



## NOTICE OF MEETING AND AGENDA

**(Revised 2/13/23)**

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

**Tuesday | February 14, 2023 | 10:00 a.m.**  
**VIA REMOTE ACCESS: 1-646-741-5292**  
**MEETING ID/ PARTICIPANT CODE: 112 616 2093**  
**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 - #435**

1. Call to Order – Cathy Judd-Stein, Chair
2. Administrative Update – Karen Wells, Executive Director
3. Investigations and Enforcement Bureau- Loretta Lillios, Director; Heather Hall, Chief Enforcement Counsel
  - a. Reports on Plainridge Park Casino's and Encore Boston Harbor's non-compliance with approved Massachusetts Sports Wagering catalog **VOTE**
4. Sports Wagering Implementation – Karen Wells, Executive Director
  - a. Determination of Massachusetts Boundaries for Category 3 Sports Wagering Geolocation Purposes -Todd Grossman, General Counsel **VOTE**
  - b. **Review by the Commission of scope of authorized wagers in accordance G.L. 23N specifically related to offerings for awards given to individual collegiate athletes, future bets on Massachusetts collegiate teams that have not yet qualified for a tournament, wagers on Massachusetts collegiate teams if the outcome of an event is decided via regular season results only, and associated issues related to the scope of permissible wagers – Bruce Band,**



Massachusetts Gaming Commission

Director of Sports Wagering; Sterl Carpenter, Regulatory Compliance  
Manager

**VOTE**

5. Commissioner Updates

6. Executive Session -

**VOTE**

The Commission anticipates that it will meet in executive session in accordance with G.L. c. 30A, §21(a)(3) to discuss strategy with respect to collective bargaining in light of the January 20, 2023 Department of Labor Relations decisions in case WMAS-22-9563 where discussion of this subject at an open meeting may have a detrimental effect on the Commission's bargaining position.

The public session of the Commission meeting will not reconvene at the conclusion of the executive session.

7. 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: February 9, 2023 | 5 p.m. EST  
Reposted to Website: February 13, 2023 | 1:30 p.m. EST

February 9, 2023

*Cathy Judd-Stein*

Cathy Judd-Stein, Chair

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



Massachusetts Gaming Commission



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

FROM: Todd Grossman, General Counsel  
Caitlin Monahan, Deputy General Counsel

CC: Karen Wells, Executive Director  
Bruce Band, Sports Wagering Division Director  
Sterl Carpenter, Sports Wagering Operations Manager

DATE: February 13, 2023

RE: Draft FAQ Re: Sports Wagering Catalogue

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The Sports Wagering Division has received questions regarding whether certain types of wagers may be offered pursuant to G.L. c. 23N, regulation, and the approved sports wagering catalogue. Specifically, questions have been received related to offerings for awards given to individual collegiate athletes, future bets on Massachusetts collegiate teams that have not yet qualified for a tournament, wagers on Massachusetts collegiate teams if the outcome of an event is decided via regular season results only, and associated issues related to the scope of permissible wagers.

The attached draft FAQ document sets out the questions that have been received along with proposed answers for the Commission’s review and input. Once approved, the FAQ can be posted to the MGC website and distributed to Operators.

While answers are pending the Operators have ceased offering wagers on awards given to individual collegiate athletes, future bets on MA collegiate teams that have not yet qualified for a tournament, and wagers on MA collegiate teams if the outcome is decided via regular season results only. Any bets already placed on those types of offerings have been locked, to the extent they exist.



Massachusetts Gaming Commission

## FAQs

### Wager-Catalog Questions

- **Can a Sports Wagering Operator offer a wager on a college team from Massachusetts that is not involved in a tournament?**

**Answer: No** – Operators are not permitted to offer wagers on college teams from Massachusetts that are not involved in a collegiate tournament. G.L. c. 23N, § 3; 205 CMR 247.01(2)(a).

G.L. c. 23N, § 3 defines the term “sports event or sporting event.” Per statute, sports events or sporting events are “a professional sport or athletic event, collegiate sport or athletic event, a collegiate tournament, motor race event, electronic sports event or other event authorized by the commission under this chapter; provided, however, that *“sporting event” shall not include: (i) high school and youth sports or athletic events; or (ii) a collegiate sport or athletic event involving 1 or more collegiate teams from the commonwealth unless they are involved in a collegiate tournament.*” (emphasis added). Offering a wager on a college team from Massachusetts that is not in a tournament would violate the prohibition on allowing wagers on collegiate sport or athletic events involving 1 or more collegiate teams from the commonwealth unless they are involved in a collegiate tournament.

- **Can a Sports Wagering Operator offer a wager on a college team from Massachusetts if the outcome of the wager is decided via regular season results only? For example, can an Operator offer a wager on a Massachusetts team winning the Big East?**

**Answer: No** – For the reasons explained immediately above, Operators are not permitted to offer wagers on college teams from Massachusetts if the outcome of the wager is decided via regular season results only and not via a collegiate tournament. G.L. c. 23N, § 3; 205 CMR 247.01(2)(a).

- **Can a Sports Wagering Operator offer a wager on a college team that is NOT from Massachusetts if the outcome of the wager is decided via regular season results only? For example, can an Operator offer a wager on a team from outside Massachusetts team winning the Big East?**

**Answer: Yes** – Operators may offer wagers on college teams that are not from Massachusetts if the outcome of the wager is decided via regular season results only. The statutory and regulatory prohibitions on collegiate wagers only prohibit wagers on teams from Massachusetts.

- **Can a Sports Wagering Operator offer a wager on a college team from Massachusetts for an event that will be decided as part of a tournament where the Massachusetts team has not yet qualified for the tournament? For example, can an Operator offer a wager**

**on a Massachusetts team for a game that will occur as part of the NCAA March Madness Tournament before the Massachusetts team has qualified for the tournament?**

**Answer: No – Operators are not permitted to offer wagers on college teams from Massachusetts before they have qualified for a collegiate tournament. G.L. c. 23N, § 3; 205 CMR 247.01(2)(a).**

G.L. c. 23N, § 3 defines the term “sports event or sporting event.” Per statute, sports event or sporting events are “a professional sport or athletic event, collegiate sport or athletic event, a collegiate tournament, motor race event, electronic sports event or other event authorized by the commission under this chapter; provided, however, that *“sporting event” shall not include: (i) high school and youth sports or athletic events; or (ii) a collegiate sport or athletic event involving 1 or more collegiate teams from the commonwealth unless they are involved in a collegiate tournament.*” (emphasis added).

Offering a wager on a college team from Massachusetts prior to the team qualifying for the tournament would violate the prohibition on allowing wagers on collegiate sport or athletic events involving 1 or more collegiate teams from the commonwealth unless they *are involved in a collegiate tournament*. A team that has not yet qualified for a tournament is not yet involved in the tournament.

Once the Massachusetts team has qualified for the tournament, tournament-related wagers may be offered on that team. Wagers may also be offered where Massachusetts teams are automatically qualified to participate in a tournament (ex. the Beanpot).

- **Is wagering permitted on a collegiate tournament that occurs in Massachusetts?**

**Answer: Yes – Operators may offer wagers on collegiate tournaments that occur in Massachusetts. There is not a statutory or regulatory prohibition on offering wagers due to the location of the tournament.**

- **Are Sports Wagering Operators permitted to offer wagers on awards given to individual collegiate athletes, such as the Heisman Trophy (NCAA Football) and the Wooden Award (NCAA Basketball)?**

**Answer: No – Operators are not permitted to offer wagers on awards given to individual collegiate athletes. G.L. c. 23N, § 3; 205 CMR 247.01(2)(a).**

G.L. c. 23N, § 3 defines the term “sports wagering.” Per statute “sports wagering shall not include the acceptance of any wager: (i) with an outcome dependent on the performance of an individual athlete in any collegiate sport or athletic event, including, but not limited, to in-game or in-play wagers.” *Id.* Offering a wager on an award given to individual collegiate athletes would violate the prohibition on wagers with an outcome (i.e. – the award) dependent on the performance of an individual athlete in any collegiate sport or athletic event.

- **I currently work for a Sports Wagering Operator. May I wager on sports through any of my employer's platforms (mobile application, window, kiosk, etc.)?**

**Answer: No – Employees, subcontractors, directors, owners, officers, or Qualifiers of an Operator, as well as those within the same household, shall not place wagers through the Operator, or through any other Operator tethered to the Operator, on any event. 205 CMR 243. For example, an employee of a Category 1 Operator may not place a wager through their employer or through any of the Category 3 Operators tethered to their employer.**

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