



## NOTICE OF MEETING AND AGENDA

Pursuant to the Massachusetts Open Meeting Law (G.L. c. 30A, §§ 18-25), St. 2022, c. 107, and St. 2023, c. 2, notice is hereby given of a public meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

**Thursday | February 1, 2024 | 10:00 a.m.**  
**VIA REMOTE ACCESS: 1-646-741-5292**  
**MEETING ID/ PARTICIPANT CODE: 112 501 1403**  
**All meetings are streamed live at [www.massgaming.com](http://www.massgaming.com).**

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

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

### **PUBLIC MEETING - #498**

1. Call to Order – Cathy Judd-Stein, Chair
2. Meeting Minutes – Commissioner Jordan Maynard, Judith Young, Associate General Counsel
  - a. March 23, 2023 **VOTE**
  - b. April 13, 2023 **VOTE**
  - c. April 25, 2023 **VOTE**
  - d. May 4, 2023 **VOTE**
3. Administrative Update – Todd Grossman, Interim Executive Director & General Counsel
  - a. IEB Gaming Division's End of Year Report: DOR Intercepts and Recovery of other Financial Gaming Obligations, and Charity Contributions – Burke Cain, IEB Gaming Agent Division Chief
  - b. Human Resources Division's Update: Onboarding Policies and Practices – David Muldrew, Chief People & Diversity Officer
4. Legislative Update – Commissioner Brad Hill, Derek Lennon, Chief Financial & Accounting Officer
  - a. Governor's Budget Proposal Impacts
5. Legal – Todd Grossman, Interim Executive Director & General Counsel, Carrie Torrisi, Deputy General Counsel



Massachusetts Gaming Commission

- a. 205 CMR 257: Sports Wagering Data Privacy– Discussion and Review of the Amended Regulation and Small Business Impact Statement for authorization to begin the promulgation process. **VOTE**
  - b. Waiver from 205 CMR 221.01(1): Sports Wagering License Fees **VOTE**
6. Sports Wagering Division – Bruce Band, Director of Sports Wagering
- a. Review of Customer Service Offerings Among Sports Wagering Operators – Crystal Beauchemin, Business Manager **VOTE**
  - b. Fanatics Betting & Gaming (FBG) Request for New Markets – Andrew Steffen, Operations Manager
    - i. X Team’s Next Head Coach **VOTE**
    - ii. Player X Next Team **VOTE**
  - c. Fanatics Betting & Gaming (FBG) Request to Add Professional Women’s Hockey League (PWHL) to Event Catalog – Crystal Beauchemin, Business Manager **VOTE**
  - d. General Market Request/Clarification Regarding Super Bowl Prop Wagers – Andrew Steffen, Operations Manager **VOTE**
7. Legal and Sports Wagering Division – Carrie Torrisi, Deputy General Counsel, Bruce Band, Director of Sports Wagering
- a. Betr Notice of Intent to Cease Operations pursuant to 205 CMR 258, including Request for Approval of Cessation Plan and Request for Waiver from 205 CMR 258.01(1) – Carrie Torrisi, Deputy General Counsel **VOTE**
  - b. WynnBET Notice of Intent to Cease Operations pursuant to 205 CMR 258, including Request for Approval of Cessation Plan and Request for Waiver from 205 CMR 258.01(1) – Carrie Torrisi, Deputy General Counsel **VOTE**
8. IEB – Caitlin Monahan, Interim IEB Director
- a. Briefing of noncompliance matter related to Category 3 Sports Wagering Licensee Fanatics and discussion regarding next steps. Alleged noncompliance relates to wager on an unauthorized event in violation of G. L. c. 23N, section 3 and 205 CMR 247.01(2)(a)(2) – Zachary Mercer, Enforcement Counsel
  - b. Briefing on noncompliance matter related to Category 1 Sports Wagering Licensee MGM Springfield and discussion regarding next steps. Alleged noncompliance relates to wager on an unauthorized event in violation of G. L. c. 23N, section 3 and 205 CMR 247.01(2)(a)(2) – Diandra Franks, Enforcement Counsel
  - c. Briefing on noncompliance matter related to Category 3 Sports Wagering Licensee BetMGM and discussion regarding next steps. Alleged noncompliance relates to wagers on unauthorized events in violation of G. L. c. 23N, section 3 and 205 CMR 247.01(2)(a)(2) – Kathleen Kramer, Interim Chief Enforcement Counsel/Assistant Director
9. Research and Responsible Gaming – Mark Vander Linden, Director of Research and Responsible Gaming



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- a. Risk Identification and Response Technology Solutions – Mark Vander Linden, Director of Research and Responsible Gaming
  - b. PlayMyWay: A Brief Review and Evaluation of Uptake and Effectiveness – Dr. Michael Wohl, Department of Psychology, Carleton University, Mark Vander Linden, Director of Research and Responsible Gaming
  - c. GameSense Quarterly Report – Long Banh, Project Manager; Massachusetts Council on Gaming & Health: Chelsea Turner, Chief Operations Officer, Odessa Dwarika, Chief Programs Officer, Jolyn Barreuther, GameSense Manager, LouLouse Lovaincy, GameSense Advisor
10. Legal and Responsible Gaming – Carrie Torrisi, Deputy General Counsel, Mark Vander Linden, Director of Research and Responsible Gaming, Dr. Bonnie Andrews, Research Manager
- a. Responsible Gaming Considerations for Digital Payments in Casino Gaming
11. Discussion and Possible Adoption of Revised MGC Mission Statement – Commissioner Eileen O’Brien, Commissioner Jordan Maynard **VOTE**
12. AGO Report and Update: Regulation of Daily Fantasy Sports and Illegal Sports Wagering Market – Patrick Moore, First Assistant Attorney General; Kathleen Celio, Chief of our Gaming Enforcement Division; and Alda Chan, Assistant Attorney General
- a. Executive Session  
The Commission anticipates that it will meet in executive session in accordance with G.L. c. 30A, § 21(a)(3) to discuss with the Attorney General’s Office strategy with respect to enforcement or litigation concerning the illegal sports wagering market. The public session of the Commission meeting will not reconvene at the conclusion of the executive session. **VOTE**
13. Personnel Matter - Todd Grossman, Interim Executive Director; David Muldrew, Chief People and Diversity Officer **VOTE**
- a. Executive Session  
The Commission anticipates that it will meet in executive session in accordance with G.L. c. 30A, § 21(a)(2) to conduct a strategy session in preparation for negotiations with Mark Vander Linden, a non-union employee of the Commission. The public session of the Commission meeting will not reconvene at the conclusion of the executive session. **VOTE**
14. Commissioners Update



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

I certify that this Notice was posted as “Massachusetts Gaming Commission Meeting” at [www.massgaming.com](http://www.massgaming.com) and emailed to [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us). Posted to Website: January 30, 2024 | 10:00 a.m. EST.

January 30, 2024

*Cathy Judd-Stein*

*Cathy Judd-Stein, Chair*

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



Massachusetts Gaming Commission

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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** March 23, 2023, 9:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 091 8331

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

#### 2. [Meeting Minutes](#) (01:44)

##### a. October 27, 2022

The *October 27, 2022, public meeting minutes* were included in the Commissioner's Packet on pages 4 through 24.

Commissioner Hill moved that the Commission approve the minutes from the October 27, 2022, public meeting that are included in the Commissioner's Packet, subject to any necessary corrections for typographical errors or other non-material matters. Commissioner 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.*

3. [Administrative Update](#) (02:39)

Executive Director Karen Wells explained that the scheduled review of the Massasoit Greyhound Association's category two sports wagering license application on March 28, 2023, would be moved to an April date due to a scheduling conflict. She stated that holds had been placed on April 12, 2023, and April 26, 2023. The Commissioner reached a consensus to review the category two sports wagering application on April 12, 2023.

Chair Judd-Stein asked if the dates had been vetted with the applicant. Loretta Lillios, Director of the Investigations and Enforcement Bureau ("IEB") stated that the applicant was aware of the two dates, and that she was confident they would make themselves available for April 12, 2023.

a. [Exclusion List Plan Approval Update](#) (05:46)

Executive Director Wells stated that in a prior meeting, the Commission had discussed the applicants' requirement to submit an exclusion list plan. She stated that the plans were not submitted as quickly as expected and were still being reviewed. She stated that the Commission would be updated in a future meeting once the plans were approved.

b. [Casino Updates](#) (06:32)

Interim Gaming Agents Chief, Burke Cain stated that Plainridge Park Casino ("PPC") was preparing for the opening day for horseracing on April 10, 2023. He reported that PPC continued sports wagering operations in their temporary sportsbook, while the permanent sportsbook was being constructed.

Interim Chief Cain stated that MGM Springfield ("MGM") celebrated Saint Patrick's Day and participated in the parade. He stated that MGM was preparing for their Friday concert series to move outside, due to the warmer weather.

Interim Chief Cain stated that Encore Boston Harbor ("EBH") expanded Pit 36 in front of the Wynn Sports bar; replacing eighty-five slot machines with six table games. He noted that EBH had also sponsored a mixed martial arts event recently.

Interim Chief Cain noted that during the Covid-19 pandemic, the casinos reimagined what their floors could look like. He stated that the casinos gave more space between patrons at slot machines. *A Report On The Number Of Games And Table Games Changed At Each Casino* was included in the Commissioner's Packet on pages 25 through 29.

Commissioner Maynard asked why the number of slot machines at EBH began to fall in comparison with July of 2022. Interim Chief Cain stated that EBH took away slot machines to add more table games. Commissioner O'Brien asked if the increase of table games at EBH was only at Pit 36 by the sports bar. Interim Chief Cain stated that table games were added to connect the carnival games area with the main float at the center of the casino.

Commissioner O'Brien inquired whether EBH or MGM had discussed adding more poker tables. Interim Chief Cain stated that the operators had discussed adding more poker tables but that there was no firm plan.

Commissioner Skinner asked if the IEB reviewed the licensees' commitments made at the time of their application when approving changes to the gaming floor. She stated that the Commission should be mindful of what promises the licensees made at the time of licensure. Interim Chief Cain stated that some changes had to be made in response to the market and pandemic. Commissioner Skinner stated that while the changes made by casinos may be appropriate, the IEB and the Commission should have a fuller understanding of where licensees may fall short in terms of what was promised in their license applications.

#### 4. [Finance](#) (23:29)

- a. 205 CMR 240—Definition and Application of Location/Resident Percentage for Taxation of Daily Fantasy Sports

Chief Financial and Accounting Officer ("CFAO") Derek Lennon presented on the daily fantasy sports revenue allocation for taxation, with topics including: a request for revenue allocation model; the statutory definition; location and resident percentage allocation; and location and resident taxation in other states. The *Daily Fantasy Sports Taxation Presentation* was included in the Commissioner's Packet on pages 30 through 38.

Commissioner O'Brien asked whether a location resident percentage would require a statutory change. General Counsel Todd Grossman stated that this approach was used in multiple jurisdictions, and expressed his belief that the Commission had the discretionary authority to do the same.

Chair Judd-Stein asked if the Commission staff was working with the Attorney General's Office to identify registrants. CFAO Lennon explained that the Attorney General's Office was responsible for regulating daily fantasy sports operators, but that the Commission was responsible for taxing these operators. He stated that a regulation was in place to allow the

Commission to register daily fantasy sports operators. He stated that if an operator was not paying taxes, and refused to register, the Commission would have to reach out to the Attorney General's Office for enforcement action.

CFAO Lennon noted that each time an entity operating in the Commonwealth had been identified the entity quickly registered and paid taxes retroactively. He stated that the finance team needed to work with some of the fantasy sports operators as they were showing negative revenue.

Commissioner O'Brien asked if the Commission's website listed registered daily fantasy sports operators. CFAO Lennon replied that a detailed list of registered operators had been made and confirmed that it would be posted to the Commission website.

Chair Judd-Stein suggested that the Commission reorder the agenda due to scheduling concerns. Executive Director Wells recommended moving the Sports Wagering Division's presentation to be the next agenda item.

#### 5. [Sports Wagering](#) (37:00)

##### a. Clarification on Rules for Russian and Belarus Participants in Sports Wagering Events

Sports Wagering Operations Manager, Sterl Carpenter stated that clarification was sought regarding the interpretation of the language restricting wagering on Russian and Belarusian players and events. He stated that DraftKings wanted to know whether wagers could be offered on players born in Russia or Belarus competing under a neutral flag.

Commissioner O'Brien noted that Colorado had similar restrictions. She stated that sports' success could be used as some form of propaganda tool. She stated that allowing athletes to participate under a neutral flag could be the exception that swallows the rule. She expressed support for exempting athletes born in Russia or Belarus that had no country affiliation.

Commissioner Skinner expressed concern that allowing athletes to compete under a neutral flag could bypass the intent of the regulation. Mr. Carpenter stated that the neutral flag language was proposed by DraftKings. Chair Judd-Stein asked if the Commission staff had alternative proposed language. Mr. Carpenter posed that if an athlete completes individually or on a team in an approved event outside of Russia or Belarus; and does not represent those countries, then wagering would be permitted.

Commissioner O'Brien expressed an interest in having stronger language so that the regulation could not be circumvented. Commissioner Skinner expressed an interest in a test to determine whether an athlete was representing these countries. General Counsel Grossman stated that it would have to be determined on a case-by-case basis. He noted as well that an athlete born in a country was not necessarily performing on behalf of their country.

Mr. Carpenter stated that for the Olympics some athletes wanted to participate and stated that they did not represent Russia. Commissioner Maynard stated that he shared Commissioner O'Brien and Commissioner Skinner's concerns, but that he did not want to bar wagering on all Russian and Belarusian born participants.

Commissioner O'Brien stated that the word "affiliation" should also be included in the language to alleviate some of the Commission's concerns. Commissioner Skinner suggested that examples be listed for further clarity. Commissioner Hill expressed support for the language proposed by Commissioner O'Brien. He stated that wagering on athletes born in these countries was acceptable as long as they were not directly affiliated with their country. Chair Judd-Stein requested that the Sports Wagering Division change the language and present it to the Commissioners later in the meeting.

6. [Legal](#) (1:06:44)

- a. 205 CMR 232: Discipline of Sports Wagering Operators and Other Licensees, and Registrants - Regulation and Amended Small Business Impact Statement for final review and possible adoption

Attorney Mina Makarios, outside counsel from the law firm Anderson and Krieger, presented the changes to 205 CMR 232. The *Small Business Impact Statement, public comments, and draft of 205 CMR 232* were included in the Commissioner's Packet on pages 81 through 88.

Mr. Makarios stated that one comment was received from BetMGM requesting that the word "knowingly" be included with respect to violations that might subject an entity to discipline. He recommended against adopting this change. He stated that knowledge may factor into discipline, but it should not be a threshold as to whether there was a violation in the first place. He noted that the regulation had remained unchanged since the last time it was presented to the Commission.

Commissioner O'Brien moved that the Commission approve the Amended Small Business Impact Statement and draft of 205 CMR 232 as included in the Commissioner's Packet and discussed here today; and further moved 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 Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

[b. 205 CMR 239: Continuing Disclosure and Reporting Obligations of Sports Wagering Licensees - Regulation and Amended Small Business Impact Statement for final review and possible adoption](#) (1:10:18)

Mr. Makarios presented the changes to 205 CMR 239. The *Small Business Impact Statement, public comments, and draft of 205 CMR 239* were included in the Commissioner's Packet on pages 89 through 103.

Mr. Makarios stated that a comment requested monthly rather than bi-monthly disbursement reporting. He explained that he had spoken with the Finance Division and IEB, and that these reporting requirements were bi-monthly under 205 CMR 138. He recommended against making their suggested change.

Mr. Makarios stated that a question was received regarding 205 CMR 239.03(6); inquiring why promotional wagering credits were included in the quarterly reports covering complimentary services. He explained that promotional credits were complimentary gifts to patrons, and that similar offerings were required in the past under 205 CMR 139.

Mr. Makarios noted that a comment stated that annual business plans contain sensitive competitive information. He explained that 205 CMR 239.04 did not require Operators to file the reports with the Commission, just their maintenance of records and possible Commission access to the records.

Mr. Makarios stated that BetMGM had asked if they would need to prepare a state-specific balance sheet for 205 CMR 239.06(1). He stated while a separate requirement was not listed, the language proposed by BetMGM was covered in the regulation.

Mr. Makarios stated that multiple comments questioned whether patron information obtained through this process could be promptly deleted, erased, or destroyed once it was no longer needed. He stated that information regarding player characteristics and statistics was critical information for understanding the misuse of data. He stated that it was up to the operator to ensure this information was properly and safely maintained.

Mr. Makarios noted that DraftKings also questioned the bi-monthly reporting requirements. He stated that while no change was recommended, the language may be changed to "every two weeks" for clarification.

Chair Judd-Stein asked if the comments from the Attorney General's Office regarding data privacy could be implemented in this regulation. Mr. Makarios noted that the Attorney General's Office did not provide comment for 205 CMR 239. He stated that the comments from the Attorney General's Office were proposed edits to 205 CMR 137, 205 CMR 238, 205 CMR 247, and 205 CMR 248. He stated that a standalone data privacy regulation was being developed.

Commissioner Hill moved that the Commission approve the Amended Small Business Impact Statement and draft of 205 CMR 239 as included in the Commissioner’s 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.*

c. [205 CMR 241: Surveillance and Monitoring - Regulation and Amended Small Business Impact Statement for final review and possible adoption](#) (1:24:39)

Mr. Makarios presented the draft of 205 CMR 241. He stated that no comments were received and that there were no suggested edits. The *Small Business Impact Statement and draft of 205 CMR 241* were included in the Commissioner’s Packet on pages 104 through 106.

Commissioner Maynard moved that the Commission approve the Amended Small Business Impact Statement and draft of 205 CMR 241 as included in the Commissioner’s 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 Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

d. [205 CMR 106: Information and Filings – Regulation and Amended Small Business Impact Statement for final review and possible adoption](#) (1:26:29)

Attorney Annie Lee, from Anderson and Krieger, presented the draft of 205 CMR 106. She stated that no comments were received and that there were no proposed changes. The *Small Business Impact Statement and 205 CMR 106* were included in the Commissioner’s Packet on pages 44 through 49.

Commissioner Skinner moved that the Commission approve the Amended Small Business Impact Statement and draft of 205 CMR 106 as included in the Commissioner's Packet and discussed here today; and further moved 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.*

e. [205 CMR 107: Professional Practice - Regulation and Amended Small Business Impact Statement for final review and possible adoption](#) (1:28:43)

Ms. Lee presented the draft of 205 CMR 107. She stated that no public comments were received and that there were no proposed changes. The *Small Business Impact Statement and 205 CMR 107* were included in the Commissioner's Packet on pages 50 through 53.

Commissioner Hill moved that the Commission approve the Amended Small Business Impact Statement and draft of 205 CMR 107 as included in the Commissioner's 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 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.*

f. [205 CMR 109: Emergency Action - Regulation and Amended Small Business Impact Statement for final review and possible adoption](#) (1:30:25)

Ms. Lee presented the draft of 205 CMR 109. The *Small Business Impact Statement, public comments, and 205 CMR 109* were included in the Commissioner's Packet on pages 54 through 58.

Ms. Lee stated that one comment from BetMGM requested that the Commission give advance notice if it was likely to condition, suspend, or revoke a license pursuant to an emergency

situation. She stated that the comment was not relative to any amendments proposed to the regulation, and recommended the Commission not accept the comment.

Commissioner O'Brien moved that the Commission approve the Amended Small Business Impact Statement and draft of 205 CMR 109 as included in the Commissioner's Packet and discussed here today; and further moved 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 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.*

g. [205 CMR 213: Withdrawal of an Application - Regulation and Amended Small Business Impact Statement for final review and possible adoption](#) (1:33:05)

Attorney Paul Kominers, from Anderson and Krieger, presented the draft 205 CMR 213. He stated that there were no public comments and no proposed edits. The *Amended Small Business Impact Statement and draft of 205 CMR 213* were included in the Commissioner's Packet on pages 68 through 70.

Chair Judd-Stein asked what steps were required for a withdrawal of an application. Mr. Kominers stated that applicants for a sports wagering license, individuals in the process of being qualified, and or sports wagering registrants may file a notice of withdrawal. He stated that the withdrawal could occur without Commission approval unless there had already been a hearing or other formal evaluation process. He noted that the Commission could condition a withdrawal, and that there were limitations on the surrender of individual credentials.

Commissioner Skinner moved that the Commission approve the Amended Small Business Impact Statement and draft of 205 CMR 213 as included in the Commissioner's 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.

h. [205 CMR 229: Review of a Proposed Transfer of Interest - Regulation and Amended Small Business Impact Statement for final review and possible adoption](#) (1:36:25)

Mr. Kominers presented the draft of 205 CMR 229. He stated that no public comments were received and that all changes were technical edits. The *Small Business Impact Statement and draft of 205 CMR 229* were included in the Commissioner's Packet on pages 71 through 80.

Commissioner Skinner moved that the Commission approve the Amended Small Business Impact Statement and draft of 205 CMR 229 as included in the Commissioner's Packet and discussed here today; and further moved 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 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.

i. [205 CMR 202: Authority and Definitions - Regulation and Amended Small Business Impact Statement for final review and possible adoption](#) (1:38:23)

Deputy General Counsel Carrie Torrisi noted that Mr. Makarios would not be available from 11:00 a.m. to 12:00 p.m. She requested that the Commission proceed with the Racing Division's agenda items before returning to discussions of 205 CMR 256.

Mr. Makarios presented the draft of 205 CMR 202. He stated that no public comments were received, and the only changes were to add a few definitions. The *Small Business Impact Statement and draft of 205 CMR 202* were included in the Commissioner's Packet on pages 59 through 67.

Commissioner Hill noted that some of the new definitions were relevant to 205 CMR 256 and suggested a vote on 205 CMR 202 be held until the Commission had reviewed 205 CMR 256 as well.

7. [Commissioner Updates](#) (1:43:31)

Chair Judd-Stein explained that in January, the Commission discussed whether promotional play should be tax deductible. She stated that the majority of the Commission thought the law was

sufficiently ambiguous to allow for the Commission to decide whether promotional play was taxable. She stated that interested stakeholders from the media, public policy researchers, and a legislative office had recently submitted inquiries regarding promotional play.

Commissioner O'Brien inquired what the queries were regarding. Communications Chief Thomas Mills stated that all questions were regarding whether promotional play would be deductible for operators. Commissioner O'Brien asked if there was more information regarding who sent the inquiries. Chief Mills stated that the questions were received from the office of Massachusetts State Senator William Brownsberger, a public policy researcher with Boston University. Chief Mills stated that he would get the Commission the names of the individuals who submitted the queries.

Commissioner O'Brien expressed an interest in inviting stakeholders to comment. Commissioner Hill requested that dates for this topic be discussed at an agenda setting meeting. Commissioner Skinner and Commissioner Maynard agreed. Commissioner O'Brien reiterated that she did not think the language was ambiguous. She stated that promotional play should not be deductible. She noted that she would like to put this topic out for comment from interested parties.

Commissioner Hill inquired if there was an opportunity to have a round table on this issue. Commissioner O'Brien stated that it would be beneficial to have a list of interested parties before scheduling a round table. Chair Judd-Stein recommended inviting the Attorney General's Office, the Treasurer's Office, and the Governor's Office due to the potential impact on revenue. Commissioner Maynard stated that he would like to hear about how promotional play affects responsible gaming as well. He stated that the operators should also explain their thought process. Chair Judd-Stein suggested inviting RSM as well.

Commissioner O'Brien then inquired if the Commission staff should proactively reach out to the identified groups. Chair Judd-Stein suggested that the Commission also examine research from other jurisdictions. Chief Financial and Accounting Officer ("CFAO") Derek Lennon stated that promotional play was typically used to attract customers, and that the numbers at launch may not compare well to a jurisdiction's steady state.

#### 8. [Racing](#) (2:04:20)

##### a. Suffolk Downs Request for Approval of DK Horse, LLC as an Account Wagering Provider

Director of Racing and Chief Veterinarian Dr. Alex Lightbown stated that Suffolk Downs had requested the approval of DK Horse, LLC, as an account wagering provider. She noted that DK Horse, LLC, was an affiliate of DraftKings. *Suffolk Downs' Request* was included in the Commissioner's Packet on pages 187 through 192.

Director Lightbown stated that since the memorandum was written, DK Horse, LLC, had been approved in Colorado, Indiana, Washington, and West Virginia. She stated that the Racing Division recommended approval of this request. Chief Operating Officer of Suffolk Downs Michael Buckley noted that this relationship was similar to the Caesars Racebook relationship approved by the Commission in December.

Commissioner O'Brien sought clarification regarding the reference to the August 1, 2023, expiration. She asked if that expiration was for racing in general or specific to greyhound racing. Director Lightbown noted that it was specific to greyhound racing. Financial Analyst, Chad Bourque noted that only one advanced deposit wagering platform offered wagering on greyhound races. Mr. Buckley stated that DraftKings Horse, LLC, would not be providing greyhound racing on their advance deposit wagering platform. Director Lightbown stated that the language was included because the legislature included a July 31, 2023, end date for advanced deposit wagering on greyhound races in the racing legislation.

Commissioner Hill moved that the Commission approve DK Horse, LLC, as an advanced deposit wagering vendor for Suffolk Downs for parimutuel wagering purposes only, on the condition that if DK Horse, LLC, accepts wagering in Massachusetts on greyhound racing, it may do so only until August 1, 2023, consistent with Chapter 128 of the Acts of 2022. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

b. [Plainridge Park Racecourse Request for Approval of Racing Officials and Key Operating Personnel](#) (2:15:03)

Director Lightbown stated that each year, the Commission was required to approve operating personnel and racing officials. She noted that the list of officials submitted was nearly identical to the list from the prior year. She added that all individuals on the list had been licensed in the past. Director of Racing from PPC, Steve O'Toole expressed that PPC was happy to have the returning personnel and officials. *PPC's Request and Racing Officials List* were included in the Commissioner's Packet on pages 180 through 181.

Commissioner Maynard moved that the Commission approve Plainridge Park Casino's list of operating personnel and racing officials for the 2023 racing season, as included in the Commissioner's Packet and discussed here today, subject to the conditions that such operating personnel and racing officials obtain the necessary licensure and satisfactorily complete their background checks by the Massachusetts State Police. 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. [Plainridge Park Racecourse Request for Waiver of 205 CMR 3.12\(7\) Qualifying Race Requirement](#) (2:19:59)

Director Lightbown explained that PPC had requested a waiver from 205 CMR 3.12(7) since 2018 and that the Commission had approved it for each year. She stated that qualifiers give horses a chance to get back into racing shape and give lines for future betting. Mr. O'Toole stated that the regulation gives thirty days for qualifiers, whereas most other jurisdictions give forty-five to sixty days. He noted that the horsemen supported the approval of this waiver. *PPC's Request For Waiver* was included in the Commissioner's Packet on pages 182 through 183.

Commissioner O'Brien moved that the Commission waive the requirement set out in 205 CMR 3.12(7), that all horses not showing a satisfactory race line during the previous thirty days do a qualifying mile at a race before the judges and change the thirty-day period to forty-five days for the 2023 racing season for the reasons discussed here today and included in the Commissioner's Packet. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

Commissioner Hill suggested that the Commission amend the regulation rather than approving a waiver each year. Director Lightbown stated that the regulation explicitly allows for the association to request a waiver of this requirement. Commissioner Hill stated that there seemed to be enough evidence and data to amend the regulation to forty-five days.

d. [Plainridge Park Casino requests for Promotional Fund Reimbursement for Handicapping Contests](#) (2:24:52)

Mr. Bourque stated that PPC had requested reimbursement for the handicapping contests approved by Commission on October 13, 2022. He explained that each month, funds were deposited into the Harness Horse Promotional Trust. He stated that PPC could use these funds to engage customers, increase attendance, and increase handle. He stated that distributions from the

Harness Horse Promotional Trust were made upon the Commission’s approval of a request for consideration and a subsequent request for reimbursement.

Mr. Bourque stated that PPC was requesting \$25,000 for the Penultimate Handicapping Contest and \$2,500 for the Survivor Handicapping Contests. He noted that the fund had a balance of more than \$280,000 and stated that he recommended approval of the requests.

*PPC’s Request For Reimbursement For The Penultimate Handicapping Contest* was included in the Commissioner’s Packet on page 185. *PPC’s Request For Reimbursement For The Survivor Handicapping Contest* was included in the Commissioner’s Packet on page 186.

Commissioner Hill moved that the Commission approve the expenditure of \$25,000 from the Harness Horse Promotional Trust Fund to Plainridge Park Casino in accordance with General Law Chapter 128A, § 5(g) for the Penultimate Handicapping Contest, as included in the Commissioner’s Packet and discussed here today, and further that the Commission approve the expenditure of \$2,500 from the Harness Horse Promotional Trust Fund to Plainridge Park Casino in accordance with General Law Chapter 128A § 5(g) for the Survivor Handicapping Contest, as included in the Commissioner’s Packet and discussed here today. Commissioner O’Brien seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

## 9. [Sports Wagering](#) (2:31:27)

### a. Clarification on Rules for Russian and Belarus Participants in Sports Wagering Events (Continued Discussion)

Mr. Carpenter presented the newly drafted language regarding the restriction on wagering on athletes representing or affiliated with Belarus and Russia. He stated that the clarifying language was:

“No wager shall be offered or accepted in the Commonwealth of Massachusetts by a licensed sports wagering operator on an event or league overseen by a Russian or Belarusian governing body, a body headquartered in Russia or Belarus. Further, no wager shall be offered or accepted on any athlete competing individually or on any team in an event authorized in the Commonwealth’s catalog, if the individual or team is known to represent Russia or Belarus.

Wagering is permitted on a Russian- or Belarusian-born, based, or affiliated athlete competing individually or on a team in an event authorized in the Commission’s catalog if the event is scheduled to be conducted outside of Russia or Belarus and they are not known to represent or promote these countries.”

Commissioner Skinner stated that the intent of the language was clear, and asked where the language would be posted. Mr. Carpenter stated that the language would be in the guidelines tab in the sports wagering catalog located on the Commission’s website. Commissioner Skinner suggested that the Sports Wagering Division include examples for further clarification.

Commissioner O’Brien moved that the Commission amend the adopted sports wagering catalog for all licensees in Massachusetts by replacing the restriction prohibiting wagers on “any sports or sporting event overseen by Russian or Belarusian governing bodies, leagues, events, or players,” with the language most recently read by Sterl Carpenter at today’s meeting at approximately 11:45 a.m., and as further discussed here today. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

10. [Legal](#) (3:28:43)

j. 205 CMR 256: Sports Wagering Advertising - Regulation and Amended Small Business Impact Statement for final review and possible adoption

Mr. Makarios presented the draft of 205 CMR 256. *The Small Business Impact Statement, public comments, and draft of 205 CMR 256* were included in the Commissioner’s Packet on pages 107 through 179.

Mr. Makarios stated that several operators had submitted comments requesting clarity that the regulation only applied to sports wagering and not their other lines of business. He stated that the term “sports wagering” was added in several provisions of this regulation.

Mr. Makarios stated that 205 CMR 256.01(3) banned agreements between sports wagering operators and third-party marketing affiliates where the agreement provided for compensation dependent upon the volume of patrons who sign up or wagers placed. He noted that a universal waiver was currently in place for this provision, and the licensing of vendors and registrants was changed. He stated that the Attorney General’s Office requested this section be retained.

Chair Judd-Stein stated that the waiver was effective through April 14, 2023. Commissioner O'Brien stated that the Commission had to make a decision whether to adopt the language in the regulation, change the language, or strike this provision. She noted that once the waiver expired, the regulation would go into effect as written.

Chair Judd-Stein sought clarification that the Commission had in fact decided there would be elevated licensure for revenue sharing agreements. Mr. Makarious stated that was correct, but that the licensure was captured in 205 CMR 234, and not the current regulation. Commissioner O'Brien noted that there were different forms of cost-per-acquisition agreements, that some were to the point of know-your-customer and others required the patron to place a wager.

Commissioner O'Brien asked how the language could be modified without repealing the entire provision. Mr. Makarious stated that the language could mirror what was set up in 205 CMR 234. Commissioner Skinner expressed that her understanding of revenue share agreements was that the compensation would not be increased by the amount wagered by the patron. She stated that the language in this provision was an added protection. Commissioner O'Brien stated that revenue share gives the marketing affiliates a portion of what is bet. Commissioner Skinner stated that revenue share pays the marketing affiliate for each bet the patron makes. Commissioner O'Brien proposed that revenue share could be based on a percentage of each bet or based upon number of bets. Commissioner Skinner stated that the proposed language should prohibit that scenario.

Commissioner Skinner asked for a formal clarification regarding how revenue share agreements worked, so the Commission could have a clearer understanding. Mr. Makarious stated that he would provide the Commission with that information. Commissioner O'Brien asked if the language should be changed to "gross or net" rather than just "net". Mr. Makarious stated that the language was tied to the language in 205 CMR 234, but that the Commission could choose whether the prohibition scopes farther.

Mr. Makarious stated that the Commission could consider this provision further and decide whether it wants to keep the language or modify the language at the next meeting. Commissioner Hill inquired how other jurisdictions address third-party marketing affiliates. Mr. Makarious stated that Connecticut and Illinois prohibit cost-per-acquisition and revenue-share agreements. He stated that some jurisdictions used the enhanced licensing approach. Commissioner O'Brien stated that New York recently passed a ban on cost-per-acquisition and revenue-share agreements. Commissioner Maynard stated that he heard that Connecticut might reverse its ban.

Commissioner Maynard asked if the comments from the Attorney General's Office considered the Commission's discussions and round table on this topic. Deputy General Counsel Caitlin Monahan stated that the round table was on February 27, 2023, and that the Commission discussion was the next day. She stated that the Attorney General's Office submitted its letter on March 7, 2023. Commissioner Maynard stated that he did not want to decide before reviewing

the comments sent by the Attorney General's Office. Commissioner O'Brien agreed that the Commission should have time to digest all comments.

Commissioner Skinner stated that she would like to discuss why revenue-share agreements were assumed to be more detrimental to the market than cost-per-acquisition agreements.

Commissioner O'Brien stated that the round table had discussed evidence that cost-per-acquisition agreements reduced general push marketing, which was a benefit. She stated that there was additional concern that revenue share agreements might induce patrons to gamble more.

Commissioner Skinner stated that she had a different recollection of the roundtable discussion, and that she did not want to decide based on a potential misunderstanding. Chair Judd-Stein recommended that the Commissioners review their notes from the round table and then re-discuss this provision further at the meeting on March 27, 2023.

Chair Judd-Stein expressed concern that banning revenue-share agreements may impact smaller, and more diverse vendors. She stated that the elevated licensure requirements seemed to be the best practice, in her opinion.

Commissioner Skinner stated that the Attorney General's Office expressed concerns about third-party marketing affiliates providing advice on prospective wagers. She sought further clarification as to whether third-party marketing affiliates engage in that conduct. Mr. Makarious stated that 205 CMR 256.04 restricts vendors or registrants from directing or suggesting a particular bet. He stated that he would look into whether marketing affiliates engage in this behavior. Commissioner Skinner stated that it should be prohibited outright.

Attorney Christina Marshall, from Anderson and Krieger, stated that Caesars had requested that this regulation not apply to national advertising. She stated that while an advertisement might be shown in other states, it did not remove the Commission's jurisdiction to regulate the advertisement. She recommended against adopting this change.

Mr. Makarious stated that the Attorney General's Office suggested that 205 CMR 256.02(1) have a clearer indication that G.L. Chapter 93A, The Consumer Protection Act, and other consumer protection laws still apply. Mr. Makarious expressed concern that explicitly listing statutes might inadvertently omit a relevant statute. He stated that the language was changed to be broader, so that it was clear all other relevant statutes applied in addition to the regulation.

Chair Judd-Stein asked whether the proposed language for 205 CMR 256.02(1) captured all relevant laws. Mr. Makarious responded that it did. He noted that the word "existing" could be removed to be inclusive of future statutes as well.

Mr. Makarios stated that an operator had asked if the Commission would allow a variety of ways to limit what language has to be included regarding terms and conditions or exclusions to promotions, such as “void where prohibited”. He recommended keeping the language as it was.

Mr. Makarios noted that operators had requested changes to 205 CMR 256.04 to use the Ohio model, where terms and conditions can be available one-click away rather than on the face of the advertisement. He stated that the proposed change was to require material terms to be on the face of the advertisement with other details being one-click away. He stated that this standard was slightly more rigorous than Ohio’s.

On this topic, Commissioner O’Brien stated that if an operator could not fit all the details of a promotion into an advertisement, then the advertisement should be in a different medium. She asked if there were any more restrictive jurisdictions. Mr. Makarios stated that the language came from regulations in Ontario and Virginia. He stated that Pennsylvania and New York required conspicuous disclosure of terms.

Mr. Makarios stated that FanDuel requested 205 CMR 256.04(5)(c) be changed to a clear and conspicuous standard. He stated that in prior meeting the Commission requested more details be added to certain provision, and that he did not recommend adopting this change.

Commissioner Skinner asked if the comments relative to the use of pop-up messaging applied to 205 CMR 256.04(5)(b). Mr. Makarios stated that unsolicited pop-ups were addressed later in the regulation. Ms. Marshall stated that DraftKings had requested that the provision Commissioner Skinner referenced be removed, but that the legal team recommended against removing it.

Mr. Makarios stated that the Attorney General’s Office requested a paragraph be added to 205 CMR 256.04(1) to clarify that mobile application design elements could constitute unfair or deceptive advertising, marketing, or branding for sports wagering. He stated that he wanted to review the language to make sure it made sense with other changes.

Mr. Makarios stated that Caesars had requested clarification regarding 205 CMR 256.04(4) as to whether this provision prohibited promotional activity from the operator’s vendors. Mr. Makarios stated that it was permissible to say that there was a game the patron might be interested in wagering on, but that the advertisement could not say that that a team was a good pick.

Mr. Makarios stated that the Attorney General’s Office requested that 205 CMR 256.04(6) include a prohibition of using individuals to provide purported expertise or wagering advice where employed by contract or otherwise compensated by professional or amateur sports leagues, teams, or broadcast networks. He stated that the idea was to limit encouragement of bets from persons and entities affiliated with an operator.

Ms. Marshall stated that a slight change was made to 205 CMR 256.05(3) where a comma was removed to clarify the provision. She stated that 205 CMR 256.05(4) received comments claiming that the language was vague. She stated that edits were made to have the language align with other subsections. She stated that the Attorney General's Office proposal would collapse subsections a and b into one subsection. She stated that this would accomplish the same goal, and that it was a matter of Commission preference.

Mr. Makarios clarified that the limitation on advertising on college campuses and universities did not apply to media available that was not related to the college, such as streaming a show. He noted that one comment requested that 205 CMR 256.05(4)(f) be removed as it was redundant. He noted that this was intended to be a catch-all provision and was not redundant.

Mr. Makarios stated that some broadcasters had requested the reference to moderate or high risk of gambling addiction be removed from 205 CMR 256.06(1). He stated that this language was modelled after the language in the Ontario and Ohio regulations, and recommended the language not be removed. He stated that the Attorney General's Office requested the word "intentionally" be removed that he recommended making that change.

Mr. Makarios stated that the Attorney General's Office requested a requirement that all operators disclose the steps they take to comply with this section on a monthly basis in a publicly available document. He stated that this suggestion would be further discussed in the upcoming meeting on March 27, 2023, as there may not be a way to reasonably digest that information.

Mr. Makarios stated that Penn National commented that including branding in 205 CMR 256.06(2) would include logos, merchandise, or other passive advertising that did not contain a call to action. He stated that it would make sense in this context to remove branding from this provision to strike a reasonable approach.

Mr. Makarios stated that pursuant to G.L. Chapter 23N, the Commission received input from the Department of Public Health regarding what messaging and problem gambling hotline was required to be displayed upon log-in to a sports wagering platform. He stated that operators had requested to use a national hotline rather than a Massachusetts specific hotline for national advertisements. He noted that it was possible to tailor advertisements for Massachusetts. He stated that the responsible gaming team was working to ensure the amount of responsible gaming messaging was not overwhelming.

Executive Director Wells stated that G.L. Chapter 23N, § 4(d)(3) required the messaging upon log-in, but that there was no statutory requirement to include this language for advertising. She stated that requiring responsible gaming messaging for advertisements was within the Commission's regulatory discretion. She noted that the Commission may be conflating platform and advertising requirements. She stated that the Department of Public Health requested that the Commission only use the language approved by the Department of Public Health, as including

GameSense language could cause confusion. Mr. Makarios confirmed that the log-in requirements within the statute were captured in 205 CMR 247.

Commissioner O'Brien stated that concern was previously raised that too much information could be hard for the consumer to grasp. She expressed support for including the GameSense language, as it was complimentary and different from the language from the Department of Public Health.

Mark Vander Linden, Director of Research and Responsible Gaming stated that the problem gambling helpline was a resource intended for those seeking community-based resources for problematic gambling. He stated that GameSense advisors were trained to connect with patrons and enroll them remotely in the Voluntary Self Exclusion program and discuss ways to reduce risk for those not ready to enroll. He stated that both programs hold important, but complimentary spaces.

Executive Director Wells stated that operators had inquired about what language was needed for advertisements. Chair Judd-Stein stated that the Commission staff could work with the Department of Public Health to develop a concise way to list the hotline, a tag line, and a game sense logo. She stated that the message could be both concise and powerful. Commissioner Skinner expressed an interest in having the Department of Public Health weigh in on this issue. Mr. Makarios stated that one comment asked whether responsible gaming messaging had to be displayed on every single page of a website or displayed on the home page of the website. He stated that he consulted Director Vander Linden, and that displaying the message prominently on the website was acceptable. He stated that the messaging would still be required on every advertisement.

Ms. Marshall stated that a comment requested that the font requirement for responsible gaming messaging on billboards be changed to 2%. She recommended against making this change as 5% was consistent with New York and Pennsylvania's regulations.

Mr. Makarios stated that 205 CMR 256.07 was the relevant provision related to unsolicited pop-up advertisements. He stated that several commenters noted that they should not be responsible for unsolicited pop-up advertisements sent to those who are voluntarily excluded if the operator did not know who the message was going to. He noted that the language in this provision prohibits messages that are directed, and that a knowing standard applied.

Mr. Makarios noted that the Attorney General's Office suggested that the language in 205 CMR 256.07(3) be moved to 205 CMR 256.06. He stated that the language could go in either provision. Mr. Makarios stated that 205 CMR 256.08 was slightly changed to keep it closer in line with statutory authority.

Mr. Makarios stated that operators sought clarification regarding what would make advertising overly saturated. He stated that an example of advertising would be considered overly saturated

if a sporting venue, such as Fenway Park, had all of its advertisements bought out by a single operator.

Mr. Makarios stated that the Attorney General's Office requested that 205 CMR 256.09(2) include a provision that endorsements should require a disclosure of the relationship in addition to the other regulatory requirements for advertisements. He stated that he was still reviewing this comment, and whether it would work with national advertisements. He stated that the Attorney General's Office referenced the Federal Trade Commission's guide regarding the use of endorsements or testimonials. He noted that the guide was not a law or regulation but could be referenced as a standard of conduct.

Mr. Makarios stated that multiple licensees raised concern regarding maintaining information as required by 205 CMR 256.10. He stated that he recommended against making a change, as the information was important if there would ever be an enforcement action or patron complaint. Mr. Makarios noted that a broadcaster's group sought clarification as to whether the Commission intended to control social media accounts. He stated that the Commission might need access to determine whether an advertisement was properly limited, but that the Commission did not want to control what was posted. He stated that the Attorney General's Office suggested language that records maintained are sufficient to describe all targeting parameters.

Mr. Makarios stated that typographical changes were made to 205 CMR 256.11. He stated that operators generally supported pre-review of advertisements as an enforcement mechanism rather than a requirement.

Chair Judd-Stein inquired whether the District Attorney's Office suggested that the Commission review promotional language. Mr. Makarios stated that the review of promotional language was one of the comments the District Attorney's Office offered for 205 CMR 247. He stated that suggestion would require the review of promotions but not all advertisements.

Commissioner Skinner noted that an operator commented they were required to submit advertisements outside of compliance related matters, and she asked for clarification. Mr. Makarios stated that he was aware of the comment referenced, and that the operator had indicated it wanted interactions with Commission staff to clarify what advertisements were appropriate.

Commissioner Skinner asked where the six-year retention period in 205 CMR 256.10 came from. Mr. Makarios stated that it matches the statute of limitations for contract actions in Massachusetts. He noted that the Attorney General's Office requested that an eleventh section be added to 205 CMR 256 regarding targeted advertising and push alerts. He stated that targeted advertising and push alerts would be included in the data privacy and data use regulation.

#### 10. [Other Business](#) (5:35:25)

Executive Director Wells noted that a category two license evaluation was scheduled for April 12, 2023. She stated that a comment was received from a woman-owned business entity inquiring whether there would be diversity, equity, and inclusion requirements for construction, as there was with the casinos. Executive Director Wells noted that the proper avenue to address these concerns would be at a public hearing. The Commission unanimously agreed that a public hearing would be scheduled.

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

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

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

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

1. [Notice of Meeting and Agenda](#) dated March 20, 2023
2. [Commissioner's Packet](#) from the March 23, 2023, meeting (posted on massgaming.com)



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** April 13, 2023, 9:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 121 5333

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

#### 2. [Minutes from Commission Agenda Setting Meetings](#) (00:50)

##### a. November 14, 2022

The November 14, 2022, Public Meeting Minutes were included in the Commissioner's Packet on pages 3 through 9.

Commissioner Hill moved that the Commission approve the minutes from the November 14, 2022, public meeting that are included in the Commissioner's Packet subject to any necessary corrections for typographical errors or other non-material matters. Commissioner 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.*

Chair Judd-Stein noted that the Executive Director Annual Review would not be addressed during today's meeting, due to a logistical issue that needed to be addressed. She noted to the meeting attendees that this topic would be discussed at a later meeting.

### 3. [Legal](#) (02:27)

Deputy General Counsel Caitlin Monahan stated that three regulations were to be presented regarding the construction of facilities for category two operators and temporary licensing procedures.

General Counsel Todd Grossman stated that the waiver for the old version of the advertising regulation was set to expire on April 13. Chair Judd-Stein stated that five companies had sought higher levels of licensure as they utilized revenue share agreements. She asked if those companies had paid the associated fees. Executive Director Wells stated that she would check the status of those companies' licensure and fees, and report back to the Commission.

#### a. [205 CMR 222: Capital Investment and Monitoring of Project Construction](#) (06:30)

General Counsel Grossman stated that 205 CMR 222 pertained to capital investment and monitoring of project construction for category two facilities. He stated that the regulation was largely modelled after the casino regulations. He stated that Raynham Park had submitted a public comment relative to this regulation raising the issue of whether the regulation was beyond the scope of the Commission's authority.

General Counsel Grossman stated that General Law Chapter 23N, § 4, discussed the Commission's authority in this regard and stated that "the Commission shall promulgate regulations necessary for the implementation, administration, and enforcement of G.L. Chapter 23N." He stated that G.L. Chapter 23N, § 3 required category two licensees to have a capital investment of not less than \$7,500,000 within three years of obtaining their sports wagering license. He noted that the capital investments were of a different character and scope than the category one casino establishments; and that the Commission could remove provisions it did not believe to be necessary.

Executive Director Wells noted that she had received a comment requesting that project construction have a certain contractor percentage for minority-owned business enterprises and women-owned business enterprises as was required for the construction of casinos. She noted

that the comment stated that participation compliance was important for the small diverse business community and would provide equal opportunities for contractors.

Chair Judd-Stein asked if the Commission was currently seeking public comments on this regulation. Deputy General Counsel Monahan stated that comments were typically received after the Commission's initial vote to begin the promulgation process.

Outside counsel from the law firm Anderson and Krieger Attorney Paul Kominers presented the draft of 205 CMR 222. The *Draft 205 CMR 222* was included in the Commissioner's Packet on pages 23 through 33. He stated that the definitions section may be updated in 205 CMR 202 at a later point.

Chair Judd-Stein asked when the capital investment needed to take place relative to licensure. Mr. Kominers stated that the capital investment of \$7,500,000 must be made within three years after an Operator's receipt of the sports wagering license. He suggested that language be added to clarify this in the regulation.

Chair Judd-Stein sought clarification regarding 205 CMR 222.06 and whether the language should be shall or may. Mr. Kominers stated that the statute used the language shall, but that discretion was added for cases where the Commission used discipline short of suspension or revocation of license. Commissioner O'Brien expressed that the language should match the statute; and voiced her preference for the use of the term "shall". Chair Judd-Stein stated that the discretion would be helpful in case of an emergency such as a pandemic. Commissioner O'Brien proposed the language, "shall be, unless the Commission decides extraordinary circumstances have been met". She noted that similar language had been used in other regulations. Mr. Kominers stated that language could be used as suspension or revocation of the license would be the default.

Commissioner Hill noted that it would be helpful for the Commission to have discretion in case of unforeseen circumstances. Commissioner Skinner agreed with Commissioner O'Brien and the language proposed by Mr. Kominers. Commissioner Maynard stated that he would be willing to move forward if the language was fully drafted. Commissioner Skinner asked if the 100-series regulations used may or shall for their similar provisions. Mr. Kominers stated that he would need to review the regulations, but he stated that there was not likely to be a directly parallel provision for gaming. General Counsel Grossman stated that this provision was in the gaming statutes, but not present within the gaming regulations. Mr. Kominers stated that the key difference for gaming was that the opening date was tethered to the project schedule, not the licensing date.

Commissioner Skinner suggested clarifying edits related to when the project plan would be submitted in relation to the application review, and Mr. Kominers made the suggested changes. General Counsel Grossman stated that the definition of veteran-owned business entity could be amended, as it reflected the old definition that pertained to gaming. He noted that there had been

an adjustment in the law as to whether certain entities qualified as veteran-owned business entities.

General Counsel Grossman stated that 205 CMR 222.07 cross-referenced 205 CMR 122. He suggested that the Commission review which costs would be included or excluded from the capital investment. Chair Judd-Stein requested that the language from 205 CMR 122 be enumerated in 205 CMR 222 rather than cross-referenced. She suggested adopting subsections one through ten, but not the provisions related to Region C.

Commissioner Maynard asked if there was a catch-all provision that afforded the Commission discretion. General Counsel Grossman stated that there was not a catch-all within the draft. He noted that the licensee had to identify costs up front and adjust when moving through construction. He explained that during the casino process, everything fit into some part of the existing language. Chair Judd-Stein expressed an interest in a catch-all provision being present. General Counsel Grossman stated that a catch-all could be added to the draft.

Commissioner Skinner stated she favored consistency where possible, and questioned why it would be necessary under G.L. Chapter 23N, when it was not necessary under G.L. Chapter 23K.

Chair Judd-Stein asked if the category two licensees received the draft regulation in advance of this meeting. Deputy General Counsel Monahan stated that the Commissioner's Packet was posted on the website following the normal procedure. Chair Judd-Stein stated that potential category two licensee, Suffolk Downs, had indicated they did not see the draft regulation until the morning of the meeting. Commissioner Skinner stated that a license had yet to be granted and that the category two application review was not for several weeks. She added that the Commission had time for further review of this regulation prior to voting. Deputy General Counsel Monahan stated that the draft regulation could be put on a future agenda to allow the potential category two licensees to send initial comments.

Commissioner Hill agreed that waiting for comments would be beneficial. Commissioner Maynard agreed. Commissioner O'Brien agreed and stated that the comments would likely be submitted prior to the Commission moving on any application for category two. Commissioner Skinner requested that the Legal Division enumerate the capital investment exclusions from 205 CMR 122 into 205 CMR 222.

Commissioner Skinner sought clarification regarding the definition of small business. Mr. Kominers stated that he would review the language. Commissioner Skinner stated that the public comments raised concern over the federal definition of small business in comparison to the Massachusetts definition. Deputy General Counsel Monahan stated that G.L. Chapter 30A, § 1, defined small businesses for the purposes of the small business impact statement. She explained that the definition required the business be independently owned and operated. She noted that Raynham Parks' partnership with Caesars Sportsbook precluded them from qualifying as a small

business. She stated that the Legal Division stood by the small business impact statement for this regulation as it was currently drafted.

Commissioner Skinner stated that the specific objections in the public comment provided by Raynham seemed to be based on the requirements for equal opportunities and diversity, equity, and inclusion. She expressed concern about these objections as the Commission takes diversity, equity, and inclusion seriously.

Chair Judd-Stein requested the Legal Team ensure the language regarding diversity, equity, and inclusion be up to date, as that area of the law continued to evolve. Mr. Kominers agreed to perform this review.

Chief of the Community Affairs Division, Joe Delaney asked if a bond was necessary for the category two facilities. He stated that the bond was to incentivize the quick construction of the casinos, but he was unsure whether a bond would be beneficial here as opportunities for sports wagering were already available. General Counsel Grossman stated that if there was no need for a bond, the bond provision could be removed. Chief Delaney stated that the category two facilities would be built on a much smaller scale than the casinos. General Counsel Grossman stated that all building construction would still be overseen by the municipal building department and all permitting requirements would still be in effect.

Chair Judd-Stein asked how burdensome the bond process was for a licensee. Chief Delaney stated that it was not burdensome, but that he was not sure what the purpose of the bond would be in this instance. Chair Judd-Stein inquired whether the Commission should consider measures taken that were green in nature as part of the capital investments even if it did not lead to certification. Mr. Kominers stated that 205 CMR 122.03(5) included costs associated with minimizing environmental impact. Deputy General Counsel Monahan stated that she would return with a revised draft and continue to monitor comments from potential operators.

b. [205 CMR 219: Temporary Licensing Procedures \(Amendments\)](#) (1:30:07)

Mr. Kominers stated that 205 CMR 219 and 205 CMR 231 went together, and he wanted to present both of the regulations before a vote on either. He presented the changes to 205 CMR 219. The *Draft* of 205 CMR 219 was included in the Commissioners Packet on pages 10 through 16.

Commissioner Skinner asked where the regulation required the licensee to apply for a temporary license renewal annually. Mr. Kominers explained that provision was in 205 CMR 231, and that 205 CMR 219.03 and 205 CMR 219.04 set out the process for the operator to request a temporary license renewal at the three-year mark.

Commissioner Skinner inquired whether there was a requirement for a temporary licensee to pay the \$1,000,000 fee annually. Mr. Kominers stated that he did not see a way to require that

payment annually without also requiring a temporary licensee to renew their license annually. He expressed concern about notice and performing this change after the operators had already been issued their temporary licenses. He explained that operators moving to full licensure would pay the remainder of the fee.

c. [205 CMR 231: Renewal of a Sports Wagering License](#) (1:42:16)

Mr. Kominers presented the draft of changes to 205 CMR 231. The *Draft 205 CMR 231* was included in the Commissioners Packet on pages 17 through 22. He noted that a lot of the key language was taken from the existing licensing regulations.

Mr. Kominers stated that if an operator was to operate under a temporary license for a long-term duration, that as a matter of fairness they should be required to pay the same fees as full operators. He stated that renewing the temporary license annually might not provide much new information, but it would provide the opportunity for an additional \$1,000,000 licensing fee.

Commissioner Skinner asked if the Commission was precluded from assessing an annual \$1,000,000 fee prior to the finding of durable suitability. Mr. Kominers stated that temporary licensees may have applied for a license based upon the existing licensing fee scheme. He expressed concerns that changing that scheme now would present problems of not adequately providing notice that this may occur when the license was granted. He recommended that the fee be tied to the issuance of a new temporary license. He stated that additional \$1,000,000 fees at years one, two, and four might upset the expectations the applicant had when they applied.

Commissioner Skinner stated that if there was nothing in the statute that prohibited assessing this fine, then it could be something the Commission considers. She expressed concern about the equity of putting temporary licensees on a level playing field with those granted a durable license.

Chair Judd-Stein stated that the \$1,000,000 fee for temporary licensure was a construct from the statutory structure, and that she did not see the assessment of an additional \$1,000,000 each year as a possibility under that structure. Commissioner Skinner stated that if the durable suitability determination had not been made by year three and year four that the Commission should assess \$1,000,000 at those points. Chair Judd-Stein asked if this would be the case if the delay was due to the Investigations and Enforcement Bureau (“IEB”) taking longer. Commissioner Skinner stated that the temporary license would still be valid even if the investigation was ongoing. Chair Judd-Stein expressed concern about equity related to changing the regulation after applications were submitted.

Mr. Kominers stated that the Legal Team could look into whether the statute would allow such assessments. He stated that operator inputs would also be beneficial so that the Commission could determine how the change would affect the operators’ expectations. He noted that the operators would have to pay the full \$5,000,000 for the full operator's license, and that the

additional assessments might not affect their expectations that much. He recommended delaying the vote on 205 CMR 219 and 205 CMR 231 for further review.

Commissioner O'Brien expressed that it would be helpful to review previous meeting discussions on this topic and engage in discussion of the Commission's authority on this issue. Chair Judd-Stein asked if this delay would disrupt the promulgation process. Deputy General Counsel Monahan answered that more time could be afforded to this issue as nothing raised in the regulations would become an issue for a while.

Chair Judd-Stein asked if the two-week period for winding down reflected the Commission's earlier decisions. Mr. Kominers confirmed that was correct. Chair Judd-Stein stated that the regulations discussed at this meeting would be further discussed at the April 24, 2023, public meeting.

4. [Commissioner Updates](#) (2:22:23)

The Commission had no updates to share.

5. [Other Business](#) (2:24:47)

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

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

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

**List of Documents and Other Items Used**

1. [Revised Notice of Meeting and Agenda](#) dated April 11, 2023
2. [Revised Commissioner's Packet](#) from the April 13, 2023, meeting (posted on massgaming.com)



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** April 25, 2023, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 372 2009

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

#### 2. [Public Meeting Minutes](#) (00:50)

##### a. November 16, 2022

The November 16, 2022, public meeting minutes were included in the Commissioners Packet on pages 3 through 13.

Commissioner Hill moved that the Commission approve the minutes from the November 16, 2022, public meeting that were included in the Commissioner's Packet subject to any necessary

corrections for typographical errors or other non-material matters. Commissioner O'Brien seconded the motion.

Commissioner O'Brien noted that one of the phonetics was misspelled. Commissioner Hill stated that he would make that correction.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

### 3. [Sports Wagering](#) (03:25)

#### a. FBG Enterprises Opco, LLC (D/B/A Fanatics) - Approval of House Rules

Sports Wagering Operations Manager Sterl Carpenter presented Fanatics' proposed house rules. *Fanatics' Proposed House Rules* were included in the Commissioner's Packet on pages 13 through 158. Mr. Carpenter stated that the changes addressed all areas of concerns previously found by the Sports Wagering Division, and that all areas of the house rules were in compliance with 205 CMR 247.02(3). He stated that Fanatics had removed all unapproved events and wagers.

Chair Judd-Stein asked if the section related to mechanisms for funding sports wagering accounts could be explicitly clarified to exclude credit-based funding pursuant to the General Law Chapter 23N. Mr. Carpenter stated that several operators had similar language and that the Sports Wagering Division would make the request to Fanatics.

Commissioner O'Brien expressed her understanding that PayPal and Venmo have the ability to distinguish whether money was loaded via credit card. Manager of Licensing with Fanatics, Alex Smith stated that providers could distinguish between credit and cash-based deposits. He stated that the internal controls made clear that the operator does not accept deposits based on credit. Chair Judd-Stein asked if it would be good practice to include language to this effect in operators house rules. Commissioner O'Brien stated that the Commission could ask other operators to clarify that sources of deposits cannot be funded by credit cards. Mr. Smith stated that this would be an easy change to make.

Commissioner Hill asked if the Commission could vote on the house rules knowing that they would be amended again. Chair Judd-Stein stated that the vote could be conditional on the changes being made.

Commissioner O'Brien moved that the Commission approve the house rules submitted by category three sports wagering operator FBG Enterprises Opco, LLC (D/B/A Fanatics) as included in the Commissioners Packet and discussed here today; and specifically that they would be amending the section "Funding of Wagers" to incorporate the reference to no credit card use as discussed in the meeting today. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

b. [BetR Holdings, Inc. \(D/B/A BetR\) – Approval of Certificate of Operations](#) (11:51)

Director of Sports Wagering Bruce Band explained that BetR had no major findings or issues with their internal controls' submission, that BetR had their vendors and sports wagering employees approved, that BetR had passed GLI inspection of their software and geofencing tests; and that BetR was in compliance with all regulations of the Commission. He stated that the Sports Wagering Division recommended approval of BetR's operations certificate.

Commissioner Hill moved that the Commission find that the requirements outlined in 205 CMR 251 had been satisfied and that an operations certificate be awarded to BetR Holdings, Inc. (D/B/A BetR) for the purpose of operating a category three sports wagering operation; conditional upon BetR Holdings, Inc. (D/B/A BetR) completing operational audits of wagering procedures and practices and technical security controls, as required by the Commission's technical standards governing sports wagering at 205 CMR 243.01(1)(s); and 205 CMR 243.01(1)(x) within ninety days of the commencement of sports wagering operations. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

c. [NFL Draft Event Catalog Report](#) (16:10)

Chair Judd-Stein noted that the NFL Draft would be held soon and expressed that it might be helpful for the Sports Wagering Division to report on the Commission's rules for the NFL Draft.

Director Band stated that the Sports Wagering Division had met with the NFL and that the Massachusetts procedures met all of the requirements of the NFL.

Mr. Carpenter stated that there were rules as to when a wager may be offered on a pick and when the wagers must close. He stated that he had reached out to the operators to ensure they would follow all of the stipulations related to draft picks.

Commissioner O'Brien asked if there were any jurisdictions that had different rules in comparison to Massachusetts. She noted that some jurisdictions seemed to block betting once the draft had started. Mr. Carpenter stated that the Massachusetts rules were based off of Michigan's rules as they have a successful draft structure that allows wagering during the draft.

Commissioner O'Brien noted that Tennessee also had similar rules.

Commissioner O'Brien inquired whether there were sufficient protections for the integrity of the process to protect from insider knowledge. Mr. Carpenter stated that the NFL does everything in their power to prevent information from leaking, and that the NFL had already suspended six players for violating their policies and procedures.

Chair Judd-Stein asked if an excited parent were to tweet out that their child had been drafted, would only the wagers placed after the tweet be disqualified. Executive Director Karen Wells stated that the regulations were structured to prevent the situation where a tweet would impact the outcome. Chair Judd-Stein stated that the report was helpful and noted that the Draft begins on Thursday, April 27.

#### 4. [Executive Director Annual Review and Setting of Compensation](#) (26:10)

Chair Judd-Stein stated that under the Open Meeting Law, the Commission was required to perform the Executive Director's annual review and setting of compensation in a public forum. She asked if the compensation went back retroactively based on the calendar year. Commissioner O'Brien confirmed that was correct.

Commissioner O'Brien stated that Executive Director Wells gives an outstanding performance each year. She stated that it was a tough year that required the launching of the sports wagering industry and quadrupling the number of licensees the Commission oversees. She stated that Executive Director Wells did a tremendous job balancing an aggressive timeline. She suggested the Commission either give Executive Director Wells a sabbatical or consider hiring support staff to assist the Executive Director.

Commissioner Hill agreed, and stated that the launch of sports wagering could not be done without the Executive Director's leadership. He stated that Executive Director Wells' communications skills continued to be excellent, and that he admired her ability to gather all necessary facts before finding solutions to difficult problems. He stated that her management skills continued to be great as she maintained a culture of transparency across the commission.

Commissioner Skinner stated that Executive Director Wells accomplished a herculean task in getting sports wagering launched within a challenging timeline. She stated that Executive Director Wells' ability to cultivate relationships made her a valuable leader.

Commissioner Maynard stated that he frequently heard high praise for Executive Director Wells when he was appointed to the Commission. He stated that Executive Director Wells was a thoughtful motivator who never compromised the end product.

Chair Judd-Stein echoed what the other Commissioners had stated. She stated that she appreciated Executive Director Wells as a professional partner and that Executive Director Wells has been recognized as an emerging leader in the field. She noted Executive Director Wells would always meet deadlines and was integral in the transition to the hybrid work model. She commended Executive Director Wells' implementation of the Diversity, Equity, and Inclusion action items and fair pay framework. Chair Judd-Stein noted that a *Memorandum* was included in the Commissioner's Packet on pages 179 through 180, that detailed the Executive Director Compensation in other jurisdictions. She noted that Executive Director Wells' current salary was set at \$207,400.

Commissioner O'Brien asked how merit increases, bonuses, and cost of living adjustments affected the pension differently. Chief Financial and Accounting Officer ("CFAO") Derek Lennon stated that merit-based increases and cost of living adjustments were salary increases which would impact the pension, but that bonuses were a one-time increase that would not impact the pension.

Chair Judd-Stein stated that the Commission had provided the staff team with a three-percent cost of living adjustment retroactive to the start of the fiscal year, July 1, 2022. She stated that Executive Director Wells could receive a combination of bonuses and a salary increase. She stated that the memorandum included jurisdictions with similar high costs of living. She stated that a three-percent cost of living adjustment would be consistent with the increase received by other employees, and that a larger merit or bonus increase can be considered. Commissioner Hill agreed with the three-percent cost of living adjustment.

Commissioner O'Brien stated that a three-percent raise would be \$213,622 and suggested \$215,000 as a rounder number. She stated that a merit bonus or other bonus for the sports wagering efforts should be discussed. Finance and Budget Manager, John Scully stated that a four-percent increase would be slightly over \$215,000.

Commissioner O'Brien stated that a sports wagering bonus was being considered for the staff, and that the budget for that would have to be discussed in considering a bonus for the Executive Director. Chair Judd-Stein stated that Chief People and Diversity Officer David Muldrew was going to work with Executive Director Wells on the budget issue. Chair Judd-Stein stated that a

merit bonus could be given in addition to the salary increase, and that the Commission could revisit whether they wanted to increase the bonus after the discussion regarding staff bonuses. Mr. Scully stated that the Commission was within budget and has the capability to bonuses.

Commissioner Skinner stated that the average of salaries from New York and Pennsylvania was \$217,308. She expressed an interest in a merit bonus to recognize Executive Director Wells' work in the past year. Commissioner Maynard stated that he was comfortable with a four-percent salary increase and a merit-based bonus. He expressed support for the \$15,000 bonus that HR had recommended. Chair Judd-Stein stated that a salary of \$215,000 made sense.

Commissioner Hill asked if the Commission had given bonuses to employees in the past, or whether bonuses were only given to management teams. Chair Judd-Stein stated that bonuses had been awarded to staff in the past. Commissioner O'Brien stated that bonuses were most recently contemplated for staff for Covid related reasons. CFAO Lennon stated that staff received individual bonuses for the opening of the first casino. Commissioner Hill stated that he supported \$215,000 and a bonus. Commissioner Skinner agreed.

Commissioner Hill expressed that \$15,000 for a bonus seemed slightly high and stated \$10,000 should be appropriate. Commissioner Skinner stated she would be comfortable accepting the \$15,000 recommendation from HR. Commissioner O'Brien stated that she did not believe \$15,000 was too high but suggested splitting the difference for \$12,500. She reiterated her belief that Executive Director Wells should receive a sabbatical. Commissioner Skinner stated that retention value should also be factored into the bonus. Commissioner Hill expressed support for a \$12,500 bonus.

Commissioner Maynard stated that he wanted to ensure the Commission retains talented people. He stated that the Commission should strive to be good stewards of tax dollars, and one way to do that was to ensure that the Commission has the best employees. He reiterated his support for the \$15,000 bonus recommended by HR. Chair Judd-Stein stated that the \$15,000 recommendation from HR reflects the efforts put in by Executive Director Wells in the past year. Chair Judd-Stein asked what date the salary increase would be retroactive to. Human Resources Manager Trupti Banda stated that the salary increase would be retroactive to January 1, 2023.

Commissioner O'Brien moved that based on the conversation today and the evaluation submitted by Executive Director Wells the Commission adjust the Executive Director's salary by increasing a four-percent cost of living retroactive to January 1, 2023, and in addition that the Commission authorize a \$15,000 merit-based bonus for the 2022 performance review period. Commissioner Skinner seconded the motion.

Chair Judd-Stein clarified that the bonus was separate and independent of the salary.

*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](#) (1:46:21)

Deputy General Counsel Caitlin Monahan stated that the Commission had the regulations before the Commission had been previously approved, but that the Legal Division was seeking amendments. Outside Counsel from the law firm Anderson and Krieger Attorney Mina Makarios stated that the Attorney General’s Office and players associations had submitted comments on the related regulations as well.

Mr. Makarios noted that the Legal Division had worked with the Attorney General’s Office regarding data privacy and security provisions as well. He stated that this regulation would appear before the Commission shortly.

- a. [205 CMR 138](#): Uniform Standards of Accounting Procedures and Internal Controls – review of regulation and Small Business Impact Statement for possible emergency adoption and to begin the promulgation process (1:50:28)

Mr. Makarios presented the amendments to 205 CMR 138. The *Draft of 205 CMR 138* and Small Business Impact Statement were included in the Commissioner’s Packet on pages 184 through 266.

Chair Judd-Stein inquired whether the change to 205 CMR 138.02(7) impacted the potential future licensees. Mr. Makarios stated that it would not, and that the change was to reflect the Commission’s current practice of approving internal controls prior to operations certificates.

- b. [205 CMR 238](#): Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering – review of regulation and Small Business Impact Statement for possible emergency adoption and to begin the promulgation process (2:00:41)

Mr. Makarios presented amendments to 205 CMR 238. The *Draft of 205 CMR 238 and Amended Small Business Impact Statement* were included in the Commissioner’s Packet on pages 267 through 309.

Chair Judd-Stein asked if the language “adequate space for law enforcement” envisioned office space or standing space. Mr. Makarios stated that it would be space required for law enforcement to do their job adequately, which would likely include office space. Chief Band stated that office space would be required to do audits and complete daily work. Mr. Makarios

suggested changing the language to “adequate office and other space”. Chair Judd-Stein agreed and stated that surveillance space was also needed.

Chair Judd-Stein asked if the language regarding computerized algorithms was in previous versions of the regulation. Mr. Makarious stated that the language was previously in the data privacy provision of 205 CMR 138.73 but had been moved due to comments from the Attorney General’s Office and operators.

Chair Judd-Stein asked what permissible uses for the algorithm would be. Deputy General Counsel Monahan stated that algorithms could be used to find betting rings and those trying to influence bets. Commissioner Skinner expressed appreciation for the Attorney General’s Office’s insight on this matter and stated that anomalies could be flagged by the Sports Wagering Division. Commissioner O’Brien stated that the language forced operators to be more deliberate with their data and that the Commission could review for non-permissible use or have the data used for responsible gaming initiatives.

Commissioner Maynard stated that his initial reading of this language was that it was a disclosure regarding the operators’ rules. He stated that additional information may be needed on this subject over time. Mr. Makarious agreed that the language was for disclosure, and that the Commission would be able to discern what the operator was using the information for. Chair Judd-Stein suggested a slight change to the language. Mr. Makarious stated that he would like to run any changes to this language by the Attorney General’s Office for further comment.

Mr. Makarious noted that monthly invoices may have the unintended consequences of reminding the patron of their sports wagering account. Commissioner O’Brien asked if the Responsible Gaming Division was consulted regarding this change. Deputy General Counsel Monahan stated that the Legal Division could follow up with Director of Research and Responsible Gaming Mark Vander Linden. Commissioner O’Brien stated that she would like feedback for this provision.

Commissioner Maynard inquired as to how 205 CMR 238.35 interacted with 205 CMR 247.03(11). Mr. Makarious stated that there was a proposed cross-reference in the changes to 205 CMR 247 and 205 CMR 248.

Mr. Makarious stated that there was new language for how the operator would handle obvious errors and parlays. He stated an operator must have house rules to follow instead of making that judgement themselves. Mr. Carpenter stated that the process for a voided leg of a parlay wager must be addressed in house rules.

Mr. Makarious stated that the Attorney General’s Office had suggested moving the language from 205 CMR 238.45(2) into the data privacy regulations. He stated that the Legal Division suggested that the language be included within both regulations. The Commission reached unanimous consensus to include the language from 205 CMR 238.45(2) in both regulations.

c. [205 CMR 247](#): Uniform Standards of Sports Wagering - review of regulation and Small Business Impact Statement for possible emergency adoption and to begin the promulgation process (2:41:56)

Mr. Makarios presented the proposed changes to 205 CMR 247. The *Draft of 205 CMR 247 and Amended Small Business Impact Statement* were included in the Commissioner's Packet on pages 310 through 328.

Commissioner Maynard sought clarification regarding notification in section 11. Mr. Makarios stated that the change was due to the concern that an operator could interpret the previous language as not having to provide notice until after the refund if the refund was not simultaneous. Chair Judd-Stein sought a break to receive guidance from the Legal Division.

Deputy General Counsel Monahan advised the Commission to hold the conversation related to 205 CMR 247.03(11) until after the deliberations on potential non-compliance events were closed as discussions of this regulation could enter into that issue. Commissioner O'Brien expressed concern about the narrow window to discuss this issue should another potential non-compliance event occur. Commissioner Maynard expressed an interest in revisiting this issue soon.

Commissioner O'Brien sought clarification of the 940 CMR that was referenced. Mr. Makarios stated that it was part of the retail advertising regulations, and that the Attorney General's Office was clear that they did not believe this regulation to apply to sports wagering.

d. [205 CMR 248](#): Sports Wagering Account Management - review of regulation and Small Business Impact Statement for possible emergency adoption and to begin the promulgation process (3:08:28)

Mr. Makarios presented the proposed changes to 205 CMR 248. The *Draft 205 CMR 248 and Amended Small Business Impact Statement* were included in the Commissioner's Packet on pages 329 through 345.

Commissioner O'Brien asked if the responsible gaming team had offered opinions on whether it would be helpful or harmful to send re-notifications of responsible gaming limits upon deposits. Mr. Makarios stated that the comment regarding this issue was received the day before this meeting and that he had yet to discuss it with the Responsible Gaming Division. Commissioner O'Brien stated that she would like to have that information.

Mr. Makarios noted that the players associations had asked for a section regarding deference to collectively bargained agreements negotiated between leagues and the players association governing player safety, misuse of biometric data, coordination with injury in other states, and investigation of gambling related charges involving a professional athlete. He explained that this

comment was recently received and that the Legal Division did not yet have a chance to review it fully.

Commissioner Hill expressed that his first inclination would be to not adopt the deference to collectively bargained agreements. He requested information related to the language in other jurisdictions to see if any other jurisdiction had adopted similar language. Mr. Makarios stated that he was not aware of any other jurisdictions that have this language, and that some jurisdictions have language similar to Massachusetts' regarding reservation clauses that ultimate disclosure obligations were governed by collective bargaining.

Commissioner Hill moved that the Commission approve the Small Business Impact Statement and draft of 205 CMR 138 as included in the Commissioners' Packet and discussed here today; and that the 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 relative to this regulation. He further moved that the staff be authorized to modify chapter or section numbers or titles to file additional regulation sections as reserved or to make any other administrative changes as necessary to execute the regulation promulgation process. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

Commissioner Skinner noted that 205 CMR 238 and 205 CMR 248 were still awaiting clarification from Director Vander Linden and the Responsible Gaming Division. Chair Judd-Stein noted that the changes to 247.03(11) would not be voted on in this meeting due to the ongoing issues of potential non-compliance.

Commissioner Skinner moved that the Commission approve the Small Business Impact Statement and draft of 205 CMR 238 as included in the Commissioners' Packet, but only in extent reflected in discussions here today. She further moved that the 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 relative to this regulation; and further that the staff shall be authorized to modify chapter or section numbers or titles to file additional regulation sections as reserved or to make any other administrative changes as necessary to execute 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.*

Commissioner O'Brien moved that the Commission approve the Small Business Impact Statement and draft of 205 CMR 247 as included in the Commissioners' Packet, and specifically limited to our discussions here today; and further that the 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 relative to this regulation. She further moved that the staff should be authorized to modify chapter or section numbers or titles to file additional regulation sections as reserved or to make any other administrative changes as 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.*

Commissioner Maynard moved that the Commission approve the Small Business Impact Statement and draft of 205 CMR 248 as included in the Commissioners' Packet and specifically as limited to the Commission's discussion here today; and that the 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 relative to this regulation. He further moved that the staff be authorized to modify chapter or section numbers or titles to file additional regulation sections as reserved or to make any other administrative changes as 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.*

e. [205 CMR 256.05\(1\)](#): Sports Wagering Advertising – to remove the word “branding” from 205 CMR 256.05(1); and Small Business Impact Statement for possible emergency adoption and to begin the promulgation process (3:30:02)

The *Draft 205 CMR 256.05(1) and Small Business Impact Statement* were included in the Commissioner’s Packet on pages 346 through 348. Mr. Makarious explained that the Commission had discussed removing the term branding in regulations where it did not make sense, and that 205 CMR 256.05(1) had inadvertently kept that language. Deputy General Counsel Monahan stated that changing a regulation could lock up the regulation in the promulgation process, and as there were additional changes expected to the advertising regulation, the amendment would solely be limited to this particular subsection.

Commissioner O’Brien asked why branding should be removed from this section. Mr. Makarious explained that this subsection requires disclosure that you have to be twenty-one or older to partake in sports wagering. He noted that the term branding typically referred to logos and would require this disclosure anywhere a logo appeared. Commissioner O’Brien expressed concern about youth being able to see logos frequently and stated that having a logo that said, “must be twenty-one years of age or older” seemed appropriate. She noted that logos could be used for brand loyalty.

Sports Wagering Business Manager Crystal Beauchemin explained that the logo branding was also used on t-shirts, letterheads, business cards, and coasters. She stated anything with an operator logo would need the additional language. She noted that other industries that pose similar risks such as the alcohol industry did not require similar language. Commissioner Maynard stated that it became an issue when used for advertising.

Commissioner O’Brien noted that coasters tended to be in bars where patrons were already over the age of twenty-one. She expressed concern about children seeing the logo of a sports wagering operator on the Green Monster at Fenway. Commissioner Maynard asked if this level of branding was in-line with the requirements of casinos. Chair Judd-Stein stated that children at Fenway would also see alcohol branding. She expressed concern that the additional language would not satisfy the potential advertising issues.

Ms. Beauchemin stated that the Fenway advertisement by BetMGM included the required language. She noted that there was also an operator logo on the ice at Bruin’s games. Chair Judd-Stein stated that if the GameSense and age language was included on the Green Monster advertisement, it was not visible. Ms. Beauchemin noted that it may have been another advertisement at Fenway that included the language.

Commissioner Hill stated that he had no problem with removing branding from this regulation but that he understood Commissioner O’Brien’s concerns. Commissioner Skinner agreed with Commissioner Hill. Commissioner Maynard agreed with Commissioner Hill, but noted his concern about operators potentially claiming that advertisements were simply branding.

Commissioner Hill asked if there was a way to change the regulation or adjust the definition of branding to address Commissioner O'Brien and Commissioner Maynard's concerns. Mr. Makarios stated that a more nuanced provision could be drafted. He stated that a waiver might be needed to address the issue as it could take time to change some of the larger media. Commissioner Hill stated that he pulled up an image of Fenway, and that the advertisement on the Green Monster was just a logo without additional language.

Mr. Makarios stated that he would have to research if there was already a definition for branding that would have to be changed and stated that he did not want to define the term narrowly. Commissioner Hill asked if there was a potential alternative to the word branding.

Chair Judd-Stein stated that she agreed with Commissioner Hill. Ms. Beauchemin stated that other jurisdictions had used the term branding to refer to the use of a logo in the business context rather than the marketing context. Commissioner O'Brien stated his opinion that marketing branding should keep the language that patrons must be twenty-one years or older.

Commissioner Hill stated that he was willing to keep branding in the regulation until further clarification was received. Commissioner Maynard agreed. Chair Judd-Stein stated that there may be an issue with letterheads and branding if it was not addressed. Commissioner Hill stated that an exemption could be given until the Commission developed adequate language.

Commissioner O'Brien asked how long it would take to change the language. Mr. Makarios stated that it would be a couple of days, but it would depend on the Commission's timing for when it could be voted on. Chair Judd-Stein asked if there were legal restrictions to what the Commission could impose on branding. Mr. Makarios stated that there were limits, but requiring language regarding age was not likely outside of the scope. Mr. Makarios suggested a waiver for one or two weeks as the language was developed.

Mr. Makarios stated that separating branding for a business purpose should be easy, but there was still the question of whether the language should be applied to various other mediums. Deputy General Counsel Monahan stated that the waiver be for one month, and that the Commission might need to consider a second waiver when the change was implemented. Chair Judd-Stein suggested looking at what other jurisdictions had done on this issue and suggested contacting the American Gaming Association ("AGA") for feedback.

Commissioner Skinner stated that she was struggling with the impracticality of branding being included in this regulation as it would apply to shirts and hats with the logo. She stated that she was comfortable with a 30-day waiver. Commissioner O'Brien stated that a recipient of a static forced exposure in an event stadium was different than those who choose to purchase shirts, hats, or coasters. She expressed an interest in having the additional language on static exposure.

Commissioner O'Brien moved that in accordance with 205 CMR 202.02(3) that the Commission issue a waiver to all licensed sports wagering operators for the requirement currently outlined in 205 CMR 256.05(1) that branding stating that patrons must be twenty-one years of age or older to participate shall be in effect until May 25, 2023, as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and was consistent with the purposed of General Law Chapter 23N. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

#### 6. [Commissioner Updates](#) (4:10:13)

Chair Judd-Stein stated that an article was published in the Las Vegas Review Journal about illegal gambling websites continuing to prey on trusting players. She expressed an interest in the Commission looking at the impact legal sports wagering has on the illegal market, and suggested it be added to the Research Agenda Framework.

Commissioner O'Brien stated that the scope of the research was broad and would likely need to be more specific. Commissioner Skinner agreed with Commissioner O'Brien and stated that there might not be available data regarding the illegal market. She suggested a deeper dive into what the Commission might be able to research on this topic. Commissioner Maynard and Commissioner Hill agreed that they were interested in this research topic as well.

#### 7. [Other Business](#) (4:14:59)

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

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

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

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

1. [Notice of Meeting and Agenda](#) dated April 21, 2023
2. [Commissioner's Packet](#) from the April 25, 2023, meeting (posted on massgaming.com)



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** May 4, 2023, 9:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 788 8293

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

*Transcriber's note: Commissioner O'Brien departed the meeting prior to the discussion of Agenda Items 7a, 8, and 9.*

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

Chief Administrative Officer to the Chair Grace Robinson explained Chair Judd-Stein had a personal commitment the morning of this meeting and that Chair Judd-Stein would join the meeting shortly. She stated that Chair Judd-Stein had requested that Commissioner O'Brien lead the meeting until the Chair was able to join.

Commissioner O'Brien called to order the 450<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all commissioners except Chair Judd-Stein were present for the beginning of the meeting.

#### 2. [Minutes from Commission Meetings](#) (00:50)

a. November 17, 2022

The *November 17, 2022, public meeting minutes* were included in the Commissioner's Packet on pages 4 through 15. Commissioner Hill stated that he would wait until the end of the meeting before moving on approving the minutes as Chair Judd-Stein would be joining the meeting later. He expressed an interest in allowing Chair Judd-Stein the opportunity to comment on the minutes. Commissioner O'Brien noted that she joined the November 17, 2022, meeting late, which was noted in the minutes, but she was also listed as responding in the opening roll call. Associate General Counsel Judith Young stated that she would make that correction.

### 3. [Administrative Update](#) (01:39)

#### a. Derby Day Update

Director of Racing and Chief Veterinarian Dr. Alex Lightbown stated that all of the racetracks and simulcast facilities were gearing up for Kentucky Derby Day. She stated that Plainridge Park Casino was opening their outdoor patio and hosting live music, that Suffolk Downs was using both floors of their facility, and that Raynham Park was going to open early. She expressed an interest in seeing the handle on FanDuel's parimutuel platform as the Commission recently approved a link between the parimutuel platform and FanDuel's sports wagering platform.

Dr. Lightbown stated that the Derby was set to begin right before 7:00. She stated that several injuries and deaths had occurred at the Derby and that investigations would be conducted. She stated that veterinarians would continue to examine horses leading up to the event.

### 4. [Research and Responsible Gaming](#) (04:21)

#### a. Assessing the Influence of Gambling on Public Safety in Massachusetts Cities and Towns During the COVID-19 Pandemic: Analysis of the Influence of Encore Boston Harbor on its Surrounding Community

Director of Research and Responsible Gaming Mark Vander Linden stated that General Law Chapter 23K § 71 required the Commission to carry out an annual research agenda and assess the relationships between casinos and crimes in host cities and the surrounding communities. He stated that this research was an analysis of changes in activities in the surrounding communities of Encore Boston Harbor ("EBH") over five distinct timeframes both during and since the Covid-19 related closure. He stated that areas around EBH did not experience significant increases in crime when compared to other areas within the regions.

Director Vander Linden introduced Principal Investigator with Justice Research Associates Dr. Noah Fritz. Dr. Fritz presented research related to the influence of gambling on public safety with topics including crime pattern theory; findings, vehicle crimes; jurisdiction comparisons; and risk terrain modelling. The *report on public safety and snapshot presentation* were included in the Commissioner's Packet on pages 20 through 134.

Director Vander Linden stated that the research and responsible gaming division was focused on making their research and data more accessible in addition to getting feedback from local police departments' crime analysts. He stated that local police chiefs were invited to a meeting to overview the data and provide feedback a few weeks before this meeting.

Commissioner Hill sought clarification as to the definition of burglaries. Dr. Fritz stated that the research used codes from the FBI uniform crime report and that burglary was of a residence or commercial building as opposed to a car. Commissioner Hill noted street jumping was listed but there was not a lot of data pertaining to that crime. Dr. Fritz explained that there was a lot of property around EBH that was undeveloped, and that there was security and covered parking near the casino. He stated that Everett Police had raised the issue that there was more theft in employee lots due to the lack of cameras. He stated that a similar study was being conducted in Springfield and that there was a potential for a higher possibility of street jumping there.

Commissioner Hill stated that human trafficking was a concern for the Commission and asked for further detail about trafficking. Dr. Fritz explained that trafficking was a hard crime to monitor as the victims were less likely to come forward and were often intimidated into not reporting. Commissioner Hill asked if data showed an increase in human trafficking since the casino opened. Dr. Fritz stated that there had not been an increase in reported human trafficking, but even though it was not reported it could still be occurring. Director Vander Linden stated that a study related to human trafficking and its relationship with gaming operations in Massachusetts was on the FY24 research agenda.

Commissioner Maynard noted that the EBH's bars had a later last call than other bars in the surrounding communities, and asked if that affected the risk terrain modelling. Dr. Fritz explained that risk terrain modelling targeted areas that have certain social characteristics that would make them more prone to the risk of crime. Commissioner Skinner thanked Dr. Fritz for the report and stated that she anticipated the findings relative to the other casinos.

Commissioner O'Brien stated that EBH's expansion across the street would provide a tremendous research opportunity as it was developed. She noted that the public safety subcommittee would be meeting later in the month and one discussion topic was human trafficking. She stated that the goal was to discern how human trafficking was influenced by the casino nexus. She explained that police in the neighboring communities to Springfield had reported an uptick in domestic disputes in hotels where response indicated that the parties did not know each other well, which lead to a suspicion of human trafficking.

Chair Judd-Stein joined the meeting. Director Vander Linden stated that Dr. Fritz and his team were working diligently on a report examining the public safety impacts in Springfield and the surrounding communities. He noted that the FY24 Research agenda also had a study on human trafficking.

Commissioner Hill moved that the Commission approve the minutes from the November 17, 2022, public meeting that were included in the Commissioner’s Packet subject to any necessary corrections for typographical errors or other non-material matters. He noted that the correction suggested earlier by Commissioner O’Brien had been made. Commissioner O’Brien seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

5. [Legal](#) (54:42)

a. FBT Everett Realty, LLC v. Massachusetts Gaming Commission

I. Executive Session

Chair Judd Stein stated that the Commission anticipates that it would 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. She noted that the Commission anticipated returning to the public meeting.

Commissioner O’Brien moved that the Commission go into executive session for the reasons and on the matter that was just specified in the Chair’s recitation. 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.*

The Commission entered executive session and later reconvened the public meeting.

b. [205 CMR 152.00](#): Individuals Excluded from Gaming and Sports Wagering – Regulation and Amended Small Business Impact Statement for final review and possible adoption (2:26:00)

Outside Counsel from the law firm Anderson and Krieger Attorney Paul Kominers presented the changes to 205 CMR 152. The Amended Small Business Impact Statement, draft of 205 CMR 152, and public comments were included in the Commissioner’s Packet on pages 136 through 152.

Mr. Kominers stated that Caesars had requested the requirement to review the exclusion list on a regular basis be changed to a weekly basis. He recommended against adopting this change as the regular basis language had worked well with the gaming licensees.

Mr. Kominers stated that BetMGM expressed concerns about the self-exclusion list being posted publicly. He explained that this was a misconception and only the involuntary exclusion list was to be posted publicly. He explained that BetMGM suggested operators be able to delete personally identifiable information regarding involuntarily excluded patrons that were no longer involuntarily excluded. He recommended against this change as the legal team was in the process of developing regulations regarding the use and retention of personally identifiable information, and that a freestanding provision should not be necessary.

Mr. Kominers explained that BetMGM had asked to change the notification requirement to the Gaming Enforcement Unit (“GEU”) that an excluded individual was present to allow the operator time to gather additional information or factfinding. He recommended against adopting this change, and stated that while there may be reasons not to take immediate action, that was something to be discussed with the GEU. He noted that BetMGM’s request for clarification related to the discipline section was adopted.

Commissioner Hill thanked the legal team for collaborating with the players’ association and stated he was satisfied with the changes. Commissioner O’Brien agreed.

Commissioner Hill moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 152 as included in the Commissioner’s 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.*

c. [205 CMR 222.00](#): Capital Investment and Monitoring of Project Construction – Regulation and Small Business Impact Statement for review and approval to commence the promulgation process and/or adoption via emergency. (2:37:03)

Mr. Kominers explained that General Law Chapter 23N § 3 required category two licensees to make a capital investment of at least \$7,500,000 in the three years following the issuance of the license. He stated that the statute was silent as to why the legislature mandated this spending and that the Commission had room to decide what objectives the spending was meant to meet.

Mr. Kominers suggested that the two objectives the spending were to meet was for category two operators to upgrade their facilities in exchange for the privilege of running a sports wagering operation and as a potential tool for economic development to ensure the benefits associated with the issuance of sports wagering license were fairly distributed.

Mr. Kominers stated that this regulation provided tools for the Commission to ensure that operators adhere to the representations they made during the licensing process and allowing the Commission to engage in dialogue should the operator deviate.

Mr. Kominers presented the changes to 205 CMR 222. The *Amended Small Business Impact Statement, draft of 205 CMR 222, and public comments* were included in the Commissioner's Packet on pages 163 through 198.

Chair Judd-Stein inquired whether the changes to the regulation could cause additional expenses towards construction. Mr. Kominers noted that one of the prospective licensees, Raynham Park, had raised those objections with the concern that additional guidelines could induce additional regulatory complexity, especially as they had already contracted for the construction. He stated that the language aided the Commission in reviewing and monitoring each project and that the clarifying guidelines helped the Commission carry out its duties.

Commissioner O'Brien expressed that adopting affirmative action goals through license conditioning felt like it devalued the affirmative action goals. She stated her preference that the Commission discuss further options. She stated that she would be loath to change the regulation based on one prospective operator's contractual obligations.

Chair Judd-Stein sought clarification regarding Commissioner O'Brien's objections to the change regarding affirmative action goals. Commissioner O'Brien questioned whether there could be a middle ground between having the goals in the regulation versus having the goals in a license condition. Commissioner Skinner echoed Commissioner O'Brien's concerns and stated that while the Commission had the option to build diversity, equity, and inclusion requirements into the licensing approval process, there was also the opportunity to address diversity in a positive way through this regulation.

Commissioner Skinner noted that a new regulation can serve as basis for the amendment of the operator's contract. Chair Judd-Stein agreed and noted that the \$7,500,000 capital investment must be made after licensure. She suggested that Raynham Park could use the supplier diversity pipeline to find a construction group that meets the diversity goals.

Mr. Kominers stated that the construction of the project and proposed timeline would be part of the representations the operators make during the licensing process. He stated that the Commission would be able to discuss the diversity, equity, and inclusion commitments the Commission expects with the applicant during the licensing process.

Commissioner O'Brien stated that the regulation as proposed did not give guidance as to the Commission's expectations of diversity, equity, and inclusion goals. She suggested referencing goals the Commission indicated they prioritized. Mr. Kominers stated that if the Commission did not want to reference an external document, they could add an adjective to the term "affirmative action program" to note that it was prioritized.

Commissioner O'Brien suggested that the regulation request the diversity, equity, and inclusion numbers be similar to the data from the category one casino construction phase. Commissioner Skinner stated that the current language was vague, and questioned when the Commission would discuss the expectation for goals and communicating its values on this topic. Deputy General Counsel Caitlin Monahan stated that if the Commission wanted further review for this regulation, a new draft could be presented on May 16.

Commissioner Maynard expressed an interest in utilizing the Massport model as it was a broad approach that was held as a standard across the country. Chief Financial and Accounting Officer ("CFAO") Derek Lennon stated that the Massport model was originally modelled after the Commission's work. He stated that the Commission had whitepapers on this topic, but it was resource intensive; as it required three full-time equivalent employees to be assigned.

CFAO Lennon suggested that Commission staff review the Raynham contract and the subcontractors aligned with the contract. He stated that this independent research could work with the Office of Supplier Diversity and other construction groups in the Commonwealth to identify diverse vendors. Commissioner O'Brien noted that the category two facilities were on a much smaller scale than the casinos and stated she was confident it would not require three full-time employees. She stated that there were now known entities which would make the process easier.

Commissioner Skinner requested the white paper CFAO Lennon referenced be sent to the Commissioners. She stated that as part of the licensing process, the Commission had placed tremendous emphasis on internal hiring practices and diverse vendor practices. She expressed an interest in developing a process that allows the Commission to hold operators accountable for promises made in the licensing process. Chair Judd-Stein stated that the Commission would look for input from the public and stakeholders on this issue.

Mr. Kominers stated that both prospective operators had requested the Commission's oversight authority be limited in certain respects to be centered on the sports wagering areas rather than the entire facility. He recommended against adopting this change as the sports wagering license was

what enabled the project and the Commission may reasonably consider the entire project in considering how the license application benefits the Commonwealth. He explained that it was beneficial to the operators as it allowed non-sports wagering aspects to count toward the \$7,500,000 capital investment requirement.

Chair Judd-Stein sought clarification as to whether the statute addressed ongoing capital investments. Mr. Kominers stated that the capital investment must occur after the issuance of the sports wagering license.

Commissioner Skinner inquired as to why the prospective licensee requested the language requiring the operator notify the Commission within twenty days of filing the appeal be removed. Mr. Kominers stated that he would double check the prospective operators' reasoning behind the request. He stated that this provision was removed with the assumption that the operators would be highly communicative with the Commission regarding the status of the project and any litigation that would interfere with construction.

Chair Judd-Stein asked if the final design package requirement would be helpful to the operators. Mr. Kominers stated that the initial design for the project would help inform the Commission's review of the license application. He explained that he had Chief of the Community Affairs Division Joe Delaney review this provision, and that Chief Delaney was comfortable with the language.

Mr. Kominers stated that the prospective licensees can begin making expenditures when they have applied for approval of a project plan, provided that the expenditures were consistent with a later approved project plan. He reiterated that the capital expenditure would not begin until a license was rewarded. He noted that Raynham had submitted materials in their license application that were consistent with a project plan, and that Raynham would be able to promptly submit the project plan should their license be approved.

Commissioner Hill inquired as to why simulcasting equipment and upgrades were not being included while calculating the capital investment under 205 CMR 222.07. Mr. Kominers stated that what costs were included in calculating the capital investment was a policy decision for the Commission. Commissioner Maynard stated that it would be difficult to divorce the sports wagering piece from the simulcasting piece as the category two sports wagering license was linked to simulcasting. Commissioner Skinner agreed.

General Counsel Todd Grossman stated that the only requirement in the statute was that the operator make a \$7,500,000 capital expenditure, and that the definition of capital expenditure was decided on by the Commission. He stated that it was a policy question whether the investment must solely be related to sports wagering operations.

Commissioner Hill stated that simulcasting equipment should be included as the cost of technology was included in the cost of building. Commissioner O'Brien stated that certain slot

machines were considered part of the capital investments for the casinos. Mr. Kominers stated that 205 CMR 222.02(g) included equipment including sports wagering equipment. He stated that the language could be easily changed to include simulcasting equipment. Commissioner O'Brien expressed concern about a prospective operator emphasizing simulcasting equipment over sports wagering, and suggested the Commission should have discretion.

Commissioner Hill reiterated his belief that simulcasting equipment should be included as part of the capital investment. Chair Judd-Stein suggested adding cautionary language that sports wagering should be the primary focus of the capital improvement, even if simulcasting equipment was allowed in the calculation. Commissioner Skinner and Commissioner Hill agreed with her suggestion. Commissioner Maynard stated that the incentive of the capital investment should be for the licensee to spend the money necessary to ensure they have a world-class facility for offering sports wagering.

Mr. Kominers stated that the legal team would have to discuss how to structure the language, and suggested a cap on the amount of simulcasting equipment that would count towards the capital investment. Chair Judd-Stein asked if the language could be more general and not tied specifically to simulcasting. Commissioner O'Brien noted that the cap should be based on the percentage of the project rather than dollar amount. Deputy General Counsel Monahan stated that a revised version of this regulation would be presented on May 16.

d. [205 CMR 234.00](#): Sports Wagering Vendors - Regulation and Amended Small Business Impact Statement for final review and possible adoption (3:45:45)

Mr. Kominers presented the changes to 205 CMR 234. The *Amended Small Business Impact Statement, draft of 205 CMR 234, and public comments* were included in the Commissioner's Packet on pages 200 through 222. He noted that the redline was adopted by the Commission in the previous meeting and that the legal team did not recommend any further changes.

Mr. Kominers stated that comments were received by operators but that he did not recommend adopting those comments. He stated that adopting the comments would require the Commission to limit its own regulatory authority and delay the operators' obligations to provide information. He stated that none of the comments addressed changes adopted during the previous meeting.

Commissioner Skinner moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 234 as included in the Commissioner's 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 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.*

e. [205 CMR 255.00](#): Play Management - Regulation and Small Business Impact Statement for review and approval to commence the promulgation process and/or adoption via emergency (3:53:02)

Deputy General Counsel Carrie Torrisi explained that the Commission discussed 205 CMR 255 in January and that the legal team had made changes as a result of that discussion. The *Amended Small Business Impact Statement and draft of 205 CMR 255* were included in the Commissioner's Packet on pages 225 through 231. Attorney Annie Lee from Anderson and Krieger presented the changes to 205 CMR 255.

Commissioner Skinner suggested 205 CMR 255.01(a) be changed to add the word "single" before the word "wager" to distinguish it from subsection (b). Ms. Lee stated that she would make that change.

Commissioner Skinner sought clarification regarding the language "wager over a specified cumulative amount", and asked if the limitation would not kick in until the patron had already exceeded the limit. Ms. Lee stated that the limit prevented patrons from going over the budget. She stated that if it was not clear she would change the language to address Commissioner Skinner's concern. Commissioner Skinner expressed the same clarification was needed for 205 CMR 255.21(c) regarding budgets for deposits. Ms. Lee stated that she could strike the word "over" to make the language clearer.

Commissioner O'Brien expressed opposition to changing the monthly reminder to enroll in play management to a quarterly reminder. Director Vander Linden noted that monthly was also consistent with PlayMyWay. Commissioner Hill stated that the operators send frequent information to patrons and that he did not believe a monthly reminder was overly burdensome. The Commissioners reached consensus that the reminder to enroll in a play management system be monthly.

Ms. Lee stated that the provision requiring notification that the patron was approaching their budget limit was struck. Director Vander Linden expressed support for striking this provision, as sports wagering, and slot machines were different in terms of budgeting.

Director Vander Linden stated that the practices for identifying those under the age of twenty-five, who were at greater risk of gambling related harm should be applied for additional at-risk groups and be used to gather data for play management programs. Chair Judd-Stein stated that operators had expressed concern related to data retention, and that the Commission wanted to ensure this would not create additional problems. Director Vander Linden stated that the

operators did not provide any feedback related to data retention for these provisions, and that it would be important to understand how to target and utilize responsible gaming tools.

Commissioner O'Brien moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 255 as included in the Commissioner's Packet and as further discussed and amended 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 and further that staff be authorized to modify chapter or section numbers or titles and file additional regulation sections as reserved to make any other administrative changes as 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.*

## 6. [Community Affairs Division](#) (4:38:39)

### a. Community Mitigation Fund Workforce Development Grant Applications

Program Manager Lily Wallace stated that two workforce development applications were received by the Community Mitigation Fund for the 2023 round. She stated that the applications were reviewed by Commission staff. Ms. Wallace noted that the guidelines for workforce grants required applications to focus on areas highly impacted by casino operations to mitigate strain in existing resources.

Ms. Wallace stated that the targeted spend was \$1,000,000, divided between Region A and Region B. She stated that an application was received from each region totaling \$1,035,500; and that the Community Affairs Division recommended funding these applications. She noted that the Commission had historically funded these two programs. *A memorandum detailing the Community Mitigation Fund applications* was included in the Commissioner's Packet on pages 237 through 239.

Commissioner Skinner asked if these programs had a pipeline for employment directly with the category one licensees. Ms. Wallace stated that the individuals who completed the program had to undergo the full HR process for hiring, but the program worked collaboratively with EBH on recruitment days. She stated that the training programs also backfilled other jobs in this industry. She noted that the Community Affairs Division had requested data on how many hospitality placements were made in comparison to casino placements, as well as gender and diversity data. She noted that MGM Springfield also liked to hire from the line cook program.

Commissioner Skinner sought clarification as to what the additional \$35,500 was used for. Ms. Wallace stated that it was used to fund English as a second language co-instructors to assist in providing additional support that allowed instruction in Spanish and English. She noted that a formal waiver was received for the \$500,000 spending guidelines, and that the waiver language was included in the memorandum.

Commissioner Skinner moved that the Commission approve the applications from the following applications for funding from the 2023 Community Mitigation Fund for the purposes described in the submitted applications and materials included in the Commissioner's Packet and as discussed here today; and further that Commission staff be authorized to execute a grant instrument commemorating these awards in accordance with 205 CMR 153.04, they were as follows: Holyoke Community College in the amount of \$535,500 and Metro North Regional Employment Board in the amount of \$500,000.

Commissioner Hill suggested an amendment that language should be added to note that the Commission was waiving the spending guidelines. Commissioner Skinner accepted the amendment. 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.*

## 7. [Commissioner Updates](#) (5:03:51)

Chair Judd-Stein stated that several comments were received from the public that there was not sufficient notice of the Commission's meeting held at Everett City Hall the prior week. She noted that Chief of Communications Bureau, Thomas Mills stated that he would post the public comments on the website and suggested a second virtual meeting on the subject.

Commissioner Hill stated that he never shied away from public input and expressed support for a second hearing. Commissioner O'Brien agreed that it would be a good idea to receive as much public comment as possible. Commissioner Skinner agreed.

Commissioner Skinner asked if the Commission should clarify whether there was an open question regarding the 2013 referendum vote, and whether it included property across the street prior to the second meeting. She stated that a lot of comments were centered on that question. Chair Judd-Stein stated that the public meeting was intended for input on the current issue, and that she was unsure whether it would be the proper venue for addressing the referendum vote. Commissioner Skinner explained that she did not want to deliberate in a public hearing, but

wanted to determine whether that question would be revisited. She stated that this clarification would help shape the tone of the hearing and comments.

Commissioner Maynard expressed his support for a second hearing. Chair Judd-Stein stated that the Commission might not be able to fully resolve the issue raised by Commissioner Skinner in advance of the second meeting but noted that it could be addressed in the future. Commissioner Skinner stated that she was comfortable scheduling a second public hearing.

Chair Judd-Stein stated that she had previously expressed an interest in expanding the research agenda to consider the impact of the legal sports wagering market on the illegal market. Director Vander Linden stated that the SEIGMA research team was already beginning to measure this impact with their survey research related to Massachusetts residents' engagement with the illegal sports wagering market. He stated that this issue would continue to be monitored.

Chair Judd-Stein noted that Tennessee had done proactive work in warning their consumers about illegal websites, and that Chief Mills had expressed an interest in developing a similar list on the Commission's website. Chief Mills stated that appropriate language could be listed on the Commission's website that listed the legal operators, and a warning that illegal operators do not have consumer protections and responsible gaming tools.

Commissioner O'Brien stated that it was previously suggested at a roundtable that operators could have an insignia or logo on their sites stating they were lawfully licensed in the Commonwealth of Massachusetts. Chair Judd-Stein stated that this was another area the Commission could explore with the Sports Wagering Division.

Chair Judd-Stein stated that there was recent legislation that may allow the Massachusetts Lottery to provide an online lottery. She expressed an interest in revisiting licensed sports wagering operators' obligation to cooperate to mitigate harm to the lottery. Commissioner Skinner suggested that Commission staff work with lottery staff and require operators specify and lay out how they would mitigate harm to the lottery. Commissioner Hill and Commissioner Maynard agreed.

Commissioner O'Brien noted for the record that she would have to leave the meeting shortly. She also stated that a baseball coach in Alabama had been terminated and that some operators had suspended wagering in response. She expressed an interest in the Commission discussing this issue. Director of Sports Wagering Bruce Band stated that a couple of operators had suspended betting and that the Sports Wagering Division was also keeping a close eye on the issue.

Commissioner Skinner agreed with Commissioner O'Brien and expressed concern that operators had proactively suspended wagering in all jurisdictions regarding this issue. She stated that she wanted to discuss this issue and the potential action the Commission might take. Director Band stated that there were no wagers in Massachusetts with potential problems.

Commissioner Skinner noted that another Massachusetts operator had a pending matter related to responsible gaming in another jurisdiction. She requested that a discussion be held as to how these matters should be brought to the Commissioners. Executive Director Karen Wells stated that any potential report regarding a sporting event could be too voluminous, and that the Commission would have to establish criteria for what was discussed before the Commissioners.

Chair Judd-Stein stated that currently the Sports Wagering Director had the ability to assess whether an incident rose to the level of an integrity issue. Director Band stated that there were approximately fifteen to twenty reports a week, and that with constant assessment, some of the reports ended up as non-issues. Chair Judd-Stein asked if this determination was captured in a regulation or internal controls. Executive Director Wells stated that the Commission would need to clarify what was considered significant to the Commonwealth and rely on its relationships with other regulators and investigators.

Commissioner Skinner requested that the licensees contact the Sports Wagering Division directly if the operators acted in response to an issue being investigated in another jurisdiction. She expressed a preference to hear about issues from the Sports Wagering Division rather than a news article. Director Band stated that he would gather more information on this issue. Commissioner Maynard stated that he understood the issue outlined by Commissioner O'Brien and Commissioner Skinner, but that he had full confidence in the Sports Wagering Division to determine what needs to be sent to the Commission.

a. [FY24 Commissioners Budget Review](#) (5:39:44)

Chair Judd-Stein stated that she would like Commissioner O'Brien to be a part of the budget review and requested that the budget review occur in a later meeting. She stated that the delegation of authority discussion related to horseracing, that was scheduled later in today's agenda, would also be rolled over into a later meeting.

8. [Sports Wagering](#) (5:39:52)

a. NBA Draft Lottery Inquiry

Sports Wagering Operations Manager Sterl Carpenter stated that DraftKings had requested clarification regarding the NBA Draft Lottery set to occur on May 16. Mr. Carpenter stated that in essence, only four spots in the NBA Draft Lottery were chosen for the fourteen teams that missed the playoffs. He stated that wagering could only be offered on those four positions. He stated that NBA events were approved in the event catalog.

Mr. Carpenter stated that betting on the draft lottery was allowed in Arizona, Illinois, Louisiana, New Hampshire, New Jersey, Oregon, Wyoming, West Virginia, Maryland, and Ontario, Canada. He stated that the Sports Wagering Division felt the draft lottery was covered by the

NBA as an approved governing body. He suggested that if approved by the Commission, the wagering should cease; as it does for special events.

Commissioner Hill sought clarification as to what was being bet on. Mr. Carpenter clarified that the wagers would be on what team receives each pick, and that the Draft in June accepted wagers on which player was drafted. Commissioner Hill asked if the Sports Wagering Division felt comfortable with the integrity of the event. Mr. Carpenter stated that envelopes were sealed before the live broadcast, and that it was acceptable to offer wagers with the caveat that wagering was stopped before the envelopes left the locked room. Commissioner Hill noted that it was similar to the Oscars or Emmys.

Commissioner Skinner noted that some of the larger Sports Wagering Divisions such as Colorado, Ohio, and Nevada did not offer wagering on this event, and asked if there was a reason why. Mr. Carpenter stated that he was unaware of any reason those jurisdictions chose not to offer wagering for the event. Commissioner Skinner stated that she was not opposed to allowing wagering on this event. Commissioner Maynard agreed.

Commissioner Hill moved that the Commission find that wagering on the NBA Draft Lottery was permitted as it was included in the Official Catalog of Events And Wagers approved by the Commission. Commissioner Skinner seconded the motion.

Chair Judd-Stein noted that the request was from DraftKings, but once approved, all operators could offer wagers on this event.

*Roll call vote:*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

## 9. [Other Business](#) (5:50:25)

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

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

*Roll call vote:*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

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

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

# Financial Gaming Obligations 2023

Topic	Encore Boston Harbor	MGM Springfield	Plainridge Park Casino	Massachusetts Total for 2023
DOR Intercepts	\$2,271,927.58	\$556,970.12	\$919,884.52	\$3,748,782.22
Expired Vouchers	\$440,315.16	\$237,772.25	\$262,157.01	\$940,244.42
Expired Lost & Found	\$153,287.71	\$14,288.73	\$44,236.72	\$211,813.16
Expired Unclaimed Jackpots	\$154,798.96	\$37,751	\$39,950.00	\$232,499.96
Charity Contributions	\$142,534.54	\$36,742.13	\$17,349.48	\$196,626.15
Underage Forfeited	\$7,634.63	\$840.82.	\$0.00	\$8,475.45



# Financial Gaming Obligations 2022 & 2023 - Comparison

Topic	FY2022	FY2023	Difference
DOR Intercepts	\$3,514,236.97	\$3,748,782.22	\$234,545.25
Expired Vouchers	\$905,694.37	\$940,244.42	\$34,550.05
Expired Lost & Found	\$171,113.88	\$211,813.16	\$40,699.28
Expired Unclaimed Jackpots	\$173,943.68	\$232,499.96	\$58,556.28
Charity Contributions	\$188,190.40	\$159,884.02	(\$28,306.38)
Underage Forfeited	\$8,012.12	\$7,634.63	(\$377.49)





## Massachusetts Gaming Commission

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### MEMORANDUM

**To:** Chair Judd-Stein and Commissioners Hill, Maynard, O'Brien and Skinner  
**From:** Todd Grossman, Interim Executive Director and Derek Lennon, CFAO  
**Date:** 2/1/2024  
**Re:** Governor's House 2 Budget Recommendation for Fiscal Year 2025

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#### Overview:

The Massachusetts Executive Office of Administration and Finance released the Governor's Budget Recommendation for Fiscal Year 2025 (FY25), House 2, on January 24, 2024. The Governor's budget recommendations are the first step in the annual state budget process. The Massachusetts Legislature's website shows a great overview of the state process. Below is a summary of the steps in the MA state budget process:

- Governor's Budget
- House Ways and Means Budget
- House Debate
- House Budget
- Senate Ways and Means Budget
- Senate Debate
- Senate Budget
- Conference Committee
- Final Budget

The Governor's budget recommendations funded the Commission at its maintenance requested funding level for the one state appropriated item for payments to communities hosting racing facilities. In addition, there was an outside section that proposed changing the distribution of taxes on gaming operators.

#### Details of House 2:

As the Commission notes during its annual budget development process, much of the MGC's budget is not dependent upon the annual state budget process. The costs of regulating gaming, horse racing and sports wagering are paid through fees and assessments on the regulated industries. However, the Commission does receive one state appropriation annually and that appropriation is 1050-0140, which makes payments to cities and towns hosting racing facilities. This appropriation makes quarterly formulaic distributions. The formula is based on a repealed law, MGL c. 58 Section 18D, the text of the repealed section is below:



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Section 18D. The state treasurer, upon certification by the state racing commission, shall quarterly distribute to each city and town within which racing meetings are conducted, including racing meetings conducted in connection with a state or county fair, under licenses issued under the provisions of chapter one hundred and twenty eight A, the sum of .35 percent of the total pari mutuel wager for each such racetrack within said city or town for the three months ending two quarters prior to the quarter for which said distribution is being made, which sum shall be allocated from the commonwealth's share; provided, however, that if the parcel of land containing such racetrack is located in two cities or towns, said sum shall be divided so that two thirds shall be distributed to the city or town in which the major portion of said parcel is located, and one third shall be distributed to the other city or town.

The MGC's Finance and Racing Divisions requested a FY25 funding level of \$1,050,000. The Governor's H.2 funding proposal provided the requested funding level. This funding level will allow the MGC to make the payments to cities and towns hosting racing facilities in accordance with the formula above.

Upon a full review of the Governor's H.2 recommendations, we were made aware of Outside Section 88. The language of section 88 is below:

#### Section 88 - Gaming Funds Distribution

SECTION 88. (a) Notwithstanding any general or special law to the contrary, 100 per cent of the revenue received from a category 1 licensee pursuant to chapter 194 of the acts of 2011 in fiscal year 2025 shall be transferred as follows:

- (i) 32 per cent to the Gaming Local Aid Fund, established in section 63 of said chapter 194;
- (ii) 20.8 per cent to the Transportation Infrastructure and Development Fund established in section 62 of said chapter 194;
- (iii) 19.4 per cent to the Education Fund established in section 64 of said chapter 194;
- (iv) 13.2 per cent to the Gaming Economic Development Fund established in section 2DDDD of chapter 29 of the General Laws;
- (v) 6.1 per cent to the Local Capital Projects Fund, established in section 2EEEE of said chapter 29;
- (vi) 3 per cent to the Community Mitigation Fund established in section 61 of said chapter 194;
- (vii) 2.5 per cent to the Public Health Trust Fund established in section 58 of said chapter 194;
- (viii) 2 per cent of revenues to the Massachusetts cultural council of which one-quarter of the revenues received shall be dedicated to the organization support program of the Massachusetts cultural council and three-quarters of revenues shall be dedicated to support not-for-profit and municipally-owned performing arts centers impacted as a result of the operation of gaming facilities; provided, however, that funds dedicated to

such performing arts centers shall be to subsidize fees paid to touring shows or artists; and provided further, that funding shall be appropriated through a competitive grant process to be developed and administered by the Massachusetts cultural council; and

(ix) 1 per cent to the Massachusetts Tourism Fund to fund tourist promotion agencies under clause (c) of section 35J of chapter 10 of the General Laws.

(b) Notwithstanding any general or special law to the contrary, 100 per cent of the daily assessment pursuant to subsection (c) section 55 of chapter 194 of the Acts of 2011 to the Gaming Local Aid Fund, established in section 63 of said chapter 194.

(c) Not later than November 15, 2024, the secretary of administration and finance shall submit recommendations to the house and senate committees on ways and means on permanent adjustments to category 1 and 2 licensee gaming revenue fund distribution.

Chapter 194 of the Acts of 2011 is the Expanded Gaming Law, which allowed for the legalization of casino gaming in the Commonwealth and resulted in MGL c. 23K. Section 55 of c. 23K sets the tax rates applied to gross gaming revenue for category 1 and category 2 gaming licensees. Section 59 of c. 23K determines which funds receive the taxes on GGR from category 1 licensees. The table below uses FY23 actual GGR and tax amounts to illustrate the impact of paragraph (a) of the proposed section to the distribution of funds:

Licensee	Category	FY23 GGR	Taxes	RHDF 9% assessment
MGM	1	\$270,969,970.66	\$67,742,492.67	N/A
EBH	1	\$757,122,017.11	\$189,280,504.28	N/A
	<b>Subtotal Cat 1</b>	<b>\$1,028,091,987.77</b>	<b>\$257,022,996.94</b>	

Funds	Category	MGL c. 23K Sec 59 FY23 Actual Tax Distribution				
			H1 O/S 88	FY23 Using O/S 88	Variance	
Mass Cultural Council	1	2.00%	\$5,140,459.94	2.00%	\$5,140,459.94	\$0.00
Mass Tourism Fund	1	1.00%	\$2,570,229.97	1.00%	\$2,570,229.97	\$0.00
Community Mitigation Fund	1	6.50%	\$16,706,494.80	3.00%	\$7,710,689.91	(\$8,995,804.89)
Local Capital Projects Fund	1	4.50%	\$11,566,034.86	6.10%	\$15,678,402.81	\$4,112,367.95
Gaming Local Aid Fund	1	20.00%	\$51,404,599.39	32.00%	\$82,247,359.02	\$30,842,759.63
Commonwealth Stabilization Fund	1	10.00%	\$25,702,299.69	0.00%	\$0.00	(\$25,702,299.69)
Education Fund	1	14.00%	\$35,983,219.57	19.40%	\$49,862,461.41	\$13,879,241.83
Gaming Economic Development Accelerated Debt and Debt Defeasance	1	9.50%	\$24,417,184.71	13.20%	\$33,927,035.60	\$9,509,850.89
Transportation Infrastructure and Development Fund	1	10.00%	\$25,702,299.69	0.00%	\$0.00	(\$25,702,299.69)
Transportation Infrastructure and Development Fund	1	15.00%	\$38,553,449.54	20.80%	\$53,460,783.36	\$14,907,333.82
Public Health Trust Fund	1	5.00%	\$12,851,149.85	2.50%	\$6,425,574.92	(\$6,425,574.92)
Race Horse Development Fund	1	2.50%	\$6,425,574.92	0.00%	\$0.00	(\$6,425,574.92)
Sub Total Category 1		100.00%	\$257,022,996.94	100.00%	\$257,022,996.94	(\$0.00)

The MGC relies on the Community Mitigation Fund, the Public Health Trust Fund, as well as the Race Horse Development fund to mitigate some of the negative or unintended consequences of expanded gaming in the Commonwealth.

- The Community Mitigation Fund, created by section 61 of c. 23K, is trust fund established to “assist the host community and surrounding communities in offsetting costs related to the construction and operation of a gaming establishment including, but not limited to, communities and water and sewer districts in the vicinity of a gaming establishment, local and regional education, transportation, infrastructure, housing, environmental issues and public safety, including the office of the county district attorney, police, fire and emergency services.” The Commission is the trustee of the fund and distributes money based on competitive applications for funding. If section 88 were in effect for FY23, the fund would have received \$7.71M as opposed to the \$16.7M it received from casino taxes.
- The Public Health Trust Fund, created by section 58 of c. 23K, is a trust fund established to “assist social service and public health programs dedicated to addressing problems associated with compulsive gambling including, but not limited to, gambling prevention and addiction services, substance abuse services, educational campaigns to mitigate the potential addictive nature of gambling and any studies and evaluations necessary, including the annual research agenda under section 71, to ensure the proper and most effective strategies.” The Secretary of Health and Human Services is the trustee of the fund. The Commission’s Division of Research and Responsible Gaming along with the MA Department of Public Health work in conjunction to meet the requirements of this fund. There is a Memorandum of Understanding that provides 75% of the fund to DPH and 25% to MGC. If section 88 were in effect for FY23, the fund would have received \$6.42M as opposed to the \$12.85M it received from casino taxes.
- The Race Horse Development Fund, created by section 60 of c. 23K is a trust fund established to “support the thoroughbred and standardbred horse racing industries.” Funds in the RHDF are to be used for the following:

(i) 80 per cent of the funds approved by the commission shall be deposited weekly into a separate, interest-bearing purse account to be established by and for the benefit of the horsemen; provided, however, that the earned interest on the account shall be credited to the purse account; and provided further, that licensees shall combine these funds with revenues from existing purse agreements to fund purses for live races consistent with those agreements with the advice and consent of the horsemen;

(ii) 16 per cent of the funds approved by the commission shall be deposited as follows: (A) for a thoroughbred track, into the Massachusetts Thoroughbred Breeding Program authorized by the commission; or (B) for a standardbred track, into the Massachusetts Standardbred Breeding Program authorized by the commission;

(iii) 4 per cent shall be used to fund health and pension benefits for the members of the horsemen's organizations representing the owners and trainers at a horse racing facility for the benefit of the organization's members, their families, employees and others under the rule and eligibility requirements of the organization, as approved by the commission;

If section 88 were in effect for FY23, the fund would have received \$0.00 as opposed to the \$6.42M it received from casino taxes.

In addition to changing the distribution of funds for taxes on GGR from category 1 casino licensees, outside section 88 of the Governor’s budget proposal also changes paragraph (c) of section 55 of c. 23K. Paragraph (c) required a deposit of 9% of a category 2 licensee’s GGR into the Race Horse Development Fund.

(c) In addition to the tax imposed under subsection (b), a category 2 licensee shall pay a daily assessment of 9 per cent of its gross gaming revenue to the Race Horse Development Fund established in section 60.

Using FY23 actual figures, the RHDF received \$13.53M from gaming operations at Plainridge Park Casino. The combination of paragraph (a) and paragraph (b) of outside section 88 would eliminate all contributions to the Race Horse Development Fund and would eliminate payments for purses, health and welfare benefits as well as breeders for the MA racing industry in Fiscal Year 2025.

Licensee	Category	FY23 GGR	Taxes	RHDF 9% assessment
PPC	2	\$150,336,813.06	\$60,134,725.22	\$13,530,313.18

**Summary:**

While we cannot give exact numbers as to what the total impact to the MGC’s funds for FY25 would be if the Governor’s budget proposal section 88 were adopted in the FY25 General Appropriation Act, we can use FY23 actual data to illustrate a general impact. Based on paragraph (a) and (b) of section 88, the Commission would have ~\$30.55M less to mitigate the negative or unintended consequences of expanded gaming in the Commonwealth.



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

FROM: Carrie Torrisi, Deputy General Counsel  
Mina Makarious, Anderson & Kreiger  
Annie Lee, Anderson & Kreiger

CC: Todd Grossman, Interim Executive Director

DATE: February 1, 2024

RE: Amendments to 205 CMR 257: Sports Wagering Data Privacy

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The following amendments to the Commission's data privacy regulations at 205 CMR 257 are being presented for consideration. These amendments are the result of discussions between the Commission's legal team, the Sports Wagering Division, and operators throughout the waiver process since the regulations were first implemented in the Summer of 2023.

- **257.02(1) and (4); 257.03; 257.04:** Changes are suggested to confirm the intention of the regulation to permit Sports Wagering Operators to utilize Personally Identifiable Information and Confidential Information for legitimate business purposes of the Operator, including permissible advertising to patrons. In addition, a proposed addition is made to permit the use of such information in the conduct of due diligence associated with corporate transactions. To avoid unintentional differences in regulatory scope between sections of this regulation, data "retention" is now covered under 257.02(1), and changes are made throughout the rest of the regulation to align the permissible purposes for the use, retention and sharing of data, as well as instances when data may be deleted or anonymized.
- **257.02(2):** A slight reorganization is suggested to emphasize that patron consent may be given for *categories* of permissible uses and is not required for each specific use.
- **257.02(3)(a):** This section is amended to clarify that the Commission will not consider seasonal advertising to a patron that has demonstrated an interest in a particular type of wagering to be considered advertising based on account "dormancy".
- **257.02(3)(e):** An amendment is proposed to clarify that the regulation only prohibits the use of algorithms automated decision-making, machine learning, artificial intelligence, or similar system that is known or reasonably expected by the *Sports Wagering Operator* or



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*a vendor to the Sports Wagering Operator* to make the gaming platform more addictive. If the use of a particular method or product is being used, but the Operator or its vendor have no basis to know it may have an addictive effect, this would not result in a violation.

- **257.02(5):** This section was amended at the request of the Responsible Gaming division to make clear that the Commission could request and use individualized data to address responsible gaming issues. A provision was also added to avoid the inadvertent disclosure of Confidential Information or Personally Identifiable Information.
- **257.03(4):** The proposed language alerts operators that they may seek permission from the Commission to utilize data protection methods other than encryption and hashing.
- **257.05:** Changes are made throughout this section to make clear that an Operator may offer to anonymize rather than delete patron data. In addition, 257.02 is amended to make clear that an Operator's data privacy policy should not include information that may make the Operator's data privacy program vulnerable to attack.



Massachusetts Gaming Commission

205 CMR 257: SPORTS WAGERING DATA PRIVACY

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

257.01: Definitions

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

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

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

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

257.02: Data Use and Retention

- (1) A Sports Wagering Operator shall only use and retain Confidential Information and Personally Identifiable Information for legitimate business purposes reasonably necessary to operate or advertise a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed or reasonably anticipated legal claims, and for other reasonable safety and security purposes. In addition, use and retention of a patron's Confidential Information or Personally Identifiable Information may be permissible where necessary to conduct commercially reasonable review of a Sports Wagering Operator's assets in the context of the sale of all or a portion of the Sports Wagering Operator's business.

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

(a) Consent may be obtained for categories of uses, rather than specific instances of such uses.

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

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

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

~~(d) A Sports Wagering Operator may obtain consent for categories of uses for which it seeks consent for use of a patron's Personally Identifiable Information or Confidential Information, rather than specific instances of such uses.~~

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

(a) a period of dormancy or non-use of a Sports Wagering Platform other than a period of non-use associated with the seasonality of Wagers on particular events are available pursuant to 205 CMR 247-(e.g., the National Football League season);

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

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

(d) the patron's actual or predicted;

- i. income, debt, net worth, credit history, or status as beneficiary of governmental programs;
  - ii. medical status or conditions; or
  - iii. occupation.
- (e) Any computerized algorithm, automated decision-making, machine learning, artificial intelligence, or similar system that is known or reasonably expected by the Sports Wagering Operator or a vendor to the Sports Wagering Operator to make the gaming platform more addictive;
- (f) Engagement or utilization of play management options, including type of limit, frequency of engagement or utilization of play management options, and frequency of changing limits;
- (g) Engagement or utilization of cooling-off options, including duration of cooling-off period, frequency of engagement or utilization of cooling-off options, and frequency of changing cooling-off periods;
- (h) Engagement or utilization of any measure in addition to those described in 205 CMR 257.02(3)(f)-(g) intended to promote responsible gaming.

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

~~(5)~~(4) A Sports Wagering Operator shall collect ~~and aggregate~~ patrons' Confidential Information and Personally Identifiable Information to analyze patron behavior for the purposes of identifying and developing programs and interventions to promote responsible gaming and support problem gamblers, and to monitor and deter Sports Wagering in violation of G.L. c. 23N and 205 CMR. The Sports Wagering Operator shall provide a report to the Commission at least every six months on the Sports Wagering Operator's compliance with this subsection, including the trends observed in this data and the Sports wagering Operator's efforts to mitigate potential addictive behavior, but shall not, in such report provide patrons' Confidential Information or Personally Identifiable Information except if specifically requested by the Commission.

257.03: Data Sharing

- (1) A Sports Wagering Operator shall not share a patron's Confidential Information or Personally Identifiable Information with any third party except ~~for as necessary, legitimate business purposes~~ reasonably necessary to operate ~~or advertise~~ a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed or reasonably anticipated legal claims, and for other reasonable safety and security purposes. In addition, sharing of a patron's Confidential Information or Personally Identifiable Information may be permissible where necessary to conduct commercially reasonable review of a Sports Wagering Operator's assets in the context of the sale of all or a portion of the Sports Wagering Operator's business.
- (2) If a Sports Wagering Operator shares a patron's Confidential Information or Personally Identifiable Information pursuant to 257.03(1), the Operator shall take commercially reasonable measures to ensure the party receiving a patron's Confidential Information or Personally Identifiable Information keeps such data private and confidential, except as required ~~to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity for the authorized use or purpose pursuant to 205 CMR 257.03(1)~~. The party receiving such data shall only use a patron's Confidential Information or Personally Identifiable Information for the purpose(s) for which the data was shared.
- (3) If a Sports Wagering Operator deems it necessary to share a patron's Confidential Information or Personally Identifiable Information with a Sports Wagering Vendor, Sports Wagering Subcontractor, or Sports Wagering Registrant ~~in order to operate its Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity,~~ a Sports Wagering Operator shall enter into a written agreement with the Sports Wagering Vendor, Sports Wagering Subcontractor or Sports Wagering Registrant, which shall include, at a minimum, the following obligations:
  - (a) The protection of all Confidential Information or Personally Identifiable Information that may come into the third party's custody or control against a Data Breach;
  - (b) The implementation and maintenance of a comprehensive data-security program for the protection of Confidential Information and Personally Identifiable Information, which shall include, at a minimum, the following:

- i. A security policy for employees relating to the storage, access and transportation of Confidential Information or Personally Identifiable Information;
  - ii. Restrictions on access to Personally Identifying Information and Confidential Information, including the area where such records are kept, secure passwords for electronically stored records and the use of multi-factor authentication;
  - iii. A process for reviewing data security policies and measures at least annually; and
  - iv. An active and ongoing employee security awareness program for all employees who may have access to Confidential Information or Personally Identifiable Information that, at a minimum, advises such employees of the confidentiality of the data, the safeguards required to protect the data and ~~any-potentially~~ applicable civil and criminal penalties for noncompliance pursuant to state and federal law.
- (c) The implementation, maintenance, and update of security and breach investigation and incident response procedures that are reasonably designed to protect Confidential Information and Personally Identifiable Information from unauthorized access, use, modification, disclosure, manipulation or destruction; and
- (d) A requirement that the maintenance of all Confidential Information and Personally Identifiable Information by a Vendor, Subcontractor or Registrant must meet the standards provided in 257.~~0203~~.
- (4) Sports Wagering Operators shall encrypt or hash and protect, including through the use of multi-factor authentication, from incomplete transmission, misrouting, unauthorized message modification, disclosure, duplication or replay all Confidential Information and Personally Identifiable Information within their possession, custody or control. An Operator may request approval by the Commission to protect Confidential Information and Personally Identifiable Information in another manner that is equally protective of the information in question.

257.04: Patron Access

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

- (a) A description as to how their Confidential Information or Personally Identifiable Information is being used, including confirmation that such Confidential Information or Personally Identifiable Information is being used in accordance with this Section 205 CMR 257;
  - (b) Access to a copy of their Confidential Information or Personally Identifiable Information maintained by the Operator or a Vendor, Subcontractor, or Registrant of the Operator;
  - (c) Updates to their Confidential Information or Personally Identifiable Information;
  - (d) The imposition of additional restriction on the use of their Confidential Information or Personally Identifiable Information for particular uses; and
  - (e) That their Confidential Information or Personally Identifiable Information be erased or anonymized so it is no longer associated~~traced~~ to the patron with them when it is no longer required to be retained by applicable law or Court order. The Sports Wagering Operator may choose to offer either erasure, anonymization, or both as an option pursuant to this subsection.
- (2) A Sports Wagering Operator shall provide a written response to a request submitted pursuant to 257.04(1) that either grants or denies the request.
- (a) If the Sports Wagering Operator grants the patron's request to access a copy of their Personally Identifiable Information, the Sports Wagering Operator shall provide the patron their Confidential Information or Personally Identifiable Information in a structured, commonly used and machine readable format.
  - (b) If the Sports Wagering Operator denies the request, the Sports Wagering Operator shall provide in its written response specific reason(s) supporting the denial and directions on how the patron may file a complaint regarding the denial with the Commission.
- (3) A Sports Wagering Operator shall grant the patron's request to impose a restriction or erase or anonymize their Confidential Information or Personally Identifiable Information if it is no longer necessary to retain the patron's Confidential Information or Personally Identifiable Information (or to retain the patron's Confidential Information or Personally Identifiable Information without the requested restriction) to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, or for any other purpose authorized pursuant to 205 CMR 257.01, or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend

~~against filed or reasonably anticipated legal claims, and for other reasonable safety and security purposes;~~ and

- (a) The patron withdraws their consent to the Sports Wagering Operator's retention of their Confidential Information or Personally Identifiable Information;
  - (b) There is no overriding legal interest to retaining the patron's Confidential Information or Personally Identifiable Information;
  - (c) The patron's Confidential Information or Personally Identifiable Information was used in violation of 205 CMR 257.00; or
  - (d) Restriction, anonymization or erasure is necessary to comply with an order from the Commission or a court.
- (4) If the Sports Wagering Operator grants the patron's request to erase or anonymize their Confidential Information or Personally Identifiable Information, the Sports Wagering Operator shall erase or anonymize the patron's Personally Identifiable Information or Confidential from all storage media it is currently using to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, including HDD, SDD, flash, mobile, cloud, virtual, RAID, LUN, hard disks, solid state memory, and other devices. The Sports Wagering Operator shall also request commercially reasonable confirmation of deletion or anonymization from any Vendor, Registrant, or Subcontractor who received the patron's Confidential Information or Personally Identifiable Information from the Sports Wagering Operator. Notwithstanding, the foregoing, the Sports Wagering Operator shall not erase or anonymize a patron's Confidential Information or Personally Identifiable Information on backup or storage media used to ensure the integrity of the Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform from technology failure or to comply with its data retention schedule or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity.
- (5) An Operator, or a Vendor, Registrant or Subcontractor of an Operator shall not require a Patron to enter into an agreement waiving any of the Patron's rights under this Section 257.

257.05: Data Program Responsibilities

- (1) A Sports Wagering Operator shall develop, implement and maintain comprehensive administrative, technical and physical data privacy and security policies appropriate to the size and scope of business and addressing, at a minimum:
- (a) Practices to protect the confidentiality, integrity and accessibility of Confidential Information or Personally Identifiable Information;

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

- (2) A Sports Wagering Operator shall maintain on its website and Sports Wagering Platform a readily accessible copy of a written policy explaining to a patron the Confidential Information and Personally Identifiable Information that is required to be collected by the Sports Wagering Operator, the purpose for which Confidential Information or Personally Identifiable Information is being collected, the conditions under which a patron's Confidential Information or Personally Identifiable Information may be disclosed, and the measures implemented to otherwise protect a patron's Confidential Information or Personally Identifiable Information. A Sports Wagering Operator shall require a patron to agree to the policy prior to collecting any Confidential Information or Personally Identifiable Information, and require a patron to agree to any material updates. Agreement to this policy shall not constitute required consent for any additional uses of information. The Sports Wagering Operator shall not be required to include in the publicly available version of such policy any information which might compromise the policy's effectiveness in protecting and safeguarding Confidential Information, Personally Identifiable Information.
- (3) A Sports Wagering Operator, Sports Wagering Vendor, Sports Wagering Subcontractor, Sports Wagering Registrant, or Person to whom an Occupational License is issued shall comply with all applicable state and federal requirements for data security, including M.G.L. c. 93A, M.G.L. c. 93H, 940 CMR 3.00, 940 CMR 6.00 and 201 CMR 17.00.

257.06: Data Breaches

- (1) In the event of a suspected Data Breach involving a patron's Confidential Information or Personally Identifiable Information, a Sports Wagering Operator shall immediately notify the Commission and commence an investigation of the suspected Data Breach, which shall be commenced no less than five (5) days from the discovery of the suspected breach, and completed as soon as reasonably practicable thereafter.
- (2) Following completion of the investigation specified pursuant to [205 CMR 257.06\(1\)](#), the Sports Wagering Operator shall submit a written report to the Commission describing the suspected Data Breach and stating whether any patron's Confidential Information or Personally Identifying Information was subjected to unauthorized access. Unless the Sports Wagering Operator shows that unauthorized access did not occur, the Sports Wagering Operator's written report shall also detail the Operator's plan to remediate the Data Breach, mitigate its effects, and prevent Data Breaches of a similar nature from occurring in the future.
- (3) Upon request by the Commission, the Sports Wagering Operator shall provide a report from a qualified third-party forensic examiner, the cost of which shall be borne by the Sports Wagering Operator being examined.[w](#)
- (4) In addition to the other provisions of this 205 CMR 257.06, the Sports Wagering Operator shall be required to comply with any other legal requirements applicable

to such Data Breaches or suspected Data Breaches, including its obligations pursuant to G.L. c. 93H and 201 CMR 17.00.



## **SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2, relative to the proposed amendments to **205 CMR 257 SPORTS WAGERING DATA PRIVACY**.

This regulation was promulgated as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and is authorized by G.L. c. 23N, §4. It governs the use, protection and retention of patron data by Sports Wagering Operators.

This regulation is unlikely to have an impact on small businesses as it governs the behavior of Sports Wagering Operators who are not small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

This regulation is unlikely to have an impact on small businesses.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation.

3. State the appropriateness of performance standards versus design standards:

No standards applicable to small businesses are set forth. Provided standards are performance standards.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

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

This amendment is unlikely to have any impact on the formation of new businesses in the Commonwealth.



Massachusetts Gaming Commission

Massachusetts Gaming Commission  
By:

/s/ Carrie Torrasi  
Carrie Torrasi, Deputy General Counsel

Dated: February 1, 2024



Massachusetts Gaming Commission

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

FROM: Carrie Torrisi, Deputy General Counsel  
Kara O'Brien, Licensing Division Chief

CC: Todd Grossman, Interim Executive Director

DATE: February 1, 2024

RE: Waiver from 205 CMR 221.01(1)

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On January 18, 2024, the Commission voted to begin the promulgation process for amendments to 205 CMR 221, as outlined in the attached document. Given that the promulgation process takes approximately three months to complete, the Commission discussed issuing a waiver to ensure that the regulation is applied appropriately until such time as the amended regulation is formally adopted.

To that end, we propose issuing a waiver from 205 CMR 221.01(1) until such time as the amended regulation goes into effect. The practical effect of this waiver will be that the language in 205 CMR 221.01(2) will be effective until the amended regulation goes into effect (*i.e.*, licensees shall be required to pay a non-refundable license fee of \$1,000,000 within 30 days of Commission approval of the temporary license renewal pursuant to 205 CMR 219.04(4)); once the amended regulation takes effect, 205 CMR 221.01(2) will be deleted and the language in 205 CMR 221.01(1) will be effective (*i.e.*, licensees shall be required to pay a non-refundable license fee of \$1,000,000 upon submission of a request for a temporary license pursuant to 205 CMR 219).



Massachusetts Gaming Commission

## 205 CMR 221: SPORTS WAGERING LICENSE FEES

- 221.01 Licensing and Assessment Fees
- 221.02 Payment of Fees
- 221.03 Annual Reconciliation of Commission Budget

### 221.01 Licensing and Assessment Fees

(1) Upon submission of a request for a Temporary License pursuant to 205 CMR 219.00, the requestor shall pay an initial non-refundable license fee of \$1,000,000 to the Commission.

~~(2) Within 30 days after the renewal of Temporary License pursuant to 205 CMR 219.04(4), the licensee shall pay a non-refundable renewal license fee of \$1,000,000 to the Commission.~~

~~(3)~~(2) Within 30 days after the award of a Sports Wagering Operator License by the Commission, the Operator shall pay a license fee of \$5,000,000 to the Commission; provided, however, that any \$1,000,000 fee or fees paid to the Commission because the Operator previously received or renewed a Temporary License shall be credited against that \$5,000,000. As a pre-condition of any award, the Commission may provide that such license fees be paid on an installment basis before the award is made and the license issued.

~~(4)~~(3) The following additional fees are due and payable to the Commission for each Sports Wagering Operator:

- (a) An Annual Assessment as provided by M.G.L. c. 23N, § 15(c), to be determined by the Commission and calculated in accordance with M.G.L. c. 23N, § 15(c) to cover costs of the Commission necessary to maintain control over Sports Wagering, in proportion to each licensee's actual or projected Adjusted Gross Sports Wagering receipts; provided, however, that such assessment may be adjusted by the Commission at any time after payment is made where required to reflect the actual Adjusted Gross Sports Wagering Receipts, and accordingly, the payment of additional funds may be required or a credit may be issued towards the payment due the following year;
- (b) An annual fee, as provided by M.G.L. c. 23N, § 15(e) reflecting each Operator that is not a Category 1 Sports Wagering Licensee's share of \$1,000,000 to be deposited into the Public Health Trust Fund; provided, however, that the Commission shall determine each Operator's share as their proportional share of anticipated or actual Adjusted Gross Sports Wagering Receipts; provided further, however, that such assessment may be adjusted by the Commission at any time after payment is made where required to reflect the actual adjusted gross sports wagering revenue; and

- (c) any other such license fees required under M.G.L. c. 23N and required to be assessed by the Commission.

221.02 Payment of Fees

- (1) Except in the case of an assessment for fiscal years 2023 and 2024 the Annual Assessment due under 205 CMR 221.01(23)(a) shall be assessed on or about 30 days prior to the start of the Commission fiscal year. The Annual Assessment for each Operator shall be the difference between the Commission's projected costs to regulate Sports Wagering minus any other revenues anticipated to be received by the Commission related to Sports Wagering and assessed as provided in 205 CMR 221.01(32)(b). The Commission may assess the Annual Assessment on a *pro rata* basis commencing in fiscal year 2023 and will make such assessment each fiscal year thereafter. The Commission, in its sole discretion, may allow the Annual Assessment to be paid in one or more installments during the fiscal year.
- (2) All license fees and assessments due to the Commission shall be due and payable within 30 days of receipt of an invoice from the Commission.
- (3) All license fees and assessments shall be submitted in the form of a certified check or secure electronic funds transfer payable to the "Massachusetts Gaming Commission."
- (4) In the event that a licensee fails to pay any fees or assessments as provided in 205 CMR 221.01, the Commission may take any remedial action it deems necessary up to and including revocation of the Sports Wagering Operator License.

221.03 Commission Budget and Reconciliation

- (1) The Commission shall establish a budget for Sports Wagering in the course of establishing its overall budget pursuant to 205 CMR 121.03 and 121.04.
- (2) If at any time during the fiscal year the Commission determines that actual costs associated with Sports Wagering will exceed the projected costs and projected revenue associated with Sports Wagering in the budget the Commission will revise the Annual Assessment assessed to Operator and invoice each Operator for its proportional share of such costs.
- (3) Within 90 days of the close of each fiscal year the Commission will reconcile its actual costs to actual revenues. In no case will the Commission end a fiscal year on a negative basis. No commitment or expense shall cause the Sports Wagering Control Fund to end the fiscal year with a negative cash balance.
- (4) In the event that actual revenues exceed actual costs for a given fiscal year, the Commission in its sole discretion shall credit such Excess Assessment to the Annual Assessment due for the next fiscal year.

- (5) In the event that actual revenues associated with Sports Wagering are less than actual costs associated with Sports Wagering for a given fiscal year, the Commission will assess each Operator for its share of the excess costs (Excess Cost Assessment) in the same manner in which the Commission assessed the Annual Assessment. Such Excess Cost Assessment shall be due and payable as part of the Annual Assessment due for the next fiscal year.



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

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

**MEMO** **MEETING**  
**DATE:** January 22, 2024 **DATE:** January 4, 2024

**RE:** Customer Service Across Sports Wagering Operators

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**BACKGROUND:**

On January 4th, the Sports Wagering (SW) division presented a request from WSI US, LLC dba WynnBET to have Customer Support hours for its mobile operations reduced to 9 a.m. to 7 p.m. EST (from 6 a.m. - 4 p.m. Pacific).

In reviewing that request, the Commission determined they would like to review the customer service offerings for all operators better understand the market as a whole, and to evaluate the proposals from the applications and the current status of availability to patrons.

**OVERVIEW/DETAILS:**

There were varying degrees of information provided in the operators' applications and/or the PowerPoint presentations regarding customer service, as it was not a required component. However, each operator was responsive in answering what means are available for patron contact as of current state of operations.

**SUPPORTING DOCUMENTS:**

Excel comparison of application proposal to existing offering (included in packet)

**SUMMARY:**

Included here is a quick summary of the landscape for customer service availability across the 11 operators.

- Phone (direct inbound) Customer service available: 2/11 [None are available 24/7] (4 listed- but one is for casino guest services, and ESPN is amidst hiring campaign to fully staff with live agents)
  - 24/7 Phone Customer service available: 0
- Call-Back Request Service available: 6/11
- Live Chat available: 7/11
  - 24/7 Live Chat available: 6/11 [All Cat 3 offer 24/7 Live Chat except WynnBet (scale back request) and Betr (none)]
- Email Support: 8/11 (All except Cat 1s)
- Retail sportsbook hours:
  - Plainridge Park Casino- M-F: 11am - 12am; Sat - Sun: 9am - 12am
  - MGM Springfield- M-Th 11a-11p; F 11a-12a; Sat 10a-12a; Sun 10a-11p
  - Encore Boston Harbor- M-F: 2:30p – 11p; Sat 9:30a-11p; Sun 9:30a-9:30p

The following is a quick overview of the landscape for customer service offerings proposed in the applications:

- Applications which stated 24/7 availability: 3
- Applications that didn't address customer service at all: 4 (Three were retail)

Note that as of December 20th, only 16 complaints had ever been received by the SW division regarding the absence of phones directly (see table below.)

Summary Table of Patron Disputes/Complaints referencing phones or customer service

Operator	Total # of complaints
<b>Customer Service: General</b>	<b>62</b>
BetMGM (T)	13
Betr	1
Caesars Sportsbook (T)	3
DraftKings	26
Fanatics (T)	2
FanDuel	14
PSI: Barstool Sportsbook (T)	2
<b>Customer Service: No Phone</b>	<b>16</b>
BetMGM (T)	7
DraftKings	8
FanDuel	1
<b>Grand Total</b>	<b>81</b>

Total Patron Disputes Logged through 12/20: 372  
 Percentage of complaints related to no phones: 4%  
 Percentage of complaints related to customer service 22%

The category “Customer Service: General” is defined as “a patron expresses dissatisfaction with the customer service received.” This encompasses: the answer was unsatisfactory, it was difficult to get ahold of someone, etc.

## **CONCLUSION:**

### **Specific to WynnBet’s initial request to scale back their Live Chat and email customer service offering offering:**

WynnBet did state in their application they would have 24/7 availability and is one of only two Cat 3 operators who would not have 24/7 Live Chat access. However, a review of WynnBET’s patron contact activities over the past few weeks revealed very few (approximately 3-5 calls/month) calls in the hours after 9pm. In addition, WynnBet would require three individuals each shift to stay open during the requested hours. (A supervisor, and two call team employees to manage breaks.)

Finally, we have received no complaints to date regarding WynnBet’s phone or customer service availability.

### **Regarding Overall Customer Service Access:**

The applications did not include significant detail on timeframes/availability of customer service offerings, and some did not include information at all. In general, access is significantly available to patrons by Live Chat. The one consistency is that all Category 3 operators do offer email support.

In general, the volume of patron disputes we receive related to phone availability are minimal. In addition, MGC itself has only ever received three (3) phone calls from patrons; most inquiries are received by email. Anecdotally, if a patron is wagering on a mobile platform, they will generally interact via the app in chat or email form.

The retail sportsbook hours and availability for customer service also widely vary from each other.

There is 24/7 available help for individuals regarding VSE and problem gambling through the help line.

Operator	Phone #	Phone Hours	Call Back	Service	Live Chat Hours	Email	Retail Hours	Other	Link
Betr- Existing	n/a	n/a	n/a	n/a	n/a	Y	n/a	We currently do not offer callbacks or live chat due to low customer volume. If a patron was viewing our terms and conditions, an automated chat would be accessible as well, however it ultimately will route an email customer support ticket to us from the patron. Relevant application information: "Betr will provide users an opportunity to get more information or assistance by either emailing our customer service team at support@betr.app or chat with an agent directly from the app"	
Betr- Application	n/a	n/a	n/a	n/a	hours not provided - support@betr.app	Y	n/a		<a href="#">Betr Application - B4-d-01 pg 81</a>
FanDuel - Existing	n/a	n/a	n/a	n/a	24/7	Y	n/a	Other methods of contacts (besides Live Chat): Email (12-24 hours for a reply), Direct message on X/Twitter and Facebook (8AM-12:30AM ET)	
FanDuel Application	n/a	n/a	n/a	n/a	n/a	Y	n/a	users access mobile support and integrated Chat	<a href="#">Link</a>
MGM Springfield- Existing	413-273-5000 (casino guest services)	24/7	n/a	n/a	n/a	No	Casino is 24/7; sportsbook is M-Th 11a-11p; F 11a-12a; Sa 10a-12a; Su 10a-11p		
MGM Springfield- Application	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Application did not address customer service via telephone. Most customer service issues would be handled by Sportsbook staff during operating hours (Application Section C p. 9- 10). Casino main cage can be used for off-hours cash-outs.	
BetMGM - Existing	n/a	n/a [temporarily removed direct phone service in Feb]	yes; can request via chat/email	24/7	n/a	Y	n/a	Also offers support via email; Currently have Commission permission to disable phone service. In Jan 2024, they will revisit their staffing and determine if phone service will be reinstated or if they will request to permanently disable it.	
BetMGM - Application	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Application/presentation deck did not address customer service options.	
DraftKings- Existing	617-986-6744 does not offer inbound phone number. Customers may leave a voicemail	n/a	Yes	24/7	n/a	Y	n/a	-around 1000 associates. Avail 24/7/365 (slide) -24/7 support via email (Support@draftkings.com) -DraftKings offers a help center located at: <a href="https://help.draftkings.com/hc/en-us">https://help.draftkings.com/hc/en-us</a>	
DK Application	n/a	Phone available	Yes	Available (no hours specified)	n/a	Y	n/a	<a href="#">Customers have access to several core service channels - Email, Live Chat, Twitter support and the ability to request a call back</a>	
Fanatics - Existing	800-254-0320	930am - 10pm EST	voicemail line	24/7	n/a	Y	n/a	Phone line available 24 hours but goes to voicemail for a return call. Patron can also request a call in the chat Phones were AWS "bi-directional"- patrons could call agents. Emails generate ticket, assigned to agent. Chat was both AI and human assisted. See Gen App. Section B4d	
Fanatics Application	AWS Connect	hours n/a	n/a	Available (no hours specified)	n/a	Y	n/a		
EBH - Existing	857-770-3453	24/7	n/a	n/a	n/a	N	n/a	Sportsbook hours: Mon-Fri: 2:30pm-11:00pm, Sat: 9:30am-11:00pm, Sun: 9:30am-9:30pm	
EBH - Application	n/a	n/a	n/a	Available (no hours specified)	n/a	n/a	n/a	Kiosks - 24/7 Live betting windows - 9am-midnight (subject to change based on demand)	Application did not address customer service via telephone. Most customer service issues would be handled by Sportsbook staff during operating hours. When the Sportbook Cage is closed, guest can take winning ticket/cash voucehrs to the main cage which is open 24/7
WynnBet - Existing	1-833-780-0708- but not direct voicemail directs patrons to reach out via live chat/email for assistance	n/a	No	8:00am - 1:00am	n/a	Y	n/a	When the Sportbook Cage is closed, guest can take winning ticket/cash voucehrs to the main cage which is open 24/7 EBH retail	
WynnBet Application	n/a	n/a	n/a	Available	n/a	Y	n/a	-Noted that GAN was the customer support system. And only stated cust support available within the app "via email or chat" -Application states WynnBet will offer customer service support to Massachusetts patrons 24/7. Typical communications are live chat or email, depending on customers preference	<a href="#">Link</a>
Caesars - Existing	855-474-0606	8am to 1am EST	Yes	24/7	n/a	Y	n/a	Quickest response/recommended method is Live Chat, available 24/7. Email support is also available via designated form on the app	
Caesars Application	n/a	available	n/a	24/7	n/a	Y	n/a	Chat and voice bot available 24/7. Other methods (besides Live chat, Phone): Email, Help	<a href="#">Link</a>
PSI - Plainridge Park Casino App	508-576-4500	n/a	yes; phone num	n/a	n/a	N	Mon - Fri: 11am - 12am // n/a	The staff at the PPC sportsbook are able to assist customers during working hours, and the above phone number provides customers with the option to leave a message which is then routed to the applicable department throughout the day. PPC's application and presentation has no relevant information	
PSI - ESPN Bet App	844-953-2121	TBD	Yes	24/7 365	n/a	Y	n/a	The phone number is currently acting as a callback number whereby patrons can leave a message with their question. The phone number will soon be fully staffed with live agents by the end of January 2024 after our next hiring mass campaign. From App on Phone service: "Players may request an outbound phone call via email".	<a href="#">PSI Applica PSI Application B4-d-01 pg79</a>

Report and made a summary table of the # of complaints per operator: Customer Service PDs 12.20.23.xlsx



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

FROM: Andrew Steffen – Sports Wagering Operations Manager

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

DATE: January 24, 2024

RE: New Market Request – Player X Next Team

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Pursuant to 205 CMR 247.03, any operator may petition the Commission for approval of a new Sporting Event or Wager Category. Per section 8, the Commission may grant, deny, limit, restrict, or condition a request made pursuant to this rule, and may revoke, suspend, or modify any approval granted under this rule.

**EXECUTIVE SUMMARY:**

Fanatics Betting & Gaming (FBG) has submitted a *Petition for a Sporting Event or Wager Category* form, requesting an additional wager category be added to the Event Catalog.

The form is attached to the commissioner's packet for reference.

**DISCUSSION:**

Fanatics has requested the additional wager category of "Player X Next Team" be added to the event catalog. This specific wager would cover the four major professional leagues of the MLB, NBA, NFL, & NHL. This is not a variation or composite of an already authorized wager category, rather this is a new wager category being requested.

The requested wager category is on which team a specified player will play for next season. A winning wager will be determined if the player is on the selected team's roster by the start of the regular season.



*Sports Wagering Division*

Outcomes will only be verified and declared settled once the specified team releases an official announcement on that player.

**CONCLUDING STATEMENT:**

The Sports Wagering Division confirms all requirements have been met pursuant to 205 CMR 247.03 and has found the operator has answered all the applicable questions on the form.



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

FROM: Andrew Steffen – Sports Wagering Operations Manager

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

DATE: January 24, 2024

RE: New Market Request – X Team's Next Head Coach

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Pursuant to 205 CMR 247.03, any operator may petition the Commission for approval of a new Sporting Event or Wager Category. Per section 8, the Commission may grant, deny, limit, restrict, or condition a request made pursuant to this rule, and may revoke, suspend, or modify any approval granted under this rule.

**EXECUTIVE SUMMARY:**

Fanatics Betting & Gaming (FBG) has submitted a *Petition for a Sporting Event or Wager Category* form, requesting an additional wager category be added to the Event Catalog.

The form is attached to the commissioner's packet for reference.

**DISCUSSION:**

Fanatics has requested the additional wager category of "X Team's Next Head Coach" be added to the event catalog. This specific wager would cover the four major professional leagues of the MLB, NBA, NFL, & NHL. This is not a variation or composite of an already authorized wager category, rather this is a new wager category being requested.

The requested wager category is on who will be X team's next head coach. Wagers will be settled as winners if the selected head coach is a specified teams head coach by the start of the regular season.



*Sports Wagering Division*

Outcomes will only be verified and declared settled when the specified coach is the head coach of the specified team by the start of the regular season.

**CONCLUDING STATEMENT:**

The Sports Wagering Division confirms all requirements have been met pursuant to 205 CMR 247.03 and has found the operator has answered all the applicable questions on the form.



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

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

**MEMO** **MEETING**  
**DATE:** January 22, 2024 **DATE:** February 2, 2024

**RE:** Fanatics Request to add Professional Women's Hockey League (PWHL) to MGC Event Catalog

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**BACKGROUND:**

Under [205 CMR 247.03](#), sports wagering operators must petition the Commission for approval of a new sporting event or wagering category. In line with this regulation, Fanatics has submitted the required form to request for the addition of the [Professional Women's Hockey League \(PWHL\)](#) to be added to the [MA catalog](#).

Under 247.03 (8), the Commission may grant, deny, limit, restrict, or condition a request made pursuant to this rule, and may revoke, suspend, or modify any approval granted under this rule.

**SUPPORTING DOCUMENTS:**

Petition from Fanatics

PWHL Rulebook (Provided [HERE](#) due to length of document)

**OVERVIEW/ PWHL DETAILS:**

The Professional Women's Hockey League's inaugural game was held on New Year's Day (1/1/2024). It consists of three U.S teams (Boston, New York and Minnesota) and three Canadian teams (Montreal, Ottawa and Toronto). As of January 20<sup>th</sup>, they'd played 13 games total. Their games have already drawn record fans.<sup>1</sup> There are 24 games slated for this season, running through May 5. PWHL Boston announced a partnership with NESN in late December which includes the broadcast of all games in the inaugural season<sup>2</sup>.

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<sup>1</sup> [10 Games In, The New PWHL Women's Hockey League Is Thriving \(forbes.com\)](#)

<sup>2</sup> [PWHL Boston to air on NESN: New hockey team announces broadcast partner - masslive.com](#)

The league has significant sports experience via ownership/leadership. It is financially backed by Mark Walter, part-owner of the L.A. Dodgers (MLB) and co-owner of the Chelsea FC Premier League (English soccer.) The executive director of the league’s union is Brian Burke, a former NHL executive. The team’s president, Stan Kasten is also a part-owner of the Dodgers. He is serving on the board of directors alongside “Dodgers senior vice president of business strategy Royce Cohen and women’s sports icon Billie Jean King [tennis] and her wife, sports executive Ilana Kloss.”<sup>3</sup>

The NHL has pledged (consultative) support to the PWHL (not financial support<sup>4</sup>), and the team will be utilizing officials from the American Hockey League (AHL.) Of note, the team is covered by a CBA including salaries, health benefits, housing stipends, etc.<sup>5</sup>

The official rules are posted/available: [PWHL-Rulebook-Final-v-Jan-2024.pdf \(thepwhl.com\)](https://www.thepwhl.com/wp-content/uploads/2024/01/PWHL-Rulebook-Final-v-Jan-2024.pdf) which have been described by the media as in line with the NHL rulebook, with some ‘small adaptations’.<sup>6</sup>

**SUMMARY:**

The MA catalog’s current Ice Hockey offerings are as follows:

A	B	C	D
Sport		Governing Body	League
Hockey - Ice		American Hockey League (AHL)	AHL
		National Hockey League (NHL)	NHL
<a href="#">Return to Index</a>		International Ice Hockey Federation (IIHF)	International and domestic events sanctioned by the IIHF or IIHF member federations.
		NCAA	NCAA Ice Hockey

As of 1/10/24, Gaming Today reported that no other states yet permitted sports wagering on PWHL, but anticipated that to change as requests were made by licensees.

Based on 247.03 (4), certain minimum criteria must be met in order for the Commission to authorize the addition of the event. Those criteria are outlined below with applicable supporting notes provided.

**(a) The outcome can be verified;**

*Fanatics states in its petition that the results would be verified by the PWHL website.*

**(b) The Sporting Event generating the outcome is conducted in a manner that ensures sufficient integrity controls exist so the outcome can be trusted;**

*Fanatics states in its petition that the integrity controls are in line with current ice hockey league approvals.*

<sup>3</sup> [6-Team PWHL, New Women’s Pro Hockey League, To Launch In January \(forbes.com\)](https://www.forbes.com/sites/ericlipton/2023/12/12/6-team-pwhl-new-womens-pro-hockey-league-to-launch-in-january/)  
<sup>4</sup> [NHL providing PWHL with knowledge and experience, but not financial support | CBC Sports](https://www.cbc.com/sports/nhl-providing-pwhl-with-knowledge-and-experience-but-not-financial-support)  
<sup>5</sup> [Highlights & Comparables of the PWHLPA Collective Bargaining Agreement \(victorypress.org\)](https://www.victorypress.org/news/highlights-comparables-of-the-pwhlpa-collective-bargaining-agreement/)  
<sup>6</sup> [PWHL Rule Book Features Unique Additions \(msn.com\)](https://www.msn.com/en-us/sports/hockey/nhl/pwhl-rule-book-features-unique-additions/)

**(c) The outcome is not likely to be affected by any Sports Wager placed;**

*Fanatics states in its petition that all wagers will be settled via official PWHL box score and not have any affect on actual results.*

**(d) The Sporting Event is conducted in conformity with all applicable laws.**

*Fanatics states in its petition that they are in line with current ice hockey league approvals.*

**CONCLUSION:**

The Sports Wagering division confirms the minimum requirements have been met under 205 CMR 247.03. The PWHL has similar game play, rules, and governance to the approved hockey leagues, as well as relevant associations. In addition, Fanatics' ice hockey house rules encompass any approved hockey league they offer, so this request would fall under those rules.



## MASSACHUSETTS GAMING COMMISSION

# PETITION FOR A SPORTING EVENT OR WAGER CATEGORY

*In accordance with 205 CMR 247.03*

### **Directions:**

Please fill out and address all areas of the form. If an area does not apply to the request, please place 'NA' in the section. Each section will extend to accommodate large answers. If needed, one may attach additional documents. Please make sure any attachments reference the relevant section and number in their title.

### **SECTION A** **BACKGROUND**

1. NAME OF OPERATOR(S) PETITIONING:
2. REQUESTING A SPORTS WAGERING EVENT OR WAGERING CATEGORY:
3. NAME OF EVENT OR WAGERING CATEGORY:
4. IS THIS A VARIATION OF AN AUTHORIZED SPORTING EVENT OR WAGER CATEGORY?
5. IS THIS A COMPOSITE OF AUTHORIZED SPORTING EVENTS OR WAGER CATEGORIES?
6. IS THIS A NEW SPORTING EVENT OR WAGER CATEGORY?

WEBSITE LINK FOR THE EVENT AND/OR GOVERNING BODY:

### **SECTION B** **A COMPLETE AND DETAILED DESCRIPTION OF THE SPORTING EVENT OR WAGER CATEGORY FOR WHICH APPROVAL IS SOUGHT**

1. A summary of the Sporting Event or Wager Category and the manner in which Sports Wagers would be placed and winning Sports Wagers would be determined.
2. A draft of the proposed House Rules, including a description of any technology that would be utilized to offer Sports Wagering on the Sporting Event or Wager Category.
3. Any rules or voting procedures related to the Sporting Event or Wager Category.
4. Assurance that the Sporting Event or Wager Category meets the requirements of 205 CMR 247.03(4) (*details are required in the minimum criteria section below*).
5. Whether and to what extent the outcome of the Sporting Event or Wager Category is determined solely by chance.



**SECTION C**  
**IF THE PROPOSED SPORTING EVENT OR WAGER CATEGORY IS BASED ON ESPORTS ACTIVITIES, PLEASE ANSWER THE FOLLOWING QUESTIONS**

1. The proposed location(s) of the eSports event(s).
2. The video game used for the eSports event, including, without limitation, the publisher of the video game.
3. The eSports event operator, whether the eSports event operator is approved to host events by the video game publisher, and whether the eSports event operator has any affiliation with the video game publisher.
4. The manner in which the eSports event is conducted by the eSports event operator, including, without limitation, eSports event rules and certification from a third party, such as an eSports event operator or the game publisher, that the eSports event meets the Commission's event integrity requirements.

**SECTION D**  
**POLICIES AND PROCEDURES REGARDING EVENT INTEGRITY**

*To the extent known by the operator(s), please provide a description of policies and procedures regarding event integrity.*



**SECTION E**  
**MINIMUM CRITERIA**

1. Can the outcome of the Sporting Event or Wager Category be verified? If yes, explain the verification process.
2. Is the Sporting Event generating the outcome conducted in a manner that ensures sufficient integrity controls exist so the outcome can be trusted? Please explain.
3. Is the outcome likely to be affected by any Sports Wager placed? Please explain.
4. Is the Sporting Event conducted in conformity with all applicable laws? Please explain.

**SECTION F**

**THE COMMISSION WILL CONSIDER THE REQUEST, ALL PROVIDED MATERIALS, AND ANY RELEVANT INPUT FROM THE SPORTS GOVERNING BODY OR THE CONDUCTOR OF THE SPORTING EVENT PRIOR TO AUTHORIZING A SPORTING EVENT OR WAGER CATEGORY.**

1. NAME OF SPORTS GOVERNING BODY:
2. HAS THE SPORTS GOVERNING BODY BEEN INFORMED OF THIS REQUEST?  
*IF 'NO' PLEASE EXPLAIN THE REASON BEHIND IT:*
3. IF THERE IS NO SPORTS GOVERNING BODY, NAME THE ENTITY THAT CONDUCTS THE SPORTING EVENT:
4. HAS THE ENTITY THAT CONDUCTS THE SPORTING EVENT BEEN CONTACTED REGARDING THIS REQUEST?  
*IF 'NO' PLEASE EXPLAIN THE REASON BEHIND IT:*
5. HAS ANY RELEVANT PLAYER'S ASSOCIATION BEEN INFORMED OF THIS PETITION?



IF ANY OF THE ABOVE ENTITIES HAVE BEEN CONTACTED, PLEASE PROVIDE ADDITIONAL  
DETAIL BELOW, INCLUDING BUT NOT LIMITED TO WHEN THE ENTITIES WERE INITIALLY  
CONTACTED ABOUT THE REQUEST ANY COMMENTS OR INPUT PROVIDED BY THE ENTITIES:

**SIGNATURE AND INFORMATION**

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



Signature of individual requesting new event/wager

Date

[If this request is submitted via email, it may be signed electronically by typing the petitioner's name on the  
signature line above. In that case, the 'signature' must be preceded by /s/ (e.g.- /s/ John S. Doe). Use of an  
electronic signature permits the Commission to rely upon the signature as if it were handwritten.]

Please submit this request and any attachments to the Massachusetts Gaming Commission via email at:  
[mgcsportswagering@massgaming.gov](mailto:mgcsportswagering@massgaming.gov)





*Sports Wagering Division*

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

FROM: Andrew Steffen – Sports Wagering Operations Manager

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

DATE: January 24, 2024

RE: New Market Request – Super Bowl Prop Wagers

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Pursuant to 205 CMR 247.03, any operator may petition the Commission for approval of a new Sporting Event or Wager Category. Per section 8, the Commission may grant, deny, limit, restrict, or condition a request made pursuant to this rule, and may revoke, suspend, or modify any approval granted under this rule.

**EXECUTIVE SUMMARY:**

While an operator has not officially petitioned for new wager categories pertaining to the NFL Super Bowl, the Sports Wagering Division is seeking clarification on which pre-game Super Bowl Proposition Wagers may be available for wagering. The Super Bowl is the only football game of the season these markets could be offered.

<b>Market</b>	<b>Selections</b>
<b>Coin Toss Result</b>	Heads/Tails
<b>Coin Toss Winner</b>	Team A/Team B
<b>Team to Receive Opening Kickoff</b>	Team A/Team B
<b>Coin Toss Winner Wins Game</b>	Yes/No
<b>To Win Coin Toss and Win Game</b>	Team A/Team B
<b>Coin Toss to be Re-Taken</b>	Yes/No
<b>Coin Toss Call Result</b>	Correct/Incorrect
<b>Gatorade Color Over Coach</b>	Various Color Options
<b>National Anthem Length</b>	Over/Under

*\*All coin toss props are specified for opening coin toss and do not include overtime coin toss.*



*Sports Wagering Division*

**CONCLUDING STATEMENT:**

The Sports Wagering Division is seeking clarification to inform the Operators which proposition wagers may be included for wagering prior to the NFL Super Bowl.



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

FROM: Carrie Torrisi, Deputy General Counsel  
Bruce Band, Director of Sports Wagering

CC: Todd Grossman, Interim Executive Director

DATE: February 1, 2024

RE: Betr and WynnBET Cessation of Operations

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On January 23, 2024, the Commission received notice from Betr that it intends to cease operations in the Commonwealth on February 16, 2024. Additionally, on January 23, 2024, the Commission received notice from WynnBET that it intends to cease operations in the Commonwealth on February 24, 2024, or such earlier date as may be approved by the Commission.

Betr and WynnBET are seeking approval by the Commission of their submitted cessation plans pursuant to 205 CMR 258.03(2) as well as a waiver from the 90-day notice requirement outlined in 205 CMR 258.01(1), as discussed more fully below.

#### **A. Waiver Request**

Pursuant to 205 CMR 258.01(1), a sports wagering operator intending to cease operations in the Commonwealth must provide notice of its anticipated cessation no fewer than 90 days before such cessation of operations is anticipated to become effective. Given that neither notice was received 90 days before the anticipated effective date of cessation, both Betr and WynnBET have submitted requests for waivers from said 90-day requirement outlined in 205 CMR 258.01(1).

As a reminder, 205 CMR 202.03(2) authorizes the Commission to issue a waiver from a provision or requirement contained in 205 CMR 200.00 provided that (1) granting the waiver is consistent with the purposes of G.L. c. 23N; (2) granting the waiver will not interfere with the ability of the Commission or IEB to fulfill its duties; (3) granting the waiver will not adversely affect the public interest; and (3) not granting the waiver would cause a substantial hardship to the person requesting the waiver.



Massachusetts Gaming Commission

## **B. Commission Action**

205 CMR 258.02 outlines particular actions that may be taken by the Commission upon receipt of notification of a sports wagering operator's anticipated cessation. The Commission may:

- (1) Order the operator to cease offering or accepting new wagers within five business days or such longer period as determined by the Commission;
- (2) Appoint a conservator or receiver to manage and operate the business of the operator in the Commonwealth through and after the intended date of cessation; or
- (3) Take any other action it deems necessary to protect the integrity of sports wagering in the Commonwealth or otherwise protect the interests of the Commonwealth.

## **C. Cessation Plans**

205 CMR 258.03 requires an operator intending to cease operations in the Commonwealth to submit to the Commission within five business days of providing notice of its intended cessation of activities a plan that addresses the following:

- (a) The distribution of winnings to patrons holding unredeemed wagers;
- (b) The refund of pending wagers that will not be paid out before the cessation of operation;
- (c) The distribution of funds in a patron's sports wagering account maintained by a sports wagering operator to that patron;
- (d) The closure of sports wagering accounts maintained by the sports wagering operator;
- (e) The closure of the sports wagering operator's sports wagering area, sports wagering facility, or sports wagering platform;
- (f) The sports wagering operator's plan to satisfy outstanding debts and obligations, including excises taxes due to the Commission pursuant to M.G.L. c. 23N, § 14 and 205 CMR 240.00: Adjusted Gross Sports Wagering and Adjusted Gross Fantasy Wagering Receipts Tax Remittance and Reporting;
- (g) The sports wagering operator's plan to communicate the cessation plan to the public, patrons, and vendors, including applicable timelines for cessation; and
- (h) A description of the status and current balance of the letter of credit or other financial assurance mechanism held by the sports wagering operator pursuant to 205 CMR 238.12(6) and any information necessary to permit the Commission or its appointed conservator or receiver to access and use such letter of credit or other financial assurance mechanism to satisfy the obligations in 205 CMR 258.03(1)(a) through (f) to the extent feasible.

The Legal Department and the Sports Wagering Division have reviewed the cessation plans submitted by both Betr and WynnBET and have determined that said plans address all requirements outlined in 205 CMR 258.03.

Pursuant to 205 CMR 258.03(2), following review of the cessation plan, the Commission or its designee shall issue a determination approving or denying the plan, or requiring reasonable modifications or conditions to the plan.

#### **D. Next Steps**

Upon Commission approval of the operator's cessation plan, 205 CMR 258.03(3) requires the operator to publish notice of cessation<sup>1</sup> in a form approved by Commission that includes instruction on how a patron may:

- (a) Collect winnings on unredeemed wagers; and
- (b) Collect remaining funds in their sports wagering account.

Additionally, following approval of the operator's cessation plan, 205 CMR 258.04 requires the operator to submit reports to the Commission on its implementation of the cessation plan at least every ten days after providing notice. The reports must state whether the operator is on track to complete cessation by its approved effective date or whether the operator needs additional time, and whether the operator seeks to amend or deviate from its approved cessation plan. After review of these reports, the Commission or its designee may require reasonable modifications or impose conditions on an operator's cessation plan.

#### **E. Effectiveness of Cessation/Surrender of License**

Pursuant to 205 CMR 258.05, when the operator has completed all actions required in its cessation plan *or* on the approved cessation date, whichever is earlier, the operator must submit a written report to the Commission notifying the Commission that it has completed all actions necessary for cessation and requesting that cessation become effective. Following said report, the Commission or its designee shall issue a written decision approving or denying the cessation request. If the cessation request is denied, the Commission or its designee may require reasonable modification or impose conditions on the operator necessary for effective cessation.

*The cessation is not effective until the Commission issues a written decision approving the operator's cessation request pursuant to 205 CMR 258.05.*

Upon approval of cessation, the operator must surrender its license pursuant to 205 CMR 258.06.

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<sup>1</sup> Notice shall be published within five business days in (1) a conspicuous location in the sports wagering area, sports wagering facility, or on the sports wagering platform; (2) on the operator's website and social media platforms; and (3) in a daily newspaper of general distribution in the Commonwealth (including online).



January 25, 2024

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

Dear Commissioners:

I write to formally inform you that we will unfortunately not be renewing our temporary sports wagering license in the Commonwealth of Massachusetts. We want to thank the Massachusetts Gaming Commission and its dedicated staff for their great partnership during our temporary license period in Massachusetts and we hope to receive the honor and privilege of reentering this market at a later date.

We will work closely with the MGC on an orderly cessation of operations to ensure that any impact is minimized on our valued customers, partners, vendors, and all other affected parties.

To that end, please find enclosed a Cessation Plan in accordance with 205 CMR 258. We look forward to discussing this plan with you at the upcoming MGC Open Meeting on February 1, 2024.

Sincerely,

*Ashwin Krishnan*

Ashwin Krishnan  
Head of Legal & Business Affairs  
Betr Holdings, Inc.

**290 NE 68<sup>th</sup> Street  
Miami, FL 33138**

## Massachusetts Cessation Plan

Betr is proposing the winding down of its sportsbook operations in Massachusetts on February 16, 2024 due to the timing of the completion of the NFL season and the NBA All-Star break, which will mean that there will be no NFL or NBA games during this window. We will provide updates at least every ten days on the implementation of this plan pursuant to 205 CMR 258.

If the MGC approves this date for the cessation of our sportsbook operations, then we will execute the following plan:

1. No events will be available to bet on beginning February 16, 2024 or later via the app.
2. Because Betr does not offer future bets, all existing wagers will be settled no later than February 16, 2024 according to the results and the approved house rules.
3. Betr will inform all Massachusetts customers about the change on February 12, 2024 that it will stop accepting wagers on February 16, 2024. Betr will communicate this via email and via a conspicuous message on the site and in the app.
4. We will publish the cessation notice on the social media platforms and on the Boston Globe website.
5. On February 16, 2024, Betr will release any deposits that might be locked due to the signup bonus terms and conditions so that the deposits are available for withdrawal.
6. Betr will inform all customers that have funds how they can withdraw their funds via the app.
7. Customers will be able to withdraw their funds from the app until March 16, 2024. After that date, Betr will send any customer that has not withdrawn his or her balance a check with their funds to the last physical address we have on file.
8. On February 16, 2024 we will modify all relevant Helpdesk articles that mention our operations in Massachusetts.
9. We will create a dedicated FAQ page within our Helpdesk that will explain to customers all of the steps they need to take to withdraw their funds and address other anticipated concerns.
10. All vendors have been notified about our plan and they will be informed about the cessation date.
11. We will introduce a geolocation block for Massachusetts so that no wager can be accepted after February 16, 2024.
12. Beginning on March 16, 2024, any person in Massachusetts that downloads the app will receive an "ineligible location" message in the app and they will not be able to login, but the account will still remain open in our system. This is because we are ceasing operations in Massachusetts and not closing the entire platform.
13. We will add all Massachusetts customers to a "no communication list" for advertising/marketing campaigns.
14. We will remain in full compliance with all reserve requirements under 205 CMR 238 until we satisfy all of our obligations under 205 CMR 258.
15. All regulatory reports will still be delivered for February 2024. This includes the payment of all taxes, debts, and obligations pursuant to 205 CMR 240.

We are confident that by following this plan, our customers will have a smooth transition and the potential impact on other affected parties will be minimized.

**From:** [Ashwin Krishnan](#)  
**To:** [Torrisi, Carrie](#)  
**Cc:** [Band, Bruce](#)  
**Subject:** RE: 258 submission  
**Date:** Monday, January 29, 2024 4:15:17 PM  
**Attachments:** [image001.png](#)

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You don't often get email from ashwin.krishnan@betr.app. [Learn why this is important](#)

Betr holds player funds related to its Massachusetts operation in an MVB Bank account (“Reserve Account”) that is separate from Betr’s operational account. Funds in the Reserve Account are only used to meet Massachusetts's reserve requirement rule and are not used for any operational purposes. Betr's Finance team calculates the reserve requirement under Massachusetts regulation using the following formula: Pending Wager Amounts + Player Cashable Balances + Pending Withdrawals = Total Liability; whereas Total Liability equals the minimum amount required to be held in the Reserve Account. Please note, unpaid wagers are not part of the calculation as winning wagers on Betr’s platform are immediately returned in cash to the patron’s online wagering account and the company does not offer retail wagering in Massachusetts. As of Monday, January 29, 2024, Betr’s Reserve Account balance exceeds its total liability in Massachusetts. Currently, Betr’s Massachusetts operation does not need to access any reserve funds in order to satisfy the obligations under 205 CMR 258.03(1)(a)-(f).

**Ashwin Krishnan**  
Head of Legal & Business Affairs



[ashwin.krishnan@betr.app](mailto:ashwin.krishnan@betr.app)  
(305) 605-2387 office

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## MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

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

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

### CONTACT INFORMATION

**DATE:** 1/25/2024

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

**NAME OF INDIVIDUAL COMPILING REQUEST:** Robert Warren

**TITLE OF INDIVIDUAL COMPILING REQUEST:** Compliance Lead

**CONTACT EMAIL ADDRESS:** robert.warren@betr.app

**CONTACT PHONE NUMBER:** (202) 423-8578

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

### REGULATION INFORMATION

**SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED:**

205 CMR 258.01(1)

**REGULATION SECTION TITLE:**

Notification

**REGULATION LANGUAGE/TEXT:**

(1) A Sports Wagering Operator that intends to cease Sports Wagering Operations in the Commonwealth shall immediately, and in no event fewer than 90 days before such cessation of operations is anticipated to become effective, notify the Commission in writing of its anticipated cessation, as well the circumstances leading to the anticipated cessation.



## REASON FOR REQUEST OF WAIVER

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

January 25, 2024 – February 16, 2024

*Per 205 CMR 102.03(4)(b)*

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

I, Robert Warren, as Compliance Lead of Betr, hereby submit a request to the Massachusetts Gaming Commission (the “MGC”) requesting a partial waiver of regulation 205 CMR 258.01(1), so that Betr can remain compliant with the MGC regulation while implementing its cessation process.

On December 23, 2023, Betr received an email from the MGC informing Betr that the deadline to renew its temporary license was January 23, 2024 (the “Deadline”). The email stated that if payment was not made by the Deadline, Betr’s temporary license would expire on February 23, 2024, which is approximately 65 days from the date of the email.

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

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

Due to the timeframe established in the regulation, the required 90-day notice by Betr to the MGC of its intentions to cease its sports wagering operations is not possible in this case, and a denial of our waiver would place Betr in violation of such regulation while it continues to wind-down its operations in the State of Massachusetts.

### ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:

N/A



## **DETERMINATION**

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

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

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





Jennifer Roberts  
VP and General Counsel - WSI  
Direct dial: (702) 770-7592  
Email: jennifer.roberts@wynnbet.com

January 24, 2024

**VIA EMAIL**

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

RE: Notice of Cessation of Operations

To Whom it May Concern:

In accordance with 205 CMR 258.01, this letter shall serve as notice of our intent to cease Sports Wagering Operations in the Commonwealth as of the expiration of our current license on February 23, 2024, or such earlier date as may be approved by the Commission. Enclosed herewith is a proposed Cessation Plan for your review and approval.

We also respectfully withdraw our application for a renewal of our Category 3 Sports Wagering Operator License issued on February 23, 2023.

Respectfully submitted,

*Jennifer Roberts*

Jennifer Roberts  
Vice President & General Counsel  
WSI US, LLC, dba WynnBET



## WynnBET Mobile Sports Betting Cessation Plan

January 2024

This draft Cessation Plan is submitted in accordance with 205 CMR 258.03(1) – *Cessation Plan*.

On or before the expiration of WynnBET’s temporary license, WynnBET will undertake the following steps to cease mobile sports betting operations in the Commonwealth of Massachusetts:

**(a) *The distribution of winnings to patrons holding unredeemed Wagers***

Within [48] hours of receiving approval from the MGC to proceed under this Cessation Plan, WynnBET will send an initial notice to its patrons in substantially the following form:

*“We want to thank you for being a dedicated customer of WynnBET. Unfortunately, we have had to make the difficult decision to close down mobile sports betting operations in Massachusetts. We have enjoyed serving you and look forward to continuing to provide you sports betting options at our kiosks and retail sports book at Encore Boston Harbor.*

*Effective immediately, we will be discontinuing new mobile sports betting offerings. Your account will be accessible for the next thirty (30) days to allow time for your outstanding bets to settle and to withdraw your account balance. If you have any futures bets or parlay legs that will not be settled within the next 30 days, a WynnBET representative will contact you.*

*The Wynn Rewards points you have earned will remain in effect so that you can redeem them for rewards at Encore Boston Harbor or at Wynn Las Vegas and Encore at Wynn Las Vegas properties. A description of the Wynn Rewards benefits for our resorts can be found [here](#) and [here](#) [Wynn Rewards Card | Encore Boston Harbor](#) for Boston and [here](#) [Wynn Rewards | Las Vegas Casino & Resort Rewards Program \(wynnlasvegas.com\)](#) for Las Vegas.*

Please be sure to visit our FAQ page for responses to more questions. [LINK TO BE INSERTED]. You can always reach our Customer Support team at [wynnbetsupport@wynnbet.com](mailto:wynnbetsupport@wynnbet.com) if you have any additional questions. Rest assured, your account balance and bets settled as winnings over the next 30 days will be paid out!”

During the 30-day wind-down period, a weekly reminder will be sent to Massachusetts patrons to withdraw funds on their account. In addition, notices about the 30-day wind-down period will be posted prominently on WynnBET’s Massachusetts app and website.

Attached as Exhibit A is a sample of FAQs from prior WynnBET closures that will be updated as necessary and made available to WynnBET Massachusetts patrons.

**(b) *The refund of pending Wagers that will not be paid out before the cessation of operation.***

Patrons with wagers and parlay legs that remain unsettled within the 30-day wind-down period will be contacted by a WynnBET customer representative to resolve wagers/parlay legs.

**(c) *The distribution of funds in a patron’s Sports Wagering Account maintained by a Sports Wagering Operator to that patron.***

As set forth in (a) above, patrons will have thirty (30) days to withdraw funds from their Sports Wagering Account. They will receive weekly reminders of to withdraw funds on their account. Patrons who do not withdraw their funds within the 30-day wind-down period will be contacted by a WynnBET customer representative to settle their account. Patrons will also have the opportunity to withdraw their funds in-person at Encore Boston Harbor during the 30-day period.

WynnBET customer representatives will use good faith efforts to contact all patrons with any remaining balances. Any unclaimed balances will be handled in accordance with Chapter 200A: *Disposition of Unclaimed Property*.

**(d) *The closure of Sports Wagering Accounts maintained by the Sports Wagering Operator.***

WynnBET will submit a separate plan for the decommissioning of the Sports Wagering Platform, access to patron accounts, and the retention and access of data for a period required by applicable law.

**(e) *The closure of the Sports Wagering Operator's Sports Wagering Area, Sports Wagering Facility, or Sports Wagering Platform.***

WynnBET will submit a separate plan for the decommissioning of the Sports Wagering Platform, access to patron accounts, and the retention and access of data for a period required by applicable law.

**(f) *The Sports Wagering Operator's plan to satisfy outstanding debts and obligations, including excises taxes due to the Commission pursuant to M.G.L. c. 23N, § 14 and 205 CMR 240.00: Adjusted Gross Sports Wagering and Adjusted Gross Fantasy Wagering Receipts Tax Remittance and Reporting.***

WynnBET will continue to submit financial reports to the Commission so long as there are liabilities, ensure that W2Gs are issued, and make win-loss statements available to patrons. Any reserve will be maintained until all liabilities are paid out.

WynnBET Legal/Compliance team will seek a weekly meeting with the MGC Sports Wagering Division to review the status of the closure process and to discuss any accounts that are suspended for unusual or suspicious reasons and accounts with funds remaining after 30 days.

**(g) *The Sports Wagering Operator's plan to communicate the cessation plan to the public, patrons, and vendors, including applicable timelines for cessation.***

Please see (a) above. WynnBET will also communicate and work with its vendors and supplier on the planned wind-down.

**(h) *A description of the status and current balance of the letter of credit or other financial assurance mechanism held by the Sports Wagering Operator pursuant to 205 CMR 238.12(6) and any information necessary to permit the Commission or its appointed conservator or receiver to access and use such letter of credit or other financial assurance mechanism to satisfy the obligations in 205 CMR 258.03(1)(a) through (f) to the extent feasible.***

WynnBET will supply a bank attestation letter to demonstrate that the obligations of 205 CMR 258.03(1)(a) through (f) can be satisfied through cash.

**EXHIBIT A**  
**Sample FAQs**

## **What states is WynnBET closing down?**

WynnBET will be ceasing operations in Colorado, Indiana, Louisiana, New Jersey, Tennessee, Virginia and West Virginia.

Michigan, Arizona, New York and Massachusetts will continue to be available.

## **Why is WynnBET shutting down in various states?**

For commercial reasons, WynnBET has decided to shut down 7 of 11 states previously offered. Please see the [official press release](#).

## **What happens to the bets I have already placed?**

In the seven states closing down, bets that were placed before August 11, 2023, for events that occur prior to October 11, 2023, will be settled, and paid out according to the market result. More information regarding open bets that settle after October 11, 2023 will be shared directly with patrons at a later date.

## **What happens to my betting history?**

Your betting history will be available in your WynnBET account until October 11, 2023.

## **How do I withdraw the money in my account?**

Withdrawals are quick and easy. To withdraw, click 'Account' on our mobile app and select 'Withdrawal'. On our website, click on your balance, then select 'Withdraw'. You will then be prompted to enter a withdrawal amount. Enter the full balance and click 'Submit'.

## **What if I still have the state-specific version of the mobile app?**

You will need to download the new mobile app, sign-in with your username and password, and withdraw your funds by clicking the account icon in the top right.

## **What happens to my active bonuses or new user bonus?**

All bonuses have been settled based on the terms and conditions associated with the promotion.

## **What happens to my Wynn Rewards Tier Credits & COMPDOLLARS?**

The Wynn Rewards COMPDOLLARS you have earned will remain in effect on your Wynn Rewards account so that you can redeem them for rewards at Wynn Las Vegas and Encore at Wynn Las Vegas and

Encore Boston Harbor properties. A description of the Wynn Rewards benefits for our resorts can be found here [Wynn Rewards | Las Vegas Casino & Resort Rewards Program \(wynnlasvegas.com\)](https://www.wynnlasvegas.com) for Las Vegas and here [for Las Vegas and here Wynn Rewards Card | Encore Boston Harbor](#) for Boston.

## **Will I still receive the proper tax forms?**

Yes, the W-2G will be issued and sent to you via the email address used to set up your account.

## **What happens to the Wynn Rewards FreeCredit in my account?**

Wynn Rewards is the rewards program for all Wynn enterprises in the United States, including WynnBET. Being a WynnBET patron grants you a Wynn Rewards membership and allows you to earn **FREECREDIT** that can be redeemed at WynnBET, Wynn Las Vegas, Encore Las Vegas, or Encore Boston Harbor. You can also earn **COMP***DOLLARS*, which can be used exclusively at Wynn and Encore resorts, and have access to many other membership benefits. See <https://www.wynnlasvegas.com/wynn-rewards> for more details.

For states where betting is no longer available, **FREECREDIT** cannot be redeemed for Bet Credits or other bonuses, but can still be used at Wynn Las Vegas, Encore at Wynn Las Vegas, and Encore Boston Harbor. Please see [Wynn Rewards](#) for further information on your **FREECREDIT**. If you had previously purchased Bet Credits or other bonuses from the Rewards Store, and they were unused in your account when we stopped taking bets in your state, we have refunded the **FREECREDIT** to your Wynn Rewards account.

## **How do I sign-up for Wynn Rewards?**

Unlock exclusive benefits at Encore with the Wynn Rewards card. It is your gaming card, and your ticket to exclusive access throughout Encore. To join our Wynn Rewards program, please visit the Wynn Rewards desk located on the casino floor or [sign up online](#).

## **What is the age requirement to play on WynnBET?**

You must be at least 21 years old to play on WynnBET.

## **Is online gambling legal?**

Online gambling is legal in some states, and each state may have different options. WynnBET currently supports sports betting in Massachusetts, Michigan, and New York.

## **Is online sports betting legal?**

Online sports betting is legal in some states, and each state may have different options. WynnBET currently supports sports betting in Massachusetts, Michigan, and New York.

## **Where is WynnBET available?**

You can register and play online or download and use WynnBET's mobile apps for [Arizona](#), [Massachusetts](#), [Michigan](#), and [New York](#).

## **When will WynnBET add more states?**

WynnBET is working on providing services in several new states. If we aren't live in your state, please select "I don't see my state" from the "State" menu above and complete the form to be the first to know about service in your area.

## **What sports are featured on WynnBET?**

WynnBET offers wagering on all major sports: American football, basketball, baseball, soccer, tennis, golf, combat sports, and major college sports.

## **Does WynnBET offer any casino games?**

WynnBET offers casino play in Michigan.

## **Does WynnBET offer the same wagers in all states?**

No, WynnBET's offerings may vary by state.

## **Does WynnBET track my location?**

In order to access WynnBET, your location must be made available to the WynnBET app while playing.

## **Is there a way to set limits on my activity on WynnBET?**

Go to your profile page, click on "Responsible Gambling" on the left-hand side, and select "Player Limits." From here you can change your daily, weekly, and monthly deposit and spending limits. You can also change your daily and weekly time limits. Please visit our [Responsible Gaming](#) information page for more information about account limits and other resources available.

## **How can I get help with gambling addiction?**

If you are having any doubts, please seek assistance.

If you or someone you know has a gambling problem, call 1-800-GAMBLER for residents of Michigan, New Jersey, or Tennessee, or West Virginia. If you're in Arizona, call 1-800-NEXT-STEP. In Colorado, call 1-800-522-4700. In Indiana, call 1-800-9-WITH-IT. In Louisiana, call 1-877-770-7867. In Massachusetts, call 1-800-327-5050. In New York, call 1-877-8-HOPENY or text 467369. In Virginia, call 1-888-532-3500.

Please visit our [Responsible Gaming](#) information page for more information about available resources.

## **How do I reach customer service?**

If you are unable to find the answers you need here, please email the WynnBET Customer Service team at [wynnbetsupport@wynnbet.com](mailto:wynnbetsupport@wynnbet.com) for a representative to address your inquiries.



## WynnBET Mobile Sports Betting Account Closure Plan

Upon approval by the MGC to commence the cessation process, the following steps will be undertaken.

- ***Shut Off Sports Betting Markets and Deposits***
- ***Simultaneous with shutting off markets and deposits, send email to customers announcing the planned closure, which will be something to the effect as follows:***

*We want to thank you for being a dedicated customer of WynnBET. Unfortunately, we have had to make the difficult decision to close down mobile sports betting operations in Massachusetts. We have enjoyed serving you and look forward to continuing to provide you sports betting options at our kiosks and retail sports book at Encore Boston Harbor.*

*Effective immediately, we will be discontinuing new sports betting offerings. Your account will be accessible for the next thirty (30) days to allow time for your outstanding bets to settle and to withdraw your account balance. If you have any futures bets or parlay legs that will not be settled within the next 30 days, a WynnBET representative will contact you.*

*The Wynn Rewards points you have earned will remain in effect so that you can redeem them for rewards at Encore Boston Harbor or at Wynn Las Vegas and Encore at Wynn Las Vegas properties. A description of the Wynn Rewards benefits for our resorts can be found [here](#) and here [Wynn Rewards Card | Encore Boston Harbor](#) for Boston and here [Wynn Rewards | Las Vegas Casino & Resort Rewards Program \(wynnlasvegas.com\)](#) for Las Vegas.*

*Please be sure to visit our FAQ page for responses to more questions. [LINK TO BE INSERTED]. You can always reach our Customer Support team at [wynnbetsupport@](mailto:wynnbetsupport@)*

[wynnbet.com](http://wynnbet.com) if you have any additional questions. Rest assured, your account balance and bets settled as winnings over the next 30 days will be paid out!

- **Send Weekly Notices to Customers**

During the 30-day wind-down period, a weekly reminder will be sent to Massachusetts patrons to withdraw funds on their account. In addition, notices about the 30-day wind-down period will be posted prominently on WynnBET's Massachusetts app and website.

Attached as Exhibit A is a sample of FAQs to be made available to WynnBET Massachusetts patrons.

- **Account Closures**

Once all wagers are settled and the account funds are withdrawn, a patron's account will be closed and inaccessible to the patron. After the 30-day wind period, WynnBET will use good faith efforts to contact all patrons with any remaining balances. Any unclaimed balances will be handled in accordance with Chapter 200A: *Disposition of Unclaimed Property*.

- **Settle Futures Wagers/Parlay Legs**

Each customer with wagers and parlay legs that remain unsettled after the 30-day wind-down period will be contacted by a WynnBET customer support representative to the wagers/parlays.

- **Bonuses/Rewards**

WynnBET does not have current promotions and bonuses running in Massachusetts, except for the Wynn Rewards loyalty program. Any outstanding bet credits at time of closure will be paid out in cash, while remaining loyalty points will continue to be available for use at Encore Boston Harbor or Wynn Las Vegas and Encore at Wynn Las Vegas.

- **Accounting**

WynnBET will continue to submit financial reports to MGC so long as there are liabilities, ensure that W2Gs are issued, and make win-loss statements available to patrons. Any reserve will be maintained until all liabilities are paid out.

- **Vendors/Suppliers**

Once cessation is approved, WynnBET will communicate and work with its vendors and suppliers on the planned wind down.

- ***Set Weekly Meetings with Regulatory Staff***

WynnBET Legal/Compliance team will seek a weekly meeting with the MGC sports betting division to review the status of the closure process and to discuss any accounts that are suspended for unusual or suspicious reasons and accounts with funds remaining after 30 days.

**EXHIBIT A**  
**FAQs**

## **What states is WynnBET closing down?**

WynnBET will be ceasing operations in Colorado, Indiana, Louisiana, Massachusetts, New Jersey, Tennessee, Virginia and West Virginia.

Michigan, Arizona, and New York will continue to be available.

## **Why is WynnBET shutting down?**

For commercial reasons, WynnBET has decided to shut down mobile sports betting operations in Massachusetts. However, retail sports betting will continue to be offered by our related company at the sports book and kiosks located at Encore Boston Harbor.

## **What happens to the bets I have already placed?**

Bets that were placed prior to the announced cessation, for events that occur after the 30-day cessation period [DATE TO BE ADDED], will be settled and paid out according to the market result. For open bets that settle after [DATE TO BE ADDED], the patron will be contacted by a WynnBET customer support representative.

## **What happens to my betting history?**

Your betting history will be available in your WynnBET account until [DATE TO BE ADDED].

## **How do I withdraw the money in my account?**

Withdrawals are quick and easy. To withdraw, click 'Account' on our mobile app and select 'Withdrawal'. On our website, click on your balance, then select 'Withdraw'. You will then be prompted to enter a withdrawal amount. Enter the full balance and click 'Submit'.

## **What happens to my Wynn Rewards Tier Credits & COMPDOLLARS?**

The Wynn Rewards COMPDOLLARS you have earned will remain in effect on your Wynn Rewards account so that you can redeem them for rewards at Encore Boston Harbor and Wynn Las Vegas and Encore at Wynn Las Vegas. A description of the Wynn Rewards benefits for our resorts can be found here [Wynn Rewards | Las Vegas Casino & Resort Rewards Program \(wynnlasvegas.com\)](#) for Las Vegas and here [Wynn Rewards Card | Encore Boston Harbor](#) for Boston.

## **Will I still receive the proper tax forms?**

Yes, the W-2G will be issued and sent to you via the email address used to set up your account.

## **What happens to the Wynn Rewards FreeCREDIT in my account?**

FREECREDIT cannot be redeemed for Bet Credits or other bonuses, but can still be used at Wynn Las Vegas, Encore at Wynn Las Vegas, and Encore Boston Harbor. Please see [Wynn Rewards](#) for further information on your FREECREDIT. If you had previously purchased Bet Credits or other bonuses from the Rewards Store, and they were unused in your account when we stopped taking bets in your state, we have refunded the FREECREDIT to your Wynn Rewards account.

## **How do I sign-up for Wynn Rewards?**

Unlock exclusive benefits at Encore Boston Harbor with the Wynn Rewards card. It is your gaming card, and your ticket to exclusive access throughout Encore Boston Harbor. To join our Wynn Rewards program, please visit the Wynn Rewards desk located on the casino floor or [sign up online](#).

## **Where is WynnBET available?**

You can register and play online or download and use WynnBET's mobile apps for [Arizona](#), [Michigan](#), and [New York](#).

## **How can I get help with gambling addiction?**

If you are having any doubts, please seek assistance.

If you or someone you know has a gambling problem, call 1-800-GAMBLER for residents of Michigan. If you're in Arizona, call 1-800-NEXT-STEP. In Massachusetts, call 1-800-327-5050. In New York, call 1-877-8-HOPENY or text 467369.

Please visit our [Responsible Gaming](#) information page for more information about available resources.

## **How do I reach customer service?**

If you are unable to find the answers you need here, please email the WynnBET Customer Service team at [wynnbetsupport@wynnbet.com](mailto:wynnbetsupport@wynnbet.com) for a representative to address your inquiries.



## **Data Retention and Decommission Plan**

### **Introduction**

Upon approval of cessation of mobile sports betting operations of WSI US, LLC, dba WynnBET, pursuant to a Category 3 license in the Commonwealth of Massachusetts, server hardware and other associated equipment must be decommissioned, and all relevant data retained. This will require certain transactional data and all patron and financial data to be migrated and securely stored for legal and regulatory purposes.

### **Data Sources and Locations**

WynnBET uses White Hat Gaming (WHG) as a PAM provider, so WHG stores WynnBET patron databases and is the source of truth for data requests. In addition, WynnBET has several databases, including state-residing databases, cloud-hosted databases, and a cloud-hosted data warehouse. WynnBET's state-residing databases will be archived and retained in a new cloud-hosted data store for data requests relating to marketing and gamification data. WynnBET cloud-hosted databases will remain operational (read only) to provide transaction history to users on the WHG application, until closure. WynnBET will also retain, and store patron data provided by geolocation, identity, customer support, and marketing providers alongside the state database archives. The WynnBET data warehouse will remain operational for historical purposes until data retention expires.

### **Data Storage**

Raw backups from PAM, geolocation, identity, customer support, and marketing providers will be encrypted and stored on a cloud-hosted storage facility. Backups will be used to restore the PAM provider databases. Backups from geolocation, identity, customer support, and marketing providers will be consolidated on a cloud server.

### **Data Retention**

Data will be retained for a period of time required by Massachusetts laws and regulations.

## **Data Security/Access Controls**

All data sources that will support internal or external long-term reporting or compliance requirements will be consolidated and stored to mask patron passwords, full SSNs, and payment information. The information will be in read-only mode with access limited only to specific IT/technology personnel.

Firewall rules will be configured to control which IP addresses or IP ranges are allowed to ensure only authorized users and applications can access the data. Raw database extractions will be encrypted at rest using public/private key encryption. To support any regulatory request, the data will be transmitted over encrypted tunnels to a temporary database server based on the data source. To support any patron data request, a tool will be developed to query consolidated datasets by a patron's relational identifiers.

## **Patron and Regulator Requests**

Throughout the closure process, Massachusetts patron requests will be addressed via an e-mail request to WynnBET Customer Support ([wynnbetsupport@wynnbet.com](mailto:wynnbetsupport@wynnbet.com)). The current Legal/Compliance contacts at WynnBET will continue to liaise with the MGC.

## **Server Decommission/Deletion of Data**

Once all data has been confirmed as archived by Wynn/WynnBET resources and signed off by legal and compliance; all source systems will be wiped of data and systems will be securely decommissioned and destroyed.



## MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

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

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

### CONTACT INFORMATION

**DATE:** 1/26/2024

**NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY):** WSI US, LLC, dba WynnBET

**NAME OF INDIVIDUAL COMPILING REQUEST:** Jennifer Roberts

**TITLE OF INDIVIDUAL COMPILING REQUEST:** Vice President/General Counsel

**CONTACT EMAIL ADDRESS:** Jennifer.roberts@wynnbet.com

**CONTACT PHONE NUMBER:** 702-770-7592

**EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT):**  
+ Jacqui.krum@wynnbet.com, 857-770-7802

### REGULATION INFORMATION

**SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED:** 205 CMR 258.01(1)

**REGULATION SECTION TITLE:** Sports Wagering Operator Cessation: Notification

**REGULATION LANGUAGE/TEXT:** A Sports Wagering Operator that intends to cease Sports Wagering Operations in the Commonwealth shall immediately, and in no event fewer than 90 days before such cessation of operations is anticipated to become effective, notify the Commission in writing of its anticipation cessation, as well as the circumstances leading to the anticipated cessation.

### REASON FOR REQUEST OF WAIVER

**DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH:** Cessation of mobile sports betting wagers to become effective February 23, 2024, or as authorized by the Commission.

*Per 205 CMR 102.03(4)(b)*

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

WynnBET is thoughtfully and carefully winding down its mobile sports betting operations throughout the United States. While originally the intent was to stay operational in Massachusetts,



the business is uneconomical. WynnBET has determined that it is most appropriate to commence the wind down in Massachusetts prior to the temporary license extension period which would require the payment of a \$1 million temporary license fee. WynnBET proposes commencing the cessation of sports wagering through its mobile application and website on or before February 23, 2024, and continuing its wind down operations immediately thereafter until it completes such wind down to the satisfaction of the Commission. The retail sports book of Encore Boston Harbor will not be affected by this.

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

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

If the waiver of notice is not granted, WynnBET will be required to pay a \$1 million license fee for an operation it intends to close.

**ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:**

### **DETERMINATION**

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

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

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





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

FROM: Kathleen Kramer, Interim Chief Enforcement Counsel/Assistant Director/Senior Enforcement Counsel

CC: Caitlin Monahan, Interim IEB Director/Deputy General Counsel  
Todd Grossman, Interim Executive Director/General Counsel

DATE: January 26, 2024

RE: Sports Wagering Noncompliance Matters

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At the February 1, 2024, Public Meeting, the IEB will be presenting the following three Sports Wagering Noncompliance matters to the Commission:

1. FBG Enterprises Opco, LLC, d/b/a Fanatics Betting and Gaming, Category 3 Sports Wagering Operator - Wagering on an Unauthorized Event – Boston University Men's Basketball
2. MGM Springfield, Category 1 Sports Wagering Operator - Wagering on an Unauthorized Event - Northeastern Men's Basketball
3. BetMGM, Category 3 Sports Wagering Operator - Wagering on Unauthorized Event - Individual Athletes in Collegiate Sporting Events



Massachusetts Gaming Commission



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

FROM: Mark Vander Linden, Director of Research and Responsible Gaming; Bonnie Andrews, Research Manager

CC: Todd Grossman, Interim Executive Director

DATE: February 1, 2024

RE: Player Risk Identification and Response Technology Solutions

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Embedded in the MGC's mission is a commitment to reduce to the maximum extent possible the negative and unintended consequences of gaming. To fulfill this mandate, the MGC has adopted a [Responsible Gaming Framework](#) with an overarching goal to create an effective, sustainable, measurable, socially responsible, and accountable approach to gambling. To support this goal, the MGC has developed and implemented several prevention and intervention measures. We recognize that as innovation, technology and new evidence evolve so too must our strategies and practices.

To that end, the MGC posted an RFI in August 2023 seeking information about AI-driven technology solutions to identify and respond to risky gambling behavior. The RFI was designed to gather insight into the key considerations MGC should account for in determining its approach to risk identification and response technology in the online sports and land-based casino environments.

The attached slide deck will provide an overview of current evidence that supports risk identification and response technology, the general availability of player risk identification tools, and summary of the RFI responses from four companies that provide this technology. I'm also including all submissions to the RFI including a general position statement by the Massachusetts Council on Gaming and Health.



Massachusetts Gaming Commission



# Considerations for Behavioral Risk Identification & Response Technology Solutions

Mark Vander Linden, Director of Research and Responsible Gaming  
With support from Judith Glynn, PRET Solutions

February 1, 2024



# What we're talking about....

**Risk Identification Technology:** AI-driven technology to identify and respond to risky gambling behavior.

In August 2023 the MGC released an RFI to gather insight into the key considerations MGC should account for in determining its approach to risk identification and response technology in the online sports and land-based casino environments.



# What we'll cover....

1. Key purpose and objective
2. Rationale for regulatory involvement
3. Proposed approach
4. Insights from RFI
5. State of the market
6. Proposed next steps



# Our Commitment

To fulfill our mandate to reduce to the maximum extent possible the negative and unintended consequences of gaming, MGC maintains a Responsible Gaming Framework with an overarching goal **to create an effective, sustainable, measurable, socially responsible, and accountable approach to gambling.**

The MGC Framework further states that RG efforts in their entirety will retain flexibility to respond to emerging evidence and the evolving technological and cultural environment.



# Key Objective

- To reflect this commitment, the MGC released an RFI to seek **information about AI-driven technology solutions to identify and respond to risky gambling behavior.**
- Such technology may be used in the following gaming formats (in order of priority):
  1. Online sports wagering
  2. Land-based casinos (carded play, cashless wagering)
  3. iGaming (*future*)
- The ideal path forward would ensure a strategy is in place that can effectively reduce harm in all MGC-regulated gaming formats, by utilizing evidence-based approaches that target the characteristics and manifestations of risk unique to each format.



# AI-driven risk ID solutions are widely in use...

Many multi-national online operators licensed in advanced regulated jurisdictions (e.g., US, Europe, UK, Australia, Canada) already have an AI-driven solution for identifying risk, in various forms:

## A. In-house developed predictive model(s)

**Entain**

**Protecting players with ARC™**

For example:

*Entain-developed Advanced Responsibility & Care™ (ARC™) Program*

## B. External configured solution

**US – Rush Street becomes first in US to adopt Neccton's mentor**

For example:

*Neccton Mentor is implemented by many operators, primarily European*

**Play North joins top operators utilising Neccton's mentor**

## C. Hybrid solution combining both in-house and external models



# ...but often not implemented to maximize potential

While many operators maintain advanced technological solutions to identify risk, implementation is often flawed or inadequate in three key areas:

## Lack of rigor / reliability of indicators and thresholds

In one evaluation<sup>1</sup>, an international research team found a system based on nine "markers of harm" used by a consortium of major operators identified <1% of players rather than the >6% of online players who self-report pathological gambling.

## Not supported by evidence-based response / intervention protocols

- Most solutions do not have integrated response functionality
- Evidence and expert input suggests most operators do not have adequate operational resources and procedures for responding to identified risk
- Some operators rely only on automated responses to single risk events, lacking case management for monitoring repeat or increasing risk and escalating response as needed

## Not supported by outcome-based evaluation frameworks

- No published peer-reviewed evaluations demonstrating effectiveness of real-world implementations of AI-driven solutions
- To address gap, UK Gambling Commission has updated regulatory standards to require regular evaluation of harm reduction efforts



# Regulatory involvement can help maximize potential

Regulatory involvement can help ensure technology-based efforts to address achieve their intended impacts, by ensuring:

## **1. Technological solutions are evidence-based and fit for purpose**

- a. rigorous indicators, thresholds, and proxies, tailored to diverse gambling forms (e.g., sports vs. casino, cashless)
- b. flexible/adaptable to diverse environments as needed (e.g., online vs. land-based)

## **2. Resources and policies are in place to support risk identification technology, with:**

- a. systematic evidence-based response/intervention protocols (incl. case management)
- b. evaluation frameworks to monitor impact



# Evidence suggests potential

## *It is possible to identify risk using player data*

- A significant amount of academic studies have identified risk using a variety of player data (e.g., play patterns, customer communications, financial activity)
- Many of the earliest reliable risk indicators that emerged from player data-driven research were based on **online sports bettors** (Harvard/bwin collaboration 2007 – 2014)<sup>2-12</sup>
- General consensus that **extreme play** (top 1-5%) is a reliable concept for identifying risk across most indicators and all forms of gambling, including online sports betting<sup>2-16</sup>
- Research is increasingly focusing on **risk indicators specific to the online sports betting environment**, such as in-play betting, betting outside normal hours, betting on sports outside the “top 10”, and using a mobile device<sup>15-18</sup>



# Evidence suggests potential

## *Responding/intervening can reduce harms*

- Many studies have demonstrated that intervening with at-risk players, simply via automated methods (e.g., pop-ups, emails), can impact behaviors and reduce harm<sup>19–25</sup>
- A number of studies have indicated that person-to-person interventions can reduce harmful behaviors amongst high-risk players<sup>26–27</sup>
- Including a recent study<sup>28</sup> which found that high-risk players who received a phone call intervention **reduced their theoretical loss by 30%** in a 12-month follow-up (vs. 7% amongst those who did not receive a call)



# Proposed Approach

1

## Background analysis

- Establish considerations of importance (e.g., target environment(s), state of evidence and market, role for regulation vs. cooperation, etc.)
- Expert consultations
- RFI: Risk Identification & Response

2

## Understand the local context

- Consult with MA operators on current solutions in place or in development
- Consult with other relevant stakeholders (e.g., MACGH recovery panel) on important considerations
- Consider research to explore further

3

## Identify possible options

- Prepare options (incl. key benefits and challenges) for MGC's role e.g.,
- Establish regulatory criteria and outcomes
  - Identify and mandate one solution for all operators
  - Ask operators to collaborate on a common solution

4

## Confirm path forward

- Review possible options and considerations
- Commission decision on path forward.



# Summary of RFI Responses

The RFI (Aug. 2023) was designed to gather insight into the key considerations MGC should account for in determining its approach to risk identification and response technology in the online sports and land-based casino environments.

- **Five responses received** from:
  - Four providers of risk identification solutions
  - One local safer gambling stakeholder (MACGH)
- Responses from providers offer valuable insight into the state of the market for such solutions and details on their respective solutions
- Response from MACGH provides support for MGC's intention to participate/lead in this space, and highlighted priorities and considerations specific to the land-based context
- We propose to build on the insight gained to date by explicitly seeking an objective and comprehensive summary of evidence related to these solutions and environments, as well as input from other stakeholder groups



# State of the Market: Brief Overview

## There are only a small number of solutions which are purpose-built for identifying risk

- Most solutions market themselves as offering response functionality, however, are limited to prompting operators to conduct an assessment and/or respond
- One solution (*Mentor*) provides an integrated player-facing response functionality (bank of automated messages)
- Most solutions are designed for implementation in online environments, but some can be adapted to the land-based environment (for carded play, cashless wagering only)
- Most solutions undergo extensive configuration processes, to build and train their predictive models on operator-specific data (incl. customization of indicators and thresholds based on game type)
- Most solutions were developed by academics and experts in the responsible gambling field
- A number have been evaluated in peer-reviewed studies (in most cases, authors include members of the solution's development team)



# State of the Market: RFI Respondents

Brief Overview	Sports-specific Features	Player Response Functionality	Adaptable*
<b>BetBuddy (Playtech)</b>			
<ul style="list-style-type: none"> <li>• Cloud-based AI solution</li> <li>• Evidence-based risk segmentation approach</li> <li>• Ongoing research partnerships to continuously validate/improve indicators, modelling, and responses</li> </ul>	<p>Offer “product-specific features” in determining level of risk; for sports betting:</p> <ul style="list-style-type: none"> <li>• greater weighting on betting across many different types of sport or leagues</li> <li>• analytical adjustments for seasonality and specific big match days</li> </ul>	<ul style="list-style-type: none"> <li>• Places players into three levels of risk (low, medium, high); recommend operators take a tiered approach to response</li> <li>• No apparent integrated player-facing response functionality</li> </ul>	Yes, piloted
<b>GameScanner (Mindway AI)</b>			
<ul style="list-style-type: none"> <li>• Cloud-based AI solution based on neuroscience</li> <li>• 10+ yrs. research in neuroscience, neuroimaging &amp; PG</li> <li>• Performance tested and verified by Gambling Laboratories International (first RG solution to do so)</li> </ul>	<ul style="list-style-type: none"> <li>• Predictive modelling is based on distinct behaviours across all game types</li> </ul>	<ul style="list-style-type: none"> <li>• Defines a risk score for each player from 0-100; used in combination with thresholds on customized behaviours</li> <li>• When threshold triggered, alarm is created to prompt manual assessment by operator</li> <li>• No apparent integrated player-facing response functionality</li> </ul>	TBD

\*to the land-based environment



# State of the Market: RFI Respondents (*cont.*)

Brief Overview	Sports-specific Features	Player Response Functionality	Adaptable*
<b>idPair**</b>			
<ul style="list-style-type: none"> <li>• <b>Data consolidation platform</b></li> <li>• Creates one unique identifier across gaming platforms</li> <li>• Allows monitoring of data across platforms</li> </ul>	Predictive modelling is based on distinct behaviours across all game types	No apparent integrated player-facing response functionality	No
<b>Player Stability eScore** (TransUnion)</b>			
Provides risk rating of experiencing financial distress, based on non-behavioural data	Model based on affordability not on behavioural data	No apparent integrated player-facing response functionality	TBD

\*to the land-based environment

\*\*alternative or complementary approaches to a conventional risk ID solution



# State of the Market: Additional Solutions

Brief Overview	Player Response Functionality	Adaptable*
<b>Preventor Suite</b> (Sustainable Interaction)		
<ul style="list-style-type: none"><li>• Cloud-based AI solution</li><li>• Prior to own-brand product, experience developing proprietary solutions for PlayScan, Green Gaming, Kindred</li></ul>	<ul style="list-style-type: none"><li>• Ability to display messages, nudges (communication channels unknown)</li><li>• Notifies operator to prompt interaction</li><li>• No apparent integrated player-facing response functionality</li></ul>	Yes
<b>Mentor</b> (Neccton)		
<ul style="list-style-type: none"><li>• Cloud-based AI solution</li><li>• Evidence-based approach, indicators &amp; <b>responses</b></li><li>• Peer-reviewed evaluations &amp; ongoing research, using real-world play data</li></ul>	<ul style="list-style-type: none"><li>• <b>Inventory of automated personalized messages</b></li><li>• Can be posted via loyalty card app, email, other customer communications</li><li>• Certain triggers/thresholds can also be configured to trigger automated emails to staff for intervention</li></ul>	Yes, implemented



# State of the Market: Key Implications

- While solutions do not market game-specific considerations, sports-specific indicators and thresholds can be accounted for in the configuration phase
- *Mentor* is the only solution offering integrated response functionality, other solutions simply prompt operators to respond
- Two solutions have been tested in land-based environments: *BetBuddy* (piloted) and *Mentor* (current implementations)



# Proposed Next Steps

1. Consult with MA operators to explore what the current status is of risk ID/response efforts, operational opportunities and barriers, feedback on possible regulation and willingness to contribute, etc.
2. Continue exploration of target environments (online sports, land-based casino/cashless wagering, possible online casino), and implications for continued efforts (e.g., flexibility, adaptability, multiple solutions, etc.)
3. Engage the MAGH's Recovery Board to seek advice on utility and specific elements of an effective response system.
4. Build on insight acquired to date with additional evidence-based recommendations on identifying risk in both the online sports (e.g., indicators, seasonality, response strategies, etc.) and land-based (e.g., data limitations) environments, **and/or**

Consider a study to more deeply review evidence and evaluation data related to identifying and responding to behavioral risk on sports wagering mobile applications.

- This review may include research related to key elements of an effective system such as variables associated with risk, as well as evidence and evaluation data related to methods and strategies to intervene with individuals exhibiting risky behaviors.





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 [MAGamingComm](https://www.facebook.com/MAGamingComm)

 [MassGamingComm](https://twitter.com/MassGamingComm)

 [MassGamingCommission](https://www.youtube.com/MassGamingCommission)

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

FROM: Mark Vander Linden, Director of Research and Responsible Gaming; Bonnie Andrews, Research Manager

CC: Todd Grossman, Interim Executive Director

DATE: February 1, 2024

RE: PlayMyWay Enrollment Study

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An important harm reduction initiative within Massachusetts casinos is PlayMyWay (PMW), a first-of-its-kind budgeting tool designed to allow players the ability to set a budget and monitor the amount of money they spend on electronic gaming machines. PMW was first launched at Plainridge Park Casino in 2016 followed by MGM Springfield in April 2022. On September 12, 2022, PMW became available at Encore Boston Harbor, meaning that it is now available on all slots and electronic gaming machines in Massachusetts. Once enrolled, a player receives automatic notifications when approaching their daily, weekly, or monthly budget. They may then choose to stop at any point or keep playing. PMW allows enrollment/unenrollment and budget adjustments at any time. By the end of FY23, there were 42,616 players actively enrolled.

Although responsible gaming tools such as PMW are important to have available to help minimize gambling-related harm, previous research has found that the proportion of players who use such tools ranges from 1 to 10%. The majority of players express that responsible gaming tools help minimize excessive gambling, but little is known about why players do or do not enroll or the effect enrollment has on play behavior. This is, in part, because a paucity of research has tracked players' attitudes and behaviors pre- and post- launch of a responsible gambling tool such as PlayMyWay.

Leveraging access to player account data, which gives critical insights on player behavior, a study of PlayMyWay enrollment at one of the Massachusetts casinos was recently conducted by Dr. Michael Wohl at Carleton University. This study assessed possible predictors of enrollment among regular casino patrons, as well as player behavior from pre- to post-enrollment.

Attached is the presentation of study findings.



Massachusetts Gaming Commission

# PlayMyWay: Building Better Responsible Gambling via the Massachusetts Model

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Dr. Michael Wohl (in collaboration with Drs. Chris Davis and Nassim Tabri)

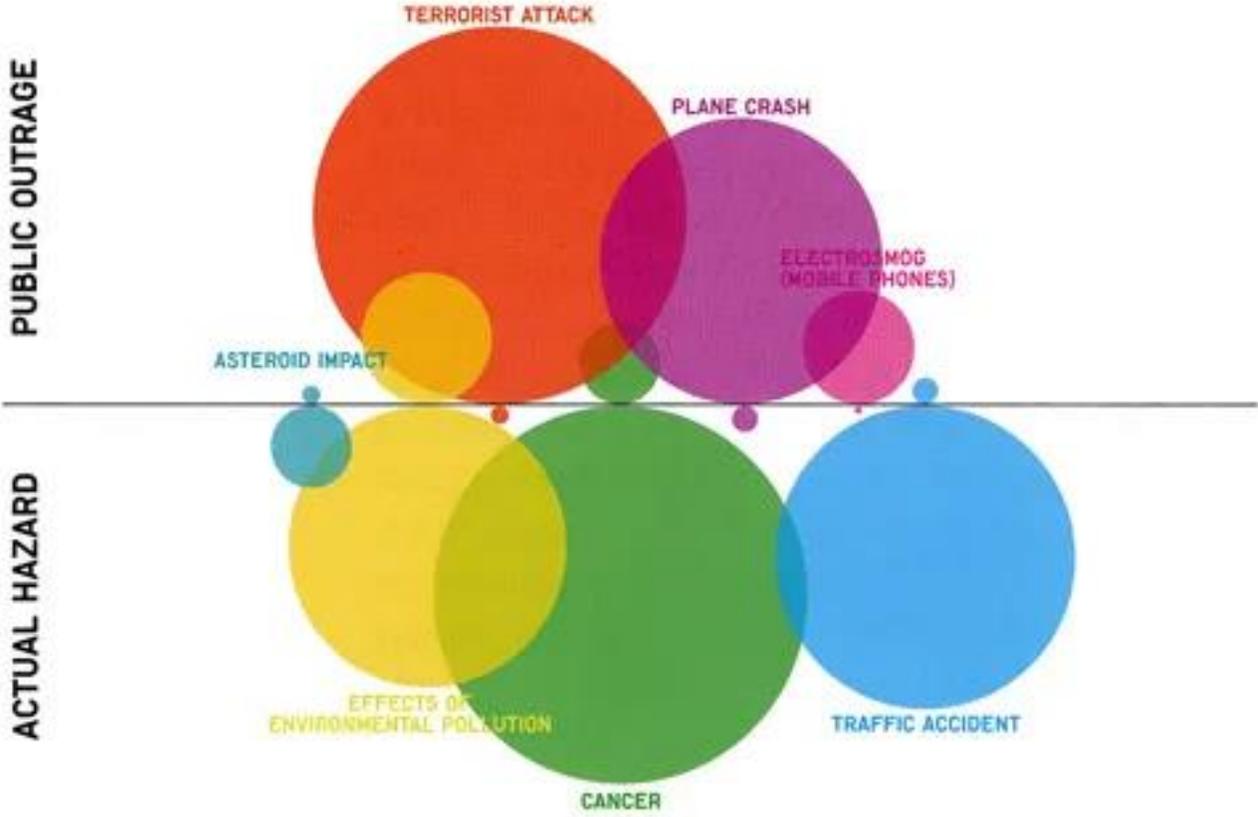
Professor of Psychology

Carleton University



At issue:  
Understanding  
odds

### RISK PERCEPTION AND ACTUAL HAZARDS

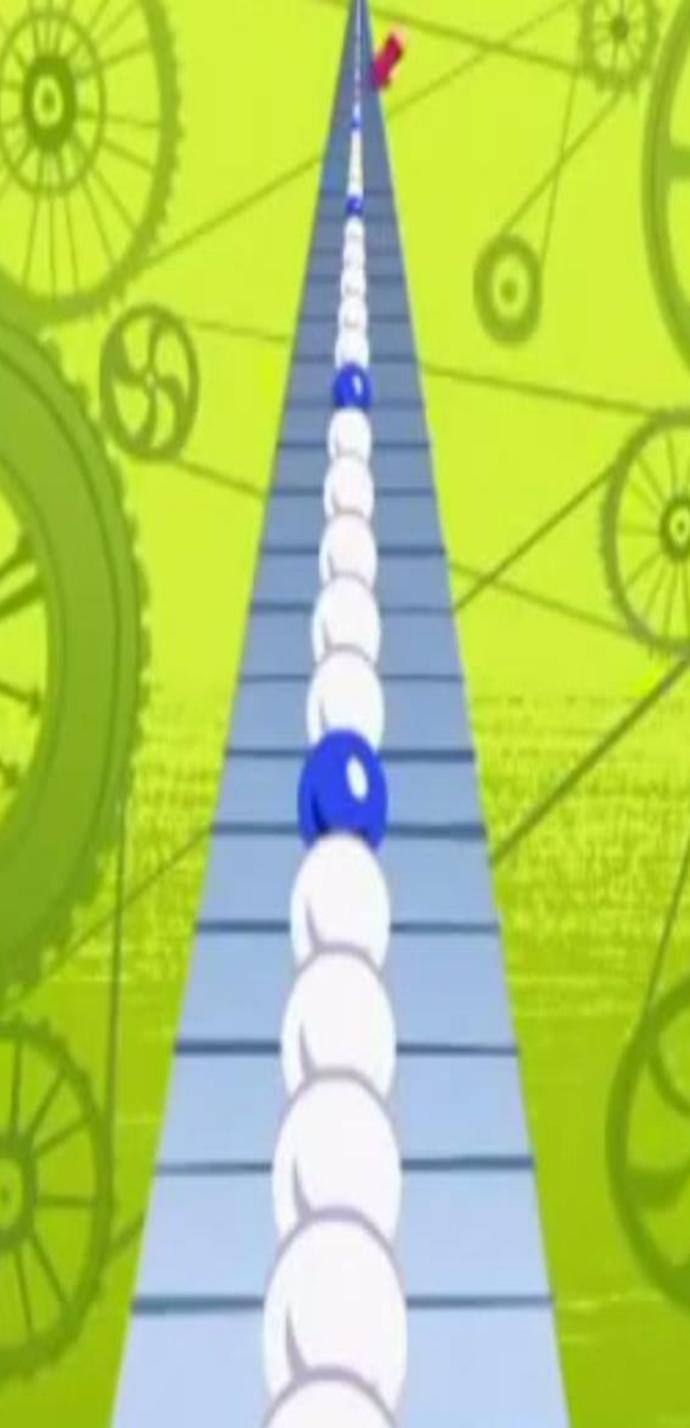




Belief that uncontrollable outcomes can be controlled through personal skill, effort

(Langer, 1975; Wohl et al., 2005, 2007)





At issue:  
The Gambler's  
Fallacy

People fail to understand how slot machines work!

*Common Belief:* Persistence pays off

*Truth:* The odds get re-set each time you play.



Kenny, you gotta know when to walk away

# Responsible Gambling: A Brief History

The push from down under:

- Productivity Commission (1999)
- ... research needed, not just noble intentions; **data-driven approaches**, not just intuition or advocacy.

## **A Science-Based Framework for Responsible Gambling: The Reno Model**

**Alex Blaszczynski**

*University of Sydney & Westmead Hospital, Sydney*

**Robert Ladouceur**

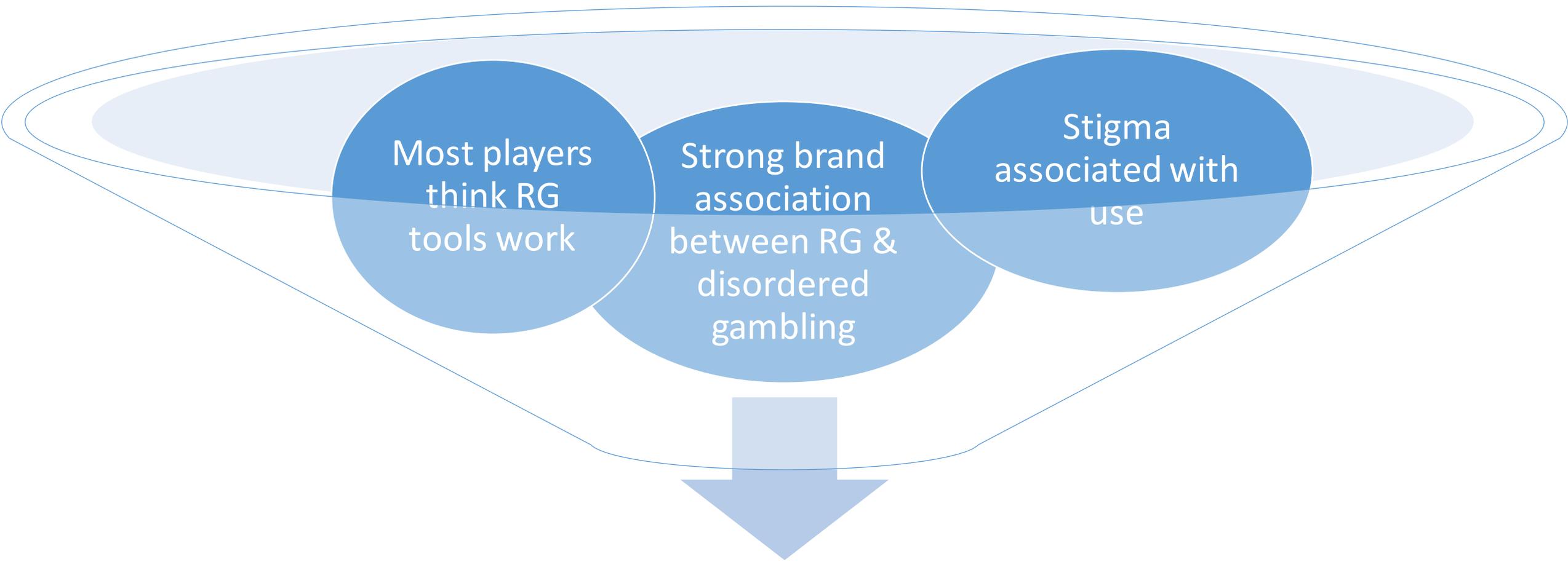
*University of Laval, Quebec*

**Howard J. Shaffer**

*Harvard Medical School, Boston*

Do Responsible Gambling Tools Minimize  
Harm?

**YES.**

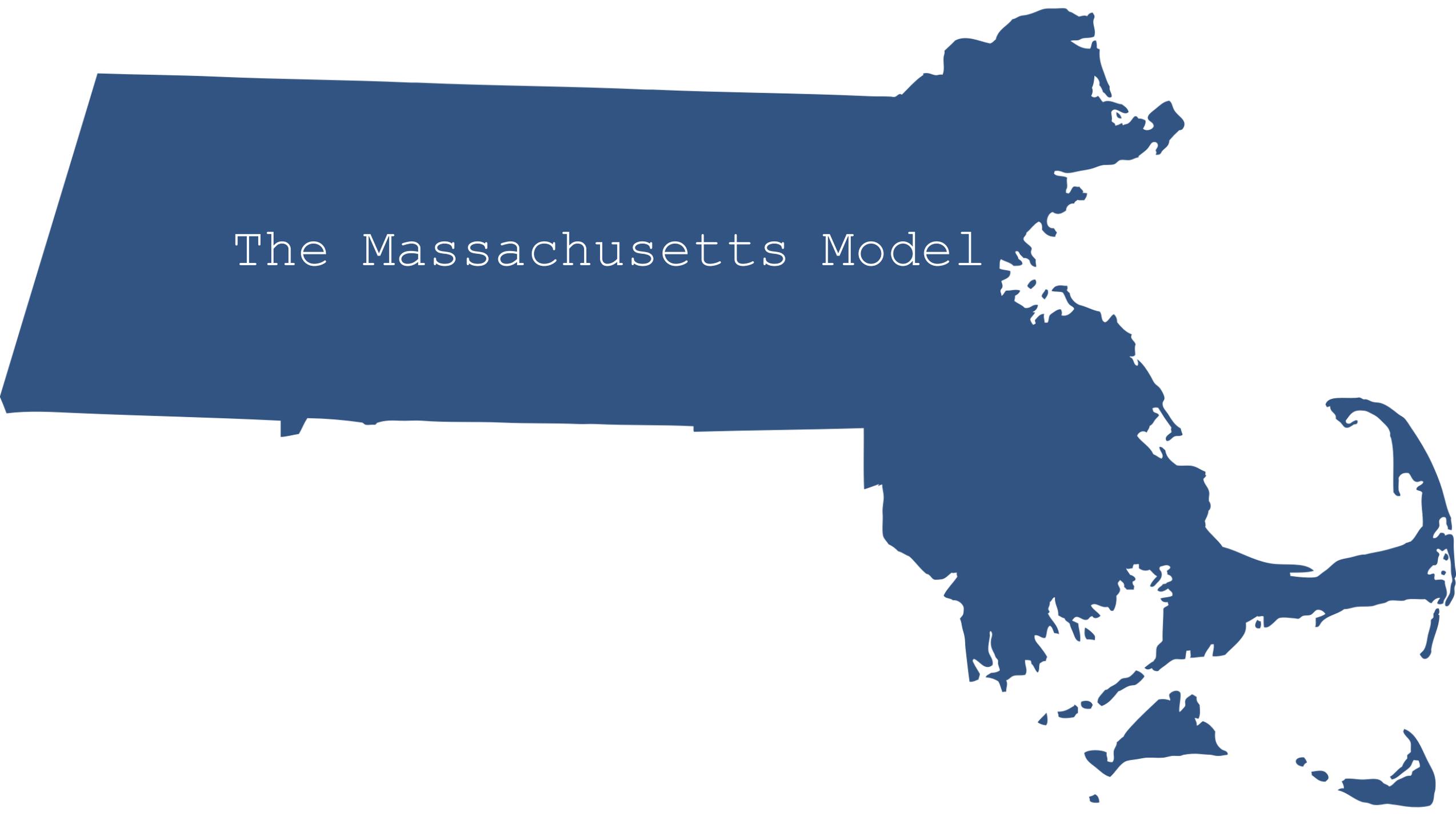


Most players think RG tools work

Strong brand association between RG & disordered gambling

Stigma associated with use

How do we make RG a norm?



# The Massachusetts Model

# PlayMyWay

## ENROLLING IN *PlayMyWay* IS EASY!



Insert your Marquee Rewards® Card



Set a Daily, Weekly, and/or Monthly budget



Get reminders as you exceed your budgets

Learn more! Speak with a GameSense Advisor or visit [GameSenseMA.com](http://GameSenseMA.com).

# What is PlayMyWay?

- PlayMyWay is a budgeting tool designed to provide slot machine players with helpful information to personalize and manage play.
- Patrons can choose a daily, weekly, and monthly budget for how much to spend on slots.
- PlayMyWay is a voluntary program.
- Patrons can enroll, change their budget or unenroll in PlayMyWay at slot machines and the GameSense Info Center.
- PlayMyWay is currently available to Plainridge Park Casino, MGM Springfield, and Encore Boston Harbor.

## Goals of PlayMyWay

Sustain recreational gambling by establishing feasible parameters

Eliminate the regret arising from loss of control

## Key Concepts

- **Play Management/Pre-Commitment**  
A strategy by which casino guests set limits concerning frequency or money spent BEFORE the start of play, with the intention of allowing players to monitor their gambling behavior in real time.
- **Informed Decision Making**  
By providing data about their play, patrons will have valuable insight that can guide them to making positive decisions about how much money or time they spend gambling.
- **Corporate/Social Responsibility**  
The MGC, Gaming Licensees and all stakeholders take pride in providing an informative gaming experience alongside programs like PMW which promote smart play designed to keep guests healthy and safe and reduce gambling related-harm.

Available to MGM Rewards, Wynn Rewards, and Marquee Rewards cardholders

- **Voluntary system**
  - Daily, weekly, monthly loss budgets
  - Notifications: 75%, 100%, 125%...
  - Notifications can be enabled or disabled
  - Users can play beyond their budgets
- **At EGMs or GameSense kiosks players can:**
  - Enroll, un-enroll, set budgets, and change budgets, and check their spending
  - Changes take effect immediately

# PMW Interface at Encore Boston Harbor and MGM Springfield



## INTRODUCING PLAYMYWAY

**IT'S THE SMART WAY TO TRACK YOUR PLAY.**

Set the amount you want to spend.

As you play, you will receive automatic notifications to help you keep track of your spending.

You can adjust your budget or un-enroll at any time.

 ENROLL

 RETURN TO GAME

 INFO CENTER



## TERMS AND CONDITIONS

**PLAYMYWAY IS A GUIDE**

Ultimately, how much you gamble is your choice.

PlayMyWay does not guarantee you will stick to the budget you set.

Using PlayMyWay doesn't mean you won't lose money.

PlayMyWay will only involve your play at %XXXXX%.

 BACK

 NEXT

 RETURN TO GAME

# PMW Interface at Plainridge Park Casino



## INTRODUCING PLAYMYWAY

**IT'S THE SMART WAY TO TRACK YOUR PLAY.**

Set the amount you want to spend.

As you play, you'll receive automatic notifications to help you keep track of your spending.

You can adjust your budget or un-enroll at any time.



 ENROLL

 RETURN TO GAME



## TERMS AND CONDITIONS

**PLAYMYWAY IS A GUIDE.**

Ultimately, how much you gamble is your choice.

PlayMyWay does not guarantee you will stick to the budget you set.

Using PlayMyWay doesn't mean you won't lose money.

PlayMyWay will only involve your play at Plainridge Park Casino.



 NEXT

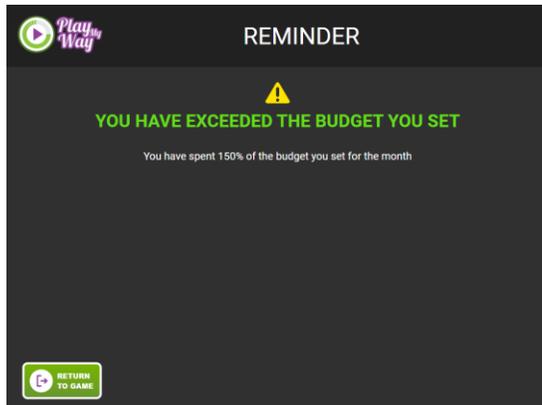
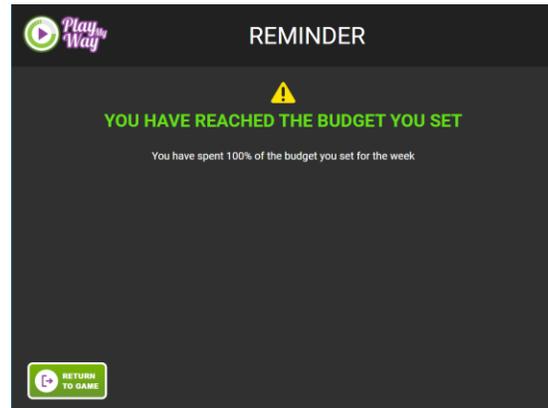
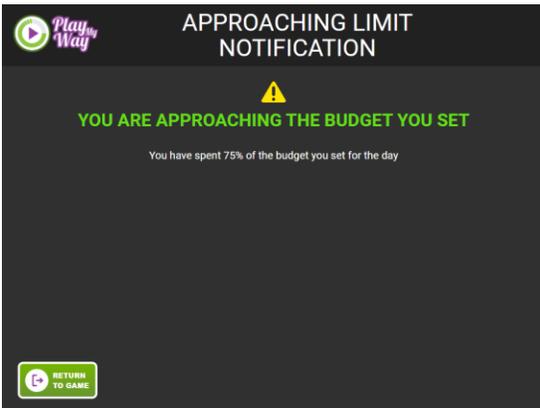
 RETURN TO GAME

# Notifications

- Displayed to the player on budget limit hits
- Notifications can be configured full screen or in service window

## Screenshots of Notifications at Encore and MGM slots

## Screenshots of Notifications at Plainridge Park Casino slots

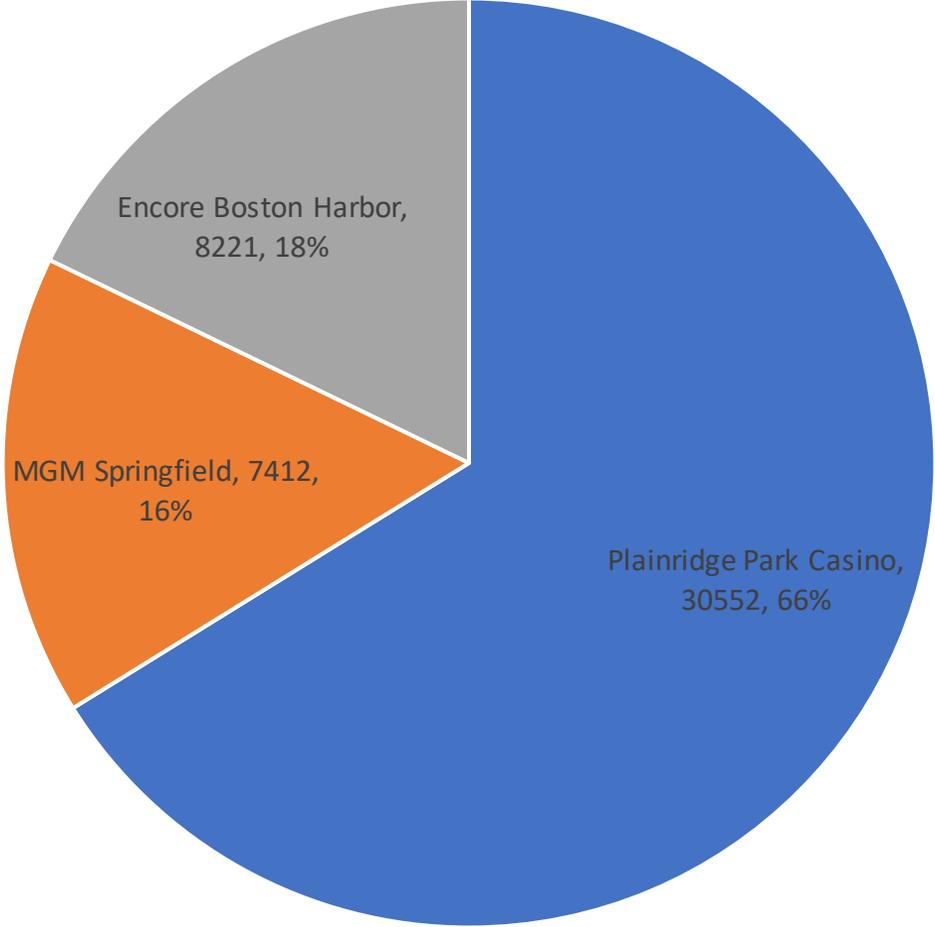


# PlayMyWay Active Enrollments June 2016 – December 2023

PlayMyWay launched at Encore Boston Harbor on September 12, 2022

PlayMyWay launched at MGM Springfield on March 31, 2022

PlayMyWay launched at Plainridge Park Casino on June 2016



Total active enrollments: **46,185**

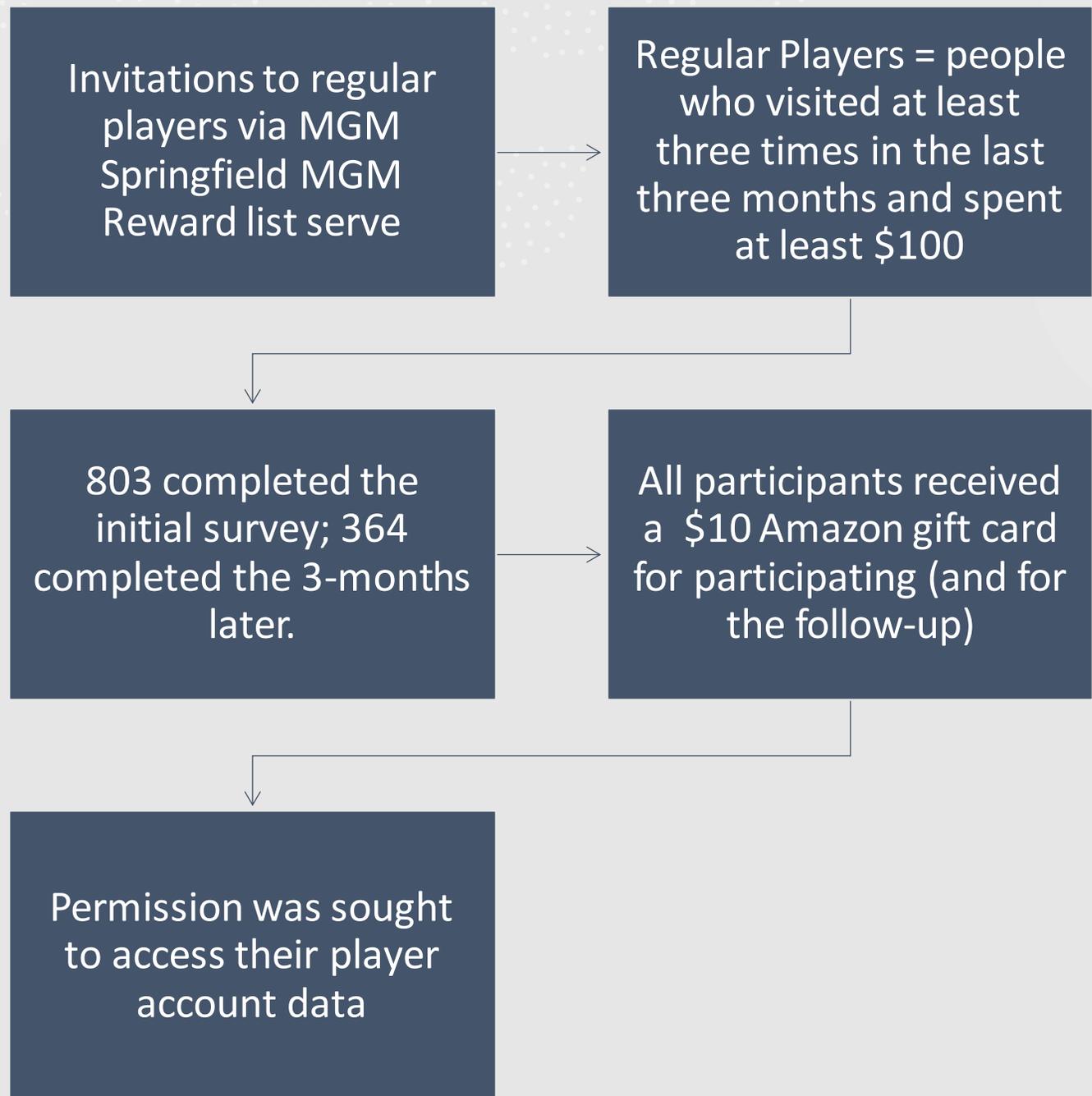
# The known knowns and the known unknowns: Food for thought (and research)

All research to-date has been conducted post launch of pre-commitment tools

- a. We know very little about what predicts intentions to enroll (and enrollment)
- b. We know very little about changes in behavior from pre- to post enrollment

# Sign me up? Predictors of enrollment and influence of play

(Wohl et al., in prep)



# Measures

## Positive Play:

Personal responsibility: “It’s my responsibility to spend only money that I can afford to lose”

Gambling literacy: “Gambling is not a good way to make money”

Honesty & Control: “I feel in control of my gambling behavior”

Pre-commitment: “I considered the amount of MONEY I was willing to lose BEFORE I gambled

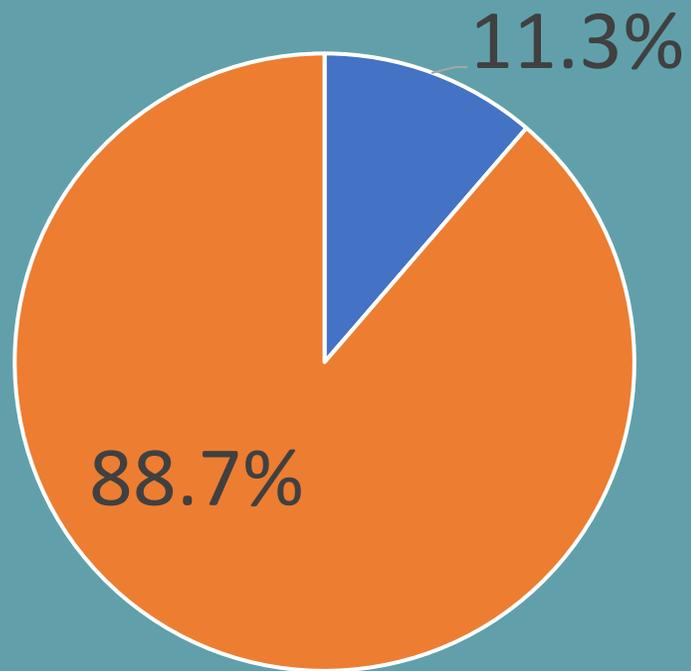
## Disordered Gambling Symptomatology:

Problem gambling severity (PGSI)

## Impulsivity:

“I prefer to do whatever comes to mind, rather than stick to a plan.”

# Enrollment



■ Enrolled    ■ Did not enroll

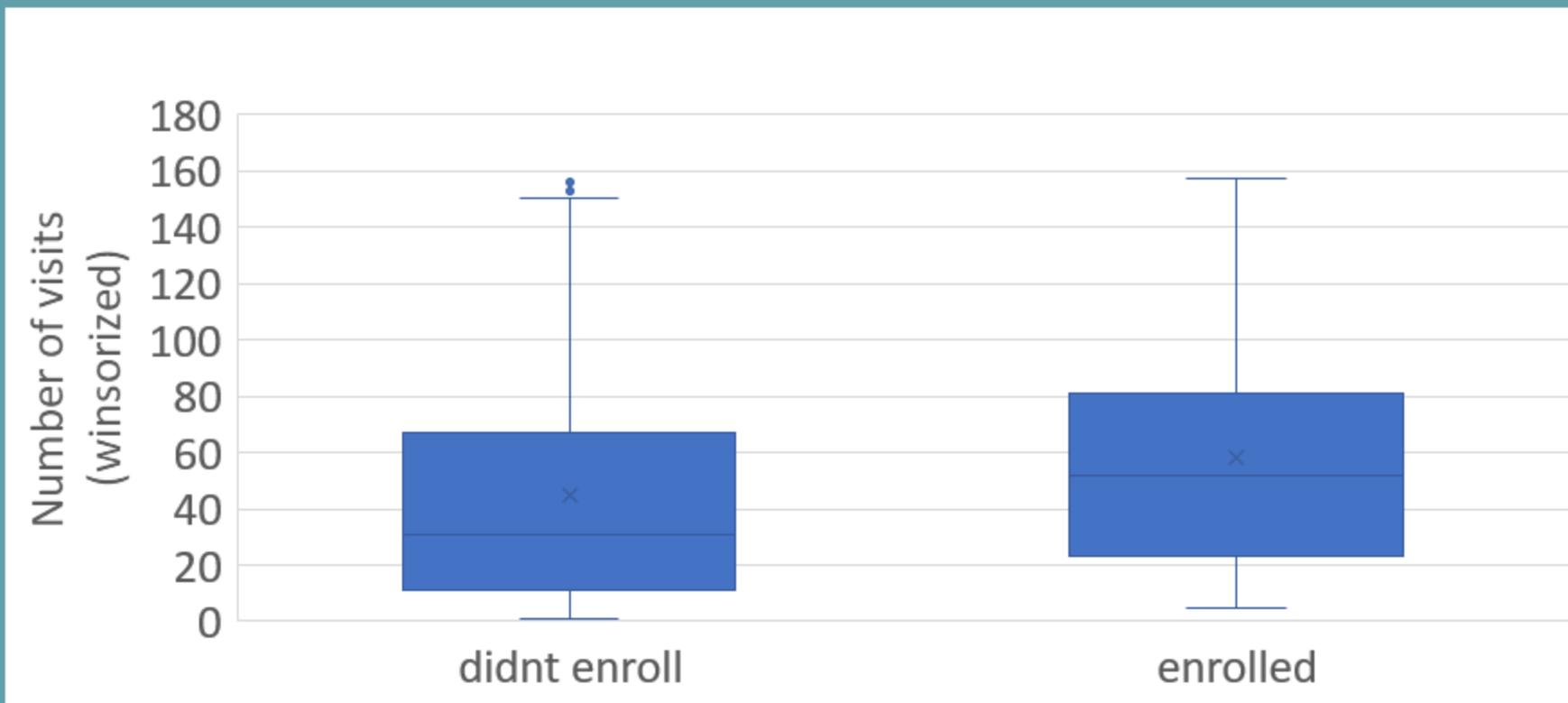
# Those who enrolled vs. those who didn't

Enrollees were 1) higher in impulsivity and 2) lower in honesty and control than those who didn't enroll

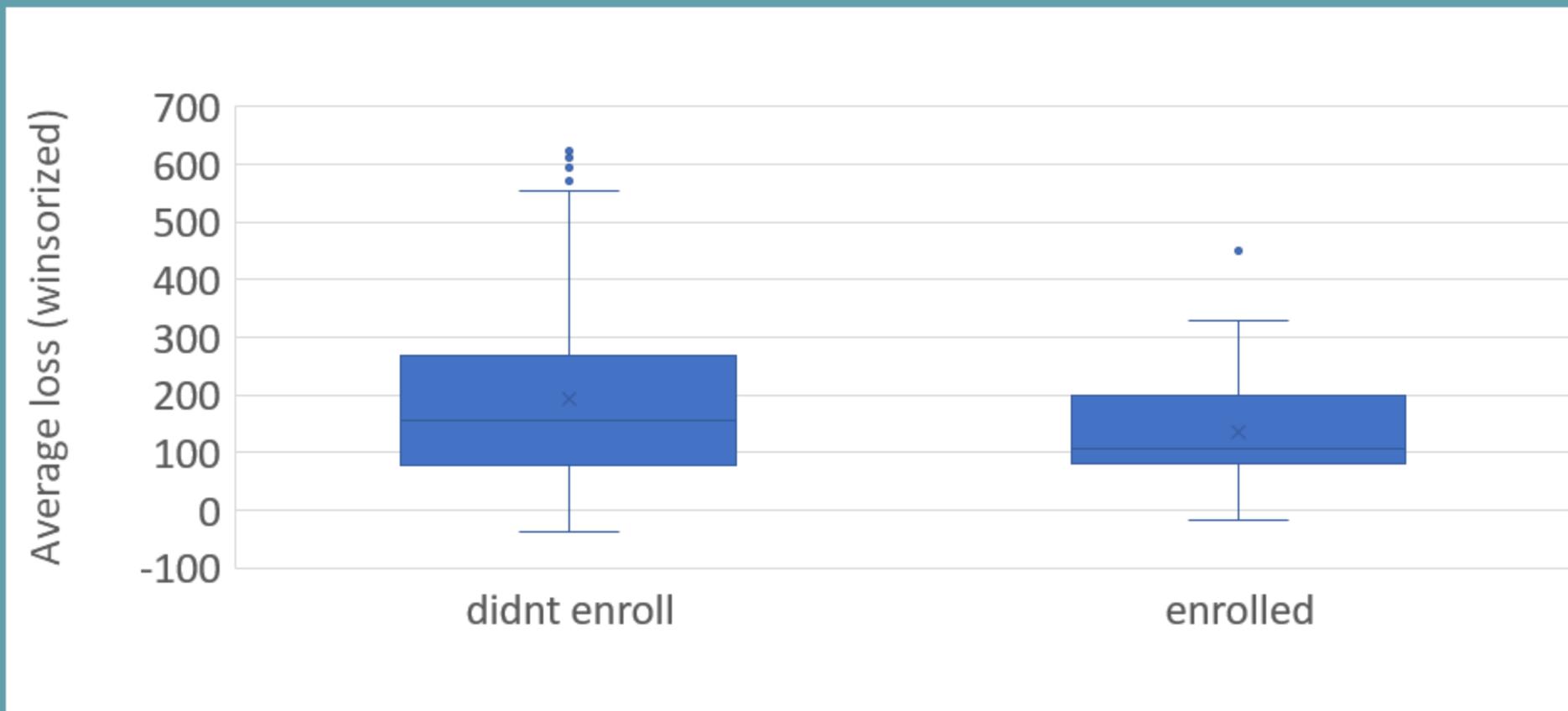
There were no significant differences on:

1. Disordered gambling symptomatology
2. PPS – Personal responsibility
3. PPS – Gambling literacy
4. PPS – Pre-commitment

# Effect of enrollment: Number of visits

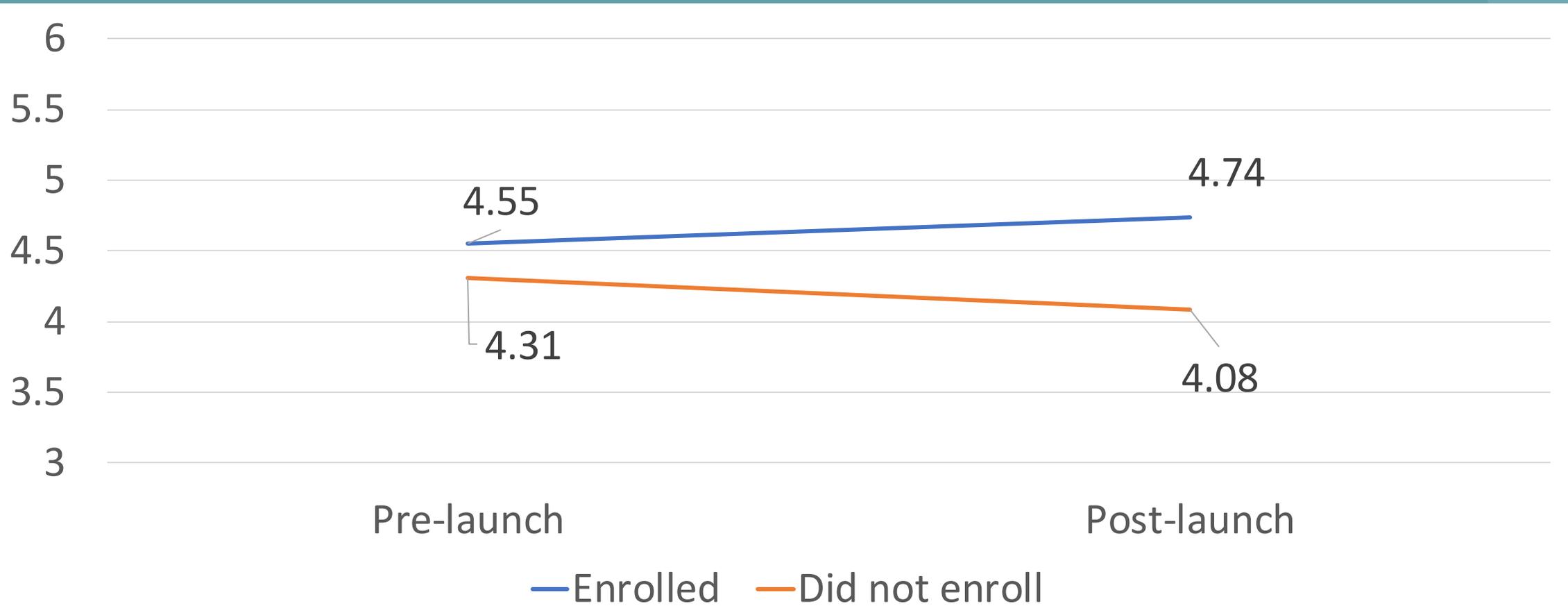


# Effect of enrollment: Money Lost



# Attitudinal Loyalty:

“I am more likely to play at MGM Springfield because it will be offering PlayMyWay”



Interaction  $p = .02$

PlayMyWay works!

Player Segmentation:  
Messages targeting  
impulsivity and control  
may increase uptake.

Those who enroll  
become more satisfied  
patrons over-time.

There is a need to  
consider what  
proportion of players  
should be enrolling in  
PMW

More sound, arms-  
length research needed





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

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

DATE: February 1, 2024

RE: GameSense 2024 Second Quarter Report

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The Expanded Gaming Act includes a number of key mandates to ensure the successful implementation of expanded gaming, including the prevention of and mitigation of social impacts and costs. Chapter 23k section 21(16) requires casino operators to provide an on-site space for an independent substance abuse, compulsive gambling and mental health counseling service and establish a program to train gaming employees in the identification of and intervention with customers exhibiting problem gaming behavior.

To fulfill this mandate, the Commission adopted GameSense, an innovative responsible gaming program that equips casino patrons who chose to gamble with information and tools to adopt positive play behaviors and offers resources to individuals in distress from gambling-related harm. The Commission has a contract with the Massachusetts Council on Gaming and Health (MCGH) to operate the GameSense Information Centers, located on-site at all Massachusetts casinos and staffed 16-24 hours daily by trained GameSense Advisors.

Today, Chelsea Turner, Chief Operations Officer; Odessa Dwarika, Chief Programs Officer; Jolyn Barreuther, GameSense Manager; and LouLouse Lovaincy, GameSense Advisor of Massachusetts Council on Gaming and Health will share with you the GameSense activities and highlights from the second quarter of FY24.



Massachusetts Gaming Commission

# GameSenseMA

FY24 Q2 Presentation

Chelsea Turner, Chief Operations Officer

Odessa Dwarika, Chief Programs Officer

Jolyn Barreuther, GameSense Manager at EBH

LouLouse Lovaincy, GameSense Advisor at EBH

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# Topics for Today



- Numbers Snapshot
  - GSIC Activities
  - GS Helping in the Community
  - Champion Award Winners
  - RAB
  - TRS & GamLine
  - Marketing Highlights
  - On the Horizon: PGAM
  - Questions?
-

# Interaction Numbers Across All Three Properties

- Simple interactions were up 23%
- Demonstrations were up 31%
- Exchanges were down 6%
- Demonstrations and Exchanges combined (the most significant exchanges) were up 14%
- Casino-related interactions were up 20%
- VSEs were up 58%
  - There was a 70% increase in overnight VSEs (just at EBH)
  - There was a 107% increase in remote VSEs
- Reinstatements were up 21%
  - Overnight reinstatements decreased from 7 to 2 (just at EBH)
  - Remote reinstatements increased from 2 to 10
- There was a 109% increase in VSEs and Reinstatements initiated through LiveChat
- PMW was down 14% (likely because we launched at MGM in FY22 and EBH in FY23, so when this happens, there is a huge push in the beginning and then some tailing off)
- Entries into raffle baskets were up 3%



# The FY24 Q2 Numbers in Detail (1 of 2)

<u>Type of Interaction:</u>	<u>FY</u>	<u>EBH Q2</u>	<u>MGM Q2</u>	<u>PPC Q2</u>	<u>Q2 Totals All 3 Properties</u>
Simple Interaction:	FY21	14925	7849	7317	30091
	FY22	21652	11866	11876	45394
	FY23	17454	9341	8189	34984
	<b>FY24</b>	<b>18124</b>	<b>11412</b>	<b>14285</b>	<b>43821</b>
Demonstration:	FY21	1145	1070	510	2725
	FY22	2319	2608	1014	5941
	FY23	2029	3621	2282	7932
	<b>FY24</b>	<b>4160</b>	<b>3434</b>	<b>3284</b>	<b>10878</b>
Exchange:	FY21	939	1232	475	2646
	FY22	708	1505	886	3099
	FY23	4486	3206	595	8287
	<b>FY24</b>	<b>2691</b>	<b>3212</b>	<b>1907</b>	<b>7810</b>
Casino Related:	FY21	5952	3003	1263	10218
	FY22	11390	3585	1598	16573
	FY23	7175	2925	1549	11649
	<b>FY24</b>	<b>9490</b>	<b>2670</b>	<b>2021</b>	<b>14181</b>
VSEs:	FY21	29	13	19	61
	FY22	60	14	16	90
	FY23	57	25	25	107
	<b>FY24</b>	<b>116</b>	<b>31</b>	<b>48</b>	<b>195</b>
	FY22 VSE Overnight:	12	NA	NA	12
	FY23 VSE Overnight:	15	NA	NA	15
	<b>FY24 VSE Overnight:</b>	<b>31</b>	<b>NA</b>	<b>NA</b>	<b>31</b>
	FY22 Remote:	19	NA	NA	19
	FY23 Remote:	11	6	6	23
	<b>FY24 Remote:</b>	<b>38</b>	<b>13</b>	<b>25</b>	<b>76</b>
	FY22 VSE + Reinst. Initiated by LC:	NA	NA	NA	0
	FY23 VSE + Reinst. Initiated by LC:	6	6	6	18
	<b>FY24 VSE + Reinst. Initiated by LC:</b>	<b>24</b>	<b>14</b>	<b>23</b>	<b>61</b>
<b>FY24 # of VSEs requesting follow up:</b>	<b>NR</b>	<b>6</b>	<b>7</b>	<b>13</b>	

# The FY24 Q2 Numbers in Detail (2 of 2)

<u>Type of Interaction:</u>	<u>FY</u>	<u>EBH Q2</u>	<u>MGM Q2</u>	<u>PPC Q2</u>	<u>Q2 Totals All 3 Properties</u>
Reinstatements:	FY21	12	9	7	28
	FY22	14	12	7	33
	FY 23	24	8	11	43
	<b>FY24</b>	<b>24</b>	<b>15</b>	<b>14</b>	<b>53</b>
	FY22 Reinstatement Overnight:	2	NA	NA	2
	FY23 Reinstatement Overnight:	7	NA	NA	7
	<b>FY24 Reinstatement Overnight:</b>	<b>2</b>	NA	NA	<b>2</b>
	F23 Remote Reinstatements:	1	1	0	2
	<b>FY24 Remote Reinstatements:</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>10</b>
PlayMyWay:	FY21	NA	NA	519	519
	FY22	NA	NA	493	493
	FY 23	1800	972	361	3133
	<b>FY24</b>	<b>1773</b>	<b>566</b>	<b>376</b>	<b>2715</b>
Raffle Baskets:	FY23	1747	3405	2367	7519
	<b>FY24</b>	<b>1635</b>	<b>3242</b>	<b>2857</b>	<b>7734</b>

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# Activities at the GSICs

College Sports

Fun Facts

Scenarios / Choose Your Own Adventure

Boys of Summer / Baseball

Friday the 13th

Trick or Treat

Superstitions

Football

College Athletes

Pyramid Game

Veterans Day

Thanksgiving

Toys for Tots / NCPG Holiday Campaign

Holiday Facts

New Year's Resolutions

These activities touched on the different elements of positive play (gambling literacy, pre-commitment, personal responsibility, and honesty and control), sports betting, GameSense tips and healthy play, debunking gambling myths.



*GSA's Ronnie, Mark and John  
Getting Ready to RG Turkey  
Time Activity*



*GSA Anna at Unity Farm Sanctuary*

# GameSense Helping Out in the Community

- Unity Farm Sanctuary
- Toys for Tots
- Feed the Funnel



*GSA LouLouse Volunteering at EBH's Feed the Funnel Event*



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# Champion Award Winners

## EBH

- Jeanie Lee, Wynn Rewards
- Kiran Bala, Security
- Andrea Simpson, Table Games

## MGM

- Kyle Seymour, Environmental Services
- Nyomi Rivard, Cage
- Alexa Currado- Security

## PPC

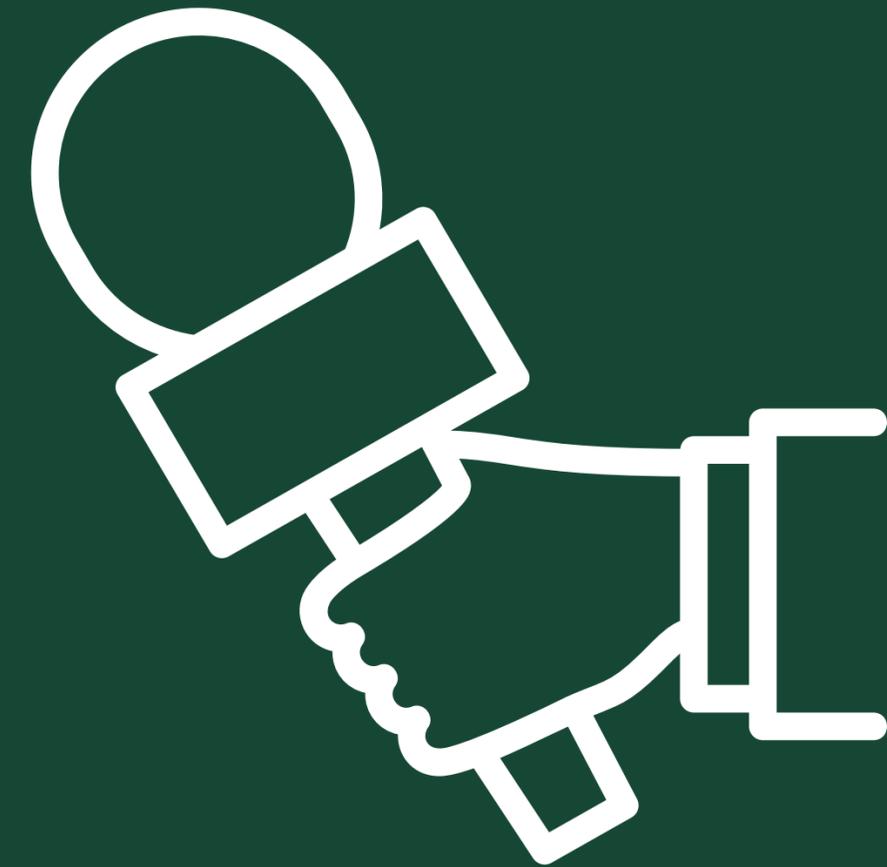
- Karl Moore, Security
- Michelle Ariza, HR
- Peter Dowd, Sports Bar Manager



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# Recovery Advisory Board (RAB)

- About RAB The Recovery Advisory Board (RAB)
- 2 Meetings held in FY24 Q2
- Members received communications, media spokesperson trainings and provided input on Safer Gambling and VSE public awareness campaigns



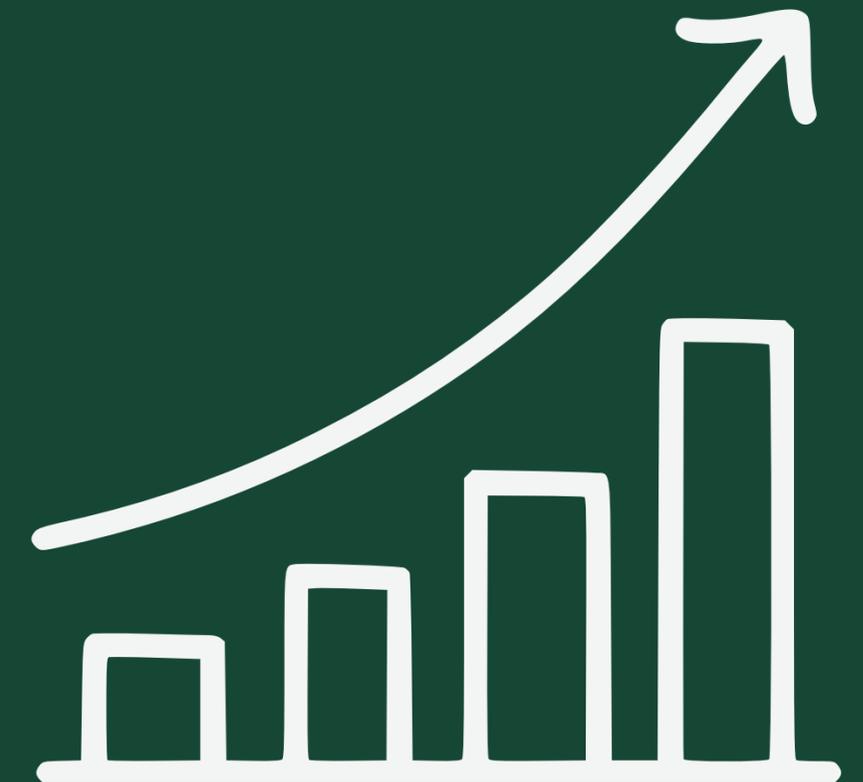
# Recovery Efforts & GamLine

- 16 participants in TRS and 26 attempted contacts
- 18 VSE follow-ups from peer support specialists, and 2 non-VSE follow-ups
- 41 total completed follow-ups for FY24, and there were 146 total attempted contacts for Q2.

*There was a 14% increase year over year in calls to the GamLine in October and a 63% increase in calls in November and a 38% increase in calls in December.*

## Breakdown of Calls:

	October	November	December
<b>GamLine:</b>	42%	50%	40%
<b>DPH/HRIA:</b>	36%	33%	48%
<b>Urge Surfing:</b>	7%	9%	3%
<b>Lottery:</b>	11%	8%	8%
<b>Voicemail:</b>	3%	-	-



# Marketing Highlights

- Approximately 200 social media posts for GameSense
- MACGH also has 48 posts in addition to two targeted VSE digital ads with a reach of approximately 74,176 impressions (this doesn't include the impressions on GameSenseMA platforms)
- Worked with MGC staff on branding and graphic materials to promote the upcoming MGC Conference, *"Using Research to Rewrite the Playbook"*, as well as a registration page

 **GameSense MA**  
December 18, 2023 at 12:23 PM · 🌐

Our #GameSenseMA advisors are experts in responsible gambling. They've got your back!  
<https://gamesensema.com/about-us/gamesense-advisors/>

## GameSenseMA.com

**READY TO PLAY?  
LET'S TALK GAMESENSE.**



Meet Amy Meet Aisha Meet Ray Meet Linh

**KNOW HOW GAMESENSE WORKS**

		
<b>UNDERSTAND THE ODDS</b>	<b>GAMESENSE ADVISORS</b>	<b>MYTHS OF GAMBLING</b>
Know how the games work and your odds of winning.	Experts in responsible gambling techniques have your back.	Persistence doesn't win the day. Know myth from fact.
<a href="#">TELL ME MORE</a>	<a href="#">TELL ME MORE</a>	<a href="#">TELL ME MORE</a>

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# On the Horizon

PGAM plans well underway in coordination with the casino properties



**PROBLEM GAMBLING  
AWARENESS MONTH**

The 2024 PGAM  
theme is:  
“Every Story Matters”

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# QUESTIONS

A white magnifying glass icon with a question mark inside the lens, positioned to the right of the word "QUESTIONS".

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

FROM: Carrie Torrissi, Deputy General Counsel; Mark Vander Linden, Director of Research and Responsible Gaming; Bonnie Andrews, Research Manager

CC: Todd Grossman, Interim Executive Director

DATE: February 1, 2024

RE: Responsible Gaming Considerations for Digital Payments in Casino Gaming

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There has been a recent increase in focus on the possibility of using digital payment methods (such as, for example, debit cards or e-wallets) for gaming due to factors such as a broader societal shift toward use of such methods instead of cash, as well as the COVID-19 pandemic. Use of digital payment methods instead of cash has implications for responsible gaming, and it is critical to consider regulatory infrastructure that minimizes possible gambling-related harm while maximizing responsible gaming opportunities of such methods prior to implementation.

Attached is a presentation giving an introductory overview of responsible gaming concerns associated with use of digital payment technologies, responsible gaming opportunities associated with digital payment methods, and possible regulatory actions.



Massachusetts Gaming Commission



# Responsible Gaming Considerations for Digital Payments in Casino Gaming

Carrie Torrisi, Deputy General Counsel

Mark Vander Linden, Director of Research and Responsible Gaming

Bonnie Andrews, Research Manager

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February 1, 2024

# Definitions

**Digital payment methods**—may include such payment methods as debit cards, e-wallets, wearable/mobile devices.

- Allows for "frictionless," "contactless" payments
- Increase in focus on such methods due to COVID-19 pandemic

# Responsible Gaming Concerns

# Responsible Gaming Concerns

- Increase in play and time on device when using cashless technology
- No "pain of paying" (when money is less tangible, less aversion to thought of losing money)
- From broader consumer spending literature, increased spending with less awareness using electronic payment methods vs paying with cash
  - Effect related to increased spending is stronger in younger consumers
- No built-in break in play/enforced break and time for reflection as harm minimization strategy; may have access to additional funds when in a "hot state"
- Use and withdrawal of cash allows for pre-commitment of the amount of money intended to spend
- Easy access to funds is correlated with increased spending by individuals with gambling problems

Gainsbury, S. M., & Blaszczynski, A. (2020). Digital gambling payment methods: harm minimization policy considerations. *Gaming Law Review*, 24(7), 466-472.

Penn National Gaming, Inc. (2022). First quarter 2022 earnings presentation. Available from: <https://investors.pennentertainment.com/static-files/6f62f6b8-a45e-44e9-9337-e8f35ef11a92>

Swanton, T. (2023). *Exploring the Harm Reduction Potential of Cashless Gambling Payment Systems for Electronic Gaming Machines* (Doctoral dissertation).

# Responsible Gaming Opportunities

- A cashless system could provide **safeguards for anti-money laundering** rules and the background needed for “know your customer” requirements (e.g., additional barrier for underage gambling).
- Compared to cash, digital/cashless wagering systems contain features that can be effectively used to **prevent/mitigate gambling harms**.

Gainsbury, S. M., & Blaszczynski, A. (2020). Digital gambling payment methods: harm minimization policy considerations. *Gaming Law Review*, 24(7), 466-472.

# Possible Regulatory Actions

# Possible Regulatory Actions

- **DIGITAL WALLET PARAMETERS**
  - Default limits on deposits into account within set timeframe
  - Delay before deposits into digital wallet can be accessed for gambling
  - Restricted access to funds transfer on gaming floor
  - Automatic deposit of jackpot wins into player accounts
  - No limit on the amount of funds which can be withdrawn from the account/digital wallet
- **LIMIT SETTING**
  - Ability for patrons to set a daily, weekly and/or monthly budget along with ability to enable real-time notifications as the patron approaches and reaches the set budget
  - Delay on requests to increase limits (*i.e.*, increase budget); immediate implementation of requests to reduce limits (*i.e.*, reduce budget)
- **COOLING OFF**
  - Ability for patrons to set cooling off period during which account is temporarily frozen for pre-determined time-period

# Possible Regulatory Actions

- **ACTIVITY STATEMENTS**
  - Real-time player activity statements
- **TRACKING OF/INTERVENTION FOR AT-RISK BEHAVIOR**
  - Real-time tracking of behavioral risk indicators and a system to deliver personalized messages through the gaming machine or mobile device
  - Ability to utilize on-site GameSense staff to intervene with patrons indicating high risk gambling behaviors
- **RESEARCH AGENDA**
  - Consideration of effects of cashless wagering on gambling behaviors and effectiveness of measures listed above when developing MGC annual research agenda



Thank You!  
Questions?