



REVISED NOTICE OF MEETING AND AGENDA

Pursuant to the Massachusetts Open Meeting Law (G.L. c. 30A, §§ 18-25), and St. 2025, c. 2, notice is hereby given of a public meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

Thursday | December 4, 2025 | 10:00 a.m.
VIA REMOTE ACCESS: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 112 429 9634
All meetings are streamed live at www.massgaming.com.

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

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

PUBLIC MEETING - #575

1. Call to Order – Jordan Maynard, Chair

2. Meeting Minutes

- | | |
|----------------------|-------------|
| a. January 24, 2023 | VOTE |
| b. November 30, 2023 | VOTE |
| c. January 18, 2024 | VOTE |
| d. November 6, 2025 | VOTE |

3. Administrative Update – Dean Serpa, Executive Director



Massachusetts Gaming Commission

4. Investigations and Enforcement Bureau – Caitlin Monahan, Director of Investigations and Enforcement Bureau
 - a. Review of the IEB’s Recommendation of Assessment of a Civil Administrative Penalty pursuant to 205 CMR 232.02(2), regarding noncompliance related to wagers on an unauthorized event involving a Massachusetts collegiate team by FBG Enterprises Opco, LLC, d/b/a Fanatics Betting and Gaming (“FBG”). – Diandra Franks, Enforcement Counsel **VOTE**

5. Sports Wagering Division – Carrie Torrisi, Division Chief of Sports Wagering
 - a. House Rules Update – DraftKings **VOTE**

6. Legal – Justin Stempeck, Interim General Counsel
 - a. 205 CMR 247.07 and 205 CMR 248.10: *Acceptance of Sports Wagers and Account Deposits* - Regulations and Amended Small Business Impact Statement for final review and possible adoption - Justin Stempeck, Interim General Counsel, Carrie Torrisi, Chief of Sports Wagering Division, Caitlin Monahan, Director of Investigations and Enforcement Bureau **VOTE**
 - b. 205 CMR 141.06: *Notice to the Commission of Changes* - Discussion and Review of Regulation and Amended Small Business Impact Statement for Final Review and Adoption – Melanie Foxx, Associate General Counsel **VOTE**
 - c. 205 CMR 152.03: *Criteria for Exclusion* - Discussion and Review of Regulation and Amended Small Business Impact Statement for Final Review and Adoption – Melanie Foxx, Associate General Counsel **VOTE**
 - d. Executive Session Minutes
 - I. Executive Session **VOTE**
 The Commission anticipates that it will meet in executive session to review minutes from previous executive sessions as their discussion at an open meeting may frustrate the purpose for which the executive session was convened, pursuant to G.L. c. 30A, § 21(a)(3), (4), (6) and (7); G.L. c. 23N, § 6(i); G.L. c. 4, § 7(26)(c), (f) and (n); G.L. c. 23K, § 21(a)(7): **July 15, 2025**; G.L. c. 30A, § 21(a)(7) and G.L. c. 4, § 7(26)(n): **July 22, 2025**; G.L. c. 30A, § 21(a)(4) and (7); G.L. c. 4, § 7(26)(n): **July 31, 2025**; and G.L. c. 30A, § 21(a)(2), (3) and (7); G.L. c. 23N, § 6(i); G.L. c. 4, § 7(26)(n): **August 14, 2025** ~~June 17, 2025~~.
 - July 15, 2025 **VOTE**
 - July 22, 2025 **VOTE**
 - July 31, 2025 **VOTE**
 - **August 14, 2025** ~~June 17, 2025~~ **VOTE**



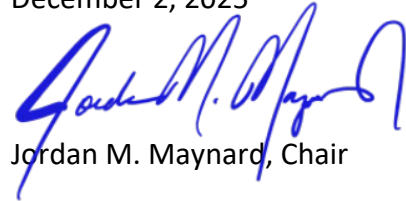
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7. Commissioner Updates

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

I certify that this Notice was posted as "Massachusetts Gaming Commission Meeting" at www.massgaming.com and emailed to regs@sec.state.ma.us. Posted to Website: December 2, 2025 | 10:00 a.m. EST | Revised 12/2 @ 10:45AM & 5:30PM.

December 2, 2025



Jordan M. Maynard, Chair

If there are any questions pertaining to accessibility and/or further assistance is needed, please email Grace.Robinson@massgaming.gov.



Massachusetts Gaming Commission

Massachusetts Gaming Commission

Meeting Minutes



Date/Time: January 24, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 616 7224

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](#) (0:07)

Chair Cathy Judd-Stein called to order the 427th Public Meeting of the Massachusetts Gaming Commission (“Commission”). Roll call attendance was conducted, and all five Commissioners were present for the meeting.

2. [Administrative Update](#) (0:47)

Interim Gaming Agent Division Chief Burke Cain congratulated the Director of Sports Wagering Bruce Band on his promotion.

a. [Casino Update](#) (1:23)

Chief Cain described the details of the opening day ceremonies for sports wagering at Plainridge Park and Casino and Encore Boston Harbor.

b. [Sports Wagering Implementation Update](#) (3:39)

Executive Director Karen Wells stated that the Raynham Park Group submitted a Category 2 Sports Wagering Operator License Application and requested that the Commissioners add it to the agenda of an upcoming meeting. Regarding the launch of sports wagering, she noted that staff and Gaming Labs International (“GLI”) were continuing to review internal controls submissions and that Commissioners would be able to sign operations certificates once that was complete.

Gaming Technical Compliance Manager Cristian Taveras stated that each casino property had undergone a field inspection and verification by members of GLI Team and the Investigations and Enforcement Bureau (“IEB”). He reported on the number of sports wagering kiosks and POS terminals that had passed inspection at each location.

Commissioner O’Brien asked for confirmation that all inspections had successfully passed. Director Band confirmed that they had all passed. Chair Judd-Stein asked if any unexpected issues had arisen. Direction Band responded that three or four units had minor issues, which were fixed before the team left the location.

3. Sports Wagering Implementation (8:36)

a. Continued Review and Approval of Sports Wagering Events Catalog (8:37)

Regulatory Compliance Manager Sterl Carpenter explained that there were three matters up for discussion: wagers, guidelines, and events wagering, which were proposed by all three licensees. Regarding wagers, he stated that in addition to wagers set by statute, the licensees submitted wagers for approval, which he reviewed. He added that the only wager excluded from those proposed for approval was virtual wagers due to their RNG nature. *The materials discussed regarding the continued review and approval of the Sports Wagering Events Catalog can be found in the Commissioners’ Packet on pages 4 through 14.*

Manager Carpenter stated that the licensees submitted several events for approval. He explained the Commonwealth’s limitations on offering wagering on certain sporting events which include non-tournament collegiate sports, events in which the outcome is known, and events in which 50 or more athletes are under 18 years old. He reviewed the requested events for approval by the Commission. He clarified that jai alai was taken off the list as it is exclusive to BetRivers. He further asked the Commission to consider denying the approval of Esports and added that the Commission should request further information on its governing body and oversight.

Commissioner O’Brien asked about the inclusion of cornhole and chess which were discussed in a prior meeting. Manager Carpenter stated that due to General Counsel Todd Grossman’s interpretation of 205 CMR 247 in the last meeting, all events had been included for the Commission to decide. Commissioner O’Brien stated that there were clear concerns and questions about those events and asked for further discussion. General Counsel Grossman clarified that the event must be a sport or sporting event which is defined by statute.

Director Wells stated that she had reached out to all three operators and confirmed that they had no concerns regarding the integrity of the leagues or governing bodies in their proposed event

catalogs, they had not identified suspicious activity associated with any league or governing body that should be brought to the Commission's attention, and they were accepting wagers on the sporting events proposed in their catalogs in other jurisdictions.

Commissioner O'Brien reiterated her concerns regarding cornhole, for which she noted integrity issues raised by U.S. Integrity, and chess which had a number of public scandals. Commissioner Skinner stated that she would like to hold on approving chess. Commissioner Maynard stated that he was in favor of letting chess go live.

Commissioner Hill stated that he had no problem with approving chess as an official event, but he agreed with excluding the event in the Commission's vote today and revisiting it later in order to move the catalog forward. Commissioner O'Brien agreed with this approach.

The Commission discussed the integrity issues raised regarding cornhole and came to a consensus to exclude the event from approval today in order for further information to be gathered from operators as to why they were comfortable offering the sporting event.

The Commission next reviewed whether to approve special events, including the Academy Awards, Emmy awards, and competitive eating events. Manager Carpenter stated that these types of events were based on voting rather than a statistical analysis. General Counsel Grossman reviewed the criteria for approving a sporting event as outlined in 205 CMR 247 to assist the Commissioners with their discussion.

Chair Judd-Stein stated that eating events were subjective and warranted concern. Manager Carpenter stated that eating events could be interpreted as a statistical analysis and could be viewed differently than an awards event.

Commissioner O'Brien stated that she was concerned about an event that was based on voting where there is a level of subjectivity, like skating and gymnastics. Commissioner Skinner asked if a sport that is more subjective would contradict 205 CMR 147.03(4) which requires that the outcome is not determined solely by chance. General Counsel Grossman gave an example of a random number generator as something determined solely by chance. He added that while skating and gymnastics were determined based on the skills of the athletes, there is an element of chance in the judge's judgment, which is based on technical requirements and standards.

Commissioner Skinner stated that she would feel more comfortable if the Commission identified the portion of the regulations that did not allow for the approval of skating or gymnastics. Chair Judd-Stein stated that gymnastics and skating were listed under the summer and winter Olympics in the catalog. She added that she trusted the governing body of the Olympics to determine accurate results and ensure integrity.

Manager Carpenter added that diving was included in the catalog and was a judged sport. Commissioner Maynard stated that he believed judged sports were not allowed for wagering in the Olympics due to their subjective nature. Commissioner O'Brien stated that this was her understanding as well. Chair Judd-Stein stated that this point required further clarification and

noted that the Commission should revisit it. Commissioner Hill stated that his understanding was that judged events would be permitted for sports betting during the 2024 Olympics.

Transcriber's Note: The Commission took a break at [1:13:50](#) and returned at [1:38:15](#). A roll call vote was taken, and all five Commissioners were present.

Manager Carpenter stated that other jurisdictions, such as Michigan and Colorado, permit wagering on judged Olympic events. He added that the three operators had expressed interest in offering as many events as possible.

Commissioner O'Brien stated that Indiana had distinguished subjective or artistic sports in their approved events in the Olympics. She suggested reviewing sports that are deemed to be more subjective due to her concerns about being able to objectively verify those outcomes.

Commissioner Hill stated that he felt comfortable approving the proposal from Manager Carpenter and Director Band.

Commissioner O'Brien proposed that the Commission delay the possibility of including Olympic events in the catalog until further research was conducted. Commissioner Hill stated that he supported this proposal. Chair Judd-Stein clarified that the Commission could revisit the summer and winter Olympic events as well as cornhole and chess. She asked the Commissioners about approving special events including eating events and awards.

Commissioner Skinner added that she agreed with Commissioner Hill and Commissioner O'Brien's proposal to conduct further research before approving the earlier referenced items. She stated that she would also like to hold on approving special events for the same reasons.

Commissioner Maynard stated that he was comfortable holding on cornhole and chess given Manager Carpenter and Director Band's commentary. He stated that he would allow special events to move forward.

Commissioner O'Brien stated that she did not view award shows as sporting events and had found multiple aspects of award shows involving subjectivity.

Chair Judd-Stein stated that the statutory definition of sporting event included language permitting the approval of additional events. She added that she viewed these special events as permissible for wagering under that language in the statute. She clarified that she viewed these events as trustworthy and had respect for the integrity of the governing bodies of these events. She asked Commissioners if they were all comfortable with getting more information before moving forward to approve these events.

Commissioner O'Brien put forward the possibility of carving out an exception to the overall catalog to exclude events occurring in Russia or Belarus in light of current geopolitical events. She stated that at least one other jurisdiction had made this exception. Commissioner Skinner asked about the other jurisdictions' rationale for excluding those events. Chair Judd-Stein responded by stating that she believed that this decision was made as a result of Russia's invasion

of Ukraine. Commissioner Skinner stated that she was in favor of following suit. Commissioner Hill and Commissioner Maynard agreed.

Commissioner Hill noted that excluding summer and winter Olympic events would also exclude events that the Commission was allowing in other federations, including sports events that are not subjective or based on a judging panel. Chair Judd-Stein stated that the Commission could include language to carve out events based on a judging panel or hold on the events all together with the idea that the Commission would revisit them over the following three weeks. Commissioner Hill stated that he was in favor of including language to carve out subjective and voting-based events in the motion.

Manager Carpenter asked the Commissioners to narrow down their language based on each event as to not accidentally capture other sports. Commissioner Skinner and O'Brien agreed.

Chair Judd-Stein clarified that she was comfortable with a carve-out around the Olympics so that no events were impacted besides award shows. Commissioner Maynard stated that he would vote nay on such a proposal because of the exclusion of award shows.

Manager Carpenter stated that drafts and pre- and post-season NFL wagering was also included in the requested catalog update. Commissioner O'Brien asked if those were considered special events. Manager Carpenter stated that the only special events proposed were listed on the special events tab in the catalog.

Director Band recommended that drafts on pro-leagues be included in the event catalog. Manager Carpenter stated that certain sports awards were also subjective and raised the same concerns as around regular award shows. Commissioner Skinner indicated that she would accept the recommendations of Director Band and Manager Carpenter to include wagering on drafts but not wagering on any awards that are subjectively determined. Commissioner O'Brien asked for clarification around the timing of wagering on drafts. Manager Carpenter stated that it was up to the discretion of the Commission to decide when they would want wagering to end. Chair Judd-Stein stated that due to scheduling concerns, the Commission would revisit the topic of the sports wagering catalog after Agenda Item 5.

Transcriber's Note: The Commission took Agenda Item 5 out of order and returned to this agenda item at [3:30:11](#). Roll call attendance was taken, and all five Commissioners were present.

Chair Judd-Stein came back to the discussion on the sports wagering catalog and noted that with the launch of online sports wagering in March, the Commission would hopefully hear from operators on some of the issues discussed, particularly with regard to judged events.

Director Bruce Band brought to the Commission's attention the possibility of allowing wagering on the Super Bowl MVP, stating that it was very popular. Chair Judd-Stein stated that some Commissioners had reservations about subjectivity and judging. She added that operators would be given the opportunity to present their arguments to the Commission for these types of events. Manager Carpenter stated that sporting awards relied on both the media and individual voting.

Commissioner Maynard stated that he supported allowing these types of wagers. Commissioner Hill agreed with Commissioner Maynard after hearing comments from staff and his fellow Commissioners. He proposed that the Commission compromise and wait to gather more information before approving judged events as well as chess, cornhole, jai alai, and Esports. Commissioner Hill asked that the Commission move forward to approve all other events.

Commissioner Skinner stated that the integrity considerations should be further explored. She asked if the Commission could set a time to discuss this matter and vote. Commissioner O'Brien stated that she had not changed her view and was not convinced that voting was inherently trustworthy. She requested more time to look into the matter. Chair Judd-Stein stated that she had seen no evidence to support concerns around the integrity of the governing bodies.

Commissioner Skinner asked how the Super Bowl MVP award works. Manager Carpenter stated that 20% of the MVP award was determined by individuals voting digitally through the official NFL app, and the other 80% was determined by 16 predetermined media people.

Commissioner O'Brien moved that the Commission determine that awards not based on achievements that can be measured statistically, including, for example, the Emmy Awards and Academy Awards, not be approved in the catalog today. Commissioner Hill seconded the motion.

Chair Judd-Stein asked if this included the drafts and Super Bowl MVP award. General Counsel Grossman clarified that the motion did not include drafts. Commissioner Hill stated that the motion did include the MVP award.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Nay.

Commissioner Skinner: Abstain.

Commissioner Maynard: Nay.

Chair Judd-Stein: Nay

The motion did not pass, 3-1 and 1 abstention.

Commissioner Hill moved that the Commission adopt the guidelines and catalog of events and wagers as included in the January 6, 2023 memorandum in the Commissioners' Packet and discussed here today, pursuant to 205 CMR 247.01, and authorize sports wagering operators to offer wagering in those sporting events and wager categories contained therein, including on the drafts for approved leagues subject to the following exceptions for which wagering shall not be allowed:

1. Wagers on virtual events and electronic sports;
2. Wagers on any sport or sporting events overseen by Russian or Belarusian governing bodies, leagues, events, and players;
3. Wagers on jai alai, chess and cornhole; and

4. Wagers on summer and winter Olympic competition, including trials; summer and winter athletics, including the Commonwealth Games, X-Games, World Athletics Championships, World Athletics Indoor Tour, World Athletics Continental Tour, European Athletics Championships, International Skating Union World Championships and World Cup, International Bobsleigh and Skeleton Federation World Championships, International Luge Federation World Championships, Fédération Internationale de Ski, International Ski Federation World Cup, Four Hills Tournament, in which the final outcome of the event is primarily based on the evaluation or assessment of a judge or panel of judges.

Commissioner O'Brien seconded the motion.

Commissioner Maynard stated that he was going to vote in the affirmative but would have included the summer and winter Olympics in the catalog based on the discussion.

Chair Judd-Stein stated she was comfortable voting on this and returning to the matter with more information. Commissioner Hill stated that he hoped this was brought back to the Commission for discussion soon.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein Aye

The motion passed unanimously, 5-0.

4. Legal (3:59:31)

a. Sports Wagering Regulations (3:59:33)

i. 205 CMR 256.00: Sports Wagering Advertising – Regulation and Small Business Impact Statement for review and approval to commence the promulgation process and/or adoption via emergency. (4:01:00)

Outside Counsel from the law firm Anderson and Krieger Mina Makarios directed Commissioners to page 17 of the Commissioners' Packet for a cumulative redline of 205 CMR 256.00. He explained that changes in the regulatory language were made based on the previous conversation with the Commission. The Commissioners all expressed their support for these changes. *A memorandum, draft of 205 CMR 256 and Small Business Impact Statement can be found in the Commissioners' Packet on pages 15 through 26.*

Commissioner O'Brien stated that she had spoken to the Director of Research and Responsible Gaming Mark Vander Linden who shared his concern that the requirement to include the Department of Public Health phone number in G.L. c. 23N, § 4(d)(3) would take precedence over other responsible gaming messaging. Director Vander Linden confirmed Commissioner O'Brien's explanation of his concern and asked how he should instruct licensees about the

placement of responsible gaming messaging in connection with the problem gambling helpline. Commissioner O'Brien added that 205 CMR 256.06(2) was the paragraph in the draft regulation that Director Vander Linden was referring to.

Director Vander Linden proposed that any given advertising display, at minimum, either the problem gambling hotline or responsible gaming messaging. Chair Judd-Stein stated that she thought displaying both types of information in one advertisement was reasonable. She emphasized the importance of including a phone number in advertisements. Commissioner O'Brien stated that the subject warranted further discussion and communication with licensees.

Attorney Makarios proposed new language to be included in both 205 CMR 256.06(2) and (4) to clarify the requirements related to the problem gambling helpline and responsible gaming messaging.

Commissioner O'Brien moved that the Commission approve the amended draft of 205 CMR 256.00 as discussed and further edited here today; and further, that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter to begin the regulation promulgation process. She further moved that staff be authorized to modify the chapters or sections, numbers or titles, to file additional regulation sections as reserved, or make any other administrative changes necessary to execute the regulation promulgation process. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

ii. [205 CMR 229.00: Review of a Proposed Transfer of Interests – Regulation and Small Business Impact Statement for review and approval to commence the promulgation process and/or adoption via emergency.](#) (4:42:10)

Attorney at Anderson & Kreiger Paul Kominers directed Commissioners to page 29 in the Commissioners' Packet to review amendments to 205 CMR 229. He explained that the transfer of a license requires Commission approval and explained the process for that approval. He provided detailed explanations of each section of the regulation. *A memorandum, draft of 205 CMR 229 and Small Business Impact Statement can be found in the Commissioners' Packet on pages 27 through 38.*

Chair Judd-Stein asked if the standards in regulation 205 CMR 229.03(5) were adapted from 205 CMR 116. General Counsel Grossman stated that she was correct.

Commissioner Hill moved that the Commission approve the Small Business Impact Statement and the draft of 205 CMR 229.00 as included in the Commissioners' Packet and discussed here

today; and further, that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter and begin the regulation promulgation process. He further moved that staff be authorized to modify the chapters or sections, numbers or titles, to file additional regulation sections as reserved, or make any other administrative changes necessary to execute the regulation promulgation process. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein Aye

The motion passed unanimously, 5-0.

iii. [205 CMR 213.00: Withdrawal of an Application - Regulation and Small Business Impact Statement for review and approval to commence the promulgation process and/or adoption via emergency.](#) (5:01:19)

Director Monahan directed Commissioners to page 40 of the Commissioners' Packet to review the amendments to 205 CMR 213. Attorney Kominers outlined the regulation which allowed for withdrawal of an application. *A memorandum, draft of 205 CMR 213 and Small Business Impact Statement can be found in the Commissioners' Packet on pages 39 through 42.*

Commissioner Skinner noted that "Licensee" and "Registrant" were not defined. She asked if those would be added. Attorney Kominers responded that the words should not have been capitalized in that subsection, and he would change both words to lowercase. Commissioner Skinner asked about a word that was pluralized in 205 CMR 213.02, and Attorney Kominers proposed new language.

Commissioner Maynard moved that the Commission approve the Small Business Impact Statement and the draft 205 CMR 213.00 as included in the Commissioners' Packet and discussed here today; and further, that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter and begin the regulation promulgation process. He further moved that staff be authorized to modify the chapters or sections, numbers or titles, to file additional regulation sections as reserved, or make any other administrative changes necessary to execute the regulation promulgation process. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein Aye

The motion passed unanimously, 5-0.

iv. [205 CMR 232: Discipline of Sports Wagering Operators and Other Licensees, and Registrants – Regulation and Small Business Impact Statement for review and approval to commence the promulgation process and/or adoption via emergency.](#) (4:28:05)

Transcriber's Note: This agenda item was discussed after Agenda Item 4(a)(i).

Attorney Makarios directed the Commission to page 45 of the Commissioners' Packet and outlined the proposed amendments to 205 CMR 232. *A memorandum, draft of 205 CMR 232, and Small Business Impact Statement can be found in the Commissioners' Packet on pages 43 through 50.*

Commissioner O'Brien moved that the Commission approve the Small Business Impact Statement and the draft 205 CMR 232 as included in the Commissioners' Packet and discussed here today; and further, that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter and begin the regulation promulgation process. She further moved that staff be authorized to modify the chapters or sections, numbers or titles, to file additional regulation sections as reserved or make any other administrative changes necessary to execute the regulation promulgation process. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

5. [Executive Session](#) (2:32:50)

Transcriber's Note: This agenda item was taken out of order during the discussion of Agenda Item 3.

General Counsel Grossman stated that this executive session was in regard to ongoing litigation in FBT Everett Realty, LLC v. Massachusetts Gaming Commission.

The Chair read the following language into the record: The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(3) to discuss strategy with respect to FBT Everett Realty, LLC v. Massachusetts Gaming Commission, as discussion at an open meeting may have a detrimental effect on the litigating position of the Commission.

Commissioner O'Brien moved that the Commission enter executive session on the matters listed by General Counsel Grossman and for the reasons stated by the Chair. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein Aye

The motion passed unanimously, 5-0.

Transcriber's Note: The Commission entered executive session at [2:35:30](#) and reconvened the public meeting at [3:30:11](#).

Transcriber's Note: Prior to moving onto Agenda Item 6, the Commission took a break at [5:09:58](#) and returned at [5:23:58](#). Roll call attendance was taken, and all five Commissioners were present.

6. [Sports Wagering Implementation](#) (5:24:52)

a. Approval of House Rules – Category 1 (Retail)

Transcriber's Note: This agenda item was added to the agenda of a later meeting.

7. [Commissioner Updates](#) (5:26:56)

The Commissioners did not have any updates to report at this time.

8. [Other Business](#) (5:27:10)

Hearing no other business, Chair Judd-Stein requested a motion to adjourn. Commissioner O'Brien moved to adjourn. The motion was seconded by Commissioner Hill.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein Aye

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda \(Revised\)](#) dated January 19, 2023.
2. [Commissioners' Packet from the January 24, 2023](#) meeting (posted on massgaming.com).



Massachusetts Gaming Commission Meeting Minutes

Date/Time: November 20, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 686 8202

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.

Committee Members Present:

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

1. Call to Order ([0:07](#))

Chair Judd-Stein called to order the 490th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five Commission members were present for the meeting.

2. Meeting Minutes ([0:48](#))

Commissioner Skinner requested that the March 8, 2023 and March 9, 2023 meeting minutes approval be rescheduled to the December 14, 2023 public meeting.

3. Administrative Update ([1:14](#))

Interim Executive Director & General Counsel Todd Grossman introduced the new Deputy General Counsel Justin Stempeck.

- a. Update regarding the Mashpee Wampanoag Litigation

Deputy General Counsel Carrie Torrisi shared background information regarding the Mashpee Wampanoag litigation. She noted that the litigation started in 2016 when a group of Taunton residents sued the Department of the Interior (“Department”) for their 2015 decision to take land into trust for the Mashpee Wampanoag Tribe.

Deputy General Counsel Caitlin Monahan shared the recent decision in the tribal litigation. She explained that in 2021, the Department issued a decision, finding again that the Tribe met the requirements to have land taken into trust that could be used to conduct gaming activities. This decision was appealed to the District Court for the District of Massachusetts which granted the Department’s and Tribe’s motion for summary judgment. She further explained that on October 31, 2023, the United States Court of Appeals for the First Circuit affirmed the decision in favor of the Department and the Tribe and found that the 2021 decision was not arbitrary and capricious. She did note that the case could still be appealed to the United States Supreme Court within ninety (90) days. *A copy of this decision was included in the Commissioners’ Packet on pages 5 to 39.*

Commissioner Hill questioned what the Tribe’s opportunities were moving forward. Deputy General Counsel Monahan explained that the Tribe had been able to build on the land since 2015 but has not due to the ongoing litigation. Due to the recent developments in the litigation, the Tribe has more certainty in their decisions moving forward. Commissioner Hill asked how the Tribe would move forward administratively. Deputy General Counsel Monahan stated that the Mashpee Wampanoag Tribe would be able to move forward under its compact with the Commonwealth of Massachusetts that addresses gaming and sports wagering. Commissioner Hill requested a copy of the compact.

Chair Judd-Stein asked if the expiration of ninety (90) days for any appeal provides certainty in the decision. Deputy General Counsel Monahan stated that once the ninety (90) day appeal period is up, the case will be considered complete.

b. Update regarding DOR regulation on sports betting ([10:24](#))

Chief Financial and Administrative Officer (CFAO) Derek Lennon provided an update on sports betting. He stated that the Massachusetts Department of Revenue updated their regulations to add a section for sports wagering. The regulation requires operators to withhold 5% income tax of any bet with a return of \$5,000 and which is a 300 times multiplier of the initial bet. *A memo and copy of the regulation were included in the Commissioners’ Packet on pages 40 to 44.*

Interim Executive Director & General Counsel Grossman added this regulation is parallel to the provision that exists in casino gaming space on the table game side.

4. Research & Responsible Gaming ([12:58](#))

- a. Presentation of Report: Encore Boston Harbor, First Three and a Half Years of Operation: Economic Impacts Report

Director of Research and Responsible Gaming Mark Vander Linden introduced Research Manager Dr. Bonnie Andrews. Dr. Andrews introduced Dr. Rachel Volberg, who is the Principal Investigator of the Social and Economic Impacts of Gambling in Massachusetts (SEIGMA) study. Dr. Andrews explained that the Commission has an inter-agency service agreement with the University of Massachusetts – Amherst to carry out social and economic research as defined in G.L. c. 23K, § 71. Dr. Volberg and Senior Research Analyst for Economic and Public Policy Research at the UMass Donahue Institute Thomas Peake, presented their presentation titled “Encore Boston Harbor, First Three and a Half Years of Operation: Economic Impacts Report”. *A copy of the presentation was included in the Commissioners’ Packet on pages 45 through 97.*

Commissioner Hill asked where Cape Cod residents are going for gaming activities. Mr. Peake explained that they only had a small sample size from Cape Cod, so it would not be appropriate to report on them. He noted that they were working on other data collection protocols that would provide a better sense of the residency of patrons.

Commissioner O’Brien requested further information on the methodology used in attributing jobs as non-casino based. Dr. Peake stated that there was a section in the report that outlines the economic impact model that was used. Commissioner O’Brien then asked if it was possible to determine, based on the methodology used, the most impactful spend. Mr. Peake explained the data on employees was run as flows of spending and that though it would be possible to model those flows separately, that was not something they had done to date. Chair Judd-Stein asked if the model takes inflation into consideration. Mr. Peake confirmed that it does. She then asked which communities were affected most by money shifting from Massachusetts businesses to the casinos and how they are affected. Mr. Peake said they modeled the information obtained from patrons based on spending regionally versus spending outside the state. Chair Judd-Stein and Dr. Volberg discussed how this model is only accurate for Massachusetts.

Director Vander Linden shared how beneficial these reports are to show the main drivers behind the Expanded Gaming Act.

5. Racing ([56:52](#))

- a. Amendment of 2023 Plainridge Racing Meeting License Regarding Number of Race Days

Director of Racing and Chief Veterinarian Dr. Alexandra Lightbown brought forward Plainridge Racing’s request to amend their racing schedule and explained the rain cancelation for one of its racing days, bringing their applied racing days from 108 to 107.

Commissioner Hill moved to approve Plainridge Park Casino’s request to amend its 2023 racing schedule from 108 days to 107 days as included in the Commissioners’ packet and discussed here today. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

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

The motion passed unanimously, 5-0.

6. Finance ([59:42](#))

a. Annual Raises

CFAO Derek Lennon presented the recommendations for raises for staff. CFAO Lennon noted that the Commission approved a 5% raise in its annual budget for Fiscal Year 2024 and asked for approval for it to be raised by 1.08% to 6.08% to align with the Executive Branch. *A memorandum on FY24 staff raises was included in the Commissioners' Packet on pages 120 through 121.*

Commissioner Skinner asked what the post-retirement positions are with the Commission. Derek stated that they include positions in finance, administration, and payroll, with seven positions available total.

Chief People and Diversity Officer David Muldrew added an update on performance reviews. He stated that 98% of the performance evaluations have been completed. He further explained that in early February, a transition will take place to the use of the Cornerstone program.

Chair Judd-Stein asked if CFAO Lennon could reiterate the meaning of post-retirement positions. Chief Lennon explained the hours needed when someone is allowed to return back to their job post-retirement.

Commissioner Hill moved that the Commission approve an additional 1.08% in funding for annual staff raises consistent with the raises being recommended by the Executive Branch and that post-retirement positions be eligible for the raises as included in the Commissioners' Packet and discussed here today. Commissioner Hill further moved that the first 4% raise be issued in December 2023 and be retroactive to July 2, 2023 and that the second 4% raise be issued either on January 14, 2023 or on such a date as the Legislature funds the Executive Branch increases, whichever is later. Commissioner Skinner seconded the motion.

Roll call vote:

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

The motion passed unanimously, 5-0.

7. Sports Wagering Division ([1:15:54](#))

a. Fan Duel: Request for House Rules Amendments

Interim Sports Wagering Operations Manager Andrew Steffen introduced the house rules update from FanDuel. The updates included clarification on verbiage, expanded definitions, grammatical corrections, additional markets on already approved events, and condensed markets for others. *A memorandum regarding FanDuel's House Rules updates was included in the Commissioners' Packet on pages 122 through 128.*

Commissioner Hill asked for an explanation of Compubox markets. FanDuel's Regulatory Affairs Director Andrew Winchell explained that Compubox is an entity that compiles and provides statistics that can be bet on in major boxing events.

Commissioner Hill asked if the Sports Wagering Division is looking at what other jurisdictions are doing before coming to a conclusion on whether or not to approve the house rules in Massachusetts. Interim Manager Steffen clarified that they are currently only looking at the operators in Massachusetts but will soon expand into reviewing other jurisdictions to see how they handle house rules.

Chair Judd-Stein followed up by asking if these house rules are consistent with those in other jurisdictions. Director Winchell said the house rules have to be approved by every jurisdiction they operate in. Chair Judd-Stein noted that, in the future, Commissioners would want to know if there was anything distinctly different in this jurisdiction that other jurisdictions are or are not requiring.

Commissioner Hill moved to approve the updates to FanDuel's house rules as included in the Commissioners' Packet and discussed here today. Commissioner O'Brien seconded.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

b. DraftKings: Request to Void Wagers ([1:26:37](#))

Interim Manager Steffen introduced DraftKings' request to authorize voiding wagers as a result of an error by their third-party vendor, Sportcast, when it was discovered that incorrect odds were placed by the vendor on the DraftKings' platform. *A memorandum regarding the request was included in the Commissioners' Packet on pages 129 through 130.*

Commissioner O'Brien and DraftKings' Senior Director of Regulatory Operations Jake List discussed the topic of how other states regulated this type of request at [1:33:10](#) and concluded their discussion at [1:37:40](#).

Commissioner Skinner asked if DraftKings conducted a review of the patrons who might have intentionally abused the odds. Mr. List explained that if a customer met a criterion of less than 50% of their selections in a same game parlay contained an error market, they were automatically issued a discretionary bonus. Commissioner Skinner then asked to clarify how they came to the 50% criterion. Mr. List explained that they calculated that if more than half of someone's selections contained the error markets, then that person was trying to take advantage of the error market. He further explained that the amount of free bets was refunded, and if bets were made in cash, those bets were bonused three times the stake that was made by the user.

Commissioner Maynard asked for examples surrounding other refunds to patrons involving an obvious error which affected the company. Mr. List gave examples of voids due to injury and the negative effect of refunding money for DraftKings. Commissioner O'Brien asked when the customers were notified that their bet was in a pending void status. Mr. List stated that the decision to submit the void request was made prior the start of the game, after which the bets were placed in a pending status and email notifications were sent out.

Chair Judd-Stein asked for DraftKings' position with respect to why cancelling or voiding the wager was in the best interest of the Commonwealth or ensures the integrity of the sports wagering industry. Mr. List confirmed that a written response was submitted and read it to the Commission.

Commissioner O'Brien said Sportcast has had this issue happen in the past and asked if Sportcast was involved. Mr. List shared that they were working on creating in-house technology but used Sportcast. Commissioner Skinner asked when the switch to the in-house technology happened. Mr. List shared that the migration started over the last month. Commissioner Skinner asked if DraftKings had any concerns with Sportcast in other markets. Mr. List stated DraftKings has used Sportscast without issue, other than the two errors raised.

Commissioner Maynard questioned whether DraftKings was going to stop Redditors who they were aware abused the error markets from using their platform. Mr. List stated they do restrict multiple-time abusers but are aware that there are other routes these abusers could use if they were to restrict them.

Outside Counsel from Anderson and Krieger Mina Makarious gave the Commission guidance regarding the applicable regulation in 205 CMR 238.35. Commissioner O'Brien stated that she was not persuaded that this was an error and that DraftKings could have decided earlier to stop using Sportcast. Director of Sports Wagering Bruce Band added that licensees should ensure they have done their due diligence to check wagers when the odds are provided from outside vendors.

Chair Judd-Stein asked about the distinction between New Jersey's and Connecticut's regulations versus Massachusetts. Attorney Makarious clarified that in the Massachusetts

regulation, the obligation is always that the operator is responsible for the agents working on their behalf.

Commissioner Hill agreed with Commissioner O'Brien's stance. Commissioner Skinner asked what the highest wager was. Interim Manager Steffen answered \$500. Noting that DraftKings issued bonus bets to only fourteen patrons, Commissioner Skinner asked if the other 124 users were suspected of intentionally abusing the wager. Mr. List explained that they do not view these patrons as "sharks". Commissioner Skinner proposed a compromise on the void request: the bonus offered to the fourteen users be offered to the other 124 users. Commissioner Maynard agreed with Commissioner Skinner. He stated that he wanted to ensure holistically that the industry will oversee its vendors.

Chair Judd-Stein asked Attorney Makarious if the Commission must decide if there was an obvious error and what the Commission has to do if they decide to void or honor the request. Attorney Makarious noted that the provisions of 205 CMR 238.35(2) applied which indicates that the Commission would issue a written order if they approved the request and can consider four factors: A) whether the alleged facts implicate the integrity of the sporting event, B) whether the alleged facts implicate possible illegal activity relating to the sports wagering event or sports wagering industry, C) whether allowing the wager would be unfair to patrons, and D) whether allowing the wager is in conflict with public policy. Attorney Makarious stated that Commissioner Maynard's points were related heavily to the fourth factor. Commissioner O'Brien stated that she was not swayed by the four factors.

Chair Judd-Stein recommended that the Commission takes more time to look over its regulations. Interim Manager Steffen noted the Sports Wagering Division's recommendation to move forward with approving the void request.

Commissioner O'Brien stated that the written product following this motion could lead to more discussion. Commissioner Maynard stated he would be satisfied with articulating the decision in another meeting. Deputy General Counsel Caitlin Monahan recommended putting together a draft order and then bringing it back to the Commission for further discussion after a vote today.

Chair Judd-Stein stated that the struggle about making a decision came from the fact that this error has happened before and asked Mr. List if there was any distinction to be made. Mr. List reminded the Commissioners that DraftKings is offering between 50,000 to 100,000 markets every day without error, with a rate of error less than 0.01%. Commissioner Skinner stated that she believed there is culpability with DraftKings, but she also wanted to be fair in this process. Chair Judd-Stein agreed with Commissioner Skinner's struggle and asked if voiding is not in compliance with the house rules. Deputy General Counsel Monahan clarified that the house rules allow DraftKings to go to the Commission with the request but do not override the regulation or the Commission's responsibility to evaluate the factors in the regulation.

Commissioner O'Brien suggested that if DraftKings had not been allowed to void wagers in January that were based on using Sportcast, this discussion would not be happening. She further noted that the number of wagers involved was not crippling. Commissioner Maynard added that if it were crippling, he would factor that to being in the best interest of the Commonwealth. He

questioned if he wanted to be treating the patrons of Massachusetts differently than how Connecticut and New Jersey are treating their patrons. Chair Judd-Stein reminded everyone that Massachusetts has different regulations from other states. Commissioner O'Brien stated that other states did not require a regulatory body to weigh in on similar requests.

Transcriber's note: The Commission took a 5-minute break at [2:49:00](#), resuming at [2:56:51](#).

Commissioner Skinner asked what the liability for New Jersey was. Mr. List is not sure it is public information.

Commissioner Maynard asked if it was possible to condition the approval of the void request. Attorney Makarios stated it was in their powers. Chair Judd-Stein stated that it was important that the decision be based on public policy concerns or the interest of the Commonwealth.

Commissioner Maynard stated he would condition the approval of the void request as follows: everyone was treated the same, and they got the same promotional opportunities. Commissioner Hill stated that he wanted a clear vote with no conditions. Commissioner O'Brien agreed. Commissioner Skinner stated she did not want to be put in a position where her hands are tied by a condition. Commissioner Maynard stated he will not take a vote clear of conditions. Mr. List said DraftKings would be open to conditions offered by the Commission. Commissioner O'Brien shared her frustration with DraftKings' failure to take responsibility for their vendor's error, further noting that a void would not comply with the public policy issues she previously noted. Commissioner Skinner asked Commissioner O'Brien what she would be comfortable with conditionally. Commissioner O'Brien would not be comfortable with any conditions.

Commissioner O'Brien moved that the Commission deny DraftKings' request to void the wagers as included in the Commissioners' Packet and discussed here today and on November 16, 2023, and that staff be authorized to issue a written order pursuant to 205 CMR 238.35 consistent with the conversation that this commission had on November 16th and today. Commissioner Hill seconded the motion.

Chair Judd-Stein requested that Commissioner O'Brien elaborate on any of the public policy issues. Commissioner O'Brien stated that she does not see anything in the presentation that DraftKings made in the motion or that the Sports Wagering Division put forward that would justify that a void is in the best interest of the customers of the Commonwealth or the integrity of the sports wagering industry.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Nay.

Commissioner Maynard: Nay.

Chair Judd-Stein: Nay.

The motion did not pass, 2-3.

Commissioner Skinner moved that the Commission approve DraftKings' request to void wagers as included in the Commissioners' packet and discussed here today subject to DraftKings providing promotional funding in the amount and manner as was reported was offered to 14 of the 138 patrons who placed a wager on this particular bet.

Commissioner Skinner clarified that the 14 people noted in the motion received three bonus bets in the amount of three times their initial wager. Mr. List added that if the customer placed a bonus bet, DraftKings refunded the bonus bet in the same amount the bet was placed in, and if the customer had bet in cash, they were refunded three times the cash stake.

Commissioner Maynard proposed a friendly amendment that he would want it paid out three times cash across the board. Commissioner Skinner accepted the friendly amendment. Commissioner Maynard seconded the motion.

Roll call vote:

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

The motion passed, 3-2.

Transcriber's Note: The Commission reconvened after a short break. A roll call was taken, and all five of the Commissioners were present.

8. Community Affairs Division ([4:09:36](#))

- a. Review of potential re-allocation of unexpected funds regarding Springfield's 2020 Public Safety Grant.

Chief of Community Affairs Joe Delaney presented a request from the Springfield Police Department for the reallocation of grant funds. He explained that in 2021 and 2022, the Commission gave the Springfield Police Department two grants totaling \$24,000 to improve data connectivity between the Metro Unit and the Gaming Enforcement Unit which ended up \$5,027 over the allotted funds. He further explained that in 2020, the Police Department received a grant to purchase equipment that resulted in unspent funds of under \$19,000. The Police Department was now requesting that \$5,027 be transferred from the 2020 grant to the 2022 grant. *A memorandum and related documents were included in the Commissioners' Packet on pages 132 to 134.*

Commissioner O'Brien moved that the Commission approve the transfer of \$5,027 from the 2020 Springfield Police Department Community Mitigation Fund grant for police equipment over to the 2022 Springfield Police Department Community Mitigation Fund grant to improve data connectivity between the Metro Unit and the Gaming Enforcement Unit as included in the Commissioners' Packet and discussed here today. Commissioner Maynard seconded.

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.

9. Licensing Division ([4:13:02](#))

- a. Approval of Form for Request of Renewal of a Temporary License to Conduct Sports Wagering

Licensing Division Chief Karalyn O'Brien presented a copy of the renewal of temporary license form as required pursuant to 205 CMR 219.04. *A copy of the form is included in the Commissioners' Packet on page 135.*

Chief O'Brien noted a request to amend the language in the form to the following: "A request for temporary license shall include a non-refundable application fee as outlined in 205 CMR 219.04(5). Payment of the \$1 million license fee must be remitted within 30 days of temporary license renewal approval."

Commissioner O'Brien recommended changing the submission of the form to the Executive Director, as required in the regulation, and the Director of Licensing and include emails for convience. Chair Judd-Stein agreed.

Commissioner Skinner pointed out a typo in the attestation referring to a request for a hearing and suggested that it should be changed to "request for renewal." Chief O'Brien clarified that the language was taken from the original version of the form but noted that the Commission would need to approve the renewal. Deputy General Counsel Monahan clarified the Commission's review of a request for a temporary license would occur in an open meeting. Chair Judd-Stein suggested adding another section noting that a hearing would be required. Deputy General Counsel Monahan stated they should move away from the word 'hearing'. Interim Executive Director and General Counsel Grossman agreed it should say 'renewal'.

Commissioner O'Brien moved that the Commission approve the request for renewal of a temporary license to conduct sports wagering form as included in the Commissioners' Packet and as discussed and further edited here today. Commissioner Skinner seconded.

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.

10. Legal and IEB ([4:22:03](#))

- a. Discussion and Possible Adoption of Policy and Procedures for Administration of Certain Non-Compliance Matters Arising Under G.L. c. 23N and 205 CMR 232.

Interim Executive Director and General Counsel Grossman introduced a proposal to establish a protocol for the handling of all matters that implicate compliance related issues in the sports wagering context. *A memorandum was included in the Commissioners' Packet on pages 136 through 142.*

Deputy General Counsel Monahan explained that the protocol was developed to implement the requirements of 205 CMR 232 and creates an internal policy on how non-compliance matters are handled. Deputy General Counsel Monahan explained the different groups of potential non-compliance events. She explained that group one contains matters with low-level incidents that can be handled directly by the Sports Wagering Division. Group two matters involve significant, consequential incidents which will promptly be referred to the IEB. Group three matters involve severe incidents in which the Commissioners will be promptly notified. In determining if the matter is severe, the Sports Wagering Division would consult the IEB. Director Band explained how group one matters were determined. Interim IEB Director Heather Hall explained how groups two and three matters were determined.

Chair Judd-Stein stated she does not see the efficiencies in group two as the Commissioners still have to approve the matter. Interim Director Hall explained that one of the efficiencies is that the IEB would be able to negotiate with the operator. Chair Judd-Stein explained that when the recommendation was brought back in front of the Commissioners, there would be continued discussion. Interim Director Hall explained that it is appropriate for the IEB to do its work on group two. Chair Judd-Stein further spoke about how the IEB investigates and then brings the matter to the Commissioners for a decision in an adjudicatory forum. Interim Director Hall believed it might be time to consider a different process.

Chair Judd-Stein asked what would change in their process of deciding or approving non-compliance matters based on this protocol. Interim Executive Director and General Counsel Grossman explained that in 205 CMR 232.02, the IEB will make a recommendation and send it to the operator and the Commission. He explained that the protocol was built around this regulation. Commissioner Maynard stated group one was helpful, but for groups two and three, he would still want to be able to review the matters. He voiced his concern on the impact of this change on the development of good policy.

Commissioner O'Brien shared that one of the solutions she and Commissioner Skinner came up with was to flag certain issues that would be brought to the Commissioners. Chair Judd-Stein stated that she is not ready to disrupt the current process. Commissioner Skinner requested more time to review the distinctions between G.L. c. 23K and 23N. Interim Director Hall explained the

differences in the statutes. Deputy General Counsel Monahan explained that there is no approval process for the Commission on the gaming side. She explained that for group two matters, every time the IEB recommends discipline, the matter would be brought to the Commission. Chair Judd-Stein clarified that one Commissioner can bring something to the discussion, but it takes all five to act on it.

Commissioner Skinner stated that she liked the log of all non-compliance matters that all Commissioners have access too but expressed concern about Commissioners regularly checking the log. She also asked if there was anything in G.L. c. 23N that would involve Commissioners in group one matters and stated her concern about moving forward until they reviewed the protocol. Deputy General Counsel Monahan suggested a monthly report of all the items. Chair Judd-Stein explained how something similar was done in the past with underage reporting.

Commissioner O'Brien and Chair Judd-Stein asked where the inefficiency was currently with groups two and three matters. Director Band explained that groups two and three matters are currently rolled over into the IEB. Interim Executive Director and General Counsel Grossman explained that the efficiency provided in the protocol was that the IEB would make a recommendation to resolve the matter, and then the Commission can accept it or not. Commissioner Maynard asked if anything was in the queue currently. Interim Director Hall stated yes and that they were mostly based on unauthorized events.

Commissioner Maynard suggested that every group two or three matter should go to the Commission and then be delegated to the IEB. Chair Judd-Stein clarified that they now have the right to go into private sessions in adjudicatory hearings to ask critical questions about the noncompliance issue. Deputy General Counsel Monahan explained that if an issue was delegated to group two, the Commission could decide to move it into an adjudicatory hearing. Commissioner Skinner agreed with the proposal. Director Band explained the log of non-compliance matters in all three groups. Chair Judd-Stein and Commissioner O'Brien discussed that they cannot know some of the information on a matter prior to a hearing due to adjudicatory bias. The Commissioners agreed that the protocol for category one matters is helpful but noted reservations on groups two and three. Chair Judd-Stein explained that she did not want to take away the Commissioners' right to vote on non-compliance matters, stating that they needed to spend more time on this topic.

11. IEB

a. IEB Report Regarding EBH Floor Plan Expansion

Transcriber's Note: This topic was rolled over to a future meeting due to timing issues.

b. Security at MGM Springfield ([5:24:43](#))

Interim Director Hall introduced the matter on security at MGM Springfield and requested an executive session to continue further discussion.

The Chair read the following into the record: "The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(4) to discuss the use and deployment of

security personnel or devices, or strategies with respect thereto, MGM Springfield specifically with regard to firearms. The public session of the Commission meeting will not be reconvened at the conclusion of the executive session.”

Commissioner O'Brien moved that the Commission go into executive session on the matter related to MGM Springfield just described by the Chair and for the reason stated by the Chair on the record. Commissioner Skinner seconded.

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.

12. MGC Office Lease Update ([5:26:03](#))

Interim Executive Director and General Counsel Grossman introduced the proposal for the renewal of the Boston office's lease.

The Chair read the following into the record: “The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(4) to consider the lease of real property specifically the Commission's office space at 101 Federal Street in Boston and associate considerations as discussion at an open meeting may have a detrimental effect on the negotiating position of the Commission. The public session of the Commission meeting will not be reconvened at the conclusion of the executive session.”

Commissioner O'Brien moved that the Commission go into executive session to discuss and consider the lease of the real property referenced by the Chair and for the reason stated by the Chair on the record. Commissioner Skinner seconded.

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.

13. Executive Session Meeting Minutes ([5:27:34](#))

The Chair read the following into the record: “The Commission anticipates that it will meet in executive session to review minutes from previous executive sessions as their discussion at an open meeting may frustrate the intended purpose for which the executive sessions were convened in accordance with G.L. c.30A, §21(a)(7) to evaluate a matter relative to the non-disclosure agreement between the Commission and Wynn Mass LLC pursuant to G.L. c.23K, §21(a)(7) and 205 CMR 139.02; and G.L. c. 30A, § 21(a)(3) to discuss strategy with respect to collective bargaining and litigation. The public session of the Commission meeting will not be reconvened at the conclusion of the executive session.”

Commissioner O’Brien moved that the Commission go into executive session to review the four sets of minutes that are delineated and as the Chair stated on the record why the Commission needed to go into executive session. Commissioner Hill seconded.

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.

14. Commissioner Updates ([5:30:29](#))

The Commissioners had no updates to share.

15. Other Business ([5:30:37](#))

Seeing and hearing no other business, the Commission entered the executive session.

Transcriber’s Note: The Commission entered executive session and did not reconvene the public meeting session.

List of Documents and Other Items Used

1. [Revised Notice of Meeting and Agenda](#) dated November 28, 2023
2. [Commissioners’ Packet](#) from the November 30, 2023 meeting (posted on [massgaming.com](#))



Massachusetts Gaming Commission Meeting Minutes

Date/Time: January 18, 2024, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 213 7535

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 495th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five Commissioners were present for the meeting.

2. [Meeting Minutes](#) (00:54)

Chair Judd-Stein stated that the Commission was not going to proceed with approval of the meeting minutes. Commissioner Maynard stated that the next meeting would include the March 23, 2023 and April 13, 2023 meeting minutes along with the April 25, 2023, May 4, 2023, and May 8, 2023 meeting minutes.

3. [Administrative Update](#) (01:28)

a. [Regulatory Development Update on Cashless Wagering for Casinos](#) (02:02)

Deputy General Counsel Carrie Torrisi introduced the regulatory update on the possible implementation of cashless wagering payment technologies for slot machines. She mentioned

that the Commissioners had concerns about responsible gaming issues. She stated that prior to bringing a proposed regulatory framework, there would be a responsible gaming-focused presentation to provide a baseline on the main responsible gaming issues in cashless wagering. She added that after the presentation on responsible gaming concerns, there would be a regulatory framework brought for review involving a variety of regulations.

4. [Legislative Update](#) (05:30)

a. [Discussion and Possible Adoption: Draft Letter to the Legislature Proposing Amendments to Gaming, Sports Wagering, and Horse Racing Laws for the Commissioners' Consideration](#) (05:55)

Commissioner Hill introduced a draft letter to the Massachusetts Legislature which proposed amendments to Gaming, Sports Wagering, and Horse Racing Laws and the issue regarding the prohibition of hiring someone who worked for a casino in the past three years. *A draft letter is found on page 4 through 7 of the Commissioners' Packet.* Interim Executive Director and General Counsel Todd Grossman provided an overview of the draft letter. He further discussed G.L. c. 23K, §3(n), which deals with the 3-year employment prohibition for those who have worked for a licensee. Commissioner Hill described the concerns from Commission staff about the provision. He further stated that he believed that there should be no prohibition based on that circumstance but was willing to suggest a 1-year prohibition period.

Commissioner O'Brien stated her disagreement with Commissioner Hill but said that she would be open to an amendment for a disqualification of employment with less than some period of time. Commissioner Maynard stated his concern around agency capture and his support for the 3-year prohibition. Commissioner Skinner stated that she was open to a reduction in the prohibition.

Chair Judd-Stein asked if the 3-year prohibition extended to Sports Wagering. Interim Executive Director and General Counsel Grossman stated that he was not aware of a similar restriction in G.L. c. 23N. Chair Judd-Stein stated her belief in the importance of a disclosure notifying the Commission staff of an employee hired from the casino or sports wagering industries. She added that she was comfortable reducing the prohibition as long as there was transparency and management for conflict of interests. Commissioner O'Brien stated that she wanted to see a similar 3-year prohibition included in G.L. c. 23N and applied to Sports Wagering. Chair Judd-Stein stated that a new provision would be unlikely as three Commissioners desired more flexibility. She added that Massachusetts was a new gaming state, which needed expertise.

Commissioner O'Brien stated that the letter might need to be redrafted to clarify that it was not a unanimous request. Commissioner Maynard added that he wanted to withhold his signature as well. Chair Judd-Stein noted that the flexibility for the reduction of the 3-year prohibition would be denied, while all of the other proposed provisions would be accepted. Chair Judd-Stein confirmed the Commission's consensus on signing the letter with the other provisions.

Commissioner Hill moved that the Commission approve the letter to the Legislature regarding amendments to Gaming, Sports Wagering, and Horse Racing laws as included in the Commissioners' Packet and discussed here today. Chair Judd-Stein seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

5. [Legal](#) (38:21)

- a. [205 CMR 152: Individuals Excluded from Gaming and Sports Wagering – review of regulation and Amended Small Business Impact Statement to finalize the promulgation process](#) (38:42)

Associate General Counsel Ying Wang introduced the proposed amendment to 205 CMR 152. *A memorandum on the amendment, draft amendment to 205 CMR 152 and an Amended Small Business Impact Statement are found on pages 11 through 21 of the Commissioners' Packet.*

Commissioner Skinner moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 152 as included in the Commissioners' Packet and discussed here today, and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

- b. [205 CMR 16: Procedures for the Approval of a Simulcast-Only Facility – review of regulation and Small Business Impact Statement to begin the promulgation process](#) (41:05)

Deputy General Counsel Justin Stempeck introduced the proposed amendment to 205 CMR 16. *A memorandum on the amendment, draft amendment to 205 CMR 16 and Small Business Impact Statement are found on pages 22 through 33 of the Commissioners' Packet.* Associate at Anderson & Kreiger LLP Paul Kominers provided a detailed overview of the proposed amendment.

Commissioner Maynard asked to address the comment received by the Commission through email. Deputy General Counsel Stempeck stated that the proposed amendment was going to be open for public comment from the industry, and parts of the proposed amendment could be

revised accordingly. Interim Executive Director and General Counsel Grossman stated that the proposed amendment was done in response to changes in Chapter 26, sections 3 through 6 of the Acts of 2023.

Commissioner O'Brien moved that the Commission approve the Small Business Impact Statement and the draft of 205 CMR 16 as included in the Commissioners' Packet and discussed here today, and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to begin the regulation promulgation process. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

- c. [205 CMR 221: Sports Wagering License Fees – review of regulation and Small Business Impact Statement to begin the promulgation process](#) (56:01)

Mr. Kominers introduced the proposed amendment to 205 CMR 221 which clarified a discrepancy in licensing fees for Sports Wagering Operators. *A memorandum on the amendment, draft amendment to 205 CMR 221 and the Small Business Impact Statement are found on pages 34 through 39 of the Commissioners' Packet.* Licensing Division Chief Karalyn O'Brien provided further context on the issue.

Chair Judd-Stein asked if it would be helpful to have a waiver on the regulation to ensure that the Operators would not pay the same fee twice. Chief O'Brien confirmed that a waiver would provide clarity around the discrepancy in the regulations. Mr. Kominers agreed that the proposed amendment should be accompanied by a waiver for operators. Chief O'Brien clarified that the fee was expected 30 days after the renewal of the temporary license.

Commissioner Hill moved that the Commission approve the Small Business Impact Statement and the draft of 205 CMR 221 as included in the Commissioners' Packet and discussed here today, and further that the staff be authorized to take steps necessary to file the required documentation with the Secretary of the Commonwealth to begin the regulation promulgation process. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

6. [Sports Wagering Division](#) (1:06:40)

a. [90 Day Audit Report](#) (1:06:52)

Deputy General Counsel Stempeck introduced the Independent Technical Security Control Audit. *A memorandum on the audit is found on pages 40 through 41.* Gaming Technical Compliance Manager Cristian Taveras provided a brief overview of the audit and 205 CMR 243.01 as it related to the performance of the Technical Security Control Audit.

i. [Executive Session](#) (1:18:16)

Chair Judd-Stein read the following language into the record: “The Commission anticipates that it will meet in executive session in accordance with G.L. c. 30A, § 21(a)(7) and G. L. c. 4, § 7(26)(n) to review certain materials in connection with the sports wagering operators’ 90-day technical security control audits conducted by a qualified independent technical expert as it relates to cyber security in the Commonwealth, and the public disclosure of which is likely to jeopardize public safety or cyber security. The public session of the Commission meeting will reconvene at the conclusion of the executive session.”

Commissioner O’Brien moved that the Commission go into executive session on the matter and for the reasons just recited by the Chair. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Transcriber’s note: The Commission entered executive session upon their vote at [1:20:20](#) and reconvened the public meeting at [2:00:22](#).

Chair Judd-Stein announced the return of the Commission. Roll call attendance was conducted, and all five Commissioners were present for the meeting.

7. [IEB](#) (2:01:24)

Interim Investigations and Enforcement Bureau (“IEB”) Director Caitlin Monahan briefly introduced the three possible ways of moving noncompliance matters forward: scheduling an adjudicatory hearing, referring the matter to the IEB, or issuing a civil administrative penalty to the Operator.

a. [Presentation of IEB Sports Wagering Noncompliance Incident Review Report related to Category 3 Sports Wagering Licensee Fanatics and discussion regarding next steps.](#)

[Alleged noncompliance incident relates to wagers allowed on an unauthorized event in violation of G.L. c. 23N, section 3 and 205 CMR 247.01\(2\)\(a\)\(2\) \(2:03:05\)](#)

Enforcement Counsel Zachary Mercer introduced a noncompliance incident related to FBG Enterprises Opco, LLC d/b/a Fanatics Betting & Gaming (“Fanatics”). He described that Fanatics notified the Sports Wagering Division that it had allowed wagering on an unauthorized event involving a Massachusetts collegiate team after which Fanatics deactivated the event, canceled and refunded the wager.

Chair Judd-Stein asked to hear the facts of a similar prior noncompliance issue. Attorney Mercer described a similar noncompliance incident in violation of G.L. c. 23N, §3 and 205 CMR 247.01(2)(a)(2) related to Wynn MA, LLC d/b/a Encore Boston Harbor (“EBH”). He stated that the decision from the Commission on that case was based on similar facts, and the Commission issued a \$10,000 fine to EBH following an adjudicatory hearing. Chair Judd-Stein stated that the main question was if the event had occurred.

Commissioner O’Brien asked to review Fanatics’ response to the error and the role of the football trader. Attorney Mercer stated that the football trader was the person responsible for placing the offerings for an event and was specifically assigned to football events. He added that the response was mainly focused on addressing human error. Commissioner O’Brien asked if Fanatics had identified the individual responsible for the error. Attorney Mercer stated that he did not have the information relating to the identity of the individual. Commissioner O’Brien stated her interest in knowing what Fanatics’ response to the individual employee involved rather than knowing the specific identity of the employee.

Chair Judd-Stein asked if the steps taken by Fanatics to mitigate future incidents appeared reasonable. Director of Sports Wagering Bruce Band confirmed that it seemed reasonable.

Commissioner O’Brien asked if there were any audits conducted after the incident. Director Monahan stated that if the issue was going to be referred to the IEB, those facts would be considered in the case evaluation. Commissioner Maynard asked how much of the process was automated compared to human error. Director Band stated that a lot of the system appeared to be manual. Director Monahan confirmed the Commissioners’ consensus to move the matter to an adjudicatory hearing.

b. [Overview of durable suitability investigation process, including estimated timeline for transmission to Commission \(2:16:51\)](#)

i. [Executive Session \(2:18:20\)](#)

Chair Judd-Stein read the following language into the record: “The Commission is anticipated to meet in executive session in accordance with G.L. c.30A, §21(a)(7) and G.L. c. 4, §7(26)(f) to discuss investigatory materials related to the durable suitability investigation process for sports wagering licenses, including estimated timelines for said investigations, necessarily compiled out of the public view by the IEB the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest.

The public session of the Commission meeting will reconvene at the conclusion of the executive session.”

Commissioner O’Brien moved that the Commission go into executive session on the matter and for the reasons just recited by the Chair. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Transcriber’s note: The Commission entered executive session upon their vote at [2:20:20](#), after which they went on a break and reconvened the public meeting at [3:34:10](#).

Chair Judd-Stein announced the return of the Commission. Roll call attendance was conducted, and all five Commissioners were present for the meeting.

8. [Legal and IEB](#) (3:35:13)

- a. [Discussion and Possible Adoption of Policy and Procedures for Administration of Certain Non-Compliance Matters Arising Under G.L. c.23N and 205 CMR 232](#)
(3:35:36)

Interim Director Monahan presented the Group 1 Sports Wagering Compliance Matter Review Protocol. *A memorandum on the protocol and the protocol are found on pages 40 through 44 of the Commissioners’ Packet.*

Commissioner O’Brien noted that she wanted to see any matter related to promotions come before the Commission. Director Band stated that promotions were a sensitive area for the Commission, meaning that those matters were likely to be brought up in front of the Commissioners. Chair Judd-Stein stated that Commissioner O’Brien’s description should be added to the protocol.

Chair Judd-Stein noted that the Sports Wagering Incident Tracker Database could be unprotected from the public records law. She added that the language which addressed an individual Commissioner’s ability to bring a matter to the Commission outside of a public meeting was not good governance.

Commissioner Skinner asked if the provision for the Sports Wagering Division to provide a monthly report could be increased to a bi-weekly distribution. Director Band confirmed that the Sports Wagering Division was able to provide the report bi-weekly.

Commissioner Maynard asked what would happen if a licensee was told that a matter was resolved after which the Commissioners reviewed the matter and declared it unresolved. Director Band stated that the matters typically took months to be resolved. Director Monahan stated that the Sports Wagering Division was able to make the change to add language giving discretion to the Commissioners. Commissioner Skinner stated that her reasoning for asking for a more frequent distribution of the report was that the smaller Group 1 matters could be relevant to the consideration of the more severe incidents. Director Monahan stated that the IEB and the Sports Wagering Division were in communication to ensure the divisions were aware of the incidents. Interim Executive Director and General Counsel Grossman stated that even if the matter was closed, there was no restriction on the Commission looking at prior incidents and using them to resolve future matters.

Chair Judd-Stein noted the difficulty of not having too many facts in front of the Commissioners due to potential adjudicatory bias. Director Band stated that gathering the information could take weeks. Director Monahan briefly described what the Sports Wagering tracker would look like.

Chair Judd-Stein asked if the bi-weekly reports were an addition to the tracker. Director Monahan stated that the Sports Wagering Incident Tracker Database was separate from the tracker. Chair Judd-Stein confirmed that Director Monahan would make edits to the proposed protocol and would bring the edits to the Commission at the next meeting for final review and approval.

9. [Research and Responsible Gaming](#) (4:03:37)

Research Manager Dr. Bonnie Andrews introduced the Public Safety Research Report. *A memorandum on the matter, the report and the presentation are found on pages 45 through 175 of the Commissioners' Packet.*

- a. [Assessing the Influence of Gambling on Public Safety in Massachusetts Cities and Towns: Crime Comparison Analysis of Changes in the MGM Springfield Region, 2013-2022](#) (4:06:00)

Justice Research Associate Doctor Noah Fritz presented the Public Safety Research Report with topics including the following: crime context, crime rates around Springfield, crime patterns, crime theories, and crime distributions.

Chair Judd-Stein stated her hope that the Commission staff received some form of training for awareness of human trafficking. Director of Research and Responsible Gaming Mark Vander Linden noted the need to learn more about the effects of casinos on crime through a variety of angles. Commissioner O'Brien added that she was looking forward to hearing the results of the human trafficking study. Dr. Fritz noted the challenges of studying human trafficking.

Chair Judd-Stein asked if there were any numbers reported on human trafficking. Dr. Fritz noted that the category was difficult to identify and was narrowly reported.

Transcriber's note: The Commission went on a brief break at [5:01:10](#) and returned at [5:12:20](#).

Chair Judd-Stein announced the return of the Commission. Roll call attendance was conducted, and all five Commissioners were present for the meeting.

10. [Interim Executive Director's Proposal for Authority Regarding Certain Personnel Matters, including, e.g., Compensation, Promotions, Reclassifications, and Creation of New Positions](#) (5:12:55)

Interim Executive Director and General Counsel Grossman presented a proposal to create a Compensation and Classification Working Group. *A memorandum on the Working Group is found on pages 176 through 177.* Chief People and Diversity Officer David Muldrew further described the proposal.

Commissioner Hill asked how the reclassification would work if the Commission was not under an Interim Executive Director. Chief Muldrew stated that he would partner with the Chief Financial and Accounting Officer Derek Lennon to look into the compensation payroll for budgeted positions after which the Executive Director would authorize it. He clarified that reclassification would involve the Executive Director who would collaborate with the Commissioners for review.

Commissioner Skinner asked for further clarification on the differences between promotions and reclassifications. Chief Lennon clarified the distinctions between the two processes.

Chair Judd-Stein asked why there was a new model, where the Executive Director convened a Working Group involving a Commissioner. Interim Executive Director and General Counsel Grossman stated that it was necessary for the Executive Director to convene the group so that it would not be subject to Open Meeting Law as a public body. Chair Judd-Stein asked how the Working Group would compete with the established existing framework. Chief Muldrew stated that it would not change the existing framework and would improve the efficiency of the practice. Chair Judd-Stein asked how the Working Group would increase efficiency. Chief Muldrew stated that having a Working Group would offer a more tactical approach with more people analyzing an issue and potential outcomes.

Chair Judd-Stein asked Commissioner O'Brien how the proposal fit in with the timeline of the search for a full-time Executive Director. Commissioner O'Brien raised a concern for the need for the proposal, considering the ongoing search for the full-time Executive Director. Commissioner Maynard asked how many people were to be brought on in the upcoming thirty days. Chief Muldrew stated that it could be up to seven. Commissioner Maynard stated that he would want the Chair to have a function in the Working Group. He further stated his concern about implementing the Working Group prior to the hiring of a full-time Executive Director. Chair Judd-Stein stated that if the Commissioners gave their approval to the Working Group, it would trigger the Working Group to be a public body.

Chair Judd-Stein suggested tabling the topic until the hiring of full-time employees was complete. Commissioner Skinner stated that the proposal was sound and wanted to hear further clarity on who would be creating the Working Group. Interim Executive Director and General Counsel Grossman stated that he would be creating the Working Group and reiterated that the Working Group was meant to address a small issue. Commissioner Skinner noted that it should

be necessary for the Interim Executive Director to have the same authority as the permanent Executive Director, as it would limit frustration and boost morale across the Commission. Chair Judd-Stein agreed with Commissioner Skinner in the desire to not limit the work of the Interim Executive Director. Commissioner Hill agreed with Commissioner Skinner and asked what the process would look like. Commissioner O'Brien stated that it was not a good idea to establish the Working Group. She added her understanding that the small structural changes were under the authority of the Interim Executive Director. She further raised a concern about the fact that decisions on reorganizing and moving people within pay grades were previously brought before the Commissioners and noted that she still expected those decisions to appear in front of the Commissioners regardless of the status of the Executive Director. Commissioner Maynard agreed with Commissioner O'Brien.

Interim Executive Director and General Counsel Grossman stated that he was able to go forward with the clarity and guidance from the discussion of the topic. Chief Lennon and Chief Muldrew agreed with Interim Executive Director and General Counsel Grossman.

11. [MGC Office Lease Update](#) (6:00:00)

Transcriber's note: The discussion of this Agenda Item occurred after discussion of Agenda Items 12 and 13.

General Counsel Todd Grossman briefly introduced a detail about the office space lease that needed to be discussed in Executive Session.

i. [Executive Session](#) (6:01:12)

Chair Judd-Stein read into the record the following language: "The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(6) to consider the lease of real property, specifically the Commission's office space at 101 Federal Street in Boston, and associated considerations, as discussion at an open meeting may have a detrimental effect on the negotiating position of the Commission. The public session of the Commission meeting will not reconvene at the conclusion of the executive session."

Commissioner Skinner moved that the Commission go into executive session on the matter and for the reasons just recited by the Chair. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Transcriber's note: The Commission entered executive session upon their vote at [6:02:33](#) and did not reconvene the public session.

12. [Commissioners Update](#) (5:57:14)

No Commissioner updates were noted.

13. [Other Business](#) (5:59:51)

No other business was noted.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated January 16, 2024
2. [Commissioners' Packet](#) from the January 18, 2024, meeting (posted on massgaming.com)



Massachusetts Gaming Commission Meeting Minutes

Date/Time: November 6, 2025, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 576 0713

The Commission conducted this public meeting remotely utilizing collaboration technology. 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 Jordan Maynard
Commissioner Eileen O'Brien
Commissioner Bradford Hill
Commissioner Nakisha Skinner
Commissioner Paul Brodeur

1. Call to Order (00:00)

Chair Maynard called to order the 571st Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

Chair Maynard stated that before entering the scheduled agenda items he wanted to give a statement regarding a news story from the morning of the meeting. He stated that the Commission was aware of the announcement made by Penn Entertainment ("Penn") regarding the termination of Penn's marketing partnership with ESPN.

Chair Maynard noted that the plan, subject to the Commission's approval, would take effect on December 1, 2025. He stated that the Commission would review the plan over the next few weeks and would ensure that customers with open wagers with ESPNbet would have their wagers honored. He stated that the integrity of sports wagering in the Commonwealth of Massachusetts was the Commission's highest priority.

2. [Meeting Minutes](#) (01:31)

The November 2, 2023, February 1, 2024, August 29, 2024, October 9, 2025, and October 16, 2025 public meeting minutes were included in the Commissioners' Packet on pages 4 through 53.

Commissioner Brodeur moved that the Commission approve the minutes from the following meetings, as included in the Commissioners' Packet, subject to necessary corrections for typographical errors or other non-material matters: November 2, 2023, February 1, 2024, and August 29, 2024. Commissioner Skinner seconded the motion.

*Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Brodeur: Abstain.
Chair Maynard: Aye.*

The motion passed, 4-0 with one abstention.

Commissioner Brodeur moved that the Commission approve the minutes of the October 9, 2025 meeting, as included in the Commissioners' Packet, subject to necessary corrections for typographical errors or other non-material matters. Commissioner Skinner seconded the motion.

*Roll call vote:
Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Brodeur: Aye.
Chair Maynard: Aye.*

The motion passed unanimously, 5-0.

Commissioner Brodeur moved that the Commission approve the minutes of the October 16, 2025 public meeting, as included in the Commissioners' Packet, subject to necessary corrections for typographical errors or other non-material matters: Commissioner Skinner seconded the motion.

*Roll call vote:
Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Brodeur: Aye.
Chair Maynard: Abstain.*

The motion passed, 4-0 with one abstention.

3. [Research and Responsible Gaming](#) (03:59)

- a. Presentation of report, "AI and Player Risk Identification and Response Research Report"

Director of Research and Responsible Gaming Mark Vander Linden introduced Director of Research with the International Gaming Institute at the University of Nevada Las Vegas Kasra Ghaharian. Dr. Ghaharian presented the report titled “AI and Player Risk Identification and Response Research Report” with topics including the following: research objectives, current AI use cases, traditional AI, generative AI, prohibited AI systems, recommendations for regulators, the behavioral risk indicators database of gambling evidence (“BRIDGE”), tiered categorization scheme, assessing gambling harm, key findings, and recommendations. *The AI report and presentation was included in the Commissioners’ Packet on pages 54 through 156.*

Commissioner O’Brien expressed that she would like to have a whole meeting dedicated to delving deeper into this topic. She stated that she needed to familiarize herself with the United Kingdom examples. She asked if there was something the Commission could do as a regulator to increase research into responsible gaming and risk identification. Dr. Ghaharian stated that he hoped the study would help devise a systematic approach to developing recommendations. He stated that it would be helpful to get insights from regulatory technology companies. He noted that the study was limited as it was based on academic literature.

Commissioner O’Brien asked if a request-for-information (“RFI”) would be helpful in getting information regarding what tools are available. Director Vander Linden noted that the Commission did an RFI in 2023 but that due to the pace of technological evolution, the information was now outdated. Commissioner O’Brien stated that she would be interested in how much information could be received. Dr. Ghaharian stated that information could be requested regarding a transparency requirement for AI use and AI models. He noted that for-profit companies would likely not want to share too much information. He stated that it was important to conceptualize a benchmark framework that better understands the efficacy of AI systems.

Commissioner Brodeur stated that AI could be a powerful tool in the assessment of customer risk factors like income and debt regarding responsible gaming. He stated that there could be value in transparency with customers regarding how they are assessed and what their risks are. Dr. Ghaharian stated that it would be beneficial for operators to better understand a player’s capacity so that they could tailor customer support and player management to that capacity. He stated that operators have indicated that they want long-term customers, but there was no hard data about whether that was a sustainable business strategy. He stated that he was unsure of whether this information would be well-received by operators.

Commissioner Brodeur stated that it would be difficult to get the regulatory agencies from each state on the same page. He stated that there would have to be an overarching consensus at the state level or federal regulation. Dr. Ghaharian stated that the lack of a federal agency to address these issues was a root cause of a lot of issues and concerns.

Commissioner Brodeur noted that several states were having conversations regarding what is betting or gambling due to prediction markets. He stated that regulators should put in a good faith-effort to put forth customer-responsive regulations that can be relied on by other states. Dr. Ghaharian stated that it could not be done by a single regulator and that it would take

cooperation from multiple regulators that represent a large proportion of the U.S. market. Commissioner Brodeur stated that there was a question as to whether a group of leading states could establish an agenda that other states would be willing to follow.

Commissioner Skinner stated that AI was multifaceted with both benefits and risks. She stated that the research presented gave the Commission the start of a map for further discussions as to how to proceed. She agreed with Commissioner O'Brien that there could be a whole meeting dedicated to where to go from here. She stated that the Commission was well-positioned to fully dig into this topic. Dr. Ghaharian stated that he hoped the research was beneficial and noted that he wanted to provide open-source tools and frameworks that regulators could adopt.

Commissioner Hill agreed with Commissioner Skinner. He stated that the report was excellent and thanked Dr. Ghaharian. He stated that the Commission had a lot of work to do with regard to this topic.

Chair Maynard asked what the takeaway should be from this report. Dr. Ghaharian stated that use-case risk categorization could be implemented in the gambling industry. He stated that it was low risk to use AI to help write emails, but there could be increased scrutiny if generative AI was linked to a database to provide optimized offers. He stated that it was important for regulators to get recommendations out to the operator, but transparency in the commercial solution would also have to be addressed. Chair Maynard stated that it was not a good business model to sell a luxury product to someone down on their luck. He stated that this type of analysis could work in favor for both the operator and customer.

Director Vander Linden stated that this report was the beginning of understanding more about this technology. He stated that the Commission had committed to continue support for the BRIDGE study. He stated that it was important to recognize how quickly this technology was changing and how much research was being created in this field.

b. [AI Workgroup Update](#) (55:53)

Director Vander Linden explained that the Commission had created an AI Workgroup whose members were Commissioner O'Brien, Chief of Sports Wagering Carrie Torrisi, Interim General Counsel Justin Stempeck, Interim Chief Information Officer Kevin Gavreau, Sports Wagering Compliance and Operations Manager Andrew Steffen, Sports Wagering Compliance and Operations Manager Tom Lam, Deputy Director of Research and Responsible Gaming Bonnie Andrews, and Director Vander Linden. He stated that the workgroup included various divisions in order to review a topic important to the Commission. He noted that the workgroup was monitoring the research done by the University of Las Vegas, the New Jersey Division of Gaming Enforcement's responsible gaming best practices, and AI usage monitoring specific responsible gambling activity.

Director Vander Linden stated that the New Jersey Division of Gaming Enforcement ("DGE") developed guidelines for responsible gaming ("RG") best practices. He stated that the guidelines tracked ten triggers for determining when an intervention would need to take place. He stated that six of the triggers were based on play behavior and four were based on account activity. He

noted that the guidelines had been updated and were being turned into a regulation. He stated that the AI workgroup was monitoring the process in New Jersey.

Director Vander Linden stated that the International Association of Gaming Standards had developed an Ethical Use of AI Best Practices that contained standards for the creation of guardrails to prevent AI from being misused. He stated that the best practices were updated in July and that they set standards for the use of AI in this industry. He stated that the Ethical Use of AI Best Practices applied to RG as well as all use cases in the gaming industry.

Director Vander Linden stated that the AI workgroup met with operators to better understand their use of AI in their business practices. He stated that the meetings were largely supported by the regulatory requirements set forth in 205 CMR 257.02(4) which required operators to report to the Commission bi-annually on their compliance. He stated that the Commission could meet in executive session to discuss the responses from the operators.

Chair Maynard stated that the Commission anticipated that it would meet in executive session in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 23N, § 6(i) to discuss trade secrets, competitively sensitive or proprietary information related to use of technology applications in connection with the requirements of 205 CMR 257.02(4) as provided by operator licensees to the Commission, the disclosure of which would place the operators at a competitive disadvantage or would be detrimental if made public.

Commissioner O'Brien moved to go into executive session on the matter and for the reasons just stated by the Chair. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

Transcriber's Note: The Commission entered executive session at 11:10 A.M. EST, and returned to the public meeting session at 12:05 P.M. EST.

Chair Maynard stated that Interim General Counsel Stempeck had requested that the Commission take Agenda Item 5 before Agenda Item 4 due to scheduling issues. Chief of the Community Affairs Division Joe Delaney stated that all of his agenda items could wait. The Commission reached a consensus to take Agenda Item 5 before Agenda Item 4.

4. [Community Affairs Division](#) (2:53:24)

a. Plainridge Park Casino Quarterly Report

Plainridge Park Casino's General Manager ("PPC") North Grounsell, PPC's VP of HR Kathy Lucas, and PPC's Director of Security Bob Charette presented PPC's quarterly report with topics including the following: revenue and taxes, lottery sales, spend by state, vendor diversity, employment diversity, compliance, staff development, and community engagement. *PPC's Quarterly Report presentation was included in the Commissioners' Packet on pages 159 through 173.*

Commissioner O'Brien noted that there was a drop in spending with women-owned business enterprises. She asked if that was due to the loss of a project or vendor. Mr. Grounsell stated that the drop in spending was due to a difference in timing and how things were flowing across quarters. He noted that one of PPC's previous vendors that was a women-owned business enterprise sold the company, and the new entity did not qualify. He stated that PPC was searching diligently to continue to make progress in vendor diversity.

Commissioner O'Brien inquired about the three weapons that were found by PPC's security team. Mr. Charette stated that all three weapons were firearms. He stated that all three individuals had licenses to carry the firearms but were unaware they could not enter the establishment with the firearms.

Commissioner Brodeur recommended that PPC attend a career fair at the University of Massachusetts at Amherst, as that university had a great hotel and hospitality program. He stated that a lot of people at that school might enjoy learning about opportunities in the Commonwealth. Chair Maynard stated that a partnership with any public school in Massachusetts would be beneficial.

Commissioner Skinner congratulated PPC on their community partnerships. She expressed that she liked seeing the photos of the varying community engagement projects.

b. [Request to Re-allocate unexpended 2018 CMF Grant Funds – Attleboro](#) (3:08:24)

Chief Delaney presented a request to re-allocate unexpended community mitigation fund grant funds from Attleboro. *The request to reallocate funds was included in the Commissioners' Packet on page 174.*

Commissioner Skinner asked what the casino-related impact was for this project. Chief Delaney explained that there was an increase in traffic associated with the casino. He stated that the Town of Attleboro was planting trees to mitigate the increase in emissions from the increased traffic by absorbing pollutants in the atmosphere.

c. [Request to Re-allocate unexpended 2022 CMF Grant Funds – Longmeadow](#) (3:10:54)

Chief Delaney presented a request to re-allocate unexpended community mitigation fund grant funds from Longmeadow. *The request to reallocate funds was included in the Commissioners' Packet on page 175.*

d. [Request to Re-allocate unexpended 2023 CMF Grant Funds – Wilbraham](#) (3:11:59)

Chief Delaney presented a request to re-allocate unexpended community mitigation fund grant funds from Wilbraham. *The request to reallocate funds was included in the Commissioners' Packet on page 176.*

Commissioner Hill moved that the Commission approve the Town of Attleboro's request to re-allocate the unexpended funds in its Reserve Grant in the amount of \$66,388 in connection with its FY 2018 Transportation Planning Grant for the purpose of a tree planting program, as included in the Commissioners' Packet and discussed here today; and further moved that the Commission approve the Town of Longmeadow's request to reallocate unexpended funds in the amount of \$21,385 in connection with its FY 2022 Public Safety grant for the purpose of Advance Law Enforcement Rapid Response Training (ALERRT) training, as included in the Commissioners' Packet and discussed here today; and further moved that the Commission approve the Town of Wilbraham's request to reallocate unexpended funds in the amount of \$16,693.70 in connection with its FY 2023 Public Safety Grant for the purchase of license plate readers as identified within its FY 2025 Community Mitigation Fund Grant Application, as included in the Commissioners' Packet and discussed here today. Commissioner Brodeur seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

e. [FY2027 Community Mitigation Fund Guidelines](#) (3:15:08)

Chief Delaney presented the FY2027 Community Mitigation Fund Guidelines. He noted that changes to the guidelines were presented to the Commission in October. He stated that the guidelines received no public comment and that the only changes were for typographical errors and formatting. *The FY2027 Community Mitigation fund Guidelines were included in the Commissioners' Packet on pages 177 through 214.*

Commissioner Hill thanked the Community Affairs Division for their work on this matter. Chair Maynard stated that the Commission was trying to be equitable with what funds were available.

Commissioner O'Brien moved that the Commission adopt the Fiscal Year 2027 Community Mitigation Fund Guidelines as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.
Chair Maynard: Aye.
The motion passed unanimously, 5-0.

5. [Legal](#) (2:05:15)

a. Review of DraftKings' corrective action plan as required by the Commission's July 7, 2025, Non-Compliance Decision

Interim General Counsel Stempeck stated that the Commission had previously issued a noncompliance decision in July regarding the use of credit cards on DraftKings' platform. He noted that one part of the decision was the requirement for a corrective action plan to address the communication failures that led to the noncompliance issues. He stated that DraftKings recently produced an audit proposal which was reviewed by the Commission and asked for an extension in regard to the corrective action plan requirement. He stated that DraftKings' corrective action plan was before the Commission at this meeting for consideration.

Outside counsel for DraftKings Tony Starr explained that the Commission's decision asked DraftKings to develop a corrective action plan for regulatory communications and how they would be communicated internally. He stated that he had been in contact with Interim General Counsel Stempeck to ensure the corrective action plan was consistent with the Commission's request. He noted that DraftKings' staff were on the call to assist with any questions the Commission might have.

Attorney Starr stated that DraftKings had implemented a case management system, ServiceNow, so that email communications from the Commission or other regulators are tracked more clearly. He stated that communications would be funneled through a distribution list, monitored by gaming compliance services, to ensure that everyone who needs to get the communication receives it. He stated that senior compliance staff would be included on the distribution lists.

Attorney Starr noted that DraftKings would supply all regulators with the distribution lists. He stated that sending the email directly to the list would ensure that it was tracked and monitored. He stated that there was also an education process to ensure that if an employee receives an email outside of the distribution list, they will know to forward that email to a distribution list.

Attorney Starr stated that DraftKings was now hosting weekly meetings for the compliance and risk senior leadership team. He stated that these meetings provided a forum in case there were any questions in the email distribution that required immediate attention.

Commissioner O'Brien expressed that she was underwhelmed by this submission. She stated that one of her biggest frustrations regarding the initial noncompliance issues was that nobody from DraftKings took ownership. She stated that reports would be sent listing "DraftKings" or a department name, but there were no employee names on the work. She stated that this plan did not appear to address the issue of ownership. She stated that she was happy there would be no credit card usage, but from a broader compliance perspective, she was frustrated.

Commissioner O'Brien stated that one fundamental challenge that still existed in the DraftKings plan was the lack of ownership regarding who is writing and distributing reports and who the Commission should contact. She stated that she wanted DraftKings to go back to the drawing board to address her concerns. She requested that Director of the Investigations and Enforcement Bureau ("IEB") Caitlin Monahan comment on DraftKings' proposed corrective action plan.

Commissioner Brodeur stated that he was not sure he shared Commissioner O'Brien's concern. He asked if the case management system was an in-house product or being sourced from a third-party vendor. DraftKings' Vice President of Risk Dave Foppert stated that it was a third-party vendor, ServiceNow, that was providing the case management system. He stated that ServiceNow worked with Fortune 500 and publicly traded companies. Commissioner Brodeur asked if ServiceNow's work was specific to management of electronic communications. Mr. Foppert confirmed that was correct. He stated that DraftKings' compliance staff developed it further to make it as efficient as possible with an appropriate level of oversight.

Commissioner Brodeur asked if DraftKings would be able to demonstrate how the communication trees worked and how the case management system functioned. Mr. Foppert stated that DraftKings could provide a demo to the Commission.

Commissioner Skinner stated that, notwithstanding Commissioner O'Brien's concerns, the plan seemed generally sound. She sought clarification regarding the education component of the plan and stated that she wanted to know more that so the Commission could ensure there is a clear communication tree. She agreed with Commissioner Brodeur that she would like an overview of how ServiceNow's software worked. She asked if logging communications was manual and which employee would be responsible for entering emails manually.

Chair Maynard stated that he wanted to honor Commissioner O'Brien's request for Director Monahan to provide input. Director Monahan explained that the IEB sent emails to individuals, not to distribution lists. She stated that she wanted more information about how DraftKings would ensure their employees would enter communications into a database for tracking. She stated that she had concerns about ownership and audit functions. She wanted to know who was responsible if a communication did not end up in the right place and whether there was an audit function to ensure nothing was missed. Chair Maynard agreed that he had concerns about ensuring communications reached where they needed to go. He asked if there were checks and balances.

Attorney Starr stated that DraftKings' Chief Compliance Officer Jen Aguiar could answer questions about employee education. He stated that there was a training process to ensure that any individual employee who received an email would put it through the case management system. He stated that Mr. Foppert could answer any questions regarding audit functions and who managed the database. He stated that Mr. Foppert could come provide an in-person demonstration of how ServiceNow worked.

Ms. Aguiar stated that she would take full accountability if something went wrong. She stated that since 2023, DraftKings had worked on breaking down silos of communication. She stated that senior compliance staff reported to her and discussed escalations at their new weekly

meeting. She stated that there was more input from different groups so that the compliance team was more aware of what was going on.

Ms. Aguiar stated that training employees was a continuous improvement cycle. She stated that the internal teams worked out what each team is doing and owning and ensuring that they were aware of their responsibilities. She stated that DraftKings' internal team was now overcommunicating and bringing in more people than needed. She stated that ServiceNow would streamline the process by automating sorting. She stated that the program could read the email, digest what is requested, and forward it to the correct teams. She stated that fostering a culture of open communication and teamwork benefited the group. She noted that there could still be mistakes but that there was more engagement and thought on who was included in distributions.

Commissioner Skinner offered appreciation for Ms. Aguiar taking responsibility. She stated that DraftKings' representatives were saying the right thing, but the Commission would have to see whether the actions in place were truly corrective. She asked who was responsible for tracking and logging emails that would come in. Ms. Aguiar stated that Mr. Foppert would be able to answer that question.

Commissioner O'Brien noted that the Commission's staff could make requests in forms other than emails, such as in a public meeting, text, or in-person meeting. She asked who was responsible for logging those interactions in the case management system. Ms. Aguiar stated that those communications were not tracked as most traffic with regulators to date had been in emails. Commissioner O'Brien expressed that this was problematic as the new system only included emails when there were relatively frequent telephone communications from the Commission's staff. She stated that she wanted more thought about the delineation of how the case management system would handle non-email communications. Ms. Aguiar stated that she would need to check if that was technically possible.

Mr. Foppert noted that the case management system was AI powered and would auto-flag and track emails entered into the system. He stated that based on the email and domain, the communication would be sent to a dedicated regulator space which would identify the topic and complaint incident. Commissioner Skinner asked if this would occur with any email sent to a DraftKings employee or whether it had to be sent to the distribution list. Mr. Foppert stated that the sorting was dependent upon the communication being sent to the distribution list. He stated that DraftKings employees had been trained to send all communications to the distribution list. Commissioner Skinner asked if the case management system would begin to track the communication once the employees sent it to the distribution list. Mr. Foppert stated that was correct. He explained that the case management system monitored when things were received, when things were due, and who accessed the file. He stated that audit logs were automated. He stated that there was oversight that allowed statuses to be added to cases.

Commissioner Skinner asked which individual was responsible for the manual process and who they reported to. She noted that the distribution list did not work for the IEB's current communication processes. She stated that she wanted reassurance that there would not be lapses in the process when an individual gets an email.

Mr. Foppert stated that time, energy, and resources were spent putting together the employee education on the case management system. He stated that employees received training and guidance to forward messages to the distribution list. He stated that there was ownership over the process by the compliance management team. He stated that himself, Ms. Aguiar, and the other senior lead had the ability to access and review the system to ensure errors did not occur. He stated that if something is neglected or missed, those individuals would be the accountable parties.

Attorney Starr noted that DraftKings' gaming compliance team provided a monitoring role. Mr. Foppert stated that the compliance team could track and capture emails and could log in to see when emails were received and to whom it needs to go. He stated that there would be timestamped data from each communication. He stated that the process was hard to describe but that he would be happy to provide a live demonstration at the Commission's office. Chair Maynard stated that he would reach out to DraftKings to schedule that.

Commissioner O'Brien reiterated that not every query will be sent via email and asked how non-email communications would be logged or tracked. Mr. Foppert stated that the case management system allowed the user to enter manual case creations. Commissioner O'Brien asked if there was a policy that would inform staff on what to do in the case of non-email communications. Mr. Foppert stated that there was no policy at this time. He stated that the product could continue to be developed and built out and that a policy regarding non-email communications could be integrated this year. He stated that the volume of communications by email were DraftKings' priority.

Attorney Starr sought clarification regarding what non-email communications there were. Commissioner O'Brien noted that the Commission requests things of operators in public meetings, hearings, adjudicatory proceedings, in-person encounters, text, and phone calls. She stated that the first issue in the noncompliance matter was the result of a phone call where there was a misdirect in where to send the query. She stated that email was not the only way the operator received communications and reiterated that the IEB did not contact distribution lists.

Commissioner O'Brien asked if there was an audit feature planned. Mr. Foppert stated that there was an audit function that would be incorporated. Commissioner O'Brien asked if there would be a periodic manual check. Mr. Foppert stated that there was an automated audit function in the platform. He stated that the management team would conduct ongoing oversight and governance to ensure things go to the right place. He stated that these evaluations could be done weekly or daily.

Commissioner O'Brien asked if DraftKings could address her concern regarding lack of identification of who was responsible when communications were sent. She noted that there were communications signed by DraftKings and not by the individual who was a percipient witness to events. Attorney Starr stated that the information was not provided in the compliance plan because DraftKings interpreted the Commission's requirement to be relevant to internal regulatory communications, not external regulatory communications. Commissioner O'Brien stated that she wanted that data tracking to be followed going forward.

Chair Maynard noted that part of the issue with the noncompliance matter was that DraftKings seemed to have a laissez-faire handling of a communication from the Commission's Executive Director. He stated that Commission staff does not try to inundate operators with communications. He stated that he wanted any communication from a member of the Commission's staff to be treated with respect and care. He expressed that it would not be too difficult to track any communication from the Commission's staff. He stated that the Commission wanted to ensure that another incident like this did not happen again.

Commissioner O'Brien stated that if there is clarity regarding who has what information, it makes it easier for the IEB to do its job, which benefits both parties. Attorney Starr stated that if an email was sent to an individual and not the distribution list, all DraftKings employees have been instructed to respond and forward that email to the distribution lists. He stated that once the email was in the management system, it would get proper attention. He stated that he would look into the functionality of adding phone calls to the distribution list. Ms. Aguiar clarified that if emails were marked as sensitive information, it would not be put through a distribution list so that other staff would not have access to sensitive information.

Director Monahan stated that it would be helpful to memorialize everything discussed. Attorney Starr stated that DraftKings would welcome the opportunity to speak with the IEB about how communications are received and addressed. Director Monahan stated that she would work on setting up that meeting.

Chair Maynard stated that there was no timeline on greenlighting this action plan. Commissioner O'Brien thanked the representatives from DraftKings and Attorney Starr. She stated that after DraftKings met with Director Monahan, they should schedule another meeting before the Commission. Chair Maynard stated that compliance was the ultimate goal in these conversations.

Transcriber's Note: The Commission returned to Agenda Item 4 before returning to the Legal Division's agenda topics.

b. [205 CMR 146.13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections - Discussion and Review of Regulation Amendments and Amended Small Business Impact Statement for final adoption by Commission](#) (3:44:43)

Senior Associate General Counsel Judith Young presented proposed amendments to 205 CMR 146.13 for final adoption. *A memorandum, the proposed draft of 205 CMR 146.13, and the Amended Small Business Impact Statement were included in the Commissioners' Packet on pages 217 through 223.*

Commissioner Skinner moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 146.13 as included in the Commissioners' Packet and discussed here today, and further, that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Brodeur: Aye.
Chair Maynard: Aye.

The motion passed unanimously, 5-0.

c. 205 CMR 238.48: Expiration of Sports Wagering Tickets and Vouchers; Payment to the Sports Wagering Control Fund – Discussion and Review of Regulation Amendments and Amended Small Business Impact Statement for final adoption by Commission
(3:47:43)

Staff Attorney Autumn Birarelli presented proposed amendments to 205 CMR 238.48 for final adoption. *A memorandum, the proposed draft of 205 CMR 238.48, and the Amended Small Business Impact Statement were included in the Commissioners' Packet on pages 224 through 227.*

Commissioner Skinner moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 238.48 as included in the Commissioners' Packet and discussed here today, and further, that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Brodeur: Aye.
Chair Maynard: Aye.

The motion passed unanimously, 5-0.

6. Investigations and Enforcement Bureau (3:49:48)

- a. Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee Bally's Interactive LLC, d/b/a Bally's and discussion regarding next steps. Alleged noncompliance relates to Bally's offering prohibited wagers in violation of G.L. c. 23N, § 3, 205 CMR 247.01(2)(a)(2) and the Massachusetts Sports Wagering Catalog

Enforcement Counsel Nathaniel Kennedy presented an instance of noncompliance from Bally's Interactive. He explained that Bally's had offered wagering on the Boston College Football vs. Stanford game during the regular season. He noted that two wagers were placed on September 13, 2025 for a total stake of \$6. He stated that the IEB was seeking Commission guidance on next steps. *A memorandum regarding this noncompliance event was included in the Commissioners' Packet on page 227.*

The Commission reached a consensus to refer this matter back to the IEB for further review, investigation, and a recommendation.

b. Discussion regarding RSM waiver request in connection with Statement of Work
(3:52:03)

Director Monahan explained that if RSM wanted to engage in work that might pose a conflict of interest with their work for the Commission, RSM needs to appear before Commission to request a waiver. She stated that RSM had identified work that might pose a conflict of interest and requested a waiver. She noted that the IEB did not oppose RSM's request. *RSM's waiver request was included in the Commissioners' Packet on pages 229 through 230.*

Partner from RSM Greg Naviloff explained that RSM was approached about providing risk advisory services to a gaming operator for internal audit improvement services. He stated that RSM would provide recommendations as to how the operator could develop enhanced internal audit processes for certain betting activities which are unrelated to sports betting. He stated that the work was unrelated to RSM's support of the Commission and adequate guardrails were in place to separate the two teams. He stated that this work would not interfere with RSM's duties and that RSM would still continue to serve the Commission.

Commissioner Hill moved that the Commission approve RSM's request for a waiver of the conflict of interest provisions, as outlined within the terms of the existing Statement of Work between RSM and the Commission, as the work for which the waiver is requested will not create an actual or appearance of a conflict and will not call into question the integrity of services provided by RSM to the Commission as detailed in the Request included in the Commissioners' Packet and discussed here today; and further, that staff be authorized to issue a written determination memorializing this approval, including any conditions as required by the Statement of Work or as discussed here today. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

7. Sports Wagering Division (3:58:09)

a. Plainridge Park Casino House Rules Update

Sports Wagering Compliance and Operations Manager Andrew Steffen presented proposed changes to PPC's House Rules. He explained that the changes were to clarify the language and make the language consistent across different sports. *PPC's House Rules Update was included in the Commissioners' Packet on pages 231 through 240.*

Commissioner Hill expressed that he had never heard of a basketball game ending in a tie. Manager Steffen stated that it was a very rare occurrence, and he had seen it happen in European leagues. He stated that he was not familiar with a basketball game resulting in a tie in America.

Commissioner Hill moved that the Commission approve the updates to Plainridge Park Casino’s House Rules as included in the Commissioners’ Packet and discussed here today. Commissioner O’Brien seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

8. [Finance](#) (4:04:05)

a. MGC Diversity Update

Finance and Budget Office Manager John Scully explained that the Commission had a commitment to diversity. He stated that the Commonwealth has annual state agency benchmarks set by the Supplier Diversity Office (“SDO”). He stated that the Commission was in the top one percent of state entities when it came to meeting spending diversity goals. *The Commission Supplier Diversity Update was included in the Commissioners’ Packet on pages 241 through 242.*

Manager Scully explained that the Commission not only reached five of the six benchmarks but far exceeded them. He stated that the Commission spent 300% of its target for minority-owned business enterprises, almost 500% of its target for women-owned business enterprises, nearly 1,500% of its target for small business spending, 200% of its target for disability-owned business enterprises, 900% of its target for LGBT-owned business enterprises, and 20% of its target for veteran-owned business enterprises. He stated that spending with veteran-owned businesses was up 65% year-over-year. He noted that these numbers only included direct spending and might be higher if they included indirect spending.

Commissioner Skinner congratulated the finance team for consistently meeting diverse spending goals. She expressed optimism that spending with veteran-owned business enterprises would reach its goal if the other categories were any indication. Chief Financial and Accounting Officer (“CFAO”) Derek Lennon stated that the Commission’s expectations regarding diverse vendor spending for licensees made it easier for the Finance Division to embrace these goals and give opportunities to these businesses.

b. [FY2026 Cost of Living Adjustment \(COLA\)](#) (4:11:05)

Executive Director Dean Serpa stated that the Commission could now discuss the potential of a FY2026 cost of living adjustment (“COLA”) for Commission staff. *A memorandum regarding the FY2026 COLA was included in the Commissioners’ Packet on pages 243-247.*

Commissioner Brodeur expressed appreciation that all of the options laid out were within the Commission’s budget. He stated that he had a preference for Option B, a 2% increase retroactive to July 13, 2025, and an additional 2% increase effective January 11, 2026. He stated that salaries had to be competitive if the Commission wanted to pull talent to the Commission. He asked for Executive Director Serpa’s recommendation. Commissioner Skinner expressed a preference for having each Commissioner be heard before asking for a recommendation. Chair Maynard noted that each option came in under budget.

Commissioner Skinner stated that these were tough times. She stated that the Commission had been generous to the staff and previously given COLAs that exceed those of executive agencies. She stated that the Commonwealth was down as a whole and that the Commission shared a duty in recognizing that. She expressed a preference for staying consistent with the COLA originally budgeted for FY2026. She sought clarification as to whether all options were under budget or consistent with the budget. She noted that Option C, a 3% increase retroactive to July 13, 2025, stated that it was in line with the budget.

Executive Director Serpa stated that his recommendation would be to closely align with the philosophy of the five Commissioners. He stated that in past years, the Commission tried to provide COLAs that were equal to, if not higher, than what was offered by the executive branch. He explained that there were funds in the budget based on full employment of all staff in the agency, but due to attrition and not filling vacancies, the cost of each option was less than the allocated budget amount. He stated that funding existed in the budget for each option presented.

CFAO Lennon stated that the funding existed for each of the different options listed in the memorandum. He noted that this COLA only dealt with non-union staff and that there were separate funds for union staff should the collective bargaining agreement be ratified. He stated that all options were affordable. He noted that Option B would be a little higher, coming out to 3.02% across FY2026. He explained that there were still vacant positions accounted for in turnover, which made each option more affordable.

Executive Director Serpa stated that Option C was included in the prepared budget numbers because it matched what the executive branch provided in the previous year. He noted that 2% retroactive to July 13, 2025 followed by an additional 2% in January would only amount to 3.02% for FY2026. He stated that his recommendation was to endeavor to treat the agency the same as the executive branch. Commissioner Skinner stated that she still preferred Option C. She stated that what was presented supported Option C as the clearest justification for the COLA.

Commissioner Brodeur noted that when the Commission did not fully expend the funds in its budget, those funds were returned to the operators, not to the Commonwealth’s General Fund. He stated that the unexpended funds in the executive branch agencies would return to the general fund and support other endeavors in the Commonwealth during challenging times, but that was not the case for the Commission’s funds. He stated that the Commission wanted to be prudent

with the funds but reiterated that any excess funds would not go back to the Commonwealth's General Fund.

Executive Director Serpa noted that the memorandum highlighted that the majority of agencies in the executive branch were providing COLAs consistent with Option B. Commissioner Hill stated that he supported Option C because it was straightforward. Chair Maynard stated that he supported Option B because it was closer to what the executive branch was doing.

Commissioner O'Brien stated that she agreed with Commissioner Skinner and Commissioner Hill regarding fiscal responsibility. She expressed that she was loathe to treat the funds differently because unexpended funds would go back to a licensee rather than the General Fund. She stated that she was leaning toward Option D, a 2% COLA retroactive to July 13, 2025 for Commission staff and a 2% COLA effective January 11, 2026 for those who were not senior staff. She stated that employees lower on the pay scale might need more help than people at the higher scale. She noted that Option D expended the least amount of funds and acknowledged staff on the lower end of the pay scale.

Chair Maynard stated that he wanted to be fiscally responsible and that all options were less than budgeted. He stated that he wanted to be as equitable as possible knowing that times are tough and inflation exists. He stated that in regard to Option D, he would also want to give the second 2% increase to managers and senior staff. Commissioner Skinner reiterated her preference for Option C. Chair Maynard stated that he would reluctantly vote for Option C.

Commissioner Hill moved that the Commission adopt the Cost of Living Adjustments for non-union employees and post retirees that the Commonwealth's Human Resources Division has recommended with the effective date of the first 3% COLA retroactive to July 2025 for all non-union Commission staff and authorize the Executive Director to implement this process, as detailed in the Commissioners' Packet and discussed here today. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Nay.

Chair Maynard: Aye.

The motion passed, 4-1.

9. [Commissioner Updates](#) (4:30:46)

Chair Maynard asked if there were any Commissioner updates. Commissioner Brodeur stated that he had the opportunity to do site visits for various projects funded by the Community Mitigation Fund. He stated that in Melrose, the project pop-up funds were being put to use to give opportunities to some non-traditional businesses to get brick-and-mortar exposure. He stated that Community Mitigation Fund projects were well received by residents and the local Chamber of Commerce.

Commissioner O'Brien stated that she visited PPC's racetrack following the PPC license renewal adjudicatory hearing. She stated that she had never seen that many horses in the barn and commended the Commission's Racing Division staff and PPC employees.

10. Other Business (4:32:40)

Hearing no other business, Chair Maynard requested a motion to adjourn.

Commissioner Brodeur 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 Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. Revised Notice of Meeting and Agenda dated November 5, 2025
2. Commissioners' Packet from the November 6, 2025, meeting (posted on massgaming.com)



Sports Wagering Division

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

FROM: Andrew Steffen – Compliance Operations Manager, Sports Wagering

MEMO: 11/12/2025
MEETING: 12/4/2025

RE: Update to DraftKings Sportsbook House Rules

REGULATION BACKGROUND:

Pursuant to [205 CMR 247.02\(4\)](#), a Sports Wagering Operator shall not change or modify the House Rules without prior written approval of the Commission.

EXECUTIVE SUMMARY:

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

The summary of changes is as follows:

1. **Basketball:** Clarifies settlement rules for player prop wagers when a player is injured before halftime and does not return.
2. **Cricket:** Clarifies that penalty runs awarded during a delivery count toward the total runs for that delivery.
3. **Football:** Clarifies settlement rules for player prop wagers when a player is injured before halftime and does not return.
4. **Motorsports:** Clarifies that NASCAR markets will be settled based on the car's final result rather than the individual driver.



Sports Wagering Division

5. **Tennis:** Clarifies settlement rules for match moneyline wagers when a match does not reach completion.

6. **Winter Sports:** Adds Winter Olympic sport offerings.

CONCLUDING STATEMENT:

The Sports Wagering Division confirms all requirements have been met under 205 CMR 247.02 and recommends approving these changes.

Basketball

General Basketball Settlement Rules

- Except for bets on the “Under” Selection and except for bets where settlement is already Unconditionally Determined, bets on a single National Basketball Association (“NBA”) regular season, NBA Cup, or NBA playoff Game that are accepted by DraftKings prior to the end of the first half of such Game and that are settled on the statistics recorded by a player based on the full time (including any overtime) of such Game will be voided if: (i) the player bet on leaves the applicable Game due to an injury before the first half reaches its intended, natural, or normal end; (ii) such player does not reenter the Game; and (iii) before the end of the applicable Game, such player’s team or the NBA releases an official statement stating that such player was injured during the Game. For clarity, this paragraph does not apply to bets with Selection(s) that are settled on the statistics recorded by players participating in different Games.

Cricket

Market Specific Cricket Settlement Rules

- *Innings Runs Markets*
 - Limited Overs Matches (for example only, One Day Matches, Twenty20 Matches, T10 Matches, or 100-Ball Matches) – If at least 80% of the scheduled overs (as scheduled at the time the bet was accepted by DraftKings) to be bowled for the applicable innings Match are not completed due to external factors, including, but not limited to, bad weather, bets on ~~Innings Runs Markets on~~ that Match will be voided unless settlement is already Unconditionally Determined before the reduction of the scheduled overs. Bets placed on future innings will remain valid regardless of the runs scored in any current or previous innings.
- *Innings Total Fours/Sixes Markets*
 - Limited Overs Matches (for example only, One Day Matches, Twenty20 Matches, T10 Matches, or 100-Ball Matches) – If at least 80% of the scheduled overs (as scheduled at the time the bet was accepted by DraftKings) to be bowled for ~~a Match~~ the applicable innings are not completed due to external factors, including, but not limited to, bad weather, bets on that Match will be voided unless settlement is already Unconditionally Determined before the reduction of the scheduled overs.
- *Runs Off Delivery Markets* – The number of runs added to the team total, off the delivery specified for the bet, will be used for settlement purposes. All illegal balls count as deliveries

for settlement purposes. For example only, if any over starts with a wide, then one run for the wide delivery will be the settlement for the 1st delivery, despite there being no legal ball bowled. The next ball will be deemed as delivery two for that over for settlement purposes. If a delivery leads to a free hit or a free hit is re-bowled because of an illegal delivery, the runs scored off the additional delivery do not count for settlement purposes. All runs, whether off the bat or not, are included for settlement purposes. For example only, a wide with three extra runs taken equates to four runs in total off that delivery for settlement purposes. Penalty runs which occur during the delivery count as runs scored off the delivery for settlement purposes. For example only, if the ball hits a fielder's helmet on the outfield (which results in five penalty runs) while the batters run one, this market would settle as six runs off that delivery.

Football

General Football Settlement Rules

- Except for bets on the "Under" Selection and except for bets where settlement is already Unconditionally Determined, bets on a single NFL regular season or NFL playoff Game that are accepted by DraftKings prior to the end of the first half of such Game and that are settled on the statistics recorded by a player based on the full time (including any overtime) of such Game will be voided if: (i) the player bet on leaves the applicable Game due to an injury before the first half reaches its intended, natural, or normal end; (ii) such player does not reenter the Game; and (iii) before the end of the applicable Game, such player's team or the NFL releases an official statement stating that such player was injured during the Game. For clarity, this paragraph does not apply to bets with Selection(s) that are settled on the statistics recorded by players participating in different Games.

Motorsports

General Motor Sports Settlement Rules

- For NASCAR Markets only - Bets on a driver will not be voided solely because that driver is substituted out of the Race that he or she Participated in. Bets on a driver will not be voided solely because that driver does not start the Race but Participates in the Race as a substitute. If the same car has two or more drivers Participate in a Race, bets on each such driver will be settled based on the Race results of that car. For example only, if driver X starts a Race driving car #99 and driver Y is substituted for driver X to drive car #99 during the same Race, and car #99 finishes in 1st place with driver Y driving, both driver X and Y will be considered as having finished in 1st place for the purposes of settling NASCAR Markets.

Tennis

Market Specific Tennis Settlement Rules

- *Match Moneyline Markets* – In a Grand Slam, ATP, WTA, Challenger Tour, Davis Cup, Fed Cup, United Cup, or Olympic Match where at least one point has been completed but the Match does not reach its normal, natural, or intended end, bets on the player or team declared the winner of the Match by the Match’s official governing body, the player or team in the Match progressing to the next round of the Competition, or the player or team in the Match declared the champion in the case of the Match being a final, will be settled as won, and bets placed on all other Selections will be voided. In a Grand Slam, ATP, WTA, Challenger Tour, Davis Cup, Fed Cup, United Cup, or Olympic Match, if at least one point has not been completed, bets on such Match will be voided. For all Matches other than Grand Slam, ATP, WTA, Challenger Tour, Davis Cup, Fed Cup, United Cup, or Olympic Matches (for example only, ITF Matches), if the Match starts and does not reach its normal, natural, or intended end bets on such Match will be voided. Bets will be voided if they are placed after the last completed point of that Match.~~If a player or team withdraws, retires, forfeits, is disqualified, or otherwise similarly pulls out of or is removed from the applicable Match: (i) if the player or team withdraws, retires, forfeits, is disqualified, or otherwise similarly pulls out of or is removed from the applicable Match before the 1st set of the Match reaches its normal, natural, or intended end, bets on such Match will be voided; (ii) for International Tennis Federation (“ITF”) Matches, Universal Tennis Rating (“UTR”) Matches, and exhibition Matches, if the player or team withdraws, retires, forfeits, is disqualified, or otherwise similarly pulls out of or is removed from the applicable Match, after the 1st set of the Match reaches its normal, natural, or intended end, bets on such Match will be voided; and (iii) for non-ITF, non-UTR, and non-exhibition Matches, if the player or team withdraws, retires, forfeits, is disqualified from, or otherwise similarly pulls out of or is eliminated from the Match after the 1st set of the Match reaches its normal, natural, or intended end, bets on the player or team declared the winner of the Match by the Match’s official governing body, the player or team in the Match progressing to the next round of the Competition, or the player or team in the Match declared the champion in the case of the Match being a final, will be settled as won and bets on the other Selection will be settled as lost.~~

Winter Sports

These winter sports sport rules apply only to cross-country skiing, biathlon, ski jumping, bobsleigh, luge, nordic combined, short track speedskating, skeleton, speed skating, and alpine skiing.



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

FROM: Justin Stempeck, Interim General Counsel
Caitlin Monahan, Director of Investigations and Enforcement Bureau
Carrie Torrisi, Chief of Sports Wagering Division

DATE: November 24, 2025

RE: Revisions to 205 CMR 247.07 and 205 CMR 248.10

Introduction

On October 9, 2025, the Commission voted to start the promulgation process with respect to certain changes to 205 CMR 247.07 and 205 CMR 248.10. Those changes eliminated language allowing sports wagering accounts to be funded with “digital, crypto and virtual currencies converted to cash.” During the presentation on the rationale for the regulatory change members of the IEB raised various concerns with cryptocurrency with respect to money laundering and traceability.

After the regulations were put out for public comment, the Commission received comments from DraftKings, Fanatics and BetMGM. Those comments are summarized below and attached to this memorandum.

Operator Comments

DraftKings

DraftKings argues that no change should be made to either regulation as the changes do not reduce harm and only create additional consumer friction. Specifically, DraftKings asserts that the change to the regulation would force patrons to convert their digital or crypto currency somewhere else before depositing the cash into their sports wagering account, rather than keep the entire transaction on the platform. Instead, DraftKings suggests that the Commission should license platforms that convert currency rather than push patrons to take such actions with no oversight.

DraftKings additionally asks the Commission whether the removal of this language would require DraftKings to prohibit digital, crypto and virtual currencies converted to cash in another

state from being used in Massachusetts. DraftKings notes that restricting those funds would necessitate internal changes and would ask for time to implement those alterations.

Fanatics

Fanatics argues that cryptocurrency is currently overseen at the federal level and already has traceability and AML protections. Further, they note that the SEC and CFTC both have jurisdiction of different segments of the crypto ecosystem. Additionally, Fanatics asserts that entities that convert cryptocurrency are often licensed at the state and federal level as money transmitters

Both 205 CMR 247.07 and 205 CMR 248.10 were drafted prior to the launch of Sports Wagering and include specific references to the range of options that can be used to fund sports wagering in the Commonwealth. Notably, these two regulatory sections both specifically permit the use of “digital, crypto and virtual currencies converted to cash.” These categories are not defined in statute or regulation.

Further, Fanatics echoes DraftKings argument that removing this language would only push patrons to make their conversions off platform with less visibility to the Commission.

BetMGM

BetMGM opposes the regulatory changes even though it does not offer any crypto conversion on its platform yet as it argues the changes would limit future flexibility and drive customers to illegal operators that do allow this practice. Further, BetMGM asserts that the federal government provides additional regulation around the use of cryptocurrency through the Genius Act.

Conclusion

The IEB, Sports Wagering and Legal divisions reviewed the comments received and their position and initial recommendations remain unchanged.



November 17, 2025

Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

Re: Proposed Amendments to 205 CMR 247.07 & 205 CMR 248.10

Dear Commissioners:

On behalf of FBG Enterprises Opco, LLC dba Fanatics Betting & Gaming (FBG), we write to respectfully provide comments regarding the Massachusetts Gaming Commission's proposal to strike the provisions in 205 CMR 247.07 and 205 CMR 248.10 that permit a patron to fund their wagering account through cryptocurrency converted to cash. We value and appreciate the Commission's commitment to maintaining the integrity of the Commonwealth's sports wagering market, but we believe the proposed removal of these rules would inadvertently increase compliance risk and conflict with ongoing federal and state regulatory developments.

I. Federal Oversight Of Digital Assets Is Actively Developing

Contrary to the notion that cryptocurrency remains unregulated, there is significant and expanding federal oversight of digital asset activity:

1. **FinCEN and the Bank Secrecy Act (BSA):** Since 2013, the Financial Crimes Enforcement Network (FinCEN) has required virtual currency exchanges and administrators to register as Money Services Businesses (MSBs).¹ These entities must implement anti-money laundering (AML) programs, maintain know your customer (KYC) procedures, and file Suspicious Activity Reports (SARs) under the BSA framework. One of the Commission's stated main concerns is the potential misuse of cryptocurrency by bad actors. Unlike cash transactions, blockchain transactions are fully traceable, immutable, and auditable. Modern compliance tools allow regulators and operators to identify suspicious behavior with arguably greater precision than traditional fiat systems.
 - a. Chainalysis, TRM Labs, and Elliptic, among other blockchain analytics platforms, are used extensively by FinCEN, the Department of Justice, and major financial institutions to trace transactions, identify wallet ownership, and detect illicit patterns in real time.
 - b. These platforms analyze blockchain activity against known risk typologies, such as darknet market interactions, sanctioned wallet exposure, or layering activity, providing quantifiable risk scores at the transaction and wallet level.

¹ For further information and details on how FinCEN regulations apply to varying business models involving virtual currency, see FinCEN Guidance FIN-2019-G001, "Application of FinCEN's Regulations to Certain Business Models Involving Convertible Virtual Currencies," May 9, 2019 ("2019 CVC Guidance") as well as FinCEN Advisory FIN-2019-A003, "Advisory on Illicit Activity Involving Convertible Virtual Currency," May 9, 2019.

- c. Far from undermining AML enforcement, permitting crypto-to-cash conversions through licensed and analytics-integrated vendors enhances traceability and compliance confidence. It allows regulators and operators to track source-of-funds from blockchain address to bank deposit, an end-to-end visibility that traditional cash systems cannot provide.
2. **Federal Legislative and Policy Developments:** Congress and federal agencies are advancing formal regulation of digital assets. The Lummis–Gillibrand Responsible Financial Innovation Act and the House Financial Services Committee’s 2024 digital asset market structure proposal would codify federal oversight of digital asset intermediaries. Additionally, the U.S. Treasury has issued comprehensive illicit finance risk assessments that reinforce the federal government’s commitment to monitoring crypto-to-fiat transactions.
3. **Existing SEC and CFTC Jurisdiction:** Both the Securities and Exchange Commission (SEC) and Commodity Futures Trading Commission (CFTC) already exercise jurisdiction over various segments of the crypto ecosystem, including securities offerings, exchanges, and derivatives markets.

In short, cryptocurrency activity is already subject to extensive federal supervision, with additional regulation forthcoming.

II. State Licensing Regimes Provide Additional Consumer and AML Safeguards

Entities that facilitate the conversion of cryptocurrency to fiat currency must also comply with state money transmission laws. For instance, in New York, such entities must hold a BitLicense issued by the New York State Department of Financial Services (NYDFS), which imposes strict AML, cybersecurity, capitalization, and consumer protection requirements.

Many leading crypto-to-fiat service providers, such as Coinbase, Circle, and Paxos, hold both federal MSB registration and multiple state money transmission licenses. These frameworks collectively provide a secure, transparent, and auditable environment for conversions, ensuring that regulated operators, not unlicensed offshore platforms, are the ones interacting with consumers.

III. Striking the Language Could Increase AML and Compliance Risk

If the Commission prohibits crypto-converted funding mechanisms, it will not prevent the use of cryptocurrency; it will simply push such activity outside regulated channels. Patrons may independently convert crypto holdings through unregulated or foreign exchanges, deposit the proceeds into their personal bank accounts, and then wire those funds into sports wagering accounts.

This layered transaction structure would obscure the original source of funds, undermining transparency and complicating an operator’s AML due diligence. Ironically, removing the current provision could increase the risk of undetected illicit activity and inadvertently expose licensed operators to violations of the BSA or state gaming regulations.

Maintaining the existing language, while requiring operators to partner only with federally registered and state-licensed crypto conversion vendors, would provide a more effective and transparent compliance solution.

IV. Conclusion

The Commission's goals of ensuring integrity and consumer protection are best achieved through controlled regulation rather than categorical prohibition. Federal and state frameworks governing crypto-to-fiat conversions are robust and continue to evolve. Eliminating the regulatory allowance for crypto-converted deposits would reduce oversight visibility and may lead to greater AML exposure for operators.

For these reasons, we respectfully urge the Commission to retain the current language in 205 CMR 247.07 and 205 CMR 248.10, while clarifying that only registered MSBs and state-licensed conversion vendors may facilitate such transactions.

Thank you for the opportunity to provide comments. Please do not hesitate to contact us should the Commission wish to discuss further.

Sincerely,

Fanatics Betting & Gaming



November 17, 2025

Via E-Mail to Autumn.Birarelli@massgaming.gov

Massachusetts Gaming Commission
101 Federal St., 12th Floor
Boston, MA 02110

RE: SPORTS WAGERING REGULATIONS FOR STAKEHOLDER COMMENT

Dear Massachusetts Gaming Commission:

In response to the request for comment to changes proposed by the Massachusetts Gaming Commission (“Commission”), to remove the provisions 247.07(5)(c) and 248.10(2)(c) that allow “Digital, crypto and virtual currencies converted to cash” as an approved method for funding wagers and sports wagering accounts, DraftKings, Inc. (“DraftKings”) submits the following comments for consideration. As a leading sports wagering operator in the United States, DraftKings has first-hand experience with sports wagering regulatory frameworks, and submits these comments based on its operational knowledge in multiple regulated markets. DraftKings would also welcome the opportunity to speak directly with the Commission about the comments addressed below.

DraftKings Position

DraftKings believes that 247.07(5)(c) and 248.10(2)(c) should remain unchanged. Removal of 247.07(5)(c) and 248.10(2)(c) does not mitigate any potential harm to Massachusetts patrons or to the operation of the sports wagering industry in the Commonwealth; it only introduces additional customer friction. Even as currently enacted, 248.10(2)(c) does not allow for digital, crypto, or virtual currencies to directly fund a sports wagering account. Funding can only occur after these currencies are converted to cash. Massachusetts patrons would retain the ability to fund their sports wagering accounts with cash from converting these currencies - the patrons would have to execute the conversion outside of an operator’s deposit flow and then could make a permissible cash deposit into their sports wagering account pursuant to 248.10(2)(a).

Retaining 247.07(5)(c) and 248.10(2)(c) would allow the Commission to subject third-party platforms performing these conversions to licensing and approval and would provide increased assurance that these third parties have adequate controls. DraftKings’ analysis indicates that allowing digital, crypto and virtual currency converted to cash represents a secure and desirable method for customers while enhancing the integrity of AML oversight. Removing the existing language would push patrons to engage in otherwise available means of conversion, where no Commission oversight into transactions exists.

Specifically, removing this language would require patrons who transact in digital, crypto and virtual currency to first liquidate those assets outside of the operator’s view and transfer the proceeds through banks or payment services (e.g., PayPal) prior to deposit. This eliminates operator (and thus Commission) visibility into the original source of funds. By having digital, crypto and virtual currencies converted to cash as an approved funding option, digital, crypto and virtual currency conversion to cash are pulled into a payment flow process with complete know-your-customer procedures and anti-money laundering (AML) reporting requirements. Cryptocurrency specific controls, including financial crime transaction



and risk modeling, will further strengthen oversight and protections against financial crime risks. These measures will enable DraftKings to proactively identify and assess customers who use cryptocurrency as part of their financial profile, and provide the Commission with a degree of control and oversight into how these funding methods are being used.

Secondly, removal of 247.07(5)(c) and 248.10(2)(c) would be inconsistent with the rest of 247.07(5) and 248.10(2). Pursuant to 247.07(5)(b) and 248.10(2)(b), patrons are permitted to fund their sports wagering accounts through “foreign currency and coin converted to U.S. currency.” This is functionally no different than digital, crypto, or virtual currencies converted to cash (i.e., U.S. currency). In neither case is a currency other than U.S. currency actually being held or entering an operator’s platform. Just like with other foreign currencies, in an account funding transaction involving digital, crypto, or virtual currencies, the operator does not act as a custodian of these currencies and at no point receives, holds, or otherwise exercises any control over such assets. The operator’s involvement is limited to receiving deposits of funds that have been converted to an allowable method of funding (cash/U.S. currency) before they enter the sports wagering operator’s ecosystem.

DraftKings does not anticipate any adverse impacts resulting from patrons funding their accounts through currencies converted from cryptocurrency. As discussed above, accepting cryptocurrency originated deposits enhances transparency by providing greater visibility into customers’ funding sources and transactional activities.

Rationale

DraftKings respectfully requests more information about the Commission’s rationale for the proposal to prohibit digital, crypto and virtual currencies converted to cash as an approved method of funding accounts. DraftKings would appreciate the opportunity to meet with the Commission directly to discuss the digital, crypto and virtual currency landscape and technology in depth before any action is taken on the issue.

Implementation

In the event the Commission intends to move forward with the removal of 247.07(5)(c) and 248.10(2)(c), DraftKings respectfully requests information about whether the Commission’s intent is to prohibit digital, crypto and virtual currencies converted to cash deposited in other states from being available to place sports wagers while in Massachusetts. DraftKings has been exploring adding functionality that would allow patrons to fund their DraftKings accounts using digital, crypto and virtual currencies converted to cash. DraftKings did not anticipate the need to develop a solution to restrict the availability of these funds in Massachusetts given the existing regulatory language. If the Commission does intend to apply such a prohibition, DraftKings respectfully requests a reasonable implementation period post-passage so that DraftKings may build the technology required. DraftKings would not directly allow for digital, crypto and virtual currency conversion during that period, but would build the technology to exclude funds deposited in other jurisdictions.

* * * * *



Thank you for your consideration of DraftKings' comments regarding the Commission's proposed changes to 247.07(5)(c) and 248.10(2)(c). Please feel free to reach out should you or anyone else at the Commission have any questions about our submission or our experience in other regulated jurisdictions.

Sincerely,

DraftKings Inc.

From: [MGC Website](#)
To: [Stempeck, Justin](#)
Subject: Regulations Public Comment Submission
Date: Monday, November 17, 2025 4:52:35 PM

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Submitted By

Operator (Applicant or Licensed)

Business/Entity Name

BetMGM

Name

Robyn Bowers

Email

robyn.bowers@betmgm.com

Regulation

205 CMR 247 and 248

Subsection

247.07 and 248.10

Comments

BetMGM respectfully opposes the removal of the language relating to cryptocurrency in 205 CMR 247.07 and 205 CMR 248.10 for the following reasons.

1. While BetMGM is not currently offering any crypto-related products or services, it is a product that may be considered in the future based on customer experience upgrades and payment provider system and security enhancements. Technology continues to grow and with it, innovation. Keeping the existing language permits additional flexibility for the industry to explore new options for customers if the opportunity arises and regulations allow. Of course, any use of these crypto-related products or services would require any operator to update their IC's and the Commission to review how an operator is ensuring consumer protection and balancing any protections relating to crypto-related products or services.
2. Many illegal and unregulated operators currently offer customers the opportunity to make deposits to their wagering accounts via digital crypto and virtual currencies converted to cash. Removing the opportunity for regulated operators to offer digital crypto and virtual currencies converted to cash to customers will drive patrons who wish to use this payment method to the unregulated and illegal market, which has a negative impact on the industry as a whole.
3. The federal government has recently issued additional regulation around the use of cryptocurrencies through the Genius Act.

If you have any questions or would like to discuss this further, please feel free to reach out to us.

Code of Massachusetts Regulations

Title 205: Massachusetts Gaming Commission

Chapter 247.00: Uniform Standards of Sports Wagering (Refs & Annos)

205 CMR 247.07

247.07: Acceptance of Sports Wagers

Currentness

- (1) Available Sports Wagers must be displayed to the public. The display must include the odds and a brief description of the Sporting Event and wagering proposition.
- (2) A Sports Wagering Operator may not accept a Sports Wager on a Sporting Event unless the availability of that Wager is posted in accordance with 205 CMR 247.07(1).
- (3) A Sports Wagering Operator may not set lines or odds or offer wagering propositions designed for the purposes of ensuring that a patron will win a Sports Wager or a series of Sports Wagers, unless the lines, odds, or wagering propositions are offered in connection with a promotional offer made in accordance with [205 CMR 247.09](#).
- (4) Sports Wagers may only be placed from:
- (a) A sports wagering counter or other counter locations within a Sports Wagering Facility or Sports Wagering Area as approved by the Commission;
 - (b) A Sports Wagering Kiosk, within a Sports Wagering Facility or Sports Wagering Area and in a location approved by the Commission;
 - (c) A designated counter in the cashier's cage within a Sports Wagering Facility or Sports Wagering Area for the redemption of winning sports wagering tickets or vouchers; or
 - (d) A mobile application or digital platform approved by the Commission.

(5) Sports wagers within a Sports Wagering Facility or Sports Wagering Area may only be conducted with chips, tokens, electronic cards, or:

- (a) Cash or cash equivalents;
- (b) Foreign currency and coin converted to U.S. currency;
- ~~(c) Digital, crypto and virtual currencies converted to cash;~~
- ~~(c)d~~ Electronic funds transfers (EFTs), including online and mobile payment systems;
- ~~(d)e~~ Debit instruments, including debit cards and prepaid access instruments;
- ~~(e)f~~ Promotional gaming credits;
- ~~(f)g~~ Winning sports wagering tickets or vouchers;
- ~~(g)h~~ Sports Wagering Accounts; or
- ~~(h)i~~ Any other means approved by the Commission or its designee.

(6) Sports wagering transactions using a mobile application or other digital platform may only be conducted by a patron physically located within the Commonwealth, using their Sports Wagering Account.

(7) A Sports Wagering Operator shall prohibit any use of credit cards, either directly or indirectly, including without limitation through an account funded by credit card, in placing Sports Wagers.

(8) A Sports Wagering Operator shall record the Personally Identifiable Information required to register for a Sports Wagering Account under [205 CMR 248.03\(1\)](#) before accepting anonymous Sports Wagers in excess of \$10,000 or issuing payouts on anonymous Sports Wagers in excess of \$10,000.

(a) The Sports Wagering Operator shall not knowingly allow, and shall take reasonable steps to prevent, the circumvention of reporting requirements through a patron making a structured transaction, including multiple Sports Wagers or a series of Sports Wagers that are designed to accomplish indirectly that which could not be accomplished directly. A Sports Wager or wagers need not exceed the dollar thresholds at any single Sports Wagering Operator in any single day in order to constitute prohibited structuring.

(b) The Sports Wagering Operator shall not knowingly assist, encourage or instruct a player in structuring or attempting to structure Sports Wagers.

(c) 205 CMR 247.07(8) does not prohibit a Sports Wagering Operator from informing a player of the regulatory requirements imposed upon the Sports Wagering Operator, including the definition of structured Sports Wagers.

(9) A Sports Wagering Operator must provide for the patron's review and finalization of a Sports Wager before the Sports Wagering Operator accepts it. The Sports Wagering Operator shall not change a Sports Wager after the patron has reviewed and finalized the wager. To the extent permitted by approved House Rules, a patron may change a Sports Wager after the patron has reviewed and finalized the wager.

(10) A Sports Wagering Operator may cancel an accepted Sports Wager only in accordance with [205 CMR 238.35](#).

(11) Except as otherwise provided in [205 CMR 238.35](#): *Cancelled or Voided Wagers* may not unilaterally cancel an accepted Sports Wager without prior written approval of the Commission. A Ticket Writer, as defined in [205 CMR 238.01: Definitions](#), may not cancel a Sports Wager for which the Ticket Writer assisted the patron for wager placement and must instead call a supervisor to cancel the Sports Wager.

(12) A Sports Wagering Operator shall have no obligation to accept a Sports Wager if unable to do so due to equipment failure.

Credits

History: [1486 Mass. Reg. 143](#), (emergency) eff. Dec. 22, 2022; [1492 Mass. Reg. 51](#), (emergency) eff. Mar. 9, 2023; [1494 Mass. Reg. 71](#), adopted as permanent by Notice of Compliance eff. Mar. 9, 2023; [1498 Mass. Reg. 43](#), amended (emergency) eff. Jun. 7, 2023; [1503 Mass. Reg. 59](#), amended eff. Sept. 1, 2023.

The Massachusetts Administrative Code titles are current through Register No. 1556, dated September 12, 2025. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 205, § 247.07, 205 MA ADC 247.07

Code of Massachusetts Regulations

Title 205: Massachusetts Gaming Commission

Chapter 248.00: Sports Wagering Account Management (Refs & Annos)

205 CMR 248.10

248.10: Account Deposits

Currentness

(1) A Sports Wagering Account may be funded using approved methods which shall produce a sufficient audit trail for verification of the source of the wagers.

(2) Approved methods for funding Sports Wagering Accounts include:

(a) Cash or cash equivalents;

(b) Foreign currency and coin converted to U.S. currency;

~~(c) Digital, crypto and virtual currencies converted to cash;~~

~~(c)~~ (d) Electronic funds transfers (EFTs), including online and mobile payment systems;

~~(d)~~ (e) Debit instruments, including debit cards and prepaid access instruments;

~~(e)~~ (f) Promotional Gaming Credits;

~~(f)~~ (g) Sports Wager Payouts;

~~(g)~~ (h) Adjustments made by the Sports Wagering Operator with documented notification to the patron; and

(h) Any other means approved by the Commission or its designee.

(3) No deposits may be made by credit card, either directly or indirectly, including without limitation through an account funded by credit card, and no Wagering on credit is allowed.

(4) The Sports Wagering Account shall be credited for any deposit in accordance with the system of internal controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.00.

(5) The proceeds of a check may first need banker's clearance. Holding periods will be determined by the Sports Wagering Operator and communicated to the patron.

(6) For debit cards and EFTs, the patron may be liable for any charges imposed by the transmitting or receiving Sports Wagering Operator. Such charges may be deducted from the patron's Sports Wagering Account.

Credits

History: [1486 Mass. Reg. 145](#), (emergency) eff. Dec. 22, 2022; [1492 Mass. Reg. 53](#), amended (emergency) eff. Mar. 9, 2023; [1494 Mass. Reg. 73](#), adopted as permanent by Notice of Compliance eff. Mar. 9, 2023; [1498 Mass. Reg. 45](#), amended (emergency) eff. Jun. 7, 2023; [1503 Mass. Reg. 61](#), amended eff. Sept. 1, 2023.

The Massachusetts Administrative Code titles are current through Register No. 1556, dated September 12, 2025. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 205, § 248.10, 205 MA ADC 248.10

End of Document

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Legal Division

AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this amended small business impact statement in accordance with G.L. c. 30A, § 5 relative to the proposed amendments to **205 CMR 247.00: Uniform Standards of Sports Wagering**, specifically **205 CMR 247.07: Acceptance of Sports Wagers**, for which a public hearing was held on November 18, 2025.

This regulation was initially developed as part of the regulatory framework governing sports wagering in the Commonwealth, and governs the process by which sports wagering operators may accept wagers from consumers. Accordingly, this proposed regulation is unlikely to have a negative impact on small businesses. This regulation amendment is authorized by G.L. c. 23N, §§ 4 and 10. It is now being amended to strike the language that specifically permits the use of “digital, crypto and virtual currencies converted to cash.”

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

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

It is not readily apparent that this regulation would affect small businesses, as it applies to which payment methods can be used to make deposits in sports wagering accounts. Accordingly, there are no less stringent compliance or reporting requirements for small businesses.

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

This regulation establishes the payment methods which are permitted to fund sports wagering accounts. As such, this proposed regulation does not impose any schedules or deadlines for compliance or reporting requirements for small businesses.

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

The regulation does not impose consolidating or simplifying compliance or reporting requirements for small businesses.

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

The proposed regulation uses design standards which set forth the permitted payment methods to fund sports wagering accounts.

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

This regulation is unlikely to deter or encourage the formation of new businesses in the Commonwealth at this time.

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

This regulation is not likely to adversely impact small businesses.

Massachusetts Gaming Commission

By:

/s/ Justin Stempeck

Justin Stempeck
Interim General Counsel
Legal Division

Dated: December 4, 2025



Legal Division

AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this amended small business impact statement in accordance with G.L. c. 30A, § 5 relative to the proposed amendments to **205 CMR 248.00: Sports Wagering Account Management**, specifically **205 CMR 248.10: Account Deposits**, for which a public hearing was held on November 18, 2025.

This regulation was initially developed as part of the regulatory framework governing sports wagering in the Commonwealth and governs the process by which deposits are made in sports wagering accounts. Accordingly, this proposed regulation is unlikely to have a negative impact on small businesses. This regulation amendment is authorized by G.L. c. 23N, §§ 4, 11, and 13. It is now being amended to strike the language that specifically permits the use of “digital, crypto and virtual currencies converted to cash.”

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

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

It is not readily apparent that this regulation would affect small businesses, as it applies to which payment methods can be used to make deposits in sports wagering accounts. Accordingly, there are no less stringent compliance or reporting requirements for small businesses.

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

This regulation establishes the payment methods which are permitted to fund sports wagering accounts. As such, this proposed regulation does not impose any schedules or deadlines for compliance or reporting requirements for small businesses.

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

The regulation does not impose any consolidating or simplifying compliance or reporting requirements for small businesses.

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

The proposed regulation uses design standards which set forth the permitted payment methods to fund sports wagering accounts.

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

This regulation is unlikely to deter or encourage the formation of new businesses in the Commonwealth at this time.

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

This regulation is not likely to adversely impact small businesses.

Massachusetts Gaming Commission
By:

/s/ Justin Stempeck
Justin Stempeck
Interim General Counsel
Legal Division

Dated: December 4, 2025



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

FROM: Melanie Foxx, Associate General Counsel, Legal Division

CC: Justin Stempeck, Interim General Counsel, Legal Division

DATE: December 4, 2025

RE: Proposed Amendment to 205 CMR 141.06: *Notice to Commission of Changes*

Overview:

Enclosed for the Commission's review is the proposed draft of 205 CMR 141.06: *Notice to Commission of Changes*. The proposed amendment was first presented for initial presentation on October 9, 2025, and the Commission voted to approve the start of the promulgation process.

A public hearing was held on November 18, 2025, and there were no additional comments received. The regulation is now back before the Commission with an amended small business impact statement, and a request for a vote of finalization. This regulation amendment is authorized by M.G.L. c. 23K §§ 4(28), 4(37) and 5(9).

Summary:

1. The notification requirement was divided into two clearly defined sections:
 - a. Advance notice for movement or replacement of CCTV cameras, movement of slot machines, or table games.
 - b. Notice upon discovery of equipment malfunctions.
2. Clarification was added for when and how communication between surveillance and security should be documented:
 - a. If surveillance notifies security of an issue, the time of communication should be recorded, however, if no such notification occurs (e.g., not necessary, or solely within surveillance's responsibility), the recording requirement is not applicable.



Massachusetts Gaming Commission

141.05 : continued

- (9) Continuous lighting of all areas, including gaming tables, offices, cages, equipment storage rooms, card and dice destruction rooms and pits, where CCTV system camera coverage is required by 205 CMR 141.04, that is of sufficient quality to produce clear recordings and still picture reproductions.
- (10) No use of multiplexing and quad recording devices for required surveillance recordings in accordance with 205 CMR 141.04.
- (11) That surveillance room entrances are not visible from the gambling floor; and

141.06 : Notice to the Commission of Changes

- (1) A surveillance plan must provide for notification to the commission prior to the occurrence of any of the following:
 - (a) CCTV equipment is replaced or relocated; including any change/upgrade to system hardware, firmware or software, including identifying the reason for the change;
 - (b) Slot machine (in accordance with 205 CMR 144.03: *Installation and Approval for Use of an Electronic Gaming Device*) or table game (in accordance with 205 CMR 138.66(3)(b)) locations are modified (so as to enable the commission to review the new locations for adequate coverage).~~;~~
- (2) A surveillance plan must provide for notification to the commission following an ~~Equipment Failure Occurs~~. Notice of such shall be immediately made to the IEB, upon discovery by the gaming licensee, and include the time and cause of the malfunction, if known, the time that the security department was apprised of the malfunction by the surveillance department, if applicable, and any communications with the security department by the surveillance department relating to the malfunction; ~~or~~.

~~Camera relocation occurs.~~

141.07 : Recording Transmission Outside of the Gaming Establishment

A surveillance plan must provide limitations on CCTV transmissions that, at a minimum, do not allow transmissions outside the gaming establishment with the exception of:

- (1) Wide-area progressive slot machine systems monitoring;
- (2) Remote access to the system exclusively by the commission and the division at an off-site commission office or division office via an encrypted transmission; and
- (3) Such transmissions as may be permitted outside the gaming establishment by written order of the commission;
- (4) Transmission of signal to the man-trap to allow department to view who is trying to gain entry.

141.08 : Independence of the Surveillance Department

A surveillance plan must provide for the independence of surveillance department employees assigned to monitor the activities of the gaming establishment. 205 CMR 141.08 shall include, at a minimum, that those employees shall be independent of all other departments. 205 CMR 141.08 must include the period of time that must lapse before:

- (a) Any surveillance department employee who monitored the activities of the gaming establishment may become employed in any department that said employee had monitored; and
- (b) Any non-surveillance employee who works in the gaming establishment of the gaming licensee can become employed in the surveillance department. Upon petition to the IEB and for good cause shown, the gaming licensee may request a relaxation of the time periods herein for individual cases.



Legal Division

AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this amended small business impact statement in accordance with G.L. c.30A §5, relative to the proposed amendment to **205 CMR 141.00: *Surveillance of the gaming establishment***, specifically, **205 CMR 141.06: *Notice to the Commission of Changes***; for which a public hearing was held on November 18, 2025. The amendment was developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth.

The amendment applies directly to gaming licensees. Accordingly, the proposed regulation amendment is unlikely to have an impact on small businesses. The regulation amendment is authorized by M.G.L. c. 23K §§ 4(28), 4(37) and 5(9).

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

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

Presently, there are no less stringent compliance or reporting requirements for small businesses. There are no small businesses that the Commission anticipates will be impacted by the amendment.

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

The proposed regulation does not impose any reporting requirements for small businesses.

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

The regulation does not impose any consolidating or simplifying compliance or reporting requirements for small businesses.

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

As a general matter, the proposed amendment requires design standards that ensure adequate surveillance coverage of the casino and to comply with best practices within the industry.



Massachusetts Gaming Commission

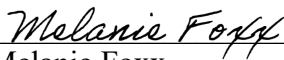
5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

The regulation is unlikely to deter or encourage the formation of new businesses in the Commonwealth at this time.

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

The amendment is unlikely to create any adverse impacts on small businesses as it would apply only to the surveillance operation of a licensed gaming establishment.

Massachusetts Gaming Commission
By:



Melanie Foxx
Associate General Counsel
Legal Division

Dated: December 4, 2025



Massachusetts Gaming Commission



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

FROM: Melanie Foxx, Associate General Counsel, Legal Division

CC: Justin Stempeck, Interim General Counsel, Legal Division

DATE: December 4, 2025

RE: Proposed Amendment to 205 CMR 152.03: *Criteria for Exclusion*

Overview:

Enclosed for the Commission's consideration is the proposed draft of 205 CMR 152.03: *Criteria for Exclusion*. The proposed amendment came forward at the October 9, 2025, public meeting for initial presentation and the Commission voted to approve the start of the promulgation process.

A public hearing was held on November 18, 2025, and there were no additional comments received. The regulation is now back before the Commission with an amended small business impact statement, and a request for a vote of finalization. This regulation amendment is authorized by M.G.L. c. 23N §§ 4(b), d(1) and (i). Additional authority is set out in M.G.L. 23N §§ 13(d) and (e)(1).

Summary:

The proposed amendment is aimed to enhance the ability of the Sports Wagering Division and the Investigation and Enforcement Bureau ("IEB") to address the issue of underage sports wagering. Both Divisions recognized the complexity of the issue and collaborated on ideas of how to create additional enforcement tools for the IEB. Under the proposed changes, in determining whether the potential of injurious threat to the interests of the Commonwealth exists in accordance with 205 CMR 152.03(1)(e), the IEB may consider two new criteria for the exclusion of an individual. The first, whether a person allowed a minor to access their internet gaming account to place bets or collect winnings, and the second, whether a person's account has been suspended or terminated by a licensed operator due to the use of a payment method confirmed to be owned by a minor.



Massachusetts Gaming Commission

205 CMR 152.00: INDIVIDUALS EXCLUDED FROM GAMING AND SPORTS WAGERING

Section

- 152.01 : Scope and Authority
- 152.02 : Maintenance and Distribution of Exclusion List
- 152.03: Criteria for Exclusion
- 152.04: Investigation and Initial Placement of Names on the Exclusion List
- 152.05: Court Ordered Exclusion Pursuant to M.G.L. c. 23K, § 45(i)
- 152.06: Duty of Gaming or Sports Wagering Licensee
- 152.07: Petition to Remove Name from Exclusion List
- 152.08: Forfeiture of Winnings
- 152.09: Sanctions against a Gaming or Sports Wagering Licensee

152.01: Scope and Authority

The provisions of 205 CMR 152.00 shall provide for the establishment and maintenance of a list, and associated protocols and procedures, for exclusion of individuals from gaming in accordance with M.G.L. c. 23K, §§ 45(a) through (e) and 45(i), and sports wagering in accordance with M.G.L. c. 23N, § 13(e)(1), as well as M.G.L. c. 23K, § 45(i). Such list shall be maintained separately from those established and maintained in accordance with M.G.L. c. 23K, § 45(e) through (h) and M.G.L. c. 23N, § 13(e)(2).

152.02: Maintenance and Distribution of Exclusion List

- (1) The commission shall maintain the list of persons to be excluded from gaming and sports wagering as set forth in 205 CMR 152.00. The name and year of birth of each person on the exclusion list shall be posted on the commission's website (<http://massgaming.com/>), except for the individuals on the court ordered exclusion list pursuant to M.G.L. c. 23K, § 45(i).
- (2) The Bureau shall promptly notify each gaming licensee, and Sports Wagering Operator of the placement of an individual on the exclusion list. The notifications shall include:
 - (a) The individual's full name and all aliases the individual is believed to have used;
 - (b) A description of the individual's physical appearance, including height, weight, type of build, color of hair and eyes, and any other physical characteristics which may assist in the identification of the individual;
 - (c) The individual's date of birth;
 - (d) The effective date of the order mandating the exclusion of the individual;
 - (e) A photograph, if obtainable, and the date thereof; and
 - (f) Such other information deemed necessary by the commission for the enforcement of 205 CMR 152.00.

152.03: Criteria for Exclusion

- (1) In the commission's discretion, an individual may be placed on the exclusion list if the commission determines that the individual meets one or more of the following criteria:
 - (a) the individual has been convicted of a criminal offense under the laws of any state, tribe, or the United States that is punishable by more than six months in a state prison, a house of correction or any comparable incarceration, a crime of moral turpitude or a violation of the gaming or other wagering laws of any state, tribe, or the United States;
 - (b) the individual has violated or conspired to violate M.G.L. c. 23K or c. 23N; or violated or conspired to violate any other law, if the violation or conspiracy is in connection with gaming or sports wagering;
 - (c) the individual has a notorious or unsavory reputation which would adversely affect public confidence and trust that the gaming or sports wagering industries are free from criminal or corruptive elements;
 - (d) the individual is an associate of an individual who falls into a category identified in 205 CMR 152.03(1)(a) through (c);
 - (e) the individual's presence in a gaming establishment, sports wagering area, sports wagering facility, or maintenance of a sports wagering account, presents the potential of injurious threat to the interests of the Commonwealth in a gaming establishment, sports wagering area, sports wagering facility, or sports wagering platform, or sports wagering.

152.03: continued

(2) In determining whether there exists the potential of injurious threat to the interests of the Commonwealth in accordance with 205 CMR 152.03(1)(c), the commission may consider, without limitation, the following:

- (a) Whether the individual is a known cheat;
- (b) Whether the individual has had a license or registration issued in accordance with 205 CMR 134.00: *Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations*, 205 CMR 234.00: *Sports Wagering Vendors*, 205 CMR 235.00: *Sports Wagering Occupational Licenses*, or a qualification determination made in accordance with 205 CMR 115.00: *Phase I and New Qualifier Suitability Determination, Standards, and Procedures*, 205 CMR 116.00: *Persons Required to Be Licensed or Qualified*, or 205 CMR 215.00: *Applicant and Qualifier Suitability Determination, Standards, and Procedures*, or a like license or registration issued by another jurisdiction, suspended or revoked or has been otherwise subjected to adverse action;
- (c) Whether the individual's egregious or repeated conduct poses a clear threat to the safety of the patrons, employees or others on or near the premises of a gaming establishment, sports wagering area, or sports wagering facility; or the individual's egregious or repeated conduct relating to sports wagering poses a clear threat to the safety of others;
- (d) Whether the individual has a documented history of conduct involving the undue disruption of gaming or sports wagering operations in any jurisdiction including, without implied limitation, attempting to corrupt or corrupting a betting outcome of a sporting event;
- (e) Whether the individual is subject to a no trespass order at any casino or gaming establishment, sports wagering area, or sports wagering facility in any jurisdiction; and
- (f) Whether, in connection with sports wagering, the individual has either:
 - 1. willfully and maliciously engaged in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress; or
 - 2. expressed an intent to injure the person or property of another, now or in the future; intended that the threat be conveyed to a particular person; the injury threatened, if carried out, would constitute a crime; and the threat was made under circumstances which could reasonably have caused the person to whom it was conveyed to fear that the individual had both the intention and ability to carry it out.
 - 3. knowingly or negligently failed to prevent a person under the age of 21 from placing wagers, or collecting winnings, from wagering on a sports wagering platform, whether personally or through an agent.
 - ~~2-4. had their sports wagering account suspended or terminated by a sports wagering operator due to suspected or confirmed underage activity, including if the account holder used a funding method owned by a person under the age of 21.~~

(3) The commission shall not base a finding to place an individual on the exclusion list on an individual's race, color, religion, religious creed, national origin, ancestry, sexual orientation, gender identity or expression, age (other than minimum age requirements), marital status, veteran status, genetic information, disability or sex.

152.04: Investigation and Initial Placement of Names on the Exclusion List

(1) The Bureau shall investigate any individual who may meet one or more criterion for inclusion on the list in accordance with 205 CMR 152.03 upon referral by the commission, the Gaming Enforcement Division of the Office of the Attorney General, a gaming licensee, a sports wagering operator, a sports governing body, or a players association. The Bureau may investigate any individual on its own initiative.

(2) If, upon completion of an investigation, the Bureau determines to place an individual on the exclusion list, the Bureau shall prepare an order that identifies the individual and sets forth a factual basis as to why the individual meets one or more criterion for inclusion on the list in accordance with 205 CMR 152.03.

- (a) The Bureau shall serve the order prepared in accordance with 205 CMR 152.04(2) upon the named individual advising them that it intends to place the individual's name on the exclusion list. The order shall also notify the individual that placement of their name on the exclusion list will result in their prohibition from being present in a gaming establishment, sports wagering area, or sports wagering facility, and from maintaining a sports wagering account; and



Legal Division

AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this amended small business impact statement in accordance with G.L. c. 30A § 5, relative to the proposed promulgation of **205 CMR 152.00: *Individuals excluded from gaming and sports wagering***, specifically, **205 CMR 152.03: *Criteria for Exclusion***; for which a public hearing was held on November 18, 2025. The amendment was developed as part of the process of promulgating regulations governing the operation of gaming establishments and the operation of sports wagering businesses in the Commonwealth.

The amendment applies directly to individuals participating in sports wagering in the Commonwealth. Accordingly, the proposed regulation amendment is unlikely to have a negative impact on small businesses. The regulation amendment is authorized by G.L. c. 23N §§ 4(b), d(1) and (i).

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

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

Presently, there are no less stringent compliance or reporting requirements for small businesses. There are no small businesses that the Commission anticipates will be impacted by the amendment.

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

The proposed regulation does not impose any reporting requirements for small businesses.

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

The regulation does not impose any consolidating or simplifying compliance or reporting requirements for small businesses.

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

Some of the proposed changes are design standards and some are performance standards. The design standards are important as they encourage uniformity (IEB may consider the same two additional criteria for evaluating exclusion list



Massachusetts Gaming Commission

placement), while the performance standards provide further clarification regarding the prohibitions of minors participating in sports wagering on a sports wagering platform which is licensed by the Massachusetts Gaming Commission to conduct sports wagering in the Commonwealth of Massachusetts.

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

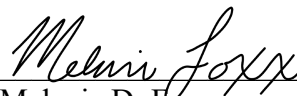
The regulation is unlikely to deter or encourage the formation of new businesses in the Commonwealth at this time.

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

The regulation is not likely to adversely impact small businesses as it would apply solely to individuals who participate in sports wagering in the Commonwealth.

Massachusetts Gaming Commission

By:



Melanie D. Foxx
Associate General Counsel
Legal Division

Dated: December 4, 2025



Massachusetts Gaming Commission