



## 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:

**Monday | December 16, 2024 | 11:00 a.m.**  
**VIA REMOTE ACCESS: 1-646-741-5292**  
**MEETING ID/ PARTICIPANT CODE: 112 399 8624**  
**All meetings are streamed live at [www.massgaming.com](http://www.massgaming.com).**

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

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

### **PUBLIC MEETING - #542**

1. Call to Order – Jordan Maynard, Chair
  
2. Meeting Minutes
  - a. November 27, 2023 **VOTE**
  - b. January 11, 2023 **VOTE**
  
3. Administrative Update – Dean Serpa, Executive Director
  - a. End of Racing Season Update – Dr. Alexandra Lightbown, Director of Racing
  
4. Legislative Update – Commissioner Brad Hill
  
5. Legal – Todd Grossman, General Counsel
  - a. Discussion of HG Vora status and request for relief concerning intent to nominate board nominees of Penn Entertainment, Inc. **VOTE**



Massachusetts Gaming Commission

6. Racing – Dr. Alexandra Lightbown, Director of Racing
  - a. Plainridge Park Casino Requests – Steve O’Toole, Director of Racing, Plainridge Park Casino
    - I. Request for Approval of 2025 Simulcast Export Signals **VOTE**
    - II. Request for Approval of 2025 Simulcast Import Signals **VOTE**
    - III. Request for 2025 Premium Free Period **VOTE**
    - IV. Request for Approval of 2025 Account Wagering Provider **VOTE**
    - V. Plainridge Park Casino request for Promotional Fund Reimbursement for Handicapping Series and Billboard Advertising-Chad Bourque, Financial Analyst **VOTE**
  - b. Suffolk Downs Requests – Bruce Barnett, Attorney, DLA Piper; Michael Buckley, COO Suffolk Downs
    - I. Request for Approval of 2025 Simulcast Import Signals **VOTE**
    - II. Request for 2025 Premium Free Period **VOTE**
    - III. Request for Approval of 2025 Account Wagering Providers **VOTE**
  - c. Raynham Park Requests – Sue Rodrigues, Vice President of Operations, Raynham Park
    - I. Request for Approval of 2025 Simulcast Import Signals **VOTE**
    - II. Request for Approval of 2025 Account Wagering Provider **VOTE**
  
7. Sports Wagering Division – Carrie Torrissi, Chief of Sports Wagering Division
  - a. Request for Temporary Waiver for FanDuel from identity authentication questions requirement in 205 CMR 248.04(4) – Carrie Torrissi, Chief of Sports Wagering Division **VOTE**
  - b. Update to House Rules: DraftKings - Andrew Steffen, Compliance and Operations Manager **VOTE**
  
8. Investigations and Enforcement Bureau – Caitlin Monahan, Chief of Investigations and Enforcement Bureau; Kara O’Brien, Chief of Licensing Division
  - a. Approval of form for Request for Leave to Obtain a Renewed Temporary License (205 CMR 219.04) **VOTE**
  - b. Approval of form for Request for a Temporary License (205 CMR 219.02) **VOTE**
  
9. Community Affairs Division – Joe Delaney, Chief of Community Affairs
  - a. Community Mitigation Fund – Reassignment of DCR Grant to MassDOT **VOTE**



Massachusetts Gaming Commission

10. Executive Session Minutes

a. Executive Session

**VOTE**

The Commission anticipates that it will meet in executive session to review minutes from previous executive session, as their discussion at an open meeting may frustrate the intended purpose for which the executive session was convened, pursuant to G.L. c. 30A, § 21(a)(4), c. 30A, §21(a)(7), and G.L. c. 4, § 7(26)(f): November 21, 2024; and G.L. c. 30A, § 21(a)(7), G.L. c. 23N, § 6(i) and G. L. c. 4, § 7(26)(n): January 11, 2023

I. November 21, 2024

**VOTE**

II. January 11, 2023

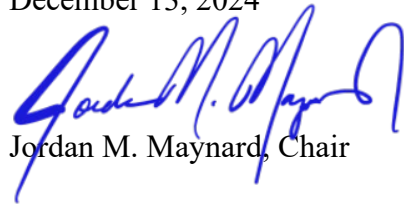
**VOTE**

11. Commissioner Updates

12. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that this Notice was posted as “Massachusetts Gaming Commission Meeting” at [www.massgaming.com](http://www.massgaming.com) and emailed to [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us). Posted to Website: December 12, 2024 | 11:00 a.m. EST

December 13, 2024



Jordan M. Maynard, Chair

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



Massachusetts Gaming Commission



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## Massachusetts Gaming Commission Meeting Minutes

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

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 1431 1966

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 422<sup>nd</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

#### 2. [Opening Remarks](#) (00:42)

Chair Judd-Stein stated that during this meeting the Commission would be evaluating the application for a category three untethered sports wagering license submitted by Crown MA Gaming LLC d/b/a DraftKings ("DraftKings"). She stated that the session would begin with DraftKings' presentation and demonstration.

#### 3. [Evaluation Process](#) (01:53)

- a. Presentation of application and demonstration of technology and user experience by each applicant for a Category 3 untethered sports wagering operator license in accordance with 205 CMR 218.06 (3)



Senior Director of Government Affairs for DraftKings Chris Cipolla introduced Co-Founder, CEO, and Chairman of the Board for DraftKings Jason Robins. Mr. Robins explained that DraftKings was founded and headquartered in Massachusetts. He stated that DraftKings had grown from a Massachusetts startup to a global multi-vertical gaming and entertainment company.

Mr. Robins stated that DraftKings went public in 2020 and now had more than 5,000 global employees. He stated that DraftKings offered online sports wagering in 20 states and Ontario, Canada. He stated that DraftKings remained headquartered in Boston and that all of DraftKings' founders lived in Massachusetts. He stated that DraftKings had more Massachusetts employees than employees in any other location.

Mr. Robins stated that Massachusetts had an incredible sports traditions and passionate sports fans. He stated that DraftKings' culture and values reflect Massachusetts. He stated that innovation comes from diverse perspectives, thoughts, beliefs, ideas, and experiences. He stated that DraftKings consistently pushed boundaries to ensure its culture and products reflect its employees and customers.

Mr. Robins stated that he believed promoting diversity was the key to DraftKings' competitive advantage. He stated that a workplace that fosters inclusion is an ever-evolving process. He explained that DraftKings had committed \$1 million annually to accelerate the inclusion, equity, and belonging philosophy. He stated that DraftKings sought out diverse talent through partnerships.

Mr. Robins explained that DraftKings recognized the importance of operating responsibly, and that DraftKings' systems-based approach to responsible gaming leveraged technology, employee training, evidence-based research, collaboration with third-parties, and comprehensive education to promote safer play. He explained that DraftKings offered \$1.5 million in funding to all state problem gambling councils regardless of whether DraftKings offers products in those states. He noted that DraftKings began a relationship with the Cambridge Health Alliance, Division on Addiction, before launching sports wagering.

Mr. Robins introduced Co-Founder and President of Global Technology and Product for DraftKings Paul Liberman, Chief Financial Officer for DraftKings Jason Park, Chief People Officer for DraftKings, Graham Walters, Chief Marketing Officer for DraftKings Stephanie Sherman, Senior Director of Responsible Gaming Christine Thurmond, and Director of Product Jeremy McAuley.

Mr. Cipolla stated that he wanted to note two items before DraftKings presentation. He stated the first item was that several items in DraftKings' application were noted as confidential. He asked that any materials designated confidential be discussed in executive session. He explained that the second item was that the presentation contained forward-looking statements that were subject

to risk and uncertainties. He stated that actual results may differ materially from historical results and the forecast. He noted that the presenters would discuss non-GAAP financial measures that would be useful in evaluating DraftKings' operating performance.

Mr. Liberman explained that DraftKings launched in 2012 as a daily fantasy sports operator and had been headquartered in Massachusetts since. He stated that in 2018 the Supreme Court of the United States overturned the ban on sports wagering, and that DraftKings was the first company to launch an online sports wagering application in the United States outside of Nevada on August 1, 2018. He stated that DraftKings had leveraged technology, expertise, marketing, and analytics to be the first live online sports wagering operator. He explained that DraftKings had launched in twenty jurisdictions over the next four years and received twenty-three sports wagering licenses. He stated that DraftKings had over 4,000 employees, 2.7 million monthly players, and 22 million total registered users.

Mr. Liberman explained that DraftKings had eleven offices globally, and that DraftKings provided 24/7 coverage for technology and customer support. He stated that Boston was DraftKings' global headquarters, and that DraftKings operated sports wagering in twenty states with twelve retail sportsbooks and eighteen properties. He stated that DraftKings was the only operator operating in twenty states at this time.

Mr. Liberman explained that DraftKings was a vertically integrated online sportsbook. He stated that DraftKings ran all of the technology involved in the platform. He noted that DraftKings developed cutting edge retail sportsbook technology in-house. He stated that DraftKings operated daily fantasy sports in forty-six states. He noted that DraftKings had developed proprietary technology for sports wagering and iGaming and stated that DraftKings had a leading market presence. He explained that DraftKings had invested in product innovation, data-driven marketing, and creating a leading customer experience.

Mr. Lieberman stated that DraftKings had more than 1,000 customer service associates and provided customer service 24/7/365. He noted that DraftKings tracked customer satisfaction with service, service levels, and time to resolution, to ensure customers have a great experience.

Mr. Park explained that DraftKings had grown more than 100% between 2020 and 2021. He noted that DraftKings had not announced its fiscal year 2022 results, but that Wall Street Consensus Estimates anticipated that DraftKings had grown another 68% between 2021 to 2022.

Mr. Park explained that DraftKings was not yet profitable because it was still in investment mode in an expanding industry. He stated that the Wall Street Consensus Estimates anticipated 2022 to be DraftKings' deepest loss year, with a strong inflection in profitability starting in 2023 and achieving profitability shortly thereafter.

Mr. Park stated that DraftKings was well capitalized with over \$1.2 billion in cash reserves. He noted that DraftKings had more than 1,300 Massachusetts employees. He stated that DraftKings

would contribute to the Massachusetts economy through employment, income tax, benefits to local businesses, parking and transportation to DraftKings' Back Bay offices, sales tax, and taxes on DraftKings' daily fantasy sports product.

Mr. Park noted that DraftKings was a publicly traded company and stated that any estimates regarding economic projections may constitute material non-public information. He requested that these estimates be discussed in the executive session. He explained that DraftKings had a strong ability to develop estimates and projections based upon states where it has existing operations and trends seen across the country.

Mr. Walters explained that DraftKings' approach to diversity, equity, and inclusion ("DEI") was to ensure that everyone felt safe, empowered, engaged, and championed. He stated that DraftKings' overall DEI philosophy was to maintain parity and opportunity throughout the employee lifecycle. He stated that DraftKings was data driven and aspired to measure and approve all parts of the employee lifecycle.

Mr. Walters stated that DEI was systemic and that DraftKings viewed the entire system, not just demographics. He stated there was a four-point framework that focused on building relationships for hiring, leveraging DraftKings' platform to align with DEI values, investing in systems and processes, and enhancing infrastructure and data systems to track progress and improve.

Mr. Walter's presented DraftKings' employee diversity statistics. He explained that DraftKings had gone from having 15.3% employees who identified as Black, Indigenous, or people of color ("BIPOC") in 2018 to 31.5% BIPOC employees in 2023. He explained that DraftKings had also increased its number of women employees from 19.8% in 2018 to 26.6% in 2023. He noted that overall diversity numbers including LGBTQ and veteran employees had increased from 40.4% in 2018 to 57.8% in 2023.

Mr. Walter's stated that DraftKings had more than doubled BIPOC representation and increased women representation by 34% since 2018. He stated that DraftKings did not only measure demographics, but also representation and progress made. He stated that DraftKings will continue to make progress and focus on DEI representation.

Mr. Walters stated that of the 1,317 DraftKings employees residing in Massachusetts were 27% women and 18% BIPOC. He noted that DraftKings anticipated adding between 75 and 85 new employees in Massachusetts in 2023. He explained that DraftKings took a data and partnership-oriented approach to expand diversity. He stated that DraftKings focused on local and national colleges. He stated that DraftKings also aligned with diverse networking groups. He stated that DraftKings had an executive recruiting team that sourced talent to increase representation in leadership.

Mr. Walters explained that DraftKings utilized a company-wide survey regarding engagement scores. He stated that DraftKings provided expanded benefits coverage including gender affirming benefits, family planning, enhanced office accommodations, and pay equity.

Mr. Walters explained that DraftKings had three business resource groups. He stated that DraftKings also had a program called Tech for Heros that provides training in tech skills to veterans. He stated that Tech for Heroes had more than 600 participants and that 63% of those participants identified as non-white.

Mr. Walters explained that DraftKings was developing a systematic approach to better understand supplier demographics. He stated that DraftKings hoped to get a better idea of overall supplier diversity in 2023 and set realistic goals.

Mr. Walters stated that DraftKings goals were to have 35% women employees and 40% BIPOC employees by 2025. He stated that internal information had to be better analyzed in order to set realistic long-term goals regarding supplier diversity.

Ms. Thurmond explained that DraftKings was continuing to expand its responsible gaming program. She stated that DraftKings had assembled a team of responsible gaming experts with extensive experience. She stated that DraftKings' approach utilized training, intervention, external engagement, marketing, and platform tools. She stated that DraftKings had launched [dksaferplay.com](https://dksaferplay.com), a website dedicated to promoting safe play.

Ms. Thurmond stated that protocols and procedures were designed to mitigate harm among players, and that there was a dedicated player protection team. She noted that DraftKings was partnered with the American Gaming Association ("AGA"), BetBlocker, the Cambridge Health Alliance, the National Council on Problem Gambling, and the International Center for Responsible Gaming.

Ms. Sherman stated that DraftKings had a culture of compliance. She stated that there was monthly dedicated responsible gaming marketing, and that DraftKings adhered to the AGA marketing code. She noted that DraftKings had launched a Practice Safe Bets campaign.

Mr. McAuley explained DraftKings' platform features and provided a platform demonstration. Chair Judd-Stein asked where the responsible gaming language was located on the homepage. Mr. McAuley explained that the home page could be configured to include responsible gaming disclaimers and other state-specific requirements.

Commissioner O'Brien asked how the product demonstration worked in DraftKings' Boston offices. Mr. McAuley stated that he was using an internal test account using a local VPN set up with GeoComply for the purposes of testing the platform.

Commissioner Hill requested clarification regarding same game parlay bets. DraftKings' Senior Vice President of Product, Greg Karaolis, explained that same game parlays had been in the American market for eighteen months. He stated that they involved selections from the same event which were related. Commissioner Hill asked if the odds would be the same across different operators. Mr. Cipolla stated that the answer was competitively sensitive information, which was more suitable for an executive session.

Chair Judd-Stein inquired about whether DraftKings used official league data in other jurisdictions, as was required for certain types of wagers. Vice President of Government and Regulatory Affairs from Gaming Laboratories International ("GLI") Joe Bunevith stated that 205 CMR 247.05 allowed sports wagering operators to use any licensed data source to determine the results of all tier one and tier two sports wagers. DraftKings' Senior Director of Regulatory Compliance Jake List stated that DraftKings used official league data in jurisdictions which require it. He stated that it would not be a problem if Massachusetts implemented a similar requirement.

b. [Presentations and Analysis Relevant to review and evaluation of Application for each Category 3 untethered sports wagering operator license](#): (1:34:17)

i. [Technical Components](#) (1:34:17)

GLI's Client Solution Executive Gabe Benedik provided an overview of the certification process and end verification for mobile applications and other digital platforms once they are approved by the Commission. He stated that GLI would verify whether the platform meets all requirements specific to Massachusetts during the verification process.

ii. [Report on suitability of the Applicant](#) (1:41:38)

Senior Enforcement Counsel Kathleen Kramer discussed the IEB's report on the preliminary suitability of category three sports wagering applicant DraftKings. The Commission agreed to hold questions related to suitability until their review of Section G of the application.

iii. [Financial and Economic Impact Analysis](#) (1:44:59)

Connor Loughlin, Finance Consultant from RSM US LLP ("RSM"), presented on the financial and economic impact sports wagering would have in Massachusetts, with topics including anticipated market size in Massachusetts, year-over-year growth trends, market share data from other jurisdictions, and hold percentage over time. He stated that the information provided by DraftKings included competitively sensitive data that would be better addressed in an executive session.

c. [Review and evaluation of each Application for a Category 3 untethered sports wagering operator license as submitted by Bally's Interactive, LLC, Betfair Interactive](#)

[US, LLC \(d/b/a FanDuel\), Betr Holdings, Inc., Crown MA Gaming, LLC \(d/b/a DraftKings\), Digital Gaming Corporation USA, and PointsBet Massachusetts, LLC in accordance with 205 CMR 218.00 including, but not limited to consideration of the following criteria \(1:52:52\)](#)

Before the Commission's review of DraftKings' application, Chair Judd-Stein asked what topics had already been identified for executive session. General Counsel Todd Grossman stated that two topics for the executive session were whether odds for in-game wagers were consistent between operators, and the competitively sensitive financial information identified by RSM.

i. [Experience and Expertise related to Sports Wagering \(205 CMR 218.06\(5\)\(a\)\) \(2:32:24\)](#)

Commissioner O'Brien expressed concern about DraftKings' continued use of promotions using the phrase "free bets." Ms. Sherman stated that DraftKings consistently evaluated the language it used and would comply with all Commission regulations. Commissioner O'Brien asked if DraftKings' planned to move away from that language absent a regulatory mandate. Ms. Sherman stated that she would provide specifics as to how the language is addressed in other jurisdictions.

The Commission requested details regarding DraftKings' relationships with the UFC and individual athletes, and what guardrails were in place. Ms. Sherman stated that deals were formed in partnership with the sports governing bodies, and that she would be able to share more details regarding the terms of the deals in the executive session. Mr. Cipolla stated that DraftKings worked with integrity monitors, sports governing bodies, and regulators. Ms. Sherman noted that DraftKings had a vetting process for partnerships.

Commissioner Maynard asked how DraftKings acquired information regarding users in Massachusetts. Mr. Cipolla stated that any questions regarding DraftKings' customer base in Massachusetts should be reserved for the executive session. He stated that some of the users had enrolled in other jurisdictions or signed up for daily fantasy sports.

Commissioner O'Brien asked what changes had been made to address the lower metrics in the data from the customer satisfaction survey in 2020. Mr. McAuley stated that features had been developed and implemented in the platform to address those particular issues.

Chair Judd-Stein expressed concern regarding the millions of free-to-play offerings provided since 2018. She stated she had concerns about the frequency and intensity of advertising and asked if DraftKings' business model still depended upon that approach. Mr. Cipolla stated that any questions regarding DraftKings' approach to marketing were competitively sensitive and more appropriate for executive session. Ms. Sherman stated that strategy conversations were conducted regarding sustainability in the industry.

Commissioner O'Brien asked how customer support would be available if a customer was locked out of their account. Mr. Liberman stated that DraftKings' support page was available whether a customer was logged in or not. He stated that there was also self-service password recovery. Commissioner O'Brien noted that there were protections in place for withdrawing money, and asked how those protections could be reconciled with the recent data breach. Mr. Cipolla stated that this question was appropriate for executive session due to cybersecurity implications.

The Commission reached consensus that DraftKings had met the Commission's expectations with respect to Section B of the application.

ii. [Economic impact and other benefits to the Commonwealth if applicant is awarded a license \(205 CMR 218.06\(5\)\(b\)\)](#) (3:04:11)

The Commission discussed DraftKings' anticipated cooperation with the Massachusetts State Lottery. Ms. Sherman stated that DraftKings was open to a conversation with the Lottery. Commissioner Maynard sought clarification regarding the number of new employees in Massachusetts. Mr. Walters stated that twenty-five of the anticipated Massachusetts employees were associated with the Commission approving DraftKings for licensure. He stated that DraftKings would have seventy-five new employees overall in Massachusetts, which was inclusive of the twenty-five tied to this license.

Commissioner O'Brien asked for specific examples of DraftKings promoting local businesses. Mr. Walters stated that DraftKings was partnered with Boston While Black. Mr. Cipolla noted that DraftKings worked with local businesses to create partnerships in each jurisdiction it was licensed in. He stated that future plans for partnerships were competitively sensitive information and requested to discuss them in executive session.

Chair Judd-Stein inquired about how DraftKings anticipated sports wagering would affect the daily fantasy sports market. Mr. Cipolla stated that DraftKings would prefer to discuss that topic in the executive session.

The Commission reached consensus that DraftKings had met the Commission's expectations with respect to Section C of the application.

iii. [Applicant's willingness to foster racial, ethnic, and gender diversity, equity, and inclusion \(205 CMR 218.06\(5\)\(d\)\)](#) (3:15:10)

Commissioner O'Brien asked for details regarding the low percentage of women employees. Mr. Walters noted that DraftKings had made progress, but that the tech market was a male-dominated field. He stated that retail companies have a better chance at increasing gender diversity than mobile companies. Commissioner O'Brien stated that Massachusetts' universities could provide a good recruitment opportunity for women. She stated that she wanted to see the

gender diversity number increase. Commissioner Maynard stated that the STEM Council was very active in Massachusetts.

Commissioner O'Brien inquired about the breakdown of female and minority representation across various levels within the organization, including the parent company's board of directors. Mr. Walters provided the requested data.

The Commission expressed a desire for DraftKings to establish specific goals for supplier diversity spending, as other applicants had done. DraftKings agreed to work towards setting realistic and aggressive long-term goals in this area.

The Commission reached consensus that DraftKings had met the Commission's expectations with respect to Section D of the application.

iv. [Proposed measures related to responsible gaming \(205 CMR 218.06\(5\)\(c\)\)](#)  
(3:33:26)

Commissioner O'Brien asked whether there was a feature to limit a user's screentime. Mr. McAuley confirmed the feature existed and that it was offered in all jurisdictions. Commissioner O'Brien sought clarification regarding the portability of large deposits. Mr. McAuley stated that each time a customer's deposit limit increased, confirmation was required in the form of a bank statement or paystub. He stated that this policy ensured that the customer could support the play they were intending. Mr. Cipolla stated that this feature was proprietary and requested that any further discussion occur in the executive session.

Chair Judd-Stein asked whether all funds were able to be withdrawn from accounts, even amounts as small as a quarter. Mr. McAuley stated that some payment providers placed restrictions on small amounts, but all customers could receive a full refund by contacting customer support.

Commissioner O'Brien sought details regarding the launch in Ohio. Mr. Cipolla requested to discuss the specific details in the executive session. Commissioner Skinner asked if the applicant could speak to items regarding its ultimate parent company. Mr. Cipolla stated that all of DraftKings' answers spoke to the operation of the ultimate parent company.

Mr. Cipolla stated that DraftKings' representatives were prepared to discuss public details regarding certain incidents in the public session but requested that any details regarding processes and policies changed as a remediation effort be discussed in executive session.

Mr. Cipolla explained that DraftKings received notice from the New Jersey regulator that DraftKings had mistakenly sent push notifications to users who were excluded or cooling off in October and November of 2020. He noted that DraftKings was also fined \$10,000 in New Jersey



in March of 2021 for sending direct mail to those on the exclusion list. He asked to discuss DraftKings' remediation efforts in executive session.

Mr. Cipolla explained that DraftKings was fined \$6,000 in Indiana for sending direct mail to excluded persons, failing to timely submit licensing paperwork for new members to the board of directors, and failing to disclose certain information regarding licensed employees. He asked to discuss DraftKings' remediation efforts in executive session.

Commissioner Skinner asked about a fine issued by the Illinois Gaming Board. Mr. List stated that DraftKings was fined \$15,000 for failure to timely disclose a binding letter of intent with an entity affiliated with the Chicago Cubs. Commissioner Skinner asked if protocols were put in place to prevent similar issues. Mr. List stated that DraftKings implemented internal policies related to these types of agreements.

DraftKings' Chief Compliance Officer Jennifer Aguiar detailed administrative issues related to the late submissions of notifications and licensing applications. Commissioner Skinner asked if protocols were put in place to ensure timely filing of notice of agreements. Mr. Cipolla stated that any business decisions and modifications of protocols were more appropriate for executive session.

Commissioner Skinner inquired about a civil penalty from New Jersey. Mr. Cipolla stated that there was a \$150,000 civil penalty for proxy wagering by a customer. He noted that the stipulation settlement was not public knowledge despite some facts of the matter being discussed publicly and asked to discuss the incident further in executive session.

Commissioner O'Brien inquired about a fine from Ontario on June 30, 2022. Mr. Cipolla stated that there was a \$65,000 fine in connection with a television and social media advertisement that was classified as an inducement. He stated that Ontario was a new market that was launching, and that DraftKings had relied upon a third-party associated with the regulator to approve the promotion, but that the regulator ultimately decided that the promotion was not permitted. He stated that DraftKings would provide a more detailed description in the executive session.

Commissioner O'Brien inquired about settlements in New York and Massachusetts in 2017. DraftKings' Chief Legal Officer Stanton Dodge stated that he was not with DraftKings at the time of this litigation, but that he commended DraftKings' culture of compliance. He noted that DraftKings cooperated with Massachusetts to help develop the framework that regulated the daily fantasy sports industry.

The Commission agreed to wait until after the executive session to decide whether there was a consensus as to whether DraftKings met the Commission's expectations with regard to this section of the application.

v. [Technology that the applicant intends to use \(205 CMR 218.06\(5\)\(e\)\)](#) (4:13:34)

Commissioner O'Brien noted that she had questions related to data breaches that would be more appropriate for the executive session. The Commission reached consensus that DraftKings had met the Commission's expectations with respect to Section F of the application.

vi. [Suitability of the applicant and its qualifiers \(205 CMR 218.06\(5\)\(f\)\)](#) (4:14:46)

Commissioner O'Brien inquired about litigation listed in the June 30, 2022 Securities and Exchange Commission ("SEC") filings. Mr. Dodge explained that there was multidistrict litigation related to daily fantasy sports that ultimately ended up in Massachusetts.

Commissioner O'Brien sought details regarding the shareholder derivative lawsuit related to the SBTech acquisition. Mr. Dodge explained that DraftKings acquired SBTech in 2020. He stated that the SEC report was based on the practices of SBTech prior to the time DraftKings acquired the entity. He stated that DraftKings was cooperating with the SEC as they investigated the report. He noted that DraftKings' motion to dismiss the securities class action was granted in New York the day before this meeting. He explained that several derivative cases had been compiled, and that DraftKings was looking into its next steps now that the motion to dismiss was granted in the New York matter.

Commissioner O'Brien asked about sales and use tax audits in Wisconsin and New York. Mr. Cipolla asked that the Commission continue its questioning while DraftKings looked into the audit. Commissioner O'Brien asked about the term "less formal business models" in connection with SBTech. Mr. Cipolla stated that he would prefer to discuss that topic in the executive session. Mr. Park explained that the audits in Wisconsin and New York were related to the taxation of daily fantasy sports activities in those states.

Commissioner O'Brien asked about the 2022 patent infringement case and asked whether DraftKings wished to comment on a follow-up letter submitted to the IEB. Mr. Cipolla noted that this topic was related to cybersecurity and asked that it be discussed in the executive session. Mr. Dodge noted that the patent infringement case was related to various patents regarding cash-out methods. He stated that DraftKings had filed Inter Partes Reviews at the United States Patent and Trademark Office to determine the validity of those patents. He noted that DraftKings had filed a motion to dismiss that was granted in part and denied in part.

Mr. Park noted that the IEB's report had a blank row in the adjusted EBITDA chart. He stated that DraftKings would supplement that information as it appeared due to mathematical error. He stated that DraftKings would also request that player liability not be included in the debt-to-equity ratio. Mr. Loughlin stated that RSM was prepared to discuss these topics in the executive session.

Commissioner O'Brien asked if the issue related to website references was appropriate for the executive session. Mr. Cipolla stated that he had no knowledge of the matter cited, and that he did not believe that the matter was in connection with DraftKings. Senior Enforcement Counsel

Kramer stated that the matter was discovered while searching an independent database, and that the IEB had yet to perform an independent verification at this stage.

Chair Judd-Stein inquired about the recent data breach. Mr. Cipolla stated that the topic would be more suited for the executive session.

d. [Executive Session](#) (4:54:21)

General Counsel Grossman reiterated the twelve topics that the Commission identified for discussion in executive session during the meeting.

Chair Judd-Stein stated that the Commission anticipated that it may meet in executive session in conjunction with its review of the Crown MA Gaming, LLC (DraftKings), application in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 23N, § 6(i) to consider information submitted by the applicant in the course of its application for an operator license that is a trade secret, competitively-sensitive or proprietary and which if disclosed publicly would place the applicant at a competitive disadvantage and G. L. c. 4, § 7(26)(n) (certain records for which the public disclosure is likely to jeopardize public safety or cyber security) to consider information submitted in the application materials related to the security or safety of persons or buildings, structures, facilities, utilities, transportation, cyber security or other infrastructure located within the commonwealth, the disclosure of which is likely to jeopardize public safety or cyber security.

Commissioner O'Brien moved that the Commission go into an Executive Session on the matters discussed by General Counsel Grossman and for the reasons articulated by the Chair. The motion was seconded by Commissioner Hill.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

Chair Judd Stein stated that the public session of the Commission meeting would reconvene at the conclusion of the executive session.

*Transcriber's Note: The Commission entered the executive session and returned to the public session of the meeting at [6:10:20](#).*

Chair Judd-Stein asked if there were any topics that were not addressed in the executive session. General Counsel Grossman noted that DraftKings was asked to establish workforce diversity goals, supplier diversity goals, and provide the Commission with an overall vendor spending. He

stated that DraftKings had also agreed to provide updates to the Commission regarding material changes in the proceeding relative to DraftKings' launch in Ohio.

The Commission reached consensus that DraftKings had met the Commission's expectations with respect to Section E of the application. The Commission reached consensus that DraftKings had met the Commission's expectations with respect to Section G of the application.

5. [License application determinations by the Commission in accordance with 205 CMR 218.07 relative to the applications submitted by Bally's Interactive, LLC, Betfair Interactive US, LLC \(d/b/a FanDuel\), Betr Holdings, Inc., Crown MA Gaming, LLC \(DraftKings\), Digital Gaming Corporation USA, and PointsBet Massachusetts, LLC.](#) (6:14:56)

Chair Judd-Stein explained that license determinations for category three untethered sports wagering applications would be held on January 18, 2023 and January 19, 2023. The Commission thanked the DraftKings' representatives for their time.

6. [Other Business](#) (6:19:10)

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

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

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

#### **List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda dated January 3, 2023](#)



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## Massachusetts Gaming Commission Meeting Minutes

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

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 204 3176

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](#) (00:07)

Chair Judd-Stein called to order the 489<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Sports Wagering Division](#) (00:48)

a. Sports Wagering Quarterly Reports

The Chief of the Sports Wagering Division, Bruce Band, thanked Commissioners and noted that there were four reports for presentation before the Commission today. He turned the presentation over to Sports Wagering Business Manager, Crystal Beauchemin, to introduce each sports wagering operator.

i. [Caesars Sportsbook](#) (1:51)

Ms. Beauchemin introduced Curtis Lane Jr., Digital Compliance Manager, to present the Caesars Quarterly Report. Mr. Lane then introduced his staff who would be presenting various parts of the Quarterly Report on behalf of Caesars Sportsbook. Presenters included Lisa Rankin, VP of Compliance & Licensing, David Schulte, VP of Procurement, Carolene Layugan, Responsible Gaming Program Director, and Greg Shinbur, Director of Diversity, Equity, and Inclusion. *Caesar's presentation was included in the Meeting Packet on pages 2 through 16.*

While presenting on the company's workforce diversity initiatives, Mr. Shinbur noted that Caesars had set goals to achieve full gender and racial parity across the organization by 2025. Mr. Shinbur noted to the Commission, however, that Caesars does not require its employees to disclose their veteran status. He added that Massachusetts residents were under 1 percent of total staff, and that the total number of staff for Caesars was 1,258 employees.

Commissioner O'Brien noted that the percentage of women represented at the Executive level (9%) was low. She asked if Mr. Shinbur could speak of any efforts or initiatives the company had made to increase that number. Mr. Shinbur stated that Caesars had been trying to increase representation company-wide. He explained that leadership training and advertising initiatives would hopefully increase this representation in the future. Mr. Shinbur also explained that because the executive population at Caesars was small, an increase of even one or two women would significantly raise that percentage. Commissioner O'Brien thanked him for his explanation.

VP of Procurement, David Schulte, then presented on vendor and supplier diversity for the third quarter. He mentioned that the spending had been steadily improving aside from a slight decline in quarter three, to account for some second quarter spending that rolled over into the third quarter. He anticipated that the third quarter numbers would increase slightly after the audit was completed. Mr. Schulte reported that Caesars was also developing a Diversity play book that would more easily identify the states in which we conduct business, and any regulatory requirements associated with the relevant state.

Commissioner Skinner inquired what Caesars' current diversity spending goal was. Mr. Schulte stated that Caesars did not have a set goal per say, but that they were focused on continually improving Caesars' digital market spending by 11%. Commissioner Skinner confirmed whether Caesars would document the intentionality of its efforts within the reports provided to the Commission. Mr. Schulte confirmed that their efforts would be documented within future reports and that they would share them with the Commission very soon.

Mr. Lane then covered the compliance issues of the Sportsbook during the third quarter. He stated that no prohibited individuals were found to be engaging in sports wagering or attempting to wager on the Caesars platform. Caesars also reported that no accounts were suspended due to suspected underage users attempting to gamble.

Commissioner Hill stated that there had been external concerns raised regarding underage individuals using computers and passwords of others to engage in sports wagering. He inquired whether Caesars was able to intercept or determine whether or not this was happening. Mr. Lane stated that from his end, he was not currently aware that this was happening, nor was there a current system that was capable of detecting whether someone was using another person's account.

Commissioner Hill inquired whether Caesars was able to see if two computers, or a phone and a computer, were both accessing the same account, to detect possible fraudulent account usage. Mr. Lane stated that Caesars would review the wagers and where the signals were coming from in terms of proximity. He stated that depending on where the signals were coming from, Caesars would flag the activity, monitor it for a while and then determine if it was legitimate or fraudulent. Commissioner Hill noted that he was comfortable with this approach and now knowing that Caesars utilized GeoComply to determine whether wagers were being placed legitimately.

Chair Judd-Stein inquired whether the way to combat fraudulent use would be to increase identification requirements, facial recognition or multi-factorial authentication. She noted, however, that all devices were not equipped with this functionality, so it may be hard to implement all or some of these initiatives. Mr. Lane noted that the company does require patrons to submit self-portraits while holding their driver's license when suspicious activity is suspected by the platform. Mr. Lane noted that these procedures were always changing and adjusting as these protocols are continually being circumvented by fraudulent players.

Commissioner Skinner asked Mr. Lane if they had ever considered utilizing facial recognition in addition to the other multi-factor authentication methods utilized by Caesars. She recognized that not all phones had that ability, but posited whether it could be an optional consideration. Mr. Lane explained that Caesars asked for certain verifications of identity, but that visual verification using facial ID was not currently being considered.

Commissioner Skinner sought confirmation from Mr. Lane that Caesars had ultimately not identified any suspicious activity that after subsequent investigations was revealed to be minors or underage individuals engaging in sports wagering. Mr. Lane stated that Commissioner Skinner was correct.

Chair Judd-Stein thanked presenters from Caesars for their time and their reports.

ii. [DraftKings](#) (33:50)

Business Manager Beauchemin then introduced Jake List, Senior Director of Regulatory Operations from DraftKings, for their presentation on quarter 3 to Commissioners. Mr. List introduced his colleagues Chrissy Thurman, Head of Responsible Gaming Relations, Christina Ackas, VP of Inclusion, Equity, and Belonging, Jared Hess, Director of Communications, and

Kim Amphai, Accounting Manager. DraftKings' presentation included slides on revenue, workforce diversity and inclusion, vendor and supplier diversity, underage access and compliance, responsible gaming, and community outreach initiatives. DraftKings' presentation was included in the Meeting Packet on pages 17 through 45.

Commissioner Skinner asked if DraftKings was working with the Massachusetts Supplier Diversity Office to increase their diverse vendor numbers. Ms. Ackas, DraftKings' VP of Inclusion, Equity, and Belonging, replied that DraftKings were not yet working with the office, but stated that they had a plan to do so in Q1 of 2024.

Commissioners O'Brien and Hill asked questions regarding underage access and how DraftKings utilizes KYC and geolocation to mitigate the risk of minors accessing the platform. Mr. List explained that DraftKings' multi-layered approach had been successful. He stated that the approach included advanced know-your-customer ("KYC") efforts during registration, multi-factor authentication on new devices, geolocation controls, and behavioral monitoring on the application.

Chair Judd-Stein asked how DraftKings was working to de-stigmatize responsible gaming tools and encourage their use. She stated that Responsible Gaming tools were critical to the commission, and she would welcome anything DraftKings could do to encourage their use. Mr. List explained that DraftKings was working to provide visualization of these tools as much as possible and stated that users received monthly notifications reminding them that they were available. Mr. List also noted that while the percentages of users utilizing the tools may seem low, they represented thousands of people using the tools to manage their play. Chrissy Thurman, Head of Responsible Gaming Relations, added that DraftKings was working to engage with customers on a monthly basis, and put out specific responsible gaming messages to further promote the tools.

Jared Hess, Director of Communications, highlighted DraftKings' charitable initiatives through the DraftKings S.E.R.V.E.S. program, including donations to Dana-Farber Cancer Institute, tree planting events in partnership with the Arbor Day Foundation, sponsorship of the Celtic Shamrock Foundation Tip-off Gala, and support for breast cancer research through the Pink Up campaign. Commissioner O'Brien stated her appreciation that Massachusetts-specific investments were being made by DraftKings within their community outreach initiatives and diverse supplier spending.

Commissioner Hill inquired how or if DraftKings was making users aware of the Massachusetts Lottery. Mr. List stated that, while it had not occurred within the app yet, DraftKings did have an advertising space that could be used to highlight the Massachusetts Lottery.

Chair Judd-Stein thanked Mr. List and his team for their presentation.

iii. [Penn Sports International](#) ("PSI") (1:03:18)



Business Manager Beauchemin introduced Adam Kates, Sr. Director of Compliance from PSI, to provide a presentation on their third quarter report. Prior to starting, Mr. Kates highlighted that PSI's Q3 report would not include metrics related to their re-branding initiatives from Barstool to ESPN, as the shift had taken place after the end of the third quarter. Mr. Kates also explained that PSI had decided to migrate away from third-party vendors, White Hat Gaming and Kambi, in July of 2023. He reported that PSI was now fully independent of third-party vendors in terms of technology, which had resulted in numerous improvements to their programming and products. PSI's presentation included discussions on revenue, workplace diversity and inclusion, vendor and supplier diversity spending, and underage activity on their app. *PSI's presentation was included in the Meeting Packet on pages 46 through 62.*

Commissioner Skinner commended PSI on their increase in workplace diversity and vendor and diversity spending; and welcomed any explanations or strategy Mr. Kates wanted to share on behalf of PSI attributable to their success. Mr. Kates stated that as a compliance director, he didn't have direct insight into their numbers but noted that PSI's HR team, recruitment staff, finance group, and vendor procurement teams did a fantastic job to increase these areas. Mr. Kates noted that PSI was up to almost \$900,000 in its diverse vendor spend for 2023, and that the year was not over yet. Commissioner Skinner congratulated PSI on their increases and hard work.

On the topic of underage activity, Mr. Kates noted that there had been a significant decrease in potential underage activity, attributing this to PSI's enhanced KYC registration initiatives, which required government-issued ID and a selfie for all new accounts created with PSI.

Commissioner Hill asked if Mr. Kates would speak about the geocompliance initiatives used by PSI and how suspicious accounts were tracked and investigated. Mr. Kates explained that PSI's approach to geo-compliance was very similar to DraftKings' and Caesars' approaches. He noted that the protocols included monitoring for teleportation alerts, unusual login patterns, and location pings near high schools or areas with a higher concentration of minors. Mr. Kates added that every instance or alert to PSI received a full investigation, and temporary or permanent account suspension pending the outcome.

Commissioner O'Brien inquired about the requirement for new registrants to provide a selfie and government ID, and whether there were any efforts to have existing patrons upload their own documentation as a form of supplemental verification, or if PSI did not think there were vulnerabilities in its existing customer base. Mr. Kates explained that PSI had discussed plans to implement a similar initiative to existing customers in the future. Mr. Kates explained that PSI was trying to figure out a thoughtful way to roll out the verification initiatives, so they were not disruptive to current patrons. Commissioner O'Brien asked that PSI provide an update to the Commission on this initiative within its fourth quarter report. Mr. Kates took note of the request and stated that PSI would provide an update on their progress.

Commissioner Hill inquired about PSI's work with Mass Lottery, and if there was a way to let patrons know about the Lottery on their app or website. Mr. Kates noted that while the advertisement did not exist in their app, PSI did have advertising space and inventory that they could use for this initiative, similar to how PSI advertises their promotions. He stated that the company could try to devote some of their inventory or ad space to the Massachusetts lottery within their app or on the desktop program.

Commissioner Hill asked if it would be an ad on the inventory space, or if there would be text and a photo concerning the lottery. Mr. Kates stated that there could be cross-sale opportunities, as well as just general awareness and education about the lottery. He confirmed that PSI would explore both initiatives again.

Chair Judd-Stein inquired how many employees there were in the PSI office in Greenfield, Massachusetts. Mr. Kates noted that there were approximately 30 employees but noted that the number of employees may currently be even higher.

Hearing no additional questions, Chair Judd-Stein thanked Mr. Kates for his presentation and for PSI's community outreach initiatives.

iv. [WynnBet](#) (1:27:50)

Business Manager Beauchemin introduced Jennifer Roberts, VP and General Counsel of Wynn Bet, to provide their third-quarter presentation. Ms. Roberts was joined by Jacqui Krum, Senior VP and General Counsel of Encore Boston Harbor. WynnBet's presentation included details on revenue, taxes, workforce diversity initiatives, vendor diversity spend, underage patrons, and community outreach and ongoing initiatives by Wynn Resorts, their parent company. *WynnBet's presentation was included in the Meeting Packet on pages 63 through 81.*

Ms. Roberts highlighted that women represented 50% of the company's workforce at the executive and management levels. She also stated that, although WynnBet's overall workforce diversity percentages have decreased slightly due to attrition and reevaluation of business offerings, the company remained dedicated to promoting a diverse workplace. She added that WynnBet continued to focus on career pathing, upskilling employees, and recruitment initiatives to maintain a diverse workforce.

Ms. Roberts reported that there were no instances of minors attempting to access or successfully accessing their platform. She explained that WynnBet utilizes similar tools as other operators, including GeoComply and KYC procedures. They reviewed funding sources to ensure they did not come from underage individuals and employed measures to flag suspicious activity, such as multiple IP addresses used on the same account.

Commissioner O'Brien asked Ms. Roberts to clarify whether WynnBet mandated multi-factor authentication on their user accounts. Ms. Roberts explained that while it was not mandated,

WynnBet enabled two-factor authentication by default for all accounts. Ms. Roberts provided further explanation that patrons could disable the feature if they ultimately chose to.

Chair Judd-Stein thanked Ms. Roberts for her presentation, and Ms. Roberts exited the meeting.

Following the operator's presentations, Commissioners discussed their observations and concerns, particularly regarding underage wagering, and emphasized the need for continued vigilance and collaboration with operators to address the issue.

Commissioner O'Brien and Commissioner Hill both expressed their concerns about underage gambling and how to detect use by minors. They shared concerns over reports they had reviewed from outside sources regarding underage wagering and highlighted the need for ongoing vigilance and collaboration with operators.

Commissioner O'Brien pointed out a NCAA survey that indicated a high percentage of underage individuals were in fact participating in sports wagering. The Commissioners expressed their support of the operators' use of tools like GeoComply and KYC procedures, but also acknowledged the need to explore additional security mechanisms and educational initiatives to prevent underage access.

Commissioner Maynard echoed Commissioner O'Brien's concerns and highlighted the need for enhanced KYC and multi-factor authentication processes to address potential vulnerabilities.

Commissioner O'Brien also emphasized the importance of collaboration between operators and the Massachusetts Lottery. She cited the Lottery's challenges in competing for advertising space against operators and expressed the view that promoting the Lottery could help generate more revenue for local aid throughout the Commonwealth.

Commissioner O'Brien stressed the need for a comprehensive approach to prevent underage gambling, encompassing enhanced KYC procedures, education for parents and young people, and collaboration with other stakeholders, including law enforcement agencies and major venues. She suggested a deeper investigation into operators' algorithms and data analysis techniques to detect suspicious activity, as well as reviewing patterns of betting behavior beyond geolocation data.

### 3. [Commissioner Updates](#) (1:50:20)

The Commissioners had no updates to provide.

### 4. [Other Business](#) (1:51:40)

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

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

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0. Meeting Adjourned.*

### **List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda](#) dated November 21, 2023
2. Commissioner's Packet from the November 27, 2023 public meeting.



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VIA EMAIL

November 19, 2024

Jordan Maynard, Chair  
Eileen O'Brien, Commissioner  
Bradford R. Hill, Commissioner  
Nakisha Skinner, Commissioner  
Paul Brodner, Commissioner  
Massachusetts Gaming Commission ("Commission" or "MGC")  
101 Federal St., 12th Floor  
Boston, MA 02110

Dear Chair and Commissioners:

We write on behalf of HG Vora Capital Management, LLC ("HG Vora"), an investment adviser registered with the U.S. Securities and Exchange Commission ("SEC") that provides portfolio management and advisory services to a broad range of institutional investors, including endowments, foundations, pensions, and private charitable organizations, among others. HG Vora, on behalf of its clients, owns approximately 9.5% of PENN Entertainment, Inc. ("PENN"), a public company licensee that operates Plainridge Park Casino and interactive gaming platform ESPN Bet in Massachusetts.

HG Vora submitted to the Commission's Investigations and Enforcement Bureau ("IEB") its initial licensure application on January 25, 2024 and additional applications requested by the IEB on March 8, 2024. We understand the IEB deemed such applications complete in May 2024, at which time its investigation of HG Vora as a license applicant commenced. On October 11, 2024, we submitted a letter to the Commission seeking emergency relief to expedite the review of HG Vora's application for licensure by the IEB or, alternatively, allow HG Vora to exercise its fundamental shareholder right to nominate directors as set forth in PENN's bylaws while its licensure review is ongoing. In order to be eligible to nominate directors to PENN's board in 2025, PENN requires a shareholder to satisfy four conditions: (i) ownership of least 1% of PENN common stock for a consecutive twelve months; (ii) completion of detailed forms regarding the shareholder and its recommended director candidates, for up to three of nine board seats; and (iii) **notice of such recommendations be timely submitted to PENN, i.e., for its next annual meeting, by February 4, 2025; and** (iv) the shareholder must be present at the annual meeting, typically held in June.

We appreciate the continued time and attention of staff from the IEB and the General Counsel's Office of the Commission, and the productive nature of our discussions with them. Recognizing the complexity of this matter, we wish to revise our request. **We now ask instead that the Commission exercise its discretion to permit HG Vora to take the limited procedural step required by PENN's bylaws of submitting, by February 4, 2025, advance notice of recommended board candidates.** The effect of submitting such notice is two-fold – it **provides personal information about suggested board candidates for consideration by the Nominating and Governance Committee ("NGC")**, the governing body within PENN that conducts an annual process for recommending final Board candidates **and**, if the NGC determines not to recommend such suggested candidates, it **preserves HG Vora's eligibility to nominate** them as candidates by filing its own proxy statement in early to mid-April 2025 and be present at the [June] 2025 annual meeting to formally nominate such candidates for election. In furtherance of the mission and goals of the IEB and, more broadly, the Commission, HG Vora would agree that this relief be subject to satisfaction of the following conditions:

- (i) a determination reached by the IEB that such procedural step *to preserve eligibility* to nominate director candidates is not moot (*i.e.*, there is a reasonable expectation that a licensure determination can be reached in time for the shareholder *to exercise* its right to nominate such candidates at PENN's annual meeting); and
- (ii) during the pendency of its licensure application, HG Vora shall (x) not take any action to influence or affect the affairs or operations of PENN and (y) comply with specific requirements as IEB may determine are necessary or appropriate to ensure the status quo between HG Vora and PENN is maintained, until such time as the Commission has reached a determination that HG Vora meets the qualifications for licensure.

We propose that such requirements may include continuing to refrain from making public statements that similarly situated shareholders may make, such as press releases, public statements and letter writing campaigns, with one limited exception. Assuming the requested relief is granted while its licensure application is pending, HG Vora would be required to amend its existing Schedule 13D filing with the SEC to disclose that HG Vora has taken this procedural step; however, such disclosure can be kept to a minimum, including treating the names of the recommended nominees confidential.

We believe this proposed path forward achieves several important objectives. **First**, it respects the analysis and position taken by the IEB in January 2024<sup>1</sup> as applied to the facts and circumstances at that time, while recognizing HG Vora's cooperation as an applicant and the likelihood that a licensure determination can be reached in advance of PENN's annual meeting.<sup>2</sup> **Second**, it enables the licensure application review and determination processes of the IEB and Commission, respectively, to continue in the ordinary course.<sup>3</sup> **Third**, it is specific and narrow, thereby ensuring that the potential risk of creating unhelpful precedent for the IEB or Commission is limited or non-existent. **Fourth**, it aligns with PENN's "shareholder engagement program" described in its 2024 annual meeting proxy materials (see Appendix accompanying this letter). One component of PENN's program is its consideration of "candidates for Board membership suggested by, among others, . . . shareholders" so long as such recommendations are submitted in accordance with PENN's requirements.<sup>4</sup> **Fifth**, it preserves HG Vora's eligibility to exercise – at a future time – its fundamental shareholder right to nominate director candidates to PENN's Board, while review of its licensure application is pending, if and only if the Commission has reached a determination that HG Vora meets the qualifications for licensure. **Sixth**, it avoids the inequitable outcome of HG Vora, a long-term shareholder and fully cooperative license applicant since January 2024, being restricted from preserving its eligibility to nominate director candidates – for a second year – where a new shareholder of PENN would not be.<sup>5</sup>

We acknowledge that submitting advance notice to PENN of recommended board nominees may be interpreted as a step towards acting to influence or affect the operations or affairs of PENN. But we believe the Commission has discretion under its statute and regulations to recognize that the submission of advance notice is not, in and of itself, such an action; rather, it is a required preparatory or anticipatory step if one wishes to preserve the option of taking that future action. The proposed limiting conditions on HG Vora in connection with a submission of advance notice provide safeguards against action that may influence or affect the operations or affairs of PENN while HG Vora's licensure application is pending. Submitting advance notice to PENN, as prescribed by PENN and by a deadline imposed by PENN,

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<sup>1</sup> Forfeiture of HG Vora's status as an institutional investor due to HG Vora's request to PENN on December 18, 2023 that it be afforded the immediate right to designate directors to PENN's board (*see* Schedule 13D filing by HG Vora with the SEC (December 28, 2023), available at <https://sec.gov/Archives/edgar/data/921738/000121465923016937/j1227232sc13d.htm>); and restriction imposed by IEB February 2, 2025 on the ability of HG Vora to submit advance notice of potential board candidates for election at PENN's annual meeting. HG Vora also brought to PENN's attention that the unequal allocation of members across each of the three classes of its board was in violation of the Pennsylvania Business Corporation Law and the company's Articles of Corporation (see amendment to Schedule 13D filing by HG Vora with the SEC (January 16, 2024), available at <https://www.sec.gov/Archives/edgar/data/921738/000121465924000733/g115240sc13da1.htm>); PENN addressed this violation by announcing changes to its board, effective April 19, 2024 and its annual meeting on June (*see* Form 8-K filing by PENN with the SEC (April 22, 2024), available at [https://www.sec.gov/ix?doc=/Archives/edgar/data/0000921738/000110465924049980/tm2412393d1\\_8k.htm](https://www.sec.gov/ix?doc=/Archives/edgar/data/0000921738/000110465924049980/tm2412393d1_8k.htm)).

<sup>2</sup> In February 2024, IEB expressed to HG Vora its view that licensure of a brand new applicant like HG Vora would not be completed by PENN's annual meeting in June 2024 and, as a result, the issue of whether HG Vora may submit advance notice to PENN was moot. Because IEB commenced its investigation of HG Vora as an applicant in May 2024, we believe the present facts and circumstances are now materially different, such that the issue of whether HG Vora may submit advance notice to PENN for the 2025 meeting is no longer moot.

<sup>3</sup> We understand the IEB deemed such applications complete in May 2024, at which time it commenced its investigation of HG Vora as a license applicant.

<sup>4</sup> *See* PENN Entertainment, 2024 Proxy Statement, available at <https://pennnationalgaming.gcs-web.com/static-files/24016542-3a76-4f05-a6cd-39579505b28c>. See Appendix for relevant excerpts of this Proxy Statement.

<sup>5</sup> An entirely new shareholder in a licensee may show up owning greater than 5% of the licensee and nominate one or more directors, but would only be required to *submit a license application within 30 days after nominating such directors* and would not be subject to any restrictions while undergoing licensure review by the IEB and approval of the transaction by the Commission under 205 CMR 116.10. In contrast, an investor holding the same stake as HG Vora may, without a waiver, recommend director nominees if it did so just prior to increasing its shares in the company above the 5% threshold provided by M.G.L. c. 23K, § 14. We believe it is inequitable for HG Vora, as a long-term shareholder and fully cooperating license applicant since January 2024, to be restricted from preserving its eligibility to recommend director candidates a year later, while a new investor faces no such restriction. HG Vora faces no similar penalty in any other state of which we are aware.

is akin to registering to vote by the deadline imposed by the Commonwealth. Unless one takes necessary preparatory or anticipatory steps, one will not be eligible to take – and thus cannot take – that future action. And being *eligible* to take an action does not mean that one *will* take that action. Registering to vote provides no assurance that one will cast a ballot on Election Day. Similarly, submitting licensing applications to the MGC, as well as in over a dozen other states, does not mean HG Vora has decided to – or will – file its own proxy statement. Any decision to do so would depend on a number of facts and circumstances in late spring 2025.

We look forward to discussing this matter with you. We believe our revised request and proposal provide a constructive and effective path forward for HG Vora that satisfies PENN’s bylaws and is consistent with the Commission’s mission of ensuring the integrity of the Massachusetts gaming system and its licensees.

Sincerely,



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Todd Grossman, General Counsel  
Caitlin Monahan, Director, Investigations and Enforcement Bureau

**APPENDIX**

# 2024

Notice of annual meeting  
and proxy statement



**PENN**  
ENTERTAINMENT



# PROXY STATEMENT SUMMARY

## Corporate Governance Highlights

### CORPORATE GOVERNANCE BEST PRACTICES

#### ROBUST BOARD AND COMMITTEE COMPOSITION

- Independent Board Chair
- Separate lead independent Director role
- All Directors (except CEO) are independent
- Each member of our Audit Committee qualifies as an “audit committee financial expert” as defined by the SEC
- All Committees comprised solely of independent members

#### REFRESHED AND DIVERSE BOARD

- Ongoing and thoughtful Board and Committee refreshment
- Three new independent directors appointed in the last four years with extensive marketing, strategy, technology, media, cybersecurity and digital transformation experience to effectively oversee growth strategy
- 67%<sup>(1)</sup> diverse Board based on gender, race/ethnicity and LGBTQ+ identity
- 4 out of 6 board leadership roles are held by women

#### ALIGNMENT WITH SHAREHOLDER INTERESTS

- Annual say-on-pay vote
- One class of common stock with equal voting rights
- **Shareholder engagement program is overseen by the Nominating and Corporate Governance Committee,** with engagement efforts led by our Board Chair and the Chairs of our Compensation Committee and Nominating and Corporate Governance Committee
- Robust stock ownership guidelines for executives and directors
- Policies prohibiting hedging and pledging of PENN securities

#### EFFECTIVE RISK OVERSIGHT

- Quarterly review of the Company’s risk profile, including risks associated with cybersecurity, human capital management, DE&I, climate change and sustainability
- Compliance Committee with broad authority, comprised of independent directors and external non-director compliance professional
- Cybersecurity oversight by Board and Audit Committee
- Independent directors meet regularly without management
- The Compliance Committee receives quarterly updates on whistleblower matters
- Comprehensive new director onboarding and continuing education program

#### SUCCESSION PLANNING

- Extensive CEO and executive leadership succession planning
- Robust director succession planning with focus on Board candidates with diverse experience, skills, background, race/ethnicity and gender
- Annual Board and Committee self-evaluations

<sup>(1)</sup> Excludes Mr. Jacquemin, who is not standing for re-election at our 2024 Annual Meeting.

# PROXY STATEMENT SUMMARY

## Off-season Shareholder Outreach and Engagement

Our Board considers shareholder feedback as a critical input in our annual corporate governance and executive compensation review process to promote transparency, develop a better understanding of shareholder perspectives, and support Board accountability. We maintain an active bi-annual, broad-based shareholder engagement program, which is led by our Board Chair and the Chairs of our Compensation Committee and Nominating and Corporate Governance Committee, to solicit shareholder insights and feedback on a range of topics, including strategic priorities, capital allocation, corporate governance, executive compensation, and sustainability initiatives, as well as on other topics of importance to our shareholders. Perspectives of our shareholders are shared with relevant Committees and the full Board and inform the Board meeting agendas throughout the year.

### OUTREACH

### ENGAGED

### DIRECTOR LED

**57%**

Contacted shareholders representing 57% of the Company's outstanding shares during the off-season

**47%**

Engaged with shareholders representing 47% of the Company's outstanding shares during the off-season

Engagement efforts led by our Independent Board Chair, Compensation Committee Chair and Nominating and Corporate Governance Committee Chair

Outstanding share ownership calculated as of September 6, 2023

Many shareholders who participated in the 2023 engagement meetings expressed appreciation of the Board's thoughtful approach to shareholder dialogue and responsive actions adopted last year, including enhanced proxy disclosure and continued evolution of sustainability practices.

### Key discussion topics:

- Corporate governance priorities
- Capital allocation strategy and strategic initiatives
- Cybersecurity risk management
- Executive compensation program

We are committed to maintaining high standards of corporate governance to promote long-term value creation, transparency and accountability to our shareholders. Proactively and in response to our shareholder priorities, we have adopted several governance, compensation and disclosure enhancements over the last three years.

### RECENT GOVERNANCE ENHANCEMENTS (2023-2024)

- In early 2024, appointed Mr. Dhanda, a highly qualified independent director with extensive technology, cybersecurity and business transformation experience, to support our strategy of leveraging PENN's significant reach to expand our digital footprint, drive our omnichannel strategy and efficiently grow and monetize our customer ecosystem
- Transitioned 2024 executive performance-based equity award program design to a 3-year performance period with 70% weighting allocation to financial metrics and made consistent changes to the final unvested portions of the 2023 and 2022 equity grants (covering the two and one-year remaining periods, respectively)
- Enhanced proxy disclosure around long-term incentive program metrics and earned performance-based equity awards for the last three performance cycles
- Established carbon abatement targets for 2024 and beyond

### ROBUST TRACK RECORD OF PROACTIVE GOVERNANCE CHANGES (2021-2022)

- Updated the Nominating and Corporate Governance Committee Charter to require an annual review of each director's independence to ensure recommendations are made to the Board based on annual findings
- Diversified performance metrics for the short- and long-term compensation plans
- Formalized shareholder engagement effort into a biannual shareholder engagement program overseen by the Nominating & Corporate Governance Committee
- Enhanced ESG practices and reporting:
  - Published EEO-1 data and the first SASB report
  - Finalized Scope 1 and 2 carbon emissions assessment
- Established mandatory company-wide DE&I training for all employees
- PENN Interactive received the RG Check iGaming Accreditation from the Responsible Gambling Council ("RGC"), becoming the first U.S. operator to voluntarily undergo this process, which is widely regarded as one of the most comprehensive responsible gambling accreditation programs in the world
- Amended stock ownership guidelines for our executive officers to increase holding requirements from 5x to 6x base salary for the CEO and to align all other NEOs at 3x base salary
- Appointed Ms. Black-Gupta, a highly-qualified independent director with extensive marketing, strategy, media, and digital transformation experience, to support our strategy of offering integrated entertainment, sports content and casino gaming experiences

# CORPORATE GOVERNANCE MATTERS

## Director Candidate Qualification and Selection Process

The Nominating and Corporate Governance Committee considers candidates for Board membership suggested by, among others, its members, other Board members and management. The Nominating and Corporate Governance Committee will also consider recommendations of nominees for directors by shareholders (for information relating to the nominations of directors by our shareholders, please see "Director Nominations by Shareholders" on page 92).

### DETERMINE NEED:

The Nominating and Corporate Governance Committee regularly assesses Board composition and skill mix to ensure it remains effective. If a Board seat is open or the Committee determines a certain skillset would enhance the Board's effectiveness, the Committee initiates a search for a qualified candidate.

### IDENTIFY CANDIDATES

The Nominating and Corporate Governance Committee oversees the search process, which may include discussions with our other directors and senior executives, suggestions from our shareholders, and the hiring of an independent search firm.

### EVALUATE CANDIDATES

The Nominating and Corporate Governance Committee carefully screens all potential candidates based on their qualifications, and the Chief Compliance Officer oversees an investigation to evaluate compliance with suitability standards. Qualifying candidates are then interviewed by our CEO, our independent Board Chair, our Lead Independent Director, and other members of the Nominating and Corporate Governance Committee.

### CANDIDATE QUALIFICATIONS

In selecting nominees for director, the Nominating and Corporate Governance Committee considers a number of factors about each candidate, including, but not limited to:

- Independence from management and freedom from potential conflicts of interest with the Company
- Ability to meet the suitability standards in the Company's bylaws, as well as regulatory suitability, investigation and filing requirements specific to gaming companies in the jurisdictions where the Company operates
- Ability to effectively represent the interests of PENN stakeholders
- Relevant business and industry experience, including recent experience at the senior management level
- Diversity of experience, perspective and skill set
- Recognition for his or her reputation, integrity, judgment, skill, leadership ability, honesty and moral values
- Ability to work constructively with management and other directors
- Financial literacy and ability to meet Audit Committee membership standards
- Capacity to dedicate sufficient time to Board duties, given potential service on other boards and/or management teams

### FINAL RECOMMENDATION:

Candidates are narrowed to a final list and interview with the other directors as appropriate. The Committee selects a final candidate to recommend to the Board for nomination or appointment.

## CORPORATE GOVERNANCE MATTERS

### Director Candidate Qualification and Selection Process (cont.)

During the candidate review process, the Nominating and Corporate Governance Committee and its delegates conduct interviews with the potential nominee. In addition, the Nominating and Corporate Governance Committee will also submit the candidate to an investigation overseen by the Chief Compliance Officer to evaluate whether the candidate is suitable to serve on the Board of a highly regulated, multi-jurisdictional company subject to gaming regulatory oversight. A successful candidate will also be required to submit to applicable gaming regulatory suitability investigations, which include providing detailed financial and personal history information customarily requested by the Company's gaming regulators.

Our Board and Committee evaluation process has resulted in regular Board refreshment, with three new independent directors added in the last four years, contributing extensive marketing, strategy, technology, media, cybersecurity, and digital transformation experience to our Board, ensuring effective oversight of our growth strategy.



**Marla Kaplowitz**  
Appointed Nov. 2020



**Vimla Black-Gupta**  
Appointed Jun. 2021



**Anuj Dhanda**  
Appointed Mar. 2024



**John Jacquemin**  
Not standing for re-election  
at our 2024 Annual Meeting

# CORPORATE GOVERNANCE MATTERS

## Shareholder Outreach and Engagement

It has been our long-standing practice to meet with shareholders throughout the year so the Board, its Committees and management can better understand shareholder perspectives on governance, executive compensation, and other topics. A general overview of our biannual engagement process is below.

## Shareholder Engagement Cycle

 <b>FALL</b>	 <b>WINTER</b>	 <b>SPRING</b>	 <b>SUMMER</b>
<p>Board-led off-season engagement with shareholders to obtain feedback following the Annual Meeting.</p> <p><b>Respond to shareholder inquiries and proposals to engage.</b></p>	<p><b>Review off-season shareholder feedback</b> with the full Board and relevant committee to assess potential enhancements to the executive compensation, corporate governance and sustainability practices.</p>	<p>Publish Annual Report, Proxy Statement and Corporate Sustainability Report.</p> <p><b>Board-led shareholder engagement to discuss items on the Annual Meeting agenda.</b></p>	<p>Review feedback and results from the Annual Meeting, corporate governance best practices, proxy season trends and regulatory developments with the full Board and relevant Committee(s) to identify key engagement priority topics and initiatives.</p>

### WE ALSO REGULARLY COMMUNICATE WITH SHAREHOLDERS THROUGH A NUMBER OF RECURRING FORUMS, INCLUDING:

- Quarterly Earnings Presentations
- SEC Filings
- Annual Report and Proxy Statement
- Annual Meeting of Shareholders
- Investor Meetings, Conferences and Web Communications

We relay shareholder feedback and trends on corporate governance, environmental sustainability, social responsibility, and executive compensation developments to our Board and its Committees and work with them to enhance our practices and improve our disclosures.

The Company holds quarterly conference calls in which management provides brief prepared remarks followed by an open forum for questions, during which the Company provides financial and other disclosure beyond that which is required by the SEC on matters such as management's views on Company performance, industry trends and pending legislation. Further, members of the Company's senior management team actively engage in investor relations efforts including frequent participation at institutional investor conferences, shareholder meetings and management staffed tours of our properties. These regular, ongoing outreach efforts provide investors and prospective investors with constructive forums to discuss a wide variety of important subjects with management, including executive compensation, and provide useful feedback for management.

## OTHER MATTERS

### Annual Report

The Company's 2023 Annual Report is being made available to shareholders concurrently with this Proxy Statement and does not form part of the proxy solicitation material.

### Changing the Way You Receive Proxy Materials in the Future

Instead of receiving a Notice of Availability in the mail for future meetings, shareholders may elect to receive links to proxy materials by e-mail or to receive a paper copy of the proxy materials and a paper Proxy Card by mail. Opting to receive all future proxy materials online will save us the cost of producing and mailing such documents to you and help us conserve natural resources. If you elect to receive proxy materials by e-mail, you will not receive a Notice of Availability in the mail. Instead, you will receive an e-mail with links to proxy materials and online voting. In addition, if you later elect to receive a paper copy of the proxy materials, or if applicable rules or regulations require paper delivery of the proxy materials, you will not receive a Notice of Availability in the mail. If you received a paper copy of the proxy materials or the Notice of Availability in the mail, you could eliminate all such paper mailings in the future by electing to receive an e-mail that will provide Internet links to these documents. You can change your election by directing your request in writing to PENN Entertainment, Inc., 825 Berkshire Boulevard, Suite 200, Wyomissing, Pennsylvania 19610, Attention: Secretary, or by sending a blank e-mail with the 16-digit control number on your Notice of Availability to [sendmaterial@proxymvote.com](mailto:sendmaterial@proxymvote.com), via the Internet at [www.proxymvote.com](http://www.proxymvote.com), or by telephone at 1-800-579-1639. Your election will remain in effect until you change it.

### Householding of Proxy Materials

Registered and "street-name" shareholders who reside at a single address receive only one annual report and proxy statement at that address unless a shareholder provides contrary instructions. This practice is known as "householding" and is designed to reduce duplicate printing and postage costs. However, if a shareholder wishes in the future to receive a separate annual report or proxy statement, he or she may contact Broadridge Financial Solutions at 1-866-540-7095, or in writing at Broadridge Financial Solutions, 51 Mercedes Way, Edgewood, NY 11717. In any event, if you did not receive an individual copy of this Proxy Statement or our 2023 Annual Report, we will send a copy to you promptly if you address your written request to the Secretary, PENN Entertainment, Inc., 825 Berkshire Boulevard, Suite 200, Wyomissing, Pennsylvania 19610. Shareholders can request householding if they receive multiple copies of the annual report and proxy statement by contacting Broadridge Financial Solutions at the address above.

### Advance Notice Provision

Under the Company's bylaws, no business may be brought before an annual meeting unless it is specified in the notice of the meeting or is otherwise brought before the meeting by or at the direction of the Board or by a shareholder present in person at the meeting who (i) was a shareholder of record at the time of giving notice and, at the time of the annual meeting is entitled to vote at the meeting, and (ii) has owned beneficially at least 1% of the Company's common stock for a continuous period of not less than 12 months prior to making the proposal and who has delivered proper written notice to the Company's Secretary (containing certain information specified in the bylaws about the shareholder and the proposed action) not less than 120 nor more than 150 days prior to the first anniversary of the preceding year's annual meeting. Accordingly, proposals with respect to the 2025 annual meeting of shareholders must be delivered between January 7, 2025 and February 6, 2025. These requirements are separate from the SEC's requirements that a shareholder must meet in order to have a shareholder proposal included in the Company's proxy statement pursuant to Rule 14a-8 promulgated under the Exchange Act. In addition, shareholders who intend to solicit proxies in support of director nominees other than the Company's nominees must comply with the additional requirements of Rule 14a-19(b).

## OTHER MATTERS

### Shareholder Proposals under Rule 14a-8

Shareholders interested in submitting a proposal for inclusion in the proxy materials for the annual meeting of shareholders in 2025 may do so by following the procedures prescribed in Rule 14a-8 promulgated under the Exchange Act. To be eligible for inclusion, shareholder proposals must be received by the Company's Secretary no later than December 24, 2024. Proposals should be sent to the Company's principal executive office, 825 Berkshire Boulevard, Suite 200, Wyomissing, Pennsylvania 19610, directed to the attention of the Secretary.

#### Director Nominations by Shareholders

Shareholders present in person at the meeting who (i) were shareholders of record at the time of giving notice and, at the time of the annual meeting are entitled to vote at the meeting, and (ii) who have beneficially owned at least 1% of the Company's common stock for a continuous period of not less than 12 months before making such recommendation may submit director nominations to the Nominating and Corporate Governance Committee for consideration. To be timely, a shareholder's notice to the Secretary must be hand delivered to or mailed (certified or registered mail, return receipt requested) and received by the Company Secretary at the principal executive offices of the Company not less than 120 nor more than 150 days prior to the anniversary date of the immediately preceding annual meeting of shareholders.

To be in proper written form, a shareholder's notice must contain with respect to each nominee: (i) all information relating to such person that is required to be disclosed in a proxy statement or other filing required to be made in connection with solicitations of proxies for election of directors in a contested election, or otherwise required by Section 14 of the Exchange Act and the rules and regulations promulgated thereunder; (ii) a description of all direct and indirect compensation, economic interests and other material monetary agreements, arrangements and understandings during the past three years between or among such shareholder and beneficial owner, if any, and their respective affiliates and associates; (iii) a description of all relationships, agreements, arrangements and understandings between the proposed nominee and the recommending shareholder and the beneficial owner, if any; (iv) a description of all relationships between the recommended nominee and any of the Company's competitors, customers, suppliers, labor unions or other related parties; and (v) a completed and signed questionnaire, representations, consent and agreement as required by the Company's bylaws.

A shareholder's notice must also contain certain other information regarding the shareholder giving the notice and the beneficial owner, if any, on whose behalf the recommendation for nomination or proposal is made, including: (i) the name, address and telephone number of such shareholder and the name, address and telephone number of such beneficial owner, if any; (ii) the class or series and number of shares and any other securities of the Company which are owned of record by such shareholder and beneficially by such beneficial owner, and the time period such shares have been held; (iii) any material pending or threatened legal proceeding in which such shareholder or beneficial owner is a party or material participant involving the Company or any of its officers or directors, or any affiliate of the Company, and any direct or indirect material interest in any material contract or agreement of such shareholder or beneficial owner with the Company, any affiliate of the Company or any principal competitor of the Company; (iv) a representation that such shareholder and beneficial owner, if any, intend to be present in person at the meeting; (v) a representation that such shareholder and such beneficial owner, if any, intend to continue to hold the reported securities through the date of the Company's next annual meeting of shareholders; and (vi) a completed and signed questionnaire, representations, consent and agreement as required by the Company's bylaws.

The notice shall be accompanied by a written consent of each recommended nominee to provide (i) all information necessary to enable the Company to respond fully to any suitability inquiry conducted under the executive, administrative, judicial and/or legislative rules, regulations, laws and orders of any jurisdiction to which the Company is then subject; (ii) a multi-jurisdictional personal disclosure form in the form customarily submitted by officers and directors of the Company; (iii) such additional information concerning the recommended nominee as may reasonably be required by the Nominating and Corporate Governance Committee and/or Board to determine the eligibility of such recommended nominee to serve as an independent director of the Company, that could be material to a reasonable shareholder's understanding of the independence, or lack thereof, of such proposed nominee, and to evaluate whether the recommended nominee is an unsuitable person; and (iv) a background check to confirm the qualifications and character of the recommended nominee, to evaluate whether the nominee is an unsuitable person, and to make such other determinations as the Nominating and Corporate Governance Committee or the Board may deem appropriate or necessary.



## OTHER MATTERS

### Director Nominations by Shareholders (cont.)

Section 4.02(a) of the Company's bylaws also includes director qualification requirements relating to suitability with respect to licensure and related gaming regulatory matters.

The foregoing is a summary of the requirements to properly nominate an individual for election to the Board. For further information regarding director nominations by shareholders, please see Article VII and Section 4.02(a) of the Company's bylaws.

### Other Matters to Come Before the 2024 Annual Meeting

Our Board of Directors does not know of any matters other than those described in this Proxy Statement that will be presented for action at the Annual Meeting. If other matters are presented, proxies will be voted in accordance with the discretion of the proxy holders.





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WOMBLE  
BOND  
DICKINSON

VIA EMAIL

October 11, 2024

Jordan Maynard, Interim Chair  
Eileen O'Brien, Commissioner  
Brad Hill, Commissioner  
Nakisha Skinner, Commissioner  
Massachusetts Gaming Commission  
101 Federal St., 12th Floor  
Boston, MA 02110

Dear Chair and Commissioners:

We write on behalf of HG Vora Capital Management, LLC ("HG Vora"), an investment adviser registered with the Securities and Exchange Commission that provides portfolio management and advisory services to a broad range of institutional investors, including endowments, foundations, pensions, and private charitable organizations, among others. HG Vora, on behalf of its clients, owns approximately 9.5% of PENN Entertainment, Inc. ("PENN"), a public company licensee that operates Plainridge Park Casino and interactive gaming platform ESPN Bet in Massachusetts.

HG Vora seeks emergency relief from the Massachusetts Gaming Commission ("Commission" or "MGC") to expedite the review of HG Vora's application for licensure by the Commission's Investigations and Enforcement Bureau ("IEB") or, alternatively, allow HG Vora to exercise its fundamental shareholder right to nominate directors as set forth in PENN's bylaws while its license application is ongoing. Shareholder nomination rights are integral to corporate governance and accountability. They ensure the long-term financial stability of gaming licensees in the Commonwealth. Because it would be unjust and contrary to public policy to restrict the exercise of these rights, which do not influence or impact company operations, we respectfully ask that the Commission act expeditiously to prevent irreparable harm to HG Vora and PENN shareholders.

HG Vora seeks to preserve its option to nominate up to three of nine directors to PENN's board, who would then be voted on by PENN shareholders at PENN's 2025 annual meeting held sometime next year. Under PENN's bylaws, shareholders must submit advance notice to PENN of **any intent to recommend board nominees** by February 6, 2025. However, the IEB instructed HG Vora in January 2024 that it was prohibited from providing such notice to PENN or otherwise participating in the nomination process until the IEB completes its licensure review of HG Vora. It was for this same reason that HG Vora could not participate in the nomination process for PENN's 2024 annual meeting earlier this year. Though HG Vora submitted license application materials to the IEB on January 25, 2024, the IEB informed HG Vora in late September 2024 that its review of HG Vora will not be completed this year or by any definite date next year.

We do not request emergency relief lightly. The surge in gaming activity in the Commonwealth is undoubtedly taxing on an under-resourced and overworked gaming commission.<sup>1</sup> But HG Vora finds itself at an untenable crossroads. Massachusetts stands alone among the 26 states where PENN operates that have considered whether, and to what extent, HG Vora may preserve the option to nominate directors to PENN's board. Indeed, to HG Vora's knowledge, following extensive diligence in these states, the Commonwealth is the only state at this time taking the express position that its rules –

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<sup>1</sup> We note, however, that this experience is not unique to the Commonwealth, and HG Vora is responsible for paying the cost of the IEB's review and investigation. *See* 205 CMR 114.04. In addition, the IEB has the authority to retain qualified contractor investigators to assist the bureau in conducting initial suitability, qualification, and background investigations of license applicants and qualifiers. 205 CMR 105.10. To the extent the IEB requires additional investigators to expedite HG Vora and its qualifiers' background investigations, HG Vora is responsible for paying such costs.



rules that are generally similar across these states – prohibit HG Vora from preserving its right to submit advance notice of its intent to recommend director nominees to PENN.

***The IEB has taken a novel legal position that prevents HG Vora from exercising its rights.*** HG Vora has been undergoing licensure review since January 2024, when the IEB voided the institutional investor licensure waiver held by HG Vora since December 2016. The IEB asserted that HG Vora forfeited its status as an institutional investor under M.G.L. c. 23K, § 14 (“Section 14”) in light of “its attempts to influence or affect the operations” of PENN. Those “attempts” referred to HG Vora’s request on December 18, 2023 that PENN *grant it the right to designate* independent candidates for PENN’s board.<sup>2</sup> HG Vora explained to the IEB that this action did not violate Section 14 because, had PENN agreed to this request, such independent directors, and not HG Vora, would have been in a position to exert influence.<sup>3</sup> Despite this disagreement, HG Vora immediately submitted its license application materials on January 25, 2024, as the IEB instructed. At the same time, HG Vora sought approval from the IEB to provide advance notice to PENN of its intent *to recommend director nominees*; this step, which is expressly permitted by PENN’s bylaws, was required to be taken by February 7, 2024 in order to preserve the option to nominate directors at the annual meeting, typically held in June. The IEB denied this request, asserting that HG Vora could not take even this preliminary step until the Commission determines whether HG Vora meets the qualifications for licensure, “regardless of whether HG Vora would have control over the individual(s) it seeks to be named to the board” (*i.e.*, even if the nominees were entirely independent of HG Vora and would, if successfully elected by PENN shareholders, represent only a minority on the board).<sup>4</sup> As a result, HG Vora was denied a right afforded to other PENN shareholders and forced to sit out of PENN’s 2024 board nomination process. HG Vora also restricted itself from exercising other fundamental shareholder rights, such as asking certain questions of PENN representatives at investor meetings or making public statements about PENN, in deference to the IEB’s instructions and despite our view that this was not an appropriate exercise of the Commission’s authority.

***Nearly nine months later, the IEB’s licensure review of HG Vora remains pending with no end in sight.*** On September 17, 2024, the IEB stated that while it had received the application materials required of HG Vora in January and March 2024 as requested, it would not complete its review in 2024 or by any estimated date in 2025. Further, the IEB reiterated its position that HG Vora could not submit advance notice of its intent to recommend director nominees to PENN, or otherwise participate in PENN’s board nomination process, until it receives licensure by the Commission. HG Vora thus finds itself indefinitely barred from exercising its fundamental shareholder rights.

***Shareholder nomination rights are integral to corporate governance and accountability.*** As a long-term shareholder, HG Vora is deeply concerned by the persistent underperformance of PENN’s stock and capital allocation track record, among other issues. HG Vora therefore wishes to preserve its right – a right granted to it by PENN’s own bylaws and generally recognized under securities laws – to nominate highly qualified directors for election at PENN’s annual meeting. This would give PENN’s shareholders, which include Massachusetts residents, a chance to vote for directors other than those recommended by PENN. HG Vora’s request is consistent with the Commission’s mission of ensuring the financial stability of gaming licensees and the integrity of the gaming licensing process. If HG Vora is forced to sit out of PENN’s 2025 board nomination process, as in 2024, all PENN shareholders will again be denied the opportunity to consider alternate director candidates. That would be a grave injustice and a perverse application of the Massachusetts gaming law which is designed to

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<sup>2</sup> This is separate and distinct from the right afforded under PENN’s bylaws to shareholders *to nominate* directors for election at its annual meeting.

<sup>3</sup> We believe the IEB’s reading of Section 14 is erroneous. Arguments regarding the inapplicability of Section 14 to the shareholder rights that HG Vora seeks to exercise are more fully set forth in the attached Appendix.

<sup>4</sup> The submission of advance notice of an intent to nominate a board member at an annual shareholder meeting should not be viewed as “influenc[ing] or affect[ing] the operations” of PENN. As noted, following extensive diligence in the states where PENN operates, Massachusetts stands alone in currently interpreting its institutional investor waiver statute as prohibiting such conduct despite HG Vora’s efforts over the past 9 months. Indeed, several states have not even required HG Vora to file for suitability or licensing review. And in states where HG Vora has been called to file applications, only Massachusetts is currently taking the express position that HG Vora is prohibited from submitting advance notice of its intent to recommend director nominees to PENN. Moreover, any action by HG Vora to nominate directors would not impact the operations of the company, as only a director, *if successfully elected by PENN’s shareholders*, would be able to influence or affect PENN’s operations. *See* Appendix.



protect the financial integrity of licensees, a goal that is impossible to achieve when shareholders like HG Vora are barred from nominating director candidates for election. Yet the IEB has confirmed that it has everything it requires from HG Vora to complete its licensure review, so this outcome need not come to pass.

***The IEB's unprecedented restrictions unduly constrain fundamental shareholder rights.*** As the nomination deadline for PENN's 2025 annual meeting rapidly approaches, we believe it is in the interest of the Commission and all Massachusetts residents with interests in PENN (*e.g.*, as an employer, supplier, or customer of Plainridge Park Casino or ESPN Bet, or PENN shareholder) to allow HG Vora to nominate directors pursuant to PENN's bylaws. The fundamental shareholder right to participate in the nomination process is consistent with and complements the interests of Massachusetts, as evidenced in the preamble to the chapter containing Section 14 where the Massachusetts legislature unambiguously declared that "establishing the financial stability and integrity of gaming licensees" is an "integral and essential element" of gaming regulation in the Commonwealth.<sup>5</sup> The laws of Massachusetts and Pennsylvania, where PENN is headquartered, recognize the importance of shareholder participation in the nomination process.<sup>6</sup> And PENN itself acknowledges the importance of engaging with, and receiving feedback from, shareholders in the interest of good corporate governance.<sup>7</sup>

***HG Vora's request is narrow.*** While we dispute the IEB's application of Section 14, we recognize that it presents an unusual issue of first impression. **Rather than ask the Commission to dedicate its limited resources to considering our Section 14 arguments, HG Vora simply asks the Commission to direct the IEB to complete its review and forward its recommendation to the Commission for approval sufficiently in advance of PENN's deadline for participating in its board nomination process.**<sup>8</sup> As HG Vora has cooperated fully with the IEB to ensure its license application is complete, we respectfully ask for a licensure determination no later than December 31, 2024, which would give HG Vora enough time to prepare the extensive information package by the deadline established under PENN's bylaws. As noted above, HG Vora is responsible for the costs, including any necessary contract staffing, required by the IEB to complete its review.

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<sup>5</sup> M.G.L. c. 23K, § 1.

<sup>6</sup> See *Brigade Leveraged Cap. Structures Fund Ltd. v. PIMCO Income Strategy Fund*, 466 Mass. 368, 379 (2013) ("The ability to nominate and elect different trustees is a crucial means for shareholders to prevent the entrenchment of poorly performing trustees . . . . [A]ny ambiguity in [a corporation's bylaws] must be construed in favor of allowing the shareholders a timely and effective means of holding the trustees accountable."); *Albert E. Touchet, Inc. v. Touchet*, 264 Mass. 499, 509 (1928) ("The right to hold elections for the directors of a corporation, and to vote at such elections, is a right that is inherent in the ownership of stock."); see also *Jewelcor Mgmt., Inc. v. Thistle Grp. Holdings*, 2002 WL 576457, at \*4 (Pa. Com. Pl. Mar. 26, 2002) (observing that the "distinction between a shareholder's right to vote in a board election, on the one hand, and the shareholder's right to field candidates and to solicit proxy votes in that election" was "meaningless").

<sup>7</sup> See PENN Entertainment, 2024 Proxy Statement at 39, touting PENN's "Shareholder Engagement Cycle." ("It has been our long-standing practice to meet with shareholders throughout the year so the Board, its Committees and management can better understand shareholder perspectives on governance, executive compensation, and other topics."), available at <https://pennnationalgaming.gcs-web.com/static-files/24016542-3a76-4f05-a6cd-39579505b28c>. We also draw attention to the procedures set forth therein for eligible shareholders to participate in the nomination process: PENN's Nominating and Corporate Governance Committee will "consider recommendations of nominees for directors by shareholders . . . who (i) were shareholders of record at the time of giving notice and, at the time of the annual meeting are entitled to vote at the meeting, and (ii) who have beneficially owned at least 1% of the Company's common stock for a continuous period of not less than 12 months before making such recommendation" and that "[t]o be timely, a shareholder's notice . . . must be hand delivered to or mailed (certified or registered mail, return receipt requested) and received by the Company Secretary at the principal executive offices of the Company not less than 120 nor more than 150 days prior to the anniversary date of the immediately preceding annual meeting of shareholders" – *i.e.*, between January 7 and February 6, 2025.

<sup>8</sup> Of course, should the Commission prefer to determine the legal issue of whether Section 14 restricts basic shareholder rights of an institutional investor pending licensure, HG Vora requests an advisory opinion from the Commission pursuant to M.G.L. c. 30A, § 8 ("On request of any interested person, an agency may make an advisory ruling with respect to the applicability to any person, property or state of facts of any statute or regulation enforced or administered by that agency."). See Appendix. But this matter need not reach such a point unless the Commission, in its wisdom, determines that such an opinion is necessary.



**If the Commission declines to direct the IEB to complete its review in time, then HG Vora seeks permission to participate in PENN's board nomination process during the pendency of the IEB's licensure review.**<sup>9</sup> Notwithstanding the IEB's contrary view, HG Vora maintains that no applicable law prohibits an investor undergoing licensure review from noticing its nominee recommendations pursuant to the licensee's bylaws. Neither Section 14 nor any other provision bars the exercise of basic shareholder rights, such as participating in a director nomination process.

Blocking a shareholder's fundamental rights for a second consecutive year is particularly unfair when caused by administrative resource constraints beyond the control of the shareholder. Perversely, an entirely new shareholder in a licensee may show up owning greater than 5% of the licensee and nominate one or more directors, but would only be required to *submit a license application within 30 days after nominating such directors* and would not be subject to any restrictions while undergoing licensure review by the IEB and approval of the transaction by the Commission under 205 CMR 116.10.<sup>10</sup> Indeed, an investor holding the same stake as HG Vora may, without a waiver, recommend director nominees if it did so just prior to increasing its shares in the company above the 5% threshold provided by Section 14. It does not make sense for HG Vora, as a fully cooperating license *applicant* and long-term shareholder, to be penalized from exercising this fundamental shareholder right, while a new investor faces no such restriction. Again, we are aware of no other state that is imposing such a penalty on HG Vora. This punitive application of state law cries out for relief.

HG Vora has cooperatively and transparently addressed this very issue – the extent to which it can exercise its shareholder rights under PENN's bylaws – in 26 states. As noted, to HG Vora's knowledge, following extensive diligence in these states, Massachusetts remains the only state at this time taking the position that HG Vora cannot proceed with providing advance notice to PENN of recommended board nominees – despite having filed a complete license application.<sup>11</sup> Indeed, 12 states (including Nevada,<sup>12</sup> Ohio, Virginia, and Washington) do not require HG Vora to submit any applications. Seven states (including Colorado, Iowa, Michigan, and Missouri) placed no restrictions on HG Vora following the submission of applications or a determination that such applications are sufficiently complete. Importantly, in other states, such as Illinois,<sup>13</sup>

<sup>9</sup> The Commission has authority to grant this reprieve by issuing an advisory ruling under M.G.L. c. 30A, § 8 that Section 14 does not bar HG Vora from exercising its fundamental shareholder right to participate in PENN's board nomination process, particularly given that HG Vora's application has been fully submitted and we understand no further information is required by the IEB at this time. Nonetheless, directing the IEB to reach a licensure determination by the end of this year is the optimal and most efficient path for all stakeholders.

<sup>10</sup> See M.G.L. c. 23K, § 14(f). Arguably, HG Vora's purported "forfeiture" of its institutional investor status puts it in exactly this position, that is, outside the restrictions of Section 14(c). See Appendix.

<sup>11</sup> Massachusetts also remains the only state that has given no reasonable estimate of when HG Vora's review of suitability may be completed.

<sup>12</sup> HG Vora voluntarily filed applications in Nevada, a state that does not require a suitability determination of shareholders holding less than 10% of a publicly traded licensee. In Nevada, once such applications are filed, the investor is not subject to any restrictions on shareholder activities while licensure review is pending.

<sup>13</sup> HG Vora submitted an Institutional Investor Disclosure Form to the Illinois Gaming Board ("IGB"), which provided as follows:

- F. Institutional Investor certifies that if it subsequently determines to exercise influence or control over the affairs of the issuer of the Securities, it shall provide no less than 30 days notice of such intent and shall file with the Illinois Gaming Board a business Entity Application Form before taking any action that may influence or control the affairs of the issuers of the Securities.  Yes  No

By way of comparison, HG Vora submitted a Waiver for Institutional Investors to the MGC in November 2016, which provided as follows (emphasis added):

5. If the Investment Company subsequently determines to influence or affect the affairs or operations of the Issuer or any of the Issuer's holding, intermediary or subsidiary companies, it shall provide not less than 30 days notice to the Commission of such intent, and **shall file an application for qualification** before taking an action to influence or affect the affairs or operations of the Issuer or any of the Issuer's holding, intermediary or subsidiary companies; **provided, however, that it shall be permitted to vote on matters put to the vote of the outstanding security holders.**



October 11, 2024

where appropriate applications were required and HG Vora was restricted from engaging in certain shareholder activities (such as participation in PENN's board nomination process), the gaming regulator has since confirmed that our client is no longer restricted from engaging in such activities, in large part due to its prompt review and consideration of application materials submitted by HG Vora and the clear, respectful, and prompt cooperation by HG Vora with the regulatory and investigative process.<sup>14</sup>

Accordingly, HG Vora respectfully asks the Commission to instruct the IEB to complete its review of HG Vora's application to allow the Commission to ensure that HG Vora meets the qualification for licensure by December 31, 2024, or, in the alternative, authorize HG Vora to participate in PENN's board nomination process while the IEB's licensure review is ongoing. We appreciate the attention and effort of the IEB and the Commission throughout this process and would be grateful for your prompt consideration of this request.

Sincerely,

Jeffrey R. Katz  
Ropes & Gray LLP  
Prudential Tower  
800 Boylston Street  
Boston, MA 02199  
Tel. 617.951.7072  
Email: jeffrey.katz@ropesgray.com

Jed Nosal  
Womble Bond Dickinson (US) LLP  
Independence Wharf  
470 Atlantic Avenue, Suite 600  
Boston, MA 02210  
Tel. 857.287.3175  
Email: jed.nosal@wbd-us.com

cc: Dean Serpa, Executive Director  
Todd Grossman, General Counsel  
Caitlin Monahan, Director, Investigations and Enforcement Bureau

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In addition, HG Vora submitted an Institutional Investor Certification Form to the MGC in February 2023, which provided as follows (emphasis added):

6. I understand that any institutional investor granted a waiver which subsequently determines to influence or affect the affairs or operations of the gaming vendor or applicant for a gaming vendor license, or a holding, intermediary there or shall provide not less than 30 days' notice to the Commission of such intent and shall file an application and **be subject to the licensing requirements** of 205 CMR 134.00 before taking any actions that may influence or affect the affairs of the gaming vendor or applicant for a gaming vendor license or a holding, intermediary or subsidiary company.

Like the MGC, the IGB had initially advised HG Vora in early 2024 that it may not take any action that may influence or control PENN's affairs until it filed the required disclosures and the IGB reached a determination that HG Vora meets the necessary suitability qualifications. The IGB requested several applications from our client, which were all filed in an expedited manner but after HG Vora filed its initial application with the MGC. The IGB has since confirmed that HG Vora is no longer restricted from engaging in shareholder activities, including PENN's board nomination process, while review of its applications is still pending.

(We note that the 2016 Waiver for Institutional Investors was unaffected by the 2023 Certification Form, as the two submissions relate to separate regulatory provisions. *See* Appendix.)

<sup>14</sup> Similar to the MGC, Louisiana's Gaming Enforcement Division required the submission of suitability applications from HG Vora, which were promptly provided. Even though HG Vora submitted those applications several months after it filed its applications with the MGC, Louisiana recently confirmed that HG Vora has been determined to be suitable. In New Mexico, too, HG Vora submitted its application to the regulator after it submitted its materials to the MGC, and yet it received approval in July 2024.

**Disagreements with IEB's Interpretation of Section 14(c)**

1. Restricting Waiver Holders While Qualification Review Is Ongoing Leads to Perverse Results. Under the IEB's construction, an investor with a 15% interest who is not even eligible for a waiver is free to influence or affect the affairs of the company while its qualification review is *pending*, but an institutional investor with a waiver must wait for the Commission to determine its qualifications for licensure, *even though such investor has a lesser interest*. Such interpretation would create perverse results that cannot possibly be what the legislature intended: a new investor could show up owning the same or greater number of shares as HG Vora and participate in the very same board nomination process from which HG Vora is purportedly barred, simply by submitting a licensure application within 30 days after nominating a director under Section 14(f). Such investor would not be subject to any restrictions *while undergoing licensure-qualification review by the IEB* (and Commission approval of the transaction under 205 C.M.R. 116.10). Indeed, an investor holding the same stake as HG Vora could, without a waiver, recommend director nominees if it did so just prior to increasing its shares in the company above the 5% threshold provided by Section 14. It cannot be that the Massachusetts legislature intended for HG Vora, *as a fully cooperative license applicant* and long-term shareholder, to be penalized from exercising this fundamental shareholder right, while a new investor faces no similar penalty.

2. HG Vora No Longer Holds A Waiver, So It Is Not Restricted by Section 14(c). The restrictions of Section 14(c) requiring the Commission to “ensure that the institutional investor meets the qualifications for licensure . . . before the institutional investor may take an action that may influence or affect the affairs of the applicant company” plainly apply only to “institutional investor[s] granted a waiver.” But the IEB has declared that HG Vora “forfeited” its institutional investor status and thus no longer holds an institutional investor waiver. If that is so, then HG Vora's situation is controlled by Section 14(f), not Section 14(c), and its only obligation was to “apply for qualification within 30 days” after the Commission's determination that it needed to be qualified, which it did. Nothing in Section 14(f) purports to restrict investors from taking any actions during the pendency of a qualification application. Put simply, the IEB cannot revoke HG Vora's institutional investor status while also insisting that HG Vora is subject to Section 14(c)'s purported restrictions for institutional investors.

3. Participating in the Nomination Process Does Not “Influence or Affect” PENN. An action taken to “influence or affect” the nomination process certainly affects the shareholders' choice of director candidates, but such action does not influence or affect the company. It is the director, once elected by a vote of shareholders, who has the ability to influence or affect PENN's affairs. Section 14(c) does not constrain investors from taking actions that affects a company's shareholders and not the company.

4. PENN Is Not An “Applicant Company.” “Applicant” is defined in Chapter 23K as “a person who has applied for a license to engage in activity regulated under this chapter.”<sup>1</sup> In contrast, a “Gaming licensee” is “a person or entity who holds a gaming license under this chapter.”<sup>2</sup> *Applicants* do not yet have gaming licenses, but *licensees* do. PENN is not an “applicant company” because it has *already* received a gaming license and is therefore a “licensee” company. Accordingly, Section 14(c) does not bar investors from taking actions that influence or affect the affairs of *licensee* companies, only of *applicant* companies.

5. The Terms of HG Vora's Waiver Permit HG Vora to Vote Its Shares. HG Vora's 2016 institutional investor waiver (which was unaffected by HG Vora's separate 2023 institutional investor certification issued pursuant 205 CMR 134.04(5)(a)<sup>3</sup>) provided that, although HG Vora may not “influence or affect the affairs of the issuer,” it “shall be permitted to vote on matters put to a vote of the outstanding security holders.” If voting for directors is not an action that influences or affects PENN's affairs under Section 14(c), it would be illogical to hold that simply participating in the director nomination process is. Nominating directors is a lesser right that derives from the more fundamental right to vote shares. It is merely a preliminary step that must be effectuated by a later shareholder vote.

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<sup>1</sup> M.G.L. c. 23K, § 2.

<sup>2</sup> *Id.*

<sup>3</sup> The 2023 Certification Form did not alter or supersede the terms of the 2016 Waiver for Institutional Investors. The 2023 Certification Form was submitted pursuant to 205 CMR 134.04(5)(a), which allows the Commission to waive licensure requirements for certain institutional investors holding stock in gaming *vendors*. By contrast, the 2016 Waiver for Institutional Investors was submitted pursuant to 205 CMR. 116.03, which allows the Commission to waive licensure requirements for certain institutional investors holding stock in gaming *applicants*. The two submissions relate to separate regulatory provisions.



Massachusetts General Laws Annotated

Part I. Administration of the Government (Ch. 1-182)

Title II. Executive and Administrative Officers of the Commonwealth (Ch. 6-28a)

Chapter 23K. The Massachusetts Gaming Commission (Refs & Annos)

M.G.L.A. 23K § 14

§ 14. Licensure of party having financial interest in a gaming establishment or the business of the gaming licensee or applicant or who is a close associate of a gaming licensee or applicant

Effective: November 22, 2011

[Currentness](#)

(a) The commission shall require anyone with a financial interest in a gaming establishment, or with a financial interest in the business of the gaming licensee or applicant for a gaming license or who is a close associate of a gaming licensee or an applicant for a gaming license, to be qualified for licensure by meeting the criteria provided in [sections 12 and 16](#) and to provide any other information that the commission may require.

(b) For each business that applies for a gaming license, the commission shall determine whether each officer and director of a corporation, other than a publicly-traded corporation, general partner and limited partner of a limited partnership, and member, transferee of a member's interest in a limited liability company, director and manager of a limited liability company which holds or applies for a gaming license meets the standards for qualification of licensure pursuant to [sections 12 and 16](#) and, in the judgment of the commission, any of a business's individual stockholders, lenders, holders of evidence of indebtedness, underwriters, close associates, executives, agents or employees.

(c) A person owning more than 5 per cent of the common stock of the applicant company, directly or indirectly, or a holding, intermediary or subsidiary company of an applicant company may be required to meet the qualifications for licensure under [sections 12 and 16](#). The commission may waive the licensing requirements for institutional investors holding up to 15 per cent of the stock of the applicant company or holding, intermediary or subsidiary company of the applicant company upon a showing by the person seeking the waiver that the applicant purchased the securities for investment purposes only and does not have any intention to influence or affect the affairs or operations of the applicant company or a holding, intermediary or subsidiary company of the applicant company. An institutional investor granted a waiver which subsequently determines to influence or affect the affairs or operations of the applicant company or a holding, intermediary or subsidiary company of the applicant company shall provide not less than 30 days notice to the commission of such intent and the commission shall ensure that the institutional investor meets the qualifications for licensure under said [sections 12 and 16](#) before the institutional investor may take an action that may influence or affect the affairs of the applicant company or a holding, intermediary or subsidiary company of the applicant company. Any company holding over 15 per cent of the applicant company, or a holding, intermediary or subsidiary company of an applicant company, shall be required to meet the qualifications for licensure under said [sections 12 and 16](#).

(d) A person who is required to be qualified for licensure under this section as a general or limited partner shall not serve as such a partner until that person obtains the required approval or waiver from the commission.

(e) The commission shall require any person involved in the financing of a gaming establishment or an applicant's proposed gaming establishment to be qualified for licensure pursuant to [sections 12 and 16](#) and may allow such person to seek a waiver pursuant to the standards in subsection (c).

(f) A person required to be qualified for licensure shall apply for qualification within 30 days after taking a position with the business. A person who is required to be qualified for licensure pursuant to a decision of the commission shall apply for qualification within 30 days after that decision.

(g) If a corporation or other form of business organization applying for a gaming license is, or if a corporation or other form of business organization holding a gaming license is to become, a subsidiary, each holding company, intermediary company and other entity having an interest in the applicant shall be required to be qualified for licensure under [sections 12 and 16](#).

(h) The commission shall require that a company or individual that can exercise control or provide direction to a gaming licensee or applicant for a gaming license or a holding, intermediary or subsidiary company of a gaming licensee or applicant for a gaming license be qualified for licensure under [sections 12 and 16](#); provided, however, that the commission may allow such person to seek a waiver under subsection (c).

(i) The bureau shall investigate each person required to be qualified for licensure under this section and shall: (i) make a recommendation to the commission that the commission shall approve or deny the application for licensure; or (ii) extend the period for issuing a recommendation in order to obtain additional information necessary for a complete evaluation of the application for a license.

#### **Credits**

Added by [St.2011, c. 194, § 16, eff. Nov. 22, 2011](#).

M.G.L.A. 23K § 14, MA ST 23K § 14

Current through Chapter 129 of the 2024 2nd Annual Session. Some sections may be more current, see credits for details.





December 13, 2016

Ms. Tina Hable, Licensing Manager  
Penn National Gaming, Inc.

P. Gregory Giordano, Esq.  
McDonald Carano Wilson LLP

By e-mail to: [tina.hable@pngaming.com](mailto:tina.hable@pngaming.com), and [ggiordano@mcwlaw.com](mailto:ggiordano@mcwlaw.com)

RE: Institutional Investor Waiver of Qualification

Dear Ms. Hable & Attorney Giordano:

The Massachusetts Gaming Commission has approved the petition from HG Vora Capital Management, LLC for a waiver from qualification as an institutional investor for its ownership interest of more than 5 percent but not exceeding 15 percent in Penn National Gaming, Inc.

HG Vora Capital Management, LLC through its Chief Operating Officer Philip Garthe, has certified that it meets the definition of “institutional investor” as set forth in M.G.L. c. 23K, § 2, and that it holds its interest for investment purposes only, with no intention to influence or affect the affairs or operations of the issuer, or any of the issuer’s holding, intermediary or subsidiary companies.

Please note that in the Petition, HG Vora Capital Management, LLC has acknowledged that if it intends to influence or affect the affairs or operations of the issuer, or any of the issuer’s holding, intermediary or subsidiary companies, it shall provide not more than 30 days written notice to the Massachusetts Gaming Commission of such intent and shall file an application for qualification before taking an action that may influence or affect the affairs or operations of the issuer; provided, however, that HG Vora Capital Management, LLC shall be permitted to vote on matters put to the vote of the outstanding security holders.

Please also note that it shall be the duty of Penn National Gaming, Inc. to notify the Gaming Commission in writing immediately in the event that HG Vora Capital Management, LLC interest in Penn National Gaming, Inc. or any of the applicant’s/licensee’s holding, intermediary or subsidiary companies exceeds 15 percent.

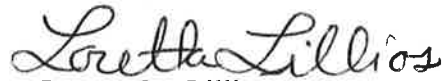
Notifications shall be sent by e-mail to: [mglicensing@massmail.com](mailto:mglicensing@massmail.com).



Massachusetts Gaming Commission

Please feel free to contact me if you have any questions.

Sincerely,



Loretta M. Lillios  
Chief Enforcement Counsel/Dep. Dir. – IEB  
617-979-8459  
Loretta.lillios@state.ma.us

cc: Karen Wells, IEB Director - MGC  
Paul Connelly, Licensing Director - MGC  
Bill Curtis, Licensing Supervisor - MGC  
MSP Det. Lt. Brian Connors - MGC  
Marlon Polite, Financial Investigations Supervisor – MGC

SB



Massachusetts Gaming Commission



MASSACHUSETTS GAMING COMMISSION

WAIVER FOR INSTITUTIONAL INVESTORS (in Gaming Licensees)

Pursuant to M.G.L. c. 23K, § 14(c), and 205 CMR 116.03

Upon written petition, the Massachusetts Gaming Commission (Commission) may waive the qualification requirements for institutional investors holding up to 15 percent of the stock of a gaming licensee, an applicant for a gaming license, or a holding, intermediary or subsidiary company thereof, upon a showing by the person seeking the waiver that its interest was obtained for investment purposes only and the investor does not have any intention to influence or affect the affairs or operations of the gaming licensee, the applicant for a gaming license, or the holding, intermediary or subsidiary company thereof. See M.G.L. c. 23K, § 14(c); 205 CMR 116.03(1)(b), (2-4).

Institutional Investor Certification

I, Philip Garthe, of full age, certify and state:

1. I am the Chief Operating Officer of HG Vora Capital Management, LLC

As such, I am fully familiar with the facts herein.

2. The Investment Company, with its principal place of business at 330 Madison Avenue, 23rd Floor, New York, NY 10017

currently holds 5,500,000 # of shares of the common stock of Penn National Gaming, Inc. (Issuer: Gaming Licensee/Applicant)

which represents 6.6 % of the issued and outstanding common/stock.

3. I have reviewed the definition of "Institutional investor" as set forth in M.G.L. c. 23K, § 2 and it is my belief, as a duly authorized representative of the Investment Company, that the Investment Company meets this definition of "institutional investor."

4. The purchase of the above stock was for investment purposes only, and the Investment Company does not have any intention to influence or affect the affairs or operations of the Issuer; nor does the Investment Company have any intention of influencing or affecting the affairs or operations of any of the Issuer's holding, intermediary or subsidiary companies.

5. If the Investment Company subsequently determines to influence or affect the affairs or operations of the Issuer or any of the Issuer's holding, intermediary or subsidiary companies, it shall provide not less than 30 days' notice to the Commission of such intent, and shall file an application for qualification before taking an action to influence or affect the affairs or operations of the Issuer or any of the Issuer's holding, intermediary or subsidiary companies; provided, however, that it shall be permitted to vote on matters put to the vote of the outstanding security holders.

1 "Institutional Investor", any of the following entities having a 5 percent or greater ownership interest in a gaming establishment or gaming licensee: a corporation, bank, insurance company, pension fund or pension fund trust, retirement fund, including funds administered by a public agency, employees' profit-sharing fund or employees' profit-sharing trust, an association engaged, as a substantial part of its business or operation, in purchasing or holding securities, or any trust in respect of which a bank is a trustee or co-trustee, investment company registered under the federal Investment Company Act of 1940, collective investment trust organized by banks under part 9 of the Rules of the Comptroller of Currency, closed end investment trust, chartered or licensed life insurance company or property and casualty insurance company, investment advisor registered under the federal Investment Advisers Act of 1940, and such other persons as the commission may reasonably determine to qualify as an institutional investor for with the purposes of this chapter. G.L. c. 23K, § 2.

6. I submit to the jurisdiction of the Commonwealth of Massachusetts, the Massachusetts Gaming Commission, The (Massachusetts) Expanded Gaming Act, and the regulations promulgated thereunder.
7. I agree to promptly comply with all requests for information by the Massachusetts Gaming Commission, and I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements are willfully fictitious or fraudulent, I may be subject to prosecution and punishment.
8. Notifications to the Massachusetts Gaming Commission shall be made by e-mail to: [mgclicensing@massmail.state.ma.us](mailto:mgclicensing@massmail.state.ma.us)

I, Philip Garthe, hereby state under the pains and penalties  
(Print Name)  
of perjury that the information contained herein is true and accurate to the best of my knowledge and understanding.

Philip M. Garthe  
(Signature)  
November 23, 2016  
(Date)  
212-707-5192  
(Telephone number)  
pgarthe@hgvoracapital.com  
(E-mail address)

FOR MASSACHUSETTS GAMING COMMISSION USE:

APPROVED

Mr. Wells  
(SIGNATURE)

12/2/16  
(DATE)

DENIED

\_\_\_\_\_  
(PRINT NAME and TITLE)



*Division of Racing*

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

FROM: Alexandra Lightbown, Director of Racing

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

DATE: December 16, 2024

RE: Plainridge Park Casino Request for Simulcast  
Export Locations for 2025

---

Dear Commissioners:

As part of their Application for a License to Hold or Conduct a Racing Meeting in 2025, 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 2025.**



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**

<b>Guest and Secondary Sites</b>	<b>Customer Code</b>
<b>AmWest Entertainment (OTB's and ADW)</b>	
Diamond Casino (Netherlands Antilles)	H1I
San Marco Curacao ISI (Curaçao)	H2M
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
<b>Arapahoe Park (Colorado)</b>	
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
<b>Assiniboia Downs (Manitoba, Canada)</b>	
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
<b>Atlantic City Casinos (New Jersey)</b>	
Borgata Casino	BRG
<b>Bangor Raceway (Maine)</b>	
	BAN
<b>Belterra Park (Ohio)</b>	
	BEP
<b>BetMakers DNA Pty LTD (International Fixed Odds Wagering)</b>	
Global Racing Network	
<b>Birmingham Race Course (Alabama)</b>	
	BHM
<b>Victoryland Greyhound (Alabama)</b>	
	VLD
<b>Buffalo Raceway (New York)</b>	
	BUR

2025 Plainville Gaming and Redevelopment, LLC – Exhibit 28

<b>Canterbury Park (Minnesota)</b>	CBY
<b>Capital District Off-Track Betting Corporation (New York)</b>	
Capital Internet & Phone Wagering	
<b>Catskill Off-Track Betting Corporation (New York)</b>	CAR
Catskill Internet & Phone Wagering	
<b>Century Downs (Alberta, Canada)</b>	
Century Downs on-track	CED
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	RLI
Santo's Restaurant & Lounge	SRL
Schanks 1 OTB	WUS
Schanks Athletic Club Edm	SCH
Stoney Nakoda Resort Morley	CEI
<b>Charles Town Races (West Virginia)</b>	CTR
<b>Churchill Downs (Kentucky)</b>	CDG
Blue Grass Downs	BLG
Derby City Downtown	DCD
Derby City Poplar Level	DCP
Ellis Park	ELG
Keeneland	KEG
Kentucky Downs	KDG
Louisville Thoroughbred Soc.	LTS
Mint Corbin Cumberland Run	KCM
Mint Williamsburg KD	KWB
Newport OTB	NPT



2025 Plainville Gaming and Redevelopment, LLC – Exhibit 28

Oak Grove Racing	OGG
Owensboro OTB	OWG
Sandy Ridge Ashland	ASH
The Mint Bowling Green	KBG
Turfway Park	TUG
<b>Colonial Downs (Virginia)</b>	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
<b>Columbus Races (Nebraska)</b>	CLS
<b>Corpus Christi Greyhound Racing (Texas)</b>	CPC
<b>Day At The Track (ADW)</b>	DAT
<b>Dayton Raceway (Ohio)</b>	HGD
<b>Delaware Park (Delaware)</b>	DEL
<b>Delta Downs (Louisiana)</b>	DLT
<b>DerbyWars (Handicapping Contest, Non-Wagering Site)</b>	
<b>Downs at Albuquerque (New Mexico)</b>	ALD
<b>Dover Downs Raceway (Delaware)</b>	DOV
<b>eBet Technologies Inc. (ADW)</b>	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
<b>Elite Turf Club (ADW)</b>	
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

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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
<b>Emerald Downs (Washington)</b>	EMD
Washington Offtrack Locations	WOF
<b>Evangeline Downs (Louisiana)</b>	EVD
Eunice OTB	EUN
Races and Aces-Henderson	HEN
St. Martinville OTB	SMV
<b>Fair Grounds (Louisiana)</b>	FRG
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
<b>Fair Meadows (Oklahoma)</b>	FMT
<b>Favorites at Gloucester Township (New Jersey)</b>	FGC
<b>Finger Lakes (New York)</b>	FIL
FingerLakesBonusBets.com	FGL
<b>Fonner Park (Nebraska)</b>	FON
<b>Fraser Downs, Hastings Park, BC Teletheatres (British Columbia, Canada)</b>	
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

2025 Plainville Gaming and Redevelopment, LLC – Exhibit 28

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
<hr/>	
<b>Freehold Raceway (and New Jersey OTB)</b>	FHR
Favorites at Tom's River	TOM
<hr/>	
<b>Game Play Network (ADW)</b>	
Game Play CA Wagers	OD5
Game Play Network ADW	ODY
Game Play Network Oddz	ODZ
<hr/>	
<b>Global Wagering Group, LLC (ADW)</b>	
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
<hr/>	
<b>Global Wagering Solutions (International ADW)</b>	
Betfred A	AL1
Betsson	GWB

2025 Plainville Gaming and Redevelopment, LLC – Exhibit 28

EUR Digital Web	AL2
GWS Bet365	GB3
GWS Coral LC Int.	GCO
GWS German Tote	GGT
GWS Ladbrokes LC Int	GLU
GWS UK Tote	UKG
International Betting Association Ltd	GOX
Magna Bet	MAB
Pferdewetten.de GmbH	GPW
Phumelela XB-Net ZAR	XZA
Racebets	GRR
Scientific Games Racing BV	GSN
Eastern Cape	ECP
Free State	TFS
Gauteng Province	GTN
Gold Circle Kwazulu Natal	KZN
Gold Circle Western Cape	WCP
Mpumalanga Province	MPU
North West Province	TNW
Northern Cape	NCA
Northern Transvaal	NRT
Phumelela Kwazulu Natal	PKZ
Phumelela Race-Courses	CLU
Phumelela Western Cape	PWC
<b>Greyhound Park at Post Falls (Idaho)</b>	<b>CAO</b>
<b>Harrah's Philadelphia (Pennsylvania)</b>	<b>HCR</b>
TVG Pennsylvania Retail	TVH
TVG Pennsylvania HV	TV8
<b>Harrington Raceway (Delaware)</b>	<b>HAC, HAL</b>
<b>Hawthorne Race Course (Illinois)</b>	<b>HAW</b>
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

2025 Plainville Gaming and Redevelopment, LLC – Exhibit 28

Peoria OTB	PEO
Rockford Shooters HRC	RSG
Villa Park Sportsbar HRC	VIL
Fairmount Park	FPK
Club Hawthorne AW (IL Residents Only)	HWA
<b>Hiawatha Horse Park (Ontario, Canada)</b>	HHP
<b>Hipicia Presidente Remon - Codere (Panama)</b>	
Panama	PAN
Panama OTB Agents	POA
LA Kelvin OTB	POB
Panama Turf OTB's	PTO
Panama Phone Bet	PPB
<b>Hipodromo de Agua Caliente (Separate Pool)</b>	
<b>Hoosier Park (and Indiana OTB's)</b>	HPG
Fort Wayne OTB	FWG
Indianapolis OTB	IAG
Merrillville OTB	MEG
<b>Horse Racing New Brunswick (Canada Tracks &amp; OTB's)</b>	
Exhibition Park Raceway	EPR
Fredericton OTB	FSA
Horseshoe Sports Pub	HSP
KV Billiards Quispamsis	KVQ
Sulky Room Saint John	SJO
<b>Horsemen of Iowa Simulcast Association (and Iowa Outlets)</b>	
Wild Rose Clinton	IG1
Wild Rose Emmetsburg	IG2
Wild Rose Jefferson	IG3
<b>Horsemen's Park (and Nebraska outlets)</b>	NEB
Lincoln Race Course	LRC
<b>Horseshoe Casino Council Bluffs</b>	BLF
<b>HorseTouneys (Handicapping Contest, Non-Wagering Site)</b>	
<b>Indiana Downs (and Indiana OTB's)</b>	IDS
Clarksville OTB	IOC
<b>Intermountain Racing &amp; Entertainment (Idaho Track, OTB, ADW)</b>	
Sandy Downs	TET
The Turf Club at Fort Hall Casino	TCC
Idaho Falls OTB	IFO
Idabet.com	IDB
<b>Jockey Club do Rio Grande do Sul - Codere (Brazil)</b>	
Codere Suaposta	SUA
<b>Las Vegas Dissemination Company</b>	
Foxwoods Casino (Connecticut)	FXC
Cities of Gold Sports Bar (New Mexico)	POJ
<b>Lewiston Raceways, Inc.</b>	
Winner's Circle OTB (Maine)	LEW
<b>Lien Games Racing, Inc. (North Dakota OTB's and ADW)</b>	
CW Technologies US	CWU
HOJO OTB	LGM
LG RushBetWin CA	LG6

2025 Plainville Gaming and Redevelopment, LLC – Exhibit 28

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
<b>Lone Star Park (Texas)</b>	LSP
<b>Louisiana Downs (Louisiana)</b>	LAD
Harrahs Louisiana Downs OTB	LDT
<b>Mahoning Valley Race Course (Ohio)</b>	MVR
<b>Maryland Jockey Club (Laurel, Pimlico, Rosecroft, and Maryland OTB's)</b>	MJC
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
<b>Meadowlands Racetrack (New Jersey)</b>	MED
Winners Bayonne	BAY
<b>The Meadows (Pennsylvania)</b>	MEA
Meadows Acct Wagering	MAW
<b>Miami Valley Gaming and Racing (Ohio)</b>	MVG
<b>Mississippi Off-Track Wagering (Mississippi)</b>	
Harlow's Casino	HLW
Riverwalk Casino	RWV
<b>Monmouth Park (New Jersey)</b>	MTH
Favorites at Woodbridge	WOB
Favorites at Hillsborough	FHO
Jamie's Bar	JMB
NJ ADW-Online	NJ1

2025 Plainville Gaming and Redevelopment, LLC – Exhibit 28

NJ ADW-Mobile	NJ2
NJ ADW-IVR	NJ3
<b>Monticello Raceway (New York)</b>	MRA
<b>Mountaineer Park (West Virginia)</b>	MNR
<b>Nassau Regional Off-Track Betting Corporation (New York)</b>	
Nassau Internet & Phone Wagering	
<b>New York Racing Association (New York)</b>	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
<b>Northfield Park (Ohio)</b>	NPK
Cedar Downs OTB	CDR
<b>Northville Downs (Michigan)</b>	NOR
<b>Oak Grove Racing (Kentucky)</b>	OGG
<b>Oaklawn Park (Arkansas)</b>	OPA
Oaklawn Park Account Wagering	OPT
<b>Ocean Downs (Maryland)</b>	OCD
<b>Oregon Off-Track Wagering (Oregon)</b>	
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
<b>PariBet US (ADW)</b>	PBU
PariBet 1	PB1
PariBet 2	PB2
PariBet 4	PB4
<b>Parx Racing (Pennsylvania)</b>	PHA
Parx Malvern Race & Sportsbook	MAV
South Philadelphia Turf Club	SPO

2025 Plainville Gaming and Redevelopment, LLC – Exhibit 28

Philly Park Internet	PHI
Philly Park Phonebet	PHP
Philly Park IVR	PVR
Egg Harbor Turf Club (New Jersey)	EHT
<b>Penn ADW, LLC (ADW)</b>	<b>ACX</b>
<b>Penn National Race Course (Pennsylvania)</b>	<b>PEN</b>
Off-Track Wagering York	YRK
Hollywood Casino Morgantown	MRG
Penn National Account Wagering	ACW
<b>Player Management Group (ADW)</b>	<b>PMG</b>
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
Player Management Group V	PMV
Player Management ND	PND
<b>Pocono Downs (Pennsylvania)</b>	<b>POC</b>
Pocono Downs OTB	POT
Pocono Downs Account Wagering	PAW
Pocono Downs Internet	POI
<b>Pompano Park (and Florida In-State Guest Locations)</b>	<b>PPK</b>
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



2025 Plainville Gaming and Redevelopment, LLC – Exhibit 28

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
<b>Prairie Meadows (Iowa)</b>	PRM
Prairie Meadows Contest	PMS
<b>Premier Gateway International (International ADW)</b>	IOM
Phumelela Gold – Europe	EUC
Phumelela Gold - UK	UKP
Safetote	TVA
<b>Premier Turf Club (ADW)</b>	PRT
Premier Turf Club 2	PRS
<b>Presque Isle Downs (Pennsylvania)</b>	PID
<b>Racing &amp; Gaming Services (ADW)</b>	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
<b>Raynham Greyhound Park (Massachusetts)</b>	TDT
Raynham Account Wagering	TDA
<b>Red Mile, The (Kentucky)</b>	REM
<b>Red Shores Racetrack &amp; Casino (Prince Edward Island, Canada)</b>	
Charlottetown	CTN
Summerside Raceway	SUM
<b>Remington Park (Oklahoma)</b>	REP
Bordertown	RPB
Newcastle Gaming Center	RPN
Riverwind Casino	RPR

2025 Plainville Gaming and Redevelopment, LLC – Exhibit 28

Winstar Casino	RPW
Southwind Casino	SWC
Durant OTB	CHW
Choctaw Casino- Pocola	CCP
Medio Tiempo OTB	MOA
Thunder Roadhouse	TRH
RP Golden Mesa	RPG
<b>Retama Park (Texas)</b>	RET
<b>Rocky Mountain Turf Club (Alberta, Canada Track, OTB's, ADW)</b>	RMT
Whoop-Up Downs	WUP
Whoop Up Downs TAB	WUT
<b>Ruidoso Downs (New Mexico)</b>	RUI
<b>Running Aces Harness Park (Minnesota)</b>	ACE
<b>Sam Houston Race Park (Texas)</b>	HOU
Valley Greyhound Park	VGT
<b>Saratoga Harness Raceway (New York)</b>	SRA
SaratogaBets	SGR
SaratogaBets Oregon	SOO
<b>Scarborough Downs (Maine)</b>	SDO
<b>Scioto Downs (Ohio)</b>	SCD
<b>Seabrook Greyhound (New Hampshire)</b>	SEA
Seabrook Greyhound Phonebet	SEP
<b>Southland Greyhound Park (Arkansas)</b>	SGP
<b>Sportech Venues</b>	
Shoreline Star Greyhound Park (CT)	BJA
Connecticut OTB (CT)	CTB
Connecticut OTB Acct Wagering (ADW)	CTA
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
<b>Stable Duel (Handicapping Contest, Non-Wagering Site)</b>	
<b>Sudbury Downs (Ontario, Canada Track)</b>	SDN
<b>Suffolk Downs (Massachusetts)</b>	SUF
<b>Suffolk Regional Off-Track Betting Corporation (New York)</b>	
Suffolk Internet & Phone Wagering	
<b>Sunland Park (New Mexico)</b>	SNP
<b>SunRay Park &amp; Casino (New Mexico)</b>	SUR
<b>Television Gaming Network (TVG)</b>	
FanDuel Arizona HV	TFA
FanDuel Arizona Retail	TF9

2025 Plainville Gaming and Redevelopment, LLC – Exhibit 28

TWS-M White Label CA	TWM
Velocity Wagering Group	VW0
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
Youbet via United Tote	YBG
<b>US Offtrack (ADW)</b>	GYC
<b>Vernon Downs (New York)</b>	VRN
<b>WatchandWager.com, Ltd. (International ADW)</b>	EOT
Watch and Wager (Domestic ADW)	WNW
WAW - Global	WNG
Watchandwager Player1 USD	WW1
WatchandWager CA Group	WWC
<b>Western Regional Off-Track Betting Corporation (New York)</b>	
Western Internet & Phone Wagering	
Batavia Downs	BTV, BAD
Batavia Downs Online	BAG
<b>Wheeling Island (West Virginia)</b>	WHE
<b>Will Rogers Downs (Oklahoma)</b>	WRD
Cherokee Casino West Siloam Springs	WSS
Cherokee Casino Sallisaw	CCE
<b>Woodbine Entertainment Group (Ontario, Canada)</b>	
A&F Billiards	AFB
AC Ranch Caffe 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
Champions at Royal Square	CRQ
Champions on Bloor	CBO
Champions on the Danforth	WO3
Charlottetown IVR	CTI

2025 Plainville Gaming and Redevelopment, LLC – Exhibit 28

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
Mane Event	WEM
Marquis IVR	MAI
McGinnins Landing LO	MLO
Mississauga Chinese Centre	W02

2025 Plainville Gaming and Redevelopment, LLC – Exhibit 28

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
The BLVD Petawawa	BDP
The Brunswick Hotel Complex (Don Cherry)	BHD
Track on 2 HPI	T2H
Thirsty Judge Bracebridge	TJB

2025 Plainville Gaming and Redevelopment, LLC – Exhibit 28

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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<b>Wyoming Downs LLC (Wyoming)</b>	
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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<b>Xpressbet (ADW)</b>	
MEC TAT	TAT
MEC Telephone	MET
XpressBet	MEI
Xpressbet Bet365 All	XBA
Xpressbet Bet365 IL	XBI
Xpressbet Bet365 Calif	XBC
Xpressbet Bet365 MD	XBM
Xpressbet Bet365 PA	XBP
Xpressbet California	XCA
Xpressbet Maryland	XMD
Xpressbet ND	XND
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<b>Yonkers Raceway (New York)</b>	YOR
EmpireCityBets Yonkers	ECB
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<b>Zia Park (New Mexico)</b>	ZIA
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*Division of Racing*

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

FROM: Alexandra Lightbown, Director of Racing

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

DATE: December 16, 2024

RE: Plainridge Park Casino Request for Simulcast  
Import Locations for 2025

---

Dear Commissioners:

As part of their Application for a License to Hold or Conduct a Racing Meeting in 2025, 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 2025, for the calendar year 2025.**



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 15, 2025 to Saturday September 6, 2025 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) and Chapter 26 acts of 2023 Section 23 for licensed racing meeting licensees.



2025 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 at Aqueduct, 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  
California 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  
Cumberland Run, KY  
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  
Farmington Fair, ME  
Finger Lakes, NY  
First Tracks Cumberland, ME  
Flamboro Downs, Canada  
Fonner Park, NE  
Fort Erie Racetrack, Canada  
Fraser Downs, Canada  
Freehold Raceway, NJ  
French Racing (PMU), France  
Fryeburg Fair, ME  
Georgian Downs, Canada  
Golden State Racing (Pleasanton), CA  
Grand River Raceway, Canada  
Grants Pass Downs, OR  
Gulfstream Park, FL  
Harrah's Columbus Races, NE  
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

2025 Plainville Gaming and Redevelopment, LLC – Exhibit 27

Kentucky Derby Sire Future Wager, KY  
Kentucky Downs, KY  
Kentucky Oaks Future Wager, KY  
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)  
Scioto Downs, OH  
Shenandoah Downs (Harness), VA  
Singapore Racing (Sky Racing World), Singapore  
Skowhegan State Fair, ME  
Sonoma County Fair, CA (Santa Rosa)  
South Africa Racing, (Sky Racing World) South Africa  
South Korea Racing (Sky Racing World), South Korea  
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)  
Windsor Fair, ME  
Woodbine, Canada (Harness Meet)  
Woodbine, Canada (Thoroughbred Meet)  
Yonkers Raceway, NY  
Zia Park, NM

UK THOROUGHBRED TRACKS

Ascot  
Bath  
Brighton  
Chelmsford City  
Chepstow  
Doncaster  
Exeter  
Fakenham  
Ffos Las  
Fontwell  
Yarmouth  
Hereford  
Hexham  
Kelso  
Leicester  
Lingfield  
Newcastle  
Newton Abbot  
Perth  
Plumpton  
Ripon  
Windsor  
Sedgefield  
Southwell  
Stratford  
Taunton  
Towcester  
Uttoxeter  
Wolverhampton  
Worcester  
Aintree  
Ayr  
Bangor-on-Dee  
Beverley  
Carlisle  
Cartmel  
Catterick  
Chester  
Cheltenham  
Epsom  
Goodwood  
Hamilton Park  
Haydock Park  
Huntingdon

Kempton Park  
Ludlow  
Market Rasen  
Musselburgh  
Newbury  
Newmarket  
Nottingham  
Pontefract  
Redcar  
Salisbury  
Sandown Park  
Thirsk  
Warwick  
Wetherby  
Wincanton  
York

IRELAND THOROUGHBRED TRACKS

Ballinrobe  
Bellewstown  
Clonmel  
Cork  
Curragh  
Downpatrick  
Down Royal  
Dundalk  
Fairyhouse  
Galway  
Gowran Park  
Kilbeggan  
Killarney  
Laytown  
Leopardstown  
Limerick City  
Listowel  
Naas  
Navan  
Punchestown  
Roscommon  
Sligo  
Thurles  
Tipperary  
Tramore  
Wexford



*Division of Racing*

TO: Jordan Manard, Chairman  
Eileen O'Brien, Commissioner  
Bradford Hill, Commissioner  
Nakisha Skinner, Commissioner  
Paul Brodeur, Commissioner

FROM: Alexandra Lightbown, Director of Racing

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

DATE: December 16, 2024

RE: Plainridge Park Casino Request for Premium-Free  
Period for 2025

---

Dear Commissioners:

As part of their Application for a License to Hold or Conduct a Racing Meeting in 2025, 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 15, 2025 to Saturday September 6, 2025 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 15, 2025 to Saturday September 6, 2025.**



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 15, 2025 to Saturday September 6, 2025 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) and Chapter 26 acts of 2023 Section 23 for licensed racing meeting licensees.



*Division of Racing*

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

FROM: Alexandra Lightbown, Director of Racing

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

DATE: December 16, 2024

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 2025, 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 2025.**



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 2025, authorization from the Massachusetts Gaming Commission ("MGC") to offer account wagering in 2025. 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](http://www.hollywoodraces.com) and through a mobile app (available on both iOS and Android systems).

In 2023, Massachusetts account holders registered with *Hollywood Races* wagered [REDACTED], representing approximately [REDACTED] 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.



**MEMORANDUM**

<b>TO:</b>	Massachusetts Gaming Commission
<b>FROM:</b>	Chad Bourque, Financial Analyst
<b>SUBJECT:</b>	Request for Reimbursement   Harness Horse Promotional Trust Fund
<b>DATE:</b>	November 25, 2024

In accordance with General Laws of Massachusetts, Chapter 128A, Section 5g. The trustees may expend without appropriation all or any part of the promotional trust funds to the appropriate track licensee in proportion to the amount deposited in each fund for use in promotional marketing. The following promotional fund request has been reviewed.

**HHPTF Request for Reimbursement: 2024-1**

- World Cup handicapping series 3/30/2024 \$5,000
- Derby Prep handicapping series 4/20/2024 \$5,000
- Penn Mile handicapping series 5/31/2024 \$5,000
- Summer Solstice handicapping series 6/22/2024 \$7,500
- Travers Day handicapping series 8/24/2024 \$10,000
- Invitational handicapping series 9/27/2024 \$5,000
- Billboard advertising provided by Carroll Advertising, LLC \$9,000

**Total Request for Reimbursement: \$46,500**

All financial statements required under section 6 shall be accompanied by a statement signed under the pains and penalties of perjury by the chief financial officer of the licensee setting forth the promotions completed with funds obtained under this section.

The request for consideration was approved by the Commission on 02/29/2024. After review and confirmation of the request for reimbursement, with your authorization, we will make payment to the track.

Encl. plainridge\_rfc\_r\_hhptf\_2024\_01\_(a)\_ (b)

Cdb



Massachusetts Gaming Commission





Massachusetts Gaming Commission
Harness Horse Capital Improvement Trust Fund
Harness Horse Promotional Trust Fund

- 1. Date: 11/4/2024
2. Association: Plainville Gaming & Redevelopment, LLC d/b/a/ Plainridge Park Casino
3. Project #: Plainridge HHPTF 2024-1
4. Project Description: Handicapping Series and Billboard Advertisements

Table with 4 columns: Type of Request, Date, Event Name, Amount. Includes rows for World Cup HDCP, Derby Prep HDCP, Penn Mile HDCP, Summer Solstice HDCP, Travers Day HDCP, Invitational, Sub-Total, and Carroll Advertising, LLC (Billboard).

- 6. Total Project Amount: \$46,500
- Estimate / RFC -
- Actual / RFR - \$46,500

7. RFC - Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack: In an effort to engage the racing patrons at Plainridge, a series of Handicapping Contests will be offered. Six (6) handicapping contests totaling \$37,500 in prize money and \$9,000 for billboard advertising the events as well as, The Triple Crown races and The Spirit of Massachusetts.

RFR - Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. A copy of the invoice and cancelled check must support each expenditure:

- 8. For Capital Improvement Projects only, RFC's and RFR's must be submitted to the Commission's architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project.
9. All funds being requested for capital projects will be treated as capital expenditures for accounting and tax purposes.

10. Signed under the pains and penalties of perjury

11. By Track Official: Steve O'Toole Title: Director of Racing Date: 11/5/2024

By CFO: Heidi Yates-Akbaba Date: 11/5/2024

12. Trustee Approval and Date:

Carroll Advertising LLC  
 ATTN: Michael Carolla 415 Neponset Avenue  
 Dorchester, MA 02122 US  
 carolla@carrolladvertising.com

# Invoice

**BILL TO**  
 Plainridge Park Casino/Plainville  
 Gaming & Redevelopment  
 ATTN: Andrew Tavares/Lenny  
 Calderone  
 301 Washington Street  
 Plainville, MA. 02762

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
3236	04/03/2024	\$9,000.00	05/03/2024	Net 30	

ACTIVITY	QTY	RATE	AMOUNT
<b>Rental of Digital Display</b> MA#27-Route 1, N/O Route 106 JCT (F/S) *Rental for the following 4-week periods: 3/11-4/7; 4/8-5/5; 5/6- 6/2; 6/3-6/30; 7/1-7/28; 7/28-8/25 *8/25-9/2/2024--NO CHARGE	6	1,500.00	9,000.00
PENN PURCHASE ORDER # C1595989			0.00
Market: Plainville, Massachusetts			0.00
Plainridge Pak Casino/Plainridge Park Racing			0.00
<b>BALANCE DUE</b>			<b>\$9,000.00</b>



Commercial Electronic Office - Transaction Search  
Date Printed: 10/09/2024 02:42 PM PT

Check [REDACTED] - 12,000.00 USD

THIS CHECK CONTAINS MULTIPLE F-HAUD DETERRENT SECURITY FEATURES

Platowille Gaming and Redevelopment, LLC  
825 Berkshire Blvd.  
Weymouth, MA 01968

**PENN**  
ENTERTAINMENT

56-192/412 Date: 05/02/2024  
Check #: [REDACTED]

Pay Exactly \*\*Twelve Thousand and 00/100 -US Dollars\*\*

Amount  
\$\*\*\*12,000.00

VOID AFTER 60 DAYS

TO THE ORDER OF CARROLL ADVERTISING LLC  
415 NEPONSET AVE  
BOSTON MA 02122

*Fredrick B. Hunt*  
Authorized Signer  
*Michael Hunt*  
Authorized Signer  
2 Signatures on All Checks

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ENDORSE HERE  
FOR DEPOSIT ONLY  
CREDIT TO THE ACCOUNT OF  
THE WITHIN NAMED PAYEE

Item Details

Account Number	[REDACTED]	Item Sequence Number	[REDACTED]
Account Name	[REDACTED]	Bank Id	[REDACTED]
Check	[REDACTED]	Posting Date	05/23/2024
Amount	12,000.00 USD Debit	As Of Date	05/23/2024
Bai Code	[REDACTED]		
Status	Check Paid		
Additional Item Details:	[REDACTED]		

**Invoices Paid**

Supplier	Check Number	Paid Amount	Payment Document	Invoice Business Unit	Invoice Number	Invoice Date	Invoice Type	Due Date	Invoice Amount	Invoice Currency	Paid Status
Carroll Advertising LLC	3001304	3,000.00	PNG WF Outsource Format	USD BU	3233	4/1/24	Standard	5/1/24	3,000.00	USD	Fully paid
		9,000.00			3236	4/3/24	Standard	5/3/24	9,000.00	USD	Fully paid
<b>Grand Total</b>		<b>12,000.00</b>							<b>12,000.00</b>		

WORLD CUP

EXAMPLE

# CONGRATULATIONS!!!



PLAINRIDGE PARK CASINO

## WINNER'S ACKNOWLEDGMENT FORM

DATE WON

March 30<sup>th</sup>, 2024

EVENT

Handicapping Contest (World Cup)

WINNER'S NAME:

James

ACCOUNT #:

ADDRESS



PHONE



PRIZE WON

Cash

PRIZE VALUE

2,500.00

### BREAKDOWN OF PRIZE:

Cash \$ 2,500

Check \$ \_\_\_\_\_

Other \$ \_\_\_\_\_

FEDERAL ID

SOCIAL SEC. #

DRIVER'S LIC

State:



James

hereby accept the above prize, on this, the

30 day of March, 20 24.

I understand that I am responsible for all applicable taxes based on the value of the prize.

I understand that Plainville Gaming & Redevelopment, LLC d/b/a Plainridge Park Casino will send the proper tax forms (Form 1099) at the end of this calendar tax year, in accordance with Internal Revenue Service regulations.

Plainridge Park Casino

Date

3/30/24

Winner's Signature

Date

3-30-24

DERBY  
PREP

EXAMPLE

# CONGRATULATIONS!!!



PLAINRIDGE PARK  
CASINO

## WINNER'S ACKNOWLEDGMENT FORM




DATE WON April 20th, 2024 EVENT Derby Prep Contest

WINNER'S NAME: John ACCOUNT #:

ADDRESS 

PHONE 

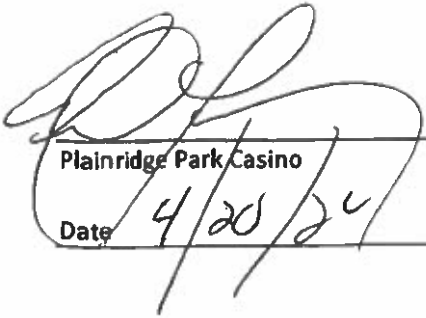
PRIZE WON Cash  
PRIZE VALUE \$600

For Audit Tracking Only	
SOCIAL SEC. #	
DRIVER'S LIC	
State:	

BREAKDOWN OF PRIZE:  
Cash 600  
Check \$ \_\_\_\_\_  
Other \$ \_\_\_\_\_

John hereby accept the above prize, on this, the  
20 day of April, 2024. I understand that I am responsible for all applicable  
taxes based on the value of the prize.

I understand that Plainville Gaming & Redevelopment, LLC d/b/a Plainridge Park Casino will send the proper tax forms (Form 1099) at the end of this calendar tax year, in accordance with Internal Revenue Service regulations.

  
Plainridge Park Casino  
Date 4/20/24

Winner's Signature \_\_\_\_\_

PENN  
MILE

EXAMPLE

# CONGRATULATIONS!!!



PLAINRIDGE PARK  
CASINO

## WINNER'S ACKNOWLEDGMENT FORM

DATE WON 5/31/24 EVENT Contest

WINNER'S NAME: Timothy ACCOUNT #: \_\_\_\_\_




ADDRESS 

PHONE 

PRIZE WON 2500.00


PRIZE VALUE 2500.00


BREAKDOWN OF PRIZE:  
Cash 2500.00  
Check \$ \_\_\_\_\_  
Other \$ \_\_\_\_\_

For Audit Tracking Only	
SOCIAL SEC. #:	
DRIVER'S LIC #:	
State:	

Timothy hereby accept the above prize, on this, the  
31 day of May, 2024. I understand that I am responsible for all applicable  
taxes based on the value of the prize.

I understand that Plainville Gaming & Redevelopment, LLC d/b/a Plainridge Park Casino will send the proper tax forms (Form 1099) at the end of this calendar tax year, in accordance with Internal Revenue Service regulations.

  
Plainridge Park Casino  
Date 5-31-24

  
Winner's Signature  
Date 5/31/24

Summer Solstice

Example

# CONGRATULATIONS!!!



PLAINRIDGE PARK CASINO

## WINNER'S ACKNOWLEDGMENT FORM

DATE WON

06/22/24

EVENT

Handicapping Contest

WINNER'S NAME:

Meredith

ACCOUNT #:

ADDRESS



PHONE



PRIZE WON

\$3,750

PRIZE VALUE

Cash

**BREAKDOWN OF PRIZE:**

Cash

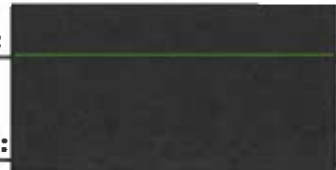
3,750

Check \$

Other \$

**For Audit Tracking Only**

SOCIAL SEC. #:



DRIVER'S LIC #:



State:



I, Meredith, hereby accept the above prize, on this, the 22<sup>nd</sup> day of June, 2024. I understand that I am responsible for all applicable taxes based on the value of the prize.

I understand that Plainville Gaming & Redevelopment, LLC d/b/a Plainridge Park Casino will send the proper tax forms (Form 1099) at the end of this calendar tax year, in accordance with Internal Revenue Service regulations.

[Signature]  
Plainridge Park Casino

Winner's Signature

Date

6/22/24

Date

06/22/24



TRAVER'S  
DAY

EXAMPLE

# CONGRATULATIONS!!!



PLAINRIDGE PARK  
CASINO

## WINNER'S ACKNOWLEDGMENT FORM

DATE WON

Saturday August 24th, 2024

EVENT

Traver's Handicapping Contest

X

WINNER'S NAME:

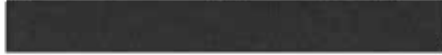
Ryan

ACCOUNT #:

ADDRESS



PHONE



PRIZE WON

CASH

PRIZE VALUE

\$ 800

BREAKDOWN OF PRIZE:

Cash \$ 800

Check \$ \_\_\_\_\_

Other \$ \_\_\_\_\_

For Audit Tracking Only

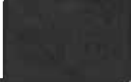
SOCIAL SEC. #:



DRIVER'S LIC #:



State:



X

Ryan

hereby accept the above prize, on this, the

24th day of August

2024

. I understand that I am responsible for all applicable taxes based on the value of the prize.

I understand that Plainville Gaming & Redevelopment, LLC d/b/a Plainridge Park Casino will send the proper tax forms (Form 1099) at the end of this calendar tax year, in accordance with Internal Revenue Service regulations.

Plainridge Park Casino

Date

8/24/24

X

Winner's Signature

Date

08/24/2024

Invitational

EXAMPLE

# CONGRATULATIONS!!!



PLAINRIDGE PARK  
CASINO

## WINNER'S ACKNOWLEDGMENT FORM

DATE WON

September 27th, 2024

EVENT

Invitational Handicapping Contest

X

WINNER'S NAME:

Robert

ACCOUNT #:

ADDRESS

[Redacted Address]

PHONE

[Redacted Phone]

PRIZE WON

CASH

PRIZE VALUE

2,500

BREAKDOWN OF PRIZE:

Cash 2,500

Check \$ \_\_\_\_\_

Other \$ \_\_\_\_\_

For Audit Tracking Only

X

SOCIAL SEC. #:

[Redacted Social Security Number]

X

DRIVER'S LIC #

State:

X Robert

\_\_\_\_\_ hereby accept the above prize, on this, the

27th day of September, 2024. I understand that I am responsible for all applicable taxes based on the value of the prize.

I understand that Plainville Gaming & Redevelopment, LLC d/b/a Plainridge Park Casino will send the proper tax forms (Form 1099) at the end of this calendar tax year, in accordance with Internal Revenue Service regulations.

[Signature]  
Plainridge Park Casino

Date

9/27/24

X

Winner's Signature

Date

9/27/24



*Division of Racing*

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

FROM: Alexandra Lightbown, Director of Racing

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

DATE: December 16, 2024

RE: Suffolk Downs Request for Simulcast Import  
Locations for 2025

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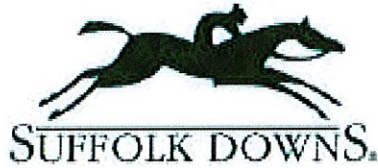
Dear Commissioners:

Suffolk Downs' Chief Operating Official Michael Buckley has submitted a request for approval of simulcast import locations dated December 6, 2024. 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 2025, 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 6, 2024 letter for calendar year 2025.**



Massachusetts Gaming Commission



December 6, 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 2025 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 2025. 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 on the enclosed list for purposes of simulcast wagering in 2025.

Thank you for your time and consideration.

Sincerely,

Michael Buckley  
Chief Operating Officer

enclosure

2025 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
AUSTRALIAN RACING	Thoroughbred/Mixed Meet	
BANGOR	Harness	
BAHRAIN	Thoroughbred/Mixed Meet	Kingdom of Bahrain
BATAVIA	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	
BUFFALO	Thoroughbred/Mixed Meet	
CAL-EXPO	Harness	
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	
COLUMBUS EXPO	Thoroughbred/Mixed Meet	
CUMBERLAND RUN	Harness	
DAYTON	Harness	
DEL MAR	Thoroughbred/Mixed Meet	
DELAWARE	Thoroughbred/Mixed Meet	
DELTA DOWNS	Thoroughbred/Mixed Meet	
DOVER	Harness	
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	
FAR HILLS	Thoroughbred/Mixed Meet	
FAIRGROUNDS	Thoroughbred/Mixed Meet	
FAIR MEADOWS	Harness	
FARMINGTON	Harness	Canada
FLAMBORO	Harness	Canada
FINGER LAKES	Thoroughbred/Mixed Meet	
FIRST TRACK CUMBERLAND	Harness	
FONNER	Thoroughbred/Mixed Meet	
FORT ERIE	Thoroughbred/Mixed Meet	Canada
FREEHOLD	Harness	
FRYEBURG	Harness	
GOLDEN GATE	Thoroughbred/Mixed Meet	
GOLDEN STATE	Thoroughbred/Mixed Meet	Canada
GOSHEN HISTORIC TRACK	Harness	
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	
HONG KONG JOCKEY CLUB	Thoroughbred/Mixed Meet	
HOOSIER	Harness	
HORSEMANS PARK	Thoroughbred/Mixed Meet	
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

LEGACY DOWNS	Thoroughbred/Mixed Meet	
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
MIAMI VALLEY	Harness	
MOHAWK	Harness	Canada
MONMOUTH	Thoroughbred/Mixed Meet	
MONTICELLO	Harness	
MOUNTAINEER	Thoroughbred/Mixed Meet	
NORTHFIELD	Harness	
NORTHVILLE	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	
PLEASANTON	Thoroughbred/Mixed Meet	
PMU	Harness	France
PMU	Thoroughbred/Mixed Meet	France
POCONO	Harness	
PRAIRIE MEADOWS	Thoroughbred/Mixed Meet	
PRESQUE ISLE	Thoroughbred/Mixed Meet	
RED MILE	Harness	
RED SHORES	Harness	CHARLOTTETOWN AND SUMMERSIDE
REMINGTON	Thoroughbred/Mixed Meet	
RETAMA	Thoroughbred/Mixed Meet	
RIDEAU CARLTON	Harness	Canada
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	
SKOWHEGAN	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	
VIRGINIA GOLD CUP	Thoroughbred/Mixed Meet	Steeplechasing
WILL ROGERS DOWNS	Thoroughbred/Mixed Meet	
WINDSOR	Harness	Canada
WOODBINE	Thoroughbred/Mixed Meet	Canada
YONKERS	Harness	
ZIA PARK	Thoroughbred/Mixed Meet	New Mexico



*Division of Racing*

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

FROM: Alexandra Lightbown, Director of Racing

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

DATE: December 16, 2024

RE: Suffolk Downs Request for Premium-Free Period  
for 2025

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Dear Commissioners:

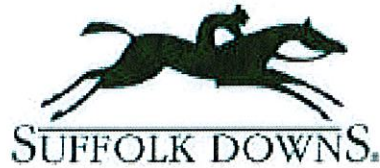
Suffolk Downs COO Michael Buckley has submitted a request for approval of a Premium-Free Period from October 9, 2025 through and including December 31, 2025. This is in accordance with Massachusetts General Laws Chapter 128C, §2 (5).

**Recommendation: That the Commission approves the Suffolk Downs request for approval of their premium free period from October 9, 2025 through December 31, 2025.**



Massachusetts Gaming Commission





December 6, 2024

Via email

Dr. Alex Lightbown  
Director of Racing and Chief Veterinarian  
Massachusetts Gaming Commission  
alexandra.lightbown@massgaming.com

Re: Suffolk Downs' Request for 2025 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 2025, Suffolk Downs asks that the Commission approve its designation of a premium-free period from October 9, 2025 through December 31, 2025.

Thank you for your time and consideration.

Sincerely,

  
Michael Buckley  
Chief Operating Officer





*Division of Racing*

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

FROM: Alexandra Lightbown, Director of Racing

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

DATE: December 16, 2025

RE: Suffolk Downs Request for Approval of Advance Deposit Wagering (Account Wagering) Vendors for 2025

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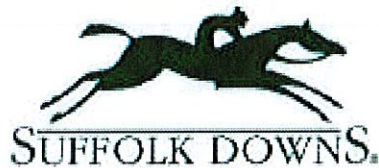
Dear Commissioners:

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 2025. All of these have been approved previously by the Commission.

**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 6, 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 2025 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 2025.

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.

We are happy to provide any additional information or answer any questions you or the Commission may have to be able to act on this request. Thank you for your time and consideration.

Sincerely,

  
Michael Buckley  
Chief Operating Officer



*Division of Racing*

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

FROM: Alexandra Lightbown, Director of Racing

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

DATE: December 16, 2024

RE: Raynham Park (Massasoit Greyhound Association  
and Taunton Dog Track) Request for Simulcast  
Import Locations for 2025

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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 2, 2024. 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 2, 2024 letters for calendar year 2025.**



Massachusetts Gaming Commission



Receiving Track:  
Massasoit Greyhound Assn, Inc.  
1958 Broadway  
Raynham, MA 02767  
2025 Simulcast Import Request

December 2, 2024

Via Email

Dr. Alex Lightbown  
Director of Racing  
Massachusetts Gaming Commission  
[alexandra.lightbown@massgaming.com](mailto: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 2025.

<u>2025 IMPORT</u>	<u>TYPE</u>
DAYTON	HARNESS
DOVER DOWNS	HARNESS
FLAMBORO DOWNS	HARNESS
FREEHOLD	HARNESS
HARRAHS @ PHILLY	HARNESS
HARRINGTON	HARNESS
HAWTHORNE	HARNESS
HOOSIER	HARNESS
MEADOWLANDS	HARNESS
MEADOWS	HARNESS
MIAMI VALLEY	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 MOHAWK	HARNESS

1958 Broadway, P.O. Box 172, Raynham, MA 02767 ■ Website: [www.raynhampark.net](http://www.raynhampark.net)

Phone: (508) 824-4071 ■ Fax : (508) 821-3239

Receiving Track:  
Massasoit Greyhound Assn, Inc.  
1958 Broadway  
Raynham, MA 02767  
2025 Simulcast Import Request

YONKERS	HARNESS
DELTA DOWNS	QUARTER HORSE
EVANGELINE	QUARTER HORSE
FAIR GROUNDS	QUARTER HORSE
HORSESHOE INDIANAPOLIS	QUARTER HORSE
REMINGTON	QUARTER HORSE
AJAX DOWNS	THOROUGHBRED
ALBURQUERQUE, 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
COLONIAL DOWNS	THOROUGHBRED
CHARLES TOWN	THOROUGHBRED
CHURCHILL	THOROUGHBRED
DEL MAR	THOROUGHBRED
DELAWARE	THOROUGHBRED
DELTA DOWNS	THOROUGHBRED
DUBAI	THOROUGHBRED
ELLIS	THOROUGHBRED
EMERALD DOWNS	THOROUGHBRED
EVANGELINE	THOROUGHBRED
FAIR GROUNDS	THOROUGHBRED
FAIRMOUNT	THOROUGHBRED
FAIRPLEX	THOROUGHBRED
FINGER LAKES	THOROUGHBRED
FONNER PARK	THOROUGHBRED
FORT ERIE RACING	THOROUGHBRED
GOLDEN STATE	THOROUGHBRED
GRAND RIVER RACEWAY	THOROUGHBRED
GULFSTREAM	THOROUGHBRED
GULFSTREAM WEST	THOROUGHBRED
HASTINGS	THOROUGHBRED
HAWTHORNE	THOROUGHBRED
HORSESHOE INDIANAPOLIS	THOROUGHBRED
KEENELAND	THOROUGHBRED
KENTUCKY DERBY FUTURE WAGER	THOROUGHBRED
KENTUCKY DOWNS	THOROUGHBRED
KENTUCKY OAKS FUTURE WAGER	THOROUGHBRED

Receiving Track:  
Massasoit Greyhound Assn, Inc.  
1958 Broadway  
Raynham, MA 02767  
2025 Simulcast Import Request

KENTUCKY SIRE FUTURE WAGER	THOROUGHBRED
LAUREL	THOROUGHBRED
LONE STAR PARK	THOROUGHBRED
LOS ALAMITOS	THOROUGHBRED
LOUISIANA	THOROUGHBRED
MAHONING VALLEY	THOROUGHBRED
MEADOWLANDS	THOROUGHBRED
MONMOUTH	THOROUGHBRED
MOUNTAINEER	THOROUGHBRED
NORTHLANDS	THOROUGHBRED
OAKLAWN	THOROUGHBRED
PARX (PHILADELPHIA PARK)	THOROUGHBRED
PENN NATIONAL	THOROUGHBRED
PIMLICO	THOROUGHBRED
PRAIRIE MEADOWS	THOROUGHBRED
PRESQUE ISLE	THOROUGHBRED
REMINGTON	THOROUGHBRED
RETAMA	THOROUGHBRED
RUIDOSO DOWNS	THOROUGHBRED
SAM HOUSTON	THOROUGHBRED
SANTA ANITA	THOROUGHBRED
SARATOGA	THOROUGHBRED
SAUDI CUP	THOROUGHBRED
SUNLAND PARK	THOROUGHBRED
SUNRAY PARK	THOROUGHBRED
TAMPA BAY	THOROUGHBRED
THISTLEDOWNS	THOROUGHBRED
TIMONIUM	THOROUGHBRED
TURF PARADISE	THOROUGHBRED
TURFWAY	THOROUGHBRED
WILL ROGERS DOWNS	THOROUGHBRED
WOODBINE	THOROUGHBRED
WOODLANDS	THOROUGHBRED
ZIA PARK	THOROUGHBRED

Sincerely,



George L. Carney, Jr.  
President

Receiving Track:  
Taunton Dog Track, Inc.  
1958 Broadway  
Rayham, MA 02767  
2025 Simulcast Import Request

*Taunton Dog Track, Inc.*  
*1958 Broadway*  
*Rayham, Massachusetts 02767*  
*(508) 824-4071*

December 2, 2024

Via Email

Dr. Alex Lightbown  
Director of Racing  
Massachusetts Gaming Commission  
[alexandra.lightbown@massgaming.com](mailto: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 2025.

<u>2025 IMPORT</u>	<u>TYPE</u>
DAYTON	HARNESS
DOVER DOWNS	HARNESS
FLAMBORO DOWNS	HARNESS
FREEHOLD	HARNESS
HARRAH'S @ PHILLY	HARNESS
HARRINGTON	HARNESS
HAWTHORNE	HARNESS
HOOSIER	HARNESS
MEADOWLANDS	HARNESS
MEADOWS	HARNESS
MIAMI VALLEY	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 MOHAWK	HARNESS

Receiving Track:  
Taunton Dog Track, Inc.  
1958 Broadway  
Raynham, MA 02767  
2025 Simulcast Import Request

YONKERS	HARNESS
DELTA DOWNS	QUARTER HORSE
EVANGELINE	QUARTER HORSE
FAIR GROUNDS	QUARTER HORSE
HORSESHOE INDIANAPOLIS	QUARTER HORSE
REMINGTON	QUARTER HORSE
AJAX DOWNS	THOROUGHBRED
ALBURQUERQUE, 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
COLONIAL DOWNS	THOROUGHBRED
CHARLES TOWN	THOROUGHBRED
CHURCHILL	THOROUGHBRED
DEL MAR	THOROUGHBRED
DELAWARE	THOROUGHBRED
DELTA DOWNS	THOROUGHBRED
DUBAI	THOROUGHBRED
ELLIS	THOROUGHBRED
EMERALD DOWNS	THOROUGHBRED
EVANGELINE	THOROUGHBRED
FAIR GROUNDS	THOROUGHBRED
FAIRMOUNT	THOROUGHBRED
FAIRPLEX	THOROUGHBRED
FINGER LAKES	THOROUGHBRED
FONNER PARK	THOROUGHBRED
FORT ERIE RACING	THOROUGHBRED
GOLDEN STATE	THOROUGHBRED
GRAND RIVER RACEWAY	THOROUGHBRED
GULFSTREAM	THOROUGHBRED
GULFSTREAM WEST	THOROUGHBRED
HASTINGS	THOROUGHBRED
HAWTHORNE	THOROUGHBRED
HORSESHOE INDIANAPOLIS	THOROUGHBRED
KEENELAND	THOROUGHBRED
KENTUCKY DERBY FUTURE WAGER	THOROUGHBRED
KENTUCKY DOWNS	THOROUGHBRED
KENTUCKY OAKS FUTURE WAGER	THOROUGHBRED







*Division of Racing*

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

FROM: Alexandra Lightbown, Director of Racing

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

DATE: December 16, 2024

RE: Raynham (Massasoit Greyhound Association and  
Taunton Dog Track ) Request for Account  
Wagering System

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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 2, 2024

Via Email

Dr. Alex Lightbown  
Director of Racing  
Massachusetts Gaming Commission  
[Alexandra.lightbown@massgaming.com](mailto:Alexandra.lightbown@massgaming.com)

RE: Massasoit Greyhound Assn, Inc. Request for Approval of 2025 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

*Taunton Dog Track, Inc.*

*1958 Broadway  
Raynham, Massachusetts 02767  
(617) 824-4071*

December 2, 2024

Via Email

Dr. Alex Lightbown  
Director of Racing  
Massachusetts Gaming Commission  
[Alexandra.lightbown@massgaming.com](mailto:Alexandra.lightbown@massgaming.com)

RE: Taunton Dog Track, Inc. Request for Approval of 2025 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



To: Jordan Maynard, Chair  
Eileen O'Brien, Commissioner  
Brad Hill, Commissioner  
Nakisha Skinner, Commissioner  
Paul Brodeur, Commissioner

From: Carrie Torrisi, Chief of Sports Wagering Division

Date: December 16, 2024

Re: FanDuel Temporary Waiver from 248.04(4)

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The Commission's regulation 205 CMR 248.04(4) requires that "[t]he Sports Wagering Operator shall at the time of account establishment, utilize identity authentication questions that require a patron to provide information known only to the patron through security questions, unless an alternate method of authentication is approved by the Commission."

FanDuel uses a tiered approach for its KYC process, which includes the use of identity authentication questions as a second step that may be, but is not always, reached by the patron. As such, FanDuel does not meet the current regulatory requirement. FanDuel sought approval from the Sports Wagering Division for its first tier "alternate method" but was erroneously told that approval was not required because it *did* use identity authentication questions.

Given the Sports Wagering Division's error, we would request that the Commission issue a temporary waiver to FanDuel through February 6, 2025, from the requirement to use identity authentication questions outlined in 205 CMR 248.04(4) so that they are brought into regulatory compliance. The Sports Wagering Division will bring FanDuel's alternate method to the Commission for approval at a future meeting.



# Soccer

## Pre-live Same Game Parlays

- Settlement of these bets will be based on the following criteria:
  - in the event a pre-live Same Game Parlay contains a selection applicable to a player who did not participate in the match (“Soccer Non-Participating Player”), the selection containing the Soccer Non-Participating Player will be voided and the pre-live Same Game Parlay will be repriced based on the last odds available to DraftKings prior to the start of the match. In the event all selections in a pre-live Same Game Parlay are Soccer Non-Participating Players, then the whole bet will be settled as void:
  - in the event a pre-live Same Game Parlay contains at least one (1) selection, other than a selection containing a Soccer Non-Participating Player, which is settled as void or push, then the whole pre-live Same Game Parlay will be settled as void, irrespective of whether the pre-live Same Game Parlay contains other winning or losing selections, unless the match associated with the pre-live Same Game Parlay is abandoned:
  - in the event the match associated with the pre-live Same Game Parlay is abandoned, and the pre-live Same Game Parlay contains an already losing selection at the time of abandonment, the pre-live Same Game Parlay will be settled as lost, otherwise the pre-live Same Game Parlay will be settled as void.
  - in the event a selection is a tie, and no tie outcome is offered for that selection (for example “Race to X Goals” where neither team reaches the number of goals), then the pre-live Same Game Parlay will be settled as lost.
- A match is abandoned in the event:
  - the match does not start within forty eight (48) hours of the original start time.
  - the match starts but is then abandoned or postponed and is not rescheduled and played within forty eight (48) hours of the original start time.
- In the event a match venue is changed, all bets will be void.
- For all player markets, selected players must take part in the match during or before the relevant period or before settlement has been determined for bets to have action (e.g. bets are not automatically voided in the event a selected player does not start the match), otherwise the player is a Soccer Non-Participating Player.
- All markets incorporating shot, assist, pass and tackle related statistics are settled based on results provided by StatsBomb (<https://statsbomb.com>) irrespective of any other references to settlement sources in these house rules.

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

4. ● All Soccer specific rules also apply to pre-live Same Game Parlays. In the event of a conflict between any other Soccer specific rules and the Soccer pre-live Same Game Parlay rules, solely as they relate to a Soccer pre-live Same Game Parlay, the pre-live Same Game Parlay rules prevail.

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*Division of Licensing*

TO: Chair Maynard and Commissioners O'Brien, Hill, Skinner, and Brodeur

FROM: Kara O'Brien, Licensing Division Chief

DATE: December 16, 2024

RE: Sports Wagering Temporary Renewal Process and Form Approval

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## **OVERVIEW**

The Division of Licensing seeks approval for the forms necessary to (1) request leave to obtain a renewed temporary license, and (2) request a temporary license. Further, the Division seeks to clarify the process for renewing a temporary license.

## **STANDARD**

The relevant governing regulations for temporary licensing procedures (including renewals) involving sports wagering licensees are found at 205 CMR 219. This process can be broken down into two phases. Phase one is application for leave to request a renewed temporary license. Phase two is the application for a temporary license.

### Leave to request a renewed temporary license:

- A requestor must submit a timely application for leave to request a renewed temporary license to the Executive Director, including a non-refundable application fee. (205 CMR 219.04)
- The application must be reviewed by the Licensing Division for administrative sufficiency. (205 CMR 219.04(2))
- The Commission's review may include referral of any part of the application to specific subdivisions of the Commission or relevant consultants. (205 CMR 219.04(3))
- The Commission must notify the requestor that the application for renewal will be considered at a public meeting at least 14 days prior to the meeting. (205 CMR 219.04(4))
- The Commission shall grant or deny the request at the public meeting. (205 CMR 219.04(4))

### Request of the renewed temporary license:

- Should the Commission grant the request for leave as above, the temporary licensee will submit a request for a temporary license to the Executive Director, along with the \$1,000,000 licensing fee. (205 CMR 219.02(1))
  - Once this request is received, the Executive Director determines whether the licensee is eligible and has paid the fee. The Executive Director then makes a



*Division of Licensing*

recommendation to the Commission to issue or deny the license. (205 CMR 219.02(2))

- Once the recommendation is received by the Commission, the Commission shall hold a public meeting within 14 days to issue or deny the license. (205 CMR 219.03)

## **DISCUSSION**

Earlier this year, the Commission approved renewal of the licenses that would have otherwise expired in January and February. This process was completed in a single phase on February 29.

In reviewing the regulations in light of the clarifying changes to 205 CMR 219.04: *Applying for Leave to Obtain a Renewed Temporary License* and 205 CMR 221: *Sports Wagering License Fees* that occurred earlier this year, it became apparent to staff that the intent of the regulations is to provide a two-phase process, as described above. Accordingly, the Commission would need to approve two forms, instead of the singular form that was approved last year. The two forms for consideration follow this memo.

Given that the renewal process will run concurrently with durable suitability process and associated licensure, the Licensing Division is committed to working with each Operator to determine the timing and applicability of the submission of these applications.

## **CONCLUSION**

The Division of Licensing seeks approval for the following forms:

- (1) Request For Leave To Renewed A Temporary License To Conduct Sports Wagering; and
- (2) Request A Temporary License To Conduct Sports Wagering.



# REQUEST FOR LEAVE TO RENEW A TEMPORARY LICENSE TO CONDUCT SPORTS WAGERING

*This form shall be used to request leave to obtain a renewed temporary license in accordance with 205 CMR 219.04. If approved, the applicant may then request the temporary license in accordance with 205 CMR 219.02.*

## APPLICANT INFORMATION

\_\_\_\_\_  
Name of Licensed Entity and License Type (Category 1, 2, or 3)

\_\_\_\_\_  
Doing Business As (DBA)

\_\_\_\_\_  
Name and Title of Individual Filing This Request

\_\_\_\_\_  
Renewal Number

\_\_\_\_\_  
Expiration Date of Current Temporary License

## DEADLINE AND APPLICATION FEE

A request for leave to obtain a renewed temporary license shall be submitted by the deadline and submitted with the non-refundable application fee as outlined in 205 CMR 219.04.

For electronic wiring instructions, please contact the Revenue Manager ([douglas.odonnell@massgaming.gov](mailto:douglas.odonnell@massgaming.gov)).

Has the application fee been remitted?

Yes

No

## SIGNATURE AND INFORMATION

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

\_\_\_\_\_  
Signature of Authorized Agent of Entity

\_\_\_\_\_  
Date

Please submit this request via e-mail to the Executive Director ([dean.serpa@massgaming.gov](mailto:dean.serpa@massgaming.gov)) and the Licensing Chief ([karalyn.obrien@massgaming.gov](mailto:karalyn.obrien@massgaming.gov)).

*Refer to 205 CMR 219 (Temporary Licensing Procedures), 205 CMR 231 (Renewal of a Sports Wagering License), and 205 CMR 221 (Sports Wagering License Fees) for further information.*



# REQUEST FOR A TEMPORARY LICENSE TO CONDUCT SPORTS WAGERING

This form shall be used to request a temporary license in accordance with 205 CMR 219.02.

## APPLICANT INFORMATION

Name of Entity and License Type (Category 1, 2, or 3)

Doing Business As (DBA)

Name and Title of Individual Filing This Request

This entity is eligible to request a temporary license because:

The Commission deemed it eligible in accordance with 205 CMR 218.01(1)(a)

The Commission awarded it a Sports Wagering License in accordance with 205 CMR 218.07(1)(b)

It has received leave to request a renewed temporary license in accordance with 205 CMR 219.04.

## LICENSING FEE

A request for a temporary license to conduct sports wagering shall be submitted with the non-refundable license fee of \$1,000,000 as outlined in 205 CMR 219.02(1) and 205 CMR 221.

For electronic wiring instructions, please contact the Revenue Manager ([douglas.odonnell@massgaming.gov](mailto:douglas.odonnell@massgaming.gov)).

Has the license fee been remitted?

Yes

No

## SIGNATURE AND INFORMATION

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

\_\_\_\_\_  
Signature of Authorized Agent of Entity

\_\_\_\_\_  
Date

Please submit this request via e-mail to the Executive Director ([dean.serpa@massgaming.gov](mailto:dean.serpa@massgaming.gov)) and the Licensing Chief ([karalyn.obrien@massgaming.gov](mailto:karalyn.obrien@massgaming.gov)).

*Refer to 205 CMR 219 (Temporary Licensing Procedures), 205 CMR 231 (Renewal of a Sports Wagering License), and 205 CMR 221 (Sports Wagering License Fees) for further information.*



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

FROM: Joseph Delaney, Mary Thurlow

CC: Dean Serpa, Executive Director

DATE: December 10, 2024

RE: Transfer of the 2021 DCR Transportation Planning Grant to MassDOT

The Department of Conservation and Recreation (DCR) has requested the transfer of their 2021 Community Mitigation Fund Grant to the Massachusetts Department of Transportation (MassDOT) to complete the design and permitting of the proposed Mystic River Bicycle/Pedestrian Bridge. The proposed transfer is in the amount of \$473,906.37.

**Background:** In October of 2021, the Commonwealth unveiled a plan for the construction of the Mystic River Bicycle/Pedestrian bridge, committing \$49 million towards the project. As part of this plan, the Commission agreed to provide \$650,000 of funding to DCR towards the final design and permitting of the bridge. This grant was awarded by the Commission on October 7, 2021. Attached is the original memo that provides context for the original grant to DCR.

As DCR moved forward with the design, issues arose with the cost and constructability of the bridge, and requests by various agencies and the public to widen the proposed bridge. DCR consulted with MassDOT regarding the design, and it was determined that a new design would need to be advanced to reduce cost and ease the construction of the project. Through these discussions, it was determined that MassDOT would be the best agency to advance the project to construction. As such, DCR is in the process of transferring the funds already appropriated by the Commonwealth to MassDOT.

**Evaluation of the Grant Request:** Staff has had several conversations with both DCR and MassDOT and agrees that it makes sense for MassDOT to complete the design. Under MGL 23k, MassDOT would be eligible to receive funds as a regional transportation agency. 23k identifies eligible entities as "local and regional education, transportation, infrastructure,



Massachusetts Gaming Commission

housing, environmental issues and public safety, including the office of the county district attorney, police, fire and emergency services.”

If approved, MassDOT expects to have alternatives for the bridge design complete by the early spring of 2025, with a public hearing on the preferred alternative by the summer of 2025. MassDOT will submit a more detailed schedule for inclusion in the Grant Instrument.

Based on this evaluation, staff recommends that the funds be transferred from DCR to MassDOT in the amount of \$473,906.37. If approved by the Commission, MassDOT will execute a Community Mitigation Fund Grant and an Interdepartmental Services Agreement.



TO: Chair Cathy Judd-Stein and Commissioners Eileen O'Brien, Gayle Cameron and Bradford Hill

FROM: Joseph Delaney, Chief of Community Affairs and Mary Thurlow, Senior Program Manager

CC: Karen Wells, Executive Director

DATE: September 30, 2021

RE: Repurposing Everett/Somerville Community Mitigation Fund Grants for Mystic Pedestrian/Bicycle Bridge Design

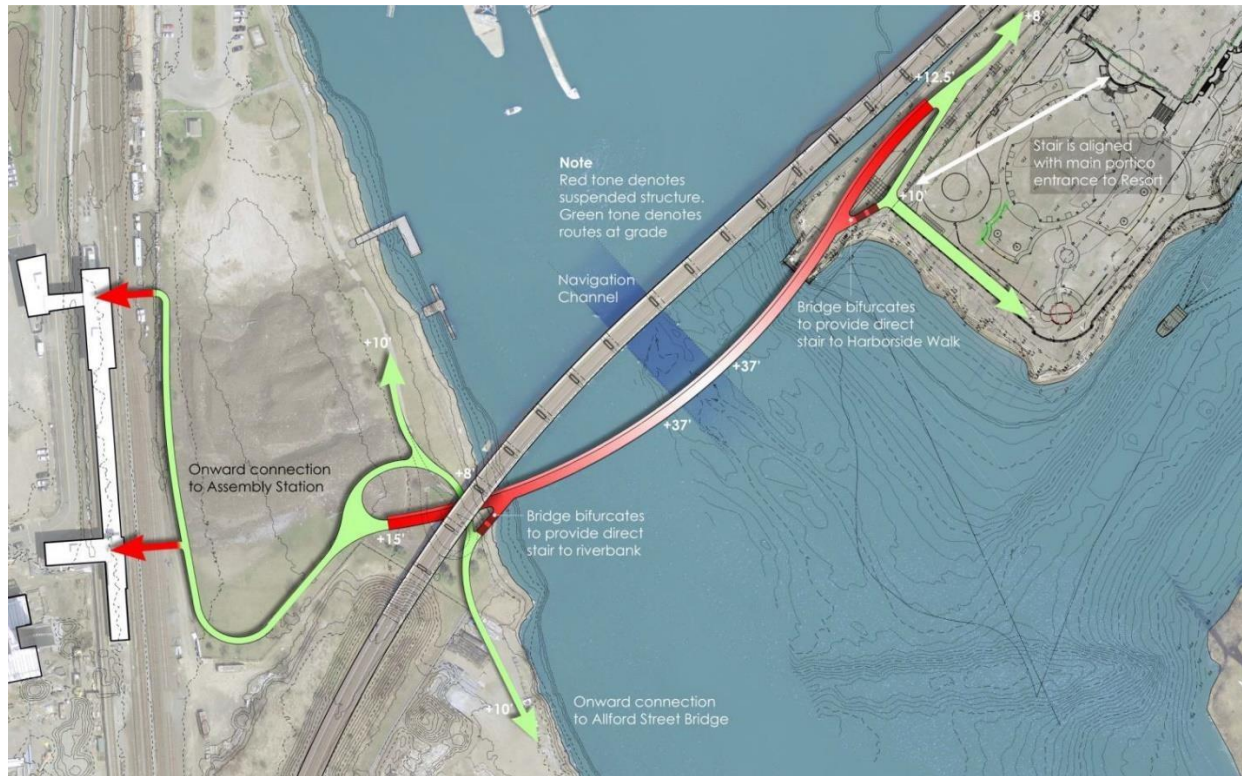
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The Department of Conservation and Recreation (DCR) has applied to repurpose previously awarded Community Mitigation Fund (CMF) grants to the cities of Everett and Somerville for the purposes of completing the design of a pedestrian/bicycle bridge over the Mystic River adjacent to the Assembly MBTA station, Draw Seven Park and the Encore casino. The total request is \$650,000.

### **Project History**

When the Encore project was approved by the Massachusetts Environmental Policy Act (MEPA) Unit, it required Encore to provide \$250,000 to DCR to conduct a study of the feasibility of providing a pedestrian/bicycle bridge over the Mystic River. After discussions with DCR, it was decided that Encore could perform the study themselves with the input of a group of stakeholders. As part of this effort, Encore also investigated a connector bridge from Draw Seven Park to the Assembly MBTA station. While all of this was going on, DCR was also designing renovations to Draw Seven Park which would connect the terminus of the bridge, through the park to the Assembly connector bridge.





Early schematic of the proposed bridge and connections to Assembly MBTA Station

When the study was complete, Encore decided to pursue the design and construction of the bridge. At that time, Encore expressed a willingness to build the bridge across the river if another entity built the Assembly connector bridge. Everett and Somerville realized that it was in both of their interests to see the full execution of this plan and applied to the CMF for a joint grant to start the design of the Assembly connector bridge. Everett and Somerville applied for a second grant to complete the design. In total, the Commission authorized the award of \$850,000 to Everett and Somerville for the design of the connector bridge.

As Encore proceeded with the design and permitting of the pedestrian/bicycle bridge, the estimated costs were rising, and Encore decided to re-evaluate the construction of the bridge. They looked at the option of an aerial tram over the river, which they determined to be more cost effective and elected to move ahead with that design. The bridge plans were at about the 75% design stage when they decided to move on from the bridge construction.

Given these uncertainties, Commission staff put a hold on advancing the design of the Assembly connector bridge. Everett and Somerville were in the process of developing a Request for Proposals to hire a design engineer, so no money had been spent out of either grant. Without a connection across the river, the design and construction of the connector bridge would no longer have a nexus to the casino, which is a basic requirement of CMF. Once the pandemic hit, any discussions of a connection across the Mystic River ceased.



Since that time, DCR has decided to pursue the final design and construction of the pedestrian/bicycle bridge, which is the subject of this request. Encore has given DCR the design plans that they developed, and the funds requested would complete that design.

### Evaluation of the Grant Request

DCR is requesting \$650,000 to complete the design of the pedestrian/bicycle bridge over the Mystic River. The request is to re-purpose the original Everett/Somerville joint grants for the design of the Assembly connector bridge. Both Everett and Somerville support this application.

Given the proximity of the bridge to the Encore site, there is clearly a connection to the gaming facility. Construction of the pedestrian/bicycle bridge would allow ready access to the Assembly MBTA station and enable workers and patrons to access Encore via transit as well as walking and biking. This would result in a mode shift for some of the 20,000+ daily vehicle trips that Encore was forecast to generate, thereby helping to mitigate traffic related impacts. The pedestrian/bicycle bridge is expected to attract over 2000 pedestrian and close to 400 bicycle trips per day, some portion of which would represent Encore workers and patrons.

While this project would help mitigate Encore related traffic impacts, the project also serves as the cornerstone of a much larger regional effort by connecting several pieces of the local trail network. This bridge will connect the Northern Strand Community Trail extension to Somerville resulting in a protected path from Somerville to Lynn. The MBTA recently constructed a new bike path along their property which extends the bike/pedestrian network from Draw Seven Park south to Alford Street. And the proposed DCR improvements to Draw Seven Park will improve bike/pedestrian connections on the west side of the Mystic River. Several other projects are also in the works that will complete a robust network of paths and trails that will provide many alternative routes to the casino and beyond.

In the evaluation of CMF grants, it is generally understood that there will be ancillary benefits to the community over and above the mitigation of casino impacts. In determining the appropriateness of a grant request, the Review Team tries to evaluate whether the commitment of CMF funds is proportionate to the impact being mitigated. In this case, Encore spent an estimated \$2 million on the design and permitting of the bridge, and this \$650,000 request will complete the design and permitting. This request makes up approximately 24% of the total design and permitting cost. Considering that these funds will ultimately leverage an estimated \$35 million in federal and state construction funding, the CMF investment is less than 2% of the construction cost. Staff agrees that this level of funding is appropriate considering the significant federal and state funds this will help leverage.

When first proposed, the construction of the pedestrian/bicycle bridge and the Assembly connector bridge were considered to be two pieces of the same puzzle. It was envisioned that these projects would be constructed simultaneously thereby creating a direct connection from the Assembly MBTA Station to Encore. Given the changed circumstances, there can be no direct

connection to Assembly without first constructing the pedestrian/bicycle bridge. While the original grants were for the Assembly connector bridge design, repurposing these funds to the design of the pedestrian/bicycle bridge will allow the necessary first phase of the project to proceed. For these reasons, staff believes that repurposing these funds is appropriate and within the spirit of the original CMF applications.

Repurposing these funds in no way affects the cities of Everett and Somerville, or any other eligible entity, from pursuing further CMF grants to resurrect the design and/or construction of the Assembly connector bridge in the future. In fact, the repurposing of these funds may be the action that ultimately allows that work to proceed.

Based on the above, we recommend that the Commission approve DCR's request of \$650,000 for the purposes outlined in its application. Following the Commission's approval, Commission staff will execute a grant agreement and ISA with the Department of Conservation and Recreation.