it is limited in its impact on the small business community.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

The Commission does not anticipate that the regulatory methods within 205 CMR 258, will create an adverse impact upon small businesses.

Massachusetts Gaming Commission
By:

/s/ Judith A Young
Judith A Young
Associate General Counsel

Dated: December 14, 2023



Massachusetts Gaming Commission

205 CMR 238.00: ADDITIONAL UNIFORM STANDARDS OF ACCOUNTING PROCEDURES AND INTERNAL CONTROLS FOR SPORTS WAGERING

Section

238.12 Reserve Requirement

238.12: Reserve Requirement

- (1) A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall include a plan to maintain and protect sufficient cash and other supplies to conduct Sports Wagering at all times through a reserve in the amount necessary to ensure the security of funds held in Sports Wagering Accounts and the ability to cover the outstanding Sports Wagering liability, including the amounts accepted by the Sports Wagering Operator on Sports Wagers whose outcomes have not been determined and amounts owed but unpaid on winning Sports Wagering tickets or vouchers. The reserve may be in the form of Cash, Cash Equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond, or a combination thereof; provided that the amount of the reserve intended to cover the Sports Wagering liability must be in the form of, or backed up by, an irrevocable letter of credit approved by the Commission and which may be drawn by the Commission in the event of cessation of Sports Wagering Operations in accordance with 205 CMR 258.
- (2) A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall ensure funds in Sports Wagering Accounts, including pending withdrawals, are either held:
 - (a) In trust for the patron in a Segregated Account managed in accordance with 205 CMR 248.00; or
 - (b) In a special purpose Segregated Account that is maintained and controlled by a properly constituted corporate entity that is not the Sports Wagering Operator and whose governing board includes one or more corporate directors who are independent of the Sports Wagering Operator and any affiliated Gaming Licensee and of any corporation related to or controlled by either. Said corporate entity must require a unanimous vote of all corporate directors to file bankruptcy and must have articles of incorporation that prohibit the commingling of its funds with those of the Sports Wagering Operator except as necessary to reconcile the Sports Wagering Accounts. Said special purpose corporate entity must also be:
 1. Restricted from incurring debt other than to patrons pursuant to the rules that govern the patrons' Sports Wagering Accounts;
 2. Restricted from taking on obligations of the Sports Wagering Operator other than obligations to patrons pursuant to the rules that govern the patrons' Sports Wagering Accounts; and
 3. Prohibited from dissolving, merging or consolidating with another company (other than a special purpose corporate entity established by another Sports Wagering Operator that meets the requirements of this section) while there are unsatisfied obligations to patrons.
- (3) A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall implement procedures that are reasonably designed to:
 - (a) Ensure that the funds in the Segregated Account do not belong to the Sports Wagering Operator and are not available to creditors other than the patron whose funds are being held; and

- (b) Prevent commingling of funds in the Segregated Account with other funds including, without limitation, funds of the Sports Wagering Operator.
- (4) A Sports Wagering Operator must have access to all Sports Wagering Accounts and Sports Wager data to ensure the amount of its reserve is sufficient. Unless otherwise directed by the Commission, a Sports Wagering Operator must file a monthly attestation with the Commission, in the form and manner prescribed by the Commission, that funds have been safeguarded in accordance with 205 CMR 238.12.
- (5) The Commission may audit a Sports Wagering Operator's reserve at any time and may direct a Sports Wagering Operator to take any action necessary to ensure the purposes of 205 CMR 238.12 are achieved, including but not limited to, requiring the Sports Wagering Operator to modify the form of its reserve or increase the amount of its reserve.



Legal Division

AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Amended Small Business Impact Statement in accordance with G.L. c. 30A, § 5 relative to the proposed amendments to **205 CMR 238.00: Uniform Standards of Accounting Procedures and Internal Controls, specifically, 205 CMR 238.12: Reserve Requirement**, for which a public hearing was held on **December 5, 2023, at 9:30am EST**.

This regulation was promulgated as part of the regulatory framework governing sports wagering in the Commonwealth; and is primarily governed by G.L. c. 23N, §4. This regulation is intended to establish the internal standards to which sports wagering operators must adhere to, in the provision of sports wagering in the Commonwealth, and has been updated to include reference to the reserve accounts required of Operators. If a licensee ceases operations, patrons have a means of receiving funds held by an Operator.

The regulation applies to Sports Wagering Operators and the Commission. Accordingly, this regulation is not anticipated to have an impact on small businesses.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

As this amended regulation applies to sports wagering operators, the Commission does not anticipate the need to establish less stringent reporting requirements for small businesses.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:

As this regulation is not expected to impact small businesses, less stringent schedules, deadlines for compliance, and reporting requirements for small businesses have not been established.

3. Consolidating or simplifying compliance or reporting requirements for small businesses:

While 205 CMR 238.1 does impose compliance reporting requirements upon sports wagering operators who have received licensure by the Commission, this regulation does not impose reporting requirements upon small businesses.



Massachusetts Gaming Commission

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation:

This regulation establishes performance-based standards for sports wagering operators who have been licensed by the Commission. Small businesses are not contemplated by this regulation.

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

As it pertains to sports wagering licensees, and the cessation of their own businesses, this amendment is not likely to deter or encourage the formation of new businesses within the Commonwealth.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

It is the position of the Commission that the amendments made to 205 CMR 238.12 will not have an adverse impact on small businesses.

Massachusetts Gaming Commission

By:

/s/ Judith A. Young
Associate General Counsel
Legal Division

Dated: December 14, 2023



Massachusetts Gaming Commission

From: [MGC Website](#)
To: [Young, Judith](#)
Subject: Regulations Public Comment Submission
Date: Monday, November 13, 2023 12:24:16 PM

Submitted By

Operator (Applicant or Licensed)

Business/Entity Name

BETMGM

Name

Jess Panora

Email

jess.panora@betmgm.com

Regulation

205 CMR 238.00: Additional uniform standards of accounting procedures and internal controls for sports wagering

Subsection

238.12(1)

Comments

The proposed regulation appears to reinforce liquid assets (i.e. cash & Cash equivalents) that are already segregated from operations, for the benefit of players. A letter of credit would not secure player funds more than their existing form. Our bank also provides an Insured Cash Sweep (ICS) to achieve FDIC insurance coverage on large accounts such as this. The proposed regulation would put a higher cost on player reserves without a commensurate benefit to players.



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

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

DATE: November 8, 2023 **COMMISSION MEETING:** November 16, 2023

RE: Operator Requests for Temporary Waivers from Certain Provisions of 205
CMR 257 and Implementation Details

EXECUTIVE SUMMARY:

On August 8, 2023, the Commission voted to finalize the draft of [205 CMR 257: Sports Wagering Data Privacy](#), and to begin the formal regulation process. This regulation went into effect September 1, 2023, with a uniform waiver granted through November 17, 2023.

As requested, the operators have submitted details regarding their intentions for implementation of the various components of 205 CMR 257, alongside waiver requests outlining items where additional time is requested and reasoning for the request.

Of note, after the informational round table meeting held on this topic on September 19th, the legal team distributed answers to questions which were raised by the operators. That guidance has been included. The operators have articulated that their waiver responses are reliant on this guidance.

We note that many operators requested confirmation and formalized clarity related to the definition of “necessary to operate,” as the answer to this question impacts the way the operators are viewing their technological revisions and impacts both implementation, and timelines. The primary components of this regulation which waivers have been requested for are 257.02, 257.02 (5), 257.03 and 257.03 (4), 257.04 and 257.05.

SUPPORTING DOCUMENTS:

The operators have included significant detail, timelines and reporting elements in their waiver requests, much beyond what is summarized in this memo. The full waiver requests from each operator are included in the packet.

In addition, we have compiled two charts, included in the packet, which summarize the specific regulations which waivers have been requested, and the timelines associated. One gives an overview of the waiver requests by operator and the other provides an overview by regulation section.

CONCLUSION:

The Sports Wagering team and legal counsel have worked in tandem to review these waivers. As it is clear that a majority of the waiver requests came in for particular sections of the regulations, our recommendation is to guide the Commission through the requests by reviewing each of those sections as a whole, and identifying the general challenges expressed by the operators, with an overview of the requested date ranges for waivers. We have included the full regulation text on the following page for 205 CMR 257 of the packet to reference as we walk through these sections.

In some instances, we recommend a uniform waiver date to ensure fairness for both the operators (as far as implementation timelines) and for consumer clarity. This approach is also most manageable and efficient for the sports wagering team from a compliance perspective. In a couple of instances, we have identified that a different approach may be necessary. We will present our recommendation and considerations for each section of the regulation, and defer to the Commissioners' determinations.

Responses to questions posed by Sports Wagering Operators regarding 205 CMR 257 Data Privacy

- If a patron provides consent to use PII, can that information be shared with third-party vendors?

Under 205 CMR 257.03(1), Sports Wagering Operators are permitted to share a patron's PII/CI "as necessary to operate." The Commission interprets "as necessary to operate" to include all reasonable, legitimate, business purposes. If an Operator seeks to share a patron's PII/CI with a third-party vendor for a reasonable, legitimate, business purpose, then 205 CMR 257.03(1) allows an Operator to do so, even without the express consent of a patron.

If an Operator seeks to use a patron's PII/CI for purposes beyond those "necessary to operate," including those uses that require the sharing of a patron's PII/CI with a third-party vendor, under 205 CMR 257.02(2), an Operator is required to obtain the patron's consent before it may do so.

- How do operators deal with threatened or reasonably anticipated litigation; are operators really not permitted to use PII to defend themselves prior to suit?

Under 205 CMR 257.02(1), Sports Wagering Operators are permitted to use patron PII/CI "as necessary to operate." The Commission interprets "as necessary to operate" to include all reasonable, legitimate, business purposes, including defending against legal claims.

- Does the Commission intend to make a database of users not transferable in M&A transactions?

Such a transfer would be allowed if the transfer of patron PII/CI in an M&A transaction is a use "necessary to operate" a Sports Wagering Area, Sports Wagering Facility, or Sports Wagering Platform, in which case such a transfer is permissible under 205 CMR 257.02(1). Since business transactions involving mergers or acquisitions can have a legitimate basis, sharing data would be legitimate in those instances.

- How are operators supposed to encrypt publicly available PII?

Sports Wagering Operators are required under 205 CMR 257.03(4) and 257.05(1)(b) to encrypt PII and CI within its possession, custody, or control. To the extent that patron PII and CI is publicly available on other platforms not controlled by the Operator, the Operator is not obligated under 205 CMR 257.00 to encrypt that PII or CI.

- Are there possible exceptions to using social platform data without specific, express consent?

If the use of social platform data is "necessary to operate," a Sports Wagering Operator may use such data without the specific, express consent of a patron under 205 CMR 257.02(1).

If the use of social platform data is not "necessary to operate," then an Operator is required, under 205 CMR 257.02(2)(a) to obtain the patron's consent, which must be "clear, conspicuous, and received apart from any other agreement or approval." Consent cannot be provided through the "acceptance of general or broad terms of use or similar documents that purport to permit the sharing of Confidential Information or Personally Identifiable Information." However, consent can be given by category of use (e.g., "social media promotions") rather than specific instances of use.

- Will reports provided by third-party forensic examiners in the event of a security incident be available to the public?

Such a determination will be made on a fact-specific, case-by-case basis. If there is a security incident that requires public disclosure, the Commission may consider whether a third-party forensic examiner's report should be disclosed to the public following input from the affected Sports Wagering Operator. The regulation was drafted specifically to require the Commission to *seek* the report, rather than automatically receiving it, to allow for these issues to be raised and addressed before the Commission takes possession of potentially sensitive information.

- What does "necessary" to operate wagering platform mean?

The Commission interprets "necessary to operate" to include all reasonable, legitimate, business purposes.

- What does "sharing" with a third party mean?

The Commission interprets "sharing" to mean transmission, routing, messaging, disclosure, duplication, replay or other means of communication.

- What does "reasonably expected to make the wagering platform more addictive" mean?

The Commission interprets "reasonably expected to make the wagering platform more addictive" to mean reasonably expected to lead to an increase in engagement with the wagering platform, including in time or money spent on the wagering platform, in a manner that makes it more difficult for the patron to engage in responsible gaming behavior.

- Is anonymization/aggregation of records in lieu of full deletion acceptable?

Operators should consult with their IT teams and legal counsel as to whether anonymized data meets the definition of PII/CI in the first instance.

If a patron's PII/CI is anonymized or aggregated prior to a patron's request to delete their PII/CI and there is no way for a Sports Wagering Operator to connect anonymized or aggregated data back to a particular patron, then deletion is not necessary because anonymization or aggregation has in effect, accomplished the goals of deletion.

If, however, a patron's PII/CI is not anonymized or aggregated prior to a patron's request to delete their PII/CI and an Operator is able to trace PII/CI to a particular patron and the conditions of 205 CMR 257.04(3) are met, then an Operator is required to grant a request to anonymize or delete the PII/CI.

Update: October 27, 2023

- Are there any typical uses of data by operators for which MGC expects consent will be needed?

Under 205 CMR 257.03(1), Sports Wagering Operators are permitted to share a patron's PII/CI "as necessary to operate." The Commission interprets "as necessary to operate" to include all reasonable, legitimate, business purposes. If an Operator seeks to use a patron's PII/CI for purposes beyond those "necessary to operate," an Operator is required to obtain the patron's consent before it may do so.

What is beyond purposes “necessary to operate” is a fact-specific determination to be made by the Operator. It may be the case that for some Operators no consents will be needed because the Operator is limiting their uses of data to their Sports Wagering operations.

Operators, however, can reasonably expect that if they seek to share a patron’s PII/CI with a third-party for a limited purpose beyond those specifically related to operating a Sports Wagering Area, Sports Wagering Facility, or Sports Wagering Platform, a specific consent would be required. This might include, for example, linking a player’s account to a third-party rewards system provided by a third-party.

- Is it acceptable to interpret 205 CMR 257.02(3)(a) to prohibit promotions based on (a) dormancy as defined in 205 CMR 248.19(1) and (b) a period of non-use based on the time since the patron’s last wager?

Yes. Under this provision, Operators may not use their knowledge that a patron has not placed a wager within a specific period of time to push promotional offers or advertisements to that patron. This applies to periods of time long enough to constitute dormancy or abandonment of accounts under 205 CMR 248.19(1) as well as shorter periods of non-use. This provision does not prohibit promotions based on known wagers that may be intermittent (e.g., on particular sporting events that happen seasonally). Further, the prohibition in 205 CMR 257.02(3)(a) is against promotions and promotional offers, and does not prohibit messages solely about a patron’s account balance and transactional messages to close an account.

- What does MGC expect Operators will submit to comply with the requirement in 205 CMR 238.02(7)(m) that Operators describe their use of computerized algorithms, automated decision-making, machine learning, artificial intelligence, or any similar system?

The Gaming Commission seeks to understand how operators are using computerized algorithms, automated decision-making, machine learning, artificial intelligence, and similar systems that significantly affect patrons. The Commission is not looking for a summary of all automated processes that are used to operate the Sports Wagering Operation that do not affect the patron interaction (including for example fraud detection systems or internal accounting processes). Operators should also include in their explanations how their staff is expected to use the systems in place. For example, if an automated system flags a certain account for potential promotions, the Operator should identify what happens next and whether automated or human decision-making is employed to take the next steps.

205 CMR 257.00: SPORTS WAGERING DATA PRIVACY

Section

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

257.01: Definitions

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

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

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

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

257.02: Data Use and Retention

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

(2) If a Sports Wagering Operator seeks to use a patron's Confidential Information or Personally Identifiable Information for purposes beyond those specified in 205 CMR 257.02(1), a Sports Wagering Operator shall obtain the patron's consent, which may be withdrawn at any time.

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

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

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

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

257.02: continued

- (a) a period of dormancy or non-use of a Sports Wagering Platform;
- (b) the wagers made or promotional offers accepted by other patrons with a known or predicted social connection to the patron;
- (c) the communications of the patron with any third party other than the Operator;
- (d) the patron's actual or predicted:
 - 1. income, debt, net worth, credit history, or status as beneficiary of governmental programs;
 - 2. medical status or conditions; or
 - 3. occupation.
- (e) Any computerized algorithm, automated decision-making, machine learning, artificial intelligence, or similar system that is known or reasonably expected to make the gaming or sports wagering platform more addictive.
- (f) Engagement or utilization of play management options, including type of limit, frequency of engagement or utilization of play management options, and frequency of changing limits;
- (g) Engagement or utilization of cooling-off options, including duration of cooling-off period, frequency of engagement or utilization of cooling-off options, and frequency of changing cooling-off periods;
- (h) Engagement or utilization of any measure in addition to those described in 205 CMR 257.02(3)(f) and (g) intended to promote responsible gaming.

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

(5) A Sports Wagering Operator shall collect and aggregate patrons' Confidential Information and Personally Identifiable Information to analyze patron behavior for the purposes of identifying and developing programs and interventions to promote responsible gaming and support problem gamblers, and to monitor and deter Sports Wagering in violation of M.G.L. c. 23N and 205 CMR. The Sports Wagering Operator shall provide a report to the Commission at least every six months on the Sports Wagering Operator's compliance with 205 CMR 257.02(5), including the trends observed in this data and the Sports wagering Operator's efforts to mitigate potential addictive behavior.

257.03: Data Sharing

(1) A Sports Wagering Operator shall not share a patron's Confidential Information or Personally Identifiable Information with any third party except as necessary to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed legal claims, and for other reasonable safety and security purposes.

(2) If a Sports Wagering Operator shares a patron's Confidential Information or Personally Identifiable Information pursuant to 257.03(1), the Operator shall take commercially reasonable measures to ensure the party receiving a patron's Confidential Information or Personally Identifiable Information keeps such data private and confidential, except as required to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity. The party receiving such data shall only use a patron's Confidential Information or Personally Identifiable Information for the purpose(s) for which the data was shared.

257.03: continued

(3) If a Sports Wagering Operator deems it necessary to share a patron's Confidential Information or Personally Identifiable Information with a Sports Wagering Vendor, Sports Wagering Subcontractor, or Sports Wagering Registrant in order to operate its Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity, a Sports Wagering Operator shall enter into a written agreement with the Sports Wagering Vendor, Sports Wagering Subcontractor or Sports Wagering Registrant, which shall include, at a minimum, the following obligations:

- (a) The protection of all Confidential Information or Personally Identifiable Information that may come into the third party's custody or control against a Data Breach;
- (b) The implementation and maintenance of a comprehensive data-security program for the protection of Confidential Information and Personally Identifiable Information, which shall include, at a minimum, the following:
 - 1. A security policy for employees relating to the storage, access and transportation of Confidential Information or Personally Identifiable Information;
 - 2. Restrictions on access to Personally Identifying Information and Confidential Information, including the area where such records are kept, secure passwords for electronically stored records and the use of multi-factor authentication;
 - 3. A process for reviewing data security policies and measures at least annually; and
 - 4. An active and ongoing employee security awareness program for all employees who may have access to Confidential Information or Personally Identifiable Information that, at a minimum, advises such employees of the confidentiality of the data, the safeguards required to protect the data and any applicable civil and criminal penalties for noncompliance pursuant to state and federal law.
- (c) The implementation, maintenance, and update of security and breach investigation and incident response procedures that are reasonably designed to protect Confidential Information and Personally Identifiable Information from unauthorized access, use, modification, disclosure, manipulation or destruction; and
- (d) A requirement that the maintenance of all Confidential Information and Personally Identifiable Information by a Vendor, Subcontractor or Registrant must meet the standards provided in 205 CMR 257.03.

(4) Sports Wagering Operators shall encrypt or hash and protect, including through the use of multi-factor authentication, from incomplete transmission, misrouting, unauthorized message modification, disclosure, duplication or replay all Confidential Information and Personally Identifiable Information.

257.04: Patron Access

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

- (a) A description as to how their Confidential Information or Personally Identifiable Information is being used, including confirmation that such Confidential Information or Personally Identifiable Information is being used in accordance with 205 CMR 257.00;
- (b) Access to a copy of their Confidential Information or Personally Identifiable Information maintained by the Operator or a Vendor, Subcontractor, or Registrant of the Operator;
- (c) Updates to their Confidential Information or Personally Identifiable Information;
- (d) The imposition of additional restriction on the use of their Confidential Information or Personally Identifiable Information for particular uses; and
- (e) That their Confidential Information or Personally Identifiable Information be erased when it is no longer required to be retained by applicable law or Court order.

(2) A Sports Wagering Operator shall provide a written response to a request submitted pursuant to 205 CMR 257.04(1) that either grants or denies the request.

257.04: continued

(a) If the Sports Wagering Operator grants the patron's request to access a copy of their Personally Identifiable Information, the Sports Wagering Operator shall provide the patron their Confidential Information or Personally Identifiable Information in a structured, commonly used and machine readable format.

(b) If the Sports Wagering Operator denies the request, the Sports Wagering Operator shall provide in its written response specific reason(s) supporting the denial and directions on how the patron may file a complaint regarding the denial with the Commission.

(3) A Sports Wagering Operator shall grant the patron's request to impose a restriction or erase their Confidential Information or Personally Identifiable Information if it is no longer necessary to retain the patron's Confidential Information or Personally Identifiable Information (or to retain the patron's Confidential Information or Personally Identifiable Information without the requested restriction) to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed legal claims, and for other reasonable safety and security purposes; and

(a) It is no longer necessary to retain the patron's Confidential Information or Personally Identifiable Information to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity;

(b) The patron withdraws their consent to the Sports Wagering Operator's retention of their Confidential Information or Personally Identifiable Information;

(c) There is no overriding legal interest to retaining the patron's Confidential Information or Personally Identifiable Information;

(d) The patron's Confidential Information or Personally Identifiable Information was used in violation of 205 CMR 257.00; or

(e) Restriction or erasure is necessary to comply with an order from the Commission or a court.

(4) If the Sports Wagering Operator grants the patron's request to erase their Confidential Information or Personally Identifiable Information, the Sports Wagering Operator shall erase the patron's Personally Identifiable Information or Confidential from all storage media it is currently using to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, including HDD, SDD, flash, mobile, cloud, virtual, RAID, LUN, hard disks, solid state memory, and other devices. The Sports Wagering Operator shall also request commercially reasonable confirmation of deletion from any Vendor, Registrant, or Subcontractor who received the patron's Confidential Information or Personally Identifiable Information from the Sports Wagering Operator. Notwithstanding, the foregoing, the Sports Wagering Operator shall not erase a patron's Confidential Information or Personally Identifiable Information on backup or storage media used to ensure the integrity of the Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform from technology failure or to comply with its data retention schedule or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity.

(5) An Operator, or a Vendor, Registrant or Subcontractor of an Operator shall not require a Patron to enter into an agreement waiving any of the Patron's rights under 205 CMR 257.04.

257.05: Data Program Responsibilities

(1) A Sports Wagering Operator shall develop, implement and maintain comprehensive administrative, technical and physical data privacy and security policies appropriate to the size and scope of business and addressing, at a minimum:

(a) Practices to protect the confidentiality, integrity and accessibility of Confidential Information or Personally Identifiable Information;

(b) The secure storage, access and transportation of Confidential Information or Personally Identifiable Information, including the use of encryption and multi-factor authentication;

257.05: continued

- (c) The secure and timely disposal of Confidential Information or Personally Identifiable Information, including data retention policies;
- (d) Employee training on data privacy and cybersecurity for employees who may have access to Confidential Information or Personally Identifiable Information that, at a minimum, advises such employees of the confidentiality of the data, the safeguards required to protect the data and any applicable civil and criminal penalties for noncompliance pursuant to state and federal law;
- (e) Restrictions on access to Personally Identifying Information or Confidential Information, including the area where such records are kept, secure passwords for electronically stored records and the use of multi-factor authentication;
- (f) Reasonable monitoring of systems, for unauthorized use of or access to Confidential Information or Personally Identifying Information;
- (g) Reasonably up-to-date versions of system security agent software which must include malware protection and reasonably up-to-date patches and virus definitions, or a version of such software that can still be supported with up-to-date patches and virus definitions, and is set to receive the most current security updates on a regular basis;
- (h) Cybersecurity insurance, which shall include, at a minimum, coverage for data compromise response, identity recovery, computer attack, cyber extortion and network security;
- (i) Data Breach investigation and incident response procedures;
- (j) Imposing disciplinary measures for violations of Confidential Information and Personally Identifiable Information policies;
- (k) Active oversight and auditing of compliance by Vendors, Registrants, or Subcontractors with 205 CMR 257.03(3) and with the Operator's Confidential Information and Personally Identifying Information policies.
- (l) Quarterly information system audits; and
- (m) A process for reviewing and, if necessary, updating data privacy policies at least annually.

(2) A Sports Wagering Operator shall maintain on its website and Sports Wagering Platform a readily accessible copy of a written policy explaining to a patron the Confidential Information and Personally Identifiable Information that is required to be collected by the Sports Wagering Operator, the purpose for which Confidential Information or Personally Identifiable Information is being collected, the conditions under which a patron's Confidential Information or Personally Identifiable Information may be disclosed, and the measures implemented to otherwise protect a patron's Confidential Information or Personally Identifiable Information. A Sports Wagering Operator shall require a patron to agree to the policy prior to collecting any Confidential Information or Personally Identifiable Information, and require a patron to agree to any material updates. Agreement to this policy shall not constitute required consent for any additional uses of information.

(3) A Sports Wagering Operator, Sports Wagering Vendor, Sports Wagering Subcontractor, Sports Wagering Registrant, or Person to whom an Occupational License is issued shall comply with all applicable state and federal requirements for data security, including M.G.L. c. 93A, M.G.L. c. 93H, 940 CMR 3.00: *General Regulations*, 940 CMR 6.00: *Retail Advertising* and 201 CMR 17.00: *Standards for the Protection of Personal Information of Residents of the Commonwealth*.

257.06: Data Breaches

(1) In the event of a suspected Data Breach involving a patron's Confidential Information or Personally Identifiable Information, a Sports Wagering Operator shall immediately notify the Commission and commence an investigation of the suspected Data Breach, which shall be commenced no less than five days from the discovery of the suspected breach, and completed as soon as reasonably practicable thereafter.

(2) Following completion of the investigation specified pursuant to 205 CMR 257.06(1), the Sports Wagering Operator shall submit a written report to the Commission describing the suspected Data Breach and stating whether any patron's Confidential Information or Personally Identifying Information was subjected to unauthorized access. Unless the Sports Wagering

257.06: continued

Operator shows that unauthorized access did not occur, the Sports Wagering Operator's written report shall also detail the Operator's plan to remediate the Data Breach, mitigate its effects, and prevent Data Breaches of a similar nature from occurring in the future.

(3) Upon request by the Commission, the Sports Wagering Operator shall provide a report from a qualified third-party forensic examiner, the cost of which shall be borne by the Sports Wagering Operator being examined.

(4) In addition to the other provisions of 205 CMR 257.06, the Sports Wagering Operator shall be required to comply with any other legal requirements applicable to such Data Breaches or suspected Data Breaches, including its obligations pursuant to M.G.L. c. 93H and 201 CMR 17.00: *Standards for the Protection of Personal Information of Residents of the Commonwealth*.

REGULATORY AUTHORITY

205 CMR 257.00: M.G.L. c. 23N, § 4.



November 1, 2023

Bruce Band
Sports Wagering Division Director
Massachusetts Gaming Commission
101 Federal Street
Boston MA 02110

RE: BetMGM Updated Waiver Request - 205 CMR 257 and 205 CMR 238.02 (l) and (m)

Thank you for the opportunity to comment on 205 CMR 257 - Data Privacy (the "Regulation"). BetMGM appreciates the additional guidance shared by MGC on October 20 and October 27 (the "Additional Guidance"), which addresses many of BetMGM's questions regarding implementation of the Regulation. BetMGM is in substantial compliance with most of the provisions of the regulation at this time. Based on the Additional Guidance, BetMGM requests narrow waivers and one additional request regarding the language of the regulation.¹

BetMGM submits the following waiver requests.

- 1. Patron Access – Ability to Limit for Particular Uses in 257.04(1)(d)** - BetMGM requests a permanent waiver and intends to comply with this regulation by permitting patrons to opt out of different types of marketing and cookie collection, but not other uses BetMGM performs to operate its platform or comply with applicable laws (e.g., AML, RG).
- 2. Information Security Protections in 257.03(4) and 257.05(1)(b)** - BetMGM requests a permanent waiver to the extent that 205 CMR 257.03(4) and 257.05(1)(b) require all patron PII and CI to be hashed or encrypted.
- 3. Vendor contract requirements in 257.03(3)** - BetMGM requests a temporary waiver from the specific language in vendor contracts required by 257.03(3) (Data Sharing). BetMGM requests the following phased timeline for implementation:
 - a. BetMGM will begin including this language in applicable new contracts that are initiated after November 17, 2023.
 - b. By February 1, 2024, applicable executed BetMGM contracts will include the language requested in 257.03(3).
 - c. For applicable ongoing relationships, BetMGM will ensure an updated DPA will be included at renewal or renegotiation.

Alternately, BetMGM requests that MGC approve continued use of BetMGM's current template Data Protection Addendum, which complies with all applicable state-level privacy laws.

¹ If this understanding is not correct and the MGC issues different advice or changes this definition in the future, BetMGM requests additional time to offer an updated implementation plan to ensure compliance.



- 4. Internal Controls – Algorithms and automated decision-making in 238.02(7)(l) and (m) -** BetMGM requests a temporary waiver of 205 CMR 238.02(7)(m) until January 1, 2024 and will provide an updated Internal Control document to MGC at that time.

In addition, BetMGM also requests that the definition of “necessary” included in the Additional Guidance be added to the Regulation directly. This will clarify – for existing operators, future operators, patrons, future Commissioners and staff of the Commission – the framework under which operators comply with the Regulation. BetMGM proposes that the Commission add:

“As necessary to operate” means include all reasonable, legitimate, business purposes.

to the Definitions section of 205 CMR 257.01. This will also prevent third parties who have not received the Additional Guidance from bringing lawsuits or consumer protection challenges against operators who are following the MGC’s instructions.

BetMGM will provide regular updates to the MGC to address compliance with these issues.

Thank you for your consideration. If you require any more details, BetMGM is happy to provide them.

Respectfully,

/s/ Sarah Brennan

Sarah Brennan
Senior Director, Compliance, BetMGM



MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 11/1/2023

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): BetMGM

NAME OF INDIVIDUAL COMPILING REQUEST: Sarah Brennan

TITLE OF INDIVIDUAL COMPILING REQUEST: Senior Director, Compliance

CONTACT EMAIL ADDRESS: sarah.brennan@betmgm.com

CONTACT PHONE NUMBER: 732-782-5125

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT):

alexis.cocco@betmgm.com, robvn.bowers@betmgm.com

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED: 205 CMR 257.00: Sports wagering data privacy

REGULATION SECTION TITLE: 257.04(1)(d)

REGULATION LANGUAGE/TEXT:

(d) The imposition of additional restriction on the use of their Confidential Information or Personally Identifiable Information for particular uses; and

REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH: Permanently.

Per 205 CMR 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT:

BetMGM would not be able to operate certain necessary functions of a Sports Wagering Platform.

Per 205 CMR 102.03 (4)(a)(4)

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION:



BetMGM would not fully comply with section 205 CMR 257 Sports Wagering Data Privacy and/or would not be able to perform necessary Sports Wagering Platform functions.

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:

BetMGM hosts a portal through which Massachusetts residents (and residents of other states with applicable privacy rights) can submit requests for Access (categories or actual information), Correction, Deletion (when the information is no longer legally required to be retained) and to Opt-out of Marketing. BetMGM has provided these rights to Massachusetts residents since July 2023, when the Regulation was proposed. BetMGM includes a comment box in the submission form for patrons who have specific concerns to share that information with the BetMGM privacy team, who then review it and determine how to implement and/or respond to the request.

BetMGM offers patrons control over their data in additional ways. The Communication Preferences screen in a patron’s Account Settings provides all BetMGM patrons with the ability to opt out of specific types of advertising, such as email and direct mail. BetMGM’s marketing emails contain an unsubscribe link for easy removal from BetMGM’s email lists. BetMGM’s website includes a Cookie Settings link to permit website visitors to limit the use of selected cookies. BetMGM is also developing a method for patrons (who will have opted in) to remove the link between BetMGM rewards and third party rewards partnership programs as part of that program launch.

BetMGM, however, is not able to provide patrons with the ability to restrict all additional uses as potentially required by 257.04(1)(d) (“The imposition of additional restriction on the use of their Confidential Information or Personally Identifiable Information for particular uses...”). Providing patrons with the unfettered ability to restrict use of their data could lead to significant negative effects, hampering BetMGM’s responsibilities to use data for fundamental programs such as Anti-Money Laundering compliance and Responsible Gambling programs. BetMGM intends to comply with this regulation by permitting patrons to opt out of different types of marketing and control cookies through its website cookie banners, but not other uses BetMGM performs to operate its platform or comply with applicable laws. If MGC requests that operators permit patrons to place additional restrictions, BetMGM requests that those specific restrictions be identified in the regulations.

DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.





MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 11/1/2023

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): BetMGM

NAME OF INDIVIDUAL COMPILING REQUEST: Sarah Brennan

TITLE OF INDIVIDUAL COMPILING REQUEST: Senior Director, Compliance

CONTACT EMAIL ADDRESS: sarah.brennan@betmgm.com

CONTACT PHONE NUMBER: 732-782-5125

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT):

alexis.cocco@betmgm.com, robvn.bowers@betmgm.com

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED: 205 CMR 257.00: Sports wagering data privacy

REGULATION SECTION TITLE: 257.03(4) and 257.05(1)(b)

REGULATION LANGUAGE/TEXT:

257.03(4)

(4) Sports Wagering Operators shall encrypt or hash and protect, including through the use of multi-factor authentication, from incomplete transmission, misrouting, unauthorized message modification, disclosure, duplication or replay all Confidential Information and Personally Identifiable Information.

257.05(1)(b)

(b) The secure storage, access and transportation of Confidential Information or Personally Identifiable Information, including the use of encryption and multi-factor authentication;

REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH: Permanent



Per 205 CMR 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT:

These changes require significant technical and product development, and the variance will not adversely affect the public interest.

Per 205 CMR 102.03 (4)(a)(4)

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION:

BetMGM would not fully comply with section 205 CMR 257 Sports Wagering Data Privacy.

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:

BetMGM requests a waiver to the extent that 205 CMR 257.03(4) and 257.05(1)(b) require all patron PII and CI to be hashed or encrypted. BetMGM has a comprehensive information security program that includes appropriate physical, technical, administrative and organizational measures appropriate to the sensitivity of the patron data in its custody and control. BetMGM's information security program complies with ISO 27001, GLI 33, and PCI DSS (when financial data is processed). BetMGM's information security program includes hashing and encryption, but some data is protected in different other methods such as data obfuscation, dual-factor authentication, VPNs, firewalls and access controls. BetMGM has submitted relevant information to MGC staff to demonstrate these protections and requests that MGC permit BetMGM to continue meeting those standards instead of requiring encryption and/or hashing for any "information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular patron, individual or household." Additionally, BetMGM undergoes a yearly external penetration test, the results of which are submitted to the Commission as a closed record. This submission also provides the Commission visibility into finding and mitigating controls in place to address security concerns.

Due to the sensitivity of this specific cybersecurity information and the public nature of this document, BetMGM requests a further, private discussion on this provision with MGC should MGC require further information from BetMGM to understand or grant this request.

DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.





MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 11/1/2023

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): BetMGM

NAME OF INDIVIDUAL COMPILING REQUEST: Sarah Brennan

TITLE OF INDIVIDUAL COMPILING REQUEST: Senior Director, Compliance

CONTACT EMAIL ADDRESS: sarah.brennan@betmgm.com

CONTACT PHONE NUMBER: 732-782-5125

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT):

alexis.cocco@betmgm.com, robvn.bowers@betmgm.com

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED: 205 CMR 257.00: Sports wagering data privacy

REGULATION SECTION TITLE: 257.03(3)

REGULATION LANGUAGE/TEXT:

(3) If a Sports Wagering Operator deems it necessary to share a patron's Confidential Information or Personally Identifiable Information with a Sports Wagering Vendor, Sports Wagering Subcontractor, or Sports Wagering Registrant in order to operate its Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity, a Sports Wagering Operator shall enter into a written agreement with the Sports Wagering Vendor, Sports Wagering Subcontractor or Sports Wagering Registrant, which shall include, at a minimum, the following obligations:

(a) The protection of all Confidential Information or Personally Identifiable Information that may come into the third party's custody or control against a Data Breach;

(b) The implementation and maintenance of a comprehensive data-security program for the protection of Confidential Information and Personally Identifiable Information, which shall include, at a minimum, the following:

1. A security policy for employees relating to the storage, access and transportation of Confidential Information or Personally Identifiable Information;

2. Restrictions on access to Personally Identifying Information and Confidential Information, including the area where such records are kept, secure passwords for electronically stored records and the use of multi-factor authentication;



3. A process for reviewing data security policies and measures at least annually; and
 4. An active and ongoing employee security awareness program for all employees who may have access to Confidential Information or Personally Identifiable Information that, at a minimum, advises such employees of the confidentiality of the data, the safeguards required to protect the data and any applicable civil and criminal penalties for noncompliance pursuant to state and federal law.
- (c) The implementation, maintenance, and update of security and breach investigation and incident response procedures that are reasonably designed to protect Confidential Information and Personally Identifiable Information from unauthorized access, use, modification, disclosure, manipulation or destruction; and
- (d) A requirement that the maintenance of all Confidential Information and Personally Identifiable Information by a Vendor, Subcontractor or Registrant must meet the standards provided in 205 CMR 257.03.

REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH: Please see below for timeline of implementation.

Per 205 CMR 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT:

These changes require significant implementation efforts, including reliance on third parties, and a waiver will not adversely affect the public interest.

Per 205 CMR 102.03 (4)(a)(4)

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION:

BetMGM would not fully comply with section 205 CMR 257 Sports Wagering Data Privacy.

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:

BetMGM's current template Data Protection Addendum ("DPA") includes language that generally encompasses the provisions required by 257.03(3), and appropriately protects patron data. BetMGM's DPA requires a comprehensive data security program and appropriate employee training, but it does not currently include certain specific language MGC included in the regulations (such as "reviewing data security policies and measures at least annually" and training regarding "applicable civil and criminal penalties for noncompliance").

Accordingly, BetMGM requests a waiver from the specific language in vendor contracts required by 257.03(3) (Data Sharing). BetMGM requests this timeline for implementation:

- BetMGM's template Data Protection Addendum will be revised to include the language requested in 257.03 (Data Sharing) by November 17, 2023.
- BetMGM will begin including the updated DPA to applicable new contracts that are initiated after November 17, 2023.
- By February 1, 2024, applicable executed BetMGM contracts will include the language requested in 257.03(3).
- For applicable ongoing relationships, BetMGM will ensure an updated DPA will be included at renewal or renegotiation.

Alternately, BetMGM requests that MGC approve continued use of BetMGM's current DPA, which complies with all applicable state-level privacy laws.



DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.





MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 11/1/2023

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): BetMGM

NAME OF INDIVIDUAL COMPILING REQUEST: Sarah Brennan

TITLE OF INDIVIDUAL COMPILING REQUEST: Senior Director, Compliance

CONTACT EMAIL ADDRESS: sarah.brennan@betmgm.com

CONTACT PHONE NUMBER: 732-782-5125

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT):

alexis.cocco@betmgm.com, robvn.bowers@betmgm.com

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED: 205 CMR 238

REGULATION SECTION TITLE: 238.02(7)(l) and (m)

REGULATION LANGUAGE/TEXT:

(l) A plan, as required by 205 CMR 257.00: Data Privacy, to safeguard Confidential Information and Personally Identifiable Information and to ensure compliance with the requirements of 205 CMR 257.00, M.G.L. c. 93H, M.G.L. c. 93I, 201 CMR 17.00: Standards for the Protection of Personal Information of Residents of the Commonwealth, and any other applicable law, regulation or order of a governmental body regarding data privacy and security; and

(m) A description of the Operator's use of computerized algorithms, automated decision-making, machine learning, artificial intelligence, or any similar system, which shall include, at a minimum a description of permissible and impermissible uses of such practices and capabilities, the purposes for which they are used and the types of input and output data and an accounting of the source of each, and a description of how the Operator may use such systems to minimize risky play behavior



REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH: January 1, 2024

Per 205 CMR 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT:

On October 27, MGC provided additional guidance regarding this provision and BetMGM requires additional time to compile the information requested and incorporate it into its internal controls.

Per 205 CMR 102.03 (4)(a)(4)

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION:

BetMGM would not fully comply with the adopted 205 CMR 257 Sports Wagering Data Privacy regulation.

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:

BetMGM requests a temporary waiver of 205 CMR 238.02(7)(m), which requests the identification of “computerized algorithms, automated decision-making, machine learning, artificial intelligence, and similar systems.” The Commission provided, as part of the Additional Guidance on October 27, information clarifying MGC’s expectations for this provision. BetMGM requests a waiver until January 1, 2024 so that it can properly assess and investigate these uses and will provide an updated Internal Control document to MGC at that time.

DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.





November 1, 2023

Massachusetts Gaming Commission
101 Federal Street
Boston, MA 02110
Email: bruce.band@massgaming.gov

Dear Mr. Band,

American Wagering, Inc. (“Caesars Sportsbook”) respectfully requests a waiver of enforcement of certain provisions of Massachusetts’ new Sports Wagering Data Privacy regulation (205 CMR 257) (the “Privacy Regulation”). The grounds for this waiver request are set forth below, and the completed waiver request form is attached. For ease of reading, we will refer to patron Confidential Information and Personally Identifiable Information (collectively, as these terms are defined in the Privacy Regulation) as “patron data” throughout.

To prepare for this waiver request, Caesars Sportsbook assembled a large, cross-functional project team to closely review the Privacy Regulation requirements. For the identified areas of non-compliance, the team determined the level of effort and time required to achieve compliance given current business priorities. Based on these project findings, Caesars Sportsbook is requesting (1) a waiver of enforcement of certain vendor contract requirements until June 30, 2024, and (2) a waiver of enforcement of the patron data usage/sharing opt-in requirement and the responsible gaming analytics requirement until December 31, 2024. Additional supporting information for these requests can be found on the attached “Waiver Requests and Project Details” document.

In preparing this waiver request, Caesars Sportsbook has relied on the guidance provided by the Massachusetts Gaming Commission (“Commission”) on October 20, 2023 (as updated on October 27, 2023), which advises that the use of patron data for “reasonable, legitimate, business purposes” in connection with the operation of a sports wagering service meets the “necessary to operate” standard in the Privacy Regulation and therefore does not require an opt-in from the patron. Accordingly, Caesars Sportsbook has concluded that most current uses of Massachusetts patron data are “necessary to operate” the service. If the Commission later clarifies that ordinary course marketing uses of patron data are not “necessary to operate” the service, Caesars Sportsbook may need to request a waiver for additional time to develop opt-in/opt-out mechanisms for those marketing uses.

Our Privacy Regulation project team will begin remediation work in earnest as soon as the Commission issues its waiver decision. Caesars Sportsbook intends to provide the Commission



with quarterly updates on progress beginning on March 31, 2024 (unless more frequent updates are requested by the Commission).

Respectfully submitted,

/s/ CHRIS WILLARD

Chris Willard
VP and Chief Corporate Counsel, Marketing and Privacy

Cc: crystal.beauchemin@massgaming.gov



Waiver Requests and Project Details

Caesars Sportsbook can comply with the following sections of the Privacy Regulation as of **November 20, 2023**:

1. 257.02 (3)
2. 257.02 (4)
3. 257.03 (2)
4. 257.03 (4)
5. 257.04 (1), excluding subsection (d)
6. 257.04 (2)
7. 257.04 (3)
8. 257.04 (4)
9. 257.04 (5)
10. 257.05 (1)
11. 257.05 (2)
12. 257.05 (3)
13. 257.06 (1)-(3), with respect to Data Breaches occurring after November 20, 2023
14. 257.06 (4)

Caesars Sportsbook requests a waiver of enforcement until **June 30, 2024**, for the following section of the Privacy Regulation:

Section(s)	Reason for Waiver Request
257.03 (3)	<p>This section requires operators to enter into written agreements with all third parties who receive patron data. These agreements must include minimum security controls, as specified in this section.</p> <p>While our vendor agreements currently contain vendor data security obligations, the Privacy Regulation mandates very specific contractual language that is not present in all current agreements. Caesars Sportsbook requests this additional time to negotiate amendments with vendors to address these requirements.</p>



Caesars Sportsbook requests a waiver of enforcement until **December 31, 2024**, for the following sections of the Privacy Regulation:

Section(s)	Reason for Waiver Request
<p>257.02 (1)-(2); 257.03 (1)</p>	<p>These sections require operators to collect an express opt-in from a patron before using or sharing patron data for any purpose other than those uses that are “necessary to operate” the gaming service.</p> <p>Caesars Rewards is the loyalty program for all Caesars Entertainment-affiliated companies. Currently, all new Caesars Sportsbook patrons in Massachusetts who are not Caesars Rewards members are registered for the loyalty program when they sign up for a Caesars Sportsbook account. If a Massachusetts patron is already a Caesars Rewards member when registering for a Caesars Sportsbook account, Caesars Sportsbook automatically links that patron’s Caesars Rewards account to their Massachusetts sports betting account at registration.</p> <p>To the extent the Privacy Regulation requires collecting an opt-in from a patron to use and share patron data to enroll the patron in an affiliated loyalty program, Caesars Sportsbook requests this additional time to build and test this new functionality. To determine the level of effort required to make this change, the project team for implementing the Privacy Regulation interviewed the loyalty program and product teams, who advised that removing automatic enrollment will have material downstream impacts on patron marketing journeys and responsible gaming program administration. (Caesars Entertainment leverages the Caesars Rewards platform to manage its enterprise-wide self-exclusion program.) These impacts need to be fully assessed and alternative processes developed. In addition, these teams identified a number of complicated registration edge cases that will require additional discovery, planning and development efforts to find appropriate solutions before we can offer this opt-in mechanism for Caesars Rewards.</p>
<p>257.02 (5)</p>	<p>This section requires operators to collect and aggregate patron data to analyze patron behavior for the purposes of identifying and developing programs and interventions to promote responsible gaming and support problem gamblers, and to monitor and deter sports wagering in violation of G.L. c. 23N and 205 CMR.</p> <p>Currently, Caesars Sportsbook can analyze patron data against predetermined activity thresholds and provide communications to patrons based on the patrons’ behavior against those thresholds. Our</p>

Section(s)	Reason for Waiver Request
	<p>understanding is that this form of review may not meet the intent of this new regulation. Designing an iterative, AI inflected analytics program, if that is required by the Privacy Regulation, would involve extensive planning, development, and testing efforts, and may also require engaging third party experts on AI and problem gambling. Caesars Sportsbook is requesting this additional time to fully scope out and develop a program that will meet or exceed the Commission’s expectations.</p>
257.04 (1)(d)	<p>This section requires operators to provide a mechanism to allow patrons to impose additional restrictions on the use of their patron data—in other words, to opt out of any uses that are not necessary to operate the service.</p> <p>Until the optional Caesars Rewards enrollment mechanism described above is implemented, if required, new patrons are unable to restrict the sharing of patron data with the operator of Caesars Rewards at registration. However, all Caesars Rewards members can deactivate their Caesars Rewards account at any time by filling out a deactivation request form, which is available on the Caesars Entertainment privacy requests webpage. In addition, Caesars Sportsbook currently allows Massachusetts residents to exercise rights that are available to residents of other states with comprehensive privacy laws, including the right to opt out of the sale of their information and the right to opt out of any sharing of data for targeted advertising purposes.</p>



MASSACHUSETTS GAMING COMMISSION **WAIVER/VARIANCE REQUEST FORM**

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 11/1/2023

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): American Wagering, Inc.

NAME OF INDIVIDUAL COMPILING REQUEST: Chris Willard

TITLE OF INDIVIDUAL COMPILING REQUEST: VP and Chief Corporate Counsel, Marketing and Privacy

CONTACT EMAIL ADDRESS: cwillard@caesars.com

CONTACT PHONE NUMBER: 702-407-6064

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT):
curtis.lane@caesars.com

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED: 205 CMR 257

REGULATION SECTION TITLE: Sports Wagering Data Privacy

REGULATION LANGUAGE/TEXT: Specific paragraphs identified in attached letter.

REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH: Please see attached letter.

Per 205 CMR 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT: Please see attached letter.



Per 205 CMR 102.03 (4)(a)(4)

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION: Please see attached letter.

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST: Please see attached letter.

DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.



Betr Project Plan For the Temporary Waiver of 205 CMR 257.02(2)(a) -(c) and 205 CMR 257.04(1)(a)-(e)

Betr is requesting a temporary waiver for the following specific sections 205 CMR 257.02(2)(a) -(c); 205 CMR 257.04(1)(a)-(e):

Regulation Section Title:

Data Use and Retention; Patron Access

Regulation Language/Text:

257.02: Data Use and Retention

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

- a) Such consent must be clear, conspicuous, and received apart from any other agreement or approval of the patron. Acceptance of general or broad terms of use or similar documents that purport to permit the sharing of Confidential Information or Personally Identifiable Information in the same document shall not constitute adequate consent, nor shall hovering over, muting, pausing, pre-selecting, or closing a given piece of content without affirmative indication of consent.
- b) Consent shall not be deemed to be a waiver of any of the patron's other rights.
- c) The option to withdraw such consent must be clearly and conspicuously available to the patron on the withdrawal of consent more than once, and no intervening pages or offers will be presented to the patron before such confirmation is presented to the patron. Sports Wagering Operator's Sports Wagering Platform. A patron shall not be required to confirm.

257.04: Patron Access

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

Personally Identifiable Information is being used in accordance with this Section 205 CMR 257;

- b) Access to a copy of their Confidential Information or Personally Identifiable Information maintained by the Operator or a Vendor, Subcontractor, or Registrant of the Operator;
- c) Updates to their Confidential Information or Personally Identifiable Information;
- d) The imposition of additional restriction on the use of their Confidential Information or Personally Identifiable Information for particular uses; and
- e) That their Confidential Information or Personally Identifiable Information be erased when it is no longer required to be retained by applicable law or Court order.

Betr Project Plan:

Note: While creating the Project Plan, we found additional technical complexity which requires more time. In addition to the holiday season which impacts the velocity of work and number of team members available to complete the project. Also, our team operates on sprints which means we deliver projects in 2 week blocks, this flows into our app release process. App store acceptance is out of our control. We can have the app submitted by the desired date but there could always be an issue from the store side resulting in an additional delay.

In order to meet the elements of 205 CMR 257.02 (2)(a) - (c) and 205 CMR 257.04 (1)(a) - (e), Betr has to take the following steps:

1. Create a consent event which flows into our data warehouse – approximate project completion time frame – Approximately 42 days.
2. From the data warehouse the data event flowing to the CRM system – approximate project completion time frame – Approximately 42 days.
3. Have CRM data of opting out flow into the data warehouse to be surfaced to the front end – approximate project completion time frame – Approximately 28 days.
4. Add consent attribute to the front end through an API – approximate project completion time frame – Approximately 28 days.
5. Create the front-end experience where a user can set consent preferences at account creation or change preferences in the account settings – approximate project completion time frame – Approximately 14 days.
6. Testing – approximate project completion time frame – Approximately 14 days
7. Submit app to the play store and app store for approval and release – approximate project completion time frame – May 7th, 2024.



MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 10/31/2023

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): Betr Holdings, Inc. ("Betr")

NAME OF INDIVIDUAL COMPILING REQUEST: Robert Warren

TITLE OF INDIVIDUAL COMPILING REQUEST: Compliance Lead

CONTACT EMAIL ADDRESS: robert.warren@betr.app

CONTACT PHONE NUMBER: (202) 423-8578

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT):
N/A

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED:

205 CMR 257.02(2)(a)-(c); 205 CMR 257.04(1)(a)-(e)

REGULATION SECTION TITLE:

Data Use and Retention; Patron Access

REGULATION LANGUAGE/TEXT:

257.02: Data Use and Retention

- (2) If a Sports Wagering Operator seeks to use a patron's Confidential Information or Personally Identifiable Information for purposes beyond those specified in 257.02(1), a Sports Wagering Operator shall obtain the patron's consent, which may be withdrawn at any time.
- (a) Such consent must be clear, conspicuous, and received apart from any other agreement or approval of the patron. Acceptance of general or broad terms of use or similar documents that purport to permit the sharing of Confidential Information or Personally Identifiable Information in the same document shall not constitute adequate consent, nor shall hovering over, muting, pausing, pre-selecting, or closing a given piece of content without affirmative indication of consent.
- (b) Consent shall not be deemed to be a waiver of any of the patron's other rights.
- (c) The option to withdraw such consent must be clearly and conspicuously available to the patron on the Sports Wagering Operator's Sports Wagering Platform. A patron shall not be required to confirm



withdrawal of consent more than once, and no intervening pages or offers will be presented to the patron before such confirmation is presented to the patron.

257.04: Patron Access

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

- (a) A description as to how their Confidential Information or Personally Identifiable Information is being used, including confirmation that such Confidential Information or Personally Identifiable Information is being used in accordance with this Section 205 CMR 257;
- (b) Access to a copy of their Confidential Information or Personally Identifiable Information maintained by the Operator or a Vendor, Subcontractor, or Registrant of the Operator;
- (c) Updates to their Confidential Information or Personally Identifiable Information;
- (d) The imposition of additional restriction on the use of their Confidential Information or Personally Identifiable Information for particular uses; and
- (e) That their Confidential Information or Personally Identifiable Information be erased when it is no longer required to be retained by applicable law or Court order.

REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH:

November 7, 2023 – May 7, 2024 (or 182 days).

Per 205 CMR 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT:

I, Robert Warren, as Compliance Lead of Betr, hereby submit a request to the Massachusetts Gaming Commission requesting a temporary waiver of regulation 205 CMR 257.02(2)(a)-(c) and 205 CMR 257.04(1)(a)-(e), so that our software engineers, product team, and legal team can implement within the Betr mobile application (the "App"), a clear and conspicuous consent form asking patrons to consent to Betr's use of their Confidential Information or Personally Identifiable Information for purposes beyond those specified in 257.02(1), as well as implement a form within the App where patrons may, at any time, withdraw their consent of Betr's use of patron Confidential Information or Personally Identifiable Information or otherwise make any request specified in 257.04(1).

Per 205 CMR 102.03 (4)(a)(4)

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION:

Due to technical and coding developments required and implementation processes, a denial of our waiver request will force Betr to suspend its operations entirely for months.

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:

N/A



DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.



November 1, 2023

Via E-Mail to bruce.band@massgaming.gov

Mr. Bruce Band
Director, Sports Wagering Division
Massachusetts Gaming Commission
101 Federal St., 12th Floor
Boston, MA 02110

RE: 205 CMR 257: SPORTS WAGERING DATA PRIVACY

In response to the expiring waiver period for 205 CMR 257: Sports Wagering Data Privacy, DraftKings Inc. ("DraftKings") submits to the Massachusetts Gaming Commission ("the Commission") this cover letter and the following additional waiver request for the Commission's consideration.

DraftKings' approach to this waiver request has been to scope the compliance requirements to determine the least amount of time it would take to identify issues, build capabilities, and test and deploy solutions for compliance. This process has involved many internal teams and mapping of relevant data throughout the DraftKings sports wagering platform, and has been underway for several months (since before 205 CMR 257 was adopted).

The waiver request is the result of that scoping process, and is largely based on guidance issued by the Commission on October 20, 2023 (as updated on October 27, 2023). This waiver request is built upon that guidance, specifically clarifications around the meaning of "necessary to operate a ... sports wagering platform" as contemplating "all reasonable, legitimate, business purposes" including marketing and analytics limited to sports wagering operations. If that guidance is further altered or revised, DraftKings will request additional waiver time on relevant provisions.

DraftKings has identified a lack of consensus among operators as to the effect of that guidance. Differences in interpretation combined with the nuances of operators' individual platforms may result in waiver requests that vary widely in time and scope. We would suggest that the Commission err on the side of providing additional waiver time where interpretation is a matter of discussion, with the understanding that operators are to come into compliance as soon as reasonably possible.

DraftKings respectfully requests that the Commission amend the regulations to clearly reflect the Commission's guidance to remove remaining ambiguity. Without changes to the regulatory language, operators risk being held liable for reasonable and legitimate business practices that the Commission intends to allow. DraftKings would also request that the Commission consider amending the regulations to make them commercially reasonable to implement, and to clarify some outstanding questions (e.g. the impossibility of encrypting or hashing certain PII). DraftKings would be happy to continue to collaborate with the Commission in creating clarity and certainty for operators.

PROJECT PLAN:

Over the past several weeks DraftKings has held multiple internal discussions and with appropriate MGC representatives to ensure a plan is in place to reach full compliance with CMR 257. Of the areas that are being requested for a waiver we've provided details into the work necessary to reach our understanding of full compliance within the waiver request. Should our request be approved, DraftKings will work with the necessary internal stakeholders to ensure requirements and implementation dates are clearly communicated so that appropriate engineering work can be prioritized in order to reach compliance by the approved waiver expiration date. DraftKings will provide periodic updates to Commission staff as outlined below.

SUMMARY OF TIMELINES AND WAIVER DATES REQUESTED:

257.02(1-2): Data Use and Retention - July 1, 2024
257.02(3): Data Use and Retention - December 1, 2024
257.02(5): Data Use and Retention - January 15, 2024
257.03(1): Data Sharing - July 1, 2024
257.03(4): Data Sharing - Depending on further clarification from MGC, either December 1, 2024, June 1, 2025, or not feasible to implement as promulgated
257.05(k): Data Program Responsibilities - December 1, 2024

DraftKings is NOT requesting a waiver for 257.02(4): Data Use and Retention; 257.04: Patron Access; 257.03(2)-(3): Data Sharing; 257.05 (1)(A-L), (2)-(3): Data Program Responsibilities; or 257.06: Data Breaches. DraftKings believes that its current controls, programs, and processes meet the applicable regulatory requirements of said sections.

REPORTING UPDATES TO THE COMMISSION:

DraftKings Regulatory Operations team will provide periodic updates to the Commission regarding the status of all waiver requests granted related to 205 CMR 257. DraftKings will provide quarterly updates on all waiver requests granted for a period longer than twelve months and monthly updates on requests granted for a period of 12 months or less. Updates will be presented via email to the Sports Wagering Division and provide an overall status update on required project deliverables and timelines, as necessary.

Sincerely,
DraftKings Inc.



MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 11/1/2023

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): Crown MA Gaming LLC / DraftKings

NAME OF INDIVIDUAL COMPILING REQUEST: Kevin Nelson

TITLE OF INDIVIDUAL COMPILING REQUEST: Senior Manager, Regulatory Operations

CONTACT EMAIL ADDRESS: Knelson@draftkings.com

CONTACT PHONE NUMBER: 518 – 727 - 4624

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT):

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED:

REGULATION SECTION TITLE:

257.02: Data Use and Retention

257.03: Data Sharing

257.05: Data Program Responsibilities (1)(K)

DraftKings is NOT requesting a waiver for 257.02(4): Data Use and Retention; 257.04: Patron Access; 257.03(2)-(3): Data Sharing; 257.05 (1)(A-L), (2)-(3): Data Program Responsibilities; or 257.06: Data Breaches. DraftKings believes that its current controls, programs, and processes meet the applicable regulatory requirements of said sections.

REGULATION LANGUAGE/TEXT:

257.02: Data Use and Retention

(1) A Sports Wagering Operator shall only use Confidential Information and Personally Identifiable Information as necessary to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors,



to investigate, respond to and defend against filed legal claims, and for other reasonable safety and security purposes.

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

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

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

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

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

(a) a period of dormancy or non-use of a Sports Wagering Platform;

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

(d) the patron's actual or predicted. i. income, debt, net worth, credit history, or status as beneficiary of governmental programs; ii. medical status or conditions; or iii. occupation.

(e) Any computerized algorithm, automated decision-making, machine learning, artificial intelligence, or similar system that is known or reasonably expected to make the gaming platform more addictive;

(5) A Sports Wagering Operator shall collect and aggregate patrons' Confidential Information and Personally Identifiable Information to analyze patron behavior for the purposes of identifying and developing programs and interventions to promote responsible gaming and support problem gamblers, and to monitor and deter Sports Wagering in violation of G.L. c. 23N and 205 CMR. The Sports Wagering Operator shall provide a report to the Commission at least every six months on the Sports Wagering Operator's compliance with this subsection, including the trends observed in this data and the Sports wagering Operator's efforts to mitigate potential addictive behavior.

257.03: Data Sharing

(1) A Sports Wagering Operator shall not share a patron's Confidential Information or Personally Identifiable Information with any third party except as necessary to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed legal claims, and for other reasonable safety and security purposes.

(4) Sports Wagering Operators shall encrypt or hash and protect, including through the use of multi-factor authentication, from incomplete transmission, misrouting, unauthorized message modification, disclosure, duplication or replay all Confidential Information and Personally Identifiable Information.

257.05: Data Program Responsibilities (1)(K)



(1) A Sports Wagering Operator shall develop, implement and maintain comprehensive administrative, technical and physical data privacy and security policies appropriate to the size and scope of business and addressing, at a minimum:

...

(k) Active oversight and auditing of compliance by Vendors, Registrants, or Subcontractors with 257.03(3) and with the Operator's Confidential Information and Personally Identifying Information policies.

REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH:

- 257.02(1-2): Data Use and Retention - July 1, 2024
- 257.02(3): Data Use and Retention - December 1, 2024
- 257.02(5): Data Use and Retention - January 15, 2024
- 257.03(1): Data Sharing - July 1, 2024
- 257.03(4): Data Sharing - Depending on further clarification from MGC, either December 1, 2024, June 1, 2025, or not feasible to implement as promulgated
- 257.05(k): Data Program Responsibilities - December 1, 2024

Per 205 CMR 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT:

257.02(1-2) -Data Use and Retention - July 1, 2024

Complying with this novel regulation requires DraftKings to analyze which of its various Personally Identifiable Information ("PII") processing activities would fall outside the permissible purposes prescribed under 257.02(1), i.e., those business purposes that are "necessary" or "reasonable and legitimate", as per interpretive guidance the Commission issued to DraftKings on the 20th and 27th of October 2023 (the "October 2023 Guidance") to operate the Sports Wagering Platform, comply with applicable law, detect and prevent security incidents and harmful or illegal activity, defend against legal claims, and fulfill other reasonable safety and security purposes. Once those business purposes are identified, DraftKings will be required to engage in cross-departmental collaboration involving dozens of internal stakeholders to perform extensive mapping of the PII categories processed to the first- and third-party systems used to process them. Next, the company must build a new suite of freely revocable opt-in consent prompts and opt-out mechanisms, ensure they are connected to a diverse range of back-end systems, change our default position to not processing such data absent opt-in consent, and engage in extensive testing of the referenced development work. Such implementation work would require a substantial redesign of how we process PII for numerous business purposes, as well as a rebuild of the DraftKings registration and consent agreement workflow. DraftKings requests a waiver from the referenced regulations until July 1, 2024. In light of the "October 2023 Guidance" that has substantially narrowed the scope of 257.02(1)-(2), DraftKings needs to re-scope required work. If scoping impacts this waiver request, DraftKings will present additional information to the Commission.

257.02(3) - Data Use and Retention - December 1, 2024

This novel regulation requires operators not to target users with personalized promotions utilizing various categories of PII or Confidential Information ("CI") (e.g., a patron's period of dormancy or non-use of the Sports Wagering Platform, income, net worth, occupation, and communications with third parties) or



technology (e.g., algorithms, automated decision-making, machine learning or AI) known or reasonably expected to make the Sports Wagering Platform more addictive. This unique requirement will require DraftKings to update internal tooling, databases, marketing and promotional campaigns in addition to building applicable employee training, monitoring procedures, and updating access controls that would be unique to one jurisdiction. Marketing platform engineering teams will be required to launch a comprehensive audit of existing promotional activities that may fall in scope and perform work to ensure applicable patron PII is not leveraged in existing and future promotions, which may take 3 months. The marketing team will need to modify how they interact with certain players, develop training and controls to prevent outreach that may result in collection and use of prohibited PII and CI, which we estimate could take six months. This could also raise responsible gaming concerns, because it could limit the ability to review data useful in determining whether a certain patron qualifies for certain promotions. Horizontal analytics personnel will need to engage with engineering and IT resources to implement new roles based access controls to ensure that prohibited PII and CI categories and technology will not be used for impermissible promotional activities, which may take 2 or more months. Sports marketing and automation teams may need to spin up an entirely separate CRM program for Massachusetts only and conduct a full audit of automated promotions and current executional processes that may fall in scope of this requirement to ensure they are not presented to Massachusetts patrons, which would entail an evaluation of hundreds of different campaigns and will take approximately 6 months. Data science teams would need to engage in novel segmentation of existing services to operate on a per jurisdiction level, build new infrastructure to run on new geolocation-based flags, and audit frameworks to verify adherence to controls, all of which is likely to take 12+ months. DraftKings thus seeks a waiver from the referenced regulations until December 1, 2024.

257.02(5) - Data Use and Retention - January 15, 2024

This regulation requires operators to implement a process to collect and aggregate patrons' PII and CI to analyze behavior for purposes of identifying and developing programs and interventions to promote responsible gaming. DraftKings estimates this work to be completed January 15, 2024, as it requires building a new alerting system, working with MGC staff on implementation, and testing and deploying the appropriate functionality.

257.03(1) - Data Sharing - July 1, 2024

Based on the wording of this regulation in light of the October 2023 Guidance, DraftKings expects full implementation of the referenced regulation will take approximately 7 months. Complying with this regulation requires DraftKings to audit data sharing agreements with scores of vendors and partners to determine which fall outside of the permitted purposes prescribed by 257.02(1). The company will then need to subject such third-party data sharing arrangements to DraftKings' proprietary consent management filtering tool and change the settings to prohibit sharing absent opt-in consent from Massachusetts patrons, which work will be dependent on the development work to create new opt-in consent flows required pursuant to 257.02(2). DraftKings will likely also have to change its third-party consent management platform used on DraftKings' website to require opt-in consent for patrons located in Massachusetts only, unlike all other jurisdictions in North America.

257.03(4) - Data Sharing - December 1, 2024 / June 1, 2025 / Not feasible to implement as promulgated

DraftKings' timeline for compliance with the referenced regulation depends on how it is meant to be interpreted and applied. First, encrypting/hashing all PII and CI (including relatively non-sensitive types, e.g., IP address, device ID, username) while "at rest" and "in transit" would take between 2-2.5 years to implement. Next, encrypting/hashing all PII and CI while only "at rest" would require significantly less development work and could potentially be completed within 12 months. Requiring all such data to be encrypted/hashed as the



regulation is currently written is not possible to implement, as it would require all locally stored PII on a patron's device to be encrypted. In addition, communication with third parties would become impossible as they would need an ability to decrypt this information to provide required services. Even after several years of development work, DraftKings is skeptical as to whether it would be left with a usable platform were this regulation to remain as currently drafted.

The regulation impacts a large portion of DraftKings' databases, services, and other systems and would require data pipelines and storage systems to be rebuilt to filter a wide range of data that is not within the definition of PII in any other North America jurisdiction's data breach reporting statutes. Numerous systems, including backup systems, would need to be refactored to support an encryption and decryption mechanism. Considering the broad definition of PII in the rules, lots of data would be subject to encryption or hashing requirements and the large amount of services would be impacted, requiring significant development work in addition to a wide-scale testing initiative. Initiatives of this magnitude would also impact overall database latency and platform performance which could lead to a severely degraded offering of our wagering platform. DraftKings is willing to provide the Commission with additional detail on specific development requirements implicated by this regulation in a confidential setting to ensure that sensitive and proprietary information is protected. In the interim, DraftKings respectfully asks the Commission to reconsider significantly narrowing the range of PII and CI subject to the requirements of 257.03(4) to focus only on sensitive data that would present a substantial risk of harm to patrons if accessed or disclosed without authorization – ideally, by bringing this regulation much closer to conformity with MGL c. 93H and, specifically, that statute's definition of "personal information".

257.05: Data Program Responsibilities (1)(K) - December 1st, 2024

The referenced regulation requires that operators implement procedures to audit and ensure vendor compliance with the requirements in 257.03(3). Implementation of this type of process will require building a new vendor auditing and management program specific to the Commonwealth and these privacy regulations that may encompass scores of third-party vendors and partners. Since existing data processing and data protection agreements with third-party vendors and partners were not drafted with these privacy regulations in mind, DraftKings may need to re-engage with such third parties directly using newly developed privacy and data protection audit questionnaires. This represents a significant amount of net new work for the company's legal and privacy compliance personnel that is estimated to take approximately 12 months to operationalize.

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION:

In all cases, if a waiver is not granted by the Commission it would result in DraftKings non-compliance with various areas of 205 CMR 257. Throughout the past several months DraftKings has worked with the Commission to seek clarity on 205 CMR 257 to ensure application of requirement is well defined as we scope project timelines and deliverables to ensure continued compliance in the Commonwealth.

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:

Based on DraftKings understanding of the requirements of 205 CMR 257, compliance with the recently adopted regulations will require significant product redesign, re-architecting, and organizational work unique to the Commonwealth that will entail at least the following:

- Reworking consent management platform (provided in connection with third-party privacy tools vendor) for Massachusetts only to move from an opt-out to an opt-in model for third-party data sharing for non-required purposes;



- Reworking proprietary consent management platform to change default settings for Massachusetts only to move from an opt-out to an opt-in model;
- Extensive discovery and analysis from stakeholders such as outside counsel and legal, compliance, engineering, product, marketing, analytics, IT, information security and other departments to determine if (for Massachusetts only) they may properly be categorized as necessary to (a) operate the wagering platform, (b) to comply with applicable law, (c) detect and prevent security incidents and other harmful or illegal activity, and (d) defend against legal claims (the "Permissible Uses");
- Involvement from all referenced departments, which would involve scores (if not, hundreds) of employees to perform an extensive mapping of all business processes that may fall outside of the Permissible Uses to hundreds of different services and systems (the "Relevant Systems") used for processing PII and CI in ways that fall outside Permissible Uses (for Massachusetts alone). This also needs to be done carefully to allow for continued collection and use of necessary data required for compliance that may also be used for another purpose on the platform that will not require a specific opt-in, as this new separation could create additional, unique compliance concerns;
- Mapping scores of various categories of PII and CI as they are used in each of the Relevant Systems to a new consent management process (for Massachusetts alone) that would have to be built to move to a new default position of not being able to use the PII without opt-in consent;
- Developing numerous freely revocable, opt-in consent prompts and connecting their efficacy to new use permission procedures (for Massachusetts alone) to numerous business processes involving PII and CI that would not qualify as Permissible Uses and the Relevant Systems used to process such data. These prompts implicate a substantial redesign of key aspects of the current platform;
- Extensive testing on all the above-referenced development work on the website and all applications;
- Unwinding data sharing arrangements with vendors and partners (for Massachusetts alone) who perform activities that may fall outside of the Permissible Uses; and
- Extensive guidance would need to be obtained from outside counsel to help develop appropriate understandings of vague or undefined terms and standards in the regulations, in order to ensure we are applying requirements correctly.

DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.



Project Plan Summary

Wynn MA, LLC dba Encore Boston Harbor waiver request for time to ensure compliance with 205 CMR 257

Three waiver dates are requested, one of which may not be necessary.

- For 205 CMR 257.02, Encore Boston Harbor is requesting a waiver until **December 31, 2024**, to complete a thorough review of all processing activities to determine which may not be “necessary” as defined by regulation. Once those activities are identified, Encore Boston Harbor will implement a consent mechanism as required.
- For 205 CMR 257.03(1), Encore Boston Harbor is requesting a waiver until **October 31, 2024**, to modify its systems related to the “Wynn Rewards” player rewards program.

Whether or not this waiver is necessary depends on whether the Commission considers affiliated entities (for example, Wynn Las Vegas, LLC, the entity operating the Wynn and Encore Las Vegas) to be third parties. If these affiliated entities are determined to be third parties, then patron participation in the Wynn Rewards program, which is shared between Encore Boston Harbor, Wynn and Encore Las Vegas, and WynnBET will result in sharing of patron PII and Confidential Information with third parties.

- For 205 CMR 257.03(3), Encore Boston Harbor is requesting a waiver until **January 31, 2024**, to review and amend all agreements with service providers who may receive patron PII or Confidential Information, to ensure that all agreements are compliant with this section of the regulation.

For all waivers granted, Encore Boston Harbor will provide monthly reports on or around the first of each month, to inform the Commission of our progress toward full compliance.



MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 11/1/2023

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): Wynn MA, LLC dba Encore Boston Harbor

NAME OF INDIVIDUAL COMPILING REQUEST: Jacqui Krum

TITLE OF INDIVIDUAL COMPILING REQUEST: SVP and General Counsel

CONTACT EMAIL ADDRESS: jacqui.krum@encorebostonharbor.com

CONTACT PHONE NUMBER: 857-770-7802

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT): N/A

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED:

205 CMR 257.02(1) and (4)
205 CMR 257.02(2)
205 CMR 257.03(1)
205 CMR 257.03(3)

REGULATION SECTION TITLE:

Sports Wagering Data Privacy – Data Sharing

REGULATION LANGUAGE/TEXT:

257.02: Data Use and Retention

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

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



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

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

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

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

257.03: Data Sharing

(1) A Sports Wagering Operator shall not share a patron's Confidential Information or Personally Identifiable Information with any third party except as necessary to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed legal claims, and for other reasonable safety and security purposes.

.....
(3) If a Sports Wagering Operator deems it necessary to share a patron's Confidential Information or Personally Identifiable Information with a Sports Wagering Vendor, Sports Wagering Subcontractor, or Sports Wagering Registrant in order to operate its Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity, a Sports Wagering Operator shall enter into a written agreement with the Sports Wagering Vendor, Sports Wagering Subcontractor or Sports Wagering Registrant, which shall include, at a minimum, the following obligations:

(a) The protection of all Confidential Information or Personally Identifiable Information that may come into the third party's custody or control against a Data Breach;

(b) The implementation and maintenance of a comprehensive data-security program for the protection of Confidential Information and Personally Identifiable Information, which shall include, at a minimum, the following:

i. A security policy for employees relating to the storage, access and transportation of Confidential Information or Personally Identifiable Information;

ii. Restrictions on access to Personally Identifying Information and Confidential Information, including the area where such records are kept, secure passwords for electronically stored



records and the use of multi-factor authentication;

iii. A process for reviewing data security policies and measures at least annually; and

iv. An active and ongoing employee security awareness program for all employees who may have access to Confidential Information or Personally Identifiable Information that, at a minimum, advises such employees of the confidentiality of the data, the safeguards required to protect the data and any applicable civil and criminal penalties for noncompliance pursuant to state and federal law.

(c) The implementation, maintenance, and update of security and breach investigation and incident response procedures that are reasonably designed to protect Confidential Information and Personally Identifiable Information from unauthorized access, use, modification, disclosure, manipulation or destruction; and

(d) A requirement that the maintenance of all Confidential Information and Personally Identifiable Information by a Vendor, Subcontractor or Registrant must meet the standards provided in 257.03.

REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH:

Regarding 205 CMR 257.02(1), (2) and (4), waiver is requested through December 31, 2024.

Regarding 205 CMR 257.03(1), waiver is requested, if necessary (see below), through October 31, 2024.

Regarding 205 CMR 257.03(3), waiver is requested through January 31, 2024.

Per 205 CMR 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT:

In formulating this waiver request, Encore Boston Harbor is relying on the guidance provided by the Commission on October 20, 2023 and October 27, 2023.

Regarding 205 CMR 257.02(1), (2) and (4):

Encore Boston Harbor is requesting time to complete a review of all processing activities being conducted as part of the retail sportsbook operations to determine whether any such processing would require consent pursuant to 205 CMR 257.02. Based on previous similar reviews conducted by the Wynn enterprise, this process could take up to six months to complete. If the review determines that any processing activities are not "necessary to operate" the sportsbook, Encore Boston Harbor will need additional time, estimated to be between three to six months, to complete the development work to obtain such consents through electronic means and/or to put in place procedures for other means of obtaining such consent. While Encore Boston Harbor hopes to complete this work early, we are basing this request on previous experience with similar exercises under other data privacy rules in foreign jurisdictions.



Regarding 205 CMR 257.03(1):

Wynn Rewards is the rewards program for all US-based Wynn enterprises, including Encore Boston Harbor, Wynn and Encore Las Vegas, and WynnBET. Benefits earned at Encore Boston Harbor can be used at the resorts and some benefits earned at the resorts can be redeemed for credit at WynnBET. If a player applies for a Wynn Rewards account, their information is automatically shared with affiliated entities. The administration of the Wynn Rewards program requires the exchange of the patron's Confidential Information, specifically wagering information, to award the benefits of the program.

At the time of this submission, Encore Boston Harbor is seeking guidance from the MGC on whether the Wynn entities that share in the Wynn Rewards program constitute third parties for the purposes of 205 CMR 257.03. If such affiliated companies are considered third parties, then it will require technological development to obtain consent from both current and prospective Wynn Rewards members. Such a process will require development, testing, deployment, and the coordination of third-party service providers to update the necessary systems. This development and testing may take up to twelve months.

Regarding 205 CMR 257.03(3):

Encore Boston Harbor's current agreements do not include robust data privacy terms that include the specific points outlined in this regulation section. Encore Boston Harbor will need to review and amend all relevant agreements. Our initial estimate is that there are between forty and eighty agreements that may have to be reviewed and amended and that this process may take up to three months.

Per 205 CMR 102.03 (4)(a)(4)

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION:

Regarding 205 CMR 257.02(1), (2) and (4):

The requirements of this subsection require a detailed analysis of all processing activities to determine whether each use of Confidential Information and Personally Identifiable Information is "necessary to operate." As mentioned in the guidance dated October 27, 2023, this is a fact-specific determination that needs to be made before Encore Boston Harbor is able to determine which uses of such information, if any, require consent.

Regarding 205 CMR 257.03(1):

Wynn Rewards is an integral part of the guest experience at Encore Boston Harbor and a valuable tool for Encore Boston Harbor to determine guest preferences. If the waiver requested above is found to be necessary (because the affiliated Wynn entities are considered third parties) and the waiver is not granted, Encore Boston Harbor may be forced to suspend the Wynn Rewards program in Massachusetts resulting in a significant loss of patrons and gaming revenue, perhaps permanently, as loyal patrons will almost certainly patronize other regional casinos that offer a rewards program.

Regarding 205 CMR 257.03(3):

The requirements of this subsection create a situation where Encore Boston Harbor's current agreements may not be fully compliant with new requirements. Due to the number of agreements already in place, Encore Boston Harbor requires time to identify all agreements that will be necessary to amend and to coordinate with the counterparties.



ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:

If the affiliated Wynn Resorts entities do not constitute third parties for the purposes of 205 CMR 257.03, no waiver will be necessary for subsection 257.03(1).

DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.





Cory Fox
cory.fox@fanduel.com

November 1, 2023

VIA EMAIL TO: bruce.band@massgaming.gov

Bruce Band, Director of Sports Wagering
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

RE: FanDuel Waiver Request – 205 CMR 257 - Data Privacy

Dear Director Band:

I write on behalf of FanDuel Group, Inc. (“FanDuel”) to submit our implementation waiver request related to 205 CMR 257 – Data Privacy. First, let me begin by thanking you, your staff, and the Commission for taking the time to hear our concerns. We appreciate the opportunity we had to present to the Commission at the roundtable on September 19th and we greatly appreciate the attached guidance we have received from the Commission.

Based on the Commission’s guidance, we are requesting waivers (request attached) of the following regulatory provisions for dates specified:

- 205 CMR 257.02(2) – Through October 1, 2024, to develop, test, and implement the “opt-in” mechanism necessary to receive affirmative consents from patrons on use of their PII;
- 205 CMR 257.02(5) – Through July 1, 2024, to develop, test, and implement a new RG system we are in the process of onboarding;
- 205 CMR 257.03 (generally) – Through February 1, 2024, to ensure that we have accounted for, and stopped any sharing of PII with third parties that is not “necessary to operate” the sports wagering platform;
- 205 CMR 257.03(3) – Through October 1, 2025, to renegotiate all contracts with our Sports Wagering Vendors, Sports Wagering Subcontractors, and/or Sports Wagering registrants to address all the areas related to data security required by this subdivision; and
- 205 CMR 257.04 – Through October 1, 2024, to implement a new process for selective objections to data use, in conjunction with the new “opt-in” mechanism developed to comply with 205 CMR 257.02(2).

We have relied heavily upon the Commission’s written guidance in the scoping and drafting of this waiver request. Further, any change to, or deviation from, the guidance will require a reconsideration of our implementation timelines and scope of necessary waivers. We would encourage the Commission to formalize the guidance through the regulatory process because of



the significant reliance interests and substantial development work that are required to comply with these novel data privacy requirements.

We appreciate your time and consideration of our waiver request and would be happy to discuss it at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cory Fox', written over a light blue horizontal line.

Cory Fox
Vice President for Product and New Market Compliance

Attachments:

Document entitled “Data Privacy QA Guidance” – as updated on October 27, 2023.

Fanduel Waiver Request – 205 CMR 257 – Data Privacy



MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 11/1/2023

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): FanDuel Sportsbook

NAME OF INDIVIDUAL COMPILING REQUEST: Cory Fox

TITLE OF INDIVIDUAL COMPILING REQUEST: Vice President for Product and New Market Compliance

CONTACT EMAIL ADDRESS: cory.fox@fanduel.com

CONTACT PHONE NUMBER: (650) 346-6624

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT): NA

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED:

205 CMR 257.02(2)

205 CMR 257.02(5)

205 CMR 257.03

205 CMR 257.03(3)

205 CMR 257.04

REGULATION SECTION TITLE: Sports Wagering Data Privacy

REGULATION LANGUAGE/TEXT:

257.02 : Data Use and Retention

(1) A Sports Wagering Operator shall only use Confidential Information and Personally Identifiable Information as necessary to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, or to comply with

M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to



investigate, respond to and defend against filed legal claims, and for other reasonable safety and security purposes.

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

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

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

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

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

(a) a period of dormancy or non-use of a Sports Wagering Platform;

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

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

(d) the patron's actual or predicted.

i. income, debt, net worth, credit history, or status as beneficiary of governmental programs;

ii. medical status or conditions; or

iii. occupation.

(e) Any computerized algorithm, automated decision-making, machine learning, artificial intelligence, or similar system that is known or reasonably expected to make the gaming platform more addictive;

(f) Engagement or utilization of play management options, including type of limit, frequency of engagement or utilization of play management options, and frequency of changing limits;

(g) Engagement or utilization of cooling-off options, including duration of cooling-off period, frequency of engagement or utilization of cooling-off options, and frequency of changing cooling-off periods;

(h) Engagement or utilization of any measure in addition to those described in 205 CMR 257.02(3)(f)-(g) intended to promote responsible gaming.

(4) A Sports Wagering Operator shall only retain a patron's Confidential Information and Personally Identifiable Information as necessary to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with

M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed legal claims, and for other reasonable safety and security purposes..

(5) A Sports Wagering Operator shall collect and aggregate patrons' Confidential Information and Personally Identifiable Information to analyze patron behavior for the purposes of identifying and developing programs and interventions to promote responsible gaming and support problem gamblers, and to monitor and deter Sports Wagering in violation of G.L. c. 23N and 205 CMR. The Sports Wagering Operator shall provide a report to the Commission at least every six months on the Sports Wagering Operator's compliance with this subsection, including the trends observed in this data and the Sports wagering Operator's efforts to mitigate potential addictive behavior.



(1) A Sports Wagering Operator shall not share a patron's Confidential Information or Personally Identifiable Information with any third party except as necessary to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed legal claims, and for other reasonable safety and security purposes.

(2) If a Sports Wagering Operator shares a patron's Confidential Information or Personally Identifiable Information pursuant to 257.03(1), the Operator shall take commercially reasonable measures to ensure the party receiving a patron's Confidential Information or Personally Identifiable Information keeps such data private and confidential, except as required to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity. The party receiving such data shall only use a patron's Confidential Information or Personally Identifiable Information for the purpose(s) for which the data was shared.

(3) If a Sports Wagering Operator deems it necessary to share a patron's Confidential Information or Personally Identifiable Information with a Sports Wagering Vendor, Sports Wagering Subcontractor, or Sports Wagering Registrant in order to operate its Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity, a Sports Wagering Operator shall enter into a written agreement with the Sports Wagering Vendor, Sports Wagering Subcontractor or Sports Wagering Registrant, which shall include, at a minimum, the following obligations:

(a) The protection of all Confidential Information or Personally Identifiable Information that may come into the third party's custody or control against a Data Breach;

(b) The implementation and maintenance of a comprehensive data-security program for the protection of Confidential Information and Personally Identifiable Information, which shall include, at a minimum, the following:

i. A security policy for employees relating to the storage, access and transportation of Confidential Information or Personally Identifiable Information;

ii. Restrictions on access to Personally Identifying Information and Confidential Information, including the area where such records are kept, secure passwords for electronically stored records and the use of multi-factor authentication;

iii. A process for reviewing data security policies and measures at least annually; and

iv. An active and ongoing employee security awareness program for all employees who may have access to Confidential Information or Personally Identifiable Information that, at a minimum, advises such employees of the confidentiality of the data, the safeguards required to protect the data and any applicable civil and criminal penalties for noncompliance pursuant to state and federal law.

(c) The implementation, maintenance, and update of security and breach investigation and incident response procedures that are reasonably designed to protect Confidential Information and Personally Identifiable Information from unauthorized access, use, modification, disclosure, manipulation or destruction; and

(d) A requirement that the maintenance of all Confidential Information and Personally Identifiable Information by a Vendor, Subcontractor or Registrant must meet the standards provided in 257.03.

(4) Sports Wagering Operators shall encrypt or hash and protect, including through the use of multi-factor authentication, from incomplete transmission, misrouting, unauthorized message modification, disclosure, duplication or replay all Confidential Information and Personally Identifiable Information.

257.04 : Patron Access

(1) Patrons shall be provided with a method to make the requests in 205 CMR 257.04(1)(a)-(e). The request must be clearly and conspicuously available to the patron online through the Sports Wagering Operator's Sports Wagering Platform. A patron shall not be required to confirm their request more than once, and no intervening



pages (other than those needed to confirm withdrawal of consent) or offers will be presented to the patron before such confirmation is presented to the patron.

(a) A description as to how their Confidential Information or Personally Identifiable Information is being used, including confirmation that such Confidential Information or Personally Identifiable Information is being used in accordance with this Section 205 CMR 257;

(b) Access to a copy of their Confidential Information or Personally Identifiable Information maintained by the Operator or a Vendor, Subcontractor, or Registrant of the Operator;

(c) Updates to their Confidential Information or Personally Identifiable Information;

(d) The imposition of additional restriction on the use of their Confidential Information or Personally Identifiable Information for particular uses; and

(e) That their Confidential Information or Personally Identifiable Information be erased when it is no longer required to be retained by applicable law or Court order.

(2) A Sports Wagering Operator shall provide a written response to a request submitted pursuant to 257.04(1) that either grants or denies the request.

(a) If the Sports Wagering Operator grants the patron's request to access a copy of their Personally Identifiable Information, the Sports Wagering Operator shall provide the patron their Confidential Information or Personally Identifiable Information in a structured, commonly used and machine readable format.

(b) If the Sports Wagering Operator denies the request, the Sports Wagering Operator shall provide in its written response specific reason(s) supporting the denial and directions on how the patron may file a complaint regarding the denial with the Commission.

(3) A Sports Wagering Operator shall grant the patron's request to impose a restriction or erase their Confidential Information or Personally Identifiable Information if it is no longer necessary to retain the patron's Confidential Information or Personally Identifiable Information (or to retain the patron's Confidential Information or Personally Identifiable Information without the requested restriction) to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed legal claims, and for other reasonable safety and security purposes.; and

(a) The patron withdraws their consent to the Sports Wagering Operator's retention of their Confidential Information or Personally Identifiable Information;

(b) There is no overriding legal interest to retaining the patron's Confidential Information or Personally Identifiable Information;

(c) The patron's Confidential Information or Personally Identifiable Information was used in violation of 205 CMR 257.00; or

(d) Restriction or erasure is necessary to comply with an order from the Commission or a court.

(4) If the Sports Wagering Operator grants the patron's request to erase their Confidential Information or Personally Identifiable Information, the Sports Wagering Operator shall erase the patron's Personally Identifiable Information or Confidential from all storage media it is currently using to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, including HDD, SDD, flash, mobile, cloud, virtual, RAID, LUN, hard disks, solid state memory, and other devices. The Sports Wagering Operator shall also request commercially reasonable confirmation of deletion from any Vendor, Registrant, or Subcontractor who received the patron's Confidential Information or Personally Identifiable Information from the Sports Wagering Operator. Notwithstanding, the foregoing, the Sports Wagering Operator shall not erase a patron's Confidential Information or Personally Identifiable Information on backup or storage media used to ensure the integrity of the Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform from technology failure or to comply with its data retention schedule or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity.

(5) An Operator, or a Vendor, Registrant or Subcontractor of an Operator shall not require a Patron to enter into an agreement waiving any of the Patron's rights under this Section 257.



REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH:

205 CMR 257.02(2) – October 1, 2024
205 CMR 257.02(5) – July 1, 2024
205 CMR 257.03 generally – February 1, 2024
205 CMR 257.03(3) – October 1, 2025
205 CMR 257.04 – October 1, 2024

Per 205 CMR 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT:

This is a series of new regulations, the text of which was finalized on August 8, 2023, with an original effective date of September 1, 2023. The Commission provided a blanket waiver of 205 CMR 257 through November 17, 2023, with the expectation of operators submitting supplemental waiver requests of specific sections along with an implementation timeline. This shall serve as FanDuel's supplemental implementation waiver request.

The Commission has created a data privacy regulation specifically for the sports wagering industry that is the first of its kind in the United States. Multiple provisions of this regulation deviate from standards and applicable statutes and regulations found in other jurisdictions (CA, CO, CT, UT, VA) on data privacy which sports wagering operators have already developed their systems to comply with. The proposed regulations require significant changes to FanDuel's technological architecture, both with respect to customer-facing elements and with respect to FanDuel's back-end systems that maintain customer data. The proposed regulations also require changes to business processes and agreements with third parties.

We believe our proposed waiver periods are reasonable and consistent with data privacy implementation periods in other jurisdictions, which commonly provided 2 years for implementation following the respective privacy law's enactment. A similar process was used in Massachusetts for the implementation of its original data security regulations which were passed in August of 2007 with an effective date of the regulation implementing the Act of March 1, 2010. The regulations (which largely parrot the statute) themselves contained a compliance period from promulgation in November 2009 to implementation in March 2010 (see G.L. c. 93H (signed into law on August 2, 2007, effective November 5, 2007, and 201 CMR 17.05, promulgated November 13, 2009, effective March 1, 2010).

Many of the provisions of this regulation, in particular the "opt-in" consent required for the use of personally identifiable information, are based off of the European Union General Data Protection Regulation (GDPR) which was highlighted during the Commission's roundtable with operators on September 19, 2023. GDPR had an implementation timeline of 2 years following its adoption. The adoption of which took place after more than four years of discussion and negotiations over the language. It is with this precedent in mind that the following implementation waiver is submitted.

Per 205 CMR 102.03 (4)(a)(4)

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION:



Data privacy regulation is an evolving field. As stated previously, in recognition of that fact, when other jurisdictions have implemented broad new data privacy requirements, they have provided lengthy periods (often multiple years) for businesses to develop and implement solutions to comply with the statute and/or regulations.

We appreciate the written guidance that has been provided by the Commission to operators¹ and have relied heavily upon this guidance in the scoping and drafting of this waiver request. Further, any change to, or deviation from, the guidance will require a reconsideration of our implementation timelines and scope of necessary waivers.

205 CMR 257.02(2):

FanDuel has scoped out the work necessary to create a compliant affirmative consent or “opt-in” mechanism for use of a patron’s confidential information or personally identifiable information for purposes beyond those “necessary to operate”. In initial discussions with product teams, we expect the development and implementation of the opt-in mechanism to be completed by October 1, 2024, with the following estimated project timeline:

Commence development – Q4 2023

Development of solution – 20-24 weeks

Testing of solution – 4-6 weeks

Roll out of solution – 1-2 months in order to gain release note approvals and connect consent mechanism with internal systems for operational purposes.

It would not be a hardship, but an impossibility, for FanDuel to develop, test, and implement a compliant affirmative consent or “opt-in” mechanism by the November 17th expiration of the current waiver. Thus, we are requesting a waiver of 205 CMR 257.02(2) until October 1, 2024, by which time FanDuel will be able to comply with the provisions of this section.

205 CMR 257.02(5):

FanDuel is currently in the process of completing a request for proposals for a new vendor who will assist in implementing tools for data analysis related to responsible gaming and whose services will allow FanDuel to comply with the requirements of this section. FanDuel expects to deploy an initial version of these tools in Q1 2024, with continued iterations throughout 2024 as we make improvements. It is not possible for FanDuel to implement this new tooling by the November 17th expiration of the current waiver. Thus, we are requesting a waiver of 205 CMR 257.02(5) until July 1, 2024, by which time FanDuel will be able to comply with the provisions of this section.

205 CMR 257.03 (generally):

FanDuel is currently in the process of scoping the nature of its data sharing with third parties in light of the Commission guidance provided on October 27th and the clarification of what is deemed “necessary to operate.” It would be a substantial hardship for FanDuel to complete that analysis and turn off all sharing of data with third parties that is not deemed “necessary to operate” by the November 17th expiration of the current waiver. Thus, we are requesting a waiver of 205 CMR 257.03 generally until February 1, 2024, by which time FanDuel will be able to comply with the provisions of this section (other than 205 CMR 257.03(3) – of which a separate request is detailed below).

205 CMR 257.03(3):

¹ Document entitled “Data Privacy QA Guidance” – as updated on October 27, 2023.



FanDuel maintains many contracts with third parties which relate to the sharing of patron's confidential information or personally identifiable information as necessary to operate its platform. This section requires that FanDuel have an agreement with any third party with which it shares patron's confidential information or personally identifiable information including specific provisions which must be addressed in the agreement.

It would be a substantial hardship, if not impossibility, for FanDuel to renegotiate all of its contracts with third parties by the November 17th expiration of the current waiver. Many of FanDuel's contracts with vendors run 18-24 months. Thus, we are requesting a waiver of 205 CMR 257.03(3) until October 1st, 2025, to allow contract negotiations to take place to ensure that the specifically required provisions are addressed in agreements between FanDuel and the third parties it shares patron's confidential information or personally identifiable information with.

There is also precedent for granting operators a two-year implementation period for these requirements. When the New York Department of Financial Services issued its Part 500 cybersecurity regulation, Covered Entities were granted two years from the effective date of the rule to implement its provisions requiring prescriptive updates to third-party service provider agreements.

205 CMR 257.04:

While FanDuel currently has implemented a mechanism for withdrawal of patron consent to certain uses of their data, process improvements are required to ensure compliance with the provisions of this section. Further, it would be an impossibility for FanDuel to implement a fully compliant withdrawal of consent mechanism to withdraw the consents required under 205 CMR 257.02(2) prior to the completion and implementation of the affirmative consent mechanism. Thus, we are requesting a waiver of 205 CMR 257.04 until October 1, 2024, by which time FanDuel will be able to comply with the provisions of this section.

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:

N/A

DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.





November 1, 2023

Massachusetts Gaming Commission
101 Federal Street
Boston, MA 02110

Re: Fanatics Betting and Gaming – Compliance with 205 CMR 257

To Whom It May Concern:

I write on behalf of Fanatics Betting and Gaming (“FBG”) to request certain time-based waivers related to FBG’s compliance with 205 CMR 257 Sports Wagering Data Privacy (the “Data Privacy Rules”). Herein, FBG provides an implementation timeline, which lays out when FBG currently believes it can come into compliance with each applicable subpart of the Data Privacy Rules. Based in part on this implementation timeline, we are also submitting a formal Waiver/Variance Request Form, whereby FBG requests time-based waivers to build technical and other solutions to comply with the Data Privacy Rules.

We thank the Massachusetts Gaming Commission (“MGC” or the “Commission”) for their guidance and consideration in working with the industry on the implementation of these Data Privacy Rules, and we stand ready to address any questions specific to FBG’s proposed implementation timeline.

Sincerely,

Alex Smith
VP Regulatory Affairs & Compliance



Current State of FBG

As the Commission is aware, FBG launched its digital sports wagering platform earlier this year, with Massachusetts being one of the first markets FBG entered. To date, FBG operates its online sports wagering platform in five jurisdictions: Massachusetts, Ohio, Maryland, Tennessee, and Kentucky.

Additionally, the Commission is aware that in June 2023, FBG announced its intention to acquire the U.S. business of PointsBet Holdings Limited, which currently operates sports wagering offerings in 14 U.S. state markets. To date, FBG has closed on nine PointsBet state entities, and expects the full acquisition to close in the first quarter of 2024. As part of this acquisition, FBG intends to wind down the PointsBet online platform in the relevant markets, migrate existing PointsBet customers to the FBG online sportsbook platform, and launch under the FBG brand on FBG's tech stack, which currently is live in Massachusetts.

This context is important for two reasons. First, given FBG only launched in 2023, came out of beta mode in August, and operates in a limited number of jurisdictions, the Company is not currently subject to as broad an array of state-specific data privacy rules and requirements as many of its competitors (e.g., FBG operates in 20 fewer jurisdictions than DraftKings). While FBG is committed to patron privacy and already has in place a number of privacy-focused features, it will need the coming months to fully implement all of the proscriptive requirements applicable to its business in each market. Put differently, FBG's competitors have a "head start" from a technical and operational perspective in terms of complying with the applicable requirements found in the Data Privacy Rules, which may necessitate a longer waiver period for FBG.

While FBG has been preparing to fully comply with all applicable state law requirements in the states in which it will launch, the applicable requirements contained in the Data Privacy Rules (e.g. applicability to both patron Personally



Identifiable Information and Confidential Information) go beyond those in any other market, including the California Privacy Protection Act.

Second, it is of critical importance to the viability of FBG's business that the Company swiftly launches its mobile sportsbook in all addressable markets and carries out the planned migrations of PointsBet customers to the FBG platform in 12 of PointsBet's current state markets. Given the importance of these efforts, the vast majority of FBG's software engineering team is solely focused on executing these launches and migrations in the coming months, with limited capacity for additional projects. While the Company will make every effort to progress its compliance efforts with the Data Privacy Rules, including implementing interim and iterative enhancements, the fact that FBG is currently engaged in a complex, multi-state roll out and migration effort will also impact the speed at which FBG can fully comply with the full set of applicable Data Privacy Rules.

Key Assumptions

In reviewing the Data Privacy Rules, as well as the guidance provided to the industry by the MGC staff (last updated October 27, 2023), FBG has developed an implementation plan based on our good faith interpretation of the applicable requirements, including the key limitation that the use and sharing of Personally Identifiable and Confidential Information be limited to that which is "necessary to operate" our business. For example, based in part on the industry guidance provided by MGC staff, we interpret that specific requirement to mean that FBG is allowed to process patron Personally Identifiable Information and Confidential Information:

- For all activities & features that a patron would reasonably expect are related to providing a sports wagering service (e.g., provide markets & pricing, accept & settle wagers, communicate wager details, accept funds & withdrawals etc, regulatory and financial business reporting);

- For select activities and features meant to enhance patrons' in-app experiences and improve the viability of the sportsbook, such as in-app promotion offerings, the sequencing and presentation of content to patrons within the app to reflect their known prior behavior (such as personalizing search results), and sharing data with certain Fanatics affiliates to fulfill promises (such as granting and redeeming FanCash rewards points, Fanatics Commerce merchandise awards, etc.);
- For activities and features meant to improve patrons' out-of-app experience with FBG, such as: digital marketing (e.g. paid social or display advertising), customer lifecycle marketing, advertising measurement, and third-party affiliate data sharing to fulfill customer promises (e.g. third-party acquisition promotion delivery); and
- Allowance for data sharing across the Fanatics Holdings, Inc. universe of companies (Fanatics Commerce, Fanatics Collectibles, Lids) for marketing purposes as well as maintenance of a single Fanatics login credential (FanID).

FBG also assumes that "as necessary to operate" the business would not permit it to process patron Personally Identifiable Information or Confidential Information for:

- Specific non-essential activities and features meant to increase the customers' engagement with FBG, such as: digital retargeting, reactivation marketing based on periods of inactivity, and other specifically enumerated restrictions provided in the Data Privacy Rules.

Implementation Plan

Below, FBG sets out each subpart of 205 CMR 257 and addresses the timeline in which the Company believes it can come into compliance, along with a summary of the key work required in order to reach compliance.

257.02 Data Use and Retention

Compliance with 257.02 will require FBG to:

- Build a bespoke consent collection & management system that does not currently exist in FBG's platform, connect certain services to that system, and cause those services to check consents in MA before acting;
- Build a new user experience flow for collecting consents and allowing for opt-outs;
- Implement tools, processes, and guardrails to prevent defined data elements from being used for non-essential features and activities;
- Develop a workflow for destruction of patron PII on required timelines, while de-conflicting such deletion requirements with data retention obligations in other states given FBG's multi-state wallet solution; and
- Build additional analytics reports for responsible gaming purposes.

Timeline for Compliance: 18 months

257.03 Data Sharing

Compliance with 257.03 will require FBG to:

- Enable conditional sharing of data based on patron consent;
- Modify numerous existing contractual agreements with third parties; and
- Implement controls and assessments of third party usage of confidential information.

Timeline for Compliance: 12 months

257.04 Patron Access

Compliance with 257.04 will require FBG to:

- Build and enhance data subject request flows that allow patrons to exercise the specific data subject rights and mechanisms provided for in the Data Privacy Rules; and

- Build functionality that fulfills the expanded data subject rights provided for in the Data Privacy Rules, while remaining compliant with regulations in other markets where FBG operates.

Timeline for Compliance: 12 months

257.05 Data Program Responsibilities

Compliance with 257.05 will require FBG to:

- Further develop and continually test FBG's policies and programs for compliance with the specific security requirements set forth in the Data Privacy Rules

Timeline for Compliance: 6 months

257.06 Data Breaches

Compliance with 257.06 will require FBG to:

- Based on FBG's interpretation of this section, no waiver is required as the Company is currently in compliance.

Timeline for Compliance: Currently in compliance

Reporting/Compliance Updates

The FBG compliance team will closely monitor progress towards full compliance with the Data Privacy Rules, and will provide quarterly updates to MGC staff outlining progress made in the prior quarter, as well as expectations for progress in the upcoming quarter.



MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 11/1/2023

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): FBG Enterprises Opco LLC d/b/a Fanatics Sportsbook

NAME OF INDIVIDUAL COMPILING REQUEST: Alex Smith

TITLE OF INDIVIDUAL COMPILING REQUEST: VP Regulatory Affairs & Compliance

CONTACT EMAIL ADDRESS: alex@betfanatics.com

CONTACT PHONE NUMBER: 870-897-2981

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT):

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED: 205 CMR 257

REGULATION SECTION TITLE: Sports Wagering Data Privacy

REGULATION LANGUAGE/TEXT:

257.02: Data Use and Retention

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

(2) If a Sports Wagering Operator seeks to use a patron's Confidential Information or Personally Identifiable Information for purposes beyond those specified in 205 CMR 257.02(1), a Sports Wagering Operator shall obtain the patron's consent, which may be withdrawn at any time.

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

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



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

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

(a) a period of dormancy or non-use of a Sports Wagering Platform;

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

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

(d) the patron's actual or predicted:

1. income, debt, net worth, credit history, or status as beneficiary of governmental programs;

2. medical status or conditions; or

3. occupation.

(e) Any computerized algorithm, automated decision-making, machine learning, artificial intelligence, or similar system that is known or reasonably expected to make the gaming or sports wagering platform more addictive.

(f) Engagement or utilization of play management options, including type of limit, frequency of engagement or utilization of play management options, and frequency of changing limits;

(g) Engagement or utilization of cooling-off options, including duration of cooling-off period, frequency of engagement or utilization of cooling-off options, and frequency of changing cooling-off periods;

(h) Engagement or utilization of any measure in addition to those described in 205 CMR 257.02(3)(f) and (g) intended to promote responsible gaming.

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

(5) A Sports Wagering Operator shall collect and aggregate patrons' Confidential Information and Personally Identifiable Information to analyze patron behavior for the purposes of identifying and developing programs and interventions to promote responsible gaming and support problem gamblers, and to monitor and deter Sports Wagering in violation of M.G.L. c. 23N and 205 CMR. The Sports Wagering Operator shall provide a report to the Commission at least every six months on the Sports Wagering Operator's compliance with 205 CMR 257.02(5), including the trends observed in this data and the Sports wagering Operator's efforts to mitigate potential addictive behavior.

257.03: Data Sharing

(1) A Sports Wagering Operator shall not share a patron's Confidential Information or Personally Identifiable Information with any third party except as necessary to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed legal claims, and for other reasonable safety and security purposes.

(2) If a Sports Wagering Operator shares a patron's Confidential Information or Personally Identifiable Information pursuant to 257.03(1), the Operator shall take commercially reasonable measures to ensure the party receiving a patron's Confidential Information or Personally Identifiable Information keeps such data private and confidential, except as required to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity. The party receiving such data shall only use a patron's Confidential Information or Personally Identifiable Information for the purpose(s) for which the data was shared.



(3) If a Sports Wagering Operator deems it necessary to share a patron's Confidential Information or Personally Identifiable Information with a Sports Wagering Vendor, Sports Wagering Subcontractor, or Sports Wagering Registrant in order to operate its Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity, a Sports Wagering Operator shall enter into a written agreement with the Sports Wagering Vendor, Sports Wagering Subcontractor or Sports Wagering Registrant, which shall include, at a minimum, the following obligations:

(a) The protection of all Confidential Information or Personally Identifiable Information that may come into the third party's custody or control against a Data Breach;

(b) The implementation and maintenance of a comprehensive data-security program for the protection of Confidential Information and Personally Identifiable Information, which shall include, at a minimum, the following:

1. A security policy for employees relating to the storage, access and transportation of Confidential Information or Personally Identifiable Information;

2. Restrictions on access to Personally Identifying Information and Confidential Information, including the area where such records are kept, secure passwords for electronically stored records and the use of multi-factor authentication;

3. A process for reviewing data security policies and measures at least annually; and

4. An active and ongoing employee security awareness program for all employees who may have access to Confidential Information or Personally Identifiable Information that, at a minimum, advises such employees of the confidentiality of the data, the safeguards required to protect the data and any applicable civil and criminal penalties for noncompliance pursuant to state and federal law.

(c) The implementation, maintenance, and update of security and breach investigation and incident response procedures that are reasonably designed to protect Confidential Information and Personally Identifiable Information from unauthorized access, use, modification, disclosure, manipulation or destruction; and

(d) A requirement that the maintenance of all Confidential Information and Personally Identifiable Information by a Vendor, Subcontractor or Registrant must meet the standards provided in 205 CMR 257.03.

(4) Sports Wagering Operators shall encrypt or hash and protect, including through the use of multi-factor authentication, from incomplete transmission, misrouting, unauthorized message modification, disclosure, duplication or replay all Confidential Information and Personally Identifiable Information.

257.04: Patron Access

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

(a) A description as to how their Confidential Information or Personally Identifiable Information is being used, including confirmation that such Confidential Information or Personally Identifiable Information is being used in accordance with 205 CMR 257.00;

(b) Access to a copy of their Confidential Information or Personally Identifiable Information maintained by the Operator or a Vendor, Subcontractor, or Registrant of the Operator;

(c) Updates to their Confidential Information or Personally Identifiable Information;

(d) The imposition of additional restriction on the use of their Confidential Information or Personally Identifiable Information for particular uses; and

(e) That their Confidential Information or Personally Identifiable Information be erased when it is no longer required to be retained by applicable law or Court order.

(2) A Sports Wagering Operator shall provide a written response to a request submitted pursuant to 205 CMR 257.04(1) that either grants or denies the request.

(a) If the Sports Wagering Operator grants the patron's request to access a copy of their Personally Identifiable Information, the Sports Wagering Operator shall provide the patron their Confidential Information or Personally Identifiable Information in a structured, commonly used and machine readable format.

(b) If the Sports Wagering Operator denies the request, the Sports Wagering Operator shall provide in its written response specific reason(s) supporting the denial and directions on how the patron may file a complaint regarding the denial with the Commission.



(3) A Sports Wagering Operator shall grant the patron's request to impose a restriction or erase their Confidential Information or Personally Identifiable Information if it is no longer necessary to retain the patron's Confidential Information or Personally Identifiable Information (or to retain the patron's Confidential Information or Personally Identifiable Information without the requested restriction) to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed legal claims, and for other reasonable safety and security purposes; and

(a) It is no longer necessary to retain the patron's Confidential Information or Personally Identifiable Information to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity;

(b) The patron withdraws their consent to the Sports Wagering Operator's retention of their Confidential Information or Personally Identifiable Information;

(c) There is no overriding legal interest to retaining the patron's Confidential Information or Personally Identifiable Information;

(d) The patron's Confidential Information or Personally Identifiable Information was used in violation of 205 CMR 257.00; or

(e) Restriction or erasure is necessary to comply with an order from the Commission or a court.

(4) If the Sports Wagering Operator grants the patron's request to erase their Confidential Information or Personally Identifiable Information, the Sports Wagering Operator shall erase the patron's Personally Identifiable Information or Confidential from all storage media it is currently using to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, including HDD, SDD, flash, mobile, cloud, virtual, RAID, LUN, hard disks, solid state memory, and other devices. The Sports Wagering Operator shall also request commercially reasonable confirmation of deletion from any Vendor, Registrant, or Subcontractor who received the patron's Confidential Information or Personally Identifiable Information from the Sports Wagering Operator. Notwithstanding, the foregoing, the Sports Wagering Operator shall not erase a patron's Confidential Information or Personally Identifiable Information on backup or storage media used to ensure the integrity of the Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform from technology failure or to comply with its data retention schedule or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity.

(5) An Operator, or a Vendor, Registrant or Subcontractor of an Operator shall not require a Patron to enter into an agreement waiving any of the Patron's rights under 205 CMR 257.04.

257.05: Data Program Responsibilities

(1) A Sports Wagering Operator shall develop, implement and maintain comprehensive administrative, technical and physical data privacy and security policies appropriate to the size and scope of business and addressing, at a minimum:

(a) Practices to protect the confidentiality, integrity and accessibility of Confidential Information or Personally Identifiable Information;

(b) The secure storage, access and transportation of Confidential Information or Personally Identifiable Information, including the use of encryption and multi-factor authentication;

(c) The secure and timely disposal of Confidential Information or Personally Identifiable Information, including data retention policies;

(d) Employee training on data privacy and cybersecurity for employees who may have access to Confidential Information or Personally Identifiable Information that, at a minimum, advises such employees of the confidentiality of the data, the safeguards required to protect the data and any applicable civil and criminal penalties for noncompliance pursuant to state and federal law;

(e) Restrictions on access to Personally Identifying Information or Confidential Information, including the area where such records are kept, secure passwords for electronically stored records and the use of multi-factor authentication;

(f) Reasonable monitoring of systems, for unauthorized use of or access to Confidential Information or Personally Identifying Information;



- (g) Reasonably up-to-date versions of system security agent software which must include malware protection and reasonably up-to-date patches and virus definitions, or a version of such software that can still be supported with up-to-date patches and virus definitions, and is set to receive the most current security updates on a regular basis;
- (h) Cybersecurity insurance, which shall include, at a minimum, coverage for data compromise response, identity recovery, computer attack, cyber extortion and network security;
- (i) Data Breach investigation and incident response procedures;
- (j) Imposing disciplinary measures for violations of Confidential Information and Personally Identifiable Information policies;
- (k) Active oversight and auditing of compliance by Vendors, Registrants, or Subcontractors with 205 CMR 257.03(3) and with the Operator's Confidential Information and Personally Identifying Information policies.
- (l) Quarterly information system audits; and
- (m) A process for reviewing and, if necessary, updating data privacy policies at least annually.

(2) A Sports Wagering Operator shall maintain on its website and Sports Wagering Platform a readily accessible copy of a written policy explaining to a patron the Confidential Information and Personally Identifiable Information that is required to be collected by the Sports Wagering Operator, the purpose for which Confidential Information or Personally Identifiable Information is being collected, the conditions under which a patron's Confidential Information or Personally Identifiable Information may be disclosed, and the measures implemented to otherwise protect a patron's Confidential Information or Personally Identifiable Information. A Sports Wagering Operator shall require a patron to agree to the policy prior to collecting any Confidential Information or Personally Identifiable Information, and require a patron to agree to any material updates. Agreement to this policy shall not constitute required consent for any additional uses of information.

(3) A Sports Wagering Operator, Sports Wagering Vendor, Sports Wagering Subcontractor, Sports Wagering Registrant, or Person to whom an Occupational License is issued shall comply with all applicable state and federal requirements for data security, including M.G.L. c. 93A, M.G.L. c. 93H, 940 CMR 3.00: General Regulations, 940 CMR 6.00: Retail Advertising and 201 CMR 17.00: Standards for the Protection of Personal Information of Residents of the Commonwealth.

REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH:

- 257.02 Data Use and Retention – 18 months
- 257.03 Data Sharing – 12 months
- 257.04 Patron Access – 12 months
- 257.05 Data Program Responsibilities – 6 months

Per 205 CMR 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT:

See implementation plan.

Per 205 CMR 102.03 (4)(a)(4)

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION:

See implementation plan.

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:



DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.





MGM SPRINGFIELD
ONE MGM WAY
SPRINGFIELD, MA 01103

413.273.5000
MGMSPRINGFIELD.COM

November 1, 2023

Via Email

Dir. Bruce Band
Massachusetts Gaming Commission
Division of Sports Wagering
101 Federal St, 12th Floor
Boston, MA 02110

Re: Sports Wagering Data Privacy Variance Request

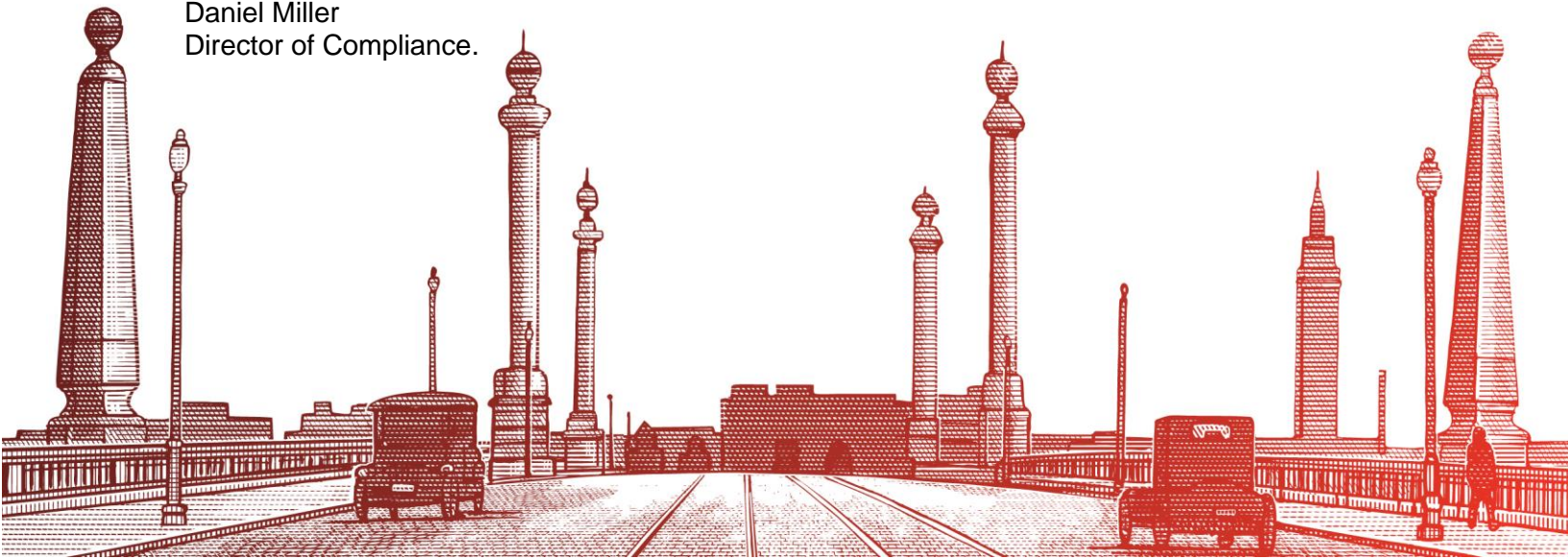
Dear Mr. Band:

MGM Springfield respectfully requests a temporary variance to the requirements of regulation 205 CMR 257.

To comply with regulation 205 CMR 257, as a retail sports wagering operator, we are working with our service provider, BetMGM, to assess the impact of the regulation. Similarly, a review of existing contracts with our service provider and other subcontractors needs to be completed, to assess provisions in those contracts related to data privacy and the requirements under the new regulation. In some cases, amendments to said contracts may be necessary. This review is expected to take 120 – 180 days in order to identify relevant contracts, communicate with such vendors and subcontractors regarding the necessary changes, and update such contracts.

Sincerely,

Daniel Miller
Director of Compliance.





MGM SPRINGFIELD
ONE MGM WAY
SPRINGFIELD, MA 01103

413.273.5000
MGMSPRINGFIELD.COM

I certify that, to the best of my knowledge and belief, all information above is accurate and that this request will not lessen the applicable administrative, accounting, or physical control of MGMS's sports wagering operations.

Arlen Carballo

Name: Arlen Carballo
Title: VP of Finance
Date: 11/1/2023

Augustine Kim

Name: Augustine Kim
Title: VP & Legal Counsel
Date:



MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 11/1/2023

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): Blue Tarp ReDevelopment, LLC
d/b/a MGM Springfield

NAME OF INDIVIDUAL COMPILING REQUEST: Daniel Miller

TITLE OF INDIVIDUAL COMPILING REQUEST: Compliance Director

CONTACT EMAIL ADDRESS: dmiller@mgmspringfield.com

CONTACT PHONE NUMBER: (413)557-8143

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT):
akim@mgmspringfield.com,

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED: 205 CMR 257.00

REGULATION SECTION TITLE: Sports Wagering Data Privacy

REGULATION LANGUAGE/TEXT:

205 CMR 257: SPORTS WAGERING DATA PRIVACY

Entire Regulation as currently written.

REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH: 180 days from when the current waiver expires on 11/17/2023.

Per 205 CMR 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT:

Certain contract legal review and possible updates and amendments to same may be necessary in order to comply with the regulation.



Per 205 CMR 102.03 (4)(a)(4)

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION:

The current deadline will not provide enough time to ensure adequate review with vendors and subcontractors and to enact any necessary amendments to contracts. MGM Springfield would not fully comply with 205 CMR 257 Sports Wagering Privacy.

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:

MGM Springfield is requesting a one hundred eighty (180) day exception. This would allow our data privacy and legal teams to collaborate with necessary vendors and subcontractors to review and amend contracts where and when necessary.

DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.





November 1, 2023

VIA EMAIL ONLY

Crystal Beauchemin, Sports Wagering Business Manager
Massachusetts Gaming Commission
101 Federal Street
Boston, MA 02110

Re: Penn Sports Interactive, LLC (“PSI”) Implementation Planning for 205 CMR 257

Dear Ms. Beauchemin,

PSI appreciates the willingness of the Massachusetts Gaming Commission (the “Commission”) to collaborate with Sports Wagering Operators to ensure that 205 CMR 257: Sports Wagering Data Privacy is implemented in an efficient manner and as intended by the Commission. Please accept this letter and the enclosed information as PSI’s submission of the action plan for implementation of all requirements.

Please note, the information, timelines, and plans for implementation explained in PSI’s action plan are formulated in reliance on the guidance related to 205 CMR 257 that the Commission provided to sports wagering operators on October 20, 2023. To the extent any of this previously issued guidance changes, it may also result in necessary changes to PSI’s current plan(s) for implementation of the applicable regulatory requirements.

Items that PSI believes it can complete immediately upon expiration of the current universal waiver:

After careful consideration and due diligence, PSI does not anticipate the need for any additional waivers related to the requirements of 205 CMR 257. PSI currently incorporates relevant policies and procedures in satisfaction of the applicable requirements and/or does not have concerns with satisfaction of the requirements upon expiration of the currently effective universal waiver valid through November 17, 2023.

Items that may be more difficult to implement for any reason:

PSI does, however, respectfully request additional guidance from the Commission related to the reporting necessary under 205 CMR 257.02(5) to ensure that the correct information is included, as well as further details on when the first iteration of the relevant report must be submitted to the Commission. For this reason, 205 CMR 257.02(5) is indicated as an item that will be more difficult to implement. PSI is not seeking an additional extension for this requirement and is confident that it can meet the reasonable submission deadline to be determined by the Commission upon receipt of the additional guidance requested.

Please do not hesitate to contact me should there be any questions or if additional information is needed.



Regards,

Adam Kates

Adam Kates
Sr. Director, Compliance
Penn Sports Interactive, LLC

cc:

Bruce Band, Director of Sports Wagering, Massachusetts Gaming Commission, *via email only*

Andrew Steffen, Interim Sports Wagering Operations Manager, Massachusetts Gaming Commission, *via email only*

Chris Soriano, VP Chief Compliance Officer, PENN Entertainment, Inc., *via email only*

Samantha Haggerty, Deputy Chief Compliance Officer & Regulatory Affairs Counsel, PENN Entertainment Inc., *via email only*

Leo Wan, VP, Legal – Intellectual Property and Privacy, PENN Entertainment Inc., *via email only*



PSI – 205 CMR 257: Sports Wagering Data Privacy Action Plan:

1. Items that can be completed immediately.

PSI is able to complete the following items and comply with the applicable regulatory requirements without the need for an additional temporary waiver or other extension upon the expiration of the currently effective blanket waiver for 205 CMR 257, which will occur on **November 18, 2023**:

(a) 205 CMR 257.02: Data Use and Retention, subparts 257.02(1)-257.02(4):

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

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

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

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

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

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

(a) a period of dormancy or non-use of a Sports Wagering Platform;

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

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

(d) the patron's actual or predicted.

i. income, debt, net worth, credit history, or status as beneficiary of governmental programs;

ii. medical status or conditions; or



iii. occupation.

(e) Any computerized algorithm, automated decision-making, machine learning, artificial intelligence, or similar system that is known or reasonably expected to make the gaming platform more addictive;

(f) Engagement or utilization of play management options, including type of limit, frequency of engagement or utilization of play management options, and frequency of changing limits;

(g) Engagement or utilization of cooling-off options, including duration of cooling-off period, frequency of engagement or utilization of cooling-off options, and frequency of changing cooling-off periods;

(h) Engagement or utilization of any measure in addition to those described in 205 CMR 257.02(3)(f)-(g) intended to promote responsible gaming.

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

PSI maintains robust policies and procedures that ensure the Confidential Information and Personally Identifiable Information of patrons is used only as necessary for reasonable and legitimate business purposes related to sports wagering operations. In addition, PSI currently utilizes patron Confidential Information and Personally Identifiable Information, as defined by 205 CMR 257, to inform and conduct marketing activities; however, PSI handles this on an "opt-in" basis. During the process to create and register a sports wagering account on the platform, PSI presents the patron with the option to affirmatively choose whether or not to receive marketing communications and materials utilizing checkbox functionality. If the patron does not choose to opt in at that time, the patron will not receive marketing communications until, and only if, the patron subsequently affirmatively grants their consent to receive. Moreover, once the account has been successfully registered, the choice remains with the patron as they may re-visit their marketing communication preferences, which enables them to efficiently opt-in or opt-out of receiving marketing materials via easy-to-use toggle functionality.

To the extent PSI seeks to use a patron's Confidential Information or Personally Identifiable Information for a reason not included in 257.02(1), PSI will ensure patron consent is properly received for those purposes in accordance with the requirements of this rule.

As it relates to 257.02(3), PSI understands the requirements and prohibitions. PSI will not use any patron Confidential Information or Personally Identifiable Information, or any information derived therefrom, to promote or encourage specific wagers or promotions being offered in the Commonwealth based on any of the enumerated considerations. Guidance on the requirements and specific prohibitions of 257.02(3) has been provided to PSI's Marketing Compliance team.

In addition, PSI currently maintains policies and procedures that are designed to ensure that the Confidential Information and Personally Identifiable Information of patrons is collected and retained only for reasonable and legitimate business purposes related to the operation of sports wagering. PSI also has processes in place that ensure compliance with all legal and regulatory requirements regarding the timely disposal of patron Confidential Information and Personally Identifiable Information when appropriate.



(b) 205 CMR 257.03: Data Sharing:

(1) A Sports Wagering Operator shall not share a patron's Confidential Information or Personally Identifiable Information with any third party except as necessary to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed legal claims, and for other reasonable safety and security purposes.

(2) If a Sports Wagering Operator shares a patron's Confidential Information or Personally Identifiable Information pursuant to 257.03(1), the Operator shall take commercially reasonable measures to ensure the party receiving a patron's Confidential Information or Personally Identifiable Information keeps such data private and confidential, except as required to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity. The party receiving such data shall only use a patron's Confidential Information or Personally Identifiable Information for the purpose(s) for which the data was shared.

(3) If a Sports Wagering Operator deems it necessary to share a patron's Confidential Information or Personally Identifiable Information with a Sports Wagering Vendor, Sports Wagering Subcontractor, or Sports Wagering Registrant in order to operate its Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity, a Sports Wagering Operator shall enter into a written agreement with the Sports Wagering Vendor, Sports Wagering Subcontractor or Sports Wagering Registrant, which shall include, at a minimum, the following obligations:

(a) The protection of all Confidential Information or Personally Identifiable Information that may come into the third party's custody or control against a Data Breach;

(b) The implementation and maintenance of a comprehensive data-security program for the protection of Confidential Information and Personally Identifiable Information, which shall include, at a minimum, the following:

i. A security policy for employees relating to the storage, access and transportation of Confidential Information or Personally Identifiable Information;

ii. Restrictions on access to Personally Identifying Information and Confidential Information, including the area where such records are kept, secure passwords for electronically stored records and the use of multi-factor authentication;

iii. A process for reviewing data security policies and measures at least annually; and

iv. An active and ongoing employee security awareness program for all employees who may have access to Confidential Information or Personally Identifiable Information that, at a minimum, advises such employees of the confidentiality of the data, the safeguards required to protect the data and any applicable civil and criminal penalties for noncompliance pursuant to state and federal law.

(c) The implementation, maintenance, and update of security and breach investigation and incident response procedures that are reasonably designed to protect Confidential Information



and Personally Identifiable Information from unauthorized access, use, modification, disclosure, manipulation or destruction; and

(d) A requirement that the maintenance of all Confidential Information and Personally Identifiable Information by a Vendor, Subcontractor or Registrant must meet the standards provided in 257.03.

(4) Sports Wagering Operators shall encrypt or hash and protect, including through the use of multi-factor authentication, from incomplete transmission, misrouting, unauthorized message modification, disclosure, duplication or replay all Confidential Information and Personally Identifiable Information.

As indicated above, PSI maintains robust policies and procedures that ensure the Confidential Information and Personally Identifiable Information of patrons is used only as necessary for reasonable and legitimate business purposes related to sports wagering operations, including any necessary sharing of such information with third parties. Moreover, PSI encrypts all patron Confidential Information and Personally Identifiable information within its possession and control.

In addition, whenever PSI determines it is necessary to share a patron's Confidential Information or Personally Identifiable Information with a Sports Wagering Vendor, Sports Wagering Subcontractor, and/or Sports Wagering Registrant for reasonable and legitimate business purposes, PSI requires that there be adequate contractual obligations related to data privacy and security in place prior to sharing. PSI will ensure all considerations included in 205 CMR 257.03(3)(a)-(d) are accounted for in such written agreements on a go-forward basis.

(c) 205 CMR 257.04: Patron Access, subpart 257.04(1):

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

(a) A description as to how their Confidential Information or Personally Identifiable Information is being used, including confirmation that such Confidential Information or Personally Identifiable Information is being used in accordance with this Section 205 CMR 257;

(b) Access to a copy of their Confidential Information or Personally Identifiable Information maintained by the Operator or a Vendor, Subcontractor, or Registrant of the Operator;

(c) Updates to their Confidential Information or Personally Identifiable Information;

(d) The imposition of additional restriction on the use of their Confidential Information or Personally Identifiable Information for particular uses; and

(e) That their Confidential Information or Personally Identifiable Information be erased when it is no longer required to be retained by applicable law or Court order.

PSI currently maintains procedures, which are included in its Privacy Policy, whereby a patron is provided a method to make requests concerning their Confidential Information and Personally Identifiable Information in accordance with 257.04(1). The Privacy Policy is clearly and conspicuously posted and readily available on the sports wagering platform and a patron must acknowledge review thereof to successfully establish and register their sports wagering account. Further, PSI has dedicated in-house



privacy professionals that oversee all incoming requests related to a patron's Confidential Information and Personally Identifiable Information. A high-level overview of this process is included below:

- The Privacy Policy, in compliance with all privacy laws and data privacy regulations, includes a description of how Confidential Information and Personally Identifiable Information is collected, used, disclosed.
- A patron may access a copy of their maintained Confidential Information and Personally Identifiable Information, subject to applicable laws, by contacting privacy@pennentertainment.com.
- A patron may also request an update to their Confidential Information and Personally Identifiable Information either by logging into their sports wagering account and sending an email to privacy@pennentertainment.com, or the patron may contact Customer Support to update the applicable information.
- A patron may also request the imposition of additional restrictions on the use of their Confidential Information and Personally Identifiable Information in accordance with applicable privacy laws and regulations by contacting privacy@pennentertainment.com. The ultimate imposition of the additional restriction(s) requested by the patron is subject to the applicable laws and regulations of the patron's state of residency.

In addition, PSI understands 205 CMR 257.04(1) requires this method to be available to the patron on the sports wagering platform. In order to increase the efficiency of this method, as well as patron awareness thereof, PSI will clearly and conspicuously incorporate appropriate messaging and a direct link to the proper contact address onto the platform within the appropriate page – for example, the Support page or something similar. This messaging will clearly and concisely indicate that if a patron wishes to review their Confidential Information and/or Personally Identifiable Information, or make any request concerning such information, they may do so by contacting privacy@pennentertainment.com.

PSI anticipates that it will be able to complete the product development work necessary to incorporate this notice onto the sports wagering platform by the expiry of the currently effective universal waiver, which is valid through November 17, 2023.

(d) 205 CMR 257.04: Patron Access, subparts 257.04(2)-257.04(5):

(2) A Sports Wagering Operator shall provide a written response to a request submitted pursuant to 257.04(1) that either grants or denies the request.

(a) If the Sports Wagering Operator grants the patron's request to access a copy of their Personally Identifiable Information, the Sports Wagering Operator shall provide the patron their Confidential Information or Personally Identifiable Information in a structured, commonly used and machine readable format.

(b) If the Sports Wagering Operator denies the request, the Sports Wagering Operator shall provide in its written response specific reason(s) supporting the denial and directions on how the patron may file a complaint regarding the denial with the Commission.

(3) A Sports Wagering Operator shall grant the patron's request to impose a restriction or erase their Confidential Information or Personally Identifiable Information if it is no longer necessary to retain the patron's Confidential Information or Personally Identifiable Information (or to retain the patron's Confidential Information or Personally Identifiable Information without the requested restriction) to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those



responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed legal claims, and for other reasonable safety and security purposes.; and

(a) The patron withdraws their consent to the Sports Wagering Operator's retention of their Confidential Information or Personally Identifiable Information;

(b) There is no overriding legal interest to retaining the patron's Confidential Information or Personally Identifiable Information;

(c) The patron's Confidential Information or Personally Identifiable information was used in violation of 205 CMR 257.00; or

(d) Restriction or erasure is necessary to comply with an order from the Commission or a court.

(4) If the Sports Wagering Operator grants the patron's request to erase their Confidential Information or Personally Identifiable Information, the Sports Wagering Operator shall erase the patron's Personally Identifiable Information or Confidential from all storage media it is currently using to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, including HDD, SDD, flash, mobile, cloud, virtual, RAID, LUN, hard disks, solid state memory, and other devices. The Sports Wagering Operator shall also request commercially reasonable confirmation of deletion from any Vendor, Registrant, or Subcontractor who received the patron's Confidential Information or Personally Identifiable Information from the Sports Wagering Operator. Notwithstanding, the foregoing, the Sports Wagering Operator shall not erase a patron's Confidential Information or Personally Identifiable Information on backup or storage media used to ensure the integrity of the Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform from technology failure or to comply with its data retention schedule or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity.

(5) An Operator, or a Vendor, Registrant or Subcontractor of an Operator shall not require a Patron to enter into an agreement waiving any of the Patron's rights under this Section 257.

As explained in detail in PSI's narrative response concerning 205 CMR 257.04(1) (please see section 2(c) of this Action Plan), PSI's Privacy Policy, which is readily available on the platform and must be acknowledged during the account registration process, currently provides a patron with a method and opportunity to submit requests related to their Confidential Information and/or Personally Identifiable Information in accordance with 257.04(1).

In compliance with various United States state privacy laws, PSI's dedicated in-house privacy professionals manage this consumer access requests process which includes the provision of a written response to the patron when any such request concerning their Confidential Information and/or Personally Identifiable Information is made. If the patron's request is denied, the patron is also afforded the benefit of an appeal process conducted in accordance with relevant state privacy laws, and any subsequent denial during the appeal by PSI is subject to review by a privacy regulator. In addition, the written response issued to the patron will advise them of their right to file a complaint with the appropriate authority(ies).

If PSI approves any patron request to erase their Confidential Information or Personally Identifiable Information, pursuant to the conditions included in 257.04(3), PSI will proceed with the required deletion procedures in accordance with 257.04(4) and its internal retention policies, which may include, when appropriate, anonymization and aggregation of patron Confidential Information and Personally Identifiable Information in a manner that prevents the data from being associated with any particular individual.

Finally, PSI does not require any patron to enter into any agreements that have the effect of waiving any rights of the patron under this regulation.



(e) 205 CMR 257.05: Data Program Responsibilities, subpart 257.05(1):

(1) A Sports Wagering Operator shall develop, implement and maintain comprehensive administrative, technical and physical data privacy and security policies appropriate to the size and scope of business and addressing, at a minimum:

(a) Practices to protect the confidentiality, integrity and accessibility of Confidential Information or Personally Identifiable Information;

(b) The secure storage, access and transportation of Confidential Information or Personally Identifiable Information, including the use of encryption and multi-factor authentication;

(c) The secure and timely disposal of Confidential Information or Personally Identifiable Information, including data retention policies;

(d) Employee training on data privacy and cybersecurity for employees who may have access to Confidential Information or Personally Identifiable Information that, at a minimum, advises such employees of the confidentiality of the data, the safeguards required to protect the data and any applicable civil and criminal penalties for noncompliance pursuant to state and federal law;

(e) Restrictions on access to Personally Identifying Information or Confidential Information, including the area where such records are kept, secure passwords for electronically stored records and the use of multi-factor authentication;

(f) Reasonable monitoring of systems, for unauthorized use of or access to Confidential Information or Personally Identifying Information;

(g) Reasonably up-to-date versions of system security agent software which must include malware protection and reasonably up-to-date patches and virus definitions, or a version of such software that can still be supported with up-to-date patches and virus definitions, and is set to receive the most current security updates on a regular basis;

(h) Cybersecurity insurance, which shall include, at a minimum, coverage for data compromise response, identity recovery, computer attack, cyber extortion and network security;

(i) Data Breach investigation and incident response procedures;

(j) Imposing disciplinary measures for violations of Confidential Information and Personally Identifiable Information policies;

(k) Active oversight and auditing of compliance by Vendors, Registrants, or Subcontractors with 257.03(3) and with the Operator's Confidential Information and Personally Identifying Information policies.

(l) Quarterly information system audits; and

(m) A process for reviewing and, if necessary, updating data privacy policies at least annually.

PSI currently maintains policies and procedures regarding each of the requirements under 205 CMR 257.05(1)(a) through (m). Please find the applicable information immediately below, organized by the relevant subpart to which it applies:

(a) – PSI has multiple controls in place to help ensure the protection of patron Confidential Information and Personally Identifiable Information, including data encryption, access controls and limits on which team members may access personal data, and procedures to alert for any unusual activity associated with patron Confidential Information and Personally Identifiable Information.



(b) – PSI ensures that all patron Confidential Information and Personally Identifiable Information is encrypted while in transit as well as at rest. In addition, PSI has access controls in place which ensure only authorized personnel can access Confidential Information and Personally Identifiable Information. Multi-factor authentication is implemented to further enhance the applicable access controls.

(c) – PSI has processes and policies in place to help ensure compliance with all applicable state laws and regulations around the retention and timely disposal of Confidential Information and Personally Identifiable Information, including formal request and fulfillment processes.

(d) – Annual privacy training is provided to PSI staff and quarterly bulletins are circulated covering privacy best practices that should be adhered to. In addition, privacy training is continually improved and updated to capture changes in the burgeoning privacy field across all jurisdictions. Such privacy training includes measures such as “phishing” simulations which are performed throughout the year and additional training for team members who fail these simulations.

(e) – PSI utilizes access control processes designed to allow only those individuals who absolutely need access to Confidential Information and Personally Identifiable Information to have that access. These processes include encrypted authentication, hashed password protections, and multi-factor authentication.

(f) – PSI has systems in place to monitor for access to Confidential Information and Personally Identifiable Information. These systems have a combination of static rules and risk-based evaluation criteria to determine whether an alert should be generated for suspicious activity.

(g) – PSI deploys security tools, including malware protection, anti-virus and overall endpoint protection are also deployed and are kept up to date. Patches are applied on a regular basis and any critical patches are reviewed and deployed in an expedited manner when and where appropriate.

(h) – PSI maintains appropriate cybersecurity insurance, in accordance with all applicable laws and regulations. Cyber insurance coverage is reviewed annually.

(i) – PSI has processes and procedures in place for breach investigation and incident response. For example, the Incident Response Plan is maintained to ensure unified procedures are in place to respond to any suspected incident involving a patron’s Confidential Information and Personally Identifiable Information. In addition, an Incident Response Committee and Executive Cyber Committee oversee the Incident Response Plan and meet regularly to discuss security events and incidents.

(j) – PSI also maintains disciplinary measures that may be taken for violations of any policies concerning Confidential Information and Personally Identifiable Information. The prospective disciplinary measures that may be taken are incorporated into all relevant internal policy documents so that applicable team members are made aware of the potential repercussions for any violation(s).

(k) – Due diligence and review procedures are in place for all vendors, contractors, and other entities that may require access to internal systems that contain Confidential Information and Personally Identifiable Information. Such procedures include, but are not limited to, an onboarding review and regular periodic review of the applicable third-party entity’s overall public risk profile. In addition, access controls are in place and monitored for any suspicious activity.

(l) – Systems and procedures are in place to ensure periodic scans of the product environment are conducted at least on a quarterly basis. Such periodic scans include confirming any patches are kept up to date, no unexpected services are running, and verification that access controls are monitoring and reporting appropriately.



(m) – All applicable internal privacy policies are reviewed at least annually by team members from various departments, including IT Security, Legal, and PSI's in-house privacy experts. If an update is identified and necessary, it is first discussed with the Executive Cyber Committee prior to its adoption and incorporation.

(f) 205 CMR 257.05: Data Program Responsibilities, subparts 257.05(2)-257.05(3):

(2) A Sports Wagering Operator shall maintain on its website and Sports Wagering Platform a readily accessible copy of a written policy explaining to a patron the Confidential Information and Personally Identifiable Information that is required to be collected by the Sports Wagering Operator, the purpose for which Confidential Information or Personally Identifiable Information is being collected, the conditions under which a patron's Confidential Information or Personally Identifiable Information may be disclosed, and the measures implemented to otherwise protect a patron's Confidential Information or Personally Identifiable Information. A Sports Wagering Operator shall require a patron to agree to the policy prior to collecting any Confidential Information or Personally Identifiable Information, and require a patron to agree to any material updates. Agreement to this policy shall not constitute required consent for any additional uses of information.

(3) A Sports Wagering Operator, Sports Wagering Vendor, Sports Wagering Subcontractor, Sports Wagering Registrant, or Person to whom an Occupational License is issued shall comply with all applicable state and federal requirements for data security, including M.G.L. c. 93A, M.G.L. c. 93H, 940 CMR 3.00, 940 CMR 6.00 and 201 CMR 17.00.

PSI's Privacy Policy, which covers all information required pursuant to 257.05(2), is publicly and readily available on the sports wagering platform and website (as well as the PENN Entertainment, Inc. website) for ease of patron reference. In addition, when a patron attempts to register a sports wagering account, to complete the account registration process, they must consent to the Privacy Policy, the acknowledgement of which is captured and maintained. For any additional use of data not mentioned in the Privacy Policy, PSI will seek patron consent or rely on any applicable reasonable and legitimate business interest exemption as permitted by applicable laws and regulations.

Regarding 257.05(3), PSI complies with all applicable data security laws and regulations amongst the various jurisdictions where the business conducts operations.

(g) 205 CMR 257.06: Data Breaches:

(1) In the event of a suspected Data Breach involving a patron's Confidential Information or Personally Identifiable Information, a Sports Wagering Operator shall immediately notify the Commission and commence an investigation of the suspected Data Breach, which shall be commenced no less than five (5) days from the discovery of the suspected breach, and completed as soon as reasonably practicable thereafter.

(2) Following completion of the investigation specified pursuant to 257.06(1), the Sports Wagering Operator shall submit a written report to the Commission describing the suspected Data Breach and stating whether any patron's Confidential Information or Personally Identifying Information was subjected to unauthorized access. Unless the Sports Wagering Operator shows that unauthorized access did not occur, the Sports Wagering Operator's written report shall also detail the Operator's plan to remediate the Data Breach, mitigate its effects, and prevent Data Breaches of a similar nature from occurring in the future.

(3) Upon request by the Commission, the Sports Wagering Operator shall provide a report from a qualified third-party forensic examiner, the cost of which shall be borne by the Sports Wagering Operator being examined.



(4) In addition to the other provisions of this 205 CMR 257.06, the Sports Wagering Operator shall be required to comply with any other legal requirements applicable to such Data Breaches or suspected Data Breaches, including its obligations pursuant to G.L. c. 93H and 201 CMR 17.00.

PSI has existing processes in place for potential Data Breach investigations and incident response. In addition, in the event of a suspected Data Breach that involves patron Confidential Information and/or Personally Identifiable Information, PSI will notify the Commission and commence the required investigation in accordance with the requirements of 205 CMR 257.06(1). Upon the completion of the required investigation, PSI will provide the Commission with a written report of its findings, pursuant to 205 CMR 257.06(2), and PSI will comply with all other applicable legal requirements in the case of a suspected Data Breach.

PSI understands that the third-party forensic examiner's report subject to 205 CMR 257.06(3) is not automatically required as a result of a suspected data breach. However, if so requested by the Commission, PSI will ensure that a third-party forensic examiner's services are obtained, and the required independent report produced and provided to the Commission.

2. Items that will take longer to complete (specific timing included as applicable):

PSI is able to produce the reporting required pursuant to 205 CMR 257.02(5) in accordance with the biannual cadence to be set by the Commission. However, PSI respectfully requests some additional guidance, as further detailed below, in order to ensure that the required report includes all information expected by the Commission. As the Commission has not yet determined a specific submission date for the first iteration of the report(s) required under 205 CMR 257.02(5), PSI does not anticipate the need for an additional temporary waiver for the requirements of this rule; however, should the circumstances change upon receipt of any additional guidance requested, PSI will promptly submit any necessary temporary waiver request.

(a) 205 CMR 257.02: Data Use and Retention, subpart 257.02(5):

(5) A Sports Wagering Operator shall collect and aggregate patrons' Confidential Information and Personally Identifiable Information to analyze patron behavior for the purposes of identifying and developing programs and interventions to promote responsible gaming and support problem gamblers, and to monitor and deter Sports Wagering in violation of G.L. c. 23N and 205 CMR. The Sports Wagering Operator shall provide a report to the Commission at least every six months on the Sports Wagering Operator's compliance with this subsection, including the trends observed in this data and the Sports wagering Operator's efforts to mitigate potential addictive behavior.

PSI understands the reporting requirement(s) under 205 CMR 257.02(5) and shall produce the biannual reporting to be provided to the Commission. However, PSI is including this as an item that will take longer to complete to highlight the following considerations:

- As the current language of this rule is broad, PSI respectfully requests additional guidance from the Commission regarding the specific information that the Commission expects sports wagering operators to include in the report(s). Does the Commission anticipate issuing a reporting template to sports wagering operators to ensure the desired information is included?
- In addition, once the scope of required information is defined, some product development time will be necessary to enable the sports wagering system to produce the required report and analysis of the results in accordance with the cadence to be determined by the Commission.



As mentioned above, PSI is not currently requesting a temporary waiver of this requirement as the Commission's specific cadence to produce the reports is not yet known. So long as the Commission permits sports wagering operators reasonable time to develop the reporting in their sports wagering systems and provides additional guidance concerning the scope of the information to be included, PSI has no concerns producing such reports timely.



November 2, 2023

VIA EMAIL ONLY

Crystal Beauchemin, Sports Wagering Business Manager
Massachusetts Gaming Commission
101 Federal Street
Boston, MA 02110

Re: Plainridge Park Casino (“PPC”) Implementation Plan for 205 CMR 257:

Dear Ms. Beauchemin,

PPC appreciates the Massachusetts Gaming Commission’s (the “Commission”) collaborative approach with licensed sports wagering operators towards the implementation of 205 CMR 257. After the Commission approved the universal waiver for the requirements of this regulation, PPC performed thorough due diligence to determine the impact of the requirements of this regulation and whether any development work or process changes were necessary. Please accept this letter and the enclosed information resulting from this thorough assessment as PPC’s submission of the required implementation plan.

It is important to note that the information concerning the implementation of 205 CMR 257 included in this plan is in reliance on the guidance related to 205 CMR 257 provided by the Commission on October 20, 2023. If any specific guidance changes, it may also result in necessary changes to the current implementation plan.

Items for which PPC is requesting a temporary waiver:

For the reasons explained in further detail in the accompanying waiver request form, PPC is seeking one additional temporary waiver for the requirements of 205 CMR 257.02(5) through January 1, 2025. As PENN Entertainment, Inc., the parent company of PPC, is beginning the process of transitioning all retail sports wagering technology onto its proprietary in-house system, this extension will allay any resource constraints and/or delays to that initiative. Please note, PPC will make all commercially reasonable efforts to implement the requirements of 257.02(5) prior to the date requested.

Items that PPC can complete immediately:

PPC does not anticipate the need for any additional waivers for the further requirements of 205 CMR 257 upon expiration of the currently effective waiver, valid through November 17, 2023. Relevant policies and procedures are currently in place which PPC believes meet the requirements and regulatory intent of the regulation.

Please do not hesitate to follow up if there are any questions or if additional information is needed.

Sincerely,

Lisa McKenney
Compliance Manager
Plainridge Park Casino



PPC – 205 CMR 257 Action Plan:

1. Items that PPC can complete upon expiration of the current waiver:

PPC believes it can complete the following items without the need for any additional temporary waiver or other extensions:

(a) 205 CMR 257.02: Data Use and Retention, subparts 257.02(1)-257.02(4):

In accordance with current policies and procedures, PPC ensures that any patron Confidential Information and Personally Identifiable Information obtained is used only as necessary for reasonable and legitimate sports wagering business purposes. If PPC subsequently seeks to use a patron's Confidential Information or Personally Identifiable Information any reason that is arguably not "necessary" to the operation of sports wagering or otherwise not included in 257.02(1), patron consent shall be properly received for those purposes in accordance with this regulation.

In addition, PPC will not use any patron Confidential Information or Personally Identifiable Information, or any information derived from it, to promote or encourage specific wagers or promotions in the Commonwealth in accordance with 257.02(3).

PPC also maintains policies and procedures to ensure that any Confidential Information and Personally Identifiable Information obtained from a patron is retained only as necessary for reasonable and legitimate business purposes. Further, processes are in place to ensure compliance with all legal requirements concerning disposal of such information if and when appropriate.

(b) 205 CMR 257.03: Data Sharing:

PPC's policies and procedures concerning privacy and security are designed not only to ensure that a patron's personal information is used only as necessary for operations but also to ensure that this information is only shared only when necessary for reasonable legitimate operational purposes. If sharing is deemed necessary, the information is encrypted to prior to sending, and all Confidential Information and Personally Identifiable Information is encrypted when in PPC's possession and control.

Moreover, commercially reasonable, and adequate contractual obligations related to data privacy and security must be in place before any personal information can be shared with a Sports Wagering Vendor, Sports Wagering Subcontractor, or Sports Wagering Registrant.

(c) 205 CMR 257.04: Patron Access:

In accordance with the PENN Entertainment Inc. company-wide Privacy Policy, PPC currently maintains procedures that allow a patron to make a request regarding their Confidential Information and Personally Identifiable Information. Pursuant to various state privacy laws, PENN Entertainment's in-house privacy professionals manage this requests process and provide a written response to the patron when any such request is made. If denied, the patron may appeal the decision in accordance with relevant state privacy laws, and any denial during the appeal is subject to review by the applicable privacy regulator. The written response will also include further helpful information, including providing notice of the patron's right to file a complaint with the appropriate authority. A high-level overview of this process is included below:



- Subject to applicable laws, a patron may obtain access to a copy of their Confidential Information and Personally Identifiable Information by contacting privacy@pennentertainment.com.
- Updates to any Confidential Information or Personally Identifiable Information maintained can also be made by contacting this email address.
- A patron may also request that additional restrictions be imposed on the use of their Confidential Information and Personally Identifiable Information in accordance with applicable privacy laws and regulations. The imposition of any requested restriction(s) is subject to the applicable laws and regulations of the patron's state of residency.

If any such patron request is approved pursuant to the conditions included in 257.04(3), PPC will complete the required procedures to delete in accordance with 257.04(4) and internal retention policies, including, if appropriate, anonymization and aggregation of patron Confidential Information and Personally Identifiable Information in a manner that prevents it from being associated with a particular individual.

PPC does not require any patron to enter into any agreements that purport or attempt to waive any rights of the patron under this regulation.

(d) 205 CMR 257.05: Data Program Responsibilities:

As it relates to 257.05(1), please find immediately below a description of PPC's current practices, organized by the applicable subpart:

(a) – Controls are in place to protect any Confidential Information and Personally Identifiable Information obtained from a patron during retail sports wagering operations. This includes encryption, access controls and limits on who may access retained personal data, and procedures to notify and escalate if there is any unusual activity associated with patron Confidential Information and Personally Identifiable Information.

(b) – All patron Confidential Information and Personally Identifiable Information is encrypted both at rest and in transit. Access controls are also in place that assist with ensuring only authorized team members can access this information and multi-factor authentication is layered in which further enhances the applicable controls.

(c) – Processes and policies help ensure compliance with all applicable laws and regulations that inform appropriate retention periods and timely disposal of Confidential Information and Personally Identifiable Information.

(d) – Annual privacy training is provided to all staff and period bulletins are disseminated to ensure all staff is up to date on privacy best practices and expectations. This training is continually updated in a manner that notifies of any changes in best practices and expectations. PENN's IT Security team also performs data privacy training simulations and conducts further training exercises for any team members that may be deficient during a simulated training.

(e) – Access controls are incorporated that ensure only individuals who have a legitimate need for accessing a patron's Confidential Information and Personally Identifiable Information are able to do so. For example, passwords are hashed and protected, authentication is encrypted, and multi-factor authentication is utilized to further enhance these access controls.



(f) – Systems incorporating a combination of static rules and risk-based evaluation criteria are in place to monitor access to Confidential Information and Personally Identifiable Information. These systems assist with determination of whether a notification/alert for suspicious activity is necessary.

(g) – Malware protection, anti-virus protection, overall endpoint protection, amongst other security tools, are deployed and are kept up to date when necessary. In addition, security patches are applied regularly, with any identified critical patches reviewed and deployed in an expedited manner.

(h) – PPC maintains adequate cybersecurity insurance, which is reviewed annually for sufficiency of coverage in accordance with all applicable laws and regulations.

(i) – Standard processes and procedures are in place to address any potential breach and incident response involving a patron’s Confidential Information or Personally Identifiable Information, including any necessary investigation. In addition, PENN Entertainment maintains an Incident Response Committee and Executive Cyber Committee who oversee these processes and procedures and meet regularly to ensure all processes and procedures are effectively being incorporated.

(j) – Disciplinary measures may be taken for any violations of internal policies concerning Confidential Information and Personally Identifiable Information. Prospective disciplinary measures that may be taken are noticed to all team members via internal policies so that team members are made aware of the potential repercussions of a violation.

(k) – Proper review and due diligence procedures are in place for all vendors, contractors, and registrants if they necessarily require access to internal systems that contain Confidential Information and Personally Identifiable Information. These review and due diligence procedures include an onboarding review, regular periodic review of the entity’s overall public risk profile, and access controls.

(l) – Relevant periodic scans are performed at least quarterly in accordance with all applicable laws and regulations. These scans include items such as patch confirmations, checks for unexpected services, and verification of the functionality of all access controls.

(m) – All applicable internal privacy policies are reviewed at least annually by team members from various departments, including IT Security, Legal, and in-house privacy professionals. Any required updates are discussed with the Executive Cyber Committee before adoption and incorporation.

In addition, PENN Entertainment’s Privacy Policy is readily available to the public on the PPC website and can also be readily accessed from the PENN Entertainment website. If PPC seeks to use personal data for anything not mentioned in the Privacy Policy, patron consent will be sought or PPC will rely on any applicable reasonable and legitimate business interest exemption as permitted by applicable laws and regulations.

(e) 205 CMR 257.06: Data Breaches:

Existing processes are currently in place to inform the actions to be taken in the case of a potential Data Breach, including proper investigation and incident response. In accordance with the requirements of 257.06, PPC will notify the Commission and commence the investigation resulting from any future suspected data security incident. A written report of any findings will be provided to the Commission.



In addition, to the extent the Commission requests review of any data breach incident by a third-party forensic examiner, PPC will obtain the required services and produce the required independent report.

2. Items that will take longer to complete (specific timing included as applicable):

PPC anticipates that it will take additional time and development work to complete the following requirement(s) included in 205 CMR 257:

(a) 205 CMR 257.02: Data Use and Retention, subpart 257.02(5):

For the reasons detailed further in the accompanying temporary waiver request for the requirements of 205 CMR 257.02(5), PPC is respectfully seeking an additional temporary extension through January 1, 2025. Subject to review and approval by the Commission, this temporary extension would decrease any resource constraints that may result from PENN Entertainment's company-wide effort to transition its retail sports wagering technology onto its proprietary in-house system and will ensure the technical team members have sufficient time to develop the appropriate reporting solution within the system.



MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 11/1/2023

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): Plainridge Park Casino ("PPC")

NAME OF INDIVIDUAL COMPILING REQUEST: Lisa McKenney

TITLE OF INDIVIDUAL COMPILING REQUEST: Compliance Manager

CONTACT EMAIL ADDRESS: lisa.mckenney@pennentertainment.com

CONTACT PHONE NUMBER: 508-576-4409

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT):
N/A

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED: 205 CMR 257: Sports Wagering Data Privacy

REGULATION SECTION TITLE: 205 CMR 257.02(5): Data Use and Retention

REGULATION LANGUAGE/TEXT:

(5) A Sports Wagering Operator shall collect and aggregate patrons' Confidential Information and Personally Identifiable Information to analyze patron behavior for the purposes of identifying and developing programs and interventions to promote responsible gaming and support problem gamblers, and to monitor and deter Sports Wagering in violation of G.L. c. 23N and 205 CMR. The Sports Wagering Operator shall provide a report to the Commission at least every six months on the Sports Wagering Operator's compliance with this subsection, including the trends observed in this data and the Sports wagering Operator's efforts to mitigate potential addictive behavior.

REASON FOR REQUEST OF WAIVER



DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH: January 1, 2025. Please note, while PPC is requesting a temporary waiver through the date indicated for the reasons stated below, all commercially reasonable efforts will be made to satisfy this requirement as soon as possible.

Per 205 *CMR* 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT: PENN Entertainment Inc. (“PENN”), the parent company of PPC, is set to begin the undertaking of migrating its retail sports wagering technology from a third-party provided platform and onto PENN’s in-house proprietary retail sports wagering platform. Due to the nature of retail sports wagering operations, this transition will occur jurisdiction-by-jurisdiction, as the necessary regulatory approvals are received. Moreover, additional time is necessary for PENN to definitively define the transition cadence, including when the retail sports wagering software utilized at PPC will be transitioned to the in-house platform. As this migration exercise continues to move forward, PPC will ensure that the in-house retail sports wagering platform can produce the reporting required under 257.02(5); however, such reporting will ultimately not be available until migration efforts at PPC are successfully completed.

Per 205 CMR 102.03 (4)(a)(4)

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION: In furtherance of the retail sports wagering migration efforts discussed above, resources are being allocated in a manner that will ensure the project remains on its pre-determined cadence, resulting in resource constraint amongst the applicable technology teams. Any shifting of these resources will result in significant delays to the enterprise-wide migration effort, which would impact how quickly PPC is able to begin providing the required reporting to the Commission.

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST: N/A

DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.



Project Plan Summary

WynnBET waiver request for time to ensure compliance with 205 CMR 257

Two waiver dates are requested, one of which may not be necessary.

- For 205 CMR 257.03(1), WynnBET is requesting a waiver until **October 31, 2024**, to modify its systems related to the Wynn Rewards program.

Whether or not this waiver is necessary depends on whether the Commission considers other entities in the Wynn corporate family (including Wynn MA, LLC, that operates Encore Boston Harbor and Wynn Las Vegas, LLC, that operates the Wynn Las Vegas) to be third parties (more details are found in the waiver request). If they are considered third parties, then patron participation in Wynn Rewards (which is currently automatic) results in sharing of patron PII and Confidential information with third parties. This will necessitate significant updates to the WynnBET systems to make participation in Wynn Rewards optional.

- For 205 CMR 257.03(3), WynnBET is requesting a waiver until **January 31, 2024**, to review and update all agreements with service providers who may receive patron PII or Confidential Information, to ensure that all agreements are compliant with this section of the regulation.

For all waivers granted, WynnBET will provide monthly reports on or around the first of each month, to inform the Commission of our progress toward full compliance.



MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 11/1/2023

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): WynnBET (WSI US, LLC)

NAME OF INDIVIDUAL COMPILING REQUEST: Joseph Peacock

TITLE OF INDIVIDUAL COMPILING REQUEST: Director, Legal

CONTACT EMAIL ADDRESS: joseph.peacock@wynnresorts.com

CONTACT PHONE NUMBER: 702-770-7858

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT):
legal@wynnbet.com

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED:

205 CMR 257.03(1)

205 CMR 257.03(3)

REGULATION SECTION TITLE:

Sports Wagering Data Privacy – Data Sharing

REGULATION LANGUAGE/TEXT:

257.03: Data Sharing

(1) A Sports Wagering Operator shall not share a patron's Confidential Information or Personally Identifiable Information with any third party except as necessary to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed legal claims, and for other reasonable safety and security purposes.

.....
(3) If a Sports Wagering Operator deems it necessary to share a patron's Confidential Information or Personally Identifiable Information with a Sports Wagering Vendor, Sports Wagering Subcontractor, or Sports Wagering Registrant in order to operate its Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, any other applicable law,



regulation, court order, subpoena, or civil investigative demand of a governmental entity, a Sports Wagering Operator shall enter into a written agreement with the Sports Wagering Vendor, Sports Wagering Subcontractor or Sports Wagering Registrant, which shall include, at a minimum, the following obligations:

(a) The protection of all Confidential Information or Personally Identifiable Information that may come into the third party's custody or control against a Data Breach;

(b) The implementation and maintenance of a comprehensive data-security program for the protection of Confidential Information and Personally Identifiable Information, which shall include, at a minimum, the following:

i. A security policy for employees relating to the storage, access and transportation of Confidential Information or Personally Identifiable Information;

ii. Restrictions on access to Personally Identifying Information and Confidential Information, including the area where such records are kept, secure passwords for electronically stored records and the use of multi-factor authentication;

iii. A process for reviewing data security policies and measures at least annually; and

iv. An active and ongoing employee security awareness program for all employees who may have access to Confidential Information or Personally Identifiable Information that, at a minimum, advises such employees of the confidentiality of the data, the safeguards required to protect the data and any applicable civil and criminal penalties for noncompliance pursuant to state and federal law.

(c) The implementation, maintenance, and update of security and breach investigation and incident response procedures that are reasonably designed to protect Confidential Information and Personally Identifiable Information from unauthorized access, use, modification, disclosure, manipulation or destruction; and

(d) A requirement that the maintenance of all Confidential Information and Personally Identifiable Information by a Vendor, Subcontractor or Registrant must meet the standards provided in 257.03.

REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH:

Regarding 205 CMR 257.03(1), waiver is requested, if necessary (see below), through October 31, 2024.

Regarding 205 CMR 257.03(3), waiver is requested through January 31, 2024.

Per 205 CMR 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT:

In formulating this waiver request, WynnBET is relying on the guidance provided by the Commission on October 20, 2023, and October 27, 2023, regarding the Commission's interpretation of the regulation.



Regarding 205 CMR 257.03(1):

Wynn Rewards is the rewards program for all US-based Wynn enterprises, including Encore Boston Harbor, Wynn Las Vegas, and WynnBET. Benefits earned on WynnBET can be used at the resorts and some benefits earned at the resorts can be redeemed for credit at WynnBET. All new WynnBET patrons are automatically enrolled in Wynn Rewards. If a new patron already has a Wynn Rewards account, their information will be used to pair their existing Wynn Rewards account with their WynnBET account when they register. This requires the exchange of the patron's Personally Identifiable Information with Wynn Resorts to identify an existing account or establish a new one. The administration of the Wynn Rewards program requires the exchange of the patron's Confidential Information, specifically wagering information, to award the benefits of the program.

At the time of this submission, WynnBET is seeking advice from MGC on whether the Wynn entities that share in the Wynn Rewards program constitute third parties for the purposes of 205 CMR 257.03. If such affiliated companies are considered third parties, then it will require significant technological development to make participation in the Wynn Rewards program optional for WynnBET patrons in Massachusetts. Such a process will require development, testing, deployment, and the coordination of multiple third-party service providers to update the necessary systems. This development and testing may take up to twelve months.

Regarding 205 CMR 257.03(3):

While all of WynnBET's agreements include confidentiality provisions that cover patron data, not all agreements include robust data privacy terms that include the specific points outlined in this regulation section. We require time to identify all relevant vendors, review their agreements with the specific terms of 257.03(3) in mind, and issue addenda to the necessary agreements. Our initial estimate is that there are between forty and eighty agreements that may have to be reviewed and addended. We estimate this process may take up to three months.

Per 205 CMR 102.03 (4)(a)(4)

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION:

Regarding 205 CMR 257.03(1):

Wynn Rewards is a popular program among our patrons and is the only rewards program in place on WynnBET. If the waiver requested above is found to be necessary (because the affiliated Wynn entities are considered third parties) and the waiver is not granted, WynnBET will be forced to remove the Wynn Rewards program from its online sportsbook in Massachusetts. This will create a significant detriment to WynnBET's product offering, negatively impacting existing patrons and reducing the service's appeal to potential new patrons.

Further, if the affiliated Wynn entities are considered third parties and the waiver is not granted, it will take time for the Wynn Rewards integration to be removed from the service. Wynn Rewards is fully integrated into the registration process and the wagering functions of the WynnBET service. Removing that integration in order to remain compliant will require time and development resources.



Regarding 205 CMR 257.03(3):

The requirements of this subsection create a situation where WynnBET's current agreements may not be fully compliant with new requirements. Due to the number of agreements already in place, we require time to identify all agreements that will be necessary to addend and coordinate with the counterparties.

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:

If the affiliated Wynn Resorts entities do not constitute third parties for the purposes of 205 CMR 257.03, no waiver will be necessary for subsection 257.03(1).

DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.



From: [Roberts, Jennifer](#)
To: [Beauchemin, Crystal](#); [Band, Bruce](#); [Steffen, Andrew](#)
Cc: [Peacock, Joseph](#)
Subject: 205 CMR 257 Question
Date: Wednesday, November 1, 2023 5:21:16 PM
Attachments: [image001.png](#)

Good afternoon. WynnBET has just submitted our waiver on 205 CMR 257, but I had a clarifying question on the guidance that was distributed.

The guidance includes a section on 257.03 (Data Sharing) that contains the following paragraph:

Operators, however, can reasonably expect that if they seek to share a patron's PII/CI with a third-party for a limited purpose beyond those specifically related to operating a Sports Wagering Area, Sports Wagering Facility, or Sports Wagering Platform, a specific consent would be required. **This might include, for example, linking a player's account to a third-party rewards system provided by a third-party.**

WynnBET is connected to the Wynn Rewards system, which is the player reward system for US-based Wynn enterprises, including Encore Boston Harbor, Wynn Las Vegas, and WynnBET. These companies are affiliates of each other that share common ultimate beneficial ownership through Wynn Resorts, Limited. Like other operators, patron information would be shared among our affiliates for a common rewards system.

We included this in our waiver request in case that was the intention of the bolded language. However, if a shared rewards program among affiliates was not intended to be covered, we are happy to either amend our waiver or have the request disregarded.

Can you please confirm whether a common rewards system and program among affiliates is considered a third-party program that would be applicable here?

Thank you,

JENNIFER ROBERTS
Vice President & General Counsel - WynnBET

WynnBET
6600 Bermuda Road, Las Vegas, NV 89119
tel (702) 770-7592 cell (702) 236-8110

jennifer.roberts@wynnbet.com

WynnBET

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Waiver Requests
205 CMR 238: Additional Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering
205 CMR 257: Sports Wagering Data Privacy

Subsection	Justification	Topics	Waiver through	Commenter/Entity
238.02(7)(1) and (m)	Assess and investigate uses of algorithms, automated decision-making, machine learning, AI and similar systems before providing the Commission with an updated Internal Control document.	Internal control updates	January 1, 2024	BetMGM
257.00 (generally)	Review contracts, and potentially update and amend said contracts.	Contracts	May 15, 2024	MGM Springfield
257.02	<p>Implement tools, processes and guardrails to prevent data from being used for non-essential features and activities.</p> <p>Build a consent collection and management system, including a new user experience flow.</p> <p>Develop a workflow for destruction of patron data.</p> <p>Build analytics reports for responsible gaming purposes.</p>	<p>Definition of “necessary”</p> <p>Consent technology</p>	May 2024	Fanatics
257.02(1)-(2)	<p>Analyze and determine what PII is not necessary to operate.</p> <p>Once identified, map where the PII is, including with first and third party systems. After that, build opt-in consent prompts and opt-out mechanisms, including changing its current opt-out default.</p>	<p>Definition of “necessary”</p> <p>Consent technology</p>	July 1, 2024	Draft Kings

Waiver Requests
205 CMR 238: Additional Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering
205 CMR 257: Sports Wagering Data Privacy

Subsection	Justification	Topics	Waiver through	Commenter/Entity
257.02(1)-(2)	Build and test new opt-in functionality for loyalty program (currently, a rewards account is automatically set up for Caesars patrons).	Consent technology.	June 30, 2024	Caesars
257.02(2)	Develop and implement an opt-in system. Would be difficult, but not impossible, to implement opt-in by expiration of current waiver (Nov. 17).	Consent technology	October 1, 2024	FanDuel
257.02(2)(a)-(c)	Develop an opt-in consent form, as well as a consent withdrawal form.	Consent technology	March 1, 2024	Betr
257.02(3)	Update internal tooling, databases, marketing and promotional campaigns, develop employee training, monitoring procedures, and update access controls. Engage in comprehensive auditing of existing promotional activities. Build new infrastructure to run new geolocation-based flags.	Consent technology	December 1, 2024	Draft Kings
257.02(5)	Build a new alerting system.	RG Tools	January 15, 2024	Draft Kings
257.02(5)	Currently developing an RFP for a vendor to assist in implementing tools for data analysis related to responsible gaming. Following RFP, initial version of responsible gaming tools are anticipated in Q1 2024.	RG Tools	July 1, 2024	FanDuel
257.02(5)	Scope out and develop an iterative, AI inflected analytics program, and potentially engage third-party experts on AI and problem gambling.	RG Tools	June 30, 2024	Caesars
257.02(5)	Penn Entertainment Inc, PPC's parent company, is migrating its retail sports wagering technology from a third-party platform onto PENN's in-house proprietary retail sports wagering platform, and is doing so jurisdiction by jurisdiction. Reporting	RG Tools; Reporting	January 1, 2025	Plainridge Park Casino

Waiver Requests
205 CMR 238: Additional Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering
205 CMR 257: Sports Wagering Data Privacy

Subsection	Justification	Topics	Waiver through	Commenter/Entity
	required under 257.02(5) will not be available until migration is complete.			
257.03	Scope nature of data sharing with third parties to determine what is necessary to operate.	Definition of “necessary”	February 1, 2024	FanDuel
257.03	Modify existing contracts with third parties, and implement controls and assessments of third party usage of patron data.	Definition of “necessary” Contracts	November 2024	Fanatics
257.03(1)	Need to build and test new opt-in functionality for loyalty program (currently, a rewards account is automatically set up for Caesars patrons).	Consent technology	June 30, 2024	Caesars
257.03(1)	If entities in the Wynn corporate family are third parties, then systems will need to be updated to make rewards participation optional.	Definition of “necessary”	October 31, 2024	WynnBET
257.03(1)	Audit data sharing agreements with vendors and partners to determine which are covered by and outside the scope of 257. Data sharing arrangements identified will then have to be changed to require opt-in consent.	Contracts	July 1, 2024	Draft Kings
257.03(3)	Revise Data Protection Addendum and contracts to incorporate BetMGM’s revised Data Protection Addendum.	Contracts	February 1, 2024	BetMGM
257.03(3)	Negotiate amendments with vendors to include specific contractual language.	Contracts	June 30, 2024	Caesars
257.03(3)	Review and update agreements with service providers who may receive patron data.	Contracts	January 31, 2024	WynnBET
257.03(3)	Renegotiate contracts with third parties. Contracts tend to run 18-24 months, and FanDuel intends to	Contracts	October 1, 2025	FanDuel

Waiver Requests

205 CMR 238: Additional Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering 205 CMR 257: Sports Wagering Data Privacy

Subsection	Justification	Topics	Waiver through	Commenter/Entity
	renegotiate once current contracts have, or are about to, expire.			
257.03(4)	<p>Encrypting/hashing all PII and CI while “at rest” and “in transit” is not possible, particularly for locally stored PII on a patron’s device. Will be easier if it’s just PII and CI “at rest.” Even then, will have to rebuild data pipelines and storage systems, including backup systems to filter wide range of data.</p> <p>Communication with third parties will also be impossible as third parties will need decryption abilities.</p> <p>Unsure that there will be a usable platform if Draft Kings fully complies with this regulation, based on anticipated impacts to database latency and platform performance.</p> <p>Suggest amending regulation to focus only on sensitive data that would present a substantial risk of harm to patrons if accessed or disclosed without authorization.</p>	Encryption	December 1, 2024 or July 1, 2025 or permanent	Draft Kings
257.03(4) 257.05(1)(b)	BetMGM’s information security program includes hashing and encryption, but some data is protected through other methods (e.g., data obfuscation, dual-factor authentication, VPN, firewall, access controls). BetMGM would like to demonstrate these protections to the Commission for approval	Encryption	Permanent	BetMGM

Waiver Requests
205 CMR 238: Additional Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering
205 CMR 257: Sports Wagering Data Privacy

Subsection	Justification	Topics	Waiver through	Commenter/Entity
	to use these measures in lieu of encryption or hashing.			
257.04	Require process improvement to ensure compliance with withdrawal of patron consent.	Consent Withdrawal	October 1, 2024	FanDuel
257.04	Build and enhance data subject request flows and functionalities to allow patrons to exercise data rights.	Consent Withdrawal	November 2024	Fanatics
257.04(1)(d)	<p>BetMGM allows patrons to submit requests for access, correction and deletion of patron data, and to opt-out of marketing. BetMGM also allows patrons to limit the use of cookies on its website. Concern is that allowing patrons the ability to restrict use of data in other ways can lead to significant negative effects that hamper BetMGM's ability to comply with AML and responsible gaming requirements.</p> <p>In lieu of compliance, BetMGM proposes permitting patrons to opt out of marketing and control cookies, but not other uses.</p>	Consent Withdrawal	Permanent	BetMGM
257.04(1)(a)-(e)	Need to develop an opt-in consent form, as well as a consent withdrawal form.	Consent Withdrawal Consent Technology	March 1, 2024	Betr
257.04(1)(d)	Until opt-in mechanism is implemented, patrons are unable to restrict sharing of patron data with rewards program at registration.	Consent Technology	June 30, 2024	Caesars
257.05	Develop and test policies and requirements for compliance with 257.	General	May 2024	Fanatics

Waiver Requests

205 CMR 238: Additional Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering

205 CMR 257: Sports Wagering Data Privacy

Subsection	Justification	Topics	Waiver through	Commenter/Entity
257.05(k)	Build new vendor auditing and management program. May also need to revisit data processing and data protection agreements with third-party vendors and partners.	Contracts	December 1, 2024	Draft Kings

Operator	Notes	Reg(s)	Date	Reporting
Encore Boston Harbor	Encore confirmed compliance with all other components			Monthly
		257.02	12/31/2024	
		257.03 (1)	10/31/2024	
		257.03 (3)	1/31/2024	
WynnBet	Whether or not this waiver is necessary depends on whether the Commission considers other entities in the Wynn corporate family (including Wynn MA, LLC, that operates Encore Boston Harbor and Wynn Las Vegas, LLC, that operates the Wynn Las Vegas) to be third parties			Monthly
		257.03 (1)	10/31/2024	
		257.03 (3)	1/31/2024	
MGM Springfield	Working with service provider (BetMGM) to identify implementation 180 day waiver request	257	5/15/2024	would be similar to BetMGM
BetMGM	Waiver provided specific timeline/details for implementation			"Regular" - undefined
		257.04 (1) d	permanent	
		257.03 (4)	permanent	
		257.05 (1)(b)	permanent	
		257.03 (3)	2/1/2024	
		238.02(7)(l)	1/1/2024	
		238.02 (7)m	1/1/2024	
Penn Sports Interactive	PSI indicates in letter it will not need waiver- details provided for each reg			N/A
PPC	Indicated they follow PSI plan in full, aside from one component:			N/A
		257.02 (5)	1/1/2025	
American Wagering/Caesars	See Cover Letter for information/ specific regulations included			quarterly
		note	11/20/2023	
		257.03 (3)	6/30/2024	
		257.02 (1)-(2)	12/31/2024	
		257.03 (1)	12/31/2024	
		257.02 (5)	12/31/2024	
Betr				bi-monthly
		257.02(2)(a)-(c)	3/7/2024	
		257.04(1)(a)-(e)	3/7/2024	
DraftKings	DraftKings is NOT requesting a waiver for 257.02(4): Data Use and Retention; 257.04: Patron Access; 257.03(2)-(3): Data Sharing; 257.05 (1)(A-L), (2)-(3): Data Program Responsibilities; or 257.06: Data Breaches. DraftKings believes that its current controls, programs, and processes meet the applicable regulatory requirements of said sections.			
		257.02 (1-2)	7/1/2024	monthly
		257.02(3)	12/1/2024	quarterly
		257.02(5)	1/15/2024	quarterly
		257.03(1)	7/1/2024	monthly
		Depending on further clarification from MGC, either December 1, 2024, June 1, 2025, or not feasible to implement as promulgated	257.03(4)	note
	257.05(k)	12/1/2024	quarterly	
FanDuel				
		257.02 (2)	10/1/2024	
		257.02(5)	7/1/2024	
		257.03	2/1/2024	
		257.03(3)	10/1/2025	
		257.04	10/1/2024	
FBG/Fanatics				quarterly
		257.02	5/17/2025	
		257.03	11/17/2024	
		257.04	11/17/2024	
		257.05	5/17/2024	
		257.06	4/17/2024	



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

FROM: Andrew Steffen – Interim Sports Wagering Operations Manager

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

DATE: December 11, 2023

RE: Unauthorized Sporting Event

Pursuant to 205 CMR 247.03(11), if a Sports Wagering Operator offers an unauthorized or prohibited Sporting Event or Wager Category, the Operator must immediately cancel and refund all Wagers associated with the event or category. The Operator must notify the Commission promptly after cancelling any Sports Wager and again after refunding any Sports Wager.

EXECUTIVE SUMMARY:

On Wednesday December 6 at approximately 5:55pm ET, Fanatics Sportsbook submitted notification of accepting a single wager on an unauthorized event. A total of one (1) wager was placed on the Boston College football matchup against SMU. The single wager was made by one individual customer for a total handle of \$50.00.

From December 5 at 11:00 am through December 6 at 5:50am (approximately 18 hours and 50 minutes) the event was live for wagering in Massachusetts. Once discovered, the Fanatics trading team removed the impermissible market from their system and set the market to “off”.

DISCUSSION:

The single wager on the Boston College football game was placed on December 5 at approximately 2:21pm in the amount of \$50.00. This single wager was a “futures” wager, as the teams are set to play on December 28, 2023, at Fenway Park in the ‘Wasabi Fenway Bowl’.

The impermissible market was mistakenly turned “on” by a Fanatics trader manually during the daily market process. Fanatics promptly turned the market “off” in their backend system once discovered and the market was no longer available to its customers.



Sports Wagering Division

Fanatics has stated they implement a dual validation when offering markets in a specific jurisdiction, however, this error was caused by a single trader erroneously turning the market “on”.

Per Fanatics, their compliance team has worked with the trading team to reiterate the importance of verifying markets are permissible prior to activating games during the daily market authorization process. Fanatics stated they continue to refine its trading practices and will work with its traders to refine the gating process.

CONCLUDING STATEMENT:

Pursuant to 205 CMR 247.03(11), Fanatics promptly notified the Sports Wagering Division of the unauthorized event. Additionally, Fanatics promptly notified after the cancellation and refund of the wager.



Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, Interim Executive Director and
General Counsel

DATE: December 14, 2023

RE: Plainridge Park Casino Request for Simulcast
Export Locations for 2024

Dear Commissioners:

As part of their Application for a License to Hold or Conduct a Racing Meeting in 2024, Steve O'Toole, Director of Racing, Plainridge Park Casino, included their list of requested simulcast export locations as Exhibit 28.

Recommendation: That the Commission approves the Plainridge Park request for approval of the simulcast export locations listed as Exhibit 28 in their Application for a License to Hold or Conduct a Racing Meeting in 2024.



Massachusetts Gaming Commission

EXHIBIT 28

Include as Exhibit 28 a master list of requested simulcast export outlets with this application. Such list should identify all secondary, satellite, and/or guest sites serviced by the primary outlet. In addition, a new form (“Licensee Request for Simulcast Export”) MUST be completed for each signal and submitted to the Commission, along with an approval letter from the applicant’s representative horsemen’s group, no later than 30 days before the first scheduled day of the live race meet.

EXPORT SIMULCAST SIGNALS

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 28

Guest and Secondary Sites	Customer Code
AmWest Entertainment (OTB's and ADW)	
Triple Crown (South Dakota)	NSC
AmWest Accounts	AWA
AmWest Entertainment	AWE
AmWest Web Services	AWS
AmWest Ent. Group 1	AW1
AmWest Ent. Group 2	AW2
AmWest Ent. Group 3	AW3
AmWest Ent. Group 4	AW4
AmWest Ent. Group 5	AW5
Arapahoe Park (Colorado)	
Big Ds OTB at Whiskey River	BDW
ES2 at The Block CS	CSE
Celtic on Market OTB	CTO
Elevations at Union Station CS	ECS
Fox and Hound P6 Lone Tree	FHP
Grand Junction OTB	GJO
Havana Park	HAV
Mardi Gras Black Hawk	MGC
Mirage Sports Littleton	MSL
Post Time OTB	PTT
Southern Colorado Gaming - Pueblo	PUE
Odds On OTB Arvada	SCY
Sundance Steakhouse and Saloon	SUS
Ultimate Sports Golden	USG
Assiniboia Downs (Manitoba, Canada)	
Club Regent Teletheatre	CBR
Central Hotel	CEN
Club 3D	CTD
Green Brier Inn	GBI
McPhillips St Station Teletheatre	MSS
Nor-Villa Motel	NVM
Pembina Hotel	PMX
Quest Inn	QIN
Windsor Park Inn	WPI
Assiniboia Downs Handicap	HXS
Assiniboia Downs TAB (Canadian Residents Only)	TSD
Atlantic City Casinos (New Jersey)	
Borgata Casino	BRG
Bangor Raceway (Maine)	
	BAN
Belterra Park (Ohio)	
	BEP
BetMakers DNA Pty LTD (International Fixed Odds Wagering)	
Global Racing Network	
Birmingham Race Course (Alabama)	
Victoryland Greyhound (Alabama)	BHM
	VLD
Buffalo Raceway (New York)	
	BUR
Canterbury Park (Minnesota)	
	CBY
Capital District Off-Track Betting Corporation (New York)	

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 28

Capital Internet & Phone Wagering	
Catskill Off-Track Betting Corporation (New York)	CAR
Catskill Internet & Phone Wagering	
Century Downs (Alberta, Canada)	
Century Downs on-track	CED
Century Mile (Alberta, Canada)	
Barney's Bar & Grill	BAA
Billy Budd's	BIB
BW Regency Inn Airdrie	CEA
Central Suite Hotel	CSH
Century Casino Edmonton	CEC
Century Mile on-track	CMR
Century St. Albert	CES
Continental Inn	COI
Dom's Gastropub Slave Lake	DOM
Dover Hotel	DVH
Eagle River Casino	EGR
Elbow River Casino Calgary	CEB
Elbow River OTB	WUE
Evergreen Park Casino	EGP
Franco's Pub	FRP
Franklin's Inn	FKI
Good Buddy Sherwood Park	SPJ
Grove Motor Inn	GMI
Longshots	LGS
Medicine Hat Lodge	CEF
Norsemen Inn Camrose	CEJ
Post Time at Fitzgeralds	PAF
Rockies Rocky Mountain House	CEG
Roslyn Inn & Suites	ROI
Royal Duke Okotoks	CEH
Ruths Cold Lake NP	RLL
Santo's Restaurant & Lounge	SRL
Schanks 1 OTB	WUS
Schanks Athletic Club Edm	SCH
Stoney Nakoda Resort Morley	CEI
Charles Town Races (West Virginia)	CTR
Colonial Downs (Virginia)	CLD
Rosies at Vinton	HP1
Rosies at Richmond	HP2
Rosies at Hampton	HP3
Rosies at Chesapeake	HP4
Horseplay Breakers Henrico	HP5
Horseplay Ponies&Pints Richmond	HP6
Horseplay Buckets Chesapeake	HP7
Horseplay Windmill Collinsville	HP8
Rosies at Dumfries	HP9
Columbus Races (Nebraska)	CLS
Corpus Christi Greyhound Racing (Texas)	CPC

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 28

Day At The Track (ADW)	DAT
Dayton Raceway (Ohio)	HGD
Delaware Park (Delaware)	DEL
Delta Downs (Louisiana)	DLT
DerbyWars (Handicapping Contest, Non-Wagering Site)	
Downs at Albuquerque (New Mexico)	ALD
Dover Downs Raceway (Delaware)	DOV
eBet Technologies Inc. (ADW)	EBT
123Bet.com	E23
Arima Internet	ARI
Compubet.com/eBet	CUB
HarringtonBets.com/eBet	HTB
HorsePlayersBet.com/eBet	HPB
MutuelsOnline.com/eBet	MOL
WagerLiveRacing.com/eBet	WLR
Elite Turf Club (ADW)	
Elite Turf Club - Office 10	ETA
Elite Turf Club 11	ETB
Elite Turf Club 12	ETC
Elite Turf Club 2	ETD
Elite Turf Club 13	ETE
Elite Turf Club 14	ETF
Elite Turf Club 15	ETG
Elite Turf Club 16	ETH
Elite Turf Club 17	ETI
Elite Turf Club 18	ETJ
Elite Turf Club 19	ETL
Elite Turf Club 20	ETM
Elite Turf Club 21	ETN
Elite Turf Club 22	ETQ
Elite Turf Club 23	ETR
Elite Turf Club 24	ETS
Elite Turf Club 25	ETT
Elite Turf Club 26	ETU
Elite Turf Club 1	ET1
Elite Turf Club - Office 3	ET3
Elite Turf Club - Office 4	ET4
Elite Turf Club - Office 5	ET5
Elite Turf Club - Office 6	ET6
Elite Turf Club - Office 7	ET7
Elite Turf Club - Office 8	ET8
Elite Turf Club - Office 9	ET9
Emerald Downs (Washington)	EMD
Washington Offtrack Locations	WOF
Evangeline Downs (Louisiana)	EVD
Eunice OTB	EUN
Races and Aces-Henderson	HEN
St. Martinville OTB	SMV
Fair Grounds (Louisiana)	FRG

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 28

Finish Line #2 - Covington	FLA
Finish Line #3 - Slidell	FLB
Finish Line #4 - Gretna	FLC
Finish Line #6 - Houma	FLD
Finish Line Elmwood	FLE
Finish Line #7 St. Bernard	FLF
Finish Line Kenner	FLQ
Finish Line Metairie	FLR
Finish Line LaPlace	FLS
Finish Line Thibodaux	FLT
Slidell FG OTB	FLU
Finish Line Westwego	FLW
Destrehan OTB	FLY
Meraux OTB	FLX
LaPlace OTB	FLZ
Fairgrounds Acct. Wagering (LA Residents Only)	FAW
Fair Meadows (Oklahoma)	FMT
Favorites at Gloucester Township (New Jersey)	FGC
Finger Lakes (New York)	FIL
FingerLakesBonusBets.com	FGL
Fonner Park (Nebraska)	FON
Fraser Downs, Hastings Park, BC Teletheatres (British Columbia, Canada)	
Fraser Downs	FRD
Hastings Park	HST
TBC Castlegar Chances	CBH
TBC Chilliwack Chances	CCH
TBC Duncan Chances	CIW
TBC Prince Rupert Chances	CPR
TBC Sechelt Gilligans	GGP
TBC Vernon LCC	KAH
TBC Kamloops Chances	KAM
TBC Maple Ridge Chances	MRP
TBC Penticton Clancys	PIN
TBC Squamish Chances	SFI
TBC Salmon Arm Chances	SHS
TBC Prince George TCC	TNH
TBC New Westminster SC	TBA
TBC Richmond RRC	TB1
TBC Cranbrook COTR	TB2
TBC Nanaimo	TB3
TBC Surrey DBG	TB4
TBC Victoria Playtime	TB5
TBC Kelowna Chances	TB6
TBC Coquitlam HCC	TB7
Freehold Raceway (and New Jersey OTB)	FHR
Favorites at Tom's River	TOM
Game Play Network (ADW)	
Game Play Network ADW	ODY
Game Play Network Oddz	ODZ

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 28

Global Wagering Group, LLC (ADW)

Global Wagering Group	GWG
Global Wagering 01	G01
Global Wagering 02	G02
Global Wagering 03	G03
Global Wagering 04	G04
Global Wagering 05	G05
Global Wagering 06	G06
Global Wagering 07	G07
Global Wagering 08	G08
Global Wagering 09	G09
Global Wagering 10	G10
Global Wagering 11	G11
Global Wagering 12	G12
Global Wagering 13	G13
Global Wagering 14	G14
Global Wagering 15	G15
Global Wagering 16	G16
Global Wagering 17	G17
Global Wagering 18	G18
Global Wagering 19	G19
Global Wagering 20	G20
Global Wagering 21	G21
Global Wagering 22	G22
Global Wagering 23	G23
Global Wagering 24	G24
Global Wagering 25	G25
Global Wagering 26	G26

Global Wagering Solutions (International ADW)

Andalucia AHDI	AND
Betfred A	AL1
GWS German Tote	GGT
EUR Digital Web	AL2
International Betting Association Ltd	GOX
Magna Bet	MAB
Pferdewetten.de GmbH	GPW
Racebets	GRR
Scientific Games Racing BV	GSN
Betsson	GWB
GWS - SBO B to B	GSB
GWS - SBO B to C	GSC
GWS Stan James	GSJ
GWS Boylesports	GBS
GWS Ladbrokes Australia	GLQ
Irish Tote	HRI
GWS Coral LC Int.	GCO
GWS Ladbrokes LC Int	GLU

Greyhound Park at Post Falls (Idaho)

CAO

Harrah's Philadelphia (Pennsylvania)

HCR

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 28

TVG - Harrahs Chester Downs	TVH
TVG Group 8	TV8
Harrington Raceway (Delaware)	HAC, HAL
Hawthorne Race Course (Illinois)	HAW
Aurora OTB	AUR
Bloomington OTB	BLO
Corliss OTB	CSO
Crestwood OTB	CST
Evergreen Park OTB HRC	EPK
MQ's Sports Bar OTB	EPO
Green Oaks Sports HRC	GOS
Salernos Sports Hodgkins HRC	HOD
Hoffman Estates OTB	HOF
Shark City OTB	HWG
Players Club OTB	HWP
Joes on Weed Street HRC	JOE
Joliet OTB	JOO
Lansing OTB	LNS
McHenry OTB HRC	MHN
Mokena OTB	MOK
North Aurora OTB HRC	NAO
Oakbrook Terrace OTB	OKT
Furlongs at Ottawa	OTA
Peoria OTB	PEO
Rockford Shooters HRC	RSG
Villa Park Sportsbar HRC	VIL
Fairmount Park	FPK
Club Hawthorne AW (IL Residents Only)	HWA
Hiawatha Horse Park (Ontario, Canada)	HHP
Hipicia Presidente Remon - Codere (Panama)	
Panama	PAN
Panama OTB Agents	POA
LA Kelvin OTB	POB
Panama Turf OTB's	PTO
Panama Phone Bet	PPB
Hipodromo de Agua Caliente (Separate Pool)	
Hoosier Park (and Indiana OTB's)	HPG
Fort Wayne OTB	FWG
Indianapolis OTB	IAG
Merrillville OTB	MEG
Horse Racing New Brunswick (Canada Tracks & OTB's)	
Exhibition Park Raceway	EPR
Fredericton OTB	FSA
Horseshoe Sports Pub	HSP
KV Billiards Quispamsis	KVQ
Sulky Room Saint John	SJO
Horsemen of Iowa Simulcast Association (and Iowa Outlets)	
Wild Rose Clinton	IG1
Wild Rose Emmetsburg	IG2

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 28

Wild Rose Jefferson	IG3
Horsemen's Park (and Nebraska outlets)	NEB
Lincoln Race Course	LRC
Horseshoe Casino Council Bluffs	BLF
HorseTourneys (Handicapping Contest, Non-Wagering Site)	
Indiana Downs (and Indiana OTB's)	IDS
Clarksville OTB	IOC
Intermountain Racing & Entertainment (Idaho Track, OTB, ADW)	
Sandy Downs	TET
The Turf Club at Fort Hall Casino	TCC
Idaho Falls OTB	IFO
Idabet.com	IDB
Jockey Club do Rio Grande do Sul - Codere (Brazil)	
Codere Suaposta	SUA
Las Vegas Dissemination Company	
Foxwoods Casino (Connecticut)	FXC
Cities of Gold Sports Bar (New Mexico)	POJ
Lewiston Raceways, Inc.	
Winner's Circle OTB (Maine)	LEW
Lien Games Racing, Inc. (North Dakota OTB's and ADW)	
CW Technologies US	CWU
HOJO OTB	LGM
LG RushBetWin CA	LG6
Lien Games CA Internet	LG2
Lien Games Internet Wagering	LIW
Lien Games Internet Wagering 2	LI2
Lien Games Internet Wagering 3	LI3
Lien Games Internet Wagering 4	LI4
Lien Games OT.com NY	LGY
Lien Games Potent Systems	LG4
Lien Games QuantumBet	LG5
Luckys OTB Bismarck	LG3
OffTrackBetting.com	L3W
OTB.Com Phone	LGA
Pickthewinner.com	LI5
PlayUp Rush LGR	LP1
PlayUp RushCA LGR	LP2
Rumors	LGR
Skydancer Casino	SKY
Turf Room OTB	LGE
Veggie Plus OTB St. Thomas LGR	LG7
Wager2win	L2W
Williston OTB LGR	LGW
X The Spot OTB LGR	XTS
Lone Star Park (Texas)	LSP
Louisiana Downs (Louisiana)	LAD
Harrahs Louisiana Downs OTB	LDT
Mahoning Valley Race Course (Ohio)	MVR
Maryland Jockey Club (Laurel, Pimlico, Rosecroft, and Maryland OTB's)	MJC

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 28

Riverboat OTB	LLE
Horseshoe Baltimore Casino	LLE
Boonesboro OTB	LLE
Timonium OTB	LLE
Perryville OTB	LLE
Greenmount Station OTB	LLE
MGM National Harbor OTB	LLE
Frederick OTB	LLE
MJC On-Track Accounts	MJN
Rosecroft Raceway	ROR
Meadowlands Racetrack (New Jersey)	MED
Winners Bayonne	BAY
The Meadows (Pennsylvania)	MEA
Meadows Acct Wagering	MAW
Miami Valley Gaming and Racing (Ohio)	MVG
Mississippi Off-Track Wagering (Mississippi)	
Harlow's Casino	HLW
Riverwalk Casino	RVW
Monmouth Park (New Jersey)	MTH
Favorites at Woodbridge	WOB
Favorites at Hillsborough	FHO
Jamie's Bar	JMB
NJ ADW-Online	NJ1
NJ ADW-Mobile	NJ2
NJ ADW-IVR	NJ3
Monticello Raceway (New York)	MRA
Mountaineer Park (West Virginia)	MNR
Nassau Regional Off-Track Betting Corporation (New York)	
Nassau Internet & Phone Wagering	
New York Racing Association (New York)	NYR
NYRA Acct Wagering	NYA
NYRAbets	NYB
NYRA Bets IL	NBI
NYRA Bets CA	NBW
NYRABets National 1	NA1
NYRABets National 2	NA2
BetMGM NYRABets OR	BMO
BetMGM NYRABets IL	BMI
BetMGM NYRABets CA	BMC
Caesars NYRA Bets CA	CZC
Caesars NYRA Bets IL	CZI
Caesars NYRA Bets OR	CZO
Northfield Park (Ohio)	NPK
Cedar Downs OTB	CDR
Northville Downs (Michigan)	NOR
Oak Grove Racing (Kentucky)	OGG
Oaklawn Park (Arkansas)	OPA
Oaklawn Park Account Wagering	OPT
Ocean Downs (Maryland)	OCD

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 28

Oregon Off-Track Wagering (Oregon)

Action Sports Bar Ontario	ASO
Alexander Sports Fairview	ASB
Black Dog Klamath Falls	KLF
Capital Cantina Salem	CLC
Emerald Lanes Eugene	ELU
Lava Lanes Bend	LLB
Lava Lanes of Medford	LLM
Rainier OTB	RAI
Rialto	RIA
Rialto Killingsworth	RKI
Speakeasy Oswego	KEK
Stadiums Milwaukie	SMO
Ten Downs Lanes Roseburg	TDL
Tom's Bar Portland	TMS
Trackstir's	TRK

PariBet US (ADW)

PariBet 1	PB1
PariBet 2	PB2
PariBet 4	PB4

Parx Racing (Pennsylvania)

Parx Malvern Race & Sportsbook	MAV
South Philadelphia Turf Club	SPO
Philly Park Internet	PHI
Philly Park Phonebet	PHP
Philly Park IVR	PVR
Egg Harbor Turf Club (New Jersey)	EHT

Penn ADW, LLC (ADW)

Penn National Race Course (Pennsylvania)	PEN
Off-Track Wagering York	YRK
Hollywood Casino Morgantown	MRG
Penn National Account Wagering	ACW

Player Management Group (ADW)

Player Management Group A	PMA
Player Management Group B	PMB
Player Management Group C	PMC
Player Management Group D	PMD
Player Management Group E	PME
Player Management Group F	PMF
Player Management Group H	PMH
Player Management Group I	PMI
Player Management Group J	PMJ
Player Management Group K	PMK
Player Management Group L	PML
Player Management Group N	PMN
Player Management Group O	PMO
Player Management Group P	PMP
Player Management Group Q	PMQ
Player Management Group R	PMR

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 28

Player Management Group V	PMV
Pocono Downs (Pennsylvania)	POC
Pocono Downs OTB	POT
Pocono Downs Account Wagering	PAW
Pocono Downs Internet	POI
Pompano Park (and Florida In-State Guest Locations)	PPK
Naples-Fort Myers Greyhound	BFM
Daytona Beach Kennel Club	DBK
Dania Jai Alai	DJA
West Volusia Racing	DWV
Ebro Dog Track	EBG
Edgewater Jai Alai @ Magic City	EJA
Florida City Jai Alai	FCY
Magic City Jai Alai	FGH
Fort Pierce Jai Alai	FPJ
Gretna Racing LLC	GIQ
GPW- Miami Gardens	GMG
Gulfstream Park	GPK
Hamilton Jai Alai & Poker	HJP
Hialeah Park	HIA
Big Easy Racing	HKC
Big Easy Holding	HKH
Palm Beach KC Summer	INQ
Palm Beach Kennel Club	INV
Jacksonville Kennel Club	JKC
Melbourne Greyhound Park	MEL
Miami Jai Alai	MJA
Ocala Breeders Sales	OBS
Ocala Jai Alai	OJA
Orange Park Kennel	OPK
Penn-Sanford Kennel Club	ORP
Sanford-Orlando Kennel Club	ORR
Orlando Seminole Jai Alai	ORS
Oxford Downs Summerfield	OXS
Pensacola Greyhound Track	PGH
Summer Jai Alai @ Magic City	SJA
St. John's Greyhound Park	SJG
Sarasota Kennel Club	SKC
Summersport Jai Alai @ Dania	SMR
Derby Lane	SPK
Tampa Bay Downs	TAM
Tampa Greyhound Track	TKC
William Hill Miami JA	WHM
Prairie Meadows (Iowa)	PRM
Prairie Meadows Contest	PMS
Premier Gateway International (International ADW)	IOM
Phumelela Gold – Europe	EUC
Phumelela Gold - UK	UKP
Safetote	TVA

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 28

Premier Turf Club (ADW)	PRT
Premier Turf Club 2	PRS
Presque Isle Downs (Pennsylvania)	PID
Racing & Gaming Services (ADW)	RGS
Racing Gaming Services Grp. 1	RG1
Racing Gaming Services Grp. 2	RG2
Racing Gaming Services Grp. 3	RG3
Racing Gaming Services Grp. 4	RG4
Racing Gaming Services Grp. 5	RG5
Racing Gaming Services Grp. 6	RG6
Racing Gaming Services Grp. 7	RG7
Racing Gaming Services Grp. 8	RG8
Raynham Greyhound Park (Massachusetts)	TDT
Raynham Account Wagering	TDA
Red Mile, The (Kentucky)	REM
Red Shores Racetrack & Casino (Prince Edward Island, Canada)	
Charlottetown	CTN
Summerside Raceway	SUM
Remington Park (Oklahoma)	REP
Bordertown	RPB
Newcastle Gaming Center	RPN
Riverwind Casino	RPR
Winstar Casino	RPW
Southwind Casino	SWC
Durant OTB	CHW
Choctaw Casino- Pocola	CCP
Medio Tiempo OTB	MOA
Thunder Roadhouse	TRH
RP Golden Mesa	RPG
Retama Park (Texas)	RET
Rocky Mountain Turf Club (Alberta, Canada Track, OTB's, ADW)	RMT
Whoop-Up Downs	WUP
Whoop Up Downs TAB	WUT
Ruidoso Downs (New Mexico)	RUI
Running Aces Harness Park (Minnesota)	ACE
Sam Houston Race Park (Texas)	HOU
Valley Greyhound Park	VGt
Saratoga Harness Raceway (New York)	SRA
SaratogaBets	SGR
SaratogaBets Oregon	SOO
Scarborough Downs (Maine)	SDO
Scioto Downs (Ohio)	SCD
Seabrook Greyhound (New Hampshire)	SEA
Seabrook Greyhound Phonebet	SEP
Southland Greyhound Park (Arkansas)	SGP
Sportech Venues	
Shoreline Star Greyhound Park (CT)	BJA
Connecticut OTB (CT)	CTB
Connecticut OTB Acct Wagering (ADW)	CTA

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 28

CT OTB Internet Wagering (ADW)	CTW
Ho-Chunk Casino (Wisconsin)	HOK
Mohegan Sun Casino (CT)	SUN
Mohegan Sun Poker Room (CT)	SUP
Favorites OTB (Maine)	WAT
Sanford OTB (Maine)	SFD
Oneida Bingo & Casino (Wisconsin)	ONO
Coushatta Casino Resort (Louisiana)	CSR
Tote Investment Racing Service (Barbados)	BBS
Royal Beach Casino (St. Kitts)	RBC
Pony Bar (St. Thomas)	UVI
Hodge OTB (Virgin Islands)	HGO
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Stable Duel (Handicapping Contest, Non-Wagering Site)	
Sudbury Downs (Ontario, Canada Track)	SDN
Suffolk Downs (Massachusetts)	SUF
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Suffolk Regional Off-Track Betting Corporation (New York)	
Suffolk Internet & Phone Wagering	
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Sunland Park (New Mexico)	SNP
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SunRay Park & Casino (New Mexico)	SUR
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Television Gaming Network (TVG)	TVG
TVG Massachusetts	TMA
TVG - Minnesota	TVM
TVG Illinois	TVI
TVG/Prairie Meadows Account Wagering	TVP
TVG Arizona	TVT
TVG Group 3	TV3
TVG Group 4	TV4
TVG Group 5	TV5
TVG Group 6	TV6
TVG Group 7	TV7
TVG Group 9	TV9
TVG California Retail	TC1
TVG California HV	TC2
FanDuel California Retail	TC3
FanDuel California HV	TC4
FanDuel Group 1	TF1
FanDuel Group 2	TF2
FanDuel Group 3	TF3
Betfair Games Limited (International)	BFG
Betfair Exchange Wagers (Separate Pool – New Jersey and International Exchanges)	
<hr/>	
The Track on 2 (Alberta, Canada)	TO2
Hybrid Ultra Red Deer	HUL
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Thistledown (Ohio)	TDN
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Tioga Downs (New York)	TIO
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Tri-State Greyhound Park (West Virginia)	TSG
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Twin River Greyhound (Rhode Island)	TWR
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TwinSpires (ADW)	TWS
DraftKings DKC	DKC
DraftKings DKT	DKT

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 28

TwinSpires Oregon (Domestic)	TWO
TwinSpires California (California Residents)	TWC
Twinspires Mountain View (Domestic)	TWN
TWS-L White Label (Domestic)	TWL
TWS-M White Label CA (California Residents)	TWM
US Offtrack (ADW)	GYC
Velocity Wagering Group Ltd. (ADW)	VVO
You Bet Portland	YBG
Velocity Wagering Grp 1	VW1
Velocity Wagering Grp 2	VW2
Velocity Wagering Grp 3	VW3
Velocity Wagering Grp 4	VW4
Velocity Wagering Grp 5	VW5
Velocity Wagering Grp 6	VW6
Velocity Wagering Grp 7	VW7
Velocity Wagering Grp 8	VW8
Velocity Wagering Grp 9	VW9
Vernon Downs (New York)	VRN
WatchandWager.com, Ltd. (International ADW)	EOT
Watch and Wager (Domestic ADW)	WNW
WAW - Global	WNG
Watchandwager Player1 USD	WW1
WatchandWager CA Group	WWC
Western Regional Off-Track Betting Corporation (New York)	
Western Internet & Phone Wagering	
Batavia Downs	BTV, BAD
Batavia Downs Online	BAG
Wheeling Island (West Virginia)	WHE
Will Rogers Downs (Oklahoma)	WRD
Cherokee Casino West Siloam Springs	WSS
Cherokee Casino Sallisaw	CCE
Woodbine Entertainment Group (Ontario, Canada)	
A&F Biliards	AFB
AC Ranch Caffé Toronto	ACR
Adam's Rib	WER
Ajax Downs	PIC
Albert's Parlour	WAP
Assiniboia HPI	AHP
Barrie IVR	BAI
Beaverton Motel Sports Bar	SPS
BET365 Ontario	WOS
Black Bear	RTN
British Columbia Telephone Acct. Wagering	BCT
Broad Street Billiards	BSB
Buffy's Tavern & Dining	BTD
Bumpr's Roadhouse Milton	BPM
Busters Bar Ottawa	BCO
Century Bets HPI	CBI
Century Palace	WO4

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 28

Champions at Royal Square	CRQ
Champions on Bloor	CBO
Champions on the Danforth	WO3
Charlottetown IVR	CTI
Cheffy's Last Stop	CFL
Chicago Pub Kitchener	CPK
Clancy's	CB1
Clinton IVR	CLI
Clinton Raceway	CLR
Clinton Teletheatre	CLT
Club Alouette	CA1
Coach and Horses	CAH
Coch's Corner SSM	SSM
DC Sports Grill Kingston	DCS
Deerfield	WO5
Doolys Ottawa	DOT
Dresden IVR	DRI
East Chinatown	WO6
Elements Brantford	EBO
Elmira IVR	ELI
Ex Park IVR	EPI
Flamboro Downs	FLM
Flamboro IVR	FLN
Fort Erie IVR	FOI
Fort Erie OTB	FOO
Fort Erie Race Track	FOE
Galaxy Lanes TB	GTB
Georgian Downs	GEO
Grand River Raceway	GRD
Grand River Raceway Teletheatre	GRO
Greenwood Racetrack	GWR
Hanover IVR	HNI
Hanover Raceway	HNV
Heritage	WO7
Hiawatha IVR	HHI
Hippodrome de Trois-Rivieres	HTR
Honest Lawyer Hamilton	HLR
Huron Fish & Game Conservation	HFG
Inverness HPIbet	HPS
Italia Soccer Club Ottawa	RSA
IVR WEG/FLAM	WEF
IVR WEG/GRAND	WEG
IVR WEG/OTN	WEO
Jimmyz Sports Bar	W27
Karlee's OTB	KAB
Kawartha IVR	KAI
Last Furlong	LAF
Lee Hotel	LEE
London Players Bar & Grill	LPB
Lucky 7 Bingo/VIP Lounge	L7B

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 28

Mane Event	WEM
Marquis IVR	MAI
McGinnins Landing LO	MLO
Mississauga Chinese Centre	W02
Mohawk Contest	MHC
Mohawk Raceway	MOH
Moodies	MOD
Newfoundland IVR	NFI
Northern Teletheatre Network	NTN
Northlands IVR	NOI
Northside HPIbet	HPN
Nova Scotia IVR	NSI
Offside's	W12
Perth Jamesons	PJR
Peterborough Stick Sports	PSS
Pic-A-Deli Oakville	PDI
Pick and Shovel Cambridge	PSC
Pour House Hamilton	PHH
Quebec HPI	QBC
Quinte Bowling Centre	RQU
Quinte IVR	BQI
Rex Hotel	RXH
Rideau Carleton Raceway	RCR
Rideau IVR	RII
RJ's on Chrysler	W15
RJ's on Main	W14
Salle de paris Boucherville	CJ2
Salle de Paris de Laval	CJ5
Salle de Paris de Pointe-Aux-Trembles	CJ3
Salle de Paris de Quebec	CJ4
Salle de Paris de Sherbrooke	CJ8
Salle de paris Place Dupuis	CJ1
Salle de Paris Pointe-Claire	CJ6
Salle de Paris Square Decarie	CJ7
Salon de Paris de Brossard	CJA
Salon de Paris de Chateaugua	CJ9
Salon de Paris de Gatineau	CJ0
Select Winners Lounge	W19
Sheraton Parkway	W18
Shoeless Joe's	SLJ
Shorelines Belleville	SHB
Silks	W22
Sneakers Sports Bar	SKS
Sports Centre Cafe	W16
St. Thomas Jackpot City	SJC
Stewart Maguires	SMS
Stonehouse	W17
Sudbury IVR	SD1
Summerside IVR	SUI
Taverne Racee Quebec	CJC

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 28

The BLVD Petawawa	BDP
The Brunswick Hotel Complex (Don Cherry)	BHD
Track on 2 HPI	T2H
Thirsty Judge Bracebridge	TJB
Time Out Georgetown	TOG
Trophy Case Bradford	TRB
Turf Lounge	W20
Ultimate Sports Bar	USB
Victoria Pub Guelph	VPG
WEG Special Event	OSE
WEGZ Stadium Bar	W23
West Island OTB Dorval	CJB
Western Fair IVR	LOI
Western Fair Raceway	LON
Wild Wing Bowmanville	WBO
Windsor IVR	WII
Windsor IVR II	WIP
Windsor Tavern	WIT
Winner's Edge	W21
Woodbine	WOO
Woodbine Entertainment Group Int'l	WO8
Woodbine IVR	WOI
Woodstock IVR	WRI
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Wyoming Downs LLC (Wyoming)	
WY Downs Gillette OTB	WDA
WY Downs Evanston OTB	WDE
Outlaw Saloon	OLS
Sushi Boat & Bar	SBB
Rails Brews & Cues	RCB
Shilo Inn OTB	SIO
WY Downs Rock Springs OTB	WDR
Cheyenne Plaza	CYP
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Xpressbet (ADW)	
MEC Internet	MEI
MEC TAT	TAT
MEC Telephone	MET
Pointsbet	PTS
Xpressbet Arizona	XAZ
Xpressbet Illinois	XIL
Xpressbet Maryland	XMD
Xpressbet Southern Alberta	XSA
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Yonkers Raceway (New York)	
EmpireCityBets Yonkers	ECB
<hr/>	
Zia Park (New Mexico)	
	ZIA
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Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, Interim Executive Director and
General Counsel

DATE: December 14, 2023

RE: Plainridge Park Casino Request for Simulcast
Import Locations for 2024

Dear Commissioners:

As part of their Application for a License to Hold or Conduct a Racing Meeting in 2024, Steve O'Toole, Director of Racing, Plainridge Park Casino, included their list of requested simulcast import locations as Exhibit 27.

Recommendation: That the Commission approves the Plainridge Park request for approval of the simulcast import locations for horse racing listed in their Application for a License to Hold or Conduct a Racing Meeting in 2024, for the calendar year 2024.



Massachusetts Gaming Commission

EXHIBIT 27

Include as Exhibit 27 a master list of requested simulcast imports. A new form (“Licensee Request for Simulcast Import”) MUST be completed for EACH signal and submitted to the Commission no later than November 29 of each calendar year. Approval letters from the host racetrack’s regulatory authority and both representative horsemen’s groups must be on file with MGC by the close of business on the day prior to the first day of import.

IMPORT SIMULCAST SIGNALS

Notice of “Premium Free” Election

Plainville Gaming and Redevelopment, LLC identifies and elects the period from Sunday June 16, 2024 to Saturday September 7, 2024 as the period for “which no premium need be paid” for simulcast signals received in accordance with MGL 128C, section 2 (4). The remaining period subject to be paid as outlined in the premium provisions in 128C, section 2 (5) for licensed racing meeting licensees.

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 27

Ajax Downs, Canada
Alameda County Fair, CA (Pleasanton)
Aqueduct, NY
Arapahoe Park, CO
Arc de Triomphe, France
Argentina Racing (Sky Racing World), Argentina
Arizona Downs, AZ
Assiniboia Downs, Canada
Australia Racing (Sky Racing World), Australia
Bangor Raceway, ME
Batavia Downs, NY
Belmont Park, NY
Belterra Park, OH
Big Fresno Fair, CA (Fresno)
Breeders' Cup, CA
Breeders' Cup Future Wager, CA
Buffalo Raceway, NY
Cal Expo, CA
State Fair, CA (Sacramento)
Canterbury Park, MN
Cayamanas Park, Portmore, Jamaica
Century Downs, Canada (Harness Meet)
Century Downs, Canada (Thoroughbred Meet)
Century Mile, Canada (Harness Meet)
Century Mile, Canada (Thoroughbred Meet) Charles
Town, WV
Churchill Downs, KY
Clinton Raceway, Canada
Colonial Downs, VA
Dayton Raceway, OH
Del Mar Thoroughbred Club, CA
Delaware County Fair, OH
Delaware Park, DE
Delta Downs, LA (Quarter Horse Meet)
Delta Downs, LA (Thoroughbred Meet)
Dover Downs, DE
Dresden Raceway, Canada
Dubai World Cup, United Arab Emirates
DuQuoin State Fair, IL
Ellis Park, KY
Emerald Downs, WA
Evangeline Downs, LA (Quarter Horse Meet)
Evangeline Downs, LA (Thoroughbred Meet)
Fair Grounds Race Course, LA (Quarter Horse Meet)
Fair Grounds Race Course, LA(Thoroughbred Meet)
Fair Meadows at Tulsa, OK
Fairmount Park, IL
Finger Lakes, NY
Flamboro Downs, Canada
Fonner Park, NE
Fort Erie Racetrack, Canada
Fraser Downs, Canada
Freehold Raceway, NJ
French Racing (PMU), France
Georgian Downs, Canada
Golden Gate Fields, CA
Grand River Raceway, Canada
Grants Pass Downs, OR
Gulfstream Park, FL
Harrah's Philadelphia, PA
Harrington Raceway, DE
Hanover Raceway, Canada
Hastings Racecourse, Canada
Hawthorne Race Course, IL (Harness Meet)
Hawthorne Race Course, IL (Thoroughbred Meet)
Hiawatha Horse Park, Canada
Hippodrome Trois-Rivieres, Canada
Hong Kong Jockey Club, Hong Kong
Hoosier Park, IN
Horsemen's Park, NE
Humboldt County Fair, CA (Ferndale)
Illinois State Fair, IL
Indiana Grand Racing Casino, IN
Irish Thoroughbred Racing, Ireland (see attached list of
tracks)
Japan Racing (Sky Racing World), Japan
Japan Racing (Woodbine), Japan
Kawartha Downs, Canada
Keeneland, KY
Kentucky Derby Future Wager, KY
Kentucky Derby Sire Future Wager, KY
Kentucky Downs, KY
Kentucky Oaks Future Wager, KY

2024 Plainville Gaming and Redevelopment, LLC – Exhibit 27

Latin American Racing Channel Thru Gulfstream
Latin American Racing Channel Thru Laurel
Latin American Racing Channel Thru Pimlico
Laurel Park, MD
Leamington Raceway, Canada
Little Brown Jug Future Wager, OH
Lone Star Park, TX (Quarter Horse Meet)
Lone Star Park, TX (Thoroughbred Meet)
Los Alamitos, CA (Quarter Horse Meet)
Los Alamitos, CA (Thoroughbred Meet)
Louisiana Downs, LA (Quarter Horse Meet)
Louisiana Downs, LA (Thoroughbred Meet)
Malaysia Racing (Sky Racing World), Malaysia
Mahoning Valley Race Course, OH
Melbourne Racing Club, Australia
Meadowlands, NJ
Miami Valley Gaming, OH
Mohawk Racetrack, Canada
Monmouth Park, NJ
Monticello Raceway, NY
Mountaineer Park, WV
New Zealand Racing (Sky Racing World), New Zealand
Northfield Park, OH
Northville Downs, MI
Oak Grove Racing, KY
Oaklawn Park, AR
Ocean Downs, MD
Parx Racing, PA
Penn National Race Course, PA
Pimlico, MD
Pocono Downs, PA
Prairie Meadows, IA
Presque Isle Downs, PA
Red Shores Charlottetown, Canada
Red Shores Summerside, Canada
Remington Park, OK (Quarter Horse Meet)
Remington Park, OK (Thoroughbred Meet)
Retama Park, TX (Quarter Horse Meet)
Rideau Carleton Raceway, Canada
Rillito Park, AZ
Rosecroft Raceway, MD
Ruidoso Downs, NM
Running Aces Harness Park, MN
Saudi Cup, Saudi Arabia
Sam Houston Race Park, TX (Quarter Horse)
Sam Houston Race Park, TX (Thoroughbred)
San Joaquin County Fair, CA (Stockton)
Santa Anita Park, CA
Saratoga Raceway, NY (Harness)
Saratoga, NY (Thoroughbred)
Scarborough Downs, ME
Scioto Downs, OH
Shenandoah Downs (Harness), VA
Singapore Racing (Sky Racing World), Singapore
Sonoma County Fair, CA (Santa Rosa)
South Africa Racing, (Sky Racing World) South Africa
South Korea Racing (Sky Racing World), South Korea
Suffolk Downs, MA
Sunland Park, NM
SunRay Park, NM
Tampa Bay Downs, FL
The Downs at Albuquerque, NM
The Meadows, PA
The Red Mile, KY
Thistledown, OH
Timonium Fair, MD
Tioga Downs, NY
Turf Paradise, AZ
Turfway Park, KY
UK Thoroughbred Racing, United Kingdom (see attached list of tracks)
Vernon Downs, NY
Virginia Gold Cup Races, VA
Western Fair Raceway, Canada
Will Rogers Downs, OK (Quarter Horse Meet) Will
Rogers Downs, OK (Thoroughbred Meet)
Woodbine, Canada (Harness Meet)
Woodbine, Canada (Thoroughbred Meet)
Yonkers Raceway, NY
Zia Park, NM



Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, Interim Executive Director and
General Counsel

DATE: December 14, 2023

RE: Plainridge Park Casino Request for Premium-Free
Period for 2024

Dear Commissioners:

As part of their Application for a License to Hold or Conduct a Racing Meeting in 2024, Steve O'Toole, Director of Racing, Plainridge Park Casino, included their requested premium-free period as part of Exhibit 27. This period is Sunday June 16, 2024 to Saturday September 7, 2024 in accordance with Massachusetts General Law 128C, § 2 (4).

Recommendation: That the Commission approves the Plainridge Park request for approval of their premium free period from Sunday June 16, 2024 to Saturday September 7, 2024.



Massachusetts Gaming Commission

EXHIBIT 27

Include as Exhibit 27 a master list of requested simulcast imports. A new form (“Licensee Request for Simulcast Import”) MUST be completed for EACH signal and submitted to the Commission no later than November 29 of each calendar year. Approval letters from the host racetrack’s regulatory authority and both representative horsemen’s groups must be on file with MGC by the close of business on the day prior to the first day of import.

IMPORT SIMULCAST SIGNALS

Notice of “Premium Free” Election

Plainville Gaming and Redevelopment, LLC identifies and elects the period from Sunday June 16, 2024 to Saturday September 7, 2024 as the period for “which no premium need be paid” for simulcast signals received in accordance with MGL 128C, section 2 (4). The remaining period subject to be paid as outlined in the premium provisions in 128C, section 2 (5) for licensed racing meeting licensees.



Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, Interim Executive Director and
General Counsel

DATE: December 14, 2023

RE: Plainridge Park Casino Request for Account
Wagering System

Dear Commissioners:

As part of their Application for a License to Hold or Conduct a Racing Meeting in 2024, Steve O'Toole, Director of Racing, Plainridge Park Casino, included their request for authorization for account wagering through PENN ADW, LLC, d/b/a Hollywood Races, using the eBet Technologies platform, as Exhibit 29. The Massachusetts Gaming Commission first authorized this system at their October 26, 2016 meeting.

Recommendation: That the Commission approves the Plainridge Park request for approval of their account wagering through PENN ADW, LLC, d/b/a Hollywood Races, using the eBet Technologies platform listed as Exhibit 29 in their Application for a License to Hold or Conduct a Racing Meeting in 2024.



Massachusetts Gaming Commission

EXHIBIT 29

Include as Exhibit 29 a request for authorization for a system of account wagering in accordance with 205 CMR 6.20: General Account Wagering. The request shall include information related to any planned, non-monetary, incentive programs and account security plans. If a service provider is used, include copies of any and all agreements between the service provider and the applicant regarding the services to be provided by the service provider to the applicant in respect to the applicant's account wagering operations

In accordance with 205 CMR 6.20, Plainville Gaming and Redevelopment, LLC ("PGR"), d/b/a Plainridge Park Casino ("Plainridge"), requests through this harness racing license application for 2024, authorization from the Massachusetts Gaming Commission ("MGC") to offer account wagering in 2024. PGR has contracted with PENN ADW, LLC, ("PENN") a licensee of the MGC, to operate account wagering under the d/b/a *Hollywood Races* (agreement previously attached). Account wagering offered by Plainridge dates to its "WinLine" System originally approved by the Massachusetts State Racing Commission on April 3, 2002.

PENN has contracted with eBet Technologies ("eBet"), a licensee of the MGC, to provide all technical and wagering platform services for *Hollywood Races* to on and off-track customers of Plainridge accessible via the website, www.hollywoodraces.com and through a mobile app (available on both iOS and Android systems).

In 2022, Massachusetts account holders registered with *Hollywood Races* wagered \$3.4 million, representing approximately 15% of the total live and simulcast handle for PRG during the year.

Since 2016, pari-mutuel wagering on-track at Plainridge and through *Hollywood Races* has been combined with *PENNPlay* the Plainridge Park Casino customer rewards program with points earned for redemption of food and beverage offerings at the racetrack/casino and for racing related handicapping information (programs, etc.).

PGR's parent company, Penn Entertainment, Inc. has over 30 years experience in account wagering through its subsidiary Mountainview Thoroughbred Racing Association previously d/b/a EbetUSA.com and Telebet and as of September 2018, Hollywood Races also holds Multi-Jurisdictional Account Wagering licenses in the states of Oregon and New York and accepts wagers from residents of 24 states.



Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, Interim Executive Director and
General Counsel

DATE: December 14, 2023

RE: Suffolk Downs Request for Simulcast Import
Locations for 2024

Dear Commissioners:

Suffolk Downs' Chief Operating Official Michael Buckley has submitted a request for approval of simulcast import locations dated December 7, 2023. These locations usually are approved as part of a racing licensee's application for live racing. Under the current statutes, Suffolk is authorized to simulcast without conducting live racing. Suffolk Downs did not apply for live racing dates for 2024, necessitating a separate approval by the Commission.

Recommendation: That the Commission approves the Suffolk Downs request for approval of their simulcast import locations for horse racing listed in their December 7, 2023 letter for calendar year 2024.



Massachusetts Gaming Commission



December 7, 2023

Via email

Dr. Alex Lightbown
Director of Racing and Chief Veterinarian
Massachusetts Gaming Commission
alexandra.lightbown@massgaming.com

Re: Suffolk Downs's Request for Approval of 2024 Simulcast Import Signals

Dear Dr. Lightbown:

I write to request that the Commission approve simulcast import signals for Sterling Suffolk Racecourse, LLC ("Suffolk Downs") for 2024. As you know, when Suffolk Downs was hosting live racing, this request was part of our annual application for live racing dates. Under existing statutes, Suffolk Downs is authorized to conduct simulcast wagering without any requirement that it also conduct live racing and thus we have not been required to file annual application. We have nevertheless continued to seek Commission approval of our import signals each year.

Accordingly, Suffolk Downs asks that the Commission approve the simulcast import signals set forth in the enclosed list for purposes of simulcast wagering in 2024.

Thank you for your time and consideration.

Sincerely,

Michael Buckley
Chief Operating Officer

enclosure

2024 IMPORT	Type	Subordinate
AJAX DOWNS	Thoroughbred/Mixed Meet	Canada
ALBUQUERQUE	Thoroughbred/Mixed Meet	
AQUEDUCT	Thoroughbred/Mixed Meet	
ARAPAHOE	Thoroughbred/Mixed Meet	
ASCOT RACING	Thoroughbred/Mixed Meet	England
ASSINIBOIA	Thoroughbred/Mixed Meet	Canada
BANGOR	Harness	
BELMONT	Thoroughbred/Mixed Meet	
BELTERRA	Thoroughbred/Mixed Meet	
BREEDERS CUP	Thoroughbred/Mixed Meet	
BREEDERS CUP FUTURE WAGER	Thoroughbred/Mixed Meet	
BREEDERS CUP SIRE FUTURE WAGER	Thoroughbred/Mixed Meet	
CALIFORNIA FAIRS	Thoroughbred/Mixed Meet	
CANTERBURY	Thoroughbred/Mixed Meet	
CAYMANAS	Thoroughbred/Mixed Meet	Jamaica
CENTURY DOWNS	Thoroughbred/Mixed Meet	Canada
CENTURY MILE	Thoroughbred/Mixed Meet	Canada
CHARLES TOWN	Thoroughbred/Mixed Meet	
CHURCHILL	Thoroughbred/Mixed Meet	
COLONIAL DOWNS	Thoroughbred/Mixed Meet	
CUMBERLAND RUN	Harness	
DAYTON	Harness	
DEL MAR	Thoroughbred/Mixed Meet	
DELAWARE	Thoroughbred/Mixed Meet	
DELTA DOWNS	Thoroughbred/Mixed Meet	
DUBAI (Carnival & World Cup)	Thoroughbred/Mixed Meet	United Arab Emirates
ELLIS	Thoroughbred/Mixed Meet	
EMERALD	Thoroughbred/Mixed Meet	
EVANGELINE	Thoroughbred/Mixed Meet	
FANDUEL	Thoroughbred/Mixed Meet	
FAIRGROUNDS	Thoroughbred/Mixed Meet	
FLAMBORO	Harness	Canada
FINGER LAKES	Thoroughbred/Mixed Meet	
FIRST TRACK CUMBERLAND	Harness	
FONNER	Thoroughbred/Mixed Meet	
FORT ERIE	Thoroughbred/Mixed Meet	Canada
FREEHOLD	Harness	
GOLDEN GATE	Thoroughbred/Mixed Meet	
GRAND RIVER RACEWAY	Thoroughbred/Mixed Meet	Canada
GULFSTREAM	Thoroughbred/Mixed Meet	Latin American Racing as defined in Monarch Management contract
HARRAH'S @ PHILLY	Harness	
HARRINGTON	Harness	
HASTINGS	Thoroughbred/Mixed Meet	Canada
HAWTHORNE	Harness	
HAWTHORNE	Thoroughbred/Mixed Meet	
HOOSIER	Harness	
HORSESHOE INDIANAPOLIS	Thoroughbred/Mixed Meet	
KEENELAND	Thoroughbred/Mixed Meet	
KENTUCKY DERBY FUTURE WAGER	Thoroughbred/Mixed Meet	
KENTUCKY OAKS FUTURE WAGER	Thoroughbred/Mixed Meet	
KENTUCKY SIRE FUTURE WAGER	Thoroughbred/Mixed Meet	
KENTUCKY DOWNS	Thoroughbred/Mixed Meet	
KING ABDULAZIZ RACECOURSE	Thoroughbred/Mixed Meet	Saudi Arabia
LAUREL	Thoroughbred/Mixed Meet	Latin American Racing as defined in Monarch Management contract
LITTLE BROWN JUG	Harness	
LONE STAR	Thoroughbred/Mixed Meet	
LOS ALAMITOS	Thoroughbred/Mixed Meet	
LOUISIANA	Thoroughbred/Mixed Meet	
MAHONING VALLEY	Thoroughbred/Mixed Meet	
MEADOWLANDS	Thoroughbred/Mixed Meet	
MEADOWLANDS	Harness	
MEADOWS	Harness	
MEYDAN RACE COURSE	Thoroughbred/Mixed Meet	United Arab Emirates
MOHAWK	Harness	Canada
MONMOUTH	Thoroughbred/Mixed Meet	
MONTICELLO	Harness	
MOUNTAINEER	Thoroughbred/Mixed Meet	

Receiving Track:
Sterling Suffolk Racecourse, LLC
525 McClellan Highway
East Boston, MA 02128
2024 Simulcast Import Request

Revised 12/01/2023

NORTHFIELD	Harness	
OAK GROVE	Harness	
OAKLAWN	Thoroughbred/Mixed Meet	
OCEAN DOWNS	Harness	
PARX (Philadelphia Park)	Thoroughbred/Mixed Meet	
PENN NATIONAL	Thoroughbred/Mixed Meet	
PIMLICO	Thoroughbred/Mixed Meet	
PLAINRIDGE	Harness	
PMU	Harness	France
PMU	Thoroughbred/Mixed Meet	France
POCONO	Harness	
PRAIRIE MEADOWS	Thoroughbred/Mixed Meet	
PRESQUE ISLE	Thoroughbred/Mixed Meet	
RED MILE	Harness	
REMINGTON	Thoroughbred/Mixed Meet	
RETAMA	Thoroughbred/Mixed Meet	
ROSECROFT	Harness	
ROYAL ASCOT	Thoroughbred/Mixed Meet	England
RUIDOSO	Thoroughbred/Mixed Meet	
SAM HOUSTON	Thoroughbred/Mixed Meet	
SANTA ANITA	Thoroughbred/Mixed Meet	
SARATOGA	Thoroughbred/Mixed Meet	
SARATOGA	Harness	
SAUDI CUP	Thoroughbred/Mixed Meet	Saudi Arabia
SCIOTO DOWNS	Harness	
SHENANDOAH	Harness	
SUNLAND	Thoroughbred/Mixed Meet	
SUNRAY	Thoroughbred/Mixed Meet	
TAMPA BAY	Thoroughbred/Mixed Meet	
THISTLEDOWN	Thoroughbred/Mixed Meet	
TIMONIUM	Thoroughbred/Mixed Meet	
TIOGA DOWNS	Harness	
TURF PARADISE	Thoroughbred/Mixed Meet	
TURFWAY	Thoroughbred/Mixed Meet	
VERNON	Harness	
WILL ROGERS DOWNS	Thoroughbred/Mixed Meet	
WOODBINE	Thoroughbred/Mixed Meet	Canada
YONKERS	Harness	
ZIA PARK	Thoroughbred/Mixed Meet	



Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, Interim Executive Director and
General Counsel

DATE: December 14, 2023

RE: Suffolk Downs Request for Premium-Free Period
for 2024

Dear Commissioners:

Suffolk Downs COO Michael Buckley has submitted a request for approval of a Premium-Free Period from October 9, 2024 through and including December 31, 2024. This is in accordance with Massachusetts General Laws Chapter 128C, §2 (5).

Recommendation: That the Commission approves the Suffolk Downs request for approval of their premium free period from October 9, 2024 through December 31, 2024.



Massachusetts Gaming Commission



December 7, 2023

Via email

Dr. Alex Lightbown
Director of Racing and Chief Veterinarian
Massachusetts Gaming Commission
alexandra.lightbown@massgaming.com

Re: Suffolk Downs' Request for 2024 Premium-Free Period

Dear Dr. Lightbown:

I write in accordance with Massachusetts General Laws ch. 128C, §2(5) in connection with the annual designation by Sterling Suffolk Racecourse, LLC ("Suffolk Downs") of its "premium-free" period with respect to interstate harness signals. Under the racing statutes, Suffolk Downs is authorized to designate a 12-week period each year as to which it is not required to pay premiums on wagers on harness races simulcast at its facility. As you know, when Suffolk Downs was hosting live racing, this designation was part of our annual application for live racing dates. Under existing statutes, Suffolk Downs is authorized to conduct simulcast wagering without any requirement that it also conduct live racing and thus we have not been required to file an annual application. We have nevertheless continued to seek Commission approval of our designation each year.

For 2024, Suffolk Downs asks that the Commission approve its designation of a premium-free period from October 9, 2024 through December 31, 2024.

Thank you for your time and consideration.

Sincerely,

Michael Buckley
Chief Operating Officer



Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, Interim Executive Director And
General Counsel

DATE: December 14, 2023

RE: Suffolk Downs Request for Approval of Advance Deposit Wagering (Account Wagering) Vendors

Dear Commissioners:

Suffolk Downs' Chief Operating Official Michael Buckley has submitted a request for approval of the following Advance Deposit Wagering providers: XpressBet LLC and its affiliate 1/ST Bet, TVG, Twin Spires, FanDuel Racing, NYRA Bets, BetMGM, Caesars Racebook, DK Horse, and AmWest Entertainment (and its ADW platform known as Am Wager) for 2024. All of these have been approved previously by the Commission, except for Am West.

Am West has been operating as an ADW provider since 2009. It is licensed by the Oregon Racing Commission as a multi-jurisdictional account wagering provider. AmWest states they are licensed in 11 other states: Colorado, Idaho, Illinois, Indiana, Kentucky, Montana, New York, Pennsylvania, South Dakota, West Virginia, and Wyoming. Past practice has been to reciprocate when Account Wagering providers are already operating in other jurisdictions. We do not have any information that there have been issues with account wagering by this provider.

Recommendation: That the Commission approves the Suffolk Downs request for approval of XpressBet LLC and 1/ST Bet, TVG, Twin Spires, FanDuel Racing, NYRAbets, BetMGM, Caesars Racebook, DK Horse, and AmWest Entertainment ADW platform AmWager as their Advance Deposit Wagering vendors, for parimutuel wagering purposes only.



Massachusetts Gaming Commission



December 7, 2024

Via email

Dr. Alex Lightbown
Director of Racing and Chief Veterinarian
Massachusetts Gaming Commission
alexandra.lightbown@massgaming.com

Re: Suffolk Downs's Request for Approval of 2024 ADW Providers

Dear Dr. Lightbown:

I write in accordance with 205 CMR 6.20 to request that the Commission approve account wagering, or advance deposit wagering (ADW), vendors for Sterling Suffolk Racecourse, LLC ("Suffolk Downs") for 2024.

Suffolk Downs seeks approval of XpressBet, its affiliate 1/ST Bet, TVG, Twin Spires, FanDuel Racing, NYRA Bets, BetMGM, Caesars Racebook, DK Horse, and AmWest Entertainment (and its ADW platform known as AmWager) as its 2024 account wagering providers. The Commission has previously approved each of these providers other than AmWest Entertainment/AmWager ("AmWest").

AmWest is an independent ADW provider which has been operating since 2009. We understand from AmWest that it is licensed and regulated by the Oregon Racing Commission as a multi-jurisdictional account wagering provider. It uses United Tote for totalization services, and wagers are processed through the United Tote hub in Portland, Oregon. AmWest is specifically licensed in 12 states—Colorado, Idaho, Illinois, Indiana, Kentucky, Montana, New York, Oregon, Pennsylvania, South Dakota, West Virginia and Wyoming. AmWest also accepts wagers from residents of several other states that do not require state-specific licensing of ADW operators. AmWest hosts its patron accounts and wallets and provides customer service itself.

We are happy to provide any additional information or answer any questions you or the Commission may have in order to be able to act on this request. Thank you for your time and consideration.

Sincerely,

Michael Buckley
Chief Operating Officer

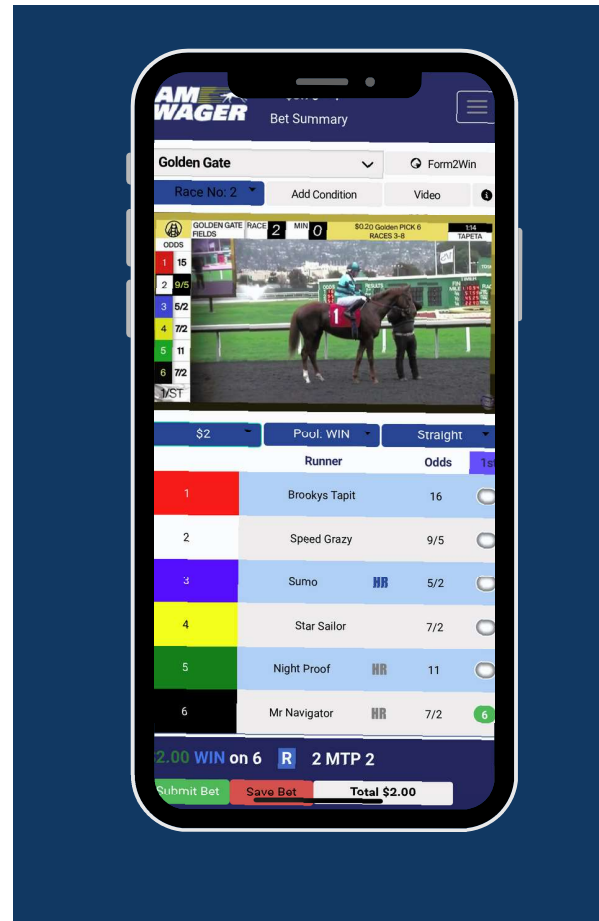


AM WAGER

KENTUCKY BRED BETTING

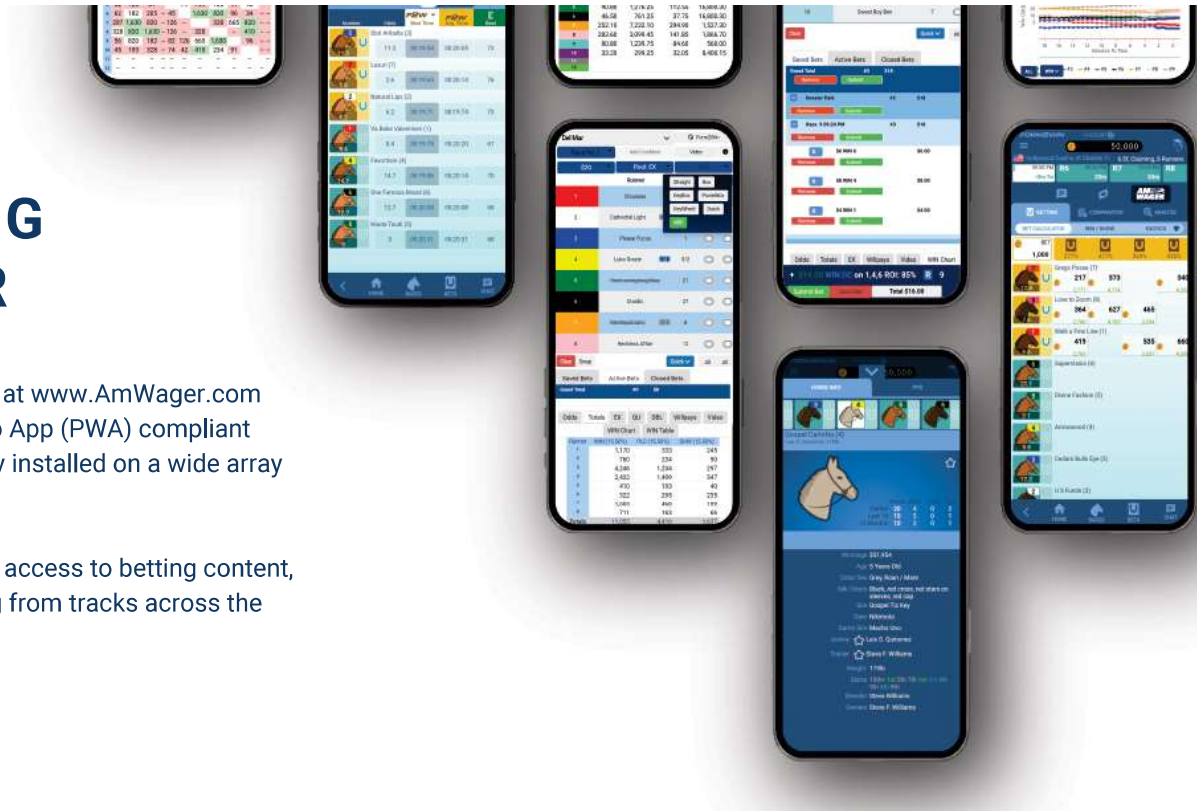
AMWAGER & AMWEST ENTERTAINMENT LLC

- AmWager is a national Advanced Deposit Wagering (ADW) launched in 2009. It is operated by AmWest Entertainment LLC (AmWest), a diversified simulcast service, technology and account wagering provider originally established in 2004.
- AmWest is based in Prospect, KY and maintains all necessary licenses, content agreements with all racetracks it carries, and strictly operates under the 1977 Interstate Horse Racing Act (IHA) and other relevant laws.
- AmWest is licensed and regulated by the Oregon Racing Commission as a multi-jurisdictional account wagering provider.
- AmWest is also licensed separately as required in Colorado, Idaho, Illinois, Indiana, Kentucky, Montana, New York, Pennsylvania, West Virginia, and Wyoming.
- AmWest enjoys supportive relationships with racetracks and racing organizations worldwide. Our teams' continued involvement in Thoroughbred racing and ongoing commitment to many state, national and international initiatives are significant determinants in how our company conducts business, utilizing transparency and best practices.



ACCESSING AMWAGER









- AmWager is accessed at www.AmWager.com and is Progressive Web App (PWA) compliant allowing it to be directly installed on a wide array of devices.
- Customers are granted access to betting content, including HD streaming from tracks across the globe.





KYC & FRAUD PREVENTION

AmWest retains ownership over its contracts for identity verification and online security services. To ensure comprehensive fraud detection, we employ a multi-layered KYC approach, utilizing industry-leading services such as Lexis Nexis, Threatmetrix, and Maxmind, in conjunction with our in-house custom logic.

 <p>Debit/Credit Card</p> <p>Fund your account from any Visa, Mastercard or Discover brand card.</p>	 <p>Cryptocurrency</p> <p>Fund your account with BTC, BCH, ETH, WBTC, DOGE, GUSD, USDC, PAX, DAI, BUSD and others.</p>
 <p>Online Check (ACH)</p> <p>Deposit funds from your checking account. Instant for most accounts.</p>	 <p>PayNearMe</p> <p>Deposit funds by paying cash at participating retailers. Instant Funding.</p>
 <p>MoneyPak</p> <p>Purchase Moneypak from a local retailer and fund here. Instant Funding.</p>	 <p>Wire Transfer</p> <p>Same Day - Best for Large amounts.</p>
 <p>Check / Money Order</p> <p>Traditional method, No fees</p>	 <p>Promo Code</p> <p>Consume a promotional code for wagering credit.</p>

CUSTOMER FUNDING METHODS

AmWest also maintains ownership of its agreements for customer funding methods, which include Visa, Mastercard, BitPay, GreenDot, and PayNearMe.

AMWAGER INFRASTRUCTURE



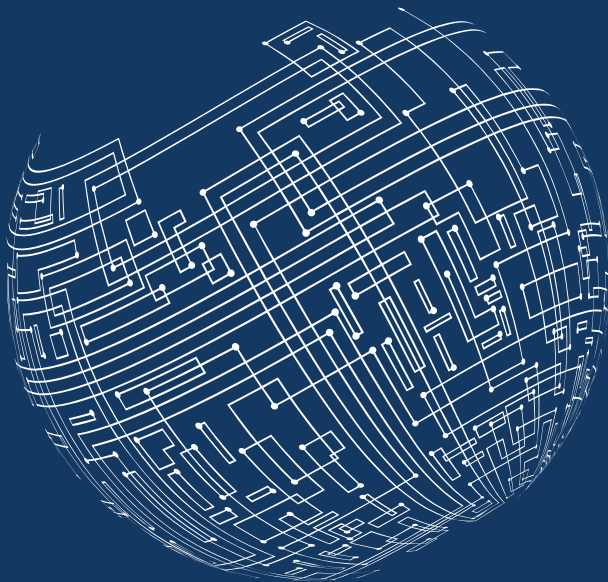
Our in-house Customer Support team is readily accessible seven days a week through phone or email. We take pride in possessing the highest-rated customer support team amongst national ADWs.



AmWest has an in-house accounting team responsible for overseeing player and track settlement services for our ADW, as well as managing track settlements for a network of brick-and-mortar OTBs.



AmWest takes pride in having an insourced IT team of experts specializing in the betting industry. Our ADW platform is the most innovative, boasting exclusive tools, features, and functions.



AMWAGER ARCHITECTURE

- 100% Cloud based for cost efficiency, ease to scale, redundancy, security and global presence.
- Utilizes best in class storage mechanisms for increased speed and reliability.
- Headless API design to facilitate rapid development.
- Utilizes both load balancing and geo-balancing as required.
- All transmissions between client and server and internally between servers are encrypted. Sensitive data is encrypted in storage.
- Utilizes best in class push technology to show data updates up to 60 seconds faster than competition.



www.AmWager.com

13011 W. Highway 42, Ste. 107

Prospect, KY 40059

(502) 292-1075

Customer Support

877-767-4447

Noon – 8pm EST

support@amwager.com

IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM AND WANTS HELP, CALL 1-800 GAMBLER.



Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, Interim Executive Director and
General Counsel

DATE: December 14, 2023

RE: Raynham Park (Massasoit Greyhound Association
and Taunton Dog Track) Request for Simulcast
Import Locations for 2024

Dear Commissioners:

Massasoit Greyhound Association and Taunton Dog Track ("Raynham Park") President George Carney, Jr., has submitted a request for approval of simulcast import locations dated December 4, 2023. These locations usually are approved as part of a racing licensee's application for live racing, however live greyhound racing is not allowed. Under the current statutes, Raynham is authorized to simulcast without conducting live racing.

For years, Raynham has operated as the Massasoit Greyhound Association for the first six months of the calendar year, and Taunton Dog Track for the last six months of the calendar year, the requests reflect this.

Recommendation: That the Commission approves the Massasoit Greyhound Association and Taunton Dog Track(Raynham) requests for approval of their simulcast import locations for horse racing listed in their December 4, 2023 letters for calendar year 2024.



Massachusetts Gaming Commission



Receiving Track:
Massasoit Greyhound Assn, Inc.
1958 Broadway
Raynham, MA 02767
2024 Simulcast Import Request

December 4, 2023

Via Email

Dr. Alex Lightbown
Director of Racing
Massachusetts Gaming Commission
alexandra.lightbown@massgaming.com

Dear Dr. Lightbown,

Massasoit Greyhound Assn, Inc. asks that the Commission approve the simulcast import signals below for purposes of simulcast wagering in 2024.

<u>2024 IMPORT</u>	<u>TYPE</u>
FLAMBORO DOWNS	HARNESS
FREEHOLD	HARNESS
HARRAHS @ PHILLY	HARNESS
HARRINGTON	HARNESS
HAWTHORNE	HARNESS
HOOSIER	HARNESS
MEADOWLANDS	HARNESS
MEADOWS	HARNESS
MOHAWK	HARNESS
MONTICELLO	HARNESS
NORTHFIELD	HARNESS
OCEAN DOWNS	HARNESS
PLAINRIDGE	HARNESS
POCONO	HARNESS
POMPANO	HARNESS
RED MILE	HARNESS
ROSECROFT	HARNESS
SARATOGA	HARNESS
SCIOTO DOWNS	HARNESS
TIOGA DOWNS	HARNESS
VERNON	HARNESS
WOODBINE	HARNESS

1958 Broadway, P.O. Box 172, Raynham, MA 02767 ■ Website: www.raynhampark.net

Phone: (508) 824-4071 ■ Fax : (508) 821-3239

Receiving Track:
Massasoit Greyhound Assn, Inc.
1958 Broadway
Raynham, MA 02767
2024 Simulcast Import Request

YONKERS	HARNESS
AJAX DOWNS	THOROUGHBRED
ALBUQUERQUE, THE DOWNS	THOROUGHBRED
AQU EDUCT	THOROUGHBRED
ARAPAHOE PARK	THOROUGHBRED
ARLINGTON	THOROUGHBRED
ASSINIBOIA DOWNS	THOROUGHBRED
BELMONT	THOROUGHBRED
BELTERRA PARK	THOROUGHBRED
BREEDERS CUP	THOROUGHBRED
BREEDERS CUP FUTURE WAGER	THOROUGHBRED
BREEDERS CUP SIRE FUTURE WAGER	THOROUGHBRED
CALIFORNIA FAIRS	THOROUGHBRED
CANTERBURY PARK	THOROUGHBRED
CENTURY DOWNS	THOROUGHBRED
CHARLES TOWN	THOROUGHBRED
CHURCHILL	THOROUGHBRED
DEL MAR	THOROUGHBRED
DELAWARE	THOROUGHBRED
DELTA DOWNS	THOROUGHBRED
DUBAI	THOROUGHBRED
ELLIS	THOROUGHBRED
EMERALD DOWNS	THOROUGHBRED
FAIRGROUNDS	THOROUGHBRED
FAIRMOUNT	THOROUGHBRED
FAIRPLEX	THOROUGHBRED
FINGER LAKES	THOROUGHBRED
FONNER PARK	THOROUGHBRED
FORT ERIE RACING	THOROUGHBRED
GOLDEN GATE	THOROUGHBRED
GRAND RIVER RACEWAY	THOROUGHBRED
GULFSTREAM	THOROUGHBRED
GULFSTREAM WEST	THOROUGHBRED
HASTINGS	THOROUGHBRED
HAWTHORNE	THOROUGHBRED
INDIANA	THOROUGHBRED
KEENELAND	THOROUGHBRED
KENTUCKY DERBY FUTURE WAGER	THOROUGHBRED
KENTUCKY DOWNS	THOROUGHBRED
KENTUCKY OAKS FUTURE WAGER	THOROUGHBRED
KENTUCKY SIRE FUTURE WAGER	THOROUGHBRED
LAUREL	THOROUGHBRED
LONE STAR PARK	THOROUGHBRED
LOS ALAMITOS	THOROUGHBRED
LOUISIANA	THOROUGHBRED
MAHONING VALLEY	THOROUGHBRED
MEADOWLANDS	THOROUGHBRED

Taunton Dog Track, Inc.
1958 Broadway
Raynham, Massachusetts 02767
(617) 824-4071

Receiving Track:
Taunton Dog Track, Inc.
1958 Broadway
Raynham, MA 02767
2024 Simulcast Import Request

December 4, 2023

Via Email

Dr. Alex Lightbown
Director of Racing
Massachusetts Gaming Commission
alexandra.lightbown@massgaming.com

Dear Dr. Lightbown,

Taunton Dog Track, Inc. asks that the Commission approve the simulcast import signals below for purposes of simulcast wagering in 2024.

<u>2024 IMPORT</u>	<u>TYPE</u>
FLAMBORO DOWNS	HARNESS
FREEHOLD	HARNESS
HARRAHS @ PHILLY	HARNESS
HARRINGTON	HARNESS
HAWTHORNE	HARNESS
HOOSIER	HARNESS
MEADOWLANDS	HARNESS
MEADOWS	HARNESS
MOHAWK	HARNESS
MONTICELLO	HARNESS
NORTHFIELD	HARNESS
OCEAN DOWNS	HARNESS
PLAINRIDGE	HARNESS
POCONO	HARNESS
POMPANO	HARNESS
RED MILE	HARNESS
ROSECROFT	HARNESS
SARATOGA	HARNESS
SCIOTO DOWNS	HARNESS
TIOGA DOWNS	HARNESS
VERNON	HARNESS
WOODBINE	HARNESS

YONKERS	HARNESS
AJAX DOWNS	THOROUGHBRED
ALBUQUERQUE, THE DOWNS	THOROUGHBRED
AQUEDUCT	THOROUGHBRED
ARAPAHOE PARK	THOROUGHBRED
ARLINGTON	THOROUGHBRED
ASSINIBOIA DOWNS	THOROUGHBRED
BELMONT	THOROUGHBRED
BELTERRA PARK	THOROUGHBRED
BREEDERS CUP	THOROUGHBRED
BREEDERS CUP FUTURE WAGER	THOROUGHBRED
BREEDERS CUP SIRE FUTURE WAGER	THOROUGHBRED
CALIFORNIA FAIRS	THOROUGHBRED
CANTERBURY PARK	THOROUGHBRED
CENTURY DOWNS	THOROUGHBRED
CHARLES TOWN	THOROUGHBRED
CHURCHILL	THOROUGHBRED
DEL MAR	THOROUGHBRED
DELAWARE	THOROUGHBRED
DELTA DOWNS	THOROUGHBRED
DUBAI	THOROUGHBRED
ELLIS	THOROUGHBRED
EMERALD DOWNS	THOROUGHBRED
FAIRGROUNDS	THOROUGHBRED
FAIRMOUNT	THOROUGHBRED
FAIRPLEX	THOROUGHBRED
FINGER LAKES	THOROUGHBRED
FONNER PARK	THOROUGHBRED
FORT ERIE RACING	THOROUGHBRED
GOLDEN GATE	THOROUGHBRED
GRAND RIVER RACEWAY	THOROUGHBRED
GULFSTREAM	THOROUGHBRED
GULFSTREAM WEST	THOROUGHBRED
HASTINGS	THOROUGHBRED
HAWTHORNE	THOROUGHBRED
INDIANA	THOROUGHBRED
KEENELAND	THOROUGHBRED
KENTUCKY DERBY FUTURE WAGER	THOROUGHBRED
KENTUCKY DOWNS	THOROUGHBRED
KENTUCKY OAKS FUTURE WAGER	THOROUGHBRED
KENTUCKY SIRE FUTURE WAGER	THOROUGHBRED
LAUREL	THOROUGHBRED
LONE STAR PARK	THOROUGHBRED
LOS ALAMITOS	THOROUGHBRED
LOUISIANA	THOROUGHBRED
MAHONING VALLEY	THOROUGHBRED
MEADOWLANDS	THOROUGHBRED



Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, Interim Executive Director and
General Counsel

DATE: December 14, 2023

RE: Raynham (Massasoit Greyhound Association and
Taunton Dog Track) Request for Account
Wagering System

Dear Commissioners:

Massasoit Greyhound Association and Taunton Dog Track President George Carney, Jr. has submitted a request for approval of their account wagering program Dial2Bet, which is facilitated by US Off-Track, LLC. This program and affiliation have been in place for approximately 20 years.

Recommendation: That the Commission approves the Massasoit Greyhound Association and Taunton Dog Track (Raynham) requests for approval of Dial2Bet and US Off-Track, LLC for account wagering.



Massachusetts Gaming Commission



December 4, 2023

Via Email

Dr. Alex Lightbown
Director of Racing
Massachusetts Gaming Commission
Alexandra.lightbown@massgaming.com

RE: Massasoit Greyhound Assn, Inc. Request for Approval of 2024 ADW Vendors

Dear Dr. Lightbown,

Massasoit Greyhound Assn, Inc. as part of the contract from the simulcast import signals, includes racing content for our account wagering business. A list of our import signals was provided for approval.

Massasoit Greyhound Assn, Inc. currently refers to its telephone wagering program as Dial2Bet. Customers set up their accounts and make additions to and withdrawals from their accounts, at the park. Customers make their wagers calling an 800 number received by US Off-Track, LLC which acts as the wagering phone service. Massasoit Greyhound Assn, Inc. pays a telephone fee for the service. All wagers are included in the daily handle.

Massasoit Greyhound Assn, Inc. respectfully requests the approval to continue providing this service to our customers.

Thank you for your consideration.

Sincerely,

George L. Carney, Jr.
President

1958 Broadway, P.O. Box 172, Raynham, MA 02767 ■ Website: www.raynhampark.net

Phone: (508) 824-4071 ■ Fax : (508) 821-3239

Taunton Dog Track, Inc.

*1958 Broadway
Raynham, Massachusetts 02767
(617) 824-4071*

December 4, 2023

Via Email

Dr. Alex Lightbown
Director of Racing
Massachusetts Gaming Commission
Alexandra.lightbown@massgaming.com

RE: Taunton Dog Track, Inc. Request for Approval of 2024 ADW Vendors

Dear Dr. Lightbown,

Taunton Dog Track, Inc. as part of the contract from the simulcast import signals, includes racing content for our account wagering business. A list of our import signals was provided for approval.

Taunton Dog Track, Inc. currently refers to its telephone wagering program as Dial2Bet. Customers set up their accounts and make additions to and withdrawals from their accounts, at the park. Customers make their wagers calling an 800 number received by US Off-Track, LLC which acts as the wagering phone service. Taunton Dog Track, Inc. pays a telephone fee for the service. All wagers are included in the daily handle.

Taunton Dog Track, Inc. respectfully requests the approval to continue providing this service to our customers.

Thank you for your consideration.

Sincerely,



George L. Carney, Jr.
President



311 State Street
Springfield, MA 01105
Phone: 413.787.6740
Fax: 413.787.6458
www.springfield-ma.gov

November 20, 2023

Cathy Judd Stein, Chair and Commissioners
Massachusetts Gaming Commission
101 Federal Street
Boston, MA, 02110

Dear Chair Judd Stein and Commissioners,

Our department is writing to request the assistance of the Massachusetts Gaming Commission on a time-sensitive matter. Earlier this year, Springfield Department of Health and Human Services (SDHHS) was pleased to receive the \$19,600 Community Mitigation Fund (CMF) Grant (Type 1 Harm Reduction) to implement the *Young Adult Gambling Project (YAGP)*. I am happy to share with you that the project is off to a strong start, with a dynamic team of 10 young adults aged 18 - 24 participating in the project's community advisory board (CAB).

The team of young adults is culturally diverse, highly motivated and knowledgeable about the types of gaming and gambling most practiced among their peers. The team is supported by an effective research/administrative team comprised of staff from SDHHS, New North Citizens Council and the Center for Community Health Equity Research at the University of Massachusetts School of Public Health and Health Sciences. Though the project is in its early stages, it shows promise of delivering compelling and community centered work to address problem gambling.

To allow this effective team of young adults to continue their needed work, I am writing to request additional "gap" funding of \$34,772 to allow YAGP to continue moving their work forward until we are able to apply for and receive additional funding. As of this date there is enough funding to meet with the YAGP team two more times, though there is still important work we believe is important to complete with the exceptional group of young adults. This letter includes the background and rationale for this request, the accomplishments of the YAGP to date and a budget for the requested gap funding.

I. Background

Young adults are one group in the population most likely to engage in online gaming and gambling, but more research is needed to understand the risk factors and effects, particularly from the perspective of young adults themselves. Our current team of young adults has already demonstrated a deep understanding of the landscape of online gaming and gambling platforms. It is timely and important to engage this age group in a process to help inform about the impacts of online gaming and gambling, especially as gambling in Massachusetts moves more and more online.

II. Rationale for Requesting Additional Funding

The current scope of YAGP, in accordance with the CMF 2023 funding opportunities is to:

- 1) Develop a community participatory research question and research plan on a topic identified by the YAGP CAB that merits further investigation (with the already granted CMF Type 1 Harm Reduction Grant), and;
- 2) Apply for FY 25 CMF Type 2 Harm Reduction grant to implement the research plan with the participation of the young adult team.

As the project nears a half-way point, having completed 3 of 6 CAB meetings, we are pleased to share that a great deal has been achieved in these meetings. Accomplishments include the development of a harmonious, highly motivated team, significant education about gambling and related harms, and the start of a process to select a research topic that merits further investigation. To complete this effort, including the research plan design, additional funding is needed to enable the team of young adults to continue working without a break in program continuity.

Although we plan to apply for the CMF Type 2 Harm Reduction Grant, months will pass before the funding process is completed and support becomes available. Due to this time "gap," it is highly likely that we would lose our current group. This would require the research/ administrative team to have to recruit, hire and train a new group of young adults, with no guarantee that they will have the enthusiasm or positive dynamics of the current group. The benefits of the investment that the CMF has already made in this project to date would be partially diminished.

III. Accomplishments of the YAGP to Date:

- Creation of an effective and diverse academic research/community partnership to oversee and guide the project.
- Recruitment of a diverse team of young adults (18- 24) from Springfield, MA who are among the age group most at-risk for problem gambling.
- Over the past month the CAB team has met weekly to discuss problem gambling related issues that are most prevalent and attractive to their age group such as online gaming, sports betting and other forms of Massachusetts gambling. In a very short time, the group has become a close-knit team that is highly motivated to work on

community engaged research to better understand and mitigate problem gambling among young adults who are at high risk for problem gambling and related harms.

IV. Future Funding Opportunities

There are two potential funding options offered by the MGC in the upcoming months that the research/administrative team will apply for. This includes the FY 25 CMF Block Grant and a Community Participatory Research Grant that the MGC Research team plans to announce next month. The YAGP recognizes that additional funding is not guaranteed but believes that this work merits further support until additional resources can be secured.

V. Budget

Proposed "GAP" Funding Budget			
Timeline	Description of Purchase/Work	QTY	Budget
January 2024 - June 2024	University of Massachusetts, Amherst Center for Community Health Equity Research will: <ul style="list-style-type: none"> • Complete Literature Review • Facilitate 6 CAB sessions • Completion of the Final Report Graduate Student Time 190 hours @ \$56 per hour - <u>\$10,640</u> Mileage (15 trips X 52 miles X 65.5 cents/mile - <u>\$510</u>	190 Hours	\$11,150
January 2024 - June 2024	NNCC will: <ul style="list-style-type: none"> • Provide stipends for CAB members (10 young adults ages 18 - 24) to participate in 15 sessions of the project) (10 participants X \$100 per meeting X 15 Meetings) - <u>\$15,000</u> • Host the CAB Meetings at the NNCC Youth Center - <u>\$2,000</u> • Provide food for CAB Meetings - (\$200 X 15) - <u>\$3,000</u> 		\$ 20,000
	Project Supplies (printing and other materials)		\$1,500
	Total		\$32,650

	SDHHS/City of Springfield Administrative Cost (6.5% of Project Total)		\$2,122
	PROJECT TOTAL:		\$34,772
Funding Source	Description of Purchase/Work	QTY	
In Kind Services, Springfield Department of Health and Human Services	Staff Time for Theresa Glenn 5 hours per week for 40 weeks (5 hours per week = 0.133 (5/37.5) Base pay \$1333.71 x 0.1333 = \$177.38 per week x 40 weeks =\$7,095.2 Fringe based on 39% = \$7,095 x 39% = \$2,767.13 Total \$7,095 + \$2,767.13 = \$9,862.13	200 hours	\$9,862
In Kind Services, CCHER	Faculty Time 54 hours @\$92 per hour - \$4,968 CCHER Staff Time 190 hours @ \$79 per hour - \$15,010	54 Hours 190 Hours	\$19,978
Total In Kind Services			\$29,840
Total Project Cost			\$64,612

We are proud that this project, which is grounded in community participatory research principles and directly centers the voices and experiences of those most affected by the issue we are working to address. This project is an excellent opportunity to learn about issues that are the future of gambling, particularly online activities such as sports betting, gaming, and other emerging online gambling activities.

Sincerely,



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



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

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

CC: Todd Grossman, Interim Executive Director

DATE: December 8, 2023

RE: CMF – Springfield Young Adult Gambling Project Grant Modification

In 2023, the Massachusetts Gaming Commission awarded a grant to the City of Springfield in the amount of \$19,600 to perform a Type 1 study to determine how expanded gambling may increase the risk of problem gambling in young adults. The outcome of this study was to identify a particular issue or issues that could be further studied as part of a future grant. The City of Springfield is requesting an additional \$34,772 to continue the work that has been started on this program. These funds would take them through the end of June when additional CMF funds would be available.

In the 2023 CMF Grant round, the Commission introduced the Gambling Harm Reduction category. This category envisioned a two-tiered approach to gambling harm reduction. The Type 1 study was to develop a plan to engage the community to identify a casino or gambling related topic or issue which warrants further investigation. We have often referred to this as a screening level study. The Type 2 study was for applicants that have a specific research topic and/or question and are prepared to propose a research strategy. The CMF Guidelines established a \$20,000 level for the Type 1 study and up to \$200,000 for the more detailed Type 2 study. This grant category was introduced as a pilot program since we were not sure exactly what types of projects we would receive.

Springfield applied for a Type 1 study and was awarded a grant of \$19,600 to perform this work. It is Springfield's intent to use the findings from this study to advance a more detailed study either through the CMF or through applying for community-engaged research funding through the Division of Research and Responsible Gaming.

Springfield put together a diverse team of 10 young adults that have been meeting regularly. These meetings are supported by a research partnership among the Springfield Department of Health and Human Services, New North Citizens Council, and the University of Massachusetts School of Public Health and Health Sciences, and the results so far have been beyond Springfield's expectations. The group is highly engaged and knowledgeable about the types of gambling practiced among their peers. The City has been getting good



Massachusetts Gaming Commission

results but realized that there is much more to be learned from this team. For that reason, they would like to continue the work of this group.

In hindsight, this kind of project is really more than a screening level study, but not developed enough to be considered a Type 2 study. Considering the pilot nature of this program and the uncertainties inherent in that, staff certainly understood that things could arise that we did not expect. Studies such as this are not as well defined as many of the other types of work the CMF funds. In addition, community-engaged research often requires flexibility, as community needs are dynamic and “engaging the community is ultimately about facilitating community-driven action.”¹ Springfield believes that providing these additional funds will much better inform a scope of work for a Type 2 study in the future. Additionally, the City is concerned that if this group is disbanded, the momentum that they have developed will be lost. Since additional CMF funding will not be available until July 1, 2024, the likelihood of putting this group back together certainly is diminished.

The Review Team agrees that this is a good project and would like to see it move forward. However, the CMF Guidelines do not have a mechanism for providing project funding outside of our regular grant cycle. The only part of the Guidelines that address the provision of funds outside of the regular process is the Emergency Mitigation Grant. The Guidelines state that the Emergency Mitigation Grant is “to cover newly identified impacts of an emergency nature that would cause significant harm to a community if it were not remedied in an expeditious fashion.” Under that definition it is difficult to see how this request would be deemed an emergency.

In the past, the Commission has modified numerous grants with respect to their scopes and budgets. But these modifications have almost always been associated with repurposing previously approved funding. If this project were just repurposing unused funds, staff would certainly recommend the transfer of funds. There was one instance early in the CMF Program where additional funds were added to a project out of the regular grant cycle. This was a grant to Springfield to establish a valet parking program to address access issues associated with the construction of the casino. There were several unknowns when that grant was awarded, which resulted in the need for extra funds.

Staff has reviewed the status of the CMF and there are sufficient funds within Region B to cover these costs.

As always, the Commission has the ability to waive any provision of the Guidelines. The section on waivers is as follows:

¹ https://www.atsdr.cdc.gov/communityengagement/pdf/PCE_Report_508_FINAL.pdf



“The Commission may in its discretion waive or grant a variance from any provision or requirement contained in these Guidelines where the Commission finds that:

- a) Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K;
- b) Granting the waiver or variance will not adversely affect the public interest; and
- c) Not granting the waiver or variance would cause a substantial hardship to the community, governmental entity, or person requesting the waiver or variance.”

Staff believes that the Commission has the authority to increase this grant and agrees that it is a worthwhile project. Because this is a new category of grant and the parameters are not as well defined as our other grant categories, in this particular case some leeway could be granted by the Commission to allow this project to move forward. The Community Affairs staff will take the lessons learned from this grant in the implementation of other similar grants in the future.

Staff is not making a specific recommendation on this as it is a policy decision on whether to allow increases in grants outside of the regular grant cycle, which is not something that is directly addressed in the statute, regulations or the CMF Guidelines.



Massachusetts Gaming Commission



MASSACHUSETTS GAMING COMMISSION

To: Chair Judd-Stein and Commissioners Hill, Maynard, O’Brien, and Skinner
From: Boniswa Sundai and John Scully
Date: 12/14/2023
Re: MGC Diversity Update

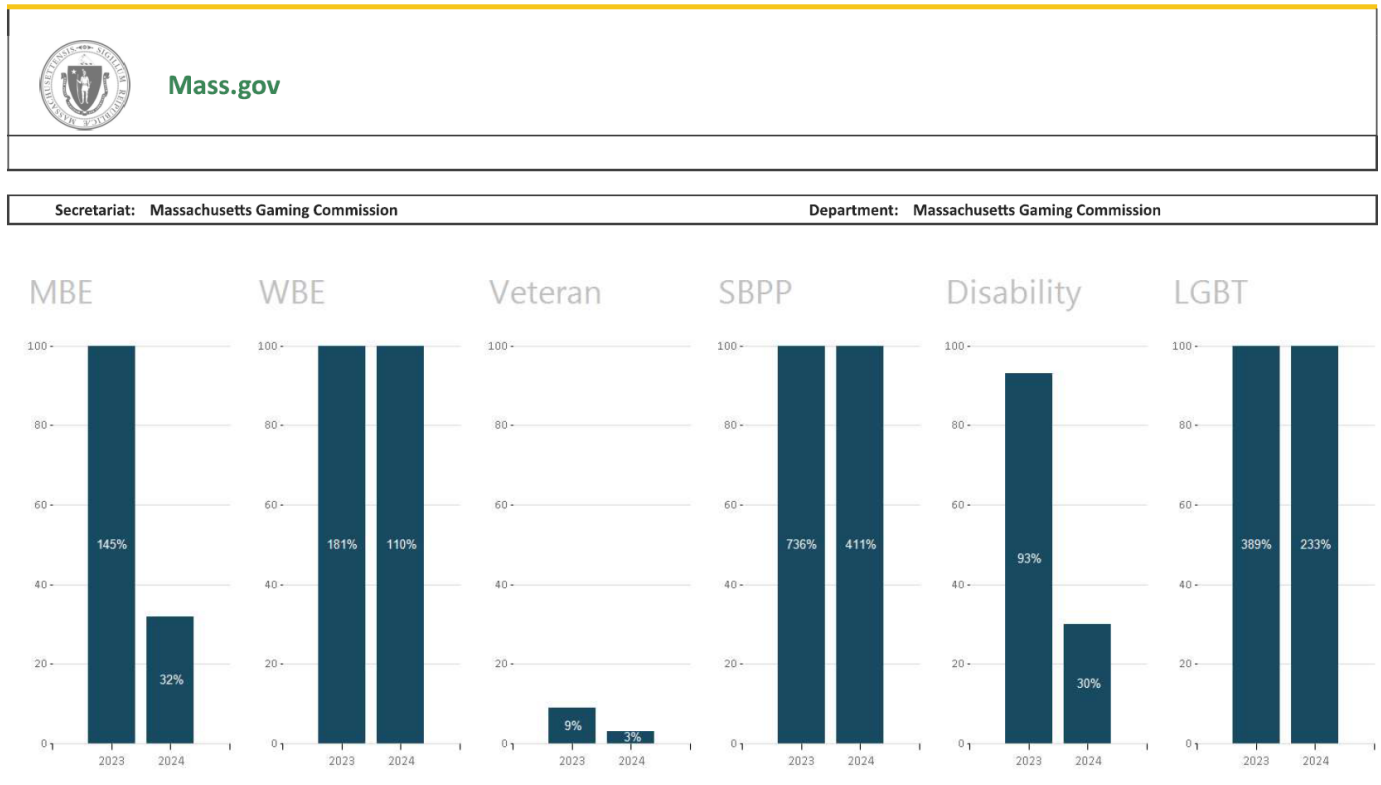
Background:

This memorandum is to provide the Commission a diversity update regarding the Massachusetts Gaming Commission’s (MGC) current FY24 numbers for internal workforce statistics and diversity spend.

The Massachusetts Gaming Commission (MGC) has had a commitment to diversity since its inception as it has adopted OSD’s policies for procurement. More recently, the Supplier Diversity Office (SDO) was established as its own state agency by Chapter 262 of the Acts of 2020, effective January 2021. The mission of SDO is to increase opportunities for certified businesses and small business through annual state agency benchmarks. As such the SDO independently sets the benchmarks and does the spend tracking for The Massachusetts Gaming Commission (MGC).

MGC Diversity Spend Update:

The following chart shows MGC’s final spend status for FY23 and its current spending progress for FY24. As you can see MGC far exceeded its benchmarks for all categories of spend with the exception of VBE spending for FY23.



The table below shows the current benchmarks for MGC FY24 spending as prescribed by the Supplier Diversity Office (SDO). It is worth noting that for FY24 there are two new categories of spend for which benchmarks have been created. These categories are for disability and LGBTE spending. As you can see from the table below that MGC is working towards its goals and has already met its benchmarks for the 2024 fiscal year for LGBTE, Small Business, and Women Owned Business spend.

Fiscal Year	Department	Spending Category	Benchmark Amount	Direct %	Direct Payment
2024	MGC	Disability	\$24,428.83	30.39	\$7,423.75
2024	MGC	LGBTBE	\$24,428.83	233.06	\$56,932.81
2024	MGC	MBE	\$651,435.56	31.75	\$206,830.81
2024	MGC	SBPP	\$268,717.16	411.38	\$1,105,453.63
2024	MGC	Veteran	\$244,288.33	3.04	\$7,423.75
2024	MGC	WBE	\$1,140,012.25	110.17	\$1,255,909.50

Workforce Snapshot:

As we look internally at the MGC workforce diversity numbers, we are pleased to announce that the Commission is currently meeting its internal diversity goals as depicted below.

Total # of MGC Voluntary Disclosures as of 11/20/23	134	100%
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Identifier	Employee Count	Staff Percentage
Male	65	48.51%
Female	69	51.49%

Total # of MGC Voluntary Disclosures as of 11/20/23	132	98.51%
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White	99	75.00%
Black	15	11.36%
Asian	12	9.09%
Hispanic	3	2.27%
Multi-Ethnic	3	2.27%

***Note**

MGC has a current total staff of 134, 2 MGC employees chose not to self-identify ethnicity



December 14, 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 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.);

Enhanced Operational Flexibility



Massachusetts Gaming Commission

- 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.);
- Delete language from G.L. c. 23K, § 3 that prohibits the Commission from employing any individual if, during the period commencing 3 years prior to employment, that individual held any direct or indirect interest in, or was employed by, a gaming licensee (note- there is no corresponding restriction included in the sports wagering or horse racing laws) (Rationale- While this restriction was logical at the inception of the Commission to ensure that the agency was not comprised of industry insiders, that concern no longer exists. The restriction now needlessly creates difficulty in recruiting for certain positions at the Commission.).

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



Massachusetts Gaming Commission

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 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:

Cathy Judd-Stein, Chair

Eileen M. O'Brien, Commissioner



Massachusetts Gaming Commission

Bradford R. Hill, Commissioner

Nakisha L. Skinner, Commissioner

Jordan Maynard, Commissioner



Massachusetts Gaming Commission

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