



REVISED 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 | March 14, 2024 | 10:00 a.m.
VIA REMOTE ACCESS: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 111 787 4930
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 - #508

1. Call to Order – Cathy Judd-Stein, Chair

2. Meeting Minutes
 - a. June 1, 2023 **VOTE**
 - b. June 15, 2023 **VOTE**
 - c. June 21, 2023 **VOTE**

3. Administrative Update – Todd Grossman, Interim Executive Director & General Counsel
 - a. Update to Offering of Impermissible Games by Daily Fantasy Sports Operators

4. Legislative Update – Commissioner Brad Hill
 - a. Report on Planned Legislative Breakfast

5. Racing – Dr. Alexandra Lightbown, Director of Racing and Chief Veterinarian
 - a. Request for Approval of Additional Simulcast Import Signal – Sue Rodrigues, Vice President of Operations, Raynham Park **VOTE**



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- b. Report on 2022 Unpaid Winnings and possible subsequent authorization for CFAO to pay out funds approved by the Commission **VOTE**
 - I. Plainridge Racecourse **VOTE**
 - II. Suffolk Downs **VOTE**
 - III. Wonderland Park **VOTE**
 - IV. Raynham Park **VOTE**

- 6. Sports Wagering Division – Bruce Band, Director of Sports Wagering
 - a. Request for Amendment to House Rules – Andrew Steffen, Operations Manager
 - I. Fanatics – Daniel Mulhall, Senior Manager, New Markets **VOTE**
 - II. FanDuel – Chris Black, Trading Compliance Manager **VOTE**
 - b. Event Catalog Addition Request – United Football League (UFL) - Andrew Steffen, Operations Manager; Chris Black, Trading Compliance Manager – FanDuel; Jacob List, Senior Director of Regulatory Operations - DraftKings **VOTE**
 - c. Request for Extension of Waivers pertaining to 205 CMR 257.03 (4): Sports Wagering Data Privacy, Data Sharing – Crystal Beauchemin, Business Manager
 - I. DraftKings **VOTE**
 - II. BetMGM **VOTE**
 - III. Possible Extension to all Category 3 Sports Wagering Operators **VOTE**
 - d. Report on status of Bally’s Operational Plan – Bruce Band, Director of Sports Wagering

- 7. Investigations and Enforcement Bureau – Caitlin Monahan, Director of Investigations and Enforcement Bureau; Kara O’Brien, Chief, Licensing Division
 - a. MGM Springfield Request for Amendment to the Beverage License - David MacKay, Licensing Manager **VOTE**
 - b. Plainridge Park Casino’s Request for Withdrawal of a Service Registration Exemption – David MacKay, Licensing Manager **VOTE**

- 8. Legal – Todd Grossman, Interim Executive Director & General Counsel; Carrie Torrisi, Deputy General Counsel; Justin Stempeck, Deputy General Counsel
 - a. 205 CMR 221.00: Sports Wagering Licensing Fees – Final Draft of Existing Regulation and Amended Small Business Impact Statement for Review and Approval to Finalize the Promulgation Process **VOTE**



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- b. 205 CMR 238.12: Reserve Requirement (SW Letter of Credit) – Amendments to Existing Regulation, and Small Business Impact Statement for Review and Approval to Commence the Promulgation Process and/or Adoption via Emergency **VOTE**
 - c. 205 CMR 238.35: Cancelled or Voided Wagers – Discussion of Regulation (No Amendments)
 - d. MGC-Licensed Seal of Approval Discussion – Justin Stempeck, Deputy General Counsel
9. Investigations and Enforcement Bureau – Caitlin Monahan, Director of Investigations and Enforcement Bureau; Legal – Todd Grossman, Interim Executive Director & General Counsel; Sports Wagering Division – Bruce Band, Director of Sports Wagering
- a. Discussion and Possible Adoption of Policy and Procedures for Administration of Certain Non-Compliance Matters Arising Under G.L.c.23N and 205 CMR 232 **VOTE**
10. Community Affairs Division – Joe Delaney, Chief of Community Affairs; Mary Thurlow, Senior Program Manager; Lily Wallace, Program Manager
- a. Medford 2020 Transportation Construction Grant – Repurposing of Funds **VOTE**
 - b. FY 2025 Community Mitigation Fund Application Update and Approval Process
11. Commissioner Updates
12. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that this Notice was posted as “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to regs@sec.state.ma.us. Posted to Website: March 12, 2024 | 10:00 a.m. EST | **REVISED 3/12/2024 1:00 p.m. EST**

March 12, 2024

Cathy Judd-Stein

Cathy Judd-Stein, Chair

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



Massachusetts Gaming Commission



Massachusetts Gaming Commission Meeting Minutes

Date/Time: June 1, 2023, 9:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 539 2948

The Commission conducted this public meeting remotely utilizing collaboration technology. Use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

Commissioners Present:

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

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

Chair Judd-Stein called to order the 457th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Meeting Minutes](#) (02:47)

a. December 15, 2022

Chair Judd-Stein asked if the Commissioners had time to review the minutes. Commissioner O'Brien stated that she had yet to receive the minutes and requested that the vote be held until the next meeting. Commissioners agreed that the minutes would be held over until the next meeting.

3. [Administrative Update](#) (03:26)

Executive Director Karen Wells stated that Massasoit Greyhound Association D/B/A Raynham Park had applied for a category two sports wagering license. She stated that a site visit was planned for June 9 and June 10, and that the application review would begin on June 12. She noted that the Commission staff had reached out to RSM and Gaming Laboratories International about this application and stated that Raynham had submitted internal controls.

4. [Legal](#) (05:17)

Deputy General Counsel Caitlin Monahan explained that 205 CMR 257 was a regulation related to data privacy that was appearing before the Commission for the first time. She noted that the legal team recommended that 205 CMR 257 go through the regular promulgation process, rather than by emergency so that comments could be received from the public and interested stakeholders before the regulation was finalized.

Deputy General Counsel Monahan noted that the other regulations being discussed today were voted on by emergency on April 24, 2023 but were not filed with the Secretary of the Commonwealth to allow additional changes to be made before its filing.

Commissioner O'Brien sought clarification as to why 205 CMR 257 was not being moved on as an emergency. Outside Counsel from the law firm Anderson and Krieger, Attorney Mina Makarious explained that some of the protections in 205 CMR 257 were previously included in 205 CMR 138 and 205 CMR 238. He stated that the legal team researched provisions from other jurisdictions and received input from the Attorney General's Office in order to implement best practices into the regulatory framework. He stated that the legal team wanted to give the Commission and operators sufficient opportunity to comment and noted that data privacy protections were in place in other regulations.

Jared Rinehimer, Chief of the Data Privacy and Security Division from the Attorney General's Office stated that strong privacy protections were needed. He noted that the Attorney General's Office was encouraged by the initial approach taken in the regulation and that he looked forward to continued collaboration with the Commission. Chair Judd-Stein stated that the Commission appreciated the input from the Attorney General's Office, members of the public, stakeholders, operators, and experts in the field.

- a. [205 CMR 257](#): Data Privacy and Usage – Review of Regulation and Small Business Impact Statement for possible emergency adoption, and authorization to begin the promulgation process (14:05)

Mr. Makarious presented the draft of 205 CMR 257. The *small business impact statement and draft 205 CMR 257* were included in the Commissioner's Packet on pages 16 through 25.

Chair Judd-Stein inquired whether the Commission would have the opportunity to revisit multi-factor authentication requirements in this regulation. Mr. Makarios stated that the current regulation mandated that patrons have the option of using multifactor authentication upon log-in, but that it was not required.

Commissioner Hill sought clarification regarding the five-day time frame in relation to data breaches. Mr. Makarios stated that the operator must notify the Commission immediately of any data breach, but that the investigations may require time to discern what happened.

Commissioner Hill asked if the Attorney General's Office had any initial comments on this regulation. Mr. Rinehimer stated that there were not initial comments as his office already had conversations on the development of the regulation. He stated that patrons should have the choice of how their data was used, and the understanding of how to opt out.

Commissioner O'Brien moved that the Commission approve the small business impact statement and the draft of 205 CMR 257 as included in the Commissioner's Packet and discussed today; and further, that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to begin the regulation promulgation process and further that staff be authorized to modify chapter or section number or titles and file additional regulation sections as reserved or to make any other administrative changes as necessary to execute the regulation promulgation process. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

b. [205 CMR 138](#): Uniform Standards of Accounting Procedures and Internal Controls - Review of Regulation and Small Business Impact Statement for possible emergency adoption, and authorization to begin the promulgation process (42:20)

Attorney Makarios presented the draft of 205 CMR 138. The *small business impact statement and draft of 205 CMR 138* were included in the Commissioner's Packet on pages 28 through 109.

Commissioner Skinner noted that there were red boxes indicating a change in 205 CMR 138.07 and asked what the change was. Mr. Makarios stated that there was a font issue that resulted in a change being flagged when the original file was converted to PDF format.

Commissioner Hill moved that the Commission approve the small business impact statement and draft of 205 CMR 138 as included in the Commissioner's Packet and discussed today and that

staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter to begin the regulation promulgation process; and further, that staff be authorized to modify chapter or section number or titles and file additional regulation sections as reserved or to make any other administrative changes as necessary to execute the regulation promulgation process. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

c. [205 CMR 238](#): Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering- Review of Regulation and Small Business Impact Statement for possible emergency adoption, and authorization to begin the promulgation process (51:27)

Attorney Makarios presented the draft of 205 CMR 238. The *small business impact statement and draft of 205 CMR 238* was included in the Commissioner's Packet on pages 110 through 152.

Commissioner O'Brien moved that the Commission approve the small business impact statement and draft of 205 CMR 238 as included in the Commissioner's Packet and discussed today and that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter to begin the regulation promulgation process; and further, that staff be authorized to modify chapter or section number or titles and file additional regulation sections as reserved or to make any other administrative changes as necessary to execute the regulation promulgation process. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

d. [205 CMR 247](#): Uniform Standards of Sports Wagering - Review of Regulation and Small Business Impact Statement for possible emergency adoption, and authorization to begin the promulgation process (59:57)

Attorney Makarious presented the draft of 205 CMR 247. The *small business impact statement and draft of 205 CMR 247* were included in the Commissioner's Packet on pages 153 through 171.

Chair Judd-Stein asked whether an operator who can request sports, events, or wager types had to be a Massachusetts operator. Deputy General Counsel Monahan explained that 205 CMR 202 defined 'operator' as only operators who were licensed in Massachusetts.

Chair Judd-Stein asked if requesting sports, events, or wagers should be limited to operators or if stakeholders should also request events. Commissioner Hill stated that there should be an avenue for consumers to request events from operators. Mr. Makarious stated that regulatory language should not be needed for that as consumers can always write to an operator or the Commission to make that request through normal public submissions.

Commissioner Maynard expressed an interest in ensuring that patrons were heard in the process. He stated that the Commission should still be able to see whether operators received requests and if the operators chose to act on those requests. He stated that he would like there to be a nexus to the Commonwealth to make these requests.

Commissioner O'Brien stated that operators should be the petitioners as their event catalog was a business decision. She expressed concern about taking up staff and Commission time if the operators had no intention of implementing a consumer's request. She supported restricting petitions to operators.

Commissioner Skinner stated that she was aligned with Commissioner O'Brien. She explained that consumers already had a way to submit concerns about sporting events being offered to the Commission in the normal public comment process. Chair Judd-Stein agreed and stated that operators were likely to offer a rich array of events to be competitive.

Commissioner Maynard expressed an interest in the Commission having a way to address the offerings of operators, such as an operator who would offer men's polo but not women's polo. Chair Judd-Stein asked if the Commission could require offerings. Mr. Makarious stated that it was a business decision of what an operator wanted to offer wagers on, but noted that the Commission had authority to investigate and question why an operator refused to offer women's sports at the same rate as men's sports.

Commissioner Maynard stated that he wanted to ensure that all offerings were fair and that treatment was fair. Commissioner O'Brien noted that if women's sports do not have the same level of integrity as men's sports, it could be a valid business decision to not offer them. She stated that the Commission could use its voice to ensure that the amount of women's sports offered to wager on, was competitive with men's sports.

Commissioner Skinner moved that the Commission approve the small business impact statement and draft 205 CMR 247 as included in the Commissioner’s Packet and discussed today and that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter to begin the regulation promulgation process; and further, that staff be authorized to modify chapter or section number or titles and file additional regulation sections as reserved or to make any other administrative changes as necessary to execute the regulation promulgation process. Commissioner O’Brien seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

e. [205 CMR 248](#): Sports Wagering Account Management - Review of Regulation and Small Business Impact Statement for possible emergency adoption, and authorization to begin the promulgation process (1:21:33)

Mr. Makarios presented the draft of 205 CMR 248. The *small business impact statement and draft 205 CMR 248* were included in the Commissioner’s Packet on pages 172 through 185.

Chair Judd-Stein questioned whether the Commission should require multi-factor authentication upon log-in to a sports wagering account. She stated that it could be an additional step for ‘know your customer’ purposes to ensure that underage or ineligible wagerers did not access the platform. Commissioner O’Brien asked if the Attorney General’s Office had weighed in on this issue. Mr. Makarios suggested having a formal discussion with responsible gaming advocates and other stakeholders so that the Commission could receive feedback. He noted that this requirement could be included in discussions regarding 205 CMR 257 then added to this regulation. Chair Judd-Stein suggested conducting research into how many other jurisdictions require multi-factor authentication upon log-in, prior to the future discussion taking place. The Commissioners reached a unanimous consensus for gathering additional information on this subject and revisiting this discussion in a future meeting.

Commissioner Hill moved that the Commission approve the small business impact statement and draft 205 CMR 248 as included in the Commissioner’s Packet and discussed today and that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter to begin the regulation promulgation process; and further, that staff be authorized to modify chapter or section number or titles and file additional regulation sections as reserved or to make any other administrative changes as necessary to execute the regulation promulgation process. Commissioner O’Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

5. [Sports Wagering](#) (1:46:34)

a. 205 CMR 247.03 Petition Form for Review

Sports Wagering Operations Manager Sterl Carpenter presented a form to request approval for new sporting events for wager. The *petition form* was included in the Commissioner's Packet on pages 186 through 194. Mr. Carpenter stated that any Massachusetts operator could apply for new wagers and new sporting events, and that they can add additional documents and information to the form. He stated that the petitions will be used to set up a memorandum style presentation to the Commission for approval. He noted that based on the Commission's prior discussion regarding the Boston Marathon that a section was included in the petition highlighting that the operator should reach out to the sport's governing body or entity that conducts the sporting event.

Commissioner O'Brien asked that the language on the petition be changed, so that the operators have to provide additional details if they did not contact the sport's governing association, so as to explain why they did not establish that line of communication. Mr. Carpenter stated that the final version asked for additional information if the operator did contact the governing association, but confirmed that language could be added to request information if contact had not been made as well. The Commission reached a unanimous consensus to add language requesting additional information if the operator failed to contact the sport's governing association.

Chair Judd-Stein recommended the sections of the petition also be labeled and numbered so that information could be more easily referenced. Mr. Carpenter stated that the form would be amended to reflect the changes discussed.

Commissioner O'Brien moved that the Commission approve the petition for sports, sporting event, or wager category form as included in the Commissioner's Packet and discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

*Chair Judd-Stein: Aye.
The motion passed unanimously, 5-0.*

b. [Update to House Rules re Credit Language](#) (1:55:52)

I. Crown MA Gaming (DraftKings)

Mr. Carpenter stated that DraftKings had submitted a change to the language in their house rules regarding the prohibition of patrons using credit to fund their accounts. He noted that *a memorandum detailing the house rules language change* was included in the Commissioner’s Packet on pages 195 through 196. He stated that all requirements had been met and that the Sports Wagering Division had no reservations in moving forward with this change.

Commissioner Hill moved that the Commission approve the amendment to the house rules submitted by the category three sports wagering operator Crown MA Gaming D/B/A DraftKings as included in the Commissioner’s Packet and discussed today. Commissioner Skinner seconded the motion.

*Roll call vote:
Commissioner O’Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Maynard: Aye.
Chair Judd-Stein: Aye.
The motion passed unanimously, 5-0.*

6. [Research and Responsible Gaming](#) (1:59:15)

a. Presentation of Report: Patron and License Plate Survey Report: Encore Boston Harbor 2022

Mark Vander Linden, Director of Research and Responsible Gaming stated that the Encore Boston Harbor (“EBH”) patron and license plate survey was completed in 2022. He stated that this study provided insights on demographics of casino visitors, behaviors, and expenditures.

Principal Investigator with the Social and Economic Impacts of Gambling in Massachusetts (“SEIGMA”) project Dr. Rachel Volberg, Senior Research Analyst with the University of Massachusetts Donahue Institute, and Senior Lecturer from the Isenberg School of Management in the Department of Hospitality and Tourism Management Dr. Laurie Salame presented the patron and license plate survey report for EBH with topics including: geographic origins, demographics, racial diversity, frequency of visitation, gambling activities, impact on lower income Massachusetts patrons, and findings. The *patron and license plate survey report and the presentation* were included in the Commissioner’s Packet pages 198 through 365.

Commissioner Hill noted that some patrons indicated they would have gone out-of-state for gambling if casinos were not available in Massachusetts, and asked if information was gathered regarding which state they would visit. Ms. Salame stated that the information requested should be in the report. Chair Judd-Stein requested that Director Vander Linden follow-up on this information request. Commissioner Hill noted that this information seemed to be page 230 of the packet in Figure 15.

Chair Judd-Stein noted that the percentages of the Asian population visiting the casino was much larger than the percentage as represented within the general population. She asked if the EBH funded shuttle buses had affected those numbers. Dr. Salame stated that of the 440 participants, 82.6% arrived at the casino via their own car, and that the shuttle bus only accounted for 1.8% of the survey participants. She added that EBH had indicated that they do not keep count of how many patrons take the shuttles.

Commissioner Hill stated that the data related to how patrons would spend money if not gambling in Massachusetts was interesting. Dr. Salame noted that this information required speculation on part of the patrons. Mr. Peake stated that individuals were not great at estimating their spending, and that the responses might not be necessarily accurate to what the individual would actually do.

Commissioner Hill noted that Figure 17 showed that a large number of guests were brought to the area of the casino due to events, shows and exhibits. Director Vander Linden stated that from a responsible gaming perspective it is important that forms of entertainment other than gambling were available, and that only twenty percent of respondents stated that they were only there solely to gamble. He stated that this information reflects that the resort piece of the casino is an important draw.

Commissioner O'Brien requested more information regarding the number of people the shuttles bring to the casino and requested that EBH track that information. Director Vander Linden stated that the Research Division would look into getting that information for the Commissioners. Dr. Volberg noted that the data was constrained by who was willing to participate in the interview process, and that those taking a shuttle that was only available every thirty minutes would be less likely to respond.

Chair Judd-Stein inquired about the impact of international tourists. Mr. Peake stated that in terms of spending, most could be attributed to patrons from eastern Massachusetts. Dr. Salame stated that less than one percent of spending was from patrons who reside outside of the United States. Dr. Volberg noted that the study was conducted in April 2022, during the Covid pandemic, and that those at the casino during that period were more likely to be enthusiastic gamblers anxious to get back to the casino, rather than those who would travel internationally.

Commissioner Maynard noted that almost 40% of the patrons interviewed had a household income of \$100,000 or more, and asked if that was standard across the industry. Dr. Salame

stated that the median income in Massachusetts is higher than in other jurisdictions, and that 34.9% of patrons interviewed at MGM Springfield had a household income of \$100,000 or higher. Dr. Volberg stated that it would be difficult to compare this information with any other jurisdictions as most other states had not done a patron survey in the past ten years.

7. Racing (3:08:58)

a. Plainridge Park Racecourse Request for Approval of Additional Racing Official

Director of Racing and Chief Veterinarian Alex Lightbown informed the Commission that she had used the Commission's delegation of authority regarding approval of certain track matters to approve Dr. Zach Matzkin as a racing official. She stated that he would be in the role of Plainridge Park Association Veterinarian. She stated that he was approved so that Plainridge racing officials could have more coverage and receive occasional time off. She stated that since the approval, Dr. Matzkin had received his Massachusetts registration, and worked on May 23 at Plainridge.

8. [Finance](#) (3:11:48)

a. FY24 Budget Review

Chief Financial and Accounting Officer ("CFAO") Derek Lennon presented the proposed FY24 Budget for review. The *proposed FY24 Budget* was included in the Commissioner's Packet on pages 368 through 438. He stated that the Finance Division recommended an operation budget of \$54.9 million to fund 134 FTEs and 6 contract employees. He noted that there was a significant growth in FTEs due to the implementation and regulation of sports wagering.

CFAO Lennon stated that 28.5% of the lease and IT costs were shifted from the Gaming Control Fund to the Sports Wagering Control Fund. He stated that this was a \$790,000 cost shift. He stated that the Financial Division recommended \$37.39 million for the Gaming Control Fund, \$2.92 million for the Racing Development and Oversight Trust Fund, \$385,400 for the Community Mitigation Fund, \$8.33 million for the Sports Wagering Control Fund, and \$5.9 million for the Research and Responsible Gaming budget.

CFAO Lennon stated that the budget required the assessment of gaming licensees for the Gaming Control Fund, as well as \$5 million for the Public Health Trust Fund. He stated that the Commission could not determine the assessment without gaming positions for each licensee and the revenue for the \$600 slot machine fee. He stated that once accounted for, these numbers would be presented in the public meeting on June 29.

CFAO Lennon stated that the budget required two assessments on sports wagering licensees, one for the Sports Wagering Control Fund and an additional \$1 million assessment for the Public Health Trust Fund. He stated that the Finance Division recommended using adjusted gross sports

wagering receipts from the implementation of sports wagering until the end of May for this assessment. He stated that the Commission would then revise these numbers for actual performance when the staff presents the first FY24 quarterly budget to the Commission. CFAO Lennon noted that two operators were not expected to begin operations in FY23 and suggested that they pay the same percentage of assessments as the operator who generated the lowest adjusted gross sports wagering receipts in FY23.

Chair Judd-Stein sought clarification regarding which operators would not be operating in FY23. Revenue Manager Doug O'Donnell stated that Bally's and Betway would not be operating in FY23 and noted that Fanatics was set to begin operating prior to June 30. Commissioner Skinner stated that she was heavily involved in the process of developing the budget, and that she believed it to be fiscally responsible.

Commissioner Hill expressed concern regarding putting money aside for sports wagering employees without having a clear concept of what positions and functions were required to fill. He suggested looking at other jurisdictions to gather information as to what positions should be added.

Commissioner Maynard stated that he wanted to ensure the Commission was fiscally responsible while also ensuring that the resources needed were available to staff. He noted that in FY23, the Commission had difficulty filling some positions and expressed an interest in getting individuals involved who were early on in their careers.

Chair Judd-Stein stated that she shared Commissioner Hill's concerns and posed whether some of the functions related to sports wagering might be able to be handled internally through the other divisions. Commissioner O'Brien stated that the staff had done a tremendous amount with limited resources in implementing sports wagering and suggested that the Sports Wagering Division needed to be further expanded to fulfill its regulatory function.

Chair Judd-Stein suggested setting funds aside for the Sports Wagering Division. Executive Director Wells stated that the next step for the Sports Wagering Division would be building out audit functions. She stated that there would be additional hires as needs were identified. Chair Judd-Stein asked how much funding was set aside for (full-time employees) FTEs already identified. CFAO Lennon stated that three FTEs for sports wagering were built into the budget for FY24. He stated that funds can be set aside for the Executive Director so that positions could be filled for identified functions, or a list of different functions to address could be presented at the June 29 meeting. He suggested that if the Commission implemented the first option, \$750,000 in funding be put aside for the Sports Wagering Division accounting for six to ten FTEs. Commissioner Skinner voiced support for having the funding set aside in the budget so that the Commission does not need to meet to increase the budget whenever a function is identified.

Commissioner O'Brien stated that structurally, the Commission should consider hiring some form of a Deputy Executive Director to be second-in-command for the Executive Director. She noted that the Commission would be expanding the Sports Wagering Division and suggested adding an FTE to assist the Executive Director. The Commission reached unanimous consensus for hiring a Deputy Executive Director.

Commissioner Hill stated that he supported the Deputy Executive Director position being added but suggested that funding for this position did not need to be put aside and could be revisited during the year. CFAO Lennon stated that the implications of whether to set aside money in the budget, or increasing the budget later, was regarding the timing of when licensees were assessed. He explained that the budget for this position would only have to be seven or eight months as it would take time to generate a job description, interview applicants, perform the background check, and onboard for the position. He noted that any amount of the budget that was unspent from the assessment was returned to the licensees at the end of the year.

Commissioner O'Brien expressed her preference to mark the position in the FY24 budget. Commissioner Maynard agreed. Commissioner O'Brien asked when the Commission was required for the organization chart submitted to the Secretary of the Commonwealth. Executive Director Wells stated that it was an annual submission and historically submitted at the beginning of the year.

Commissioner O'Brien suggested the funding for contracting be increased for assistance in regulation compliance for advertising. She asked if the funding in the budget would need to be increased if used for compliance and auditing. CFAO Lennon suggested that some of the proposed \$750,000 sports wagering funds could be used on a contractor, and that requiring a further increase to the budget would require Commission approval in a public meeting. Commissioner O'Brien stated that she wanted staff to be able to move as quickly as they can.

Commissioner O'Brien noted that one of the proposed FTEs was a legal assistant, and questioned whether that position should be an attorney given the volume of work the Legal Division had coming in. CFAO Lennon stated that the budget accounted for two new attorneys and one legal assistant. Commissioner O'Brien expressed that she would prefer to have an attorney involved in drafting the minutes due to the Commission's expectations regarding minutes. Chair Judd-Stein agreed. CFAO Lennon stated that he would discuss the options with General Counsel Todd Grossman and HR to ensure the recommendation from the Finance Division reflected what the legal department felt was necessary.

9. [Legal](#) (3:55:45)

a. 205 CMR 243.01(1)(x): Consideration of Waiver of Regulatory Timeframe

General Counsel Grossman stated that sports wagering operators were required to have a technical security control audit performed within ninety days after commencing operations

pursuant to 205 CMR 243.01(1)(x). He stated that audits have to be performed by a qualified independent technical expert as defined in 205 CMR 243.01(1)(x)(2). He stated that an application form was available, but that the application process was still ongoing. He stated that the Legal Division requested a ninety-day extension to this requirement. Gaming Technical Compliance Manager Christian Taveras stated that one application had been received and that Commission staff was still awaiting the other two applications.

Commissioner Skinner asked how long the initial waiver was for. Mr. Taveras stated that the initial waiver was for thirty days. Chair Judd-Stein requested that if further additional time was needed on this matter, that an interim report be made to the Commission.

Commissioner Skinner moved that in accordance with 205 CMR 202.023 the Commission issue a temporary waiver for an additional ninety days to all sports wagering operators from the requirements set out in 205 CMR 243.01(1)(x) that requires operators within ninety days of commencing operations in the Commonwealth to have a technical security control audit conducted by a qualified technical expert as granting the waiver meets the requirements specified in 205 CMR 102.034 and is consistent with the purposes of General Law Chapter 23N.

Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

10. [Other Business](#) (4:04:23)

Commissioner O'Brien stated that the Public Safety Subcommittee received a presentation of the Justice Research Associates 2022 Covid impact study. She stated that the subcommittee had pulled a list of the Commission's regulations so that the Committee could give feedback to the Legal Division.

Chair Judd-Stein stated that she was putting together a working group to update the Commission's mission statement and she asked Commissioner Maynard to assist.

Chair Judd-Stein stated that she agreed with Commissioner Maynard's earlier point about finding staff who were early-on in their careers. She stated that there was a need for an internship program and suggested that Commissioner Maynard work in collaboration with Commissioner O'Brien regarding that topic in a two-by-two. Executive Director Wells stated that HR Manager Trupti Banda had developed a proposal for an internship program. Commissioner O'Brien agreed that an internship program would be beneficial.

Commissioner Maynard noted that an internship program could provide a competitive advantage if done properly. Commissioner Skinner stated that when she worked at the Boston Public Health Commission, internship programs were utilized to find extraordinary talent.

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

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

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. [Revised Notice of Meeting and Agenda](#) dated May 30, 2023
2. [Commissioner's Packet](#) from the June 1, 2023, meeting (posted on massgaming.com)



Massachusetts Gaming Commission Meeting Minutes

Date/Time: June 15, 2023, 9:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 232 7656

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

Commissioners Present:

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

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

Chair Judd-Stein called to order the 459th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Meeting Minutes](#) (00:34)

The *December 15, 2022, public meeting minutes* were included in the Commissioner's Packet on pages 3 through 12. The *December 29, 2022, public meeting minutes* were included in the Commissioner's Packet on pages 13 through 16.

Commissioner Hill moved that the Commission approve the minutes from the December 15, 2022, and December 29, 2022, public meetings that are included in the Commissioner's Packet subject to any necessary corrections for typographical errors or other non-material matters. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

3. [Commissioner Updates](#) (01:31)

Chair Judd-Stein stated that Executive Director Karen Wells had submitted a letter of resignation and was planning to step down on July 14, 2023. Chair Judd-Stein stated that the process by which the Commission would search for a new Executive Director would be determined by the Commission in a future public meeting. The Chair added that there would be a public sendoff to acknowledge Executive Director Wells' accomplishments closer to her departure date.

4. [Administrative Update](#) (04:15)

a. MGC COVID-19 Policy Review

Executive Director Wells explained that the Governor had rescinded the executive order regarding the vaccine mandate. She introduced Human Resources Manager Trupti Banda to discuss and review the Commission's internal COVID-19 policy.

Ms. Banda stated that the Governor's Office had rescinded Executive Order 595 effective May 11, 2023. She reported that Suffolk County was testing at rate of 2.71% positive for COVID-19. She noted that the casino properties were not requiring vaccination of their employees. Ms. Banda explained that the Commission had been following the CDC guidelines since August 2021, and was still following the CDC's guidelines.

Ms. Banda stated that the HR team did not include a recommendation in its memorandum, and that the Commissioners could discuss and determine whether a vaccination requirement was still appropriate. Commissioner Hill expressed that he was comfortable with the Commission aligning with the governor's recent rescission of Executive Order 595.

Commissioner Hill moved that the Commission align with the governor's rescission of Executive Order 595 and rescind the Commission's COVID-19 Exposure and Positivity Policy as discussed today. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

5. [Legislative Update](#) (10:26)

Grace Robinson, Chief Administrative Officer to the Chair explained that there were multiple bills before the legislature associated with extending horseracing simulcasting into the future. She presented a proposed letter supporting the simulcasting bills for the Commission's approval. The *Proposed Letter* was included in the Commissioner's Packet on pages 25 through 26.

Commissioner Skinner suggested an edit to the letter, and recommended inserting the word "favorably" into the first sentence of the second paragraph. She offered a typographical correction in the second sentence of the letter.

Commissioner Skinner moved that the Commission adopt and distribute the Letter to the legislature related to extending live horseracing and simulcasting in the Commonwealth as included in the Commissioner's Packet and discussed here today. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Ms. Robinson stated that the Commission had submitted a letter regarding a bill which would permit veterans' organizations to have slot machines at their facilities. She noted that there were two bills on this topic, and asked whether the Commission would want to write a new letter as a result. Commissioner Hill stated that there was still discussion taking place in the legislature, and suggested holding off on writing a letter until the Commission is made aware where the bills would go in Committee. He explained that the bills would either be passed or not passed by Committee within the next thirty to sixty days.

Chair Judd-Stein posited that the Commission staff could meet with legislative staff members working on the bill to address the ramifications to the operations of the Commission. She stated that a follow-up letter could be sent after that, if necessary. Commissioner Hill agreed.

Ms. Robinson reported that North Carolina and Vermont had passed legislation legalizing sports wagering. She stated that the bills were sent to the states' respective governors and that those governors had indicated their intended to sign them.

6. [Succession of Officers and Positions Document Distribution](#) (17:24)

Commissioner O'Brien stated that a draft memorandum, which detailed the basic overview of the succession of officers and positions and the two options discussed at the last meeting, had been distributed to Ms. Robinson and would be distributed to the rest of the Commission for review. Commissioner O'Brien stated that this topic would be further discussed, and a vote would be reserved during the June 29, 2023, public meeting. The *Memorandum* was included in the Commissioner's Packet on pages 27 through 28.

7. [Community Affairs Division](#) (19:00)

a. Community Mitigation Fund Public Safety Application Review

Chief of the Community Affairs Division Joe Delaney presented Public Safety Applications for funds from the Community Mitigation Fund. A *Memorandum Detailing The Community Mitigation Fund Applications And Review Team Recommendations* was included in the Commissioner's Packet on pages 72 through 88.

Chief Delaney explained that the City of Boston's Police Department had requested \$176,100 in funding for their human trafficking unit, an undercover vehicle, overtime funding, funding for the youth violence strike force, funding for the drug control unit, and additional traffic control measures. He stated that the review team found sufficient evidence of a casino impact related to human trafficking, and recommended funding for that overtime. He noted that the City of Boston had requested funding for two vehicles in the prior year, and that the Commission had approved funding for only one vehicle, as that was the Community Mitigation Fund's fair share. He stated that the City of Boston did not indicate any additional needs.

Chief Delaney stated that there did not seem to be a nexus between the casino and youth violence or drug control. He noted that traffic as an impact from Encore Boston Harbor ("EBH") did have an impact on Sullivan Square. He reported that the review team recommended funding in the amount of \$65,000 for the human trafficking unit overtime and overtime funding for additional traffic patrols.

Chief Delaney explained that the City Of Everett's Fire Department had requested \$53,039 in funding to purchase an inspectional vehicle. He stated that there was an impact from the casino, but the Community Mitigation Fund guidelines required all applications to demonstrate that the funds would supplement existing funds and not supplant historical operations funding. He noted that Everett Fire Department was not expanding their fleet, and only replacing the oldest vehicle

in their fleet. He stated that this funding would work to supplant the city's historical funding rather than supplementing it, and that the review team did not recommend funding for this grant.

Chief Delaney explained that the City Of Everett's Fire Department had also requested \$45,000 for training on hazards associated with EBH. He explained that EBH had introduced unique challenges for the Fire Department. He stated that the review team recommended full funding for this grant.

Chief Delaney explained that the City Of Everett's Police Department had requested \$138,477 for two electric vehicles. He noted that the application was initially under the Specific Impact Grant category but had been moved to the public safety category, as the vehicles would be for a public safety agency. He noted that the funding was sought to replace old vehicles and would supplant historic funding. He stated that the review team did not recommend funding for this request, because of this reason.

Chief Delaney explained that the City of Everett had requested \$145,000 for water safety enhancements and additional patrols in or around EBH. He noted that the City modified its request to remove the cost of water safety enhancements. He explained that the additional patrols had been funded by the Community Mitigation Fund for the past few years. He summated by stating that the review team recommended \$104,100 funding for additional police patrols.

Chief Delaney explained that the City of Everett had requested \$18,700 for additional equipment to outfit the Conex container near EBH that was funded previously. He stated that the additional equipment would include security cameras, a radio system, and police graphics. He stated that the review team recommended full funding of this request.

Chief Delaney explained that the Town of Foxborough had requested \$143,400 for officer training, the purchase of a motorcycle, a drone, and mapping equipment for their crash investigation unit. He noted that the motorcycle would not be expanding the fleet and would replace an older motorcycle. He explained that this would supplant historic funding. He additionally noted that there was not a lot of traffic through Foxborough related to the casino, and that only 0.6% of traffic on Route 1 comes from casino. He stated that the review team did not recommend funding for traffic overtime, or the purchase of the motorcycle, and drone. Chief Delaney stated that patrons of the casino utilized hotels in Foxborough and may contribute to some public safety issues, and for that reason, the review team recommended overtime funding and funding for Police training. He stated that the review team recommended partial funding of \$61,400 for this request.

Chief Delaney explained that the Town of Hampden had requested \$15,300 for the installation of mounted radar units and additional patrols to curb speeding. He stated that the review team agreed that some traffic impact exists. but it was fairly minor. He stated that the Community Mitigation Fund had funded radar speed boards in the past, and that the review team recommended full funding of this request.

Chief Delaney explained that the Town of Longmeadow had requested \$192,400 for speed boards and cameras. He stated that Longmeadow had previously received a grant for cameras at another location and reported that the cameras had proven to be successful. He stated that there has also been an increase in crashes since the opening of the casino. He stated that the review team recommended full funding for this request.

Chief Delaney stated that the Ludlow Police Department had requested \$197,000 for training, a police vehicle, and various equipment for the police department. He stated that the Town did not identify a direct impact of the casino. He stated that the Police Department would come into contact with patrons and employees of the casino in their regular duties, and that the review team recommended funding of \$31,800 for implicit bias training, de-escalation training, and overtime associated with those trainings. Chair Judd-Stein commended all of the applicants who were emphasizing training.

Chief Delaney explained that the City of Malden had requested \$200,000 for two electric police vehicles and a speed alert board. He stated that the vehicles would replace existing vehicles which would supplant historic funding rather than supplement it. He stated that the review team agreed that the speed board was appropriate and recommended partial funding of \$17,900.

Chief Delaney explained that the City of Medford had requested \$194,300 for the purchase of hybrid police vehicles, eleven dynamic speed feedback signs, and two message display signs. He reiterated that replacing old vehicles would supplant historical funding rather than supplement funding. He stated that the review team was in favor of the radar message signs and recommended a partial funding of this request of \$130,000.

Chief Delaney explained that the City of Melrose had requested \$893,500 for a new communications system for their police and fire departments. He stated that the intent of the mitigation fund was to offset costs associated with the casino, and that it was up to the City to provide the police and fire departments with an appropriate communications system, regardless of the presence of the casino. Accordingly, Chief Delaney stated that the review team did not recommend funding for this request.

Chief Delaney explained that the Town of Plainville had requested \$80,330 for funding to hire a community resource officer. He noted that Plainville had submitted a similar application the prior year that had not been approved. He stated that no nexus to the casino could be identified and that the review team did not recommend funding for this request.

Chief Delaney explained that the Plainville Police Department had requested \$123,750 for force science certification. He stated that patrons of the casino have interactions with police officers frequently and that training would be beneficial. He noted that the training was not solely for Plainville officers, but also Gaming Enforcement Unit (“GEU”) officers, and officers from the

communities that border Plainville. He noted that the review team recommended full funding for this request.

Chief Delaney explained that the Plainville Fire Department had requested \$13,200 to purchase four electric vehicle fire blankets. He noted that Plainridge Park Casino (“PPC”) had a significant number of charging stations and that electrical fires were difficult to fight. He stated that the review team recommended full funding for this request.

Chief Delaney explained that the City of Revere had requested \$64,000 for the lease of eight license plate recognition cameras for thirty-six months. He stated that Revere had provided information regarding human trafficking and drug crimes and data as to how the cameras would help in apprehending suspects. He stated that the review team recommended full funding for this initiative. Chair Judd-Stein stated that there was an opportunity for the Subcommittee on Public Safety to discuss the data provided by Revere in the future.

Chief Delaney explained that the City of Springfield had requested \$200,000 for the safe ride home project, where funding would increase public awareness, educate professionals, and fund a digital advertisement campaign to fight against operating under the influence. He noted that the application cited a study by Christopher Bruce assessing the casino impact on arrests for operating under the influence that shows an increase. He stated that the City proposed a partnership with the Massachusetts Council on Gaming and Health. He noted that the application had aspects of gambling harm reduction and research, and that the review team recommended partial funding with one condition. He stated that the review team recommended releasing the first portion of funding and checking that everything was going according to plan. He noted that the review team did not recommend funding for stipends for overtime but recommended \$191,200 with the stipulation that funding would be split into two tranches.

Chief Delaney explained that the City of Springfield had requested \$224,900 for the purchase of two police cruisers for the GEU, sexual assault training, steel barricades for pedestrian and vehicular control, the purchase of a drone, and tactical shotguns. He noted that some of these requests were not directly associated with the casino. He stated that the Commission had previously funded one vehicle for the GEU officers in Everett. He stated that the review team recommended partial funding for additional deployments, funding for the sexual assault training, funding to purchase one vehicle, steel barricades, drones to help cover outside events at MGM Springfield. He stated that the review team did not recommend funding for shotguns, as equipping officers appropriately was the responsibility of the City. He stated that the review team recommended partial funding of \$135,200 for this application.

Chief Delaney explained that the City of Springfield requested \$19,800 for defibrillators for units that respond in the casino area. He stated that the current defibrillators were not compatible with the defibrillators used by the ambulance service. He stated that the review team recommended full funding of this request.

Chief Delaney reported that West Springfield had requested \$200,000 for additional fire, police, and EMS services. He stated that funding for this request was based on the one-year lookback study which identified an increase in public safety costs over the amount West Springfield received from the Surrounding Community Agreement. He stated that the review team recommended full funding of this initiative. He noted that a five-year lookback study would be conducted and relied upon in future years.

Chief Delaney explained that Wilbraham had requested \$42,800 upgrades to their radio software for ten police radios, five fire radios, and one other portable radio to allow for interoperability with Springfield. He stated that Wilbraham was one of the surrounding communities of MGM Springfield. He stated that the review team recommended full funding of this item.

Chief Delaney explained that the Town of Wrentham requested \$156,700 for the purchase of a pickup truck, motorcycle, and two radar message signs for traffic concerns. He stated that the analysis here was similar to the Foxborough analysis, as there was only a modest impact on the traffic in Wrentham. He stated that the review team recommended partial funding of \$44,900 for the speed alert signs but did not recommend the purchase of the pickup truck or motorcycle.

Commissioner Hill moved that the Commission approve applications from the following applicants for funding from the Community Mitigation Fund for the purposes described in the submitted applications and materials included in the Commissioner's Packet and for the reasons described therein and discussed here today; and further moved that Commission staff be authorized to execute a grant instrument commemorating these awards in accordance with 205 CMR 153.04:

to the City of Everett \$45,000 funding for training for high-rise and below-grade firefighting, crowd management, and lithium battery fires;

to the City of Everett \$18,700 funding to outfit the Conex storage unit with video surveillance, an interoperable radio system, and Everett Police paint and graphics;

to the City of Revere \$64,000 funding for the lease of eight solar-powered Falcon license plate recognition cameras for thirty-six months;

to the Town of Hampden \$15,300 funding for special four-hour traffic enforcement shifts and the purchase of two pole radar units and a cruiser handheld radar unit;

to the Town of Longmeadow \$192,400 funding for the purchase of cameras and speed alert radar message signs, insulation of the side street camera detection system, and 1.8 miles of additional fiberoptic cable;

to the City of Springfield \$19,800 funding to purchase seven defibrillator units;

to the City of West Springfield \$200,000 funding for additional police, fire, and EMS;

to the Town of Wilbraham \$42,800 funding to purchase ten police vehicle radios, five fire vehicle radios, and to upgrade one police portable radio;

to the Town of Plainville \$123,750 funding for force science certification for law enforcement; and

to the town of Plainville \$13,200 funding for the purchase of four electric vehicle fire blankets.

Commissioner O'Brien offered an amendment that the motion use the plural language "instruments" as the grants would be individualized to the municipalities. Commissioner Hill accepted the amendment. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Commissioner O'Brien moved that the Commission approve in part the applications from the following applicants for funding from the Community Mitigation Fund for the purposes described in the submitted applications and materials included in the Commissioner's Packet and the reasons described therein and discussed here today and subject to any of the conditions outlined in the memorandum in the Commissioner's Packet; and further, that Commission staff be authorized to execute grant instruments commemorating these awards in accordance with 205 CMR 153.04:

to the City of Boston \$65,000 funding for the city's human trafficking unit including an undercover vehicle, youth violence strike force, drug control unit, and additional traffic controls;

to the City of Everett \$104,100 funding for water safety enhancements along the Mystic River and funding for additional patrols around Encore Boston Harbor;

to the City of Malden \$17,900 funding to purchase electric vehicles and traffic safety message trailer;

to the City of Medford \$130,000 funding to purchase a hybrid police safety vehicle, speed alert radar message signs, and message display signs;

to the Town of Ludlow \$31,800 for implicit bias and de-escalation training as well as public safety equipment and tools;

to the City of Springfield \$135,200 for funding for police personnel equipment and training; also to the City of Springfield \$191,200 funding for a full-time community health worker;

to the Town of Foxborough \$61,400 funding for officer training, investigation, and traffic safety items; and

to the Town of Wrentham \$44,900 funding for vehicles and message signs.

Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Commissioner Hill moved that the Commission deny the applications from the following applicants for funds from the Community Mitigation Fund for the reasons described in the memorandum included in the Commissioner's Packet and discussed here today:

the City of Everett for funding for the purchase of an inspectional vehicle;

the City of Everett for funding for the purchase of electric vehicles;

the City of Melrose for funding for a new communications system; and

the Town of Plainville for funding for a community resource officer.

Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Chief Delaney reported that a proposed Project of Regional Significance for a parking garage in Springfield had been submitted. He stated that the review team did not recommend funding for this project, as it was not determined to be regionally significant. He explained that only one project of regional significance could be funded pursuant to the Community Mitigation Fund guidelines, and that the Pioneer Valley project was found to be a better proposal.

Chair Judd-Stein stated that the Commission could consider a waiver that would allow funding for both projects. She stated that Springfield's proposal followed up as a potential continuation of earlier community mitigation funding that the Commission supported. Chair-Judd Stein noted that the Mayor of Springfield had also written a letter of support for this project.

Commissioner Skinner stated that she was not prepared to have this discussion, as it was not on the agenda. General Counsel Todd Grossman noted that this topic was not on the agenda and that there were no materials in the Commissioner's Packet relative to the Regional Significance Project. Chair Judd-Stein agreed and stated that the Commission could return for a final discussion on this topic in a single-item meeting on June 21, 2023.

Chief Delaney stated that the Community Mitigation Fund guidelines plan on funding only one regional project, and that the funding of both would require a waiver. Commissioner Skinner requested that all public comments be circulated to each of the Commissioners. Commissioner Maynard noted that he had received a phone call from a former colleague and resident of Springfield that expressed support for the proposed project. He stated that he had requested the caller to produce the comment in writing and submit it to the Commission.

8. [Sports Wagering](#) (1:45:44)

a. Request For Uniform Waivers To Extend Effective Dates

I. 247.09(3) and (4) – Promotional Offers

Director of Sports Wagering Bruce Band stated that multiple operators had submitted requests for temporary waivers to certain provisions in 205 CMR 247 and 205 CMR 248. Sports Wagering Business Manager Crystal Beauchemin explained that these regulations were approved on June 1, 2023, and went into effect by emergency. She stated that the sports Wagering Division recommended an industry-wide uniform waiver to 205 CMR 247.09(4) through August 1, 2023.

Ms. Beauchemin stated that DraftKings had requested a waiver from 205 CMR 247.09(3) through August 31, 2023, to allow for technological development and testing of the platform. Commissioner Skinner stated that she was comfortable with the recommendation to provide blanket waivers to the licensee but stated that she wanted to revisit the waivers at a future meeting, as Penn Sports Interactive had indicated that compliance with 205 CMR 248.03(h) was impossible.

Ms. Beauchemin stated that the timing of the waiver was chosen to specifically address the existing promotions being run through that date. She expressed that the Sports Wagering Division wanted to have all operators have these promotions end on the same date.

Commissioner O'Brien inquired why DraftKings' request was through August 31, 2023. Ms. Beauchemin stated that there were additional concerns with how DraftKings platform was set up, as they also offered fantasy sports; which had different regulations governing it. Commissioner O'Brien noted that FanDuel operated both sports wagering and fantasy sports as well. Ms. Beauchemin explained that FanDuel used a different system.

Commissioner Hill moved that in accordance with 205 CMR 202.02(3) that the Commission issue a waiver to all licensed sports wagering operators from the requirements outlined in 205 CMR 247.09(4) through August 1, 2023, as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. Chapter 23N. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Commissioner Skinner moved in accordance with 205 CMR 202.02(3) that the Commission issue a waiver to DraftKings from the requirements outlined in 205 CMR 247.09(3) through August 31, 2023, as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. Chapter 23N. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

II. [248.03\(3\)H – Account Registration](#) (1:57:34)

Ms. Beauchemin stated that the Sports Wagering Division recommended an industry wide uniform waiver through the effective date of regulation, September 1, 2023. Commissioner Skinner stated that she would like the Sports Wagering Division to bring this matter back before

the Commission in advance of September 1, 2023, if any additional issues arose. Ms. Beauchemin stated that the Sports Wagering Division anticipated bringing forth final waivers.

Commissioner Skinner moved in accordance with 205 CMR 202.02(3) that the Commission issue a waiver to all licensed sports wagering operators from the requirements outlined in 205 CMR 248.03(3)(h) through September 1, 2023, as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. Chapter 23N. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

III. [248.04 \(4\) – Age and Identity Verification](#) (1:59:21)

Ms. Beauchemin stated that the Sports Wagering Division recommended an industry wide uniform waiver through the effective date of regulation, September 1, 2023.

Commissioner Skinner moved in accordance with 205 CMR 202.02(3) that the Commission issue a waiver to all licensed sports wagering operators from the requirements outlined in 205 CMR 248.04(4) through September 1, 2023, as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. Chapter 23N. Commissioner Maynard seconded the motion. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

9. [Legal](#) (2:00:50)

- a. 205 CMR 230: Review of a Proposed Agreement with a Category 3 Licensee – Review of Regulation and Small Business Impact Statement for Possible Emergency Adoption and to Begin The Promulgation Process

Attorney Mina Makarious, Outside Counsel from the law firm Anderson and Krieger presented the draft 205 CMR 230. He explained that this regulation set out the process for Category One

and Two operators to obtain the Commission’s approval of their agreements with tethered Category Three licensees, which was contemplated in G.L. Chapter 23B, § 6(b)(4). The *Small Business Impact Statement and draft 205 CMR 230* was included in the Commissioner’s Packet on pages 58 through 63.

Chair Judd-Stein sought clarification regarding the process between preliminary approval and permanent approval. Mr. Makarios stated that the legal team did not want to develop a timeline, as the agreements could take a variety of forms. He stated that when the Commission was presented with an agreement seeking approval, the entities involved would have to make the case that preliminary approval was appropriate and necessary. He stated that this would put the onus on the licensees to make a case for approval. Mr. Makarios stated that preliminary approval allowed the Commission to do additional due diligence on issues that might not be immediately apparent.

Commissioner Skinner asked if the existing tethered operators would have to come before the Commission for approval of existing agreements. She noted that the issuance of a license could be considered to approve the agreement by implication. Mr. Makarios stated that approval was issued with the understanding that this relationship was part of the license. He explained that subsequent modifications or any new relationships would require Commission approval.

Commissioner Maynard moved that the Commission approve the Small Business Impact Statement and the draft of 205 CMR 230 as included in the Commissioner’s Packet and discussed here today, and that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to begin the regulation promulgation process; and further that staff be authorized to modify chapter or section numbers or titles to file additional regulation sections as reserved or to make any other administrative changes as necessary to execute the regulation promulgation process. Commissioner O’Brien seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

b. [Request for approval of Bulletproof as Qualified Independent Technical Expert in accordance with 205 CMR 243.01\(1\)\(x\)](#) (2:14:02)

General Counsel Grossman explained that under 205 CMR 243.01(1)(x), audits must be performed by qualified independent technical experts within ninety days of commencing operations. He stated that Bulletproof had submitted an application to become a qualified independent technical expert.

Gaming Technical Compliance Manager Christian Taveras stated that Bulletproof’s application was not included in the Commissioner’s Packet due to its cybersecurity sensitivity. He stated that Bulletproof met the education requirement and proficiency requirements, as they had provided security audits for sports wagering operators in other jurisdictions since 2018.

Chair Judd-Stein asked what the recommendation from staff was. Mr. Taveras stated that the recommendation was to approve Bulletproof’s applications. General Counsel Grossman stated that Bulletproof had met all of the application requirements.

Commissioner Skinner moved that the Commission approve Bulletproof as a qualified independent technical expert in accordance with 205 CMR 243.01(1)(x). Commissioner O’Brien seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

c. [Review of 205 CMR 256 related to “win or lose” advertising](#) (2:20:39)

Deputy General Counsel Caitlin Monahan stated that a discussion should occur as to whether “win or lose” advertising was permitted. The *advertising regulation, 205 CMR 256* was included in the Commissioner’s Packet on pages 64 through 71. Mr. Makarious explained that the regulation already addressed offers that suggest that a patron will succeed, “win or lose”. He stated that the regulations would need to be applied to case-specific facts.

Mr. Makarious stated that 205 CMR 256.06 prohibited advertising, marketing, and branding and that stated or implied sports wagering was free of risk. He stated that a promotion stated that a bet will be paid, win or lose can be deceptive if what the operator meant was that the patron would receive promotional credit if they lost. He stated that the Commission had broad discretion under the regulations to review advertising or promotions that suggest, state, or imply that there was no risk.

He stated that operators were also required to clearly and conspicuously disclose material terms to promotions pursuant to 205 CMR 256.04. He stated that the conditions of the promotion must be stated in accordance with this provision. He stated that advertising, marketing, and branding cannot be unfair or deceptive, and that the Commission could decide whether a method of promotion was unfair.

Commissioner O'Brien noted that some of the promotional materials used by operators tweaked the language slightly and expressed that the language in the regulation was not the outside bounds of the prohibited language. She said that she wanted to ensure offers and disclosures complied with the Commission's regulations.

Commissioner Maynard stated that this discussion was intended as notice to the operators to ensure that the patrons of the Commonwealth were protected. He explained to participants that violations of this regulation would be seriously dealt with. Commissioner Hill agreed. Commissioner Skinner shared the sentiment that this was not uncharted territory, as there were other jurisdictions where regulators had acted on similar promotions offered in their jurisdictions by assessing fines. She stated that the Commission would address violations accordingly.

Chair Judd-Stein stated that this was a valuable summary that could serve as a roadmap to all relevant regulatory provisions that captured the Commission's intent. Mr. Makarios stated that the regulation did not need to be revisited at this point, and that operators should be mindful of other provisions within 205 CMR 247 and 205 CMR 248. He reported that 205 CMR 257 was in progress, and would be discussed at the prior meeting.

10. [Other Business](#) (2:35:39)

Commissioner Hill suggested that the Commission potentially write three letters. He stated that the first letter would be to request that the City of Everett include a non-binding question on their primary or general election to help the Commission discern the intent of voters regarding the 2013 vote approving the Host Community Agreement, and whether that included the property across the street.

Commissioner Hill stated that the second proposed letter would be to the City Council of Everett outlining what the Commission has done to assist the City of Everett. He noted that the testimony of the citizens expressed concern about increased public safety needs and traffic. He expressed he was uncertain if the Citizens of Everett were aware of the Commission's work funding projects through the Community Mitigation Fund. He stated that the Commission had done work over the past several years to address issues that were raised in the public comments.

Commissioner Hill stated that the third proposed letter would be to EBH and the Everett Mayor's office, suggesting that they might want to open up the Host Community Agreement. He stated that the Commission could mandate this as a condition moving forward, but expressed his belief that the two entities should negotiate without the Commission having to be involved.

Chair Judd-Stein stated that these topics would require substantive discussions that would need to be marked on the agenda. She noted that the Commission already had significant discussions in public meetings regarding the legal question of Everett's referendum. She stated that the second letter could be added to a future agenda. She stated that while the Commission had not taken formal action regarding the third topic, the topic had arisen during a hearing.

General Counsel Grossman stated that letters could be drafted to this effect, and presented for Commission discussion, but that the topics would be required to be on the agenda. Chair Judd-Stein suggested that only the second topic have a letter drafted as the other two topics had more substantive legal issues. Chair Judd-Stein and Commissioner Maynard thanked Commissioner Hill for raising these discussion topics.

Commissioner Skinner stated that the procurement team identified and selected an independent contractor in connection with the diversity, equity, and inclusion audit of all Category One Licensees. She stated that RSM was identified as the successful bidder. She noted that the next steps would be to finalize the statement of work with RSM, and formally notify the Licensees that the Commission was undertaking this audit. She stated that these steps were expected to occur in the following week.

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

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

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated June 13, 2023
2. [Commissioner's Packet](#) from the June 15, 2023, meeting (posted on massgaming.com)



Massachusetts Gaming Commission Meeting Minutes

Date/Time: June 21, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission

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

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

Commissioners Present:

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

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

Chair Judd-Stein called to order the 461st Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Commissioner Updates](#) (01:07)

Chair Judd-Stein noted that Executive Director Karen Wells would be leaving the Commission on July 14, 2023. Chair Judd-Stein stated that she had asked Chief People and Diversity Officer David Muldrew to review the existing job description for the Executive Director Role, and that the Commission would review the job description on June 29, 2023, in a public meeting.

Chair Judd-Stein stated that she had set up a Screening Committee for the appointment of an Interim Executive Director. She reported to participants that Chief Muldrew and Commissioner Skinner had been asked to assist with the Screening Committee. She stated that the Screening Committee would meet with those in the Commission staff interested in the Interim Executive

Director position and that the Screening Committee would report back to the Commission with updates.

Commissioner O'Brien expressed her preference for the Commission to have a conversation regarding the process for selecting the Interim Executive Director prior to announcing the process publicly. Commissioner Skinner stated that no discussion regarding the process had occurred other than the Chair's request for her to serve on the Screening Committee. She stated that for transparency purposes, the Commission should have a discussion regarding the process for the final candidate. Commissioner O'Brien stated that she would prefer the full Commission be consulted in the selection processes for both the Executive Director and Interim Executive Director Roles.

Chair Judd-Stein noted that she had discussed this decision with outside counsel and was informed that the Chair had the authority to appoint subcommittees. Commissioner Maynard stated that he respected the authority of the Chair to appoint subcommittees, but he was hopeful that each Commissioner would have an equal voice in the decision regarding the process for identifying and selecting a permanent Executive Director.

3. [Community Affairs Division](#) (10:39)

a. Community Mitigation Fund Application Review: Project of Regional Significance – Springfield Mixed Use Parking Infrastructure

Joe Delaney, Chief of the Community Affairs Division explained that the City of Springfield had applied for funds in the amount of \$3,000,000 in the Project of Regional Significance category to build a parking garage across the street from MGM Springfield ("MGM"). He noted that the review team did not recommend funding for that project, as they did not consider it to be regionally significant.

Chief Delaney stated that the Commission had requested that the review team look into other avenues of funding for this project. He stated that the application would fit better in the Transportation Construction Grants category. He noted, however, that there were two issues with applying this request to the Transportation Construction Grants category, as the category had a maximum grant of \$1,500,000 and a requirement the project must begin by June 30, 2024. He explained that Springfield's application requested \$3,000,000 with a start date of June 30, 2025. Chief Delaney stated that if the Commission wanted to provide funding under the Transportation Construction category, it would require waivers on both the cap on funding, and timing of the project.

Chief Delaney reported that the other grants had been voted on in previous meetings and that the total amount of money committed to Region B was \$4,061,200. He stated that the Community Mitigation Fund Guidelines established a maximum grant allocation of \$7,000,000 for Region B. He summated that there was not quite enough funding in Region B to fund the full \$3,000,000 requested for this project.

Commissioner Hill stated that as part of the review team, he stood by the decision to not fund this application as a Project of Regional Significance. He suggested that the application be moved to the Transportation Construction Grant category. Commissioner Hill also suggested that the project be funded at \$1,500,000 with a waiver for the time requirement and noted that Springfield could apply for another Transportation Construction Grant of \$1,500,000 the following year. He stated that this would follow the funding caps in the guidelines, and still provide full funding for Springfield's project. He concluded by noting that the project was related to an impact from the casino, that the project addressed that impact, and that the total funding of \$3,000,000 was also less than one-third of the total project cost.

Commissioner Skinner stated that this was an excellent project and she supported what Commissioner Hill proposed. She expressed that the Commission should not revisit its initial determination that the project was not one of Regional Significance, but that the project could still be funded through a Transportation Construction Grant. Commissioner O'Brien agreed and stated that funding this project from the Transportation Construction Grants category was more consistent with the grant structures.

Commissioner Maynard asked how much money was available for Region B. Chief Delaney stated that \$2,938,800 remained available. Commissioner Maynard stated that this was a fantastic project that Springfield would benefit from and expressed support for funding it.

Chair Judd-Stein inquired whether Springfield needed additional funds above the \$1,500,000 before the next Community Mitigation Funds grant round, if they would be able to come to the Commission to request those funds. Chief Delaney stated that the project was not planned to start until June 2025, and it was exceedingly unlikely that they would need additional funds prior to the next round of grants starting in six months.

Commissioner Skinner asked what the total cost of the project would be. Chief Delaney stated that the total cost was approximately \$30,000,000. Commissioner Skinner noted that other grants had conditions placed upon funding and asked if that was something to be considered for this project. Chief Delaney noted that the City of Springfield could not go out to bid unless the sources of funding were in place. He stated that the grant instrument outlined requirements for Transportation Construction Grants, and that the City of Springfield would have to submit their documents and contracts to the Community Mitigation Division. He stated that the grant instrument should suffice and that additional conditions were not necessary.

Chair Judd-Stein stated that the Commission had received letters from the Mayor of Springfield in support of this project. She expressed her view that the revitalization of Springfield had a profound impact on the region, and she believed it to be a regionally significant project. Chief Delaney noted that the Commission had waived the required timeline for projects in Revere and Saugus in the past. He stated that the suggestion by Commissioner Hill was consistent with past practices.

Commissioner Hill moved that with respect to the application from the City of Springfield for funding from the Community Mitigation Fund, the Commission waive the requirement for the Transportation Construction Grants as included in the 2023 Community Mitigation Fund guidelines requiring that applicants demonstrate that the project will begin construction no later than June 30, 2024, and that the Commission extend the deadline until June 30, 2025; and further moved that the Commission approve the application in the amount of \$1,500,000 as a Transportation Construction Grant for the purposes described in the submitted application and for the reasons discussed here today, and that the Commission staff be authorized to execute a grant instrument commemorating this award in accordance with 205 CMR 153.04. Commissioner Skinner seconded the motion.

Roll call vote:

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

The motion passed unanimously, 5-0.

4. [Other Business](#) (32:10)

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

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

Roll call vote:

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

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. [Revised Notice of Meeting and Agenda](#) dated June 16, 2023
2. [Commissioner's Packet](#) from the June 21, 2023, meeting (posted on massgaming.com)



Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, Interim Executive Director and
General Counsel

DATE: March 14, 2024

RE: Raynham Park (Massasoit Greyhound Association
and Taunton Dog Track) Request for Additional
Simulcast Import Location Sky Racing World for
2024

Dear Commissioners:

Massasoit Greyhound Association and Taunton Dog Track ("Raynham Park") President George Carney, Jr., has submitted a request for approval of simulcast import location Sky Racing World for the purpose of wagering on the 2024 Dubai Cup.

Recommendation: That the Commission approves the Massasoit Greyhound Association and Taunton Dog Track (Raynham) request for approval of simulcast import location Sky Racing World for the rest of calendar year 2024.



Massachusetts Gaming Commission



March 5, 2024

Via email

Dr. Alexandra Lightbown
Director of Racing
Massachusetts Gaming Commission
alexandra.lightbown@massgaming.com

RE: Massasoit Greyhound Association, Inc. Request to Add Sky Racing World Simulcast Import Signal

Dear, Dr. Lightbown:

Massasoit Greyhound Association, Inc. respectfully requests the Massachusetts Gaming Commission approve the addition of Sky Racing World, thoroughbred horse racing, to our list of simulcast import signals, for the purposes of simulcast and account wagering, on the 2024 Dubai Cup.

Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads 'George L. Carney, Jr.' with a stylized flourish at the end.

George L. Carney, Jr.
President

1958 Broadway, P.O. Box 172, Raynham, MA 02767 ■ Website: www.raynhampark.net

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

Taunton Dog Track, Inc.

1958 Broadway

Raynham, Massachusetts 02767

(508) 824-4071

March 5, 2024

Via email

Dr. Alexandra Lightbown
Director of Racing
Massachusetts Gaming Commission
alexandra.lightbown@massgaming.com

RE: Taunton Dog Track, Inc. Request to Add Sky Racing World Simulcast Import Signal

Dear, Dr. Lightbown:

Taunton Dog Track, Inc. respectfully requests the Massachusetts Gaming Commission approve the addition of Sky Racing World, thoroughbred horse racing, to our list of simulcast import signals, for the purposes of simulcast and account wagering, on the 2024 Dubai Cup.

Should you have any questions, please feel free to contact me.

Sincerely,



George L. Carney, Jr.
President



Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, General Counsel and Interim
Executive Director

DATE: March 14, 2024

RE: Recovery of 2022 Unclaimed Winnings from
Plainridge Racecourse

Dear Commissioners:

In accordance with Massachusetts General Law Chapter 128A Section 5, Senior Financial Analyst Chad Bourque has reviewed the unclaimed winnings from calendar year 2022 at Plainridge Racecourse and determined that \$116,328.16 is payable to the Commonwealth of Massachusetts.

Recommendation: That the Commission approve the payment of \$116,328.16 from Plainridge Racecourse to the Commonwealth of Massachusetts for 2022 unclaimed winnings ("Outs").



Massachusetts Gaming Commission



Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, General Counsel and Interim
Executive Director

DATE: March 14, 2024

RE: Recovery of 2022 Unclaimed Winnings from
Sterling Suffolk Racecourse

Dear Commissioners:

In accordance with Massachusetts General Law Chapter 128A Section 5, Senior Financial Analyst Chad Bourque has reviewed the unclaimed winnings from calendar year 2022 at Sterling Suffolk Racecourse and determined that \$114,479.36 is payable to the Commonwealth of Massachusetts.

Recommendation: That the Commission approve the payment of \$114,479.36 from Sterling Suffolk Racecourse to the Commonwealth of Massachusetts for 2022 unclaimed winnings ("Outs").



Massachusetts Gaming Commission



Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, General Counsel and Interim
Executive Director

DATE: March 14, 2024

RE: Recovery of 2022 Unclaimed Winnings from
Wonderland Greyhound Park

Dear Commissioners:

In accordance with Massachusetts General Law Chapter 128A Section 5, Senior Financial Analyst Chad Bourque has reviewed the unclaimed winnings from calendar year 2022 for Wonderland Greyhound Park and determined that \$655.85 is payable to the Commonwealth of Massachusetts.

Recommendation: That the Commission approve the payment of \$655.85 from Wonderland Greyhound Park to the Commonwealth of Massachusetts for 2022 unclaimed winnings ("Outs").



Massachusetts Gaming Commission



Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, General Counsel and Interim
Executive Director

DATE: March 14, 2024

RE: Recovery of 2022 Unclaimed Winnings from
Raynham/Taunton/Massasoit Greyhound
Associations

Dear Commissioners:

In accordance with Massachusetts General Law Chapter 128A Section 5, Senior Financial Analyst Chad Bourque has reviewed the unclaimed winnings from calendar year 2022 at Raynham/Taunton/Massasoit Greyhound Associations and determined that \$127,549.82 is payable to the Commonwealth of Massachusetts.

Recommendation: That the Commission approve the payment of \$127,549.82 from Raynham/Taunton/Massasoit Greyhound Associations to the Commonwealth of Massachusetts for 2022 unclaimed winnings ("Outs").



Massachusetts Gaming Commission



Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, General Counsel and Interim
Executive Director

DATE: March 14, 2024

RE: Distribution of 2022 Unclaimed Winnings from
Plainridge Racecourse, Sterling Suffolk Racecourse,
Raynham/Taunton/Massasoit Greyhound
Association and Wonderland Greyhound Park

Dear Commissioners:

In Accordance with M.G.L. 128A (live racing) Section 5A and M.G.L. 128C (simulcasting) Section 3A, amounts from unclaimed tickets by a racing meeting licensee shall be distributed to the purse account of the licensee that generated those unclaimed tickets.

Plainridge Racecourse	\$116,328.16
Sterling Suffolk Racecourse	\$114,479.36

In accordance with Chapter 86 of the Acts of 2010, Section 14, subsection 18, amounts from unclaimed tickets by a greyhound meeting licensee shall be distributed to the Racing Stabilization Fund.

Raynham/Taunton/Massasoit Greyhound Association	\$127,549.82
Wonderland Greyhound Park	\$655.85

Procedurally, we are requesting that once these funds have been submitted by the licensees and cleared MGC bank accounts, with your authorization, the Massachusetts Gaming Commission finance office will distribute these amounts to the appropriate licensees or Fund.



Massachusetts Gaming Commission



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

FROM: Andrew Steffen – Sports Wagering Operations Manager

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

DATE: March 5, 2024

RE: Update to Licensee's House Rules

Pursuant to 205 CMR 247.02(4), the Commission reviews all changes proposed by a licensee to their house rules. A Sports Wagering Operator shall not change or modify the House Rules without the prior written approval of the Commission.

EXECUTIVE SUMMARY:

Fanatics Betting & Gaming (FBG) Sportsbook has requested changes to their online sportsbook house rules. A full detailed summary of changes can be found in the attached exhibit.

The summary of changes are as follows:

1. **Football:** Removal of specific provisions and rules for certain markets, additional language for settlement clarification, and addition of rules to address new market types.
2. **Basketball:** Removal of specific provisions and rules for certain markets, reordering of a section, and additional language for settlement clarifications.
3. **Baseball:** Settlement clarifications, addition of rules to address market type, and addition of rules to detail how FBG plans to settle MLB player prop markets in the event of an in-game injury.
4. **Ice Hockey:** Revisions for settlement clarification. Addition of rules to address market type.



Sports Wagering Division

5. **Tennis:** Revisions for settlement clarification. Addition of rules to address market type.
6. **Golf:** Revisions for settlement clarification.
7. **Soccer:** Revisions for settlement clarification. Addition of rules to address market type.
8. **Boxing:** Revisions for settlement clarification.
9. **MMA:** Revisions for settlement clarification.
10. **Darts:** Revisions for settlement clarification.
11. **Volleyball:** Revisions for settlement clarification.
12. **Badminton:** Addition of rules to address new sport type.

CONCLUDING STATEMENT:

The Sports Wagering Division confirms all requirements have been met under 205 CMR 247.02 and has no reservations about moving forward on approving these changes.



Revised Submission Date: March 1, 2024

FBG Enterprises Opco, LLC (“Fanatics Sportsbook”) is seeking approval for updates to its Sportsbook House Rules to reflect clarification and additional product offerings. Fanatics Sportsbook has noted all material changes made to these rules by section below to include a short description for each change.

Football

General Football Rules

1. Deletion of specific provision on quarter/half handicap/total points markets.

Make New First Down on Current Drive / First Team to Score / Last Team to Score / First Team to Score Wins Game / Anytime Touchdown Scorer & Player To Score X+ Touchdowns / 1st/Last/Next/Xth Touchdown Scorer

1. Additions for settlement clarification.

First Punt/Field Goal / Football Lightning Bet Markets

1. Addition of rules to address new market types.

Daily/Weekly Cross Match Player Props/Team Specials

1. Settlement clarifications on Player Props/Team Specials .

Player’s Next Team

1. Deletion of market type.

NFL Specials Market Rules/ Daily/Weekly Cross Match Player Props/Team Specials

1. Section replaced and updated in Daily/Weekly Cross Match Player Props/Team Specials.

Basketball

General Basketball Rules

1. Deletion of specific provision on quarter/half handicap/total points markets.

2nd Half Markets

1. Deletion of specific rules for 2nd Half Markets.

Basketball Lightning Bet Markets

1. Re-ordering of section.

Player's Next Team

1. Deletion of market type.

NCAA Conference Regular Season Winner/Conference Tournament Winner/National Championship Winner

1. Settlement clarifications.

FIBA Rules

1. Deletion of specific FIBA Rules. FIBA markets will settle in line with General Basketball Rules.

Baseball

General Baseball Rules / Moneyline / Total Runs & Total Team Runs (Including Innings Specific Totals) / Most Hits/Total Hits/Team Hits (Including Innings Specific) / Innings Specific & Innings Grouped Moneyline Bets (E.g 2nd Inning Moneyline or 1st 5 Innings Moneyline) / Odd/Even Total Runs (Including Innings Specific and Team Totals) / When Will The First Run Be Scored? / Outright/League/Division Winner Markets / Player To Record An In-Play Out

1. Settlement clarifications

Correct Score / Team to Score "X" Run / Both Teams to Score "X" Runs / Race to "X" Hits / Will Extra Innings be Played? / Player to Reach Base / Number of Pitches Thrown In Next At-Bat

1. Addition of rules to address market type

General Player Prop Rules

1. Addition of rules to detail how we plan to settle MLB player prop markets in the event of an in-game injury.

Ice Hockey

General Ice Hockey Rules

1. Revisions for settlement clarification.

Grand Salami

1. Addition of rules to address market type

Tennis

General Tennis Rules

1. Revisions for settlement clarification.

Lucky Loser

1. Addition of rules to address market type.

Golf

General Golf Rules / 2-Ball/3-Ball Matchups

1. Revisions for settlement clarification.

Soccer

General Soccer Rules / Match Result After X Minutes / Match, Team & Player Stat Totals (including but not limited to Shots, Assists, Shots on Target, Headed Shots on Target, Passes, Tackles, Offsides)

1. Revisions for settlement clarification.

Odd or Even Corners / Odd or Even Goals / Player Stat Markets / Player Assists / Player Passes / Hit Woodwork / Player Tackles / Player Offsides / Shot/Goal Location / Player Shots / Player Shots on Target

1. Addition of rules to address market type.

Boxing

General Boxing Rules

1. Revisions for settlement clarification.

MMA

General MMA Rules

1. Revisions for settlement clarification.

Darts

General Darts Rules

1. Revisions for settlement clarification.

Volleyball

General Volleyball Rules

1. Revisions for settlement clarification.

Badminton

General Badminton Rules

1. Addition of rules to address new sport type.

Football

General Football Rules

- ~~• Quarter/Half Handicap/Total Points markets are resulted based on the quarter or half score respectively. If the game is suspended and subsequently abandoned before the completion of the quarter or half respectively then the market will be voided, regardless of whether the outcome has already been determined or not.~~

Football Market Rules

Make New First Down on Current Drive

A first down shall be credited on each touchdown resulting from rushes or forward passes, regardless of the distance covered.

First Team to Score

A 2-way market offering the option of which team will score first in the game.

- If neither team has scored before the completion of the game, the market is resulted as a void.

Last Team to Score

A 2-way market offering the option of which team will score last in the game

- If neither team has scored before the completion of the game, the market is resulted as a void.

First Team to Score Wins Game

A 2-way market offering the option of which team will score first and win the game.

- If neither team has scored before the completion of the game and the game results in a tie, the market is resulted as a void.

First Punt/Field Goal

A 2-way market offering the option of which team will record the first punt/field goal.

- Will be graded on the official game results of nfl.com
- If there is no punt/field goal in the game, then all wagers will be voided.

Football Lightning Bet Markets

Next Play

All next play result markets are settled based on the listed play only, excluding kickoffs. If there is a penalty no play, all selections on that play will be voided but the play will still be included in the drive count. Results are graded as follows:

- First Down occurs when the offense successfully gains enough yards to earn a new set of downs, not including a touchdown.
- Short of First Down occurs when the play fails to achieve a first down or after a turnover on downs.
- Turnover occurs when the play results in a punt, interception, fumble recovered by the opposition, missed field goal, or a touchdown/safety by the defensive team.
- Offensive Score occurs when the offensive team scores a touchdown or field goal.

If there is a penalty on the play which subsequently results in a no-play (per NFL.com statistics) all wagers on that play will be void.

Result of Current Drive

All current drive markets are resulted on the listed drive. Wagers on drive which are not completed at the end of either half will be void. Any drive which does not result in a Touchdown, Field Goal Attempt, Turnover (interception, fumble, or downs), punt or safety is deemed incomplete. Kickoff return TDs and fumbled kickoffs, are considered to be drives; if the 1st half ends with a kickoff only, this will not be considered a drive. Results are graded as follows:

- Field Goal Attempt occurs when the offensive team attempts a field goal on the listed drive.
- Offensive Touchdown occurs when the offensive team scores a touchdown on the listed drive.
- Punt occurs when the offensive team punts the ball to end the listed drive. This includes an attempted punt that is blocked.
- Other occurs with any other result (interception, fumble recovered by defense, turnover on downs, defense or special teams TD, safety).

Make New 1st Down on Current Drive

All new 1st down markets are resulted on the listed drive. Results are graded as follows:

- Yes occurs when the offensive team earns a new set of downs.
- No occurs when the offensive team does not earn a new set of downs.

Make X Yard Line on Current Drive

All Make X Yard Line on Current Drive markets are resulted on the listed drive. Yard line is determined at the end of each play. Results are graded as follows:

- Yes occurs when the offense gets to the X+ yard line on the listed drive.
- No occurs when the offense does not get to the X+ yard line on the listed drive.

Rushing Yards To Get on Current Drive

The settlement of this market will account for negative yardage plays.

- X+ occurs when the offense gains X+ rushing yards on the listed drive.

Passing Yards To Get On Current Drive

The settlement of this market will account for negative yardage plays.

- X+ occurs when the offense gains X+ passing yards on the listed drive.

Next Play Yards Gained

All next play yards gained markets are resulted on the listed play. Results are graded as follows:

- Over 2.5 yards occurs when the selected play gains 3 or more yards.
- Under 2.5 yards occurs when the selected play gains 2 yards or less.

Player to Catch a Pass on Current Drive

All Player to Catch a Pass on Current Drive markets are resulted on the listed drive. Results are graded as follows:

- Yes occurs when the selected player catches a pass on the listed drive.

Any reception negated by a review or challenge will not count. All selections in this market will be considered active irrespective of the participation of the chosen player in the named drive.

Touchdown Scorer in Current Drive

A market offering the opportunity to bet on a selected player to score an offensive touchdown in the current drive. This market is action regardless of whether or not the selected player takes part in the named drive. If an unlisted player scores the relevant touchdown all selections will be settled as losers.

What Will Happen in Current Drive

A market offering the opportunity to bet on which listed outcome occurs on any play in the listed drive. If none of the listed outcomes occur, all selections will be losers. 'Rush/Reception greater than' applies to one rush or reception on any play in the listed drive, not the total.

Football Player Market Rules

Anytime Touchdown Scorer & Player To Score X+ Touchdowns

Markets that offer the chance to bet on the chosen player to score a touchdown or multiple touchdowns subject to the criteria specified in the market name.

- In touchdown scorer markets, the player who is considered to possess the ball when the ball is initially on, above, or behind the plane of the opponents' goal line as determined by the on-field officiating crew (and subsequent replay reviews) will be considered the winning selection. For example, if a passing touchdown is scored, the receiver of the ball will be considered the winner, the player completing the pass will not be settled as a winner.

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Daily/Weekly Cross Match Player Props/Team Specials

A variety of special markets are offered for events, including those across a slate of games within a specified competition over a certain period of time or at a particular time. These markets may encompass, but are not limited to, player prop parlays across multiple games or combined totals of points, wins, etc., involving various combinations of named teams and/or players.

- For any cross-game markets, such as 'Team A to score the most points in the day/time band', markets are void if any game involved is abandoned or postponed, unless unequivocally determined.
- Where a market or selection offers a proposition for the first player to perform an action (For example: 1st Player to score a TD in the 1pm ET Games) the bet will be settled based on the Game Clock of all games with the same advertised kickoff time. The winning selection will be the player to perform the requested action with the least amount of time expired in their game. Inactive players will be settled as void.
- Most/least statistical categories, in which one or more of the games do not take place, will be settled based on the results of the other games played in the specified time period (e.g., Most TDs scored in Sunday Games).
- A selection must be a clear outright winner of this market. In the event of a tie, dead-heat rules will apply.

- All specials markets will be settled based on the results of the league's governing body, nfl.com
- A player must participate in the game and play at least one snap for bets to stand.
- The number of games (or a list of the relevant games) applicable to the Daily specials will be mentioned in the market name or market notes. If this number of games does not take place then any special market which depends on action from all games (e.g 'Each game to have 40+ points' or '400+ combined points across all games') will be made void.
- Where markets are offered such as 'Highest Scoring Game' or 'Lowest Scoring Game' dead heat rules will apply.
- For player specific markets, if any player named in the bet is inactive or does not play the entire selection will be made void.

Football Same Game Parlay Specific Rules

~~NFL Specials Market Rules/ Daily/Weekly Cross Match Player Props/Team Specials~~

- ~~A variety of special markets are offered for events, including those across a slate of games within a specified competition over a certain period of time or at a particular time. These markets may encompass, but are not limited to, player prop parlays across multiple games or combined totals of points, wins, etc., involving various combinations of named teams and/or players.~~
- ~~For any cross game markets, such as 'Team A to score the most points in the day/time band', markets are void if any game involved is abandoned or postponed, unless unequivocally determined.~~
- ~~Where a market or selection offers a proposition for the first player to perform an action (For example; 1st Player to score a TD in the 1pm ET Games) the bet will be settled based on the Game Clock of all games with the same advertised kickoff time. The winning selection will be the player to perform the requested action with the least amount of time expired in their game. Inactive players will be settled as void.~~
- ~~Most/least statistical categories, in which one or more of the games do not take place, will be settled based on the results of the other games played in the specified time period (e.g., Most TDs scored in Sunday Games).~~
- ~~A selection must be a clear outright winner of this market. In the event of a tie, dead heat rules will apply.~~
- ~~All specials markets will be settled based on the results of the league's governing body, nfl.com~~

- ~~A player must participate in the game and play at least one snap for bets to stand.~~
- ~~In the event that none of the listed players are the winning selection the selection entitled 'Any other player' will be settled as the winner. Where this selection is absent from the market bets will be made void in the event the winning selection is not listed.~~

Basketball

General Basketball Rules

- ~~Quarter/Half Handicap/Total Points markets are resulted based on the quarter or half score respectively. If the game is suspended and subsequently abandoned before the completion of the quarter or half respectively then the market will be voided, regardless of whether the outcome has already been determined or not.~~

Basketball Market Rules

2nd Half Markets

- ~~Do not include overtime, unless otherwise stated.~~

Basketball Lightning Bet Markets

Next Minute Both Teams to Score

- This is a bet on whether or not both teams will score 1 point, or more, in the specified minute.

Next Minute 3 Point FG Scored

- This is a bet on whether or not a three-point field goal will be scored in the listed minute.

Next 4 Minutes Result

- This is a three-way market on the result of the listed time period. If both teams score the same number of points, bets placed on Draw would be a winner.

Next 4 Minutes Total Points

- This is an over/under bet on the total number of points scored in the listed time period.

Team to Score X Point

- 7. • This is a bet on which team will score the listed point.

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Basketball Futures Market Rules

NCAA Conference Regular Season Winner/Conference Tournament Winner/National Championship Winner

- 1. • If an unquoted and/or impermissible selection wins, all selections will be void. If multiple teams are deemed regular season champions, the winner would be the team awarded the top conference seed in the stated conference tournament.

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Basketball Lightning Bot Markets

Next Minute Both Teams to Score

- Whether or not both teams will score 1 point, or more, in the specified minute.

Next Minute 3 Point FG Scored

- This is a bet on whether or not a three point field goal will be scored in the listed minute.

Next 4 Minutes Result

- This is a three way market on the result of the listed time period. If both teams score the same number of points, a bet on Draw would be a winner.

Next 4 Minutes Total Points

- This is an over/under bet on the total number of points scored in the listed time period.

Team to Score X Point

- This is a bet on which team will score the listed point.

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FIBA Rules

- Where overtime is required, all bets, unless otherwise stated, will be settled on the result at the completion of the required overtime. The exception to this rule is in the event of regular time not ending in a draw/tie, but overtime is required for qualification purposes, all bets will be settled on the result at the completion of regular time.
- Where a non-playoff game is called early, or abandoned, with no intention to resume play, there must be 2 minutes or less of time remaining on the game clock for bets to have action, except where the specific market outcome is already unconditionally determined. In instances such as this, the score at the time the game is halted will be considered to be the final score referred to for all wagers. If a non-playoff game is paused before the indicated time has been played, and not completed within 48 hours of the scheduled start date, bets will be void except where the specific market outcome is already determined. In the instance of a halted playoff game, all bets will remain open until the completion of the game as determined by the league's governing body. If either team is awarded the win without resumption of the game, non-playoff games rules will be referred to when determining bet settlement.
- All bets are void if there is a change of venue.

Baseball

General Baseball Rules

- Where a non-playoff game is abandoned before completion, bets will be made void where the market outcome was not already determined. For example, if a game is called after 6 innings, bets on 3rd-inning total runs would be allowed to stand.
- If a non-playoff game is suspended after start, due to any reason including weather related, and resumes within 48 hours of the originally scheduled start time (local time) all wagers will stand. If a game is suspended after start but resumes more than 48 hours after the originally scheduled start time (local time), all existing wagers will be void unless they have been determined prior to the game's suspension.
- In competitions where a 'Mercy Rule' is used, the result at the time of the rule enforcement will be referenced as the final score of the game and used for settlement. For example, the team that wins via Mercy Rule, will be settled as a winner in the Moneyline market.

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Correct Score

This market offers the customer the chance to bet on the exact score of the game/inning.

- Selections can be offered without being attributed to a specific team, or with the named teams being allocated one of the two totals each. For example, a selection such as "4-1" would be a winner if either team wins the match 4-1, whereas "Team A 4- 1 Team B" would require the exact score to be achieved by each team.
- By default this market will not include extra innings unless stated otherwise in the market name.

Team to Score "X" Run

This is a 2-way market where customers have the opportunity to bet on who will score the listed run.

Both Teams to Score "X" Runs

This market offers the customer the chance to bet on whether both teams will reach a stated total of runs.

- The game must go at least 9 full innings (8.5 innings if the home team is ahead resulting in the end of the game), unless the result of the market is already determined, and the game result is declared official.
 - For games that are scheduled over 7 innings the game must go at least 7 full innings (6.5 innings if the home team is ahead resulting in the end of the game), unless the result of the market is already determined, and the game result is declared official.

Race to "X" Hits

These 2 or 3-way markets offer customers the opportunity to bet on which team will be the first to reach a stated total of Hits. Where the option to bet on 'Neither Team' is offered then markets will be settled in full provided the market has reached a conclusion.

- The game must go at least 9 full innings (8.5 innings if the home team is ahead resulting in the end of the game), unless the result of the market is already determined, and the game result is declared official.

- For games that are scheduled over 7 innings the game must go at least 7 full innings (6.5 innings if the home team is ahead resulting in the end of the game), unless the result of the market is already determined, and the game result is declared official.

Will Extra Innings be Played?

This is a 2-way market offering the options of 'Yes' or 'No' as to whether the game will result in a tie at the end of regulation, resulting in extra innings.

- In the event the game does not complete or is abandoned, all wagers will be void.

Outright/Conference League/Division Winner Markets

If a result is passed by the organizing body for any of the above markets it will be deemed final irrespective of whether the season has been amended in any way to achieve this result. If a team is withdrawn, suspended or otherwise removed from the competition they will be deemed a participant if they have started at least one fixture.

- For avoidance of doubt in the MLB conference-league winner markets, the conference-league winner is the team that advances to the World Series, not the team that is awarded the number 1 seed in the playoffs.
- Division winner markets follow the tie break rules set out by the organizing body.

Baseball Player Market Rules

General Player Prop Rules

The above action rules dictate whether or not a player prop selection will be active. The exception(s) to this rule is in the MLB Regular Season, MLB Playoffs, and MLB World Series exclusively, where Fanatics Betting & Gaming will consider any selections made on Player Props void in the following scenarios:

- A pitcher starts the game and throws at least one pitch, then leaves the game with an injury before recording three outs.
- A batter starts the game and records at least one plate appearance, then leaves the game with an injury before the start of their second plate appearance.

Any selections that have already been unequivocally determined will be settled as such. For example, a player to hit a home run and they have already achieved this. Wagers

placed on the under option will be settled as winners in the case of a player having less than a specified total of any Match Player Prop before leaving the field. In this same example, selections on the over option will be settled as a void.

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Player to Reach Base

A 2-way market offering the customer the opportunity bet if the listed player will reach base at a given at-bat. Results are graded as follows:

- Yes occurs when the listed player's plate appearance concludes with them being on any base or the player hits a home run. Includes hits, walks, errors, fielders' choice, and hit by pitch.
- No occurs when the listed player's plate appearance concludes with them not being on base.
- Markets will be void in the case of an intentional walk.
- If a plate appearance is incomplete at the end of an inning, bets will void except where the result is already determined.
- If a player is substituted in the middle of a plate appearance then bets will void unless the result is already determined.
- Bets will stand regardless of any pitching change.
- Only the first plate appearance per player per inning will count toward settlement.

Number of Pitches Thrown in Next At-Bat

A 2-way market offering the customer the opportunity to bet on the number of pitches thrown in next-at-bat. Markets are resulted on the listed at-bat and graded as follows:

- 'Over' occurs when the listed at bat has over the listed number of pitches thrown.
- 'Under' occurs when the listed at bat has under the listed number of pitches thrown
- If a batter is intentionally walked after a ball or a strike is thrown, all bets will be void except those that are unequivocally determined
- Pitch clock violations will not count towards settlement.

Ice Hockey

General Ice Hockey Rules

- ~~Games must start before midnight local time of the venue for bets to have action.~~
- Where an event is postponed before the scheduled puck-drop time and subsequently rescheduled to be played less than 48 hours from the original puck-drop time, all bets will stay active and will be settled upon the result of the rescheduled event. If an event is postponed before the original start time and subsequently rescheduled to be played more than 48 hours from the original puck-drop, all bets will be made void.

Ice Hockey Market Rules

Grand Salami

This market offers the option to bet on a “Grand Salami” which is on the total number of listed occurrences (i.e. total goals) happening during a timeframe (usually 1 scheduled day of events). All relevant events must be completed for bets to stand unless settlement has already been determined.

- Away Team Goals vs Home Team Goals is a moneyline bet where you pick either the home teams or away teams to score more goals
- Total Goals is an over/under bet on the total number of goals scored by all teams combined.

In a 2-way market, one of the selections must win. In the event of a tie, all wagers will be settled as push.

In a 3-way market where “tie” is a bettable option, in the event of a tie this market will be the winning selection. The other two selections will be settled as losers.

Tennis

General Tennis Rules

- Some tennis tournaments use differing match formats (shorter format sets, Championship Tie Break etc). It is the customer’s responsibility to understand the formatting of a match before placing a bet.
 - 4. Bets will be void in the event the statutory/quoted number of sets is changed, unless the market has already been determined or unless otherwise stated.

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- In any of the following circumstances, all bets on an individual match will have action:
 - A change from indoor court to outdoor court or vice versa.
 - A change of schedule or weather delay which affects the time or date of the match.
 - ~~A delay in the start of a match.~~

Golf

General Golf Rules

- ~~If the start of a round is delayed, or if play during a round is suspended, all pending wagers will remain valid for 48 hours. If the postponement lasts more than 48 hours, all pending wagers will be canceled, and stakes refunded.~~
- For the four 'Majors', namely the US Masters, USPGA, US Open and British Open Championships, any pre-tournament futures winner bets will stand so long as the event is completed in the calendar year, otherwise they will be void. ~~All other tournaments will be subject to the 48 hour rule listed above.~~
- ~~If a tournament is ended early then 36 or more holes must have been completed by every participant that has not already withdrawn for tournament long bets to have action. The only exception here is where a definitive result has already taken place, such as if a customer has backed a player to make a hole in one and that player has already achieved such a feat.~~
- If the scheduled number of rounds is reduced for any reason, selections will be settled as long as there is both a deemed tournament winner and a minimum of 36 holes played. If either or both these do not occur, all selections will be made void.
 - The winner will be the player leading after the last completed official round, given both of the above criteria.
 - All bets placed after the last completed round will be voided.

Soccer

General Soccer Rules

- Where an event has an altered kick-off date or time well-a month or more in advance of the scheduled kick-off date or time (e.g. to accommodate live TV or to ease fixture congestion) this will not be classed as postponed.

- Where a match kicks off before the originally stated start time bets will stand ~~provided they are not placed after the nominated game has kicked off.~~
- If a game venue is changed to another venue, including a change to a neutral venue, and the home team remains designated as such, bets will stand.

Soccer Market Rules

Odd or Even Corners

A 2-way market offering the customer the chance to bet on whether the total number of goals will be an 'Odd' number or an 'Even' number.

- 2. • A total of zero will be classed as an even number of goals.

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Match Result After X Minutes

These markets offer the customer the opportunity to predict the match result at a certain specified time within the match. These include, but are not limited to, Match Result at 10 Minutes, 20 Minutes, 30 Minutes. As an example, 10 minutes is classified as the result at exactly 10:00 minutes of play.

- Markets are determined in their respective halves i.e. Match Result After 50/60/70/80 Minutes is settled on the result in the second half after their respective minutes have been played. Any stoppage time play is not counted in this market.

Odd or Even Goals

A 2-way market offering the customer the chance to bet on whether the total number of goals will be an 'Odd' number or an 'Even' number.

- 8. • A total of zero will be classed as an even number of goals.

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Player Stat Markets

The following markets will be settled using OPTA data. All bets will stand should the player enter the field at any time. If the player does not participate in the match, bets will be void.

Player Assists

A market offering the opportunity to bet on the final touch leading to the recipient of the ball scoring a goal. Own goals, penalties, direct corner goals or directly taken free kick goals do not have assists awarded. If the final touch is deflected by an opposition player, the initiator is only given a goal assist if the receiving player was likely to receive the ball without the deflection having taken place.

Player Passes

Pass is defined as any intentionally played ball from one player to another on the same team. Passes include open play passes, goal kicks, corners and free kicks that are played as pass – but exclude crosses, keeper throws and throw-ins.

Hit Woodwork

Hit woodwork is defined as any shot that hits the frame of the goal during active play. Instances where the ball hits the woodwork which result directly in a goal do not count as woodwork being hit. Any single shot that hits the frame multiple times (e.g. bar and then subsequently the left post) only counts as hitting the woodwork once. Hit woodwork is always collected for the attacking team/player.

Player Tackles

A tackle is classified as an event where a player connects with the ball in a ground challenge where he successfully takes the ball away from the player in possession. The tackled player must have clear possession of the ball before the tackle is made for it to constitute a tackle. It is not a tackle, when a player cuts out a pass (by any means). A foul is not classed as a tackle.

Player Offsides

An offside is classified as an event where a player is deemed to be in an offside position and a free kick is subsequently awarded to the opposing team. If two or more players are in an offside position when the pass is played, the player considered to be most active and trying to play the ball is given offside.

Shot/Goal Location

Offering the customer the opportunity to bet on the position of the ball when the shot is taken (shot origin). The selections offered are inside the 18-yard box & outside the 18-yard box.

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Any event happening on the 18-yard box line will be considered inside the area.

Player Shots

A market offering the opportunity to bet on the amount of shots a player has. This is the total of all shots on & off target, this includes all shots that:

- Go into the net regardless of the intent.
- Are a clear and intentional attempt to score, that would have otherwise gone into the net, but were saved by the goalkeeper or blocked by the last defending player.
- Go over or wide of the goal without making contact with another player.
- Would have gone over or wide of the goal but were stopped by a save or by an outfield player.
- Directly hit the post or crossbar

Player Shots on Target

A shot on target is defined as any goal attempt that:

- Goes into the net regardless of the intent.
- Is a clear and intentional attempt to score, that would have otherwise gone into the net, but was saved by the goalkeeper or blocked by the last defending player.

Shots directly hitting the frame of the goal are not counted as shots on target, unless the ball subsequently goes in and is awarded as a goal to that player. Shots blocked by another player, who is not the last defending player, are not counted as shots on target

Boxing

General Boxing Rules

- Where a **scheduled** fight does not take place, ~~wagers on the originally advertised card bets~~ will be made void. Boxing specific bout start times are provided as estimates, and can change at short notice, but the following rules apply to all boxing **bouts**:

- If the fight is postponed, wagers will be made void unless it is rescheduled to take place within 48 hours of the original fight date.
 - 4.○ All bets will be settled on the official result announced at the end of the fight. Subsequent appeals/amendments do not affect settlement. If an announcer is found to have misread or announced scores incorrectly then this will be acknowledged and events will be resettled accordingly.
 - ~~More than 72 hours from the start of the card, times and dates should be considered to be estimates and used for informational purposes only and will not be used to determine settlement.~~
 - ~~Within 72 hours of the scheduled start of the card, the date will be considered final, and if the card, or any number of fights from a card, are moved from this date, affected fights on the card will be made void. A card must start before midnight local time, and will be considered to have finished after all scheduled fights have taken place, regardless of whether this runs past midnight local time.~~
- 2.● If a boxer is substituted all wagers on the fight will be made void.

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MMA

General MMA Rules

- Where a scheduled fight does not take place, wagers on the originally advertised card bets will be made void. MMA specific bout start times are provided as estimates, and can change at short notice, but the following rules apply to all MMA fights/bouts:
 - If the fight is postponed, wagers will be made void unless it is rescheduled to take place within 48 hours of the original fight date.
 - All bets will be settled on the official result announced at the end of the fight. Subsequent appeals/amendments do not affect settlement. If an announcer is found to have misread or announced scores incorrectly then this will be acknowledged and events will be resettled accordingly.
 - ~~More than 72 hours from the start of the card, times and dates should be considered to be estimates and used for informational purposes only and will not be used to determine settlement.~~
 - ~~Within 72 hours of the scheduled start of the card, the date will be considered final, and if the card, or any number of fights from a card, are moved from this date, affected fights on the card will be made void. A card must start before midnight local time, and will be considered to have~~

~~finished after all scheduled fights have taken place, regardless of whether this runs past midnight local time.~~

- ~~• In declaration of a "No Contest" all bets will be void and wagers will be refunded, with the exception of markets where the outcome has already been determined.~~
- The opening bell, horn or referee signal is considered to be the start of the fight and the start of each new round will also be considered to have commenced upon the equivalent signal. Where a fighter refuses to emerge from their corner, or retires in between rounds in their corner, the round that has just taken place will be considered to be when the fight ended.
- ~~• In declaration of a "No Contest" all bets will be void and wagers will be refunded, with the exception of markets where the outcome has already been determined.~~
- ~~• All bets will be settled on the official result announced at the end of the fight. Subsequent appeals/amendments do not affect settlement. If an announcer is found to have misread or announced scores incorrectly then this will be acknowledged and events will be resettled accordingly.~~

Darts

General Darts Rules

- All Darts bets (including any specials or statistics-based bets) will be settled in accordance with the official website of each tournament's governing body.
- All games must start on the scheduled date for bets to have action. ~~The exception is if we advertise an incorrect start time, in which case, wagers will be void.~~

Volleyball

General Volleyball Rules

- All Volleyball bets (including any specials or statistics-based bets) will be settled in accordance with the official website of each tournament's governing body.
- All bets on games which start, but not completed, will be void unless rearranged and played on the same date (local time) or unless it is otherwise stated in the rules.

- All games must start on the scheduled date for bets to have action. ~~The exception is if we advertise an incorrect start time, in which case, wagers will be void.~~

Badminton

General Badminton Rules

- All badminton bets will be settled in accordance with the official website of each tournament's governing body, unless otherwise stated.
 - Olympic Games will be settled on the official IOC (International Olympic Committee) results.
- A match will be deemed to have begun once the first serve has been struck.
- In the event a match does not take place within 24 hours after its scheduled start time or a player/team is given a walkover, all bets on the match will be voided.
- In the event of a retirement or disqualification at any point after the match has started, the player/team that is awarded the victory/progresses to the next round will be settled as the Winner in the Match Result/Moneyline market. Selections placed on the retiring or disqualified player/team will be voided. All other markets will be voided unless the market has already been determined.
- If any of the named players in a match are to change before the match starts then all bets will be void.



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

FROM: Andrew Steffen – Sports Wagering Operations Manager

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

DATE: March 5, 2024

RE: Update to Licensee's House Rules

Pursuant to 205 CMR 247.02(4), the Commission reviews all changes proposed by a licensee to their house rules. A Sports Wagering Operator shall not change or modify the House Rules without the prior written approval of the Commission.

EXECUTIVE SUMMARY:

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

The summary of changes are as follows:

1. **Baseball:** Adjustment of verbiage to reduce ambiguity and additional language for new markets.
2. **Basketball:** Adjustment of settlement procedures to be more customer friendly.
3. **Cricket:** Addition of language surrounding a specific new market.
4. **Golf:** Adjustment of verbiage to reduce ambiguity.
5. **Ice Hockey:** Additions of verbiage surrounding situations where an event does not begin on the scheduled day.



Sports Wagering Division

6. **Jai Alai:** New section added to offer wagering on the sport.
7. **Motorsports:** Adjustment of postponement time periods from 24 to 72 hours and adjustment of verbiage to reduce ambiguity.

CONCLUDING STATEMENT:

The Sports Wagering Division confirms all requirements have been met under 205 CMR 247.02 and has no reservations about moving forward on approving these changes.

Part C – Specific Sports Rules

4. Baseball

4.3. Player Props

- Plate Appearance Grouped: Listed players must record the relevant plate appearance for bets to stand. If listed players do not record a plate appearance, bets on that player will be void. If a player is substituted out of the game between plate appearances, bets on plate appearances that have already occurred will stand. However, bets on future plate appearance markets will be voided. For settlement purposes, hit by pitches (HBPs) will be settled as Walk/HBP. A fielder's choice, catcher's interference, or reach on error will all be ruled as an "other outcome." A pitch must be thrown in the plate appearance for bets to be action. If no pitch is thrown in the plate appearance (i.e., the pitching team elects to intentionally walk the batter before any pitches are thrown) bets on the market will be void. This shall not however impact other markets which are impacted by the result (i.e., the intentional walk results in an RBI for the batter).
- Batter to Reach Base: Settled on whether the batter will reach base (e.g. has scored or is safely standing on a base at the conclusion of the listed plate appearance). Winning selections include all home runs, and any other outcomes where the listed batter is not ruled out at the conclusion of the play. This includes hits, fielder's choices, catcher's interference, and reaches on errors. A pitch must be thrown for bets to action. If no pitch is thrown in the plate appearance, bets on the market will be void.
- Combined Strikeouts for Game: Both Listed Pitchers must start for bets to stand. Total number of strikeouts accrued within the game.
- Combined Starting Pitcher Strikeouts for Game: Both Listed Pitchers must start for bets to stand. Total number of strikeouts starting pitchers accrue within the game.
- Either Pitcher to Record X+ Strikeouts: Both Listed Pitchers must start for bets to stand.
- Pitcher Earned Runs: Listed Pitcher must start for bets to stand.
- Quality Start: Occurs when at least 6 innings are pitched allowing three or fewer earned runs. If a singular pitcher is listed in the market, that pitcher must individually accomplish the feat for bets to be winners. If the market lists the team's name (e.g., Team X to pitch a Quality Start), rather than the name of an individual pitcher (e.g., Pitcher Y to pitch a Quality Start), then multiple pitchers may be used to accomplish the feat.
- No Hitter: An official no-hit game occurs when a pitcher (or pitchers) allows no hits during the entire course of a game, which consists of at least nine innings (minimum 27 outs) thrown by the pitcher(s). If a singular pitcher is listed in the market, that pitcher must individually accomplish the feat for bets to be winners. If the market lists the team's name (e.g., Team X to Combine for a No-Hitter), rather than the name of an individual pitcher (e.g., Pitcher Y to Throw a No-Hitter), then multiple pitchers may be used to accomplish the feat.
- Perfect Game: For a Perfect Game, the pitcher(s) must comply with all requirements of the No-Hitter, but also not allow any baserunners to reach via reach via walk, HBP, uncaught third strikes, catcher's or fielder's interference, or fielding errors. If a singular pitcher is listed in the market, that pitcher must individually accomplish the feat for bets to be winners. If the market lists the team's name (e.g., Team X to Combine for a Perfect Game), rather than the name of an individual pitcher (e.g., Pitcher Y to Throw a Perfect Game), then multiple pitchers may be used to accomplish the feat.
- No Hits in First X Innings: When a pitcher (or pitchers) allow(s) no hits during the first X Innings of a game. If a singular pitcher is listed in the market, that pitcher must individually accomplish the feat for bets to be winners. If the market lists the team's name (e.g., Team X to allow No Hits in First X Innings), rather than the name of an individual pitcher (e.g., Pitcher Y to allow No Hits in First X Innings), then multiple pitchers may be used to accomplish the feat.
- Player to Record First Hit: Listed players must record at least one plate appearance for bets to stand. If listed players do not record a plate appearance, bets on that player will be void. If a non-listed player is ruled the winner, bets on listed qualified players are action. If no hits are recorded in the game, "No First Hit" will be deemed the winning selection.
- Player to Record First RBI: Listed players must record at least one plate appearance for bets to stand. If listed players do not record a plate appearance, bets on that player will be void. If a non-listed player is ruled the winner, bets on listed qualified players are action. If no RBIs are recorded in the game, "No RBI" will be deemed the winning selection.
- Player to Record First Run: Listed players must record at least one plate appearance for bets to stand. If listed players do not record a plate appearance, bets on that player will be void. If a non-listed player is ruled the winner, bets on listed qualified players are action.

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- Player to Record First Stolen Base: Listed players must record at least one plate appearance for bets to stand. If listed players do not record a plate appearance, bets on that player will be void. If a non-listed player is ruled the winner, bets on listed qualified players are action. If no stolen bases are recorded in the game, "No Stolen Base" will be deemed the winning selection.
- 1- 9 Up 9 Down: This occurs when only nine batters come to the plate and record official plate appearances during the first three innings. It is possible for players to reach base and for a "9 Up, 9 Down" to still occur (e.g., runner caught stealing, double play, etc.). This market relates only to the starting pitcher and that pitcher must individually accomplish the feat for bets to be winners. Listed Pitcher must start for bets to stand.
- Pitches Per Plate Appearance: Automatic balls/strikes that result from pitcher/batter violations will count as pitches for settlement purposes. A pitch must be thrown in the plate appearance for bets to be action. If no pitch is thrown in the plate appearance (i.e., the pitching team elect to intentionally walk the batter before any pitches are thrown) bets on the market will be void. ~~Markets will be void should an intentional walk be issued at any point prior to or during the plate appearance.~~ Should the listed plate appearance not occur, bets on the market will be voided.
- Type of Pitch: Settled according to official results as charted and published by mlb.com play by play.
- Pitch Caller: Settled based on the type and outcome of the first pitch thrown in the listed half-inning. A change to the Listed Pitcher will result in markets to be void. For settlement purposes, a reach on error, catcher's interference, or a foul ball that results in an out will be ruled as "other outcome". Batted balls that result in the plate appearance ending (e.g. hits/outs) will not be regarded as strikes for the purposes of settlement. If a pitcher or batter violation results in an automatic ball or strike to begin the at-bat, the market will be void.
- Distance of Home Run: Distance of home run markets will be settled according to official results as published by MLB's Statcast. For Team to Hit the Longest Home Run, if home runs of equal distance occur, all bets will be void.
- Hit Distance/Distance Ball Travelled: Distance will be settled according to official results as published by MLB's Statcast.
- Team with More Runners Left on Base: Settled as number of players left on base at the end of each inning. If teams have the same number of runners left on base, selections will be void.
- Team Total Sacrifice Flies: Settled upon the number of flyballs hit that allow a runner to score as credited per mlb.com play by play.
- To Hit for Team Cycle: Team to record a single, double, triple, home run within the same game.
- Back-to-Back Home Runs: Settled upon home runs being hit in consecutive plate appearances.
- Hits + Runs + RBIs: Combination market settled upon an individual player's hits + runs + RBIs. Listed players must record at least one plate appearance for bets to stand. If listed players do not record a plate appearance, bets on that player will be void.
- Half Inning Specials:
- Team Cycle: Occurs when a team records a single, double, triple, and home run within the listed half-inning.
- Double Play: Occurs when two outs are recorded on the same defensive play within the listed half-inning.
- Triple Play: Occurs when three outs are recorded on the same defensive play within the listed half-inning.
- Walk/HBP: For settlement purposes, hit by pitches (HBPs) will be settled as Walk/HBP. If the only walk recorded in the listed half-inning is a no-pitch intentional walk, selection will be deemed void. Batters to the Plate: Settled upon the number of official plate appearances recorded during the listed half-inning.
- Bases Loaded: Settled upon runners being on first, second, and third base simultaneously within the listed half-inning.
- Pitches Thrown: Automatic balls/strikes that result from pitcher/batter violations will count as pitches.
- Method of Next Out: Settled upon mlb.com play by play. "Any Other Recorded Out" encompasses all additional ways to record an out not listed as a selection option. Flyouts, Lineouts, and Pop Outs, including batted balls determined to be Infield Fly's, will be deemed the same for settlement purposes. In the case of a walk-off (or any other situation where three outs in an inning do not occur), remaining markets will be void.
- Player to Make Next Defensive Out: Settled upon mlb.com play by play as to which fielder is credited with a putout upon the play.

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4.4. Futures Markets + Other Specials

- MLB Award Markets: If an award is shared by two players (e.g., Cy Young, World Series MVP) dead-heat rules will apply. For bets to have action in the Regular Season MVP and Cy Young Markets, players must record at least one MLB regular season plate appearance and pitchers must face at least one MLB hitter in a listed league game. All other MLB Awards Markets (including Post-Season Awards) are deemed all-in. Award Markets are deemed All In, selections may be requested but may only be available at FanDuel's discretion. Players do not need to meet any minimum playing time thresholds for bets to have action.
- Regular Season Player Totals (Head-to-Head and Combined): In a market where two players are listed, both batters must record at least one MLB regular season plate appearance and both pitchers must face at least one MLB hitter during the regular season for bets to be action.
- Regular Season Statistical Leaders: Batters must record at least one MLB plate appearance and pitchers must face at least one MLB hitter during the regular season for bets to be action. Should these requirements not be met, bets will be voided. Dead-heat rules apply if multiple players tie for the league lead.
- Best Record/Worst Record: Market is based on which team finishes the regular season with the best or worst winning percentage. In the event that multiple teams tie, dead heat rules apply.
- Team to Earn X Seed: Market is based on which team earns the listed postseason seed at the completion of the regular season. Official MLB tiebreakers apply; only one winner is possible in each market.
- Team to Earn First Round Bye: Market is based on whether a team earns a top 2 seed in its league, earning a Bye in the Wild Card Round. There will be two winning selections in each market, for each league.

4.6. Overview of Specific NCAA Baseball Markets

- NCAA Baseball Regular Season Win Totals: A team must play at least 95% of games originally scheduled (as of Opening Day of the regular season) for bets to stand, unless the outcome has previously been unequivocally determined. For example, in a shortened 60 game season, at least 58 games must be played for bets to stand (unless previously unequivocally determined). The occurrence of 7 inning games has no bearing on this market. Conference tournament games are not included in the regular season.

5. Basketball

5.1. Overview of Specific Markets – NBA, NCAA and WNBA Basketball

- Team to Make the NCAA Tournament: Teams must be included in the final 68-team field to be deemed winners. For settlement purposes, participation in the First Four play-in games is not considered qualification for the tournament.

7. Cricket

- To Happen in "X" Over. E.g. India 1st Over
 - The specified over must be completed for bets to stand unless settlement has already been determined. If an innings ends during an over then that over will be deemed to be complete unless the innings is ended due to external factors, including bad weather, in which case all bets will be void, unless settlement has already been determined.
 - If the over does not commence for any reason, all bets will be void. Extras and penalty runs in the particular over count towards settlement.

10. Golf

10.19.

Closest/Distance to the Pin

- Bets are on the ball closest to the pin/hole in regulation shots for the hole being played (1 shot for a par 3, 2 shots for a par 4, etc.).
- For group betting, at least one ball must be on the green in the regulated number of shots for the par of the hole to count, otherwise bets will be void. For group betting, if no player hits the green in regulation then the 'No Green' selection will be deemed the winner. If there is not a 'No Green' selection offered and no player hits the green in regulation, then all bets will be void.
- For individual player pin markets (e.g., Tee shot to finish within "X" Feet of the pin) the ball must be on the green to qualify.

10.20.

Longest Drive Markets

- Balls must finish on the fairway or green to qualify. If no balls finish on the fairway, then bets will be void. For group betting, if no ball finishes on the fairway or green, then the 'No Fairway' selection will be

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deemed the winner. If there is not a 'No Fairway' selection offered and no player's drive finishes in the fairway or on the green then all bets will be void.

13. Ice Hockey

13.1.US Ice Hockey (General)

In the event that a game does not begin on the scheduled start date and is postponed (using time-zone of the original scheduled venue), all wagers will be void.

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14. Jai Alai

- Jai Alai bets on the full game (Moneyline, Spread, Total) are considered official only once the game is completed without either player withdrawing due to injury, incapacity, or disqualification.
- Time or period based markets will have action as soon as the result has been officially determined, regardless of the match being suspended afterwards. For example, a wager on a player to win a specific set will be settled once that set is final.
- When a game is postponed or suspended before it starts, and it is officially determined the game will not be played within 48 hours of the originally scheduled start time, all bets have no action and stakes will be refunded.
- When a game is in progress and is delayed or postponed before any official announcement, the game must be resumed and completed within 48 hours of the originally scheduled start time, all bets have no action and stakes will be refunded.
- Team to Win the Match: Team to Win the Match will use the final score of the match, bets will stand if one of the players retires or forfeits for any reason.

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16. Motorsports (which may include, amongst others, NASCAR, Indy Car, Formula One, Superbikes and Speedway)

16.1.Motorsports – General Rules

- If both drivers retire on the same lap, then wagers will be settled on the official result of the relevant governing body.

16.2.NASCAR/IndyCar

- IndyCar results will be settled on official classification at the time of the podium presentation, with subsequent disqualifications disregarded.
- Race Driver Matchups and Group Betting:
 - All match-ups will be settled as per the official NASCAR result. If one driver fails to complete the race then the other driver will be declared the winner. Where both drivers fail to complete the race then the number of full laps completed will determine the result. In the event of both drivers failing to complete on the same lap, then the official placing as assigned by the official NASCAR result. All drivers within the match-up must start or the market will be void. The driver who finished ahead or completes the greater number of laps will be deemed the winner. The official results of the relevant governing body will be used to determine the finishing order.
- NASCAR Futures:
 - All prop futures are deemed action when drivers qualify for at least 267 regular season races. Outright Drivers Championship will be deemed as action when driver has qualified for at least 267 regular season races. Unless there is a special exception made by NASCAR to qualify a driver for the playoffs, bets on drivers who do not qualify for at least 26 regular season races will be void.

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16.3.Formula 1/IndyCar

- Official Results:
 - The race must be run within 7224 hours of the scheduled start time for bets to stand.
 - IndyCar results will be settled on official classification at the time of the podium presentation, with subsequent disqualifications disregarded.

- F1 Sprint Weekends: Unless otherwise stated, all F1 Grand Prix markets will be settled on results of the main weekend race. Sprint Race markets will be explicitly called out. Sprint Race wins will not count towards overall season race wins special markets unless stated otherwise in market description.
- In the event of a driver switching race teams during race week, or a driver not originally listed entering the field, all bets taken prior to these changes being factored into the betting will be re-settled at the correct price taking into account the team/car change. This is inclusive of all markets offered for F1 and FanDuel Sportsbook's decision is final in this regard.
- Race Props will be settled on official ~~IndyCar &~~ Formula One results.



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

FROM: Andrew Steffen, Sports Wagering Operations Manager
Bruce Band, Director of Sports Wagering

MEMO **MEETING**
DATE: March 6, 2024 **DATE:** March 14, 2024

RE: Request to add United Football League (UFL) to MGC Event Catalog

BACKGROUND:

Pursuant to [205 CMR 247.03](#), a sports wagering operator must petition the Commission for approval of a new sporting event or wager category. Accordingly, both FanDuel and DraftKings have submitted the required form to request for the addition of the [United Football League](#) (UFL) to be added to the [MA catalog](#).

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

SUPPORTING DOCUMENTS:

- Petition from FanDuel
- Petition from DraftKings
- UFL Integrity Policy
- UFL Rulebook (Provided [HERE](#) due to length of document)

OVERVIEW/ UFL DETAILS:

On December 31st, 2023, it was announced the United States Football League and the XFL (both approved leagues in the MA Catalog) would be merging to form the UFL. The merged league consists of eight U.S based teams; four from the USFL (Birmingham, Houston, Memphis, and Michigan) and four from the XFL (Arlington, Washington DC, San Antonio, and St. Louis). Headquarters will remain in Arlington, TX where the most recent iteration of the XFL was headquartered from 2020-2023. This upcoming season will be the United Football League's inaugural season, kicking off with all eight teams playing on Saturday, March 30th through Sunday, March 31st. The 10-week season will consist of 40 total regular season games running from March 30 to June 2. The postseason will consist of 3 games from June 8 to June 16 (the two

conference winners playing against a wild card bid with two teams advancing to the Championship game) with a championship site to be determined.

The league is financially backed by Fox Sports CEO Eric Shanks, representing 50% of the UFL board. While the other half is comprised of members of the most recent XFL ownership group, including Dwayne “The Rock” Johnson. The President and CEO of the UFL, Russ Brandon, brings over three decades of professional sports experience, including 20 years with the Buffalo Bills (NFL) as well some time serving in the front office for the Buffalo Sabres (NHL). Additionally, serving as Executive VP of Football Operations, is Dallas Cowboys’ 3-time Super Bowl champion and 2-time Pro-Bowl running back Daryl Johnston. Lastly, television rights for the 2024 season are held by Fox Sports and ESPN, fulfilling their contracts from the USFL and XFL, respectively.

The official rules are posted/available: [UFL-2024-Rulebook.pdf](https://theufl.com/UFL-2024-Rulebook.pdf) (theufl.com) which are similar in nature to the other football leagues, however there are modifications and innovative rules taken from the two former leagues comprising this new UFL.

SUMMARY:

The current MA Catalog offerings for Football are as follows:

Sport	Governing Body	League	Website
Football	Canadian Football League (CFL)	Canadian Football League	https://www.cfl.ca/
	National Football League (NFL)	National Football League	https://www.nfl.com/
Return to Index	USFL	USFL League	https://www.theusfl.com/
	Indoor Football League (IFL)	Indoor Football League (IFL)	https://goifl.com/
	NCAA	NCAA Football	https://www.ncaa.org/index.aspx
	College Senior Bowl	NCAA Football	https://www.ncaa.org/index.aspx
	XFL	XFL	https://www.xfl.com/

When the petition was initially submitted on 2/21/24, FanDuel confirmed wagering on the UFL is approved in the seven jurisdictions of Kansas, Connecticut, Wyoming, Washington DC, Mississippi, Arizona, and Maryland with pending approval in several other states. On 3/5/24, FanDuel confirmed an additional 13 jurisdictions have approved wagering for this sport: New Jersey, West Virginia, Louisiana, Indiana, Illinois, Michigan, Tennessee, Virginia, Vermont, Iowa, Colorado, Pennsylvania, and Washington.

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

(a) The outcome can be verified;

Both FanDuel and DraftKings state in their petition the results will be verified by the official UFL website - <https://www.theufl.com/>.

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

Both operators state in their petition that integrity controls are in line with current football

approvals. FanDuel also confirmed US Integrity will be conducting integrity monitoring on all UFL games in addition to their advisory role on league policy and procedures.

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

Both operators state in their petition that all wagers will be settled via official UFL box score and will not have any effect on actual results. Additionally, along with US Integrity, the UFL has established a strict integrity policy with a code of conduct for all players involved.

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

Both operators state in their petition the sporting event conforms to all applicable laws and regulations and does not contravene any gaming legislation in the state.

CONCLUSION:

The Sports Wagering division confirms the minimum requirements have been met pursuant to 205 CMR 247.03. The UFL has similar game play, rules, and governance to the approved football leagues, specifically the already approved USFL and XFL leagues. In addition, house rules for both FanDuel and DraftKings encompass any approved football league they offer; this request would fall in line with their current house rules.



MASSACHUSETTS GAMING COMMISSION

PETITION FOR A SPORTING EVENT OR WAGER CATEGORY

In accordance with 205 CMR 247.03

Directions:

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

SECTION A **BACKGROUND**

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

WEBSITE LINK FOR THE EVENT AND/OR GOVERNING BODY:

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

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



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

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

SECTION D
POLICIES AND PROCEDURES REGARDING EVENT INTEGRITY

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



SECTION E
MINIMUM CRITERIA

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

SECTION F

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

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



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

SIGNATURE AND INFORMATION

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

Signature of individual requesting new event/wager

Date

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

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





MASSACHUSETTS GAMING COMMISSION

PETITION FOR A SPORTING EVENT OR WAGER CATEGORY

In accordance with 205 CMR 247.03

Directions:

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

SECTION A BACKGROUND

1. NAME OF OPERATOR(S) PETITIONING: **Crown MA Gaming, LLC d/b/a DraftKings**
2. REQUESTING A SPORTS WAGERING EVENT OR WAGERING CATEGORY: **Sports Wagering Event**
3. NAME OF EVENT OR WAGERING CATEGORY: **United Football League**
4. IS THIS A VARIATION OF AN AUTHORIZED SPORTING EVENT OR WAGER CATEGORY? **Yes**
5. IS THIS A COMPOSITE OF AUTHORIZED SPORTING EVENTS OR WAGER CATEGORIES? **Yes**
6. IS THIS A NEW SPORTING EVENT OR WAGER CATEGORY? **YES**

WEBSITE LINK FOR THE EVENT AND/OR GOVERNING BODY: <https://www.theufl.com/>

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

1. A summary of the Sporting Event or Wager Category and the manner in which Sports Wagers would be placed and winning Sports Wagers would be determined.

The United Football League's (UFL) inaugural season will start in March of 2024. The league was created following the merger of the latest incarnations of the XFL and United States Football League (USFL). UFL ownership includes FOX Corporation, RedBird Capital, Dany Garcia, Dwayne Johnson and ESPN, Inc.. It consists of eight teams, all of whom were members of either the XFL or USFL prior to the UFL's creation. The 10-week regular season will see teams play six conference contests and four non-conference games, with two conference games (XFL and USFL) in the opening playoff week, followed by a league championship game in mid-June. The USFL Conference has 4 teams consisting of the Birmingham Stallions, Houston Roughnecks, Memphis Showboats and Michigan Panthers. The XFL Conference has 4 teams consisting of the Arlington Renegades, D.C. Defenders, San Antonio Brahmas and St. Louis Battlehawks. Sports Wagers determined in accordance with the already proposed Football House Rules.



2. A draft of the proposed House Rules, including a description of any technology that would be utilized to offer Sports Wagering on the Sporting Event or Wager Category.

DraftKings will be utilizing its current Football Rules for wagering on UFL. The technology used is provided by DraftKings Sportsbook.

3. Any rules or voting procedures related to the Sporting Event or Wager Category.

Please see the attached United Football League Rule Book.

4. Assurance that the Sporting Event or Wager Category meets the requirements of 205 CMR 247.03(4) (*details are required in the minimum criteria section below*).

Verified the event follows all requirements set by Reg 247.03(4)(a-d)

5. Whether and to what extent the outcome of the Sporting Event or Wager Category is determined solely by chance.

Non-applicable because UFL events are not determined solely by chance.

SECTION C

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

1. The proposed location(s) of the eSports event(s). N/A

2. The video game used for the eSports event, including, without limitation, the publisher of the video game.

N/A

3. The eSports event operator, whether the eSports event operator is approved to host events by the video game publisher, and whether the eSports event operator has any affiliation with the video game publisher. N/A

4. The manner in which the eSports event is conducted by the eSports event operator, including, without limitation, eSports event rules and certification from a third party, such as an eSports event operator or the game publisher, that the eSports event meets the Commission's event integrity requirements. N/A



SECTION D
POLICIES AND PROCEDURES REGARDING EVENT INTEGRITY

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

To ensure the integrity of the events, UFL maintains an Integrity Policy, which prohibits league personnel, including League office employees, players, owners, coaches, athletic trainers, medical personnel, game officials, security personnel, consultants, contractors, team employees, game day stadium personnel, and other staff (collectively, "League Personnel") from gambling (whether directly or indirectly) on any UFL game, event, or other activity. It also prohibits League Personnel from game fixing through influencing or manipulating any UFL game, event, or other activity. Additionally, the policy includes a prohibition of failing to give best effort in any UFL game, event or other activity and contains a policy against providing inside information and tipping. Please see the attached UFL Integrity Policy for additional information.

SECTION E
MINIMUM CRITERIA

1. Can the outcome of the Sporting Event or Wager Category be verified? If yes, explain the verification process.

Yes, event dates and start times are available at www.theufl.com as soon as they are finalized.

2. Is the Sporting Event generating the outcome conducted in a manner that ensures sufficient integrity controls exist so the outcome can be trusted? Please explain.

Yes, the UFL has contracted with U.S. Integrity to provide UFL with integrity monitoring services and to ensure continued compliance.

3. Is the outcome likely to be affected by any Sports Wager placed? Please explain.

No, the UFL prohibits all League Personnel from game fixing and game integrity and fairness are integral to UFL and its desire to uphold the standards of the game.

4. Is the Sporting Event conducted in conformity with all applicable laws? Please explain.

Yes, we have verified the event follows all requirements set by Reg 247.03(4)4(a-d).



Integrity Policy

Integrity is a core value of the United Football League (“UFL” or “League”) and the UFL is committed to maintaining the integrity of the league, its games, teams, players, coaches, and other league and team personnel. Everyone associated with the UFL is expected to conduct themselves in accordance with the highest standards of honesty, fairness, and ethical dealings. Gambling on UFL games presents potential risks to the integrity of our competition and can negatively impact team cohesion. We, therefore, owe it to our fans and all individuals and entities associated with our League to take all appropriate steps to safeguard our game against possible threats from match-fixing to illegal gambling as well as any form of manipulation of a League game or event. This Integrity Policy (“Policy”) sets forth the standards of conduct expected of all individuals associated with our League to ensure that all League competitions and events are organized and conducted with the highest degree of integrity.

Scope

This Policy applies to all full and part-time team and League personnel, including League office employees, players, owners, coaches, athletic trainers, medical personnel, game officials, security personnel, consultants, contractors, team employees, game day stadium personnel, and other staff (collectively “League Personnel”). All League Personnel shall continue to be bound by and required to comply with this Policy for as long as they qualify as League Personnel (“End Date”).

The League shall have exclusive jurisdiction and control over any allegations and violations of this Policy. Where an individual who is considered League Personnel has been charged with a criminal offense, or is subject of an investigation by any law enforcement agency or any other public or other regulatory authority, in respect to conduct which is or may be grounds for a violation of this Policy, the person appointed by the League to enforce this Policy, “Chief Integrity Officer” or its designee, shall determine in its sole discretion whether or not the League should postpone consideration of this matter under the Policy pending the outcome of the investigation/proceedings. Regardless of whether the League agrees to any such postponement, the League retains sole discretion to determine whether to impose any interim disciplinary measure, including suspension, pursuant to this Policy.

A standing body appointed by the League, consisting of five (5) to seven (7) individuals with legal, sporting, or other expertise, shall be referred to herein as the “Disciplinary Body.” The Disciplinary Body shall have the power to determine alleged violation(s) of this Policy. Each member of the Disciplinary Body shall be appointed by the Chief Integrity Officer. The “Chair” of the Disciplinary Board shall be an attorney in good standing to practice law in the United States.

The League shall continue to have jurisdiction over League Personnel under this Policy after the End Date in respect of matters that have taken place prior to the End Date. League Personnel agrees to be bound by and comply with this Policy after the End Date with respect to the investigation, prosecution, and adjudication of such matters. There shall be no statute of limitations applicable to this Policy.

PROHIBITIONS AND OFFENSES

The League prohibits League Personnel from engaging in the following conduct:

- *Illegal Gambling*. Participating in or facilitating any form of illegal gambling.

- *Betting on UFL Games*. Placing, soliciting or facilitating any bet, whether directly or indirectly through a third party, on any UFL game, event or other activity, regardless of whether such betting is otherwise legal. This includes betting, either directly or indirectly, on game outcome,

statistics, score, performance of any individual participant or any other kind of “proposition bet” on which wagering is offered. For clarity, this prohibition also includes betting, directly or indirectly, on any other event concerning or related to the UFL, including, without limitation, player trades, coaches’ employment, draft pick selections or disciplinary matters. Additionally, League Personnel are prohibited from participating in anyone else’s betting activities, asking anyone to place bets on UFL games, events or other activities on their behalf or encouraging anyone else to place bets on UFL games, events or other activities. The foregoing includes, without limitation, any commercial gambling (whether for profit, charity or anything else) that involves third parties (e.g., bookies, dealers, “the house”), as well as private wagers between teammates, family and friends, or others.

- **Game Fixing.** Influencing or manipulating any UFL game, event, or other activity so that the outcome or any other aspect of such game, event, or activity is determined by anything other than its merits. This prohibition includes accepting something of value or otherwise agreeing to throw, fix, or influence a UFL game, event, or other activity, as well as failing to report any bribe, offer, or attempt to do so. Although the most common examples are “game fixing” and “point shaving” by the participants on the field, this restriction is broader than that; it prohibits all actions intended to manipulate a UFL game, event, or other activity, including, the outcome, statistics, score, conduct or any other aspect of, or occurrence in, a UFL game, event or activity, and applies whether or not the individual is a direct participant in a game, event or other activity. The prohibition against “fixing” and game manipulation does not require that such efforts be successful; even an attempt to improperly influence or manipulate a UFL game, event or other activity will violate this rule.
- **Failing to Give Best Effort.** League Personnel failing to give their best effort in any UFL game, event or activity, for the purpose of causing such UFL game, event or activity to be determined by anything other than its merits, or directly or indirectly, offering, giving, soliciting, encouraging, inducing, agreeing to accept or accepting any bribe, gift, reward or consideration of any kind which is, or could appear to be, related in any way to a participant in any UFL game, event or activity failing to perform to the best of the participant’s ability.
- **Inside Information and Tipping.** Unless duly authorized by the league, using, disclosing, or providing access to confidential, non-public information to a person who does not have a legitimate business need for such information regarding; (a) any UFL game, event, or other activity; (b) any participating individual’s availability for or performance in any UFL game; or (c) any other conditions material to any UFL game, whether directly or indirectly through another person. Such information includes, without limitation, non-public information relating to player health or discipline. This prohibition includes failing to report any request for, disclosure of, or possible disclosure of such information. To ensure that they do not violate this rule, UFL Personnel should not disclose confidential, non-public information to any third party unless they are certain that such third party has a legitimate business need for that information.
- **Gambling in the Workplace.** Engaging in any form of legal or non-legal gambling while on League-owned or leased properties, including, without limitation, locker rooms, practice or office facilities, team buses, trains, flights, or hotels, or while traveling on League business. For clarity, playing cards or other casino-type games are permitted as long as nothing of value is wagered.
- **Gifts and Services.** Accepting complimentary rooms, services, or other gifts from a casino or other gambling-related establishment if the value exceeds Two Hundred Fifty Dollars (\$250), except as expressly approved by (a) Executive Vice President, Football Operations, in the

case of players, coaches, athletic trainers and game officials, and (b) Senior Vice President, People Operations, in the case of all other League Personnel. Soliciting gifts of any value is never permissible.

- *Casinos and Gambling-Related Enterprises*. Working for, endorsing, owning or operating, in whole or in part, directly or indirectly, individually or through any business organization, any casino (whether or not such casino operates a sportsbook or otherwise accepts wagering on sports), or another gambling-related enterprise, including, without limitation, any “online,” computer-based, telephone or Internet gambling service, card room, lottery, slot machine operation, horse or dog racing track, off-track betting service, as well as any advisory service such as a publication or “tout service,” except as expressly authorized by the Senior Vice President, People Operations.
- *Failure to Report*. League Personnel must report to the League at the first available opportunity with full details of:
 - any approaches or invitations received by any League Personnel to engage in conduct that could amount to a violation of this Policy; and
 - any incident, fact, or matter that comes to the attention of League Personnel (or of which they out to have been reasonably aware), including possible violations of this Policy that have been committed or attempted by other League Personnel or outside party, which may be relevant information within this Policy.

In addition to the above prohibitions, it shall be a violation of this Policy for any League Personnel to solicit, offer, induce, entice, instruct, persuade, encourage, pay for, and/or facilitate another person or entity to violate this, Policy. This shall include any League Personnel who authorizes causes, knowingly assists, encourages, aids, abets, covers up, or is otherwise complicit in any acts or omissions of the Policy committed by any other League Personnel or outside party.

COOPERATION OF INVESTIGATIONS

League Personnel are required to fully cooperate with any investigation by the League under this Policy. The duty to cooperate shall include but is not limited to complying with requests for the following types of information:

- Copies or access to all records that could be reasonably related to the alleged violation (e.g., phone records, bank account, credit card and transaction details, social media account records, internet and email records, betting account records, computer hard drives, and any other electronic information and devices); and/or
- A written statement setting out in detail all the facts and circumstances of which they are aware concerning the alleged violation of this Policy.

If the League Personnel fails to cooperate with the investigation, the Disciplinary Body shall reach a decision on the case using the evidence in its possession, and such non-cooperation shall constitute an independent violation of this Policy.

All League Personnel shall understand that it shall be an offense to obstruct or delay any investigation in relation to any possible violation of this Policy, including (without limitation) improperly influencing or threatening witnesses or concealing, tampering with, or destroying any documentation or other

information that may be relevant to that investigation and/or that may be evidence of or may lead to the discovery of evidence of conduct which may amount to a violation of this Policy.

The League will not retaliate or tolerate retaliation against any individual for his or her good faith complaint(s) or participation pursuant to this Policy.

CONDUCT OF INVESTIGATIONS

All League Personnel are required to cooperate fully with an investigation pursuant to this Policy; failure to cooperate may result in disciplinary action, including, but not limited to, suspension, termination of employment, or such other sanctions as this Policy may permit.

The accused League Personnel has the right to be heard in writing and orally if such a request is made to the Chief Integrity Officer. The accused League Personnel is entitled to be represented or assisted by counsel of his/her choice at their sole cost.

Process of Investigation

Any suspected violation of this Policy shall be referred to the Chief Integrity Officer for investigation. The Chief Integrity Officer may conduct investigations directly or through a designee.

The Chief Integrity Officer shall interview the accused League Personnel. The Chief Integrity Officer may choose to interview or make demands for information from other League Personnel or outside parties as they deem appropriate. The accused League Personnel and his/her legal counsel shall have no right to participate in any such interview or to receive copies of any such information collection.

The Chief Integrity Officer may, but is not required to, make a written demand to the accused League Personnel to provide any information that is reasonably related to the alleged violation, including without limitation:

- Copies or access to all records relating to the alleged violation (such as telephone records, bank account, credit card and transactions details, internet and email records, betting account records, computer hard drives, and other electronic information storage devices and documents); and
- A written statement made by accused League Personnel setting out in detail all the facts and circumstances of which the participant is aware concerning the alleged violation

Any information furnished to the Chief Integrity Officer will only be used for investigatory purposes pursuant to this Policy and will be kept strictly confidential except when:

- It becomes necessary to disclose such information in support of an action pursuant to this Policy or as otherwise permitted under this Policy;
- Such information is already published or within the public domain and readily acquired by an interested member of the public; or
- It becomes necessary or, in the judgment of the Chief Integrity Officer, is appropriate to disclose such information to the proper governmental authority where the information may be evidence of or relating to a violation (actual or potential) of applicable laws or regulations or is the subject of an investigation by law enforcement or other public or regulatory authority.

Upon the conclusion of the investigation, the Chief Integrity Officer shall notify the accused League Personnel and, if the Chief Integrity Officer has concluded that a violation has occurred, and, if applicable, a recommended sanction or sanctions. The Disciplinary Body shall review those findings and make a final determination as promptly as possible, but absent an extraordinary cause, within fifteen (15) business days of receipt of the Chief Integrity Officer's recommendation. The Disciplinary Body is charged with evaluating the evidence and information presented to it and using its collective knowledge and experience to determine whether it believes a violation of this Policy occurred and, if so, whether the Chief Integrity Officer's recommended sanction(s) or some different measure is appropriate. The Disciplinary Body shall not be obliged to follow strict rules of evidence. It may consider information as it thinks necessary in its sole discretion and accord it such weight in its sole discretion.

Before issuing its determination, the Disciplinary Body shall meet with the accused League Personnel and his or her counsel if requested; provided that the League Personnel or counsel (as applicable) make themselves available for such meeting in a timely manner and at such time and place as the Disciplinary Body may reasonably request.

The decision of the Disciplinary Body is final once issued.

Confidentiality and Publication

Except in circumstances where compelled to do so, or where the League deems it reasonably necessary for protecting the integrity of the sport or any of its League Personnel (for example, in circumstances where this is significant damaging or incorrect media speculation), the League shall not publicly identify any League Personnel alleged to have committed an offense under this Policy or who is under investigation, until the investigation is concluded and a determination by the Disciplinary Body has been completed.

A participant in an investigation (including the accused League Personnel and his or her representation, and any other League Personnel, and witnesses) may not disclose the existence or any details concerning an investigation prior to its conclusion without prior written permission of the Chair of the Disciplinary Body, nor may an investigation participant make any public comment or statement with respect thereto. However, nothing in this Policy prevents an investigation participant from giving truthful testimony or truthfully responding to a valid subpoena or communicating, testifying before, or filing a charge with government or regulatory entities.

The League may publish as it sees fit and through whatever channel, reports of any proceedings pursuant to this Policy, or any written decision of the Disciplinary Body (in full or in a redacted form), whether or not it reflects adversely on the character or conduct of any League Personnel. To the maximum extent permitted by applicable law, League Personnel shall be deemed to have provided full and irrevocable consent to such publication.

Costs

All costs of any investigation shall be borne by the League, except that the accused League Personnel is responsible for his or her own costs in connection with the investigation, including expenses incurred for any representation he or she may choose to retain.

SANCTIONS

Interim and Provisional Measures

The League has a right to suspend any League Personnel subject to this Policy on an interim basis or take any other such provisional measures as are determined to be necessary or appropriate pending the conclusion of an investigation. Such a decision will be taken without the need for a meeting or hearing.

The League shall, as soon as reasonably practicable, notify the accused League Personnel of the interim or provisional measures imposed and send notices to any relevant party.

League Personnel may appeal the decision to impose interim or provisional measures by lodging an appeal with the Chief Integrity Officer within two (2) days of notification.

Upon receipt of an appeal against the imposition of interim or provisional measures, the Chief Integrity Officer shall immediately appoint a member of the Disciplinary Body to act as Chair sitting alone. The appeal lodged will be passed on to the Chair for his or her determination within forty-eight (48) hours.

Regardless of whether an appeal against interim or provisional measures is lodged, the measures shall be reviewed by the Chief Integrity Officer at appropriate time frames and in any event, not less often than monthly, taking into consideration the factors outlined in this Policy and whether the circumstances or facts surrounding a case justify the measures.

Furthermore, when League Personnel are subject to interim or provisional measures, the Chief Integrity Officer will use reasonable means to conduct any proceedings under this Policy as soon as reasonably practicable to minimize any potential prejudice to League Personnel.

Any violation of the terms of any interim or provisional measures by League Personnel subject to them shall constitute grounds for further disciplinary actions under this Policy.

If an interim or provisional sanction has been imposed, the duration shall be offset against any final sanction.

Final Sanctions

Upon finding a breach(es) of the Policy, the Disciplinary Body shall be entitled to impose such penalties as it deems fit, in its sole discretion. In determining the appropriate sanction under this Policy, the Disciplinary Body shall be entitled to consider aggravating and mitigating factors and may impose more than one (1) penalty at its discretion. Such penalties may include, but shall not be limited to:

- A warning as to future conduct;
- A formal reprimand;
- A suspension for a specified number of games or a specified period;
- An order to pay a fine;
- Termination of employment from the League;
- A ban on taking part in any of the League's competitions and other events, including but not limited to practices and training;
- A ban on the use of or presence at League facilities;
- Annulment of the result of a game;
- Withdrawal of a license of accreditation; and
- A deduction of League points or exclusion from the League.

Aggravating factors which may increase the severity of the sanction(s) imposed include, but are not limited to:

- Obtaining an undue Benefit for oneself or for others;
- The accused League Personnel's status as a repeat offender;
- The accused League Personnel's failure to cooperate with the proceedings;
- The accused League Personnel's refusal to acknowledge alleged misconduct in a timely manner;
- The accused League Personnel's concealment of alleged misconduct;
- The need for a deterrent to combat a pattern of offending; and
- Any other off-field aggravating factor that the Disciplinary Body considers relevant and appropriate.

Mitigating factors that may decrease the severity of the sanction imposed included, but are not limited to:

- The presence and timing of an acknowledgment of responsibility by the offending League Personnel;
- The League Personnel's disciplinary record and good character;
- The youth and inexperience of the League Personnel;
- The League Personnel's conduct prior to and at the hearing;
- The League Personnel having demonstrated remorse for the misconduct, including the time of such remorse; and
- Any other off-field mitigating factor(s) that the Disciplinary Body considers relevant and appropriate.

If the Disciplinary Body decides to impose a period of suspension, it shall consider the length of any interim suspension already served by the individual. In cases of multiple violations of this Policy, the Disciplinary Body may impose sanctions to run either on a concurrent or a consecutive basis.

Mutual Recognition of Sanctions

Subject to the right of appeal, any decision and sanction by the Disciplinary Body in compliance with this Policy should be recognized and respected by other sports governing bodies. The League shall respect any integrity-related sanctions imposed by any other recognized sport's governing body. If there are any doubts as to the procedure followed by the sport's governing body that issued the sanction, then the Chief Integrity Officer will make the appropriate and necessary inquiries of the recognized sporting body.

SECTION F

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

1. NAME OF SPORTS GOVERNING BODY: [United Football League](#)

2. HAS THE SPORTS GOVERNING BODY BEEN INFORMED OF THIS REQUEST? [Yes](#)

IF 'NO' PLEASE EXPLAIN THE REASON BEHIND IT:

3. IF THERE IS NO SPORTS GOVERNING BODY, NAME THE ENTITY THAT CONDUCTS THE SPORTING EVENT: [N/A](#)

4. HAS THE ENTITY THAT CONDUCTS THE SPORTING EVENT BEEN CONTACTED REGARDING THIS REQUEST? [N/A](#)

IF 'NO' PLEASE EXPLAIN THE REASON BEHIND IT:

5. HAS ANY RELEVANT PLAYER'S ASSOCIATION BEEN INFORMED OF THIS PETITION? [No](#)
IF ANY OF THE ABOVE ENTITIES HAVE BEEN CONTACTED, PLEASE PROVIDE ADDITIONAL DETAIL BELOW, INCLUDING BUT NOT LIMITED TO WHEN THE ENTITIES WERE INITIALLY CONTACTED ABOUT THE REQUEST ANY COMMENTS OR INPUT PROVIDED BY THE ENTITIES:

SIGNATURE AND INFORMATION

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

[/s/ Jodie Lau](#)

[February 27, 2024](#)

Signature of individual requesting new event/wager

Date

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

Please submit this request and any attachments to the Massachusetts Gaming Commission via email at: mgsportswagering@massgaming.gov





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

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

DATE: March 8, 2024 **COMMISSION MEETING:** March 14, 2024

RE: Operator requests for extension of waivers from 205 CMR 257.03 (4)

EXECUTIVE SUMMARY:

On August 8, 2023, the Commission voted to finalize the draft of 205 CMR 257: Sports Wagering Data Privacy, and to begin the formal regulation process. These regulations went into effect on September 1, 2023. Operators submitted varying waiver requests for provisions of the regulations under 205 CMR 257, including 257.03 (4):

257.03: Data Sharing

(4) Sports Wagering Operators shall encrypt or hash and protect, including through the use of multi-factor authentication, from incomplete transmission, misrouting, unauthorized message modification, disclosure, duplication or replay all Confidential Information and Personally Identifiable Information.

During the November 16, 2023 public meeting, the Commission granted an initial waiver period for 257.03 (4) through March 1, 2023 to all operators (universal), as the Commissioners and the legal team expressed intent of revisiting the regulation for further clarity and guidance. Specifically, the decision was to allow for additional review of the regulation with technical experts, and to determine if the inclusion of language which would allow for other means of protecting such data which may be more effective and/or include newer technology than specified by the regulation as currently written.

As such, the waivers which have been submitted (and are included in the packet) have not been revised or updated by the operators because the regulation has not yet been revisited, and the general challenge with the language as written, remains the same as it was in November.

SUPPORTING DOCUMENTS:

The waiver request from each operator is included in the packet.

CONCLUSION/ RECOMMENDATION:

This regulation was brought back in front of the Commission on February 15th, and is currently undergoing additional review by A&K and our legal division as part of general updates to 205 CMR 257. It is the Sports Wagering Division's understanding that at that time, this provision of the regulation will be discussed, to return to another meeting afterward for potential vote. Given it is not yet on the Commission's meeting schedule/agenda, we would suggest allowing extension of the waiver through mid-late May.



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: 3/4/2024

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): BetMGM

NAME OF INDIVIDUAL COMPILING REQUEST: Sarah Brennan

TITLE OF INDIVIDUAL COMPILING REQUEST: Senior Director, Compliance

CONTACT EMAIL ADDRESS: sarah.brennan@betmgm.com

CONTACT PHONE NUMBER: 732-782-5125

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

alexis.cocco@betmgm.com, robyn.bowers@betmgm.com, todd.nelson@betmgm.com

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED: 205 CMR 257.00: Sports wagering Data Privacy

REGULATION SECTION TITLE: 257.03(4)

REGULATION LANGUAGE/TEXT: (4) Sports Wagering Operators shall encrypt or hash and protect, including through the use of multi-factor authentication, from incomplete transmission, misrouting, unauthorized message modification, disclosure, duplication or replay all Confidential Information and Personally Identifiable Information.

REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH: Until the proposed changes are finalized and published in the Massachusetts Registry.

Per 205 CMR 102.03(4)(b)

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

These changes require significant technical and product development, and the variance will not adversely affect the public interest.

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:

BetMGM would not fully comply with this section of 205 CMR 257 Sports Wagering Data Privacy.

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:

BetMGM is requesting to extend this waiver for the reasons set forth in the 03-04-2024 – 205 CMR 257 Progress Report. BetMGM understands that the Commission intends to revise the language in this regulation and is requesting this extension be made until the Commission votes to approve the revisions.

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.





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: 3/6/2024

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): Crown MA Gaming / DraftKings

NAME OF INDIVIDUAL COMPILING REQUEST: Kevin Nelson

TITLE OF INDIVIDUAL COMPILING REQUEST: Senior Manager, Regulatory Operations

CONTACT EMAIL ADDRESS: Knelson@draftkings.com

CONTACT PHONE NUMBER: 518 – 727 – 4624

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

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED:

REGULATION SECTION TITLE:

Data Use and Retention, 257.03(4)

REGULATION LANGUAGE/TEXT:

Sports Wagering Operators shall encrypt or hash and protect, including through the use of multi-factor authentication, from incomplete transmission, misrouting, unauthorized message modification, disclosure, duplication or replay all Confidential Information and Personally Identifiable Information.



REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH:

257.03(4): Data Sharing - Depending on further clarification from MGC or rule amendment, either December 1, 2024, June 1, 2025, or not feasible to implement as promulgated

Per 205 CMR 102.03(4)(b)

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

DraftKings' timeline for compliance with the referenced regulation depends on how it is meant to be interpreted and applied. First, encrypting/hashing all PII and CI (including relatively non-sensitive types, e.g., IP address, device ID, username) while "at rest" and "in transit" would take between 2-2.5 years to implement. Next, encrypting/hashing all PII and CI while only "at rest" would require significantly less development work and could potentially be completed within 12 months. Requiring all such data to be encrypted/hashed as the regulation is currently written is not possible to implement, as it would require all locally stored PII on a patron's device to be encrypted. In addition, communication with third parties would become impossible as they would need an ability to decrypt this information to provide required services. Even after several years of development work, DraftKings is skeptical as to whether it would be left with a usable platform were this regulation to remain as currently drafted. The regulation impacts a large portion of DraftKings' databases, services, and other systems and would require data pipelines and storage systems to be rebuilt to filter a wide range of data that is not within the definition of PII in any other North America jurisdiction's data breach reporting statutes. Numerous systems, including backup systems, would need to be refactored to support an encryption and decryption mechanism. Considering the broad definition of PII in the rules, lots of data would be subject to encryption or hashing requirements and the large amount of services would be impacted, requiring significant development work in addition to a wide-scale testing initiative. Initiatives of this magnitude would also impact overall database latency and platform performance which could lead to a severely degraded offering of our wagering platform. DraftKings is willing to provide the Commission with additional detail on specific development requirements implicated by this regulation in a confidential setting to ensure that sensitive and proprietary information is protected. In the interim, DraftKings respectfully asks the Commission to reconsider significantly narrowing the range of PII and CI subject to the requirements of 257.03(4) to focus only on sensitive data that would present a substantial risk of harm to patrons if accessed or disclosed without authorization – ideally, by bringing this regulation much closer to conformity with MGL c. 93H and, specifically, that statute's definition of "personal information".

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

If a waiver is not granted by the Commission it would result in DraftKings non-compliance with 205 CMR 257.03(4). Throughout the past several months DraftKings has worked with the Commission to seek clarity on 205 CMR 257 to ensure application of requirement is well defined as we scope project timelines and deliverables to ensure continued compliance in the Commonwealth.

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.





Division of Licensing

TO: Chair Judd-Stein and Commissioners O'Brien, Hill, Skinner, and Maynard
FROM: David MacKay, Licensing Manager
CC: Kara O'Brien, Licensing Division Chief and Caitlin Monahan, IEB Director
DATE: March 14, 2024
RE: MGM's Application for Amendment of Gaming Beverage License

Overview: MGM Springfield has applied for an amendment of its gaming beverage license to add a new venue (Converted Church) that will replace Kringle Candle (formerly Area 2-17 on MGM's initial Beverage License).

Standard: Under G.L. c. 23K, § 26, and 205 CMR 136.03 and 136.04, the Commission is authorized to amend the license for the sale and distribution of alcoholic beverages to be drunk on the premises of the gaming establishment.

Pursuant to 205 CMR 136.03(3), the Division of Licensing "shall review the application to determine whether it contains all of the elements required in accordance with 205 CMR 136.04."

Accordingly, "[i]f the Division of Licensing is satisfied that the application meets the requirements of 205 CMR 136.04 and M.G.L. c. 23K, § 26, and that any modifications requested in accordance with 205 CMR 136.03(2) have been satisfactorily addressed, it shall forward the application to the [C]ommission with a recommendation that it be approved."

Discussion: The Division of Licensing has reviewed the amendment application submitted by the licensee and has determined that it is complete and in conformance with all regulatory requirements.

The scope of the review also included:

- Sufficient information regarding the description of the licensed area, floor plan, and storage of the alcoholic beverages.
- Confirming that the license area manager, or jointly responsible person, Christopher Smigel, Executive Director of Hospitality, held a valid certification from a recognized alcoholic beverage server training program; this individual is properly licensed by the Commission and in good standing (LGKS22-0016).

On 3/5/2024, Angela Smith, Casino Regulatory Manager, conducted a walkthrough inspection of the license area stated within the amendment application to confirm the accuracy of the reported



Division of Licensing

information. The inspection confirmed the licensed area's surveillance and security were in compliance and provided adequate coverage. Additionally, the inspection confirmed the posting requirement under 205 CMR 136.07(5)(b) was met.

RECOMMENDATION OF THE LICENSING DIVISION

After reviewing the amendment application and the on-site inspection confirmed the information, the Licensing Division recommends that the Commission approve MGM Springfield's amendment application to implement the Converted Church area.



GAMING BEVERAGE LICENSE AMENDMENT APPLICATION FORM

REASON FOR FILING AMENDMENT REQUEST

NAME OF GAMING LICENSEE

Blue Tarp reDevelopment, LLC dba MGM Springfield

ADDRESS OF GAMING ESTABLISHMENT

One MGM Way Springfield, MA 01103

NAME OF CONTACT INDIVIDUAL FOR PURPOSES OF THE PROCESS

Daniel Miller

CONTACT INDIVIDUAL TELEPHONE NUMBER AND EMAIL ADDRESS

413-557-8143

NAME AND LICENSE NUMBER OF LICENSED AREA YOU ARE REQUESTING TO AMEND

Kringle Candle - MGM Springfield - MGCCBL2-R1

REASON FOR FILING AMENDMENT REQUEST (PLEASE CHECK THE APPLICABLE BOX)

- | | |
|---|---|
| <input checked="" type="checkbox"/> NEW LICENSED AREA | <input type="checkbox"/> DESCRIPTION OF LICENSED AREA |
| <input type="checkbox"/> CHANGE IN CAPACITY | <input checked="" type="checkbox"/> ALCOHOL STORAGE |
| <input type="checkbox"/> JOINTLY RESPONSIBLE PERSON | <input checked="" type="checkbox"/> CHANGE OF HOURS |

FEE

The fee for an application to amend a gaming beverage license is \$100.00

LICENSED AREAS

A licensed area is a specific, limited, and defined space within a gaming establishment wherein the sale, distribution, or storage of alcoholic beverages to be drunk on the premises is permitted pursuant to a gaming beverage license. A licensed area amendment application must be submitted for each area of the gaming establishment that the gaming licensee desires to have designated as a licensed area and/or storage area.

A floor plan of the gaming establishment indicating the location of each licensed area identified below, and a diagram of each licensed area, must accompany the submission of this amendment application. If alcoholic beverages will be stored outside of a licensed area, storage areas must be identified on the floor plan.

IMPORTANT INFORMATION

The Massachusetts Public Records Law (Law), <http://www.sec.state.ma.us/pre/preidx.htm> found in Chapter 66, Section 10 of the Massachusetts General Laws, applies to records made or received by a Massachusetts governmental entity. Unless the requested records fall under an exemption to the Law, the responsive documents must be made available to the requester. A list of exemptions may be found in Chapter 4, Section 7(26) of the Massachusetts General Laws.

LICENSED AREA

NAME OF LICENSED AREA

Converted Church Outlet

DESCRIPTION OF AMENDED LICENSED AREA

DESCRIPTION OF THE AMENDED LICENSED AREA INCLUDING BUT NOT LIMITED TO: BUSINESS CONCEPT, DESCRIPTION OF AREA INCLUDING WHETHER THE AREA IS CLOSED OR OPEN SPACE, NUMBER AND LOCATION OF ALCOHOLIC BEVERAGE DISPENSING AREAS, AND PLACEMENT OF EXITS.

(NOTE: A FLOOR PLAN OF THE LICENSED AREA DEPICTING THESE INDIVIDUAL ELEMENTS SHALL BE ATTACHED).

NUMBER AND/OR COLOR OF AREA ON FLOOR PLAN: Please see attached slide.

Please see attached slide.

HOURS OF OPERATION

10am - 11pm

CAPACITY OF LICENSE AREA

200

WILL YOU PROVIDE BOTTLE SERVICE? YES NO **IF YES, PLEASE ELABORATE**

On occasions that the space could be rented as conference space for private events, we may offer bottle service. Our overall bottle service program is outlined in our greater master liquor license application. Nothing will change from that document.

ALCOHOL STORAGE

DESCRIBE THE MANNER IN WHICH ALCOHOLIC BEVERAGES WILL BE STORED AND SECURED WHEN LICENSED AREA IS NOT IN USE. (IF STORAGE AREA IS OUTSIDE OLF LICENSED AREA, THIS STORAGE AREA SHALL BE DEPICTED ON THE FLOOR PLAN).

Liquor, beer and wine will be locked on site during closed hours and only available during serving hours. All areas under 24 hour surveillance.

NAME AND EMPLOYEE LICENSE/REGISTRATION NUMBER OF MANAGER OF LICENSED AREA

Chris Smigel, Executive Director of Hospitality, LGKS22-0016

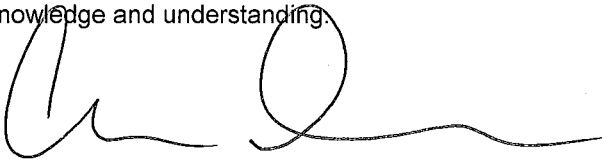
JOINTLY RESPONSIBLE PERSON

IDENTIFY THE JOINTLY RESPONSIBLE PERSON (IF ANY) FOR THE LICENSED AREA BY NAME, CONTACT INFORMATION, VENDOR LICENSE OR REGISTRATION NUMBER, AND ATTACH EVIDENCE THAT THE LICENSEE MAINTAINS AUTHORITY OVER THE JOINTLY RESPONSIBLE PERSON.

N/A

ATTESTATION

I, Christopher Smigel, hereby affirm under the pains and penalties of perjury that the information contained in this application, including all attachments, is true and accurate to the best of my knowledge and understanding.



Signature

Christopher Smigel

Print Name

Executive Director of Hospitality

Title

12/14/2023

Date

(17) Converted Church



- **Name:** Converted Church
- **Business Concept:** Daily retail facility offering home goods, apparel and some light F&B. Also, programming during concerts for F&B amenities, and possible conference sales space for corporate/trade events.
- **Description:** Indoor facility with outdoor patio.
- **Capacity:** Approx. 200
- **Normal Hours of Operation:** 10am - 11pm
- **Hours of Permitted Alcohol Service:** 8am – 2am
- **Alcohol Distribution Area:** Inside the building and on the patio.
- **Bottle Service:** No.
- **Storage and Security:** Liquor, beer and wine will be locked on site. All areas under 24-hour surveillance.
- **Manager of Licensed Area:** Christopher Smigel – Executive Director of Hospitality (MGC Lic. LGKS22-0016)
- **Jointly Responsible Person:** N/A at this time.
- **Authority to Remove Jointly Responsible Person:** N/A at this time.



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

FROM: David MacKay, Licensing Manager

CC: Kara O'Brien, Licensing Division Chief and Caitlin Monahan, IEB Director

DATE: March 14, 2024

RE: Request for Gaming Service Employee (SER) Exemption Withdrawal: Food Court Attendant at Plainridge Park Casino

Overview: This request is to withdraw the exempt status for the position of Food Court Attendant at Plainridge Park Casino (PPC) is presented by the Licensing Division to the Commission for consideration and approval.

Standard: Pursuant to G.L. c. 6, § 172(o) and 205 CMR 134.03(1)(b), the Commission may exempt a job position from categorization as a gaming service employee. The Commission may at any time, in its discretion, revisit any job position.

On January 18, 2018, the Commission endorsed the following factors for consideration when making exemption determinations:

- Work performed on the gaming floor;
- Managerial responsibilities in any department;
- Supervisory responsibilities in Human Resources or Sales and Marketing;
- Responsibilities for alcohol sales, distribution, service and/or storage;
- Access to secure casino back-of-the-house areas (including executive offices) without security escort;
- Responsibilities for accounting and/or finance relating to the gaming establishment
- "Write" access to gaming-related casino databases; and
- Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information.

Discussion: PPC requests the withdrawal of the exempt status for the Food Court Attendant position (Job Code: PC05305U).

The Commission approved PPC's original exemption request for this position on May 10, 2018. This is a union position, which was previously assigned to the Slice and Smashburger outlets of the food court. PPC has decided to reopen the Smashburger outlet as a Wahlburgers. In addition to offering food menu items, Wahlbugers will also offer alcoholic beverage options (draft beer only). Slice does not, and Smashburger did not offer alcoholic beverage



Massachusetts Gaming Commission

options. Accordingly, if approved, the Food Court Attendant position will act as the cashiers for the Wahlburgers alcohol transactions and provide alcohol service to patrons.

The Licensee has represented that any affected employees will complete the Gaming Service Employee registration requirement and obtain the requisite TIPS (or similar) prior to engaging in the provision of employment services.

The Licensing Division worked with Lisa McKenney, Compliance Manager, and Colin Burns, HR Business Partner from Plainridge Park Casino, to obtain the necessary information to develop this request. This includes review of the job description.

Due to this change in responsibilities, the Licensing Division recommends that the Commission revisit the exempt status of this job position and designate it as a gaming service employee that shall register in accordance with 205 CMR 134.09.

Note: The Licensing Division is additionally reviewing a beverage license amendment request. This exemption request has been submitted to the Commission in advance of the amendment in part to allow individuals to apply for the SER credential, should the request be approved.

Action Requested: The Licensing Division is asking the Commission for a vote on the matter.

Recommendation: The Licensing Division recommends that the Commission withdraw the exempt status for the position of Food Court Attendant at Plainridge Park Casino.

Job Code: PC05305U

License Type: EXEMPT



PLAINRIDGE PARK
CASINO

Updated: 1/2024

Submitted: 1/2024

JOB DESCRIPTION

POSITION: Food Court Attendant

Your daily responsibilities include:

- Responsible for fostering a fun environment.
- Responsible for being a gracious host to all guests and co-workers.
- Responsible for promoting a positive influence in the community and participating in company-sponsored events.
- Interacts with guests and co-workers in a helpful, positive, upbeat, and professional manner while taking food/beverage orders, accepting payment through cash, credit, check, and comps, delivering order to guests, and bussing and cleaning of dining area.
- Responsible for the monitoring and replenishing of all food products in work area by stocking counters and displays in a neat, accurate, and timely fashion.
- Ensures work area is neat, clean, and sanitized before and throughout shift by wiping counter areas, beverage stations, sinks, and floors as required to maintain a clean and safe workstation.
- Ensures and monitors rotation and quality of product for appearance and safe holding temperature and proper storage of prepared foods under refrigeration with product, date, and proper storage containers to minimize waste and spoilage and ensure quality attractiveness.
- Partners with culinary staff to work as a team to ensure coordinated workflow during shift to meet business demands and ensure customer satisfaction.
- Maintains all equipment in proper fashion such as cappuccino machine, micros station, etc.
- Accountable for meeting or exceeding all State and Company sanitation requirements (ServSafe).
- Adheres to regulatory, safety, departmental, and company policies.
- Supports safety and accident prevention programs (nonslip footwear, proper lifting).
- Performs all other related and compatible duties as assigned.
- Adhere to all gaming laws and regulations.
- Assist in operation of other food and beverage venues as needed.

To be successful in this position it will require the following skill-set:

- Must have an outgoing, energetic, and enthusiastic attitude.
- Must enjoy hosting others.
- Must be comfortable initiating conversations and creating a fun environment with our guests.
- High School Diploma or equivalent.
- Six months of experience in food or customer service field with cash handling preferred.
- Read, write legibly, understand and speak English.
- Excellent customer service/communication skills.
- Count money and change correctly.
- Available to work required schedule which may include nights, weekends, holidays, and overtime as needed.
- Must meet professional appearance standards as prescribed by company policy.
- Must be able to respond to visual and oral cues.
- Able to be on feet for entire shift.
- Able to tolerate noise and bright lights.
- Able to work at a fast pace in often crowded/noisy environment.
- Physically mobile with reasonable accommodations including ability to push, pull, carry, and lift up to 25 lbs., and the ability to push, pull, reach, bend, twist, stoop, stack, crouch, kneel, and balance when performing job duties in varying work areas such as confined spaces.



Legal Division

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

From: Carrie Torrisi, Deputy General Counsel
Mina Makarious, Anderson & Kreiger
Paul Kominers, Anderson & Kreiger

Re: 205 CMR 221 Amendment

Date: March 7, 2024

Enclosed for the Commission's review is a proposed amended 205 CMR 221. This is a minor edit to fix an apparent conflict between 205 CMR 221.01(1) and (2) that would seemingly require operators requesting a renewed temporary license to pay \$1,000,000 upon requesting the renewed license, and another \$1,000,000 within 30 days after receiving it. This revision clarifies that the operator needs to pay only one \$1,000,000 fee. A public hearing was held on this regulation on March 5, 2024. No comments were received at the public hearing or otherwise. We are now seeking approval to finalize the promulgation process.



Massachusetts Gaming Commission

205 CMR 221: SPORTS WAGERING LICENSE FEES

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

221.01 Licensing and Assessment Fees

- (1) Upon submission of a request for a Temporary License pursuant to 205 CMR 219.00, the requestor shall pay an initial non-refundable license fee of \$1,000,000 to the Commission.
- ~~(2) Within 30 days after the renewal of Temporary License pursuant to 205 CMR 219.04(4), the licensee shall pay a non-refundable renewal license fee of \$1,000,000 to the Commission.~~
- ~~(3)~~(2) Within 30 days after the award of a Sports Wagering Operator License by the Commission, the Operator shall pay a license fee of \$5,000,000 to the Commission; provided, however, that any \$1,000,000 fee or fees paid to the Commission because the Operator previously received or renewed a Temporary License shall be credited against that \$5,000,000. As a pre-condition of any award, the Commission may provide that such license fees be paid on an installment basis before the award is made and the license issued.
- ~~(4)~~(3) The following additional fees are due and payable to the Commission for each Sports Wagering Operator:
 - (a) An Annual Assessment as provided by M.G.L. c. 23N, § 15(c), to be determined by the Commission and calculated in accordance with M.G.L. c. 23N, § 15(c) to cover costs of the Commission necessary to maintain control over Sports Wagering, in proportion to each licensee's actual or projected Adjusted Gross Sports Wagering receipts; provided, however, that such assessment may be adjusted by the Commission at any time after payment is made where required to reflect the actual Adjusted Gross Sports Wagering Receipts, and accordingly, the payment of additional funds may be required or a credit may be issued towards the payment due the following year;
 - (b) An annual fee, as provided by M.G.L. c. 23N, § 15(e) reflecting each Operator that is not a Category 1 Sports Wagering Licensee's share of \$1,000,000 to be deposited into the Public Health Trust Fund; provided, however, that the Commission shall determine each Operator's share as their proportional share of anticipated or actual Adjusted Gross Sports Wagering Receipts; provided further, however, that such assessment may be adjusted by the Commission at any time after payment is made where required to reflect the actual adjusted gross sports wagering revenue; and

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

221.02 Payment of Fees

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

221.03 Commission Budget and Reconciliation

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

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



Legal Division

AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Amended Small Business Impact Statement in accordance with G.L. c. 30A, § 5 relative to the proposed amendments to **205 CMR 221: Sports Wagering License Fees**, for which a public hearing was held on March 5, 2024, at 9:30AM EST.

This regulation was initially developed as part of the regulatory framework governing sports wagering in the Commonwealth, and is primarily governed by G.L. c. 23N, §§ 4, 6(c), 15(c), 15(e). It is now being amended for increased clarity, so that operators seeking temporary licensure only need to submit a one-time payment of their fee.

205 CMR 221.00 governs the fees required of all prospective Operators who have submitted applications for licensure, and ultimately been licensed pursuant to 205 CMR 219.00 and G.L. c. 23N, §§ 15(c), and 15(e). Accordingly, this regulation is unlikely to affect small businesses.

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

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

It is not readily apparent that this regulation would affect small businesses, as it applies to the Sports Wagering Operators who have received licensure within the Commonwealth. Accordingly, the Commission has not established less stringent compliance or reporting requirements.

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

This regulation establishes the one-time fees and annual assessments owed by applicants and Operators in the Commonwealth - and time-period and method of payment required by the Commission. As such, there have been no less stringent deadlines for compliance or reporting pertaining to small businesses.

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

This regulation does not impose reporting requirements upon small businesses. However, 205 CMR 221 does refer to regulations that impose reporting requirements



Massachusetts Gaming Commission

upon Licensees, and Temporary Licensees under relevant portions of G.L. c. 23N and 205 CMR.

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

Performance based standards are set forth in this regulation to ensure transparency and provide Licensees with sufficient notice of the fees and protocols required by the Commission to remain in compliance.

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

The Commission does not anticipate that 205 CMR 221.00 will neither deter nor encourage the formation of new businesses in the Commonwealth.

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

As it is currently drafted, it does not appear that 205 CMR 221.00 will impose an adverse impact on small businesses.

Massachusetts Gaming Commission
By:

/s/ Judith A. Young
Associate General Counsel
Legal Division

Dated: March 7, 2024



Massachusetts Gaming Commission



Legal Division

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

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

Re: 205 CMR 238.12 Amendment

Date: March 7, 2024

Enclosed for the Commission's review is a proposed 205 CMR 238.12 for amendment in the regular course.

Following the Commission's October 2023 amendments to 205 CMR 238.12 requiring Sports Wagering Operators to obtain a letter of credit to ensure adequate funds are available to compensate patrons in the event of the cessation of sports wagering operations, Commission staff reviewed whether a letter of credit is also beneficial to protecting patron deposits.

A letter of credit is a three-party instrument or document issued by a bank that guarantees the payment of a patron's draft up to a stated amount for an express period of time. The purpose is to substitute the issuing bank's credit for that of the Operator and eliminate risk to the Commission (and thereby the patron) that the Operator will not pay. Letters of credit are irrevocable unless expressly stated otherwise.

The proposed amendments would allow Operators to backup patron funds in Sports Wagering Accounts through a letter of credit, cash reserves, Segregated Account, or a combination thereof. The effect of the proposed amendment would be to allow an Operator to commingle funds and use such funds for operations where an Operator has secured patron funds through a letter of credit, but require an Operator to protect patron funds through a Segregated Account or cash reserves where an Operator does not utilize a letter of credit.

We recommend amending 205 CMR 238.12 in the regular course so the Commission may receive comments from Sports Wagering Operators who may be required to take affirmative actions with a financial institution if this regulation is ultimately adopted.



Massachusetts Gaming Commission

205 CMR 238.00: ADDITIONAL UNIFORM STANDARDS OF ACCOUNTING PROCEDURES AND INTERNAL CONTROLS FOR SPORTS WAGERING

Section

238.12 Reserve Requirement

238.12: Reserve Requirement

(1) A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall include a plan 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 the outstanding Sports Wagering liability, including the amounts accepted by the Sports Wagering Operator on Sports Wagers whose outcomes have not been determined and amounts owed but unpaid on winning Sports Wagering tickets or vouchers. The reserve may be in the form of Cash, Cash Equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond, or a combination thereof; provided that the amount of the reserve intended to cover the Sports Wagering liability must be in the form of, or backed up by, an irrevocable letter of credit approved by the Commission and which may be drawn by the Commission in the event of cessation of Sports Wagering Operations in accordance with 205 CMR 258.00.

(2) A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall ensure funds in Sports Wagering Accounts, including pending withdrawals, are either ~~held~~:

- (a) InHeld in trust for the patron in a Segregated Account managed in accordance with 205 CMR 248.00; ~~or~~
- (b) ~~In a special purpose Segregated Account that is maintained and controlled by a properly constituted corporate entity that is not the Sports Wagering Operator and whose governing board includes one or more corporate directors who are independent of the Sports Wagering Operator and any affiliated Gaming Licensee and of any corporation related to or controlled by either. Said corporate entity must require a unanimous vote of all corporate directors to file bankruptcy and must have articles of incorporation that prohibit the commingling of its funds with those of the Sports Wagering Operator except as necessary to reconcile the Sports Wagering Accounts. Said special purpose corporate entity must also be:~~
 - ~~1. Restricted from incurring debt other than to patrons~~
- (c) Backed up by an irrevocable letter of credit approved by the Commission;
or
- (d) A combination of the forms described in 205 CMR 238.12(2)(a)-(c).

The amount held pursuant to the rules that govern the patrons' this section 205 CMR 238.12 shall be an amount equal to 110% of the total funds held in Sports Wagering Accounts;

- ~~2. Restricted from taking on obligations of the Sports Wagering Operator other than obligations to patrons pursuant to the rules that govern the patrons' Sports Wagering Accounts; and~~
- ~~3. Prohibited from dissolving, merging or consolidating with another company (other than a special purpose corporate entity established by another Sports Wagering Operator that meets the requirements of this section) while there~~

~~are unsatisfied obligations to patrons.~~ as estimated and reported the most recent quarter of the Fiscal Year.

- (3) A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall implement procedures that are reasonably designed to:
 - (a) Ensure that the funds in the Segregated Account or cash held in reserve do not belong to the Sports Wagering Operator and are not available to creditors other than the patron whose funds are being held; and
 - (b) Prevent commingling of funds in the Segregated Account or cash held in reserve with other funds including, without limitation, funds of the Sports Wagering Operator.
 - (c) Ensure that letters of credit approved by the Commission pursuant to 205 CMR 238.12(2)(c) are not available to creditors of the Sports Wagering Operator, except than as set forth in such letters of credit.
- (4) A Sports Wagering Operator must have access to all Sports Wagering Accounts and Sports Wager data to ensure the amount of its reserve is sufficient. Unless otherwise directed by the Commission, a Sports Wagering Operator must file a monthly attestation with the Commission, in the form and manner prescribed by the Commission, that funds have been safeguarded in accordance with 205 CMR 238.12.
- (5) The Commission may audit a Sports Wagering Operator's reserve at any time and may direct a Sports Wagering Operator to take any action necessary to ensure the purposes of 205 CMR 238.12 are achieved, including but not limited to, requiring the Sports Wagering Operator to modify the form of its reserve or increase the amount of its reserve.



SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2, relative to the proposed amendments to **205 CMR 238 ADDITIONAL UNIFORM STANDARDS OF ACCOUNTING PROCEDURES AND INTERNAL CONTROLS FOR SPORTS WAGERING**, specifically 205 CMR 238.12: Reserve Requirement.

This regulation was promulgated as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and is authorized by G.L. c. 23N, §4. This regulation governs the internal standards to which sports wagering operators must adhere to in the provision of sports wagering in the Commonwealth, and 205 CMR 238.12 specifically details the reserve accounts required of Operators.

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

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

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

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

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

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

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

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

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

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



Massachusetts Gaming Commission

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

Massachusetts Gaming Commission
By:

/s/ Carrie Torrisi
Carrie Torrisi, Deputy General Counsel

Dated: March 7, 2024



Massachusetts Gaming Commission

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Legal Division

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

From: Carrie Torrisi, Deputy General Counsel
Mina Makarious, Anderson & Kreiger

Re: 205 CMR 238.35: Cancelled or Voided Wagers

Date: March 7, 2024

On March 14, 2024, the Commission's Sports Wagering Division, legal staff and outside counsel will lead a discussion on the current structure of 205 CMR 238.35: Cancelled or Voided Wagers as it relates to instances where operators seek to cancel or void wagers that they believe were offered in error. This memorandum provides background for that discussion.

Section 238.35(1) describes a number of circumstances under which a Sports Wagering Operator must cancel or void a bet. These circumstances largely consist of situations where the factors affecting the outcome of the wager changed such as cancellation or postponement of Sporting Events, changes in a Sporting Even venue, or an individual athlete on whom a Wager is placed is injured.

As initially promulgated by emergency in December 2022, and in the normal course in March 2023, one of the mandatory reasons for cancelling or voiding a Wager was as follows:

Where the Sports Wagering Operator has reasonable basis to believe there was an obvious error in the placement or acceptance of the Wager, including, but not limited to:

1. The Wager was placed with incorrect odds;
2. Human error in the placement of the Wager;
3. The Sports Wagering ticket does not correctly reflect the Wager; or
4. Sports Wagering Equipment failure rendering a Sports Wagering ticket unreadable.

On April 25, 2023, the Commission revisited 205 CMR 238 in order to update certain sections of the regulations to apply to Category 2 Sports Wagering Operators. At the same time, the



Massachusetts Gaming Commission

Commission voted to remove the above quoted subsection for voiding or cancellation of waivers due to a concern that the language required potentially subjective judgment calls by Operators as to what constituted an incorrect odd or “error”.¹

Instead, the Commission made clear that where an Operator believed an error had occurred, the Operator could request that the Commission cancel or void the wager pursuant to the process in 205 CMR 238.35(2) to (4). This process begins pursuant to 238.35(2), which requires the Operator to submit a request to the Commission to cancel or void a Wager, including:

- (a) A description of the type, kind, or subject of Wager the Sports Wagering Operator is requesting to cancel or void;
- (b) A description of any facts relevant to the request; and
- (c) An explanation why cancelling or voiding the Wager is in the best interests of the Commonwealth or ensures the integrity of the Sports Wagering industry.

The Commission can also request any additional information pursuant to 205 CMR 238.35(3).

The Commission must then issue a written “order”, which can simply be a record of its vote, pursuant to 205 CMR 238.35(4). In reaching this decision, the Commission can consider “any relevant factors” including:

- (a) Whether the alleged facts implicate the integrity of the Sporting Event subject to the Wager or the Sports Wagering industry;
- (b) Whether the alleged facts implicate possible illegal activity relating to the Sporting Event or the Sports Wagering industry;
- (c) Whether allowing the Wager would be unfair to patrons; or
- (d) Whether allowing the Wager is contrary to public policy.

During the upcoming discussion, we will discuss the Commission’s questions and reflections regarding this process as well as what material the Commission would find helpful when requests for voiding or cancellation are presented to the Sports Wagering Division.

¹ See <https://www.washingtonpost.com/sports/2024/01/17/sports-bets-errors-payouts/> for an example of media coverage describing similar concerns and other jurisdictions’ attempts to respond to with them.



Code of Massachusetts Regulations

Title 205: Massachusetts Gaming Commission

Chapter 238.00: Additional Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering
(Refs & Annos)

205 CMR 238.35

238.35: Cancelled or Voided Wagers

Effective: June 7, 2023

Currentness

For any transaction where a Sports Wagering Operator may cancel or void a Wager, with or without prior authorization of the Commission, the Sports Wagering Operator shall submit a system of Internal Controls in accordance with 205 CMR 238.02 for voiding Wagers and subsequent allocation of patron funds. Such system shall include, at a minimum, the following:

(1) Cancellation of an otherwise validly placed Wager by a Sports Wagering Operator shall be nondiscretionary. A Sports Wagering Operator shall cancel or void a Wager without prior authorization of the Commission under the following circumstances:

(a) Any Wager where after a patron has placed a Sports Wager, the Sporting Event is cancelled, postponed or rescheduled to a different date prior to completion of the Sporting Event;

1. In the case of a Wager on a portion of a Sporting Event, that Wager shall be valid when the event is canceled, postponed, or rescheduled if the outcome of the affected portion was determined prior to the cancellation, postponement or rescheduling; or

2. A Sports Wagering Operator may establish a timeframe in which an event may be rescheduled or postponed without canceling the wager. This timeframe shall be tied to specific Sporting Events, subject to the approval of the Commission, and documented in the system of Internal Controls.

(b) A change in the venue where a Sporting Event was scheduled to be held occurs after a patron has placed a Sports Wager;

(c) Any tier 1 Sports Wager in a non-team event when an individual athlete or competitor fails to participate in a Sporting Event and the outcome of the Wager is solely based upon the individual athlete or competitor's performance;

(d) Any tier 2 Sports Wager when an individual athlete or competitor fails to participate in a Sporting Event and the outcome of the wager is solely based upon that individual athlete or competitor's performance;

(e) Any Sports Wager received for an act, or set of acts, to be performed during a Sporting Event when such act or acts does not occur and the ability to Wager on the non-occurrence of the event was not offered. For example, a Sports Wager on punt return yardage in an American football game where no punts occur and zero was not an available Wager;

(f) Any Wager received on whether a team will qualify to participate in post-season competitions when the number of teams allowed to participate in the post-season changes after a patron has placed a Wager;

(g) Changes to rules by a Sports Governing Body regarding the format or number of athletes or competitors scheduled to participate in a defined phase of a sporting event or that particular phase is not played at all;

(h) A material change in circumstances for a given Sporting Event or Wager category occurs, provided:

1. The Commission approves the material change;
2. The Sports Wagering Operator documents the material change in its system of Internal Controls; and
3. The Sports Wagering Operator displays the material change to a patron at the time of placement of the Sports Wager.

(i) When a patron requests a Sports Wager be cancelled or voided prior to the commencement of the Sporting Event due to:

1. An error in communicating the type, amount or parameters of the Wager; or
2. An error of a Ticket Writer entering such transaction in the Sports Wagering Equipment, in such case the ticket writer must call a supervisor to cancel or void the Wager; or

(j) When authorized or ordered by the Commission pursuant to 205 CMR 238.35.

(2) For all circumstances that are not set forth in 205 CMR 238.35(1), a Sports Wagering Operator may request the Commission authorize the cancellation or voiding of all Wagers of a specific type, kind, or subject. A Sports Wagering Operator shall submit its request to cancel or void the Wager in writing, and such request shall contain the following:

(a) A description of the type, kind, or subject of Wager the Sports Wagering Operator is requesting to cancel or void;

(b) A description of any facts relevant to the request; and

(c) An explanation why cancelling or voiding the Wager is in the best interests of the Commonwealth or ensures the integrity of the Sports Wagering industry.

(3) The Sports Wagering Operator shall provide any additional information requested by the Commission to review and approve the request.

(4) The Commission shall issue a written order granting or denying the request to cancel or void the Wager. In determining whether to grant or deny the request, the Commission shall consider any relevant factors, including:

(a) Whether the alleged facts implicate the integrity of the Sporting Event subject to the Wager or the Sports Wagering industry;

(b) Whether the alleged facts implicate possible illegal activity relating to the Sporting Event or the Sports Wagering industry;

(c) Whether allowing the Wager would be unfair to patrons; or

(d) Whether allowing the Wager is contrary to public policy.

(5) No Wager subject to the request to cancel or void shall be redeemed, cancelled, or voided, until the Commission or its designee issues an order granting or denying the request to cancel.

(6) If the Commission or its designee grants the request to cancel or void, the Sports Wagering Operator shall make commercially reasonable efforts to notify patrons of the cancellation or voiding of the Wager.

(7) The Commission or its designee has discretion to order all Sports Wagering Operators to cancel or void all Wagers on a specific Sporting Event or Wagers of a specific type or kind on a specific Sporting Event. In exercising its discretion, the Commission shall apply the same factors described in 205 CMR 238.35(1).

(8) A patron may request the Commission or its designee review any Wager declared cancelled or voided by a Sports Wagering Operator. If the Commission or its designee concludes there is no reasonable basis to believe there was obvious error in the placement or acceptance of the Wager, the Commission or its designee may order the Sports Wagering Operator to honor the Wager.

(9) If a Wager is declared canceled or voided, the Wager shall be refunded to the patron and that amount shall be deducted from the Adjusted Gross Sports Wagering Receipts. For cancelled or voided Wagers not tied to a Sports Wagering Account, the following shall apply:

(a) Any cancelled or voided Wager shall be refunded upon request by a patron prior to the expiration of the original redemption period and shall be deducted from Adjusted Gross Sports Wagering Receipts; and

(b) At the expiration of any outstanding cancelled or voided Wager which has not been refunded, the original amount of the outstanding Wager shall be deducted from Adjusted Sports Wagering Receipts and remitted to the Sports Wagering Fund.

(10) All voided or cancelled Wagers and all refunds of any voided or cancelled Wager pursuant to 205 CMR 238.35 shall be logged at the time they occur and such log must be made available to the Commission upon request.

Credits

History: 1486 Mass. Reg. 141, (emergency) eff. Dec. 21, 2022; 1492 Mass. Reg. 49, amended (emergency) eff. Mar. 9, 2023; 1494 Mass. Reg. 69, adopted as permanent by Notice of Compliance eff. Mar. 9, 2023; 1498 Mass. Reg. 41, amended (emergency) eff. Jun. 7, 2023; 1503 Mass. Reg. 57, adopted as permanent by Notice of Compliance eff. Jun. 7, 2023.

The Massachusetts Administrative Code titles are current through Register No. 1515, dated February 16, 2024. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 205, § 238.35, 205 MA ADC 238.35

End of Document

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To: Commissioners
From: Justin Stempeck, Deputy General Counsel
Re: MGC Seal
Date: February 29, 2024

Issue: Is the Commission authorized to require licensees to display a Seal of Approval on their websites/applications?

Discussion:

The Commission has broad discretion under 205 CMR 251 to require the posting of an Operation Certificate. An “Operation Certificate” is defined under our regulations as “a certificate of compliance issued by the Commission to an Operator.” See 205 CMR 202.02. Critically, “The Operation Certificate shall be in the form prescribed by the Commission and shall be conspicuously posted within a Category 1 or Category 2 Sports Wagering Facility, prominently displayed on a Category 3 Sports Wagering website or mobile application.” See 205 CMR 251.01(2).

Given that the Commission has broad discretion with respect to the form of the Operation Certificate, the Commission may require that licensed operators utilize a seal of approval designed and issued by the agency. Notably, this seal of approval does not need to replace our current process but could be an addition to our existing expectations for Operation Certificates.

The use of both voluntary and mandatory seals of approval is common in the gaming industry and good practice for any licensed entity is to provide the details of their active licenses on their websites for visitors to quickly confirm current licensing compliance.

The New Jersey Department of Gaming Enforcement (“DGE”) requires an official seal to designate authorized online casino and sports wagering sites. Their seal is displayed below:



The Gaming Control Board of Curacao also introduced a digital seal for licensed online casino sites effective January 1, 2024. The seal is required to be displayed prominently and legibly on landing pages of licensed operators. The seal is encrypted, token based and links back to the regulator’s website.

The Malta Gaming Authority similarly introduced a seal of approval that must be displayed on each licensee’s approved website. The seal contains the general company details and a list of URLs approved by the Malta Gaming Authority.

Seals of approval have also been used by tribal gaming authorities such as the Kahnawake Gaming Commission in Quebec which operates a logo certification program. Through that program, players can verify that a site bearing the Commission's logo is properly licensed simply by clicking the logo itself, which in turn will generate a copy of the licensee's certificate of good standing.

GROUP A SPORTS WAGERING COMPLIANCE
MATTER REVIEW PROTOCOL

Scope

This protocol applies to all alleged Group A sports wagering noncompliance matters of which the Massachusetts Gaming Commission (“Commission”) may become aware. Group A matters, which are further described below, may include alleged noncompliance by a Sports Wagering Operator (“Operator”); Qualifier; Occupational Licensee; Sports Wagering Vendor (“Vendor”); or Sports Wagering Registrant (“Registrant”) (together, “Licensee(s)”) with respect to any statutory or regulatory requirement. All such matters, however identified (by Commission staff, self-reported by a Licensee, via a member of the public, etc.), and regardless of to whom they are initially reported, shall be promptly referred to the Sports Wagering Division (“SWD”).

Initial SWD Determination

Upon notification of an alleged noncompliance incident, the SWD shall enter the matter into the incident tracker database and review the information presented to determine the appropriate next steps.

The purpose of the initial review performed by the SWD is to determine whether the matter in question is a Group A matter. In making its determination, the SWD should proceed with the assumption that all allegations or facts presented are true for the purposes of the initial review. There is necessarily discretion that must be exercised by the SWD in making these determinations. Accordingly, the SWD may consult with other members of staff, including, but not limited to, counsel and the IEB, in reaching a decision. Group A incidents are categorized as follows:

Group A: These matters involve *relatively low-level* incidents which may be handled directly by the SWD, with reporting to the Commission, as described below. In determining whether a matter is *relatively low-level*, the SWD shall consider, without limitation, the following:

- Whether the issue was relatively promptly detected and addressed by the Licensee;
- Whether the matter was self-reported by the Licensee;
- Whether the Licensee has a previous history of violations;
- Whether future occurrences of the issue can be avoided by instituting clear remedial measures;
- The total financial impact of the issue; and/or
- Any other consideration that the SWD finds relevant in evaluating the matter.
- Examples of hypothetical Group A incidents could include an advertising violation where required language is missing from one advertisement; failure to submit information required by the internal controls in a timely fashion; patron complaints regarding

compliance with responsible gaming-related regulations; or patron complaints regarding technology used in sports wagering applications.

The Commission may determine that certain categories of alleged noncompliance event are not to be categorized as Group A matters. Promotion-related noncompliance events are not to be categorized as Group A matters.

The SWD and IEB will meet regularly to discuss alleged noncompliance incidents.

Group A Procedure

If the SWD determines that a matter involves a Group A incident, it may resolve the issue in accordance with the following procedure:

- The matter shall be entered into the Incident Tracker Database (“Database”);
- In completing the Database entry, the SWD may inquire of any individuals (including the Licensee) with knowledge of the circumstances to gain an understanding as to what occurred; whether there was a violation of any statute, regulation, condition, and/or order; and (where possible) the cause of the incident;
- Upon completion of the preceding step, the SWD shall make a determination as to whether the issue is likely a one-time occurrence based on a unique set of circumstances or is likely to reoccur with the same Licensee;
- If the matter is likely to reoccur, the SWD shall determine whether adequate measures are in place to prevent such reoccurrence¹; and
- Once the facts of the matter are determined to the satisfaction of the SWD, the matter may be resolved by issuance of a sports wagering notice of noncompliance form (SW NCF) describing the issue and violation(s); warning or reprimanding the Licensee; directing any necessary remedial measures; and/or setting a deadline for compliance. The SWD may communicate with the Licensee in reaching a resolution. The SWD may also determine that no violation has occurred. The Commission may choose to review any resolution reached by the SWD.
- After further fact-finding, the SWD may determine that the event is not a Group A matter.
- The SWD will provide reports to the Commission by email every other week regarding the status of Group A matters.

¹ The SWD may also proactively reach out to other Licensees to ensure that adequate measures are in place to prevent similar noncompliance events.

Sports Wagering Incident Tracker Database

The Sports Wagering Incident Tracker Database shall be updated by SWD personnel to include all potential noncompliance matters brought to its attention. The database shall be made available to the Commissioners and Executive Director to ensure awareness of current matters being addressed. Any Commissioner may request that the Commission meet to determine whether a majority of Commissioners believe that a particular matter should be reviewed for potential further action. However, care must be taken to ensure that the Commission does not deliberate over any pending matter that may ultimately be brought before it at an adjudicatory proceeding.

GROUP 1A SPORTS WAGERING COMPLIANCE
MATTER REVIEW PROTOCOL

Scope

This protocol applies to all alleged Group 1A sports wagering noncompliance matters of which the Massachusetts Gaming Commission (“Commission”) may become aware. Group 1A matters, which are further described below, may include alleged noncompliance by a Sports Wagering Operator (“Operator”); Qualifier; Occupational Licensee; Sports Wagering Vendor (“Vendor”); or Sports Wagering Registrant (“Registrant”) (together, “Licensee(s)”) with respect to any statutory or regulatory requirement. All such matters, however identified (by Commission staff, self-reported by a Licensee, via a member of the public, etc.), and regardless of to whom they are initially reported, shall be promptly referred to the Sports Wagering Division (“SWD”).

Initial SWD Determination

Upon notification of an alleged noncompliance incident, the SWD shall enter the matter into the incident tracker database and review the information presented to determine the appropriate next steps.

The purpose of the initial review performed by the SWD is to determine whether the matter in question is a Group 1A matter. In making its determination, the SWD should proceed with the assumption that all allegations or facts presented are true for the purposes of the initial review. There is necessarily discretion that must be exercised by the SWD in making these determinations. Accordingly, the SWD may consult with other members of staff, including, but not limited to, counsel and the IEB, in reaching a decision. Group 1A incidents are categorized as follows:

Group 1A: These matters involve *relatively low-level* incidents which may be handled directly by the SWD, with reporting to the Commission, as described below. In determining whether a matter is *relatively low-level*, the SWD shall consider, without limitation, the following:

- Whether the issue was relatively promptly detected and addressed by the Licensee;
 - Whether the matter was self-reported by the Licensee;
 - Whether the Licensee has a previous history of violations;
 - Whether future occurrences of the issue can be avoided by instituting clear remedial measures;
 - The total financial impact of the issue; and/or
 - Any other consideration that the SWD finds relevant in evaluating the matter.
- Examples of hypothetical Group 1A incidents could include an advertising violation where required language is missing from one advertisement; failure to submit information required by the internal controls in a timely fashion; patron complaints

regarding compliance with responsible gaming-related regulations; ~~patron complaints regarding promotions offered in Massachusetts;~~ or patron complaints regarding technology used in sports wagering applications.

The Commission may determine that certain categories of alleged noncompliance event are not to be categorized as Group ~~1A~~ matters. Promotion-related noncompliance events are not to be categorized as Group A matters.

The SWD and IEB will meet regularly to discuss alleged noncompliance incidents.

Group ~~1A~~ Procedure

If the SWD determines that a matter involves a Group ~~1A~~ incident, it may resolve the issue in accordance with the following procedure:

- The matter shall be entered into the Incident Tracker Database (“Database”);
- In completing the Database entry, the SWD may inquire of any individuals (including the Licensee) with knowledge of the circumstances to gain an understanding as to what occurred; whether there was a violation of any statute, regulation, condition, and/or order; and (where possible) the cause of the incident;
- Upon completion of the preceding step, the SWD shall make a determination as to whether the issue is likely a one-time occurrence based on a unique set of circumstances or is likely to reoccur with the same Licensee;
- If the matter is likely to reoccur, the SWD shall determine whether adequate measures are in place to prevent such reoccurrence¹; and
- Once the facts of the matter are determined to the satisfaction of the SWD, the matter may be resolved by issuance of a sports wagering notice of noncompliance form (SW NCF) describing the issue and violation(s); warning or reprimanding the Licensee; directing any necessary remedial measures; and/or setting a deadline for compliance. The SWD may communicate with the Licensee in reaching a resolution. The SWD may also determine that no violation has occurred. The Commission may choose to review any resolution reached by the SWD.
- After further fact-finding, the SWD may determine that the event is not a Group ~~1A~~ matter.
- The SWD will provide reports to the Commission ~~on a monthly basis, or more frequently if requested,~~ by email every other week regarding the status of Group ~~1A~~ matters.

¹ The SWD may also proactively reach out to other Licensees to ensure that adequate measures are in place to prevent similar noncompliance events.

Sports Wagering Incident Tracker Database

The Sports Wagering Incident Tracker Database shall be updated by SWD personnel to include all potential noncompliance matters brought to its attention. The database shall be made available to the Commissioners and Executive Director to ensure awareness of current matters being addressed. Any Commissioner may request that the Commission meet to determine whether a majority of Commissioners believe that a particular matter should be reviewed by the Commission for potential further action. However, care must be taken to ensure that the Commission does not deliberate over any pending matter that may ultimately be brought before it at an adjudicatory proceeding.



TO: Chair Cathy Judd-Stein and Commissioners Eileen O'Brien, Bradford Hill, Nakisha Skinner and Jordan Maynard

FROM: Joe Delaney, Mary Thurlow, Lily Wallace

CC: Todd Grossman, Interim Executive Director

DATE: March 7, 2024

SUBJECT: Medford – Re-purposing CMF Grant Funds – Wellington/Route 28 Underpass and Wellington Greenway Phase IV

In 2020 the Commission awarded a \$530,000 Transportation Construction Grant for the Wellington Greenway Phase IV Project – a shared use path project. The project was to fill gaps in the Wellington Greenway to improve connectivity to the casino via waterfront paths. The City of Medford is now requesting to repurpose these funds to complete the design of the Wellington/Route 28 underpass project and the design of the Wellington Greenway Phase IV project. This would necessitate a change in use from Transportation Construction funds to Transportation Planning funds and a transfer of funds from the Wellington Greenway to the Route 28 project. Community Affairs met with the City of Medford regarding these grants on February 21st to discuss this request.

Background

When Medford applied for Transportation Construction funds in 2020, they initially requested \$945,000 out of a total construction cost of about \$1,050,000. The Commission's policy at that time was to fund only a portion of the construction costs and that significant other funding sources must be identified for the project. After considerable discussion, the Commission awarded \$530,000, which was just over 50% of the overall construction cost.

In order to close the gap in funding, Medford sought and obtained a federal earmark in the amount of \$500,000. Federal transportation earmarks are administered through the state transportation agency, which in this case is MassDOT. To access these funds, the project must be programmed on the State Transportation Improvement Program (STIP) and the project must follow MassDOT requirements for design and permitting (25%, 75% and 100% design submissions). Medford made a submission to the state Project Review Committee (the first step in the STIP process) and received approval for approximately \$1.6 million in construction

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funding for the project. This approval does not place the project on the STIP, it only determines that it is eligible for listing. To be listed, the City must advance the design of the project. Typically, the project will be programmed on the STIP once it has reached 75% design. The approval received by the City includes not only the \$500,000 earmark, but an additional \$1.1 million in federal and state funding to fully fund the project. Therefore, the 2020 Grant is no longer necessary for the construction of the project and becomes the source of funds for this request.

Medford Request

Wellington/Route 28 Underpass

The Commission awarded a \$200,000 Transportation Planning Grant in 2019 to advance the planning and design of this project. These funds were expected to take this project through the 25% design. This project was further supplemented with CMF funds transferred from the South Medford Connector project that was taken over by MassDOT, which is advancing the project to 75% design. Medford is requesting \$162,100 to bring this project to 100% design. This project is being bid and built by MassDOT and has been included in the STIP for FFY 2024. The current construction cost estimate is \$4.5 million which will be funded through a combination of federal and state funds. MassDOT indicated that they believe the cost will exceed \$5 million once the 75% design cost estimate is submitted.

Wellington Greenway Phase IV

Medford had a design in hand for the project, but it does not meet the MassDOT requirements. MassDOT indicated that the current design would be considered a pre-25% design. Therefore, significant design work needs to be completed in order to construct the project. Medford received a quote from Tetra Tech in the amount of \$375,000 to complete the design and permitting of the Greenway project. The City is requesting the remaining \$367,900 from the 2020 grant for the design work. MassDOT stated that they intend to fully fund this project with Statewide funds on the FY 25-29 STIP.

The Review Team had significant concerns with the estimated costs for completing the designs. Based on typical design fee percentages, both of these projects appeared to be high for the work proposed. On February 21, 2024, staff met with the City of Medford and MassDOT to discuss this request and to ensure that MassDOT has made the appropriate commitments to constructing these projects. We also asked that MassDOT provide an opinion on the design proposals submitted to the City to ensure that the costs were not excessive. MassDOT provided opinions that the engineering costs were appropriate for these types of projects. The following is the response we received from MassDOT regarding both projects: "Our team has remained closely involved with this project and are of the opinion that the costs for design are also reasonable. Even though this is a shorter segment of trail, and convention would have us think this would result in a lower design cost, we find this to not be the case. We lose the economy to

scale with longer projects where the design costs work out to a smaller percent of construction costs. With shorter projects, we lose some design efficiency, and the design cost ends up a higher percentage of construction cost because we still need to satisfy all aspects of the MassDOT design process, which is very robust.”

Staff Recommendation

The primary goal of both Transportation Planning and Transportation Construction Grants is to identify mitigation measures and see them built to improve traffic flow, address safety issues and provide alternative ways to access the casinos. Re-purposing these funds will allow the projects to move to construction as well as leveraging significant state and federal funds. Spending \$530,000 towards these projects will likely leverage over \$6.5 million in construction funding. The Review Team agrees that re-purposing these funds will advance that primary goal and is consistent with the CMF Guidelines.

Staff recommends transferring \$162,100 of the 2020 Medford Wellington Greenway Phase IV Transportation Construction Grant to the Wellington/Route 28 Underpass project to complete the project design; and that \$367,900 of the 2020 Medford Wellington Greenway Phase IV Transportation Construction Grant be converted to a Transportation Planning Grant for completion of the design of the Wellington Greenway Phase IV.



City of Medford
Office of Community Development

City Hall - Room 308
85 George P. Hassett Drive
Medford, Massachusetts 02155

(781) 393-2480
Fax: (781) 393-2342

January 23, 2024

Mary Thurlow
Joe Delaney
Massachusetts Gaming Commission

Subject: City of Medford's request to transfer grant funding to the Wellington/Route 28 Underpass project and Wellington Greenway Phase IV

Dear Gaming Commission Committee,

The City of Medford respectfully requests to repurpose Gaming Commission funding from the **2020 Transportation Construction grant (MMARS ID# 2020MEDFORDTRANSCONS)** awarded to the Wellington Greenway Phase IV shared use path project. This request has two components. In the first instance, the City would like to transfer funds *within* the overall Wellington Greenway Phase IV project, from construction to design. Additionally, we would like to repurpose funds to a different but closely interrelated project, the Wellington/Rt 28 Underpass.

The Wellington Greenway Phase IV project has undergone several changes since the original grant award of \$530,000 for construction. A federal earmark of \$500,000 was awarded to this project, and in order to use these funds, the project must go through MassDOT. City staff submitted the project to the state and it was recommended for advancement by the project review committee. However, in order to meet MassDOT's standards, additional design work is needed. The City has engaged Tetra Tech, the original consultant, to do this work as outlined in the enclosed project scope. Thus, we would like to repurpose the 2020 grant to cover these design/permitting costs and get the project to a shovel-ready state. The city has completed scoping meetings with MassDOT and has a commitment from MassDOT to build the project using state funds along with the federal earmark.

Separately, we would like to request to transfer funds to the Wellington/Route 28 Underpass project currently funded by a 2019 grant MMARS ID #2019MEDFORDTRANSPRTN and by funds repurposed from 2016/2017 and 2018 grants. The Wellington/Rt 28 Underpass is currently at 75% design, and requires an additional \$188,800 to bring the project to 100%. The city has \$26,702 in uncommitted funding available for this project, leaving a gap of \$162,098. As we close in on completion of the design and permitting, it is crucial that we secure funds to cover the gap to prevent any delay.

Due to the City successfully leveraging the 2020 grant to find additional funding sources for the Wellington Greenway Phase IV, we now believe this construction funding would be better used elsewhere as described above. Without this transfer, advancement on both projects will be delayed until the City can identify other funding. The City of Medford is **requesting that \$162,098 from the 2020 grant is allocated to the Wellington/Route 28 Underpass project, and the remaining \$367,902 allocated to the additional design services for the Wellington Greenway Phase IV.** Please see the supporting application with details on the projects, fee estimates from each consultant, and specifics of how these funds will be used.

Thank you for the opportunity to submit this request to transfer funding from unused Gaming Commission grants. Please let me know if you have any questions.

Sincerely,

Alicia Hunt
Director of Planning, Development & Sustainability
City of Medford

January 17, 2024

Ms. Alicia Hunt
Director of Planning, Development & Sustainability
City of Medford
Medford City Hall, Room 308
85 George P. Hassett Drive
Medford, MA 02155

RE: Nitsch Proposal #14569.3P
Wellington Underpass
Professional Transportation and Structural
Engineering Services – 100%, PS&E & CE
Additional Services
Medford, MA

Dear Ms. Hunt:

Nitsch Engineering is submitting this Additional Services proposal to you (the Client) to provide professional transportation and structural engineering services associated with the design of the Wellington Underpass and Shared Use Path Connection in Medford, Massachusetts. This Additional Services proposal includes tasks that are required to complete the 100% Submission, PS&E Submission, and Construction Engineering Services to complete the project. These tasks are in addition to the tasks included in the Scope of Services for Final Design in Contract 21-0097C Task Order 2 with the City of Medford (the City) dated May 4, 2023. This letter summarizes our scope and fee for the additional requested budget.

SCOPE OF ADDITIONAL SERVICES

Nitsch Engineering will provide professional transportation engineering and structural engineering services to accomplish the following tasks:

PHASE I: FINAL DESIGN

TASK I: 100% DESIGN SUBMISSION

1. Attend monthly design review Meetings with the City of Medford, MassDOT, and the DCR as required by MassDOT;
2. Prepare a formal written response to all comments received regarding the 75% review and resolve any further review comments;
3. Prepare a set of 100% design plans addressing all comments received from the 75% review in accordance with Chapter 2 of the *Guidebook*;
4. Review and finalize the special provisions and check that the special provisions do not duplicate those with respect to Division I of the *Standard Specifications*;
5. Prepare Detail Sheets, Quantity Sheets, and a Cost Summary Sheet. Finalize calculation book in accordance with Chapter 18 of the *Guidebook* and prepare calculations for all items of work that have a pay item. Identify any non-participating work. Prepare the estimate using MassDOT's Weighted Average Bid Application (WABA);
6. Perform an independent quality control (QC) review of the project using an experienced engineer, who is not directly involved in the preparation of the contract documents to perform an independent review of the project; and
7. Prepare and submit MassDOT's 100% Highway Design Check List.

SCOPE OF ADDITIONAL SERVICES – continued

TASK II: 100% BRIDGE DESIGN SUBMISSION

1. Prepare a formal written response to all comments received regarding the 75% bridge submission review and resolve any further review comments;
2. Update and prepare a set of 100% bridge design plans addressing all comments received from the 75% review;
3. Review and finalize the bridge special provisions and check that the special provisions do not duplicate those with respect to Division I of the *Standard Specifications*;
4. Finalize the 100% bridge estimate and calculation book in accordance with Chapter 18 of the *Guidebook* and prepare calculations for all items of work that have a pay item.;
5. Perform an independent review of the project by an experienced Structural Engineer who is not directly involved in the preparation of the contract documents. We will provide an overall review of the plans, specifications, and estimate for conformity to the MassDOT Guidebook, the “Standard Specifications for Highways and Bridges”, the latest “Supplemental Specifications”, the MassDOT Bridge Manual, the “Construction and Traffic Standard Details”, and the latest “Engineering and Policy Directives”; and
6. Prepare and submit the Bridge Section Checklist to MassDOT.

TASK III: CONSTRUCTION CONTRACT TIME DURATION

Nitsch Engineering will contract with HDR, Inc (formerly City Point Partners) to develop a detailed Construction Contract Time Duration (CCTD) in accordance with MassDOT requirements for each design phase that addresses construction staging for the Wellington Underpass project. The CCTD Schedule sets forth an estimate for a reasonable duration of the construction contract, utilizing the details of the estimate. Primavera P6 will be used as a platform for schedule development.

The schedule will be based on a reasonable determination of contractors anticipated scheduling of activities, including a WBS structure, Milestones, Pre-Construction Activities, appropriate phasing of construction activities, and closeout activities. Activities will have accurate sequencing and durations. Calendars will be developed as part of the detailed schedule to anticipate the necessary peak and off-peak work hours anticipated for prosecuting the work. Logistics of accessible laydown areas, and anticipated mobilization and demobilization of specialty cranes and other heavy equipment will be identified in the schedules.

1. Develop CCTD and construction narrative at the 75%, 100%, and PS&E Submission stages;
2. Attend up to four (4) coordination meetings;
3. Incorporate comments at each design phase; and
4. List sequence of work/phasing to support Primavera P6 schedule.

SCOPE OF ADDITIONAL SERVICES – continued

TASK IV: PS&E DESIGN SUBMISSION

1. Prepare a formal written response to all comments received regarding the 100% review;
2. Finalize Plans, Specifications and Estimate and incorporate comments from 100% review;
3. Prepare Detail Sheets in accordance with Chapter 13 of the *Guidebook*. All items of work not adequately reflected on the plans are to be described in the Detail Sheets;
4. Combine Bridge and Shared Use Path Plans, Special Provisions and Estimates into one package for MassDOT to advertise the project for construction; and
5. Perform an independent quality control (QC) review of the project using an experienced engineer, who is not directly involved in the preparation of the contract documents to perform an independent review of the project. Review all environmental permits and ensure that the contract documents provide a means of compensating the construction contractor for performing work described in the permits.

TASK V: FINAL RIGHT-OF-WAY PLANS

1. Update and submit Right-of-Way Plans, Layout Plans, and Written Descriptions to incorporate review comments received from MassDOT Right-of-Way and Layout Sections;
2. Prepare responses to comments received from the MassDOT Right-of-Way Section and attend one (1) comment resolution meeting if required; and
3. Revise and submit Right-of-Way Plans in accordance with MassDOT ROW submission requirements. MassDOT has requested up to three (3) additional submissions during the 100% design review stage.

TASK VI: ENVIRONMENTAL PERMITTING

1. Attend meetings with members of MassDOT's Environmental Section and DCR to resolve permit review comments; and
2. Engage LEC Environmental Consultants, Inc. (LEC) to attend and facilitate permitting meetings with MassDOT and DEP as needed, furnish advice, and review environmental permits.

Additional Environmental Permits have been identified by MassDOT and the Nitsch Team during the development of the 75% design submission:

- i. Our original scope of services assumed the Chapter 91 filing would require a Simplified License. We are required to submit a Chapter 91 Water Dependent License, which will require additional plans and draft submissions and reviews by MassDOT's environmental section.
- ii. Our original scope of services assumed that boardwalk construction would impact less than 5,000 square feet of the Mystic River, therefore the preparation of an ACOE Self Verification Notification Form would be appropriate. Based on the advancement of the design, it has been determined the preparation and filing of an ACOE Pre-Construction Notification (PCN) form will now be required for the project.

SCOPE OF ADDITIONAL SERVICES – continued

- iii. Section 401 Water Quality Certification was not included in our original scope of services. It has been determined a 401 Water Quality Certification will be required for the project based on the anticipated impacts to Land Under Water.

Chapter 91 Water Dependent License

PREFACE: The project is anticipated to construct a pile-supported structure within the Mystic River, which is subject to Chapter 91 Waterways authorization and is anticipated to require a Chapter 91 Water Dependent License (BRP WW01).

1. Prepare and submit a draft set of the Chapter 91 Water Dependent License (BRP WW01) and supporting plans. Note that the Chapter 91 application requires plans to meet their specific requirements and the 75% Design Plans will need to be reformatted to meet these requirements;
2. Submit draft Chapter 91 Water Dependent License and plans to MassDOT and DCR for review and comment;
3. Update Chapter 91 Water Dependent License and plans to incorporate comments from MassDOT and DCR;
4. Finalize and submit the Chapter 91 Water Dependent License, plans, and additional supporting documentation to MassDEP for review using MassDEP's ePortal;

USACE Pre-Construction Notification Form

1. Coordinate with the U.S. Army Corps of Engineers (USACE) for project review pursuant to the USACE Highway Methodology. The application shall be prepared and submitted to the USACE pursuant to Section 404 of the Federal Clean Water Act. The application shall be submitted to the Regulatory Branch, New England District. Preparation of the submission shall include the application form, text describing the proposed work, impacts, and mitigation measures. The application shall include evidence of consultation with other agencies, such as the U.S. Fish and Wildlife Service, the National Park Service, Environmental Protection Agency, and Massachusetts Coastal Zone Management, as necessary.

Water Quality Certification

1. Prepare an application for a Water Quality Certification (WQC) in accordance with the Massachusetts Surface Water Quality Standards, 314 CMR 4.00. Tasks include preparation of the appropriate state application form, WQC Standard Form for applicable Footprint Bridge projects, supporting documentation, plan preparation, and sediment analysis, when applicable.

SCOPE OF ADDITIONAL SERVICES – continued

PHASE II: CONSTRUCTION ENGINEERING

TASK I: TRANSPORTATION CONSTRUCTION PHASE SERVICES

1. Review and respond to inquiries from MassDOT related to the bid documents. Participate in a Pre-Bid Conference. Provide written responses to the Contractor's questions;
2. Attend the Pre-Construction Conference. Answer questions and prepare the minutes of the meeting;
3. Review and approve shop drawings submitted by the Contractor for conformance with MassDOT standards and the project specifications;
4. Provide assistance to MassDOT in interpreting the contract documents;
5. Conduct up to three (3) field visits to the project site during construction as requested by MassDOT to provide consultation on design intent, assistance in addressing unforeseen conditions, and/or similar matters;
6. Attend up to three (3) status and coordination meetings as required by MassDOT;
7. Provide landscape architectural services for nursery inspection and for field consultation for landscape planting and related construction; and
8. Respond to up to two (2) of the Contractor's Requests for Information (RFIs) as required by MassDOT.

TASK II: STRUCTURAL CONSTRUCTION PHASE SERVICES

1. Review and approve or take other appropriate action upon structural shop drawings submitted by the Contractor for conformance with MassDOT standards and the project specifications;
2. Respond to up to two (2) of the Contractor's RFIs as required by MassDOT regarding structural items;
3. Review testing reports and load test reports submitted by the Contractor for conformance with MassDOT standards and the project specifications. Nitsch Engineering will not be performing material tests, compaction tests, or any other field tests;
4. Engage a geotechnical subconsultant, Lahlaf Geotechnical Consulting, Inc. (LGCI) to provide field engineering services. Coordinate with the Geotechnical Subconsultant during their observation of helical pile installation and review installation field reports; and
5. Perform up to three (3) site visits of up to four (4) hours each, including the preparation of field reports, to observe the progress of construction and address Contractor and MassDOT questions.

COMPENSATION

Compensation for the Additional Services provided will be in accordance with the Contract Terms of Nitsch Engineering's executed Agreement for Professional On-Call Engineering and Consulting Services with the City of Medford, dated July 16, 2021; Task Order No. 1, dated July 23, 2021; and Task Order 2, dated May 4, 2023. The lump-sum costs for these services are as follows:

Phase I: Final Design

Task I: 100% Design Submission	\$ 31,700.00
Task II: 100% Bridge Design Submission	30,300.00
Task III: Construction Contract Time Duration	2,800.00
Task IV: PS&E Submission	10,500.00
Task V: Final Right-of-Way Plans	6,400.00
Task VI: Environmental Permitting	14,600.00
Direct Expenses:	
HDR (Formerly City Point) – Contract Time Determination (CTD)	20,800.00
LEC – Permitting Assistance	<u>5,500.00</u>
S U B T O T A L	\$ 122,600.00

Phase II: Construction Engineering

Task I: Transportation Construction Phase Services	\$ 12,000.00
Task II: Structural Construction Phase Services	33,000.00
Direct Expenses:	
CWDG – Landscape Architectural Services During Construction	9,700.00
LGCI – Geotechnical Engineering Services During Construction	11,000.00
Nitsch Engineering – Mileage, Printing	<u>500.00</u>
S U B T O T A L	\$ 66,200.00
T O T A L	\$188,800.00

Costs will not be incurred by Nitsch Engineering beyond this lump-sum amount without written approval from the Client. Expenses are included in the above-listed fees.

Ms. Alicia Hunt: Nitsch Proposal #14569.3P (Additional Services)
January 17, 2024
Page 7 of 8

Should the conditions of this revised Additional Services proposal meet with your approval, please sign the Client Authorization section below and return this revised Additional Services proposal to us for our files. If Nitsch Engineering is authorized to commence and/or continue providing its services on the project, either verbally or in writing, prior to the full execution of a written contract, such authorization will be deemed an acceptance of this revised Additional Services proposal, and all such services will be provided and compensated for in accordance with the terms and conditions contained herein as though this revised Additional Services proposal were fully executed by the Client.

If you have any questions, please call.

Very truly yours,

Nitsch Engineering, Inc.

John Michalak, PE, ENV SP
Vice President, Director of Transportation Engineering

JMM/kwo

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CLIENT AUTHORIZATION

This revised Additional Services proposal is hereby accepted by the Client as evidenced by the execution hereof, and such a person so executing the same on behalf of the Client does hereby warrant full authority to act for, in the name of, and on behalf of the Client.

Such acceptance provides full authorization for Nitsch Engineering to proceed with providing the Scope of Additional Services under the terms and conditions stated in our executed agreement with the City of Medford.

Signature

Date

Printed Name and Title

I certify that the City of Medford has appropriated funds for these services.

City Auditor (Signature)

Date

Printed Name and Title



January 16, 2024

Alicia Hunt, Director
Medford Office of Planning, Development and Sustainability
Medford City Hall- Room 308
85 George P. Hassett Drive
Medford, MA 02155

**Re: Proposal for Design and Permitting at
Wellington Greenway Phase IV
4000 Mystic Valley Parkway
Medford, Massachusetts
MassDOT Project No. 613082**

Dear Ms. Hunt:

We are pleased to submit this proposal to the City of Medford for design and permitting services for Phase IV of the Wellington Greenway. Construction will be funded through the State Transportation Improvement Program (TIP). In accordance with the project development requirements for TIP projects, the design will follow the MassDOT Standardized Scope of Work Guidance and is subject to MassDOT review. The scope includes completion of the Wellington Greenway from Wellington Station to the existing path at the Wood Memorial Bridge, which is a length of 1,700 feet. We will guide the design through the MassDOT design and review process as defined in the Project Scoping Checklist attached to this proposal.

Scope of Services

Tetra Tech will perform the following tasks:

Task 1 – Project Development Engineering

The purpose and need have already been clearly defined during the conceptual phase for this Project. MassDOT has accepted the Project Need and Project Scope forms. This task includes preliminary project area analysis and selection of an engineering and environmental solution to accomplish the project's purpose and need. This task also includes preparing and updating the project design schedule in accordance with MassDOT requirements.

Task 2 – Environmental

During the preliminary phase we will prepare the MassDOT environmental review checklist (ERC), including the CE checklist and the water quality data form. We will perform hazardous materials research and review. We will confirm with MEPA that an Environmental Notification Form (ENF) is not required for the Project. If an ENF is required a separate scope will be prepared for that effort. A wetland Order of Conditions has been issued for the Project but final design changes may require amending the Order and we are anticipating a minor amendment as part of this scope. The Project is located in filled tidelands and requires Chapter 91 Approval. We will coordinate with DEP Waterways and prepare and file a request for a Chapter 91 license that will include specially formatted plans.

Task 3 – Design Justification Workbook

We will prepare the design justification workbook using the latest MassDOT template. We will evaluate the controlling criteria and perform incremental evaluation.

Task 4 – 25/75% Highway Design Submission

We will prepare the plans, specifications and estimate for the 25/75% design submission. We will refine the horizontal geometry of the preferred alternative and determine the preliminary vertical geometry. We will prepare cross sections, typical sections, and construction details and perform preliminary drainage and utility studies. We will perform a constructability and a QC review. This task also includes field reconnaissance, meetings, utility coordination, preparation of the preliminary construction estimate, and completion of submission checklists.

Task 5 – Design Public Hearing

We will prepare the design public hearing presentation and attend the hearing to present the Project. This task includes modifications and revisions to the plans resulting from the 25/75% design review that are necessary to properly present the nature and extent of the Project to the public.

Task 6 – Right of Way

We will prepare preliminary right of way plans to include with the 25/75% submission. We will respond to comments from the initial submission of Preliminary Right of Way Plans and prepare revised plans addressing all comments.

Task 7 – 100% Highway Design Submission

We will prepare a formal written response to all comments received regarding the 25/75% review and resolve any further review comments. We will prepare a set of plans, specifications and construction estimate addressing all comments received from the 25/75% review. We will ensure that the plans are clear and are prepared in accordance with Chapter 2 of the MassDOT Guidebook.

Task 8 – PS&E Submission

We will prepare a formal written response to all comments received regarding the 100% review and resolve any further review comments. We will prepare a set of plans addressing all comments received from the 100% review. We will prepare Detail Sheets in accordance with Chapter 13 of the MassDOT Guidebook. We will perform a constructability and completeness review of the Plans, Specifications and Estimate and confirm that the proposed work is in compliance with all environmental permits.

Task 9 – Construction Engineering

We will review and respond to inquiries from MassDOT related to the bid documents. We will participate in a Pre-Bid Conference and provide written responses to contractor's questions. We will attend the Pre-Construction Conference, answer questions and prepare the minutes of the meeting. We will assist MassDOT and the City of Medford in interpreting the contract documents. We will conduct field visits to the project site during construction as requested by the Engineer to provide consultation on design intent, assistance in addressing unforeseen conditions and /or similar matters, as requested by the Engineer. We will attend periodic status and coordination meetings.

Project Assumptions

1. Most work will occur outside the public right of way.
2. Lighting design is not included.

Budget

The cost for the above Scope of Services will be on a time and expense basis in accordance with the attached Fee Schedule. Please be advised that this estimate is based on our current understanding of the project needs and is for budget purposes only. We have included allowances for additional sub-consultant services. The breakdown of the requested fee by task is as follows:

Table 1 - Budget Estimate

Task	Description	Estimated Cost
Task 1	Project Development Engineering	\$15,800
Task 2	Environmental	\$81,300
Task 3	Design Justification Workbook	\$3,200
Task 4	25/75% Highway Design Submission	\$74,800
Task 5	Design Public Hearing	\$6,000
Task 6	Right of Way	\$29,700
Task 7	100% Highway Design Submission	\$30,100
Task 8	PS&E Submission	\$13,200
Task 9	Construction Engineering	\$17,900
	Total Labor	\$272,200
	Survey, Layout Plans, Written Instrument (Allowance)	\$65,000
	Subsurface Utility Exploration (Allowance)	\$15,000
	Property Acquisition/Title Work (Allowance)	\$20,000
	Reimbursable Expenses: travel, printing, permit fees	\$3,500
	Total	\$375,500

Schedule and Conditions

We will begin work upon receipt of a signed agreement and the existing condition survey. To signify your acceptance of this Agreement, please sign and return one original to us along with the attachments. When signed by representatives of both parties, this Proposal will become an agreement between Tetra Tech, Inc. (ENGINEER) and the City of Medford (CLIENT). The Agreement is subject to the attached Engineering, Environmental, and Transportation Statement of Terms and Conditions. The price and schedule are valid for 60 days from the date of this letter.

We appreciate the opportunity to provide these services, and we look forward to working with you. Please call Kyle Whiting (508) 786-2340 if you have any questions.

Very truly yours,

Kyle Whiting, PE
Project Manager



Christopher E. Calnan, PE
Vice President

Accepted by: _____

_____ Date

Attachments: Current Fee Schedule, Terms and Conditions, MassDOT Scoping Checklist

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Marlborough Technology Park
100 Nickerson Road, Marlborough, MA 01752
Tel 508.786.2200 Fax 508.786.2201 tetratech.com

Engineering, Environmental, and Transportation Statement of Terms and Conditions

Tetra Tech, Inc. (ENGINEER) and CLIENT agree as follows:

Section 1. Services. ENGINEER shall provide CLIENT with the "Services" set forth in the Proposal under the following terms and conditions.

Section 2. Billing and Payment. CLIENT recognizes that time is of the essence with respect to payment of the ENGINEER's invoices, and that timely payment is a material part of the consideration of this AGREEMENT.

The CLIENT shall pay the ENGINEER for services performed in accordance with the rates and charges set forth herein. Invoices will be submitted by the ENGINEER from time to time, but no more frequently than every two weeks, and shall be due and payable within thirty (30) calendar days of invoice date. If the CLIENT objects to all or any portion of an invoice, the CLIENT shall so notify the ENGINEER within fourteen (14) calendar days of the invoice date, identify the cause of disagreement, and pay when due that portion of the invoice, if any, not in dispute.

The CLIENT shall pay an additional charge of one-and-one-half (1.5) percent (or the maximum percentage allowed by law, whichever is lower) of the invoiced amount per month for any payment received by the ENGINEER more than thirty (30) calendar days from the date of the invoice, except any portion of the invoiced amount in dispute and resolved in favor of the CLIENT. Payment thereafter shall first be applied to accrued interest and then to the principal unpaid amount. Payment of invoices is in no case subject to unilateral discounting or setoffs by the CLIENT.

Application of the percentage rate indicated above as a consequence of the CLIENT's late payments does not constitute any willingness on the ENGINEER's part to finance the CLIENT's operation, and no such willingness should be inferred. If the CLIENT fails to pay undisputed invoiced amounts within thirty (30) calendar days of the date of the invoice, the ENGINEER may at any time, without waiving any other claim against the CLIENT and without thereby incurring any liability to the CLIENT, suspend this AGREEMENT by fourteen (14) days written notice to the CLIENT until payment is restored to a current basis. Any suspension shall extend the schedule for performance by the ENGINEERS in a manner that is satisfactory to both the CLIENT and the ENGINEER.

Notwithstanding any termination of Services by ENGINEER for non-payment of invoices, CLIENT shall pay ENGINEER in full for all Services rendered by ENGINEER to the date of termination of Services plus all interest. CLIENT shall reimburse ENGINEER for all costs and expenses of collection, including reasonable attorneys' fees. ENGINEER's non-exercise of any rights or remedies, whether specified herein or otherwise provided by law, shall not be deemed a waiver of any such rights or remedies, nor preclude ENGINEER from the exercise of such rights or other rights and remedies under this instrument, or the law.

Section 3. Delays. In the event that the ENGINEER's work is interrupted due to causes beyond his or her control, the ENGINEER shall be compensated for the labor, equipment and other costs the ENGINEER incurs in order to maintain his or her workforce for the CLIENT's benefit during the interruption,

or--at the CLIENT's option--the various costs the ENGINEER incurs for demobilization and subsequent remobilization. Compensation to the ENGINEER shall be based upon the ENGINEER's prevailing fee schedule and expense reimbursement policy. Except for the foregoing provision, neither party shall hold the other responsible for damages or delays in performance caused by acts of God or other circumstances beyond the control of the other party, and which could not reasonably have been anticipated or prevented. Should such acts occur, the CLIENT and the ENGINEER shall utilize their best efforts to overcome the resulting difficulties and resume conduct of services called for herein as soon as reasonably possible. Delays within the scope of this provision that cumulatively exceed forty-five (45) calendar days shall, at the option of either party, make this AGREEMENT subject to renegotiation or termination.

Section 4. Standard of Care. ENGINEER's Services will be performed on behalf of and solely for the exclusive use of CLIENT for the purposes set forth in the Proposal and no others. CLIENT acknowledges that ENGINEER's Services require decisions which are not based upon science, but rather upon judgmental considerations. CLIENT, in accepting ENGINEER's Proposal, acknowledges the inherent risks to CLIENT and its property associated with the work described in the Proposal.

ENGINEER will perform its Services in accordance with generally accepted practices of Engineers and Scientists undertaking similar studies in the area, and in performing such Services, ENGINEER will observe that degree of care and skill as is generally exercised by members of such professions in the same locale acting under similar circumstances and conditions. CLIENT acknowledges that ENGINEER's Services will be rendered without any other warranty, expressed or implied, beyond ENGINEER's observance of such standard of care.

Section 5. Insurance. ENGINEER maintains Worker Compensation Insurance with respect to its employees with statutorily required limits. ENGINEER maintains public liability and property damage insurance policies. Certificates of Insurance evidencing such coverage will be provided to CLIENT, upon written request. CLIENT acknowledges that ENGINEER will not be liable to CLIENT for any loss, damage, cost or expense which, in the aggregate, are greater than the amounts of ENGINEER's insurance coverage limits, exclusions and conditions as set forth in such policies, except to the extent that ENGINEER is found by a final judgment of a Court of competent jurisdiction to have caused any loss, cost, damage or expense solely by reason of ENGINEER's gross negligence. Claims against ENGINEER based upon failure to perform in its professional acts in accordance with the Standard of Care required in Section 4 are limited by the provisions of Section 6.

Section 6. Limitation of Professional Liability. To the fullest extent permitted by law, the total liability, in the aggregate, of ENGINEER and Tetra Tech, Inc.'s officers, directors, employees, agents, and independent professional associates and consultants, and any of them, to CLIENT and any one claiming by, through or under CLIENT, for any and all injuries, claims, losses, expenses, or damages whatsoever arising out of or in any way related to ENGINEER's services, the project or this Agreement, from any cause or causes whatsoever, including but not limited to, the negligence, errors, omissions, strict liability, breach of contract, misrepresentation, or breach of warranty of ENGINEER or ENGINEER's officers, directors,

employees, agents or independent professional associates or consultants, or any of them, shall not exceed the total compensation received by ENGINEER under this Agreement, or the total amount of \$50,000, whichever is greater.

Section 7. Documents. All reports, boring logs, field data, field notes, laboratory test data, calculations, estimates and other documents, data or information prepared by ENGINEER as instruments of Service, shall remain the sole property of ENGINEER. Documents will not, in whole or in part, be disseminated or conveyed to any other party, nor used by any other party in whole or in part, without the prior written consent of Engineer, except as required by law. All reports and other work prepared by ENGINEER for CLIENT shall be utilized solely for the intended purposes and Site described in the Proposal. ENGINEER will retain all pertinent records for a period of three (3) years following the submission of ENGINEER's report to CLIENT. Such records will be available to CLIENT upon request at ENGINEER's office during office hours on reasonable notice, and copies will be furnished by ENGINEER to CLIENT for the total cost of reproduction of the same.

Section 8. Termination. The obligation to provide further services under this Agreement may be terminated by either party upon thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms thereof through no fault of the terminating party. In the event of any termination, ENGINEER will be paid for all services rendered and reimbursable expenses incurred to the date of termination and in addition, all reimbursable expenses directly attributable to termination.

Section 9. Governing Law; Severability; Assignment. This agreement between ENGINEER and CLIENT as set forth in the Proposal and in these Terms and Conditions shall be governed by and enforceable in accordance with the law of the Commonwealth of Massachusetts. The provisions of these Terms and Conditions are severable. The invalidity of any part of these Terms and Conditions shall not invalidate the remainder of these Terms and Conditions nor the remainder of any portion thereof. CLIENT shall not assign any aspect of the agreement between CLIENT and ENGINEER except upon the prior written consent of ENGINEER.

Section 10. Right of Entry. CLIENT grants to ENGINEER the right, exercisable from time to time, of entry to the Site by ENGINEER, its agents, employees, consultants, contractors and subcontractors, for the purpose of performing all project related activities, including the making of surveys, test borings and other environmental investigations as described in the Proposal. Should CLIENT not own the Site, CLIENT warrants and represents by acceptance of the Proposal that it has authority and permission of Site owner and any Site occupant to grant ENGINEER this right of entry.

Section 11. Control of Site. CLIENT acknowledges that it is now and shall remain in control of the Site at all times. ENGINEER shall have no responsibility or liability for any aspect or condition of the Site, now existing or hereafter arising or discovered. ENGINEER does not, by its entry into an agreement with CLIENT, or its performance of services under any such agreements as set forth in the Proposal, assume any responsibilities or liability with respect to the Site; nor shall any liability or responsibilities be implied or inferred by reason of ENGINEER's performance of any work under the Proposal.

Section 12. Subsurface Explorations. ENGINEER will take reasonable precautions to minimize damage to the property from use of equipment, but have not included in the fee the costs of restoration of damage that may result from such operations. If ENGINEER is required to restore the property to its former condition, the cost will be added to its fee.

In addition, CLIENT recognizes that commonly used exploration methods (such as drilling borings, pushing or driving probes, or excavating trenches) involve an inherent risk. These exploration methods may penetrate through a stratigraphic unit bearing Hazardous Materials and serve as a connecting passageway between such stratigraphic unit and an uncontaminated stratigraphic unit or groundwater, thus potentially inducing cross-contamination. In accordance with current design, backfilling with grout or by other means is intended (but does not guarantee) to provide a seal against such a passageway. However, CLIENT recognizes that such a seal may be imperfect and that there is an inherent risk in drilling borings, pushing or driving probes, excavating trenches, or implementing other methods of exploration at or near a site contaminated by Hazardous Materials. Further, CLIENT recognizes that these are not the only risks which may be encountered, but are simply examples of consequences which cannot be anticipated or avoided in many cases, even through the exercise of the Required Standard of Care. CLIENT accepts these and all similar risks and releases ENGINEER from any and all liability that may be incurred as a result of the Services provided by ENGINEER, provided that such services were performed in accordance with the Required Standard of Care.

Section 13. Information Provided by Others. The ENGINEER shall indicate to the CLIENT the information needed for rendering of services hereunder, including but not limited to field survey information. The CLIENT shall provide to the ENGINEER such information as is available to the CLIENT. The CLIENT recognizes that it is impossible for the ENGINEER to assure the sufficiency of such information, either because it is impossible to do so, or because of errors or omissions which may have occurred in assembling the information. Accordingly, the CLIENT waives any claim against the ENGINEER, and agrees to defend, indemnify and hold the ENGINEER harmless from any claim or liability for injury or loss allegedly arising from errors, omissions, or inaccuracies in documents or other information provided to the ENGINEER by the CLIENT. Further, the CLIENT agrees to compensate the ENGINEER for any time spent or expenses incurred by the ENGINEER in defense of any such claim, with such compensation to be based upon the ENGINEER's prevailing fee schedule and expense reimbursement policy.

Section 14. Compliance with Codes and Standards. The ENGINEER's professional services shall be consistent with sound engineering practices and shall incorporate those federal, state and local laws, regulations, codes, policies and standards that are applicable at the time the ENGINEER rendered his or her services. In the event of a change in laws, regulations, et al., of which the ENGINEER becomes aware and which the ENGINEER believes affects work for the CLIENT, the ENGINEER shall inform the CLIENT of the change and its impact on work already done or to be done, fees and costs involved, and scheduling. If either the CLIENT or the ENGINEER believes the change requires a renegotiation of this AGREEMENT, both the CLIENT and the ENGINEER agree to bargain promptly and in good faith, to permit the ENGINEER to continue to meet the CLIENT's needs. If a renegotiated contract cannot be agreed to, the CLIENT agrees the

ENGINEER has an absolute right to terminate this Agreement. In any event, the CLIENT waives any claim against the ENGINEER, and agrees to defend, indemnify and hold the ENGINEER harmless from any claim or liability for injury or loss allegedly arising from the ENGINEER's failure to abide by federal, state and local laws, regulations, codes and standards that were not in effect or public policies announced at the time when the ENGINEER's otherwise would have incorporated their intent into the work. The CLIENT further agrees to compensate the ENGINEER for any time spent or expenses incurred by the ENGINEER in defense of any such claim, in accordance with the ENGINEER's prevailing fee schedule.

Section 15. Monitoring of Construction. CLIENT recognizes that unanticipated or changed conditions are likely to be encountered during construction. CLIENT agrees to indemnify ENGINEER from any claims arising from these unanticipated or changed conditions unless CLIENT agrees to retain ENGINEER to monitor construction, and ENGINEER agrees to assign to the monitoring function persons qualified to observe and report on the quality of work performed by contractors, et al. CLIENT recognizes that construction monitoring is a technique employed to minimize the risk of problems arising during construction. Provision of construction monitoring by ENGINEER is not insurance, nor does it constitute a warranty or guarantee of any type. In all cases, contractors, et al., shall retain responsibility for the quality of their work and for adhering to plans and specifications, including responsibility for maintaining legal methods of transport and appropriate locations for disposal of materials. Should CLIENT for any reason not retain ENGINEER to monitor construction, or should CLIENT unduly restrict ENGINEER's assignment of personnel to monitor construction, or should ENGINEER for any reasons not perform construction monitoring during the full period of construction, ENGINEER shall not have the ability to provide a complete service. Should ENGINEER for any reasons not have the ability to perform a complete service, and thus not have the capability for adequate control of implementation of the complete engineering function, CLIENT waives any claim against ENGINEER, and agrees to indemnify, defend and save ENGINEER harmless for any claim or liability for injury or loss arising from problems during construction that allegedly result from findings, conclusions, recommendations, plans or specifications developed by ENGINEER. CLIENT also agrees to compensate ENGINEER for any time spent and expenses incurred by ENGINEER in defense of any such claim, with such compensation to be based upon ENGINEER's prevailing fee schedule and expense reimbursement policy relative to recovery of direct project expenses.

Section 16. Legal Actions. All legal actions by either party to this Agreement against the other party for breach of this Agreement, failure to perform under this Agreement in accordance with an applicable standard of care, indemnity, or contribution (however denominated) shall be barred two years from the day after the date on which the party bringing the action knew or reasonably should have known of the facts giving rise to the cause or causes of action; but in no event may any such claim be filed, commenced or otherwise asserted more than two years from the date on which the ENGINEER completes its services. Nothing in this paragraph shall be construed in any way to extend the time period for the filing of a legal action under any applicable statute of repose.

General_T&C



Schedule of Hourly Rates

Hourly Billing Rates for: **TT INE - Medford**
 Rates Effective: **January 6, 2024**

Personnel	Hourly Rate
Operations Management	
Operations Management	2023 Rates
Technical Director 1	\$260.00
Technical Director 2	\$265.00
Technical Director 3	\$285.00
Program Director 1	\$295.00
Program Director 2	\$300.00
Principal in Charge	\$325.00
Project Management	
Project and Program Management	
Specialist	\$170.00
Project Manager 1	\$200.00
Project Manager 2	\$205.00
Senior Project Manager 1	\$220.00
Senior Project Manager 2	\$235.00
Program Manager	\$240.00
Engineering and Architectural Services	
Engineers	
Engineer 1	\$125.00
Engineer 2	\$140.00
Engineer 3	\$150.00
Project Engineer 1	\$160.00
Project Engineer 2	\$173.00
Sr Engineer 1	\$170.00
Sr Engineer 2	\$172.00
Sr Engineer 3	\$175.00
Principal Engineer	\$180.00
Architectural Services	
Architect	\$185.00
Designer	\$125.00
Interior Designer	\$175.00
Landscape Architect	\$165.00
Imaging (3D) Specialist	\$155.00
Space Planner	\$175.00
Scientific Services	
Scientists	
Scientist 1	\$120.00
Scientist 2	\$130.00
Scientist 3	\$140.00
Sr Scientist 1	\$155.00
Sr Scientist 2	\$175.00
Sr Scientist 3	\$195.00
Planning Services	
Planners	
Planner 1	\$115.00
Planner 2	\$120.00
Planner 3	\$130.00
Project Planner 1	\$135.00
Project Planner 2	\$145.00
Project Planner 3	\$155.00
Sr Planner 1	\$160.00
Sr Planner 2	\$170.00
Sr Planner 3	\$180.00



Schedule of Hourly Rates

Hourly Billing Rates for: **TT INE - Medford**
 Rates Effective: **January 6, 2024**

Personnel	Hourly Rate
Technical Services	
Technicians	
Technician 1	\$95.00
Technician 2	\$100.00
Project Support	
Computer Aided Design (CAD)	
CAD Designer	\$135.00
Sr CAD Designer 1	\$155.00
Sr CAD Designer 2	\$160.00
CAD Director	\$165.00
Business Support	
Project Administration	
Project Assistant 1	\$90.00
Project Assistant 2	\$100.00
Project Administrator	\$115.00
Sr Project Administrator	\$130.00
Finance / Accounting	
Project Analyst 1	\$155.00
Project Analyst 2	\$125.00
Sr Project Analyst	\$165.00
Technical Writers	
Technical Writer 1	\$110.00
Technical Writer 2	\$125.00
Sr Technical Writer	\$130.00
Graphics	
Graphics Specialist	\$110.00
Graphic Artist	\$115.00
Sr Graphic Artist	\$120.00
Consulting	
Consultant 1	\$120.00
Consultant 2	\$130.00
Sr Consultant 1	\$140.00
Sr Consultant 2	\$145.00

Reimbursable Expenses - Non-routine expenses including, but not limited to outside printing, in-house report and document printing/copying, color copying/printing, large format plotting, delivery charges, travel, meals, lodging, subcontractor charges and other major expenses incurred for the project will be billed at cost plus 10 percent.

Payment - Invoices are issued monthly and are payable within 30 days of their issue date. In the event payment is delayed beyond 60 days from the issuance date, interest shall accrue at 1.5 percent per month on the unpaid balance.

Expert Testimony - A surcharge of 50 percent shall be added for expert witness testimony or participation in hearings or depositions, including preparation time.

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.: _____ Date: _____
Project Description: Wellington Greenway Phase IV - connecting built phases of the Wellington Greenway.
Designer (If Known): Tetra Tech Inc.

The purpose of the Scoping Meeting is to verify the Project Purpose & Need, review existing and required data collection, and discuss project scope. The meeting sets the basis for the scope & fee for the designer to develop following the meeting, and determines what deliverables & alternatives must be evaluated for the OTS.

I. GENERAL PROJECT INFORMATION

A. Project Type

Primary Project Type (from Initiation): Bikeway/Bike Path Construction

Other Anticipated Project Elements (Select all that apply per Scope):

- | | |
|--|--|
| <input type="checkbox"/> Bridge(s) _____ | <input type="checkbox"/> Safety Improvements |
| <input type="checkbox"/> Intersection Improvements _____ | <input checked="" type="checkbox"/> Shared Use Path |
| <input type="checkbox"/> New Construction | <input type="checkbox"/> Traffic Signals |
| <input type="checkbox"/> Pavement Markings | <input type="checkbox"/> New Sidewalks, Curbing and Curb Ramps |
| <input type="checkbox"/> Resurfacing | <input type="checkbox"/> Resiliency |
| <input type="checkbox"/> Transit | <input checked="" type="checkbox"/> Bicycle Infrastructure |
| <input type="checkbox"/> Roadway Reconstruction | <input type="checkbox"/> Other: _____ |

B. Project Initiation

Project Proponent: Municipality MassDOT Other: DCR

Asset Ownership: Municipality MassDOT Other: DCR, MBTA

Detail ownership below (who owns signals, bridges, M&O, % split, etc.): [Road Inventory](#)

Project Purpose & Need:

The Project is needed because there is a gap in the Mystic River Greenway Plan that does not allow a safe off-road connection for people commuting on foot and on Bicycle.

The purpose of this project is to connect existing built portions of the Wellington Greenway and critical missing link in the bicycle and pedestrian network. The Greenway provides access to transit, recreation and business.

Estimated Total Construction Cost: \$1,450,000.00 (Office Estimate + Contingencies from Initiation Form)
Year of Cost Estimate: 2025
Programmed Funds (if available): \$1,567,000.00

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.: _____

Date: _____

C. Project Limits

Describe Limits with proximity to nearest feature, intersection, mile marker, town line, address, etc. For intersections, discuss how many feet the project extends onto approaches in Comments.

Begin Project:

Phase 3 Wellington Greenway which ends at the south end of the Wellington Station parking lot.

For Bridge: _____ Feet beyond Abutment in this direction: _____

End Project

Path at Wood Memorial Bridge

For Bridge: _____ Feet beyond Abutment in this direction: _____

Comments:

Total length of the Proposed path is approx. 1,700 lf

II. BRIDGE SCOPING CHECKLIST

Check if there are no bridges on project

Existing Bridge Data

Bridge No.	Facility Carried	Feature Intersected	On / Off System	NHS?	Owner
X-XX-XXX (XXX)					
X-XX-XXX (XXX)					
X-XX-XXX (XXX)					

Bridge No.	Condition Rating				Rank (SI&A)		Rating (SI&A)			
	Deck	Super	Sub	Paint	Statewide	District	H20	Type 3	Type 3S2	HS20
X-XX-XXX (XXX)										
X-XX-XXX (XXX)										
X-XX-XXX (XXX)										

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.: _____

Date: _____

A. Examine Potential Bridge Project Types

- Candidate for Preservation (non-deck replacement)
- Candidate for Deck Replacement
- If not Preservation; Substructure elements are worthy of analysis for re-use
- Candidate for Superstructure Replacement
- Candidate for Full Replacement

Comments:

B. Bridge Studies, Analysis & Reports Required

- Preliminary Structures Report (Check box if project to retain any portion of exist. structure)
- Preliminary Bridge Preservation Report (Check box for preservation)
- Boring / Probe Layout Plan
- Geotechnical Report
- Hydraulic Report: Designer to Prepare MassDOT to Prepare
- Bridge Type Selection Worksheet
- Sketch Plans
- Bridge Exemption?
- Additional Studies: _____

C. Determine Required Bridge Clearance and Bridge Geometry

- Bridge is over Railroad (indicate the Line; Segment; milepost in Comments)
- If over Railroad, is this a Chapter 634 Bridge?
- Increase Channel Width for Hydraulic or Environmental Purposes

_____ Required Min. Horizontal Clearance for Bridge not over Railroad
_____ Required Min. Horizontal Clearance for Bridge over Railroad, not Chapter 634
_____ Required Min. Vertical Clearance for Bridge not over Railroad
_____ Required Min. Vertical Clearance for Bridge over Railroad, not Chapter 634

For Horizontal Clearance: Specify in comments the clearance from what Controlling Element.

The Controlling Element may be face of abutment or pier; edge of travelled way, etc.

For Vertical Clearance: Specify in comments the clearance from what Controlling Element.

The Controlling Element may be roadway shoulder; top of rail; design year flood; etc.

For Replacement Structures Over Rivers and Streams: Conduct alternatives analysis for meeting stream crossing standards to the maximum extent practicable.

Comments:

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.: _____

Date: _____

Describe Bridge Geometry (indicate Span Length; Skew; Structure Depth; etc.)

III. PROJECT AREA CONTEXT

A. Equity and Active Transportation Considerations

- Project located within 1 mile of an Environmental Justice and/or Title VI area?

[Environmental Justice Viewer](#)

- Project located within 1500 feet of a walking/biking destination, such as a school, library, park, place of worship, senior center, etc. Describe below and discuss planned connections:

Project intent is to connect built portions of the Wellington Greenway

- Project located within 1500 feet of transit, is transit running along the roadway, or are there future plans for transit on this corridor (see link for MBTA)?

Describe below:

[MBTA Bus Network Redesign](#)

Wellington Station

- Existing bicycle/pedestrian facilities within 1500 feet of project area; Describe below

Project intent it to connect built portions of the Wellington Greenway. Pedestrian network associated with the Revere Beach Parkway and River's Edge Drive is also near Project

Potential for Walkable Trips High Med Low

[Potential for Walkable Trips](#)

Potential for Everyday Biking High Med Low

[Potential for Everyday Biking](#)

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.:

Date:

IV. SAFETY

A. Top Crash Locations

Intersections:

[Top Crash Locations](#)

Top 200 Intersection Crash Cluster

Top 5% Clusters: Crash Bicycle Crash Pedestrian Crash

Describe High Crash Locations in Project Area:

Corridors:

Top 5% Crash MPO/RPA Ranking based on the Network Screening - Crash Based Tool

Primary MPO/RPA Risk Site based on the Network Screening - Risk Based Tool

Describe Network Screening Locations in Project Area:

[IMPACT Screening Tools](#)

B. Intersection Control Evaluation (ICE)

Document any required discussion on Stage 1 and identify what sections will be involved in determining control strategies if there is a need for a follow-up:

Project limit does not include any vehicular intersections

C. Safety Analysis Required/Completed

All Intersections Entire Length of Corridor

Crash Diagrams Required *If completed, for what years?*

Corridor Crash Mapping Required *If completed, for what years?*

Road Safety Audit Required (prior to 25%) *If completed, date?:*

[RSA Template & Guidelines](#)

Safety Alternative Analysis Required (If HSIP Location; also required for ICE Stage 2)

[HSIP Eligibility & Alternative Safety Analysis Guide](#)

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.:

Date:

V. ROADWAY SCOPING CHECKLIST (See second tab for additional roadways if needed)

A. Roadway Classification

Roadway Name: Wellington Greenway

- | | | |
|---|---|------------------------------------|
| <input type="checkbox"/> Interstate | <input type="checkbox"/> Rural Principal Arterial | Road Inventory Map |
| <input type="checkbox"/> Urban Principal Arterial | <input type="checkbox"/> Rural Minor Arterial | |
| <input type="checkbox"/> Urban Minor Arterial | <input type="checkbox"/> Rural Major Collector | |
| <input type="checkbox"/> Urban Collector | <input type="checkbox"/> Rural Minor Collector | |
| <input type="checkbox"/> Urban Local | <input type="checkbox"/> Rural Local | |
|
 | | |
| <input type="checkbox"/> Not Federal Aid Eligible | | |
| <input type="checkbox"/> Proposed roadway is on the National Highway System (NHS) | | |

B. Existing Volumes

Field data collection is not required before Scoping Meeting. This may be info used during initiation.

<u> </u> Average Daily Traffic (ADT)	<u> </u> Date(s) of Data Collection
<u> </u> Percent Truck Traffic	<u> </u> Source
<u> </u> Daily Bicycle Volume	
<u> </u> Daily Pedestrian Volume	

C. Existing Speeds

<u> </u> Speed Limit	<input type="checkbox"/> Statutory	<input type="checkbox"/> Regulatory	<input type="checkbox"/> Unknown
<u> </u> Posted Speed Signs	<input type="checkbox"/> Speed Limit	<input type="checkbox"/> Advisory	<input type="checkbox"/> Unknown
<u> </u> Measured Free Flow Speed (if available)			
<input type="checkbox"/> Designer to confirm speed regs and existing signs in project area; describe below			

Comments:

Non vehicular path

D. Determine Target and Design Speed

- Project area is candidate for Motor Vehicle and/or Multimodal Safety Countermeasures; Including Traffic Calming, Road Diet and other Safety Measures

<u> </u> Target Speed	Guidance on Establishing a Target Speed
<u> </u> Design Speed (if not the same as Target Speed)	PDDG 3.6

Comments:

Non vehicular path

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.: _____

Date: _____

E. Roadway Cross-Section Alternatives

Existing:	Proposed:	
_____	_____	Width of Existing Right-of-Way Layout
_____	_____	Number of Travel Lanes (do not include turning lanes)
Existing:	Compliant*:	
_____	_____	Width of Travel Lanes
_____	_____	Width of Turning Lanes
_____	2.	Width of Shoulders
_____	_____	Width of On-Road Bicycle Facility, include buffer
0	10	Width of Shared-Use Path (note 1 side or both)
_____	_____	Width of Separated Bike Lane (note 1 side or both)
_____	_____	Width of Roadway Buffer
_____	_____	Width of Sidewalk, include curb (note 1 side or both)
_____	_____	Width of On-Street Parking (note 1 side or both)
_____	_____	Width of Median
_____	_____	Width of On-Road Transit Facilities (note 1 side or both)
_____	_____	Width of Bus Stops

**Based on the roadway, use the second column to verify what width is considered compliant*

- Check if project is exempt from Controlling Criteria and DJW Process; discuss below [E-20-001](#)
- It is anticipated that a substandard design element requires approval through the DJW

Describe cross sections to be evaluated at alternatives analysis, potential justifications, and cross sections at bridges (if different than above):

Existing path width of Wellington Greenway the project will connect to is 10'. There may be room for 12' width, will determine best approach during design. Evaluate transitioning to tie into existing 10' wide facility at extents of project. District ok to match existing with. Should look at widths where there is a tie in to the path at Woods Memorial bridge coming down a slope. Extend gravel sub base 1' on either side beyond the paved width.

F. Determine Roadway Profile

- Existing Profile appears to meet design standards (verify during preliminary design)
- Existing Sidewalks, Curb Ramps and Driveways appear ADA/AAB Compliant
- Maintain / Optimize Existing Profile
- Improve Profile; Consider Min. Vertical Clearance, Stormwater Low Points and Flood Resiliency

Comments:

NA

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.: _____

Date: _____

G. Determine Horizontal Alignment

- Existing Alignment appears to meet design standards (verify during preliminary design)
- Maintain / Optimize Existing Alignment
- Improve Alignment

Comments:

NA

H. Proposed Pavement Treatment

Pavement structure (if known):

NA

- Ultra Thin Bond, Microsurfacing, Fog Seal, Chip Seal, Waterproof Surface Course, etc.
- Mill & Overlay (Functional or Structural)
- Hot/Cold in Place Recycling
- Reclamation
- Full Depth Reconstruction
- New Construction
- Other: _____
- No Proposed Improvement

Pavement Cores required to confirm treatment

by Designer

by MassDOT

I. Other Roadway Design Issues

- Address Accessible Ramps and Missing Crosswalks at Intersection(s)
- Address Drainage Issues
- Address Existing Traffic Signals within Project Limits
- Address Existing Bridge(s) within Project Limits (Plans Required)
- Address Existing Culvert Condition [Estimated Culvert & Bridge Vulnerability](#)
- Address Guardrail / Barrier
- Address Lighting
- Address Trees within Right-of-Way Layout
- Address MassDOT ITS, Weather Sensors, VMS, Counting Stations
- Other; Describe below

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.:

Date:

VI. CONSTRUCTABILITY

- Candidate for Full Road Closure and Detour; Describe possible detour route in Comments
- Candidate for One-Way Closure and Detour; Describe possible detour route in Comments
- Candidate for Accelerated Construction Techniques
- Candidate for Stage Construction
- Candidate for Alternating One-Way Traffic
- Candidate for Night Work
- Potential Construction Lay Down Area; Describe in Comments
- Potential for buried man-made objects / unidentified hazardous waste present
- Potential for unexpected geotechnical or groundwater issues present
- Seasonal or time restrictions required during construction
- Project overlaps and/or adjacent to another project scope and/or schedule
- Need for pedestrian/bicycle/transit detours and accomodations; Describe in Comments

Comments:

VII. UTILITIES

A. Describe Existing Utilities

Overhead:

none

Underground:

Algonquin Gas Main
MWRA- Section 105 of North Metropolitan Relief Sewer (9'3" x 9'3")

Carried on Bridge (if applicable):

NA

Under Bridge (if applicable):

NA

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.: _____

Date: _____

B. Utility Design Considerations

- Can widening be done on a side of the road that does not have Utility Poles?
- Does City / Town need to upgrade water, sewer, or drainage?
- Does City / Town need to perform sewer / drainage separation?
- Does gas company need to upgrade old Cast Iron / Barrel Steel Pipe?
- Will utility poles need to be relocated? If so, discuss potential ROW and/or tree impacts

Comments:

C. Utility Exploration

- Collection & correlation of existing utility records [Utility Relocation Contacts, Forms & Guidance](#)
- Survey of visible utility facilities

Subsurface Utility Exploration (SUE):

[SUE Engineering Directive E-21-005](#)

Quality Level(s) - Check all anticipated for 25% submission

- B: Determine existence and horizontal position of utility facilities within area of excavation
- A: Physically expose existing subsurface utility facilities to find vertical subsurface position
- Unknown - more information needed; Describe below

Comments:

Further investigation of Algonquin Gas Main depth is needed

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.:

Date:

VIII. ENVIRONMENTAL

A. Stormwater Mitigation

- Project is anticipated to increase the impervious surface of the travelled way
17,000 Square Feet of increase (if unknown, mark as TBD - to be determined)
- Project is anticipated to widen the roadway by 4 feet or more for half a mile or more
 Linear Feet of widening of 4' or more (if unknown, mark as TBD - to be determined)
- Project is anticipated to meet, or exceed MassDEP Stormwater Standards
- Does the project area directly discharge (via pipe or overland flow) into any Category 5 Impaired waterbodies?
- Does the project propose how to treat, mitigate (or maintain if sufficient) discharge into this Impaired Waterbody (meeting TMDL requirements)?

B. Stormwater Best Management Practices (BMPs)

- Project is anticipated to include BMPs to ensure existing stormwater conditions will at least be maintained; Check anticipated BMPs below:

Pretreatment BMPs

- Deep sump catch basins
- Sediment forebays
- Vegetated Filter Strips

Treatment BMPs

- Bioretention areas including rain gardens
- Constructed stormwater wetlands
- Extended dry detention basin
- Treebox filters
- Wet basins

Conveyance

- Water quality swales
- Grass channels (formerly biofilter swales)

BMPs

- Porous Pavement
- Infiltration basins and trenches
- Leaching catch basins
- Subsurface structure(s)
- Country Drainage
- Other: _____

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.: _____

Date: _____

C. Site Conditions

Provide photographs that clearly illustrate existing site conditions such as local land use and context (urban, suburban, rural, etc.); Provide additional details in the comments.

- Wetlands / waterways present
- Are historic buildings or public open space in close proximity to the site?
- Are there any historic and present potential hazmat sources within or adjacent to the project site (industrial/manufacturing facilities, gas stations/mechanic/auto shredding, dry cleaner, former mills, military base, landfill, etc.)?
- Identify culvert types/materials (e.g. stone, brick, RCP, etc.)
- Bridge Projects: Does the bridge appear to restrict the natural flow regime of the waterway?
- Bridge Projects: If the bridge is over waterway, is it navigable?

Comments:

Path connects to Open Space at either end.
See Attachment 1 for Site Photos

D. Environmental Studies, Permits & Reports Required

- Environmental Review Checklist
 - Bridge Project: Determine Nat'l Register of Historic Places status of structure - Eligible or Listed
- Potential Permits / License required – also check off if unknown:
- | | |
|---|--|
| <input checked="" type="checkbox"/> Chapter 91 Public Waterfront Act | <input type="checkbox"/> Massachusetts Endangered Species Act |
| <input type="checkbox"/> Coastal Zone Management Act | <input checked="" type="checkbox"/> Section 7 of the Endangered Species Act |
| <input checked="" type="checkbox"/> MA Wetlands Protection Act | <input checked="" type="checkbox"/> Section 106 - National Historic Preservation |
| <input type="checkbox"/> DEP Variance | <input type="checkbox"/> U.S. Army Corps of Engineers - Section 404 |
| <input checked="" type="checkbox"/> NEPA | <input type="checkbox"/> U.S. Coast Guard - Section 9 Rivers and Harbors |
| <input checked="" type="checkbox"/> CE <input type="checkbox"/> EA <input type="checkbox"/> EIS | <input type="checkbox"/> Water Quality Certification - Section 401 |
| <input type="checkbox"/> MEPA | <input type="checkbox"/> WW 10, 11: Fill & Excavation |
| <input type="checkbox"/> ENF <input type="checkbox"/> EIR | <input type="checkbox"/> WW 07, 08, 09: Dredging |
| <input type="checkbox"/> NPDES - Section 402 Clean Water Act | <input type="checkbox"/> Wild and Scenic Rivers Act |
| <input type="checkbox"/> Section 4(f) of the DOT Act | <input type="checkbox"/> Building Demolition |
| <input type="checkbox"/> Section 6(f) of the Land and Water Conservation Fund Act | <input type="checkbox"/> Dam Safety - Chapter 253 |
| <input type="checkbox"/> Section 10 Rivers and Harbors | <input type="checkbox"/> Identify Drainage Tie-Ins and Illicit Discharges |
| <input type="checkbox"/> Essential Fish Habitat Assessment | <input type="checkbox"/> Unknown, to be determined |
| | <input type="checkbox"/> Other: _____ |

Comments:

No work within the Malden River, work within Riverfront, Buffer Zone and BLSF. Project is located within Filled Tidelands. Project does not anticipate MEPA ENF threshold but may apply. (Designer will ask for advisory opinion from MEPA on ENF and Riverfront mitigation) Wetlands Order of Conditions has been obtained but may need to be amended depending on final design.

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.: _____

Date: _____

IX. RIGHT-OF-WAY

- Easements, Takings or Alterations anticipated to be required

Responsibility: Municipality MassDOT Other: DCR

[Right of Way Manual](#)

- Potential Article 97; Describe below
Consider potential impacts to Conservation Land, Open Space including Public Parks & Monuments, Public Reservations, Public Athletic fields, Public Concert area, Municipal commons and Public Playgrounds. Consider impacts to Public watershed properties, Fish & Wildlife property, DCR property, properties having an Agricultural Restriction or Conservation Restriction.
- Easements, Permits or Licenses from DCR, Fisheries & Wildlife, MBTA or MWRA; Describe below
- Impact to Railroad or Public Utility Corridor; Describe below
- Do any assets exist outside of the ROW (lighting, signal equipment, etc.)? Describe below
- Is there anticipated earth disturbance outside of the SHLO?

Comments:

Properties owned by MBTA, DCR and AM/FM BROADCASTING, INC.
There may be a DCR Easement for walkway located on AM/FM Parcel from earlier Ch. 91 License but DCR has no record of it.

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.:

Date:

X. DATA, STUDIES, ANALYSIS & REPORTS

A. Pre-25% Services

- Field Survey & Base Plan by Designer by MassDOT [Survey Guidelines](#)
- Traffic Counts by Designer by MassDOT [Traffic & Safety Engineering - 25% Design Submission Guide](#)
- Signal Warrants for Existing/Proposed Signals
- Crash Data by Designer by MassDOT [MassDOT IMPACT Crash Portal](#)
- Police Crash Reports by Designer by MassDOT
- Road Safety Audit
- Wetlands Delineation by Designer by MassDOT
- Coordination with local or regional Active Transportation planners on existing efforts/plans
- Field Verify ADA/AAB Compliance for Sidewalks and Curb Ramps to be retained
- Preliminary Decision Value calculation per Bridge Manual 2.1.4 (for Accel. Bridge Construction)
- Project Design Schedule [Design Schedule Templates](#)
- Measure river/stream channel bankfull width [\(See video for guidance\)](#)
- Desktop review of potential sources for hazardous materials (review MassGIS and MassDEP online search tools, historic and current site use information, historic fill maps, etc.)
- Intersection Control Evaluation (ICE) - Stage 2 and 3, if needed [ICE Guidelines & Forms](#)
****ICE Forms should be approved by MassDOT prior to scheduling an OTS meeting*
- Candidate for Book Job
- Pre-25% "Over-the-Shoulder" (OTS) Review Meeting (see required deliverables in section B)
- Other: _____

Comments:

Survey will need to be refreshed to MassDOT standards

B. Pre-25% "Over-the-Shoulder" (OTS) Meeting Deliverables - provide in advance of OTS

- Conceptual (10% level) design with critical cross sections, roll plan and preliminary profiles
- Typical Section Alternatives Analysis
- Draft Design Justification Workbook [Design Justification Workbook](#)
- Safety Alternatives Analysis [Safety Alternatives Analysis Guide](#)
- Finalized and approved ICE forms
- Preliminary Estimate
- Preliminary Utility Impacts and/or Relocations Summary (to determine level of SUE needed)
- Preliminary Construction Staging
- Preliminary ROW Impact Summary for Alternatives
- Preliminary Environmental Permitting Requirements Summary and Hazmat Implications
- Other: _____

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.: _____

Date: _____

Comments:

C. Post-OTS Pre-25% Items

- Public Information Meeting, if needed
- Documentation of Preferred Alternative in OTS Meeting Minutes; summarize below:

D. 25% Design Submission

- Functional Design Report [Traffic & Safety Engineering - 25% Design Submission Guide](#)
- Design Justification Workbook [Design Justification Workbook](#)
- Horizontal Alignment Report
- Pavement Design Report
- Checklists per PDDG Checklist & Submission Workbook [Checklists & Submission Guides](#)
- Estimate [Construction Project Estimator \(CPE\)](#)
- Preliminary Right of Way Plans [Right of Way Plan Preparation Guide](#)
- Preliminary Utility Coordination & Colored Utility Plans
- Estimate of utility adjustments / relocations @25% [Utility Relocation Forms & Guidance](#)
- Initial Contract Time Determination
- Early Environmental Coordination Checklist
- Other: _____
- Combined 25%/75% Submission Please check this off as a candidate for streamlining on the RISK tab.

Comments:

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.: _____

Date: _____

E. Post-25% Submission Items

- Design Public Hearing
- Contract Time Determination [Contract Time Determination \(CTD\) Guide](#)
- Incentive / Disincentive [Incentive / Disincentive Guide](#)
- Other: _____
- Combined 100%/PS&E Submission

Comments:

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.: _____

Date: _____

PROJECT SCOPING MEETING SIGN-IN SHEET

Project File No.: _____

Scoping Meeting Date: _____

Project Description: _____

Checklist Prepared by: _____

Meeting Location: On-Site Virtual

Attendee Disciplines (Refer to Meeting Invite Chart in the Pre-25% Engineering Directive)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Project Manager | <input type="checkbox"/> Environmental | <input checked="" type="checkbox"/> Municipality |
| <input checked="" type="checkbox"/> Designer | <input type="checkbox"/> FHWA | <input type="checkbox"/> Pavement |
| <input type="checkbox"/> Bridge | <input type="checkbox"/> Geotechnical | <input checked="" type="checkbox"/> Right-of-Way |
| <input type="checkbox"/> District Bridge | <input checked="" type="checkbox"/> Highway Design | <input checked="" type="checkbox"/> Traffic and Safety |
| <input type="checkbox"/> District Construction | <input type="checkbox"/> Hydraulics | <input type="checkbox"/> Transit |
| <input checked="" type="checkbox"/> District Project Development | <input type="checkbox"/> Landscape | <input checked="" type="checkbox"/> Utilities |
| <input type="checkbox"/> District Traffic | <input type="checkbox"/> Materials | <input type="checkbox"/> Other: _____ |

Name	Organization / Discipline:	Email:
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Pamela Marquis	MassDOT/ROW	pamela.marquis@dot.state.ma.us

MASSDOT PROJECT SCOPING CHECKLIST

Project File No.:

Date:

Nikki Peter	MassDOT/ROW	nikki.j.peter@dot.state.ma.us
Todd Blake	City of Medford	tblake@medford-ma.gov



TO: Chair Cathy Judd-Stein and Commissioners Eileen O’Brien, Bradford Hill, Nakisha Skinner and Jordan Maynard

FROM: Joseph E. Delaney, Mary Thurlow and Lily Wallace

CC: Todd Grossman, Interim Executive Director

DATE: March 7, 2024

RE: FY 2025 Community Mitigation Fund Update

In November 2023, the Commission issued the FY 2025 Community Mitigation Fund (CMF) Guidelines. These guidelines shifted the program to a new block grant structure. One goal was to increase the number of applicants to ensure funding was accessible to all impacted communities. In 2023, the CMF received \$16.1 million dollars in requested funds. In 2024, just over \$22 million dollars were requested. This amounts to a 36.6% increase over the 2023 request.

To access funding from the CMF, communities and governmental entities were required to submit grant applications by January 31, 2024. These applications are being reviewed by an interdepartmental review team and then will be brought before the full Commission for final approval.

Municipal Applications

25 of 28 eligible municipalities applied for funding. The three communities that did not apply were Agawam, Hampden and North Attleborough. The municipalities were required to submit a single application per community comprising all proposed projects. Communities applied for funding related to community planning, transportation, public safety, gambling harm reduction, and specific impacts.

FY 2025 Municipal Application Summary

	Proposed Municipal Allocation	Total Municipal Request
Region A	\$11,500,000	\$12,320,618
Category 2	\$500,000	\$469,810
Region B	\$4,300,000	\$5,549,600
Total	\$16,300,000	\$18,340,028



Massachusetts Gaming Commission

Regional Applications

This year's guidelines created new grant categories for statewide and regional applicants whose work can help mitigate casino related impacts with regional planning and regional public safety initiatives. The FY25 Guidelines also expanded funding for workforce development applications across the state. Ten applications were received from regional agencies.

FY 2025 Regional Application Summary

	Total Regional Agency Request
Region A	\$2,106,800
Category 2	\$233,700
Region B	\$1,323,400
Total	\$3,663,900

Review Process

In the past, applications were brought to the Commission for approval over the course of the spring. We tried to group applications together by Grant category for ease of review by the Commission. The review Memos were often voluminous and reviews took a significant amount of time.

While we received only 35 applications this year compared to over 50 last year, each application typically has several projects associated with it. The total project count for FY 25 is 130. Given the volume of projects, we are proposing some changes to the review process with the Commission. Rather than group projects together by category, we are proposing to bring each full application to the Commission for review and approval. Trying to group projects by category would result in portions of grants being approved at different meetings, which would make the process somewhat unwieldy.

We are also proposing a simplified presentation to the Commission, which is essentially a tabular approach where we identify the project, the impact, a determination whether the project addresses the impact and a brief evaluation. The goal is to keep each application to 1-2 pages of text. The following is a sample of what that presentation might look like. We would like to get feedback from the Commissioners on this approach and whether this would meet the Commission's needs. Of course, we are still proposing 2x2s ahead of the Commission meetings to give the Commissioners a full briefing on the projects.



Massachusetts Gaming Commission

Applicant Name: Delaneyville	Region: A
MGC FY25 Allocation: \$400,000	Requested Amount: \$475,000
Recommended Grant Amount: \$325,000	
Waiver: Delaneyville is requesting a waiver for an additional \$75,000 over their proposed allocation to fully fund their bike program. The waiver notes that the applicant does not have the free cash available to finish funding the project on the designated timeline if not completely funded by this grant.	
1. Casino Special Event Shuttles: \$150,000	
Recommendation: Full Funding \$150,000	
Description: Funds would go toward a shuttle service between Casino and Delaneyville for special events throughout the year. The shuttle service is the critical connection between the city and Casino to promote further collaboration with the Casino and a form for locals and visitors to explore both the Delaneyville events and the Host Community's growing Casino.	
Impact: Economic Development opportunities for local communities and businesses to attract casino patrons and employees to their business and communities.	
Determination: The Review Team agrees that this project addresses the identified impact.	
Rationale: The Review Team has determined that the Applicant's request utilized an impact and mitigation measure identified in the FY2025 Community Mitigation Fund Guidelines.	
2. Bike Share Program-\$200,000	
Recommendation: Recommend as Amended in the amount of \$125,000	
Description: Funds for the Delaneyville's portion of operational cost as part of the regional bike share program led by the City for 8 communities surrounding the casino.	
Impact: As identified in the FY25 CMF Guidelines: <ol style="list-style-type: none"> 1. Increased traffic associated with gaming causes increased congestion on the major routes leading to /from the gaming establishment. 2. Increased traffic associated with the gaming establishment may cause localized increases in air pollution due to congestion. 3. Increased visitation to the gaming establishment area may place a strain on public transit services. 	
Determination: The Review Team agrees that this project addresses the identified impact.	
Rationale: The Applicant's request utilized an impact and mitigation measure identified in the FY2025 CMF Guidelines. The city has requested a waiver from their allocation and the team felt that the request for a waiver was not justified. While patrons or employees may use a bike to get to and from the casino, the community was not able to provide any relevant data regarding ridership and therefore this seems to be a general municipal expense. While biking does remove trips from the road the Review Team felt that the need was not extraordinary, and it was not appropriate to go above the allocated dollars.	



3. Parcel Inventory-\$50,000
Recommendation: Full Funding \$50,000 with Conditions
Description: Funds for creating and adopting the enabling bylaws that would allow for a 40R, Center-Town District to increase housing options near the casino for employees. Development by Regional Planning Agency of a parcel inventory and site-readiness assessments for the District.
Impact: As identified in the FY25 CMF Guidelines: Gaming establishments attract a large group of patrons and employees to their establishments that would not otherwise be present in the area. This provides opportunities for local communities and businesses to attract these patrons and employees to their communities and business establishments.
Determination: The Review Team agrees that this project addresses the identified impact.
Rationale: The Review Team has determined that the Applicant's request utilized an impact and mitigation measure identified in the FY2025 Community Mitigation Fund Guidelines. The Review Team felt that more information is needed that can only be secured by the applicant after completing their project's first phase (Tasks A-C). The Review Team recommends that the applicant be required to come back to Commission staff after the tasks have been substantially completed for final approval before beginning work on the second phase.
5. Police Cruisers-\$75,000
Recommendation: The Review Team Does Not Recommend Funding
Description: The Delaneyville Police Department is requesting the replacement of two unmarked police cruisers that the town uses for traffic patrols.
Impact: As identified in the FY 2025 Guidelines: <ol style="list-style-type: none"> 1. Increased visitation and employment due to the casino will likely increase the interaction between public safety personnel and casino patrons and employees. 2. The presence of casinos has been demonstrated to cause an increase in cases of operating under the influence. 3. Increases in traffic can cause increases in congestion, accidents, and vehicular/bicycle/pedestrian conflicts.
Determination: The Review Team does not agree that this project addresses the identified impacts.
Rationale: The FY 2025 CMF Guidelines prohibit the routine replacement of police vehicles. One of the requirements of the FY 2025 Guidelines is that projects must supplement, not supplant existing funding. The Delaneyville PD was unable to demonstrate that the provision of these vehicles would enhance existing traffic enforcement efforts over and above those being done before the opening of the casino.

