

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 8, 2024 | 11:00 a.m.
VIA REMOTE ACCESS: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 111 313 5131
All meetings are streamed live at www.massgaming.com.

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

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

PUBLIC MEETING - #500

1. Call to Order – Cathy Judd-Stein, Chair
2. Legal and Sports Wagering Division – Carrie Torrissi, 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 Torrissi, 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 Torrissi, Deputy General Counsel **VOTE**
 - c. Update from Encore Boston Harbor on Plans for Operation of Retail Sportsbook – Jacqui Krum, Senior Vice President and General Counsel, Encore Boston Harbor
3. Commissioners Update
4. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that this Notice was posted as “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to regs@sec.state.ma.us. Posted to Website: February 6, 2024 | 11:00 a.m. EST.

February 6, 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.*



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 8, 2024

RE: Betr and WynnBET Cessation of Operations

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 23, 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.

The Sports Wagering, IT, Finance, and Legal Divisions have all reviewed and are satisfied with the submitted cessation plans, and we recommend approval by the Commission.

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



Massachusetts Gaming Commission

affect the public interest; and (3) not granting the waiver would cause a substantial hardship to the person requesting the waiver.

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 cessation¹ 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.

¹ 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 68th 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 Commission approves this date for the cessation of our sportsbook operations, then we will execute the following plan:

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

Within two (2) business days of Commission approval of the cessation plan, Betr will send an initial notice to its patrons in substantially the following form:

“We want to thank you for being a loyal customer of Betr. Unfortunately, we have had to make the difficult decision to shut down mobile sports betting operations in Massachusetts.

We will be discontinuing **live** mobile sports betting offerings on February 16, 2024, and **no new events** will be available to bet that start on or after February 16, 2024. By 5:00pm on February 7, 2024, Betr will release any deposits that are locked up due to the signup bonus terms and conditions so that deposits are available for withdrawal. Your account will be accessible through the end of the day on March 16, 2024, to allow time for your outstanding bets to settle and to withdraw your account balance. If you have any questions in the meantime, please reach out to support@betr.app.”

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. Betr’s customer support 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

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

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.

(c) The distribution of funds in a patron's Sports Wagering Account maintained by a Sports Wagering Operator to that patron;

On February 6, 2024, Betr will stop offering sign-up bonuses in Massachusetts. On February 7, 2024, no later than 5:00 pm, Betr will release any deposits that might be locked due to the sign-up bonus terms and conditions so that the deposits are available for withdrawal.

Within two (2) business days of Commission approval of the cessation plan, Betr will inform all customers that have funds how they can withdraw their funds via the app.

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. Betr's customer support 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;

No events will be available to bet on beginning at 11:59 pm, on February 16, 2024, or later via the app.

We will introduce a geolocation block for Massachusetts so that no wager can be accepted after 11:59 pm on February 16, 2024.

On February 6, 2024, we will add all Massachusetts customers to a no communication list for advertising/marketing campaigns.

Betr will not decommission any servers that currently store data and will provide access to the Commission to its backup servers via Betr's internal Back Office tool which can be used to access requested data. Within 48 hours of the Commission's approval of its cessation plan, Betr will confirm with the Commission's IT Staff that all requirements related to the decommissioning of its sports wagering platform in Massachusetts, including access to patron accounts and the retention of data, are sufficiently addressed.

Attached is a separate Data Retention and Decommission Plan.

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

Beginning on March 16, 2024, any person in Massachusetts that attempts to access, login, or download 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.

Betr will not decommission any servers that currently store data and will provide access to the Commission to its backup servers via Betr's internal Back Office tool which can be used to access requested data. Within 48 hours of the Commission's approval of its cessation plan, Betr will confirm with the Commission's IT Staff that all requirements related to the decommissioning of its sports wagering platform in Massachusetts, including access to patron accounts and the retention of data, are sufficiently addressed.

Attached is a separate Data Retention and Decommission Plan.

(f) The Sports Wagering Operator's plan to satisfy outstanding debts and obligations, including excises taxes due to the Commission pursuant to G.L. c. 23N, § 14 and 205 CMR 240;

All regulatory and financial obligations will be adhered to and delivered to the Commission for the period Betr operated in Massachusetts. This includes, but is not limited to, the payment of all taxes, debts, and obligations pursuant to 205 CMR 240, 205 CMR 221, and 205 CMR 214.

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

Within two (2) business days of Commission approval of the cessation plan, Betr will inform all Massachusetts customers that we 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.

Within two (2) business days of Commission approval of the cessation plan, we will publish the cessation notice on the social media platforms and on the Boston Globe website; within five (5) business days of Commission approval of the cessation plan, we will publish the cessation notice in the Boston Globe's print edition pursuant to 205 CMR 258.03(4).

Within two (2) business days of Commission approval of the cessation plan, 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.

Notwithstanding the aforementioned FAQ Page which we will publish two (2) business days after Commission approval of the cessation plan, on February 16, 2024, we will remove any mention of operations in Massachusetts on relevant Helpdesk articles related to Betr's live operations.

On January 25, 2024, all vendors were notified about our preliminary plan to cease operations in Massachusetts. All vendors will be updated about the approved cessation date within two (2) business days of Commission approval of the cessation plan, and informed that that anyone licensed and doing business solely with Betr will be required to surrender their license within ten days of Betr's surrender of its license pursuant to 205 CMR 258.06.

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

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. If necessary, Betr will supply a bank attestation letter to demonstrate that the obligations of 205 CMR 258 can be satisfied through cash.

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Betr Data Retention and Decommission Plan

Introduction

Upon approval of cessation of mobile sports betting operations of Betr, pursuant to a Category 3 untethered 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

Betr uses an in-house PAM solution, which stores patron databases and is the source of truth for data requests. All Betr databases and data warehouses, both in-state and centralized, are cloud hosted and the in-state database is replicated and retained in our centralized cloud-hosted database for data requests relating to marketing and gamification data. Betr cloud-hosted databases will remain operational (read only) to provide transaction history to users on the Betr application, until closure. Betr will also retain, and store patron data provided by geolocation, identity, and customer support providers. The Betr data warehouse will remain operational for historical purposes until data retention expires.

Data Storage

In accordance with 205 CMR 238.09(1) and internal controls, Betr's records are retained in an electronic format. All corporate records, current employee files, and revenue accounting data are retained without an expiration period. Other non-essential data is generally retained for a period of a minimum of five to seven years.

Data Retention

Data will be retained for a period of time required by Massachusetts laws and regulations. Pursuant to 205 CMR 238.09, Betr utilizes electronic storage for its primary confidential documents. Additionally, Betr transactional data may be retained in our centralized cloud-hosted environment.

Data Security/Access Controls

All data sources that will support internal and 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 and 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, Massachusetts regulators have access to Betr's internal Back Office tool which can be used to

access requested data. To support any patron data request, patrons may submit a support ticket to Betr Customer Support.

Patron and Regulator Requests

Throughout the closure process, Massachusetts patron requests will be addressed via an e-mail request to Betr Customer Support (support@betr.app). The current Legal/Compliance contacts at Betr will continue to liaise with the MGC.

Server Decommission/Deletion of Data

Betr will not decommission any servers that currently store data and will provide access to the Commission to its backup servers via Betr's internal Back Office tool which can be used to access requested data. Within 48 hours of the Commission's approval of its cessation plan, Betr will confirm with the Commission's IT Staff that all requirements related to the decommissioning of its sports wagering platform in Massachusetts, including access to patron accounts and the retention of data, are sufficiently addressed.

Where is Betr Sportsbook ceasing operations?

- Betr Sportsbook will be ceasing operations only in Massachusetts on February 16, 2024, at 11:59 PM EST. Betr will continue to be available in Ohio and Virginia.

What happens to the bets I have already placed?

- Any bets placed before the cessation date (February 16, 2024, 11:59PM EST) will settle according to the results. Betr Sportsbook does not offer any future bets.

What happens to my betting history?

- Your betting history will be available in your Betr account.

How do I withdraw the money in my account?

- Withdrawals are quick and easy. To withdraw, click 'Account' on the top right of our mobile app and select 'Withdrawal from Sportsbook'. You will then be prompted to enter a withdrawal amount. Enter the full balance and click 'Submit'.

How much time do I have to withdraw my funds?

- You will be able to login and withdraw your funds up until March 16, 2024. After this date, you will need to reach out to support@betr.app to receive a check with your funds.

What happens to my active bonuses or new user bonus?

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

My deposit is tied to a sign-up bonus.

- Any deposit tied to a sign-up bonus will be released on February 7, 2024, by 5:00 PM EST.

Will I still receive the proper tax forms?

- Betr Sportsbook does not offer any wagers that would have triggered tax reporting events, so you should not expect any tax reporting forms.

How do I reach customer service?

- If you are unable to find the answers you need here, please contact us at support@betr.app.

Massachusetts Cessation Plan

Betr is proposing the winding down of its sportsbook operations in Massachusetts on ~~Feb~~ 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 Commission 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 at 11:59 pm, on February Feb-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 Feb-16, 2024, according to the results and the approved house rules.
3. Within two (2) business days of Commission approval of the cessation plan, Betr will inform all Massachusetts customers about the change on February 12, 2024 that it we 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. Within two (2) business days of Commission approval of the cessation plan, we will publish the cessation notice on the social media platforms and on the Boston Globe website; within five (5) business days of Commission approval of the cessation plan, we will publish the cessation notice in the Boston Globe's print edition pursuant to 205 CMR 258.03(4). We will publish the cessation notice on the social media platforms and on the Boston Globe website.
5. On Feb-February 16, 2024 Betr will stop offering sign-up bonuses in Massachusetts. On February 7, 2024 no later than 5:00 pm, 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. Within two (2) business days of Commission approval of the cessation plan, 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. Betr's customer support 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. 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 6, 2024, we will modify all relevant Helpdesk articles that mention our operations in Massachusetts to provide information regarding our cessation of operations and on Notwithstanding item #9 below, on February 16, 2024, we will remove any mention of operations in Massachusetts on relevant Helpdesk articles related to

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~~Betr's live operations. On February 16, 2024 we will modify all relevant Helpdesk articles that mention our operations in Massachusetts.~~

9. ~~Within two (2) business days of Commission approval of the cessation plan, wWe 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. ~~On January 25, 2024, aAll vendors have-were been-notified about our preliminary plan to cease operations in Massachusetts. All vendors will be and they will be informed updated about the approved cessation date- within two (2) business days of Commission approval of the cessation plan, and informed that that anyone licensed and doing business solely with Betr will be required to surrender their license within ten days of Betr's surrender of its license pursuant to 205 CMR 258.06.~~
11. ~~We will introduce a geolocation block for Massachusetts so that no wager can be accepted after 11:59 pm on Feb-February 16, 2024.~~
12. ~~Beginning on March 16, 2024, any person in Massachusetts that attempts to access, login, or download 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. ~~On February 6, 2024, wWe 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. If necessary, Betr will supply a bank attestation letter to demonstrate that the obligations of 205 CMR 258 can be satisfied through cash.~~
15. ~~All regulatory and financial reports-obligations will still-be adhered to and delivered to the Commission for the period Betr operated in Massachusetts, for February 2024. This includes, but is not limited to, -the payment of all taxes, debts, and obligations pursuant to 205 CMR 240, 205 CMR 221, and 205 CMR 214.~~
15. ~~Betr will not decommission any servers that currently store data and will provide access to the Commission to its backup servers via Betr's internal Back Office tool which can be used to access requested data. Within 48 hours of the Commission's approval of its cessation plan, Betr will confirm with the Commission's IT Staff that all requirements related to the decommissioning of its sports wagering platform in Massachusetts, including access to patron accounts and the retention of data, are sufficiently addressed. Betr will submit a separate plan (which will be mutually agreed upon with the MGC IT staff) for the decommissioning of its sports wagering platform in Massachusetts, access to patron accounts, and the retention and access of data for a period required by applicable law. Attached is a separate Data Retention and Decommission Plan.~~
16. ~~Within two (2) business days of Commission approval of the cessation plan, Betr will send an initial notice to its patrons in substantially the following form:~~

~~We want to thank you for being a loyal customer of Betr. Unfortunately, we have had to make the difficult decision to shut down mobile sports betting operations in Massachusetts.~~

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We will be discontinuing **live** mobile sports betting offerings on February 16, 2024, and **no new events** will be available to bet that start on or after February 16 2024. By 5:00pm on February 7, 2024, Betr will release any deposits that are locked up due to the signup bonus terms and conditions so that deposits are available for withdrawal. Your account will be accessible through the end of the day on March 16, 2024, to allow time for your outstanding bets to settle and to withdraw your account balance. If you have any questions in the meantime, please reach out to support@betr.app."

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.

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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

February 2024

This 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. Within 48 hours of receiving approval from the MGC to proceed under this Cessation Plan (or on the following Monday if approval is received on a Thursday or Friday), WynnBET will shut off all sports wagering markets so that no wagers can be placed and will shut off the ability of patrons to deposit funds into their sports wagering account from within Massachusetts at 11:00 a.m. Eastern.

(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 (or on the following Monday if approval is received on a Thursday or Friday) and at 11:00 a.m. Eastern, 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 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 within seven (7) business days.

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 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 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 will remain unsettled after the 30-day wind-down period has elapsed will be contacted by a WynnBET customer representative within seven (7) business days of the closure email sent to patrons to resolve settlements of these outstanding wagers/parlay legs.

WynnBET does not have current promotions and bonuses running in Massachusetts, except for the Wynn Rewards loyalty program. Any outstanding bet credits from the Wynn Rewards loyalty program 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.

(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 mobile sports wagering accounts. They will receive weekly reminders of to withdraw funds on their account. Once all wagers are settled and the account funds are withdrawn, a patron's account will be closed and inaccessible to the patron. Patrons who do not

withdraw their funds within the 30-day wind-down period will be contacted by a WynnBET customer representative within ten (10) business days 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.*

Attached is 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.*

Attached is 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.

Further, WynnBET will meet all obligations relating to fees and annual assessments pursuant to 205 CMR 214 and 205 CMR 221.

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 concerning notification to patrons.

WynnBET notified its primary suppliers, including its platform provider and sports provider, on January 29, 2024, that it was submitting a notice of cessation for approval to the Massachusetts Gaming Commission. WynnBET will commence notification to all its Massachusetts vendors and suppliers within 48 hours of the MGC's approval of its cessation plan and will notify such vendors or suppliers licensed and doing business solely with WynnBET that they will be required to surrender their license within ten (10) days of WynnBET's surrender or expiration of its license pursuant to 205 CMR 258.06.

In addition, WynnBET notified its employees of the notice of cessation submission on January 29, 2024.

WynnBET will also publish the notice of cessation in The Boston Globe's online and print editions within five business days of Commission approval of the cessation plan in accordance with 205 CMR 258.03(4).

(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.*

Attached is an attestation that the obligations of 205 CMR 258.03(1)(a) through (f) will be satisfied.

WynnBET will satisfy its obligations prior to expiration of its license on February 23, 2024.

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 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. The location and control of these databases will be reviewed in detail with the Massachusetts Gaming Commission staff. 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

In accordance with 205 CMR 238.09(1) and internal controls, WynnBET records are retained in an electronic format. All corporate records, current employee files, and revenue accounting data are retained without an expiration period. Other, non-essential data is generally retained for a period of a minimum of five to seven years.

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.

For any data required to be accessed by the Massachusetts Gaming Commission for regulatory purposes, the legal and compliance team of WynnBET will serve as contacts. If not available, the legal team at Encore Boston Harbor will respond to requests.

Data Retention

Data will be retained for a period of time required by Massachusetts laws and regulations. Pursuant to 205 CMR 238.09, WynnBET utilizes electronic storage for its primary confidential documents. Additionally, WynnBET transactional data may be retained in a cloud environment in accordance with this plan.

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). The current Legal/Compliance contacts at WynnBET will continue to liaise with the Massachusetts Gaming Commission. If not available, the legal team at Encore Boston Harbor will respond to inquiries.

Server Decommission/Deletion of Data

Once all data has been confirmed as archived by Wynn/WynnBET resources and signed off by legal and compliance once notice is given to and approval is secured from the Massachusetts Gaming Commission, all source systems will be wiped of data and systems will be securely decommissioned and destroyed. WynnBET will follow the requirements of 205 CMR 238.09 for any records required by the Massachusetts to be retained. Further, WynnBET retains the services of a disposal company for any physical documents that are permitted to be destroyed.



**ATTESTATION OF COMPLIANCE WITH RESERVE REQUIREMENT
PURSUANT TO 205 CMR 238.12**

FOR THE MONTH ENDED DECEMBER 2023

1. I have reviewed 205 CMR 238.12 as it pertains to a Sports Wagering Operator's obligation to maintain and protect sufficient cash and other supplies to conduct Sports Wagering at all times through a reserve in the amount necessary to ensure the security of funds held in Sports Wagering Accounts and the ability to cover outstanding Sports Wagering liability.
2. WynnBET has established a reserve, either in the form of Cash, Cash Equivalents, payment processor reserve, payment processor receivable, irrevocable letter of credit, bond or a combination thereof.
3. Funds held in the Sports Wagering Accounts are held:
 - a. In trust for the patron in a Segregated Account; or
 - b. In a special purpose Segregated Account as outlined in 205 CMR 238.12(2)(b).
4. Funds held in the Segregated Accounts:
 - a. Do not belong to WynnBET;
 - b. Are not available to creditors other than the patron whose funds are being held; and
 - c. Are not commingled with other funds including, without limitation, funds of WynnBET.
5. To the best of my knowledge and belief, funds have been safeguarded in accordance with 205 CMR 238.12.

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.

[NAME of Attesting Person]

01/08/2024

[Date]



Massachusetts Gaming Commission

Dir - Revenue Controller

[TITLE of Attesting Person]

/s/ Stewart Elkins

[SIGNATURE of Attesting Person]

[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.]



WynnBET Mobile Sports Betting Cessation Plan

~~January-February~~ 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. Within 48 hours of receiving approval from the MGC to proceed under this Cessation Plan (or on the following Monday if approval is received on a Thursday or Friday), WynnBET will shut off all sports wagering markets so that no wagers can be placed and will shut off the ability of patrons to deposit funds into their sports wagering account from within Massachusetts at 11:00 a.m. Eastern.

(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 (or on the following Monday if approval is received on a Thursday or Friday) and at 11:00 a.m. Eastern, 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 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 within seven (7) business days.

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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 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!

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“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 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 will remain unsettled ~~within~~after the 30-day wind-down period has elapsed will be contacted by a WynnBET customer representative within seven (7) business days of the closure email sent to patrons to resolve settlements of these outstanding wagers/parlay legs.

WynnBET does not have current promotions and bonuses running in Massachusetts, except for the Wynn Rewards loyalty program. Any outstanding bet credits from the Wynn Rewards loyalty program 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.

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(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 mobile sports wWagering aAccounts. They will receive weekly reminders of to withdraw funds on their account. Once all wagers are settled and the account funds are withdrawn, a patron's account will be closed and inaccessible to the patron. Patrons who do not withdraw their funds within the 30-day wind-down period will be contacted by a WynnBET customer representative within ten (10) business days 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.

Attached is a 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.

Attached is a 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.

Further, WynnBET will meet all obligations relating to fees and annual assessments pursuant to 205 CMR 214 and 205 CMR 221.

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 concerning notification to patrons.

WynnBET notified its primary suppliers, including its platform provider and sports provider, on January 29, 2024, that it was submitting a notice of cessation for approval to

the Massachusetts Gaming Commission. ~~will also communicate and work with its vendors and supplier on the planned wind-down.~~ WynnBET will commence notification to all its Massachusetts vendors and suppliers within 48 hours of the MGC's approval of its cessation plan and will notify such vendors or suppliers licensed and doing business solely with WynnBET that they will be required to surrender their license within ten (10) days of WynnBET's surrender or expiration of its license pursuant to 205 CMR 258.06.

In addition, WynnBET notified its employees of the notice of cessation submission on January 29, 2024.

WynnBET will also publish the notice of cessation in The Boston Globe's online and print editions within five business days of Commission approval of the cessation plan in accordance with 205 CMR 258.03(4).

- (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.***

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

WynnBET will satisfy its obligations prior to expiration of its license on February 23, 2024.

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 for a representative to address your inquiries.

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 \(wynnlasvegas.com\)](#) 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 COMPDOLLARS, 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 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. [The location and control of these databases will be reviewed in detail with the Massachusetts Gaming Commission staff.](#) 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

[In accordance with 205 CMR 238.09\(1\) and internal controls, WynnBET records are retained in an electronic format. All corporate records, current employee files, and revenue accounting data are retained without an expiration period. Other, non-essential data is generally retained for a period of a minimum of five to seven years.](#)

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.

For any data required to be accessed by the Massachusetts Gaming Commission for regulatory purposes, the legal and compliance team of WynnBET will serve as contacts. If not available, the legal team at Encore Boston Harbor will respond to requests.

Data Retention

Data will be retained for a period of time required by Massachusetts laws and regulations. Pursuant to 205 CMR 238.09, WynnBET utilizes electronic storage for its primary confidential documents. Additionally, WynnBET transactional data may be retained in a cloud environment in accordance with this plan.

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). The current Legal/Compliance contacts at WynnBET will continue to liaise with the MGC-Massachusetts Gaming Commission. If not available, the legal team at Encore Boston Harbor will respond to inquiries.

Server Decommission/Deletion of Data

Once all data has been confirmed as archived by Wynn/WynnBET resources and signed off by legal and compliance once notice is given to and approval is secured from the Massachusetts Gaming Commission, all source systems will be wiped of data and systems will be securely decommissioned and destroyed. WynnBET will follow the requirements of 205 CMR 238.09

for any records required by the Massachusetts to be retained. Further, WynnBET retains the services of a disposal company for any physical documents that are permitted to be destroyed.

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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: 1/26/2024

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.

