



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 27, 2025 | 10:00 a.m.
VIA REMOTE ACCESS: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 111 999 7630
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 - #549

1. Call to Order – Jordan Maynard, Chair

2. Meeting Minutes

- | | |
|----------------------|-------------|
| a. January 17, 2023 | VOTE |
| b. October 10, 2024 | VOTE |
| c. November 7, 2024 | VOTE |
| d. February 24, 2025 | VOTE |

3. Administrative Update – Dean Serpa, Executive Director



Massachusetts Gaming Commission

4. Legal – Todd Grossman, General Counsel

- a. Litigation Updates - FBT Everett Realty, LLC v. Massachusetts Gaming Commission and Massachusetts Gaming Commission v. Landmark American Insurance Company

I. Executive Session

VOTE

The Commission anticipates it will meet in executive session in accordance with G.L. c. 30A, § 21(a)(3) to discuss strategy with respect to FBT Everett Realty, LLC v. Massachusetts Gaming Commission and Massachusetts Gaming Commission v. Landmark American Insurance Company, as discussion at an open meeting may have a detrimental effect on the litigating position of the Commission. **The public session of the meeting will reconvene at the conclusion of the executive session.**

5. Investigations and Enforcement Bureau – Caitlin Monahan, Chief of Investigations and Enforcement Bureau

- a. Discussion Regarding Handling of Wagers Related to Sports Wagering Noncompliance Events pursuant to 205 CMR 247.03(11).” - Caitlin Monahan, Director, IEB, Kathleen Kramer, CEC/Assistant Director, IEB, Carrie Torrisi, Chief, Sports Wagering Division, and Justin Stempeck, Deputy General Counsel
- b. Briefing on noncompliance matter related to Category 3 Sports Wagering Licensee Penn Sports Interactive d/b/a ESPN BET and discussion regarding next steps. Alleged noncompliance relates to offering wagering on a prohibited event in violation of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog. – Diandra Franks, Enforcement Counsel
- c. Briefing on noncompliance matter related to Category 3 Sports Wagering Licensee American Wagering Inc., d/b/a Caesars Sportsbook and discussion regarding next steps. Alleged noncompliance relates to offering wagering on a prohibited event in violation of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog. – Diandra Franks, Enforcement Counsel
- d. Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee BetMGM, LLC and discussion regarding next steps. Alleged noncompliance relates to offering wagering on a prohibited event in violation of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog. – Diandra Franks, Enforcement Counsel
- e. Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee FBG Enterprises Opco, LLC, d/b/a Fanatics Betting and Gaming and discussion regarding next steps. Alleged noncompliance relates to offering wagering on a prohibited event in violation of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog. – Diandra Franks, Enforcement Counsel



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- f. Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee Betfair Interactive LLC, d/b/a FanDuel and discussion regarding next steps. Alleged noncompliance relates to offering wagering on a prohibited event in violation of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog. – Diandra Franks, Enforcement Counsel
 - g. Temporary Category 3 Sports Wagering Operator Requests for a Temporary License – Kara O’Brien, Chief, Licensing Division **VOTE**
 - i. Bally’s Interactive, LLC (BallyBet)
 - ii. Betfair Interactive, LLC (FanDuel)
 - iii. BetMGM, LLC (BetMGM)
 - iv. Crown MA Gaming, LLC (DraftKings)
 - v. FBG Enterprises Opco, LLC (Fanatics)
6. Update on Employment and Vendor Diversity – Commissioner Nakisha Skinner; Dean Serpa, Executive Director; Derek Lennon, Chief Financial and Accounting Officer; Boniswa Sundai, Senior DEI Program Manager
7. Racing Division – Dr. Alexandra Lightbown, Director of Racing
 - a. Plainridge Park Racecourse Request for Approval of Racing Officials and Key Operating Personnel –Steve O’Toole, Director of Racing Plainridge Park Casino **VOTE**
8. Sports Wagering Division – Carrie Torrissi, Division Chief, Sports Wagering
 - a. Update to House Rules – Andrew Steffen, Sports Wagering Compliance and Operations Manager
 - I. Bally’s **VOTE**
 - II. BetMGM **VOTE**
 - III. Encore Boston Harbor **VOTE**
 - IV. Fanatics **VOTE**
 - V. FanDuel **VOTE**
 - VI. MGMSpringfield **VOTE**
 - b. Request for Extension of Temporary Waiver from identity authentication questions requirement in 205 CMR 248.04(4) for Bally’s and BetMGM **VOTE**



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9. Legal – Todd Grossman, General Counsel

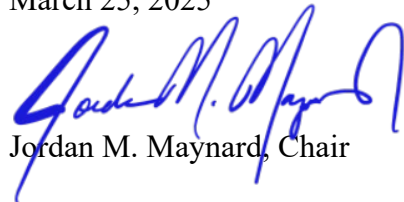
- a. 205 CMR 256.00: Sports Wagering Advertising – Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to begin the promulgation process by Commission – Justin Stempeck, Deputy General Counsel **VOTE**
- b. 205 CMR 238.01: Definitions – Discussion and Review of Regulation Amendments and Amended Small Business Impact Statement for final adoption by Commission – Justin Stempeck, Deputy General Counsel **VOTE**
- c. 205 CMR 243.02 Kiosks – Discussion and Review of Regulation Amendments and Amended Small Business Impact Statement for final adoption by Commission – Ying Wang, Associate General Counsel **VOTE**
- d. Table Game Rules Update – Spanish 21 and Pontoon 21 – Judith Young, Associate General Counsel, Burke Cain, Chief of the Gaming Agents Division, Dave Diorio, Casino Compliance Coordinator/Assistant Chief, IEB - Gaming Agents **VOTE**
- e. 205 CMR 101: Adjudicatory Proceedings – Discussion and Review of Regulation Amendment and Small Business Impact Statement for authorization to begin the promulgation process by Commission - Autumn Birarelli, Staff Attorney **VOTE**

10. Commissioner Updates

11. 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 25, 2025 | 10:00 a.m. EST | **REVISED: 3/25/25 @ 1:15PM**

March 25, 2025



Jordan M. Maynard, Chair

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



Massachusetts Gaming Commission



Massachusetts Gaming Commission Meeting Minutes

Date/Time: January 17, 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. 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 424th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

Chair Judd-Stein noted that she had filed a disclosure of an appearance of conflict of interest in accordance with G.L. c. 268A, § 23(b)(3) as she had connections with PointsBet MA, LLC ("PointsBet") employees. Commissioner O'Brien noted that she had just learned that Teresa Fiore is employed by PointsBet, and that she had not had the opportunity to file a G.L. c. 268A, § 23(b)(3) disclosure with her appointing authority. Commissioner O'Brien stated that she had no contact with Ms. Fiore during this process and that she could be fair and impartial in evaluating PointsBet's application.

2. [Opening Remarks](#) (02:50)

Chair Judd-Stein stated that in this meeting, the Commission would review the final category three untethered sports wagering application which was submitted by PointsBet. She stated that the final evaluation of the category three untethered applicant pool would begin at the January 18, 2023 public meeting.

3. [Evaluation Process](#) (03:57)

- a. Presentation of application and demonstration of technology and user experience by each applicant for a Category 3 untethered sports wagering operator license in accordance with 205 CMR 218.06(3)

PointsBet's Senior Director of Regulatory Operations Andrew Moreno introduced PointsBet's U.S. CEO Johnny Aitken, PointsBet's Head of U.S. Legal and Compliance Rachel Kasper, PointsBet's Executive Vice President of Media and Strategy Rick Martira, PointsBet's Senior Director of Diversity, Culture, and Employee Experience Laura Leffler, PointsBet's Manager of Trading Compliance Andrew Manino, and PointsBet's Director of Engineering Operations Loren Crowe. Mr. Moreno stated that some parts of the application were commercially sensitive and requested that those topics be discussed in executive session.

Mr. Aitken explained PointsBet's history with sports wagering in Australia, Canada, and 14 United States jurisdictions. Mr. Martira provided a marketing approach overview regarding PointsBet's premium product messaging, localized media approach, dedicated VIP team, and targeted promotions.

Ms. Kasper explained that PointsBet focused on responsible gaming at the forefront and stated that the responsible gaming team worked with all departments. She stated that PointsBet had implemented a responsible gaming plan and provided support resources to customers. She stated that all advertising contained responsible gaming language. She explained that PointsBet sent out a monthly responsible gaming email and had daily responsible gaming posts on social media. She stated that PointsBet was engaged with responsible gaming stakeholders.

Ms. Leffler stated that 23% of PointsBet employees were women and 39% of employees were diverse. She stated that 26% of employees in leadership roles were women and 14% of those leadership roles were diverse. She noted that PointsBet had spent \$1.89 million with minority-owned business enterprises, women-owned business enterprises, and veteran-owned business enterprises in 2022. She stated that PointsBet was partnered with the National Minority Supplier Diversity Council.

Mr. Manino provided an overview of PointsBet's in-house technology and trading system. He stated that the tech team ensured that only approved wagers were offered. Mr. Crowe provided a product demonstration of PointsBet's platform. Chair Judd-Stein inquired about the icon which provided information regarding each bet. Mr. Crowe explained how the information tabs worked.

b. [Presentations and Analysis Relevant to review and evaluation of Application for each Category 3 untethered sports wagering license](#) (1:07:07)

i. [Technical Components](#) (1:07:27)

Joe Bunevith, Vice President of Government and Regulatory Affairs from Gaming Laboratories International (“GLI”), provided an overview of the certification process and end verification for mobile applications and other digital platforms once they are approved by the Commission. He stated that GLI would verify whether the platform meets all requirements specific to Massachusetts during the verification process.

ii. [Report on suitability of the Applicant](#) (1:12:44)

Director of the Investigations and Enforcement Bureau (“IEB”) Loretta Lillios discussed the IEB’s report on the preliminary suitability of PointsBet. She noted that the Licensing Division identified three entity qualifiers and four individual qualifiers. She stated that nothing significant was outstanding from PointsBet’s application.

iii. [Financial and Economic Impact Analysis](#) (1:18:14)

Chair Judd-Stein explained that RSM US, LLC had reviewed previous sports wagering applicants’ financial projections, but that RSM had a conflict with PointsBet. She stated that the Commission utilized Litman Gerson Associates (“LGA”) to review PointsBet’s financial projections.

Ross Yogel, Finance Consultant from LGA, presented on the financial projection estimates provided by PointsBet, including anticipated market size in Massachusetts, year-over-year growth trends, market share data from other jurisdictions, hold percentage over time, and liquidity of the applicant. He stated that the information provided by PointsBet included competitively sensitive data that would be better addressed in an executive session.

c. [Review and evaluation of each Application for a Category 3 untethered sports wagering operator license as submitted by PointsBet Massachusetts, LLC in accordance with 205 CMR 218.00 including, but not limited to consideration of the following criteria](#) (1:48:50)

i. [Experience and Expertise related to Sports Wagering \(205 CMR 218.06\(5\)\(a\)\)](#) (1:49:40)

Chair Judd-Stein asked how prohibited events would be prevented from being offered. Mr. Manino explained that there were blockers placed by both PointsBet and the data providers to prevent prohibited markets from being offered. Commissioner Maynard asked if PointsBet had

gone live in Ohio and Maryland since it submitted its application in Massachusetts. Mr. Moreno stated that PointsBet was live in both states.

Commissioner O'Brien sought clarification regarding points betting, booster tokens, and name-a-bet and how they comply with responsible gaming. Mr. Moreno stated that all promotions offered were compliant with local regulations. Mr. Martira explained how the different bets worked.

Commissioner O'Brien asked for details regarding procedures related to hardship requests. Mr. Moreno explained that PointsBet staff actively work with regulatory partners but may need to submit hardship requests for complex fixes that could not be implemented quickly.

Commissioner O'Brien asked GLI if hardship requests were an industry norm. Mr. Bunevith explained that hardship requests were available for operators to fix something that was not compliant, and that the 90 days cited by PointsBet was normal for that type of return.

Chair Judd-Stein inquired about free bets. Ms. Kasper explained that free bets were bets where the customer did not have to provide any funds. She stated that PointsBet would adapt the language to what is allowed by the regulatory landscape. Mr. Martira stated that free bets were also referred to as bet credits in other jurisdictions.

The Commission reached a consensus that PointsBet had met the Commission's expectations with regard to Section B of the application.

ii. [Economic impact and other benefits to the Commonwealth if applicant is awarded a license \(205 CMR 218.06\(5\)\(b\)\)](#) (2:10:40)

Commissioner Hill inquired about PointsBet's community engagement in other jurisdictions. PointsBet's Chief People Officer Amanda Anderson stated that PointsBet had partnered with Project Angel Heart, participated in Martin Luther King Jr. Day parades, and conducted food drives and toy drives. Commissioner Hill noted that more local partnerships were detailed in Section D of the application.

Commissioner Maynard inquired about PointsBet's relationship with three golf courses in Massachusetts. Mr. Martira stated that the partnerships were a localized marketing presence to attract customers interested in sports.

Commissioner Skinner asked what steps were taken regarding the call center collaboration with a local women-owned business enterprise. Mr. Moreno stated that the work was early in the process and still being scoped. He stated that he could discuss the specifics in an executive session. Commissioner Skinner asked if the call center would be a physical location or Massachusetts residents working remotely. Mr. Moreno stated that it would be a physical location and that PointsBet was vetting all capabilities for the call center.

Commissioner O'Brien asked what steps were being taken to engage with local PR firms. Mr. Moreno stated that the work was early in the process. He stated that he could discuss the specifics in an executive session.

Chair Judd-Stein noted that there were cross-marketing opportunities with the Massachusetts Lottery. Mr. Moreno stated that PointsBet's platform was not in direct competition with the lottery and that the two products could complement each other.

The Commission agreed to wait until after the executive session before reaching a consensus as to whether PointsBet met the Commission's expectations with regard to Section C of the application.

iii. [Applicant's willingness to foster racial, ethnic, and gender diversity, equity, and inclusion \(205 CMR 218.06\(5\)\(d\)\)](#) (2:27:06)

Commissioner Hill asked what methods could be used to contact customer support. PointsBet's Director of Customer Support Bill Fox stated that customer service was available 24/7 via live chat, email, and phone.

Commissioner Skinner requested that PointsBet provide their total spend number to put the diversity spending into context. She noted that the presentation did not include diversity employment goals or diversity spend goals. Ms. Leffler stated that PointsBet was focused on attracting and retaining diverse talent with year-over-year growth. Commissioner Skinner requested that PointsBet submit a diversity spending goal and a diversity employment goal.

Commissioner O'Brien noted that the diversity employment numbers were not great in comparison to other applicants. She inquired about what efforts were being made to increase diversity employment numbers. Ms. Leffler stated that PointsBet had a partnership with Women in Sports Tech and other organizations.

Commissioner Skinner noted that the percentages of diverse employment listed in the application did not match what was presented by PointsBet. Ms. Anderson explained that the percentages in the presentation are current and had increased after the application was submitted. She stated that PointsBet was continuing to engage in partnerships to increase diversity in employment and spending. Commissioner O'Brien asked if PointsBet would partner with local organizations in Massachusetts. Ms. Anderson replied that PointsBet would engage with local organizations. Commissioner Skinner noted that there were outstanding requests regarding overall spend so that supplier diversity spending could be placed into context. Ms. Kasper stated that PointsBet would provide that information to the Commission.

iv. [Proposed measures related to responsible gaming \(205 CMR 218.06\(5\)\(c\)\)](#) (2:41:17)

Commissioner O'Brien inquired about the ad hoc initiative for responsible gaming information. Ms. Kasper stated that all PointsBet employees were trained regarding responsible gaming. She explained that the ad hoc initiative looked for language in communications that would trigger an escalation to the responsible gaming team. She stated that staff were trained to look for red flags, such as overcommunication related to finance concerns.

Chair Judd-Stein asked if the responsible gaming plan was adopted by the board of directors or governance committee. Mr. Moreno stated that the responsible gaming plan was included in the internal controls submitted for approval in each jurisdiction.

Commissioner Hill asked about PointsBet's compliance issues related to unauthorized events being offered. Ms. Kasper stated that even with blockers in place, there could be a lag in information transferred between the operator and data feed providers. She stated that this issue was not unique to PointsBet. She stated that more information could be provided in an executive session. General Counsel Todd Grossman stated that most of the compliance issues were a matter of public record, and that only the remedial actions taken could be discussed in executive session.

Commissioner Hill inquired about three compliance matters in Indiana. Mr. Manino explained that two of the incidents were regarding events that were meant to be offered in a single jurisdiction but were inadvertently uploaded to multiple jurisdictions. Ms. Kasper stated that the third event was a data feed issue where an unapproved event was listed under an approved league. Mr. Manino stated that a blacklist was created for each jurisdiction and that PointsBet swept the website every minute to look for unapproved events. Commissioner Hill stated that he did not need to hear further details in executive session.

Commissioner Skinner asked about the incident in Indiana where an excluded person placed wagers. Ms. Kasper stated that she believed the excluded person was a member of a sports team that was prohibited from wagering. She stated that she would check PointsBet's record and report back to the Commission to confirm that was correct.

The Commission reached a consensus that PointsBet had met the Commission's expectations with regard to Section E of the application.

v. [Technology that the applicant intends to use \(205 CMR 218.06\(5\)\(e\)\)](#) (3:08:27)

Chair Judd-Stein commended PointsBet on how self-sufficient it was with in-house technology.

The Commission reached a consensus that PointsBet had met the Commission's expectations with regard to Section F of the application.

vi. [Suitability of the applicant and its qualifiers \(205 CMR 218.06\(5\)\(f\)\)](#) (3:10:35)

Chair Judd-Stein stated that the Commission was still waiting to discuss LGA’s presentation regarding PointsBet’s financial suitability in executive session.

Commissioner O’Brien inquired about the expiration of PointsBet’s license to operate in New Jersey in December of 2022. Ms. Kasper stated that PointsBet’s application to renew its license was still pending, and that PointsBet had a transactional waiver approved by the New Jersey Attorney General to continue operations until the renewal application was approved.

Commissioner Skinner asked why PointsBet had withdrawn an application in Ohio. Mr. Moreno stated that PointsBet had pursued a partnership with a retail location during the licensing period. He stated that given the availability of licenses, PointsBet chose to focus on mobile sports wagering and withdrew its application for a retail license.

The Commission reached a consensus that PointsBet had met the Commission’s expectations with regard to Section G of the application.

d. [Executive Session](#) (3:18:09)

General Counsel Grossman stated that there were three items for review in the executive session. He stated that the first item for executive session was LGA’s financial projections and other associated methodologies. He stated that the second item for executive session was related to PointsBet’s engagement with a local public relations firm. He stated that the third item for executive session was regarding PointsBet’s partnership with a local enterprise to create a call center. He stated that these three topics implicate competitively sensitive info and are appropriate for review in executive session in accordance with G.L. c. 23N, § 6(i).

Chair Judd-Stein stated that the Commission anticipated that it may meet in executive session in conjunction with its review of the each of the category 3 untethered applications in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 23N, § 6(i) to consider information submitted by the applicants in the course of the respective applications for an operator license, as examined by LGA in the context of any discussed financial metrics, ratios, or associated financial measures, that are a trade secret, competitively-sensitive or proprietary and which if disclosed publicly would place the applicant at a competitive disadvantage.

Commissioner O’Brien moved that the Commission go into executive session to talk about the matters delineated by General Counsel Grossman and for the reasons enunciated by the Chair. Commissioner Hill seconded the motion.

Roll call vote:

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

The motion passed unanimously, 5-0.

Chair Judd-Stein noted that the public session of the Commission meeting would reconvene at the conclusion of the executive session.

Transcriber's Note: The Commission entered executive session and returned to the public session of the meeting at [4:21:49](#).

The Commission reached a consensus that PointsBet had met the Commission's expectations with regard to Section C of the application.

Chair Judd-Stein asked which topics required supplemental information. General Counsel Grossman stated that the Commission requested that PointsBet establish workforce and supplier diversity goals and provide such information to the Commission. He stated that the Commission also requested PointsBet's total supplier spend to put diversity spend amounts into context.

General Counsel Grossman stated that PointsBet also agreed to provide information about the compliance issue in Indiana, and whether the player was excluded or a member of a sports team. Ms. Kasper stated that she reviewed that incident and discovered that the individual was an excluded player and apologized for the previous misinformation. Commissioner Skinner asked what remediation measures were put in place after this event. Ms. Kasper stated that the incident occurred due to a manual upload error with the patron's identifying information. She stated that the Commission would be provided with a brief on that event and a copy of the March 23, 2021 disposition. Mr. Moreno stated that PointsBet had a significant investment in compliance since that incident.

Commissioner O'Brien asked if PointsBet had associations with colleges and universities. Mr. Martira explained that PointsBet had relationships with the University of Colorado and the University of Maryland. He noted that the relationship focused on recruitment and expanding the Universities' sports technologies programs.

The meeting was adjourned by the Commissioners after the conclusion of their discussion regarding supplemental information requests.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda dated January 3, 2023](#)



Massachusetts Gaming Commission Meeting Minutes

Date/Time: October 10, 2024, 9:30 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 756 8404

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:

Interim Chair Jordan Maynard
Commissioner Eileen O'Brien
Commissioner Bradford Hill
Commissioner Nakisha Skinner

1. [Call to Order](#) (00:05)

Interim Chair Jordan Maynard called to order the 536th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted. All Commissioners were present for the meeting.

2. [Meeting Minutes](#) (01:10)

- a. July 17, 2023
- b. July 27, 2023
- c. August 8, 2023

The meeting minutes were included in the meeting packet on pages 4 through 33.

Commissioner Skinner moved to approve the minutes from July 17, 2023, July 27, 2023, and August 8, 2023 included in the Commissioner's Packet subject to any necessary edits for typographical errors or any other non-material matters. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.
Interim Chair Maynard: Aye.
The motion passed unanimously 4-0.

3. [Legislative Update](#) (02:45)

Commissioner Hill provided a legislative update to the Commission. He noted that the Legislature was still working on its Economic Development Bill. He suggested sending another letter to the Chairs of the Ways and Means Committee to ask if language could be added to help the Commission. *The draft letter to the Legislature was included on page 34 of the meeting packet.*

Commissioner Hill suggested that Executive Director Serpa may be the best agent to send the letter. Commissioner O'Brien requested a change to a sentence within the letter to ensure there was no implication that the Commission needed the legislation to execute its responsibilities. She explained that she wanted to ensure that it was clear that the legislation would make certain processes less cumbersome for the Commission and operators, however.

Commissioner Skinner stated that she approved of the letter going out under the Executive Director's name. She inquired what was different this year in terms of the signatories than in 2023, or the last time the letter was sent. Commissioner Hill explained that the last time the letter was sent, it was sent on behalf of the entire Commission. He stated that this time, due to the fact that they were still discussing the bill in Conference Committees, he did not see a problem with the Executive Director sending it for reasons of expediency.

Interim Chair Maynard voiced his support for the letter, with Commissioner O'Brien's changes incorporated. He stated that he would be comfortable with Director Serpa sending the letter.

4. [Administrative Update](#) (06:17)

a. Update on Monthly Public Release of Casino and Sports Wagering Revenue Data

Executive Director Serpa provided an Administrative Update regarding the monthly release of gaming and sports wagering revenue numbers. *A memorandum detailing this issue was included in the meeting packet on page 34.* Executive Director Serpa stated that by statute, casino and sports wagering operators must provide revenue figures to the Commission by the 15th of the month. He added that casino operators report revenues daily, while sports wagering operators report monthly. Historically, the Commission has released the combined figures on the 15th of the month or the next business day. He added that there was no statutory requirement for the Commission to release the data on that date, but it was best practice to release them monthly.

Executive Director Serpa suggested moving the release date to the 20th of the month, or the first business day following the 20th. He explained that the procedural change would allow Finance and Communication staff more time to review, reconcile, check accuracy, format, and package

the information before public release. He explained that with the addition of sports wagering, there were more reporting entities than when the revenue reporting process started. Executive Director Serpa stated that if there were no objections, the Communications team would release the September revenue numbers on October 15th. The users of the data would be notified on the 15th of the upcoming change, which would begin on November 20th, with the reporting of October revenue numbers.

Commissioners reached consensus on moving the reporting date to the 20th. Interim Chair Maynard thanked CFAO Derek Lennon and Division Chief Tom Mills for their work in getting the numbers out every month; and stated that he hoped the change would allow more time to ensure everything was perfect.

5. [Presentation of Final Candidate \(Kathleen Kramer\) for Chief Enforcement Counsel](#) (10:20)

Caitlin Monahan, Director of the Investigations and Enforcement Bureau (“IEB”) presented Kathleen Kramer as the final candidate for the Chief Enforcement Counsel (“CEC”) role. She stated that Kramer began her career as an ADA 10 years ago and has been with the Commission since July 2022. Since December 2023, Attorney Kramer served as Interim Chief Enforcement Counsel and Assistant Director of the IEB.

Attorney Kramer thanked the committee and everyone for their confidence in her. She stated that she was excited about the opportunity and that the CEC office and IEB were great teams.

6. [Community Affairs Division](#) (16:02)

- a. Reappointment of Local Community Mitigation Advisory Committee and Subcommittee Members

Chief of Community Affairs Division, Joe Delaney, presented reappointments to the Local Community Mitigation Advisory Committees (LCMAC) and the Subcommittee on Community Mitigation. *A Memorandum regarding the reappointments and list of subcommittee members was included in the meeting packet on pages 35 through 39.* He stated that the purpose of the advisory committees was to provide information and develop recommendations for the Community Mitigation Advisory Subcommittee on issues related to the gaming facilities in each region and present information to the commission on any issues related to the gaming establishment located in each region. Chief Delaney also stated that Commissioner Hill would be reappointed as the Commission’s representative for another year.

Commissioner O’Brien moved that the Commission reappoint Vincent Panzini and David Bancroft to the Region A Local Community Mitigation Advisory Committee, and that the Commission reappoint Joanne Kagan LaVine, Ellen Patashnick, Richard K Sullivan Jr, and Robin Wozniak to the Region B Advisory Committee, all for a term of one year. And likewise, that Commissioner Hill be the Commissioner participant within the Committee. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously 4-0.

Interim Chair Maynard thanked the Community Affairs Division for their hard work.

7. [Finance Division](#) (20:20)

a. FY24 Budget Close out Report

CFAO Derek Lennon presented the FY24 budget closeout reports for the Gaming Control Fund, the Racing Oversight and Development Fund, and the Sports Wagering Control Fund. *The Finance Division's Budget Close Out Report was included in the meeting packet on pages 40 through 54.*

CFAO Derek Lennon reported that the revised Gaming Control Fund budget was set at \$37.87 million, supported by licensee assessments. Final spending amounted to \$37.5 million, resulting in a \$1.26 million credit to licensees for FY25 assessments. The Racing Oversight and Development Trust Fund budget was revised down to \$2.1 million, due to the loss of greyhound simulcasting signals in 2023. Final spending was \$2.27 Million, and final revenue was \$2.7 million. The Sports Wagering Control Fund budget was \$10.15 million, with a revised assessment on licensees. Final spending reached \$8 million, and there was roughly \$10.75 Million in revenue. A \$2.24 million credit was issued to licensees for FY25 assessments.

CFAO Lennon also reported that the Commission was within the top percentage of state agencies meeting spending benchmarks determined by the Supplier Diversity Office (“SDO”). CFAO Lennon reported that the Commission was within the top margins of agencies working with disability-owned businesses and LGBT-owned businesses. He added that the Commission met or far exceeded five out of six benchmarks that the Supplier Diversity office set for it.

Commissioners thanked CFAO Lennon and members of the Finance Division for their hard work and their intentionality in meeting and exceeding these metrics.

8. [Sports Wagering Division](#) (41:20)

a. Review of Sports Wagering Division Form for Submission and Approval of Operator Requests to Void Wagers

Andrew Steffen, Sports Wagering Operations Manager, presented a new form created by the Sports Wagering Division to guide sports wagering operators when requesting to void wagers. *The draft form was included on pages 55 and 56 of the meeting packet.* He explained that the form was intended to streamline the process for operators when requesting to void wagers, in

accordance with 205 CMR 238.35(2). Operations Manager Steffen added that Operators will still need to submit a complete wager breakdown in a spreadsheet format and a comprehensive incident report, but that the form would act as a supplemental cover sheet when the request was presented at a public meeting and ensure that all required information was included in one spot for all parties involved.

Interim Chair Maynard noted that he liked the section that requested an explanation of the resolution for patron, because that question was often asked right out of the gate by Commissioners during their review of void requests. Commissioner O'Brien agreed and stated that she thought the form was appropriate and that it would be very helpful to the Division and to Commission. Interim Chair Maynard thanked Mr. Steffen and the team, noting that they incorporated feedback that was given at prior meetings.

Commissioner Hill moved that the Commission approve the Sports Wagering Division's Void Requests Form as included in the Commissioners' Packet and discussed here today. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously 4-0.

b. [Sports Wagering Operator Requests for Temporary Waiver from 205 CMR 238.12 \(50:57\)](#)

Crystal Beauchemin, Sports Wagering Business Manager, led the discussion on the waiver requests related to 205 CMR 238.12, which concerns reserve requirements. *The memorandum regarding 205 CMR 238.12 and the waiver requests from operators were included in the meeting packet on pages 57 through 83.* Sports wagering operators were seeking Commission approval of temporary waivers from the provisions of 205 CMR 238:12 *Reserve Requirement*, which requires that the amount of the reserve intended to cover the Sports Wagering liability be in the form of, or backed up by, an irrevocable letter of credit approved by the Commission. Ms. Beauchemin explained that since the regulation's finalization, each operator currently has a method in place for their reserves, some of which include 110% cash, surety bonds in the Commission's name, and corporate guarantees.

Ms. Beauchemin offered clarification, however, that all operators that have requested a waiver do not currently have a letter of credit in place. Accordingly, each sports wagering operator licensed by the Commission submitted a waiver request for 205 CMR 238.12. The operators included: Bally's Interactive, BetMGM, Caesars, DraftKings, Encore Boston Harbor, Fanatics, FanDuel, MGM Springfield, Penn Sports Interactive, and Plainridge Park Casino.

Commissioners reached consensus that given the upcoming promulgation and amendment of 205 CMR 238.12, it was appropriate to grant the waivers to the operators.

With that, Commissioner Hill moved that in accordance with 205 CMR 202.03(2), the Commission issue a waiver to all licensed sports wagering operators from the requirements outlined in 205 CMR 238.12 until March 1, 2025, as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. c. 23N. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously 4-0.

Commissioners thanked the Sports Wagering Division for their work and constant communication with the operators.

c. [Update to House Rules – Fanatics](#) (55:15)

Andrew Steffen, Sports Wagering Operations Manager, presented a house rules update for Category three sports wagering operator, Fanatics. *A memorandum and copy of the amended house rules, with changes in redline, was included in the meeting packet on pages 84 through 91.* After detailing the sections of the house rules that were going to be amended, Operations Manager Steffen confirmed that all requirements under 205 CMR 247.02 were met by the submission and stated that the Sports Wagering Division recommended approving these changes.

Commissioner O'Brien moved that the Commission approve the updates to Fanatics' House Rules as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously 4-0.

9. [Commissioner Updates](#) (59:19)

Commissioners had no updates at this meeting.

10. [Other Business](#) (59:28)

There was no new business stated at this meeting.

Commissioner O'Brien moved to adjourn the meeting. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously 4-0. Meeting Adjourned.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated October 8, 2024



Massachusetts Gaming Commission Meeting Minutes

Date/Time: November 7, 2024, 12:00 p.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 652 5701

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

Commissioners Present:

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

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

Chair Maynard called to order the 539th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

Chair Maynard introduced and welcomed Commissioner Brodeur as the newest commissioner.

2. [Meeting Minutes](#) (04:08)

- a. August 17, 2023
- b. September 13, 2023
- c. September 18, 2023
- d. September 21, 2023
- e. October 19, 2023

The public meeting minutes for the above-mentioned dates are included in the Commissioners' Packet on pages 4 through 62.

Commissioner Skinner moved that the Commission approve the minutes from the August 17, 2023, September 13, 2023, September 18, 2023, September 21, 2023, and October 19, 2023 meetings that are included in the Commissioner's Packet subject to any necessary corrections for typographical errors or other non-material matters. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Abstain.

Chair Maynard: Aye.

The motion passed, 4-0 with 1 abstention.

3. [Administrative Update](#) (05:48)

Executive Director of the Commission Dean Serpa welcomed Commissioner Brodeur on behalf of the staff. He reminded the commissioners of an upcoming visit to a Community Mitigation site.

a. [Overview of Supporting Affordability and Fairness with Every Bet \(SAFE Bet\) Act](#) (08:52)

Executive Director Serpa turned it over to the Director of the Research and Responsible Gaming Division, Mark Vander Linden, who, at the request of the Commission, provided an overview of the federal Supporting Affordability and Fairness with Every Bet Act, commonly known as the SAFE Bet Act, H.R. 9590. He explained that the SAFE Bet Act intends to address public health implications inherent in the widespread legalization of sports betting and would require states that offer sports betting to meet minimum federal standards in advertising, affordability, and AI. He highlighted some important parts of the bill.

Commissioner Skinner asked whether Congress gave the public an opportunity to comment on this bill. She expressed that she is interested in any other comments that may have come in, especially from operators. Commissioner Hill explained that it would go through a public hearing process similar to other bills but clarified that he doesn't know the current status of the bill. He responded that the bill would go to a committee for review, and a date would be scheduled during which members of the public can testify on the bill. Commissioner Skinner asked the team to track the status of the bill in Congress and keep apprised of any comments. Commissioner Brodeur clarified that Congress does not schedule a hearing on every bill and that it is not uncommon that a piece of legislation can fail to pass without any action taking place. Commissioner Skinner proposed that the Commission discuss adding a Director of Legislative

Affairs role in the future. Chair Maynard affirmed Commissioner Skinner's comments that if there are public comments on the SAFE Bet Act, all of the commissioners would like to see them.

4. [Sports Wagering Division](#) (18:12)

Chief of the Sports Wagering Division Carrie Torrisi turned it over to Compliance and Operations Manager Andrew Steffen to discuss the next agenda item.

- a. [Review of Mike Tyson vs. Jake Paul boxing match scheduled for November 15, 2024 for discussion of whether to exclude from approved sports wagering event catalog](#) (18:30)

Manager Steffen provided an overview of an upcoming boxing match on November 15, 2024 between Mike Tyson and Jake Paul. He explained that this event is allowed under the current Massachusetts Event Catalog and highlighted two rule changes and three jurisdictions that have decided to prohibit wagering on this event. Manager Steffen concluded that after careful consideration and research, the Sports Wagering Division recommends letting the event stand as approved for wagering within the Event Catalog.

Commissioner O'Brien commented that the most influential fact for her in allowing this event to stand as approved under the catalog is that the proposed rule changes are related to safety. She requested that the commissioners discuss in the future whether they would like exhibitions to move forward as a matter of course or whether they would like to add any other parameters. Commissioners Hill and Skinner agreed that safety was influential in their decision as well. Commissioner Skinner asked whether any of the sports wagering operator house rules speak to rule changes for these kinds of matches. Manager Steffen confirmed he has not seen anything in the house rules that address that.

Commissioner Brodeur noted for the record that he supports sports wagering on this fight and would not be bringing forward a motion to prohibit wagering. Chair Maynard stated that if they did ban this event, it would only potentially move patrons to the illegal market, and that he is inclined to agree with the other commissioners in allowing this event to move forward.

- b. [Update regarding BetMGM and DraftKings' compliance with the requirement to hash and encrypt confidential and personally identifiable information as outlined in 205 CMR 257.03\(4\)](#) (27:01)

Chief Torrisi provided an update on DraftKings' and BetMGM's compliance with the requirements of 205 CMR 257.03(4) related to data sharing. She noted that the DraftKings and BetMGM were given waivers from the requirement to hash and encrypt confidential and personally identifiable information until November 15, 2024 to allow time for Commission staff to review and for the Commission to approve their alternative proposed methods. She stated that

after review by ITS, it was determined that the operators misunderstood the regulatory requirements as the regulation only relates to data in transit as opposed to data in storage. She concluded that following ITS's review, it was determined that DraftKings and BetMGM were in compliance with this section of the regulation, and they did not need any alternate methods to be approved by the Commission. She further explained that as result of those conversations, ITS proposed that some clarifications be made to the regulations which are on the agenda to review with Legal. Therefore, no additional action was needed related to this issue and the current waivers will run their course.

Commissioner Skinner asked what language in the regulation was misinterpreted and whether it was a true misinterpretation or if the Commission was not clear enough in the regulation. Chief Torrasi explained that "data sharing" has different meaning in the IT versus legal worlds and that that's where the misunderstanding arose from. Commissioner Skinner also inquired about whether it was necessary to consult with the Massachusetts Attorney General's Office ("MA AGO") on this issue. Deputy General Counsel Justin Stempeck responded that the suggestions were made by ITS to distinguish between data in transit and data at rest. He stated that they were not reviewed by the MA AGO as they are consistent with industry best practices from an information security perspective. Commissioner Skinner stated she would feel better if we consulted with the MA AGO as since there was room for the sports wagering operators to misinterpret the regulation, she wanted to know if the MA AGO had the same misinterpretation and if they had any concerns. Chief Torrasi explained that the sports wagering operators are in compliance with the regulation as it is currently written.

5. [Legal](#) (34:59)

- a. [205 CMR 257: Sports Wagering Data Privacy – Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to begin the promulgation process by Commission](#) (35:26)

Deputy General Counsel Stempeck continued the previous conversation regarding 205 CMR 257 and introduced Attorney Mina Makarious from Anderson Krieger to further discuss the proposed amendments to this regulation. Attorney Makarious noted that with regards to working with the MA AGO, they were aware that waivers were provided to the operators and were involved in conversations with the operators. Chair Maynard confirmed that he also recalls the previous involvement of the MA AGO. Deputy General Counsel Stempeck explained that the clarification in the regulation is in regard to protections surrounding data at rest versus data in transit and that they follow best industry practices within the IT sphere. Attorney Makarious added that based on his conversations with the MA AGO about the waivers, their concern was ensuring protection against unauthorized access to data which is what the proposed amendments intend to do in clear language for IT professionals. Deputy General Counsel Stempeck clarified that this is the first round for review of these amendments and confirmed that they can send this regulation to the MA AGO for review upon Commissioner Skinner's request.

Kevin Gauvreau provided additional explanation on the changes to this regulation, noting that the changes clarify what needs to be done when data is stored in a file format or database versus when it is transmitted over the network to a third party.

Commissioner Hill moved that the Commission approve the Small Business Impact Statement and the draft of 205 CMR 257 as included in the Commissioners' Packet and discussed here today, and further that the staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to begin the regulation promulgation process. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

- b. [205 CMR 238.12: Additional Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering- Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to begin the promulgation process by Commission \(42:51\)](#)

Deputy General Counsel Stempeck introduced 205 CMR 238.12 and turned it over to Attorney Makarious, who provided background on the history of the regulation. He explained that this regulation first came before the Commission as part of changes the Commission made to address the potential cessation of operations by operators that were being contemplated in order to protect consumers. He then walked through the options regarding the regulation, including the first option which maintains the current requirement to protect patron wagers that are still in play by a letter of credit, the second option which broadens the letter of credit requirement to also cover money held in sports wagering accounts but which has the greatest expense to it, and a third option which requires a letter of credit for only amounts in sports wagering accounts.

Chair Maynard asked whether what the current regulation requires is more protective of consumers than other jurisdictions. Attorney Makarious confirmed that this is true and that they are not aware of any other state that has a letter of credit requirement to back up wagers in play and wagers that have not been awarded yet.

Commissioner O'Brien asked if there is any way for the regulations to be written in such a way as to essentially give unused funds or wagered funds the status of a secured creditor so there is prioritization during bankruptcy due to our regulations. Attorney Makarious explained that the only way to guarantee immediate access to the funds is to have them set aside in a separate instrument, such as a line of credit or bond or something else that is accessible entirely outside of the bankruptcy process.

Commissioner Brodeur asked whether a bond is only reachable to cover a particular set of creditors. Attorney Makarious confirmed that a bond or a letter of credit would provide better protection than under the Bankruptcy Code. Commissioner Brodeur then asked about the track record of the industry. Deputy General Counsel Stempeck explained previous instances of operators ceasing operations, the risk of bankruptcy, and described this regulation as a “belts and suspenders” approach.

Commissioner Skinner asked whether they had heard from the operators on this regulation. CFAO Derek Lennon confirmed that the impetus for proposed amendments to this regulation is coming from the operators and that he has already spoken with them to explain that Massachusetts is focused on consumer protection and the patron. He stated that he anticipates that operators will have additional comments about this regulation and that several operators inquired about the option of using a surety bond since that is more cost effective than a letter of credit.

Commissioner O’Brien asked about a multi-prong approach to this regulation and having operators let patrons know about the amount of funds in their account in an effort to have them spend down their account. Commissioner Brodeur asked about the average amount of funds sitting in funds. Chief Lennon noted that they could ask the operators about that but that it would likely vary by operator. Commissioner O’Brien clarified that the Commission has not set a maximum amount of funds that can be held in an account. Commissioner Hill stated that he is fine with the regulation as is and that it allows for enough consumer protection as currently written. Chair Maynard stated that this regulation already provides higher protection for consumers and agreed with Commissioner Hill. The commissioners asked for comments from patrons, operators, and the MA AGO. Commissioner Brodeur asked for a cost benefit analysis of the different options. Commissioner O’Brien emphasized Commissioner Brodeur’s earlier question about how much funds are sitting in accounts. The commissioners asked to put this on a future agenda for further review and discussion.

- c. [205 CMR 107: Professional practice– Discussion and Review of Proposed Regulation, and Small Business Impact Statement for Review and Approval to start the promulgation process](#) (1:50:11)

Transcriber’s Note: Following a short break, the Commission completed a roll call vote with all commissioners present and tabled discussion of this agenda item until after agenda item #9. After discussing agenda item #9, the Commission returned to this agenda item.

Staff Attorney Autumn Birarelli introduced proposed amendments to 205 CMR 107 which governs professional practice before the Commission. She explained that the proposed amendment to 205 CMR 107.02 incorporates the requirements of Massachusetts Rules of Professional Conduct Rule 5.5(d), which allows an out-of-state attorney who provides legal services to their employer to provide such services in Massachusetts if the employer has a

continuous presence in Massachusetts. Commissioner O'Brien asked whether the requirement for a continuous presence envisions a continuous physical presence rather than a consumer presence like some of the sports wagering operators. Staff Attorney Birarelli responded that she thinks of it more as in they avail themselves to the citizens of the Commonwealth. Commissioner Skinner suggested a slight edit to the language in the regulation to incorporate a requirement that such attorneys are in good standing in the jurisdiction they are licensed in and a requirement to disclose if they have any pending disciplinary proceedings. She provided suggested language. A discussion ensued about whether petitions should be required for attorneys to appear under this regulation amendment, including what would be required in such a petition for in-house counsel and private counsel, when such petitions would be filed and under what circumstances, and what other agencies currently require. General Counsel Grossman noted that they would withdraw the proposal at this time in order to take a closer look at the current regulation.

6. [Racing Division](#) (2:12:54)

a. [FY2023 Racing Annual Report](#) (2:12:54)

Director of Racing and Chief Veterinarian Dr. Alexandra Lightbown presented the Division of Racing's Annual Report for Fiscal Year 2023 and provided the highlights. She mentioned that in 2023, there were eighteen (18) adverse laboratory findings, including seven (7) which involved controlled therapeutic medications, which are drugs that a veterinarian might use to treat a horse. She provided additional background about the process for these laboratory findings.

Commissioner Skinner asked why we are a year behind, reviewing the report from FY2023. Director Lightbown responded it is a timing issue with their limited staff.

Financial Analyst Chad Bourque then provided a brief summary of the Racing Division's financial information contained in the report.

7. [Finance](#) (2:23:04)

a. [Contract/Procurement Delegated Authority Threshold](#) (2:23:04)

CFAO Lennon introduced Finance & Budget Office Manager John Scully who presented on various procurement thresholds. He summarized that the Commission conducts its procurement process in a fair and transparent manner consistent with guidance from the Operational Services Division ("OSD") and Office of the State Comptroller ("OSC"). He elaborated that since the Commission is responsible for approving the budget process and procurements which directly impact the budget, the Commission may elect to be involved in certain procurement activities. Manager Scully summarized that the Finance Division is seeking guidance about what level of participation the commissioners would like to have in the process.

Commissioner Hill asked for clarification about whether they were being asked to delegate authority on a procurement threshold. Chief Lennon clarified that there is currently no such procurement threshold as the Commission just approved its budget and the Finance Division continues to follow thresholds set by OSD and OSC. Commissioner Hill provided background information about the Commission’s budget process, including as to reviewing items related to procurement. Chief Lennon summarized that they are asking the Commission whether they want to set a dollar threshold as well as their level of involvement on the committee once that threshold is set (reviewer, non-voting, voting). A discussion ensued about the possible threshold amounts and how often commissioners have been involved in procurements.

Commissioner Skinner stated she does not want to take away the administrative oversight of the procurement process from the CFAO or the Finance Division or the procurement team. She stated that she doesn’t believe Commissioners need to provide another layer of oversight. Commissioner Brodeur agreed with Commissioner Skinner. Chair Maynard affirmed Commissioner Skinner’s comments but requested that a memo be provided to the Commissioners with information on high value contracts. Commissioner Skinner asked that such memo provide information on all contracts.

The commissioners reached a consensus about a protocol moving forward regarding procurements in syncing it with the budget cycle.

8. [Community Affairs Division](#) (2:51:17)

a. [FY2026 Community Mitigation Fund Guidelines](#) (2:51:17)

Chief of the Community Affairs Division Joseph Delaney presented the final Community Mitigation Fund Guidelines for Fiscal Year 2026. He stated that they did not receive any public comments on the guidelines and indicated that the Community Affairs Division is seeking a vote to approve the guidelines. Chair Maynard asked whether there is a relief valve for additional funds to fund a project in the future. Chief Delaney confirmed that is correct.

Commissioner Hill moved that the Commission adopt the FY 2026 Community Mitigation Fund guidelines as included in the Commissioners’ Packet and discussed here today. Commissioner O’Brien seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

9. [Discussion regarding collective bargaining of the SEIU Local 888 Agreement](#) (1:24:08)

a. [Executive Session](#) (1:24:08)

Transcriber's Note: Discussion of this agenda item occurred prior to discussion on agenda item #5(c).

Chair Maynard stated that the Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(3) to discuss strategy with respect to collective bargaining of the SEIU Local 888 Agreement, as discussion at an open meeting may have a detrimental effect on the bargaining position of the Commission.

Commissioner O'Brien moved that the Commission go into executive session for the reasons and on the matter just stated by Chair Maynard. Commissioner Hill seconded.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

Transcriber's Note: The Commission entered executive session and reconvened the public session of this meeting at [1:50:11](#).

10. [Commissioner Updates](#) (2:54:33)

Chair Maynard confirmed there are no commissioner updates.

11. [Other Business](#) (2:54:41)

Chair Maynard confirmed there is no other business.

Commissioner Brodeur moved to adjourn. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda dated November 5, 2024](#)
2. [Commissioner's Packet from the November 7, 2024 meeting](#) (posted on massgaming.com)



Massachusetts Gaming Commission Meeting Minutes

Date/Time: February 24, 2025, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 087 4120

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

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

Chair Maynard called to order the 547th Public Meeting of the Massachusetts Gaming Commission ("Commission") at 10:00 a.m. Roll call attendance was conducted, and all five Commissioners were present for the meeting.

Chair Maynard informed attendees that he would be leaving today's meeting early and confirmed with Commissioner Skinner in advance that she would Chair the remainder of the meeting in his absence.

2. [Meeting Minutes](#) (01:30)

Commissioner Skinner moved that the Commission approve the minutes for the June 12, 2023 and April 29, 2024 meetings that are included in the Commissioners' Packet, subject to any necessary corrections for typographical errors or any other non-material matters. Commissioner O'Brien seconded the motion.

Roll call vote:
Commissioner O'Brien: Aye.

Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Brodeur: Abstain.
Chair Maynard: Aye.

The motion passed, 4-0 with one abstention.

Commissioner Skinner further moved to approve the minutes for the January 16, 2025 and January 23, 2025 meetings that are included in the Commissioners' Packet, subject to any necessary corrections for typographical errors or any other non-material matters. Commissioner Hill seconded the motion.

Roll call vote:

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

The motion passed unanimously, 5-0.

3. [Administrative Update](#) (03:24)

Executive Director Dean Serpa provided a reminder that March is Problem Gambling Awareness Month and then had Director Mark Vander Linden, Division of Research and Responsible Gaming, provide programming updates.

Director Vander Linden's presentation focused on March as National Problem Gambling Awareness Month, highlighting the theme of "seeking understanding" to raise awareness and empathy for those affected by problem gambling. The campaign seeks to break down barriers for treatment and provide support for individuals and families impacted by gambling related harms. He defined problem gambling and gambling disorder, citing statistics on the prevalence of these issues in the U.S. and Massachusetts.

He discussed some key activities for the month which include a coffee campaign to promote conversations about the signs of problem gambling, a problem gambling screening day in partnership with the Cambridge Health Alliance, partnerships with sports books and community events, distribution of a new card with resources for sports bettors, and updates to the GameSense.com website.

Chair Maynard expressed looking forward to the events in March and thanked the operators and licensees for their help. Executive Director Serpa noted that the information was helpful and expressed appreciation for Director Vander Linden's leadership.

4. [Finance](#) (14:50)

a. Fiscal Year 2025 Mid-Year Budget Update

Derek Lennon, Chief Financial and Accounting Officer, presented the Fiscal Year 2025 Mid-Year Budget update. He stated the Commission previously approved a budget for gaming, racing, community mitigation, sports wagering, and research and responsible gaming. The first quarterly update authorized an increase for the Gaming Control Fund for additional Gaming Enforcement Unit (GEU) resources for background checks and also increased the Sports Wagering Control Fund for assistance from Gaming Labs International and RSM US LLP (“RSM”), as well as the Public Health Trust Fund for bet blocking procurement. He explained that the assessment is revised every year based on gaming positions as of January 1st.

CFAO Lennon’s update included recommendations to establish three new positions: a new accountant in the Finance Division, a technical compliance coordinator in the Sports Wagering Division, and an executive assistant in the Commissioner Department.

Commissioner O’Brien asked about an adjustment to the hourly seasonal workers and CFAO Lennon responded that it would be worked through with Alex because the resources were available within the budget.

Commissioner Skinner expressed support for the proposed staffing and suggested that regular comprehensive staffing needs assessments may be useful to plan more proactively for staffing needs. Executive Director Serpa stated that he agreed and said he would begin that process along with CFAO Lennon.

Chair Maynard voiced support and expressed understanding that these types of staffing needs do arise.

CFAO Lennon also proposed reallocating some Fiscal Year 2025 budget funds from the sports wagering line item for RSM and the vendor review to the Sports Wagering Division for a contractor or consultant to investigate future trends in the sports wagering space.

Chair Maynard noted this is marked for a vote today and inquired whether there is a motion.

Commissioner Skinner moved that the Commission approve the requests for changes in the Gaming Control Fund and the Sports Wagering Control Fund, as included in the Commissioners’ packet and discussed here today. Commissioner Hill seconded.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

CFAO Lennon noted one additional update regarding contracts that are going to spend over \$250,000 in the fiscal year. *The list of such contracts for Fiscal Year 2025 are contained in the Commissioners' Packet on page 42.* The information provided shows the initial duration of the contract, a brief description of what the contract is, who the vendor is, the contract's start and end dates, whether there are options to renew the contract, the total contract value, and what the Commission plans on spending.

5. [Legal](#) (28:25)

a. 205 CMR 247.03: Petition for a Sporting Event or Wager Category

Associate General Counsel Ying Wang presented two proposed versions of amendments to 205 CMR 247.03 regarding petitioning to add sporting events or wager categories to the sports wagering catalog. She explained the proposed amendments were intended to give the Commissioners an opportunity to discuss the process of adding or removing events from the catalog. She indicated that the first version for review was a high-level version of the proposed amendment that allows the Commissioners to have more discretion in adding and removing events. She stated that the second version for review was more specific and delineated steps for the Commissioners to follow in petitioning for a new sporting event or wager category, similar to what sports wagering operators are required to do pursuant to the current regulations. Counsel Wang noted that these are only two options, and the Commission could ask the Legal Division to draft a hybrid version.

Commissioner O'Brien referenced conversations regarding the Super Bowl coin toss and stated a preference for the version that would require the Commission to follow the same process as operators. She raised the question of who would provide the information for the petition and suggested that the Sports Wagering Division would have to do so. Chief Carrie Torrisi, Sports Wagering Division, confirmed that the Sports Wagering Division would likely be included in the process.

Commissioner Hill asked about the difference between removing a sport from the catalog versus adding one in, referencing when the Commission removed Russian and Belarussian events from the catalog without issue. Counsel Wang clarified that the Commission's authority to revoke or suspend events or categories from the catalog is included in the regulation, but the Commission's ability to add events or categories was not explicitly stated. Commissioner Hill then expressed a preference for the first version.

Commissioner Brodeur stated that he felt that the Commission currently has the authority to add or remove items from the catalog and questioned the need to do anything to amend the regulation.

Commissioner Skinner agreed that the Commission has the ability to authorize sporting events for the catalog based on its inherent authority; however, she stated that the Commission should hold itself to the same standard as operators in terms of the integrity of the process. She noted some of the information that is required as part of the petitioning process, including the review of house rules related to the proposed sporting event or wager category. She suggested reviewing

this process with the Sports Wagering Division to assess the burden this may place on them. She expressed concerns about the lack of a clearly defined standard of review if the Commission goes with the first, broader option and expressed a strong preference for a middle of the road or hybrid version between the two proposed versions.

Commissioner O'Brien agreed with Commissioner Skinner, stating that in her opinion, the second option provides a clear process for Commissioners to follow. She stated that process matters and believes that Chief Torrisi clarified her concern regarding if it would be burdensome for the Sports Wagering Division to be involved in this process.

Chair Maynard stated a disinclination for the Commission to complete a form or submit a written petition. He suggested revisiting the form provided to operators to submit their request for a new sporting event or wager category in order to make it less cumbersome and further stated that he would be comfortable leaving the regulation as is and not making an amendment. He stated that the entire catalog was created "sua sponte" by the Commission.

Commissioner O'Brien stated there is nothing to indicate that the current petitioning process is overly cumbersome and that the form provided to operators ensures continuity. She stated that she does not think the proposed amendments limit the Commission's authority but adds process for continuity and decision-making purposes.

Chair Maynard reiterated that he does not agree with requiring any Commissioners to submit a written petition or complete a form to be reviewed by the Commission.

Commissioner Skinner clarified her opinion that requiring some process would ensure the integrity of the process at the Commission level, and that events were not added to the catalog "sua sponte" upon the launch of sports wagering without operator input.

Commissioner Brodeur stated that the amount of process that the second version proposed would require does not serve a useful purpose. Commissioner O'Brien stated that if everyone has the same expectation for minimum standards relative to the addition and removal of sporting events and wager categories in the catalog, the second proposed version would actually provide efficiency in reviewing such proposals.

Commissioner Hill moved that the Commission approve the Small Business Impact Statement and draft of 205 CMR 247.03 included in the Commissioners' packet on pages 44 through 46 and discussed here today, and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to begin the regulation promulgation process. He clarified for the public that he was referring to the proposed amendments in the first option. Commissioner Brodeur seconded the motion.

Roll call vote:

Commissioner O'Brien: Nay.

Commissioner Hill: Aye.

Commissioner Skinner: Nay.

Commissioner Brodeur: Aye.

Chair Maynard: *Aye.*
The motion passed 3-2.

Counsel Grossman clarified that this is the first step in the promulgation process and that this regulation will be brought back before the Commission for final promulgation.

6. Community Affairs Division

a. [Encore Boston Harbor Quarterly Report and ILEV Update](#) (58:43)

Juliana Catanzariti, Executive Director of Legal at Encore Boston Harbor, presented Encore Boston Harbor’s quarterly report for Q4 which included the following topics: gaming revenue and taxes, lottery sales, workforce composition, diversity operating spend and local spend, wellness and benefits, promotions and marketing, and highlights of various employee initiatives and events. Tom Coffey, Executive Director of Security and Investigations at Encore Boston Harbor, joined the presentation to discuss compliance and minors prevented from gaming.

Commissioner Brodeur inquired about Encore Boston Harbor’s program with Everett Schools. Attorney Catanzariti confirmed that their community relations team works with the school district to choose the schools they work directly with.

Commissioner Skinner congratulated Encore Boston Harbor for their Forbes 5-star award.

Chair Maynard stated that the Commission anticipated that it would meet in executive session in accordance with G.L. c.30A, §21(a)(7) to comply with G.L. c.23K, §21(a)(7) for the specific purpose of reviewing the proposed multi-year capital expenditure plan [described in 205 CMR 139.09], and any corresponding materials, submitted relative to Encore Boston Harbor, as discussion of this matter in public would frustrate the purpose of the statute and associated legal authorities where the capital expenditure plan at issue is covered by a nondisclosure agreement between the Massachusetts Gaming Commission and Encore Boston Harbor. He noted that the public session of the Commission meeting would reconvene at the conclusion of the executive session.

Commissioner Hill moved that the Commission enter executive session for the reasons stated by the Chair. Commissioner Brodeur seconded the motion.

Roll call vote:

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

The motion passed unanimously, 5-0.

Transcriber's note: The Commission entered executive session and reconvened the public session of the Commission meeting at [1:20:44](#).

b. [Plainridge Park Casino Quarterly Report and ILEV Update](#) (1:20:45)

Heidi Yates-Akbaba, Vice President of Finance for Plainridge Park Casino (“PPC”), presented PPC’s quarterly report for Q4 which included the following topics: gaming revenue and taxes, lottery sales, workforce composition, spend by state and local spend, vendor diversity, and diverse spend. North Grounsell, General Manager of PPC, continued the presentation and discussed compliance. Kathy Lucas, Vice President of Human Resources, presented information about employee composition, highlighted employee initiatives and events, and discussed local community activities and events.

Chair Maynard affirmed the Commission’s commitment to DEI and thanked the PPC team.

Chair Maynard stated that the Commission anticipated that it would meet in executive session in accordance with G.L. c.30A, §21(a)(7) to comply with G.L. c.23K, §21(a)(7) for the specific purpose of reviewing the proposed multi-year capital expenditure plan [described in 205 CMR 139.09], and any corresponding materials, submitted relative to Plainridge Park Casino, as discussion of this matter in public would frustrate the purpose of the statute and associated legal authorities where the capital expenditure plan at issue is covered by a nondisclosure agreement between the Massachusetts Gaming Commission and Plainridge Park Casino. He noted that the public session of the Commission meeting would reconvene at the conclusion of the executive session.

Commissioner Brodeur moved that the Commission enter executive session for the reasons stated by the Chair. Commissioner Skinner seconded the motion.

Roll call vote:

<i>Commissioner O'Brien:</i>	<i>Aye.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner Skinner:</i>	<i>Aye.</i>
<i>Commissioner Brodeur:</i>	<i>Aye.</i>
<i>Chair Maynard:</i>	<i>Aye.</i>

The motion passed unanimously, 5-0.

Transcriber's note: The Commission entered executive session. After conclusion of the executive session and a five-minute break, the public session reconvened at [1:50:52](#). Roll call was taken, and all Commissioners were confirmed present.

7. [Discussion regarding collective bargaining of the SEIU Local 888 Agreement](#) (1:51:50)

a. Executive Session

Executive Director Serpa stated that the next topic for discussion was regarding union negotiations and that discussion should take place in executive session for the reasons stated in the agenda.

Chair Maynard read the following language into the record: “The Commission anticipates that it will meet in executive session in accordance with G.L. c. 30A, § 21(a)(3) to discuss strategy with respect to collective bargaining of the SEIU Local 888 Agreement, as discussion at an open meeting may have a detrimental effect on the bargaining position of the Commission.”

Commissioner Brodeur moved that the Commission enter executive session for the reasons stated by the Chair. Commissioner O’Brien seconded the motion.

Roll call vote:

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

The motion passed unanimously, 5-0. An executive session was entered.

Transcriber’s note: The Commission entered executive session and reconvened the public session of the Commission meeting at [2:32:25](#).

8. [Investigations and Enforcement Bureau](#) (02:33:32)

a. Temporary Category 3 Sports Wagering Operator Request for Leave to Renew

Karalyn O’Brien, Chief of the Licensing Division, presented the Temporary Category 3 Sports Wagering Operators’ requests for leave to renew their temporary licenses. She stated that all licensees submitted timely renewal requests accompanied by the \$10,000 application fee as required by 205 CMR 219. The applications have been deemed complete.

Commissioner Hill moved that the Commission approve the Temporary Sports Wagering Operator License Renewal Requests pursuant to 205 CMR 219 for the following operators as included in the Commissioners’ packet and discussed here today:

- i. Bally’s Interactive, LLC (BallyBet)
- ii. Betfair Interactive, LLC (FanDuel)
- iii. BetMGM, LLC (BetMGM)
- iv. Crown MA Gaming, LLC (DraftKings)
- v. FBG Enterprises Opco, LLC (Fanatics)
- vi. Penn Sports Interactive, LLC (ESPNBet)

Commissioner Brodeur seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

Chair Maynard informed attendees that he would be leaving today's meeting and requested that Commissioner Skinner chair the remainder of the meeting in his absence.

b. [Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee BetMGM, LLC and discussion regarding next steps \(2:36:46\)](#)

Diandra Franks, IEB Enforcement Counsel, presented the first noncompliance matter for review involving Temporary Category 3 Sports Wagering Operator BetMGM, LLC and implicating 205 CMR 247.01(2)(i) and the sports wagering catalog. Counsel Franks explained that BetMGM offered wagering on a prohibited Russian athlete, UFC fighter Petr Yan, for a fight scheduled on November 23, 2024, and the noncompliance lasted from November 17, 2024 to November 18, 2024 during which time 35 wagers were made for a stake of approximately \$850.00.

Commissioner Hill stated he would like to send this back to the IEB. Commissioners Brodeur, O'Brien, and Skinner expressed agreement.

c. [Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee BetMGM, LLC and discussion regarding next steps \(2:38:36\)](#)

Counsel Franks presented the second noncompliance matter for review involving Temporary Category 3 Sports Wagering Operator BetMGM LLC and implicating G.L. c. 23N, § 3 and 205 CMR 247.01(2)(a)(1) and the sports wagering catalog. Counsel Franks summarized that BetMGM offered wagering on a prohibited play prop market. BetMGM offered wagering on a UNLV college football player in a game on October 19, 2024 at which time one wager was placed for a stake of \$10.00.

IEB Chief Enforcement Counsel Kathleen Kramer added that in the past, the Commission has found it helpful to know how the Commission has chosen to proceed on similar matters. She noted that while the Commission determined to hold an adjudicatory hearing on an initial matter involving a prohibited college prop bet, other similar matters have been returned to the IEB with the direction to wait for guidance based upon the hearing in the first matter, including any civil administrative penalty that's assessed.

Commissioner Skinner expressed a preference to send this matter back to the IEB, especially given the lower stake involved.

Commissioner O'Brien said she would like to send this matter back to the IEB with the same caveat which would give context to the IEB to come up with a civil administrative penalty.

9. [Research and Responsible Gaming](#) (2:42:16)

a. Recommendations from FY24 Research Agenda

Director Vander Linden presented a summary of key findings and recommendations stemming from research deliverables submitted during Fiscal Year 2024. He discussed a number of topics including strategic plan focus areas, Greo's synthesis of key findings and recommendations, responsible gaming program evaluation, the social impact of gambling, the economic impact of casinos, and public safety.

Commissioner Skinner asked if the summary provided would also be filed with the Legislature and inquired about actionable steps that the Commission could take. Director Vander Linden confirmed that the Commission releases an annual report that includes a research summary, and which is provided to the Legislature but that he would also seek guidance on sharing the report directly with the Legislature.

Commissioner Brodeur said there are other mandated reports that are sent to the Legislature and suggested sending the research summary to the same designated people. Director Vander Linden confirmed that two studies related to sports wagering will be delivered to the legislature.

Commissioner Skinner inquired of the other Commissioners and confirmed that there was a consensus to share this document with the Legislature in the way discussed here today.

10. [Meeting Minutes](#) (3:01:40)

a. Executive Session

Transcriber's note: The Commission's vote to enter executive session occurred after Agenda Items #11 and 12, at which time the Commission returned to this Agenda Item at the above-noted time.

Commissioner Skinner read the following language into the record: "The Commission anticipates that it will meet in executive session to review minutes from previous executive sessions as their discussion at an open meeting may frustrate the intended purpose for which the executive session was convened, pursuant to G.L. c. 30A, § 21(a)(4): August 17, 2023; G.L. c. 30A, § 21(a)(3): November 7, 2024 and January 9, 2025; G.L. c. 30A, § 21(a)(3), (4), (6), and (7), c. 4, § 7(26)(f) and (n), and c. 23N, § 6(i): January 9, 2025; and G.L. c. 30A, § 21(a)(7) and c. 4, § 7(26)(n): January 23, 2025."

Commissioner Brodeur moved to enter executive session for the reasons stated by Commissioner Skinner. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Brodeur Aye.
Commissioner Skinner: Aye.
The motion passed unanimously, 4-0.

Commissioner Skinner reminded participants that the Commission would not reconvene the public meeting after the executive session.

11. [Commissioner Updates](#) (03:01:14)

Transcriber's note: Discussion under Agenda Items #11 and 12 occurred prior to Agenda Item #10.

After inquiry from Commissioner Skinner, no Commissioner updates were noted prior to entering the executive session.

12. [Other Business](#) (03:01:22)

No other business was raised by the Commissioners prior to entering the executive session.

Transcriber's note: The Commission entered executive session upon their vote and did not reconvene the public meeting.

List of Documents and Other Items Used

1. [Revised Notice of Meeting and Agenda](#) dated February 20, 2025
2. [Commissioners' Packet](#) from the February 24, 2025 meeting (posted on massgaming.com)



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

FROM: Kathleen M. Kramer, Chief Enforcement Counsel/Assistant Director, IEB

CC: Caitlin Monahan, Director, IEB
Carrie Torrisi, Chief, Sports Wagering Division
Justin Stempeck, Deputy General Counsel

DATE: March 20, 2025

RE: Canceling of Wagers Associated with Sports Wagering Noncompliance Matters

At the January 9, 2025, public meeting, the IEB presented a recommendation for a Civil Administrative Penalty on a sports wagering noncompliance matter. In its review, the Commission discussed how the wagers associated with the noncompliance were handled after the noncompliance was identified. The Commission requested further information regarding the handling of the wagers associated with unauthorized events.

The IEB has conferred with the Legal Department as well as the Sports Wagering Division ("SWD") as to the requirements for wagers associated with an unauthorized or prohibited sporting event or wager Category. There are no statutory requirements in G.L. c. 23N regarding how these wagers should be handled. The regulatory requirements are contained in 205 CMR 247.03(11). Specifically, 205 CMR 247.03(11) states:

If a Sports Wagering Operator offers an unauthorized or prohibited Sporting Event or Wager Category, the Sports Wagering Operator must immediately cancel and refund all Sports Wagers associated with the unauthorized or prohibited Sporting Event or Wager Category; provided, however, that where only a portion of a Sports Wager with multiple selections, such as a parlay, is unauthorized, the Sports Wagering Operator may cancel only that portion of the Sports Wager in accordance with the provisions of their House Rules if properly disclosed in accordance with 205 CMR 247.02(3)(o). The Sports Wagering Operator must notify the Commission promptly after cancelling any Sports Wager and again after refunding any Sports Wager.

After the January 9, 2025, public meeting, the SWD asked the sports wagering operators how they handle wagers in these instances. Through these inquiries, along with the IEB's review of noncompliance matters, the team has learned that when a sports wagering operator allows wagering on an unauthorized or prohibited event/category, operators cancel and refund losing wagers. They allow settled winning wagers to stand. If the unauthorized wager occurred as a



Massachusetts Gaming Commission

part of a parlay, the IEB and SWD confirm that only the unauthorized portion of the parlay is canceled in accordance with the operators' House Rules. The IEB notes that there have been multiple occurrences of sports wagering operators learning of unauthorized or prohibited wagers during an audit or retroactive review. In many of those instances, the wagers were originally placed and settled often months before the noncompliance was discovered. Based on our review and discussions, the IEB, SWD, and the Legal Department agree that the operators' interpretation and application of 205 CMR 247.03(11) is reasonable. The IEB submits this memorandum to the Commission to provide information raised in the January 9, 2025, meeting, and looks forward to discussing it with the Commission further.

MEMORANDUM

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

FROM: Diandra Franks, Enforcement Counsel, IEB

CC: Caitlin Monahan, Director, IEB
Kathleen Kramer, Chief Enforcement Counsel/Asst. Director, IEB
Justin Stempeck, Deputy General Counsel

DATE: March 20, 2025

RE: Sports Wagering Noncompliance Matter

At the March 27, 2025, Public Meeting, the IEB will be presenting the following Sports Wagering Noncompliance matter to the Commission:

1. Penn Sports Interactive d/b/a ESPN BET (“PSI”), Category 3 Sports Wagering Operator, 2025-SWN-021: This matter relates to PSI offering wagering on the Adriatic Basketball Association (“ABA Liga”), which is a non-approved event and in contravention of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog. PSI accepted wagers on the ABA Liga from September 18, 2023, through January 6, 2025. During this timeframe, 4,795 wagers were accepted for a total stake of \$311,908.43.
2. American Wagering Inc., d/b/a Caesars Sportsbook (“Caesars”), Category 3 Sports Wagering Operator, 2025-SWN-030: This matter relates to Caesars offering wagering on the Adriatic Basketball Association (“ABA Liga”), which is an unapproved event and in contravention of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog. Caesars accepted wagers on the ABA Liga from March 11, 2023, through January 22, 2025. During this timeframe, 4,104 wagers were accepted for a total stake of \$373,046.39.
3. BetMGM, LLC, Temporary Category 3 Sports Wagering Operator, 2025-SWN-026: This matter relates to BetMGM offering wagering on the Adriatic Basketball Association (“ABA Liga”), which is an unapproved event in contravention of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog. BetMGM accepted wagers on the ABA Liga from March 10, 2023, through January 24, 2025. During this timeframe, 12,477 wagers were accepted for a total stake of \$477,703.16.



Massachusetts Gaming Commission

4. FBG Enterprises Opco, LLC, d/b/a Fanatics Betting and Gaming (“FBG”), Temporary Category 3 Sports Wagering Operator, 2025-SWN-022: This matter relates to FBG offering wagering on the Adriatic Basketball Association (“ABA Liga”), which is an unapproved event in contravention of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog. FBG accepted wagers on the ABA Liga from October 12, 2023, through January 22, 2025. During this timeframe, 9,647 wagers were accepted for a total stake of \$641,543.88.

5. Betfair Interactive LLC, d/b/a FanDuel (“FanDuel”), Temporary Category 3 Sports Wagering Operator, 2025-SWN-025: This matter relates to FanDuel offering wagering on the Adriatic Basketball Association (“ABA Liga”), which is an unapproved event and in contravention of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog. FanDuel accepted wagers on the ABA Liga from March 3, 2023, through January 6, 2025. During this timeframe, 657,850 wagers were accepted for a total stake of \$4,397,957.96.



Division of Licensing

TO: Chair Maynard and Commissioners O'Brien, Hill, Skinner, and Brodeur
FROM: Dean Serpa, Executive Director
CC: Kara O'Brien, Licensing Division Chief
DATE: March 17, 2025
RE: Sports Wagering Operator Temporary License Request

OVERVIEW

The Massachusetts Gaming Commission has received and reviewed the requests for renewed temporary Sports Wagering Operator licenses. As the applications are complete and the fees have been paid, the Commission may now consider the renewal of these licenses pursuant to 205 CMR 219.

STANDARD

As noted, the relevant governing regulations for temporary licensing procedures (including renewals) involving sports wagering licensees are found at 205 CMR 219. Specifically, 205 CMR 219.02 provides the requirements to request a temporary license.

Each licensee must take the following required regulatory steps:

- Any Person who is eligible to request a temporary license may submit a request to the Executive Director. This request shall be accompanied by a licensing fee of \$1,000,000 payable to the Commission. (205 CMR 219.02(1)).
- Upon receiving a request for a Temporary License, the Executive Director or their designee shall within fourteen days determine whether the requestor is eligible to request a Temporary License and has paid the licensing fee and make a written recommendation to the Commission. (205 CMR 219.02(2)).
- Upon receiving a recommendation from the Executive Director in accordance with 205 CMR 219.02(2), the Commission shall, at an open public meeting held within 14 days, either issue or deny the requested Temporary License. (205 CMR 219.02(3)).

DISCUSSION

Pursuant to 205 CMR 219.04, the Commission granted leave to request a renewed temporary license to Bally's Interactive, LLC (BallyBet), Betfair Interactive, LLC (FanDuel), BetMGM, LLC, Crown MA Gaming, LLC (DraftKings), and FBG Enterprises Opco, LLC (Fanatics) on



Division of Licensing

February 24, 2025, thus deeming them eligible to request a renewed temporary license (205 CMR 219.01(c)). Each licensee has subsequently submitted a request for temporary license and paid the fee as required by 205 CMR 219.02(1).

CONCLUSION

Given that all requirements have been met, I recommend that the Commission may grant a renewed temporary Sports Wagering Operator licenses to the following Operators:

- Bally's Interactive, LLC (BallyBet)
- Betfair Interactive, LLC (FanDuel)
- BetMGM, LLC (BetMGM)
- Crown MA Gaming, LLC (DraftKings)
- FBG Enterprises Opco, LLC (Fanatics)



MASSACHUSETTS GAMING COMMISSION

To: Chair Jordan Maynard and Commissioners O'Brien, Hill, Skinner and Brodeur
From: Boniswa Sundai and John Scully
Date: 3/27/2025
Re: MGC Diversity Update

Background:

This memorandum is to provide the Commission with a diversity update regarding the Massachusetts Gaming Commission's (MGC) current FY25 numbers for internal workforce statistics as well as diversity spend.

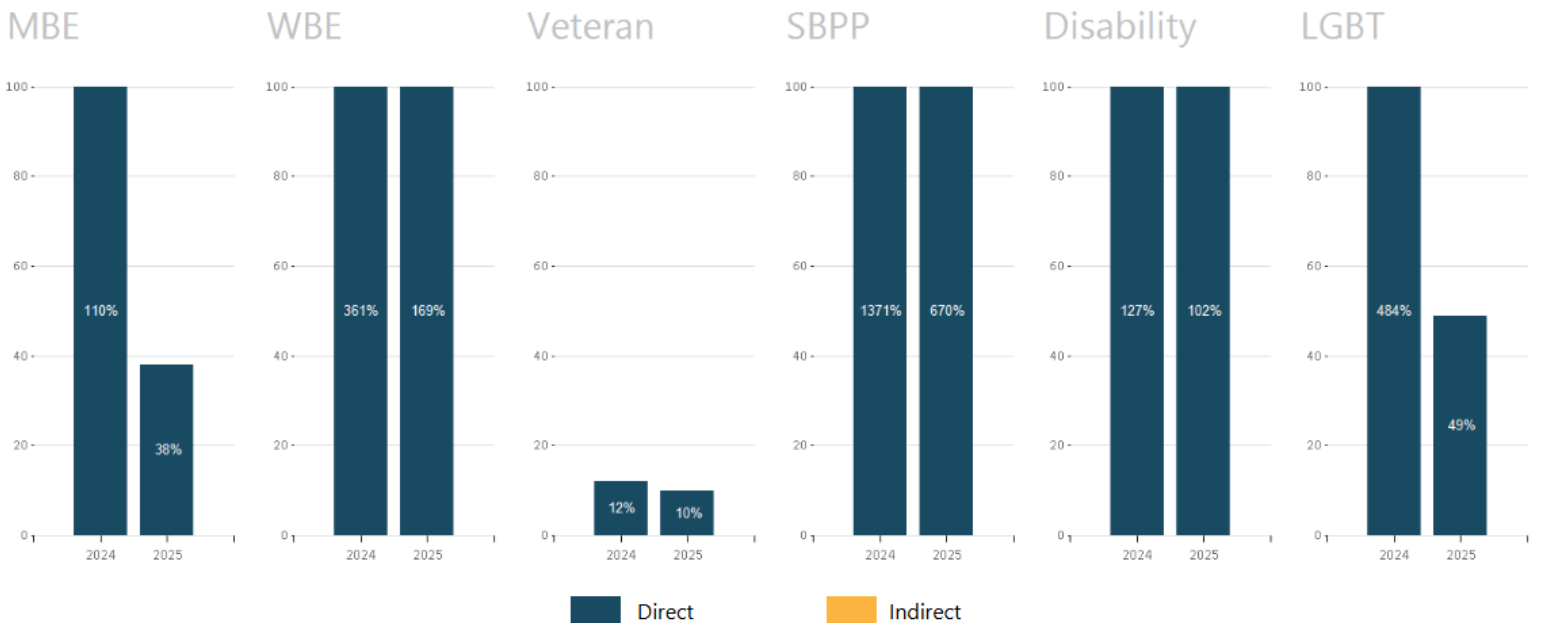
The Massachusetts Gaming Commission (MGC) has had a commitment to diversity since its inception as it has adopted OSD's policies for procurement. More recently, the Supplier Diversity Office (SDO) was established as its own state agency by Chapter 262 of the Acts of 2020, effective January 2021. The mission of SDO is to increase opportunities for certified businesses and small business through annual state agency benchmarks. As such the SDO independently sets the benchmarks and does the spend tracking for the Massachusetts Gaming Commission (MGC).

MGC Diversity Spend Update:

The following chart shows MGC's final spending status for FY24 and its current spending progress for FY25 across 6 spend categories. As you can see MGC far exceeded its benchmarks for all spend categories with the exception of VBE spending for FY24.



Secretariat: Massachusetts Gaming Commission Department: Massachusetts Gaming Commission



The table below shows the current benchmarks for FY25 MGC spending as prescribed by the Supplier Diversity Office (SDO). As you can see from the data, MGC is working towards its goals and has already met its benchmarks for the 2025 fiscal year for Women Owned Business, Disability Owned Business and Small Business spend. MGC continues working towards its Veteran Owned Business spending and anticipates hitting the benchmarks for both LGBT Owned Business and Minority Owned Business spend.

Fiscal Year	Department	Spending Category	Benchmark Amount	Direct %	Direct Payment
2025	MGC	Disability	\$22,981.49	102.45	\$23,543.41
2025	MGC	LGBT	\$22,981.49	49.47	\$11,369.94
2025	MGC	MBE	\$612,839.69	37.7	\$231,062.45
2025	MGC	SBPP	\$252,796.38	670.18	\$1,694,184.00
2025	MGC	Veteran	\$229,814.89	10.24	\$23,543.41
2025	MGC	WBE	\$1,072,469.50	169.1	\$1,813,537.13

Workforce Snapshot:

As we look internally at the MGC workforce diversity numbers, we are pleased to announce that the Commission is currently meeting its internal diversity goals as depicted below.

Total # of MGC Staff as 2/28/25	136	100% Reported
MGC Diversity Goal Percentage	25%	25.73 Actual

Identifier	Employee Count	Staff Percentage
Male	79	58.09%
Female	57	41.91%

Total # of MGC Voluntary Disclosures as of 2/28/25	132	97.06%
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White	97	71.32%
Black	9	6.62%
Asian	11	8.09%
Hispanic	5	3.68%
Multi-Ethnic	10	7.35%

***Note**

MGC has a current total staff of 136, 4 MGC employees chose not to self-identify ethnicity



Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Dean Serpa, Executive Director
Todd Grossman, General Counsel

DATE: March 27, 2025

RE: Plainridge Operating Personnel and Racing Officials

Dear Commissioners:

Plainridge Park Casino Director of Racing Steve O'Toole has submitted a request for approval of their Operating Personnel and Racing Officials dated March 20, 2025. These personnel and officials have all been licensed previously. They are in the process of applying for their 2025 licenses. The State police will conduct their background checks.

Recommendation: That the Commission approve the request of Plainridge Park Casino to approve their March 20, 2025 list of Operating Personnel and Racing Officials, pending satisfactory completion of licensure by the Massachusetts Gaming Commission Division of Racing and satisfactory completion of their background checks by the Massachusetts State Police.



Massachusetts Gaming Commission



PLAINRIDGE PARK
CASINO

March 20, 2025

Alexandra Lightbown
Director of Racing
Massachusetts Gaming Commission
101 Federal St.
Boston, MA 02110

Dear Director Lightbown,

Plainridge Park Casino respectfully requests approval of the following operating personnel and racing officials for the 2025 racing season;

OPERATING PERSONNEL

Steve O'Toole	Director of Racing
Lenny Calderone	Racing Services Manager
Andrew Tavares	Mutuel Manager
William Sullivan	Assistant Racing Services Manager
Michael Thomas	Assistant Racing Services Manager

RACING OFFICIALS

Charles Eaton III	Presiding Judge
Paul Verrette	Racing Secretary
James Tomaso	Clerk of Course
Gregory Brewster	Paddock Judge
John Mattero	Starter / Patrol Judge
Lenny Calderone	Announcer
Dr. Jeremy Murdock	Racing Veterinarian
Dr. Zach Matzkin	Racing Veterinarian
Sean Fothergill	Track Superintendent
Chrissy Nadeau	Identifier
Michael Thomas	Photo Finish / Timing
Steve O'Toole	Back up Presiding Judge & Starter / Patrol Judge
Andrew Tavares	Back up Photo Finish / Timing
William Sullivan	Back up Photo Finish / Timing
Brenda Faffard	Back up Photo Finish / Timing

Sincerely,

Steve O'Toole
Director of Racing
Plainridge Park Casino
Plainville Gaming and Redevelopment, LLC

Baseball Rules

Baseball Futures List

MLB Division Finishing Position

Wager on the exact finishing order in a division. If teams have the same record, BetMGM will settle the market based on official results declared by the Official Governing Body. If the Official Governing Body does not declare a winner or break the tie, then BetMGM will use the Head-to-Head Records between the tied teams as a primary tiebreaker. If there is still a tie after considering Head-to-Head Records, BetMGM will use the teams' Intradivision Record as a secondary tiebreaker.

Cricket Rules

Top Wicket-Taker (Bowler) in an Inning(s)/ Top Bowler

Which bowler will take the most wickets for the named team? The result of this market is determined on the bowler with the highest individual number of wickets in an individual innings. In Test or First Class Matches, Top Wicket-Taker bets will be cancelled if fewer than 60 overs are bowled in the Innings due to external factors, including bad weather, unless the Innings has reached a natural conclusion. In One Day Internationals and other 50 Over limited overs matches, Top Wicket-Taker bets will be cancelled if the scheduled number of overs for the innings is reduced by 25 or more overs after the bet was placed. In Twenty20 matches, Top Wicket Taker bets will be cancelled if the scheduled number of overs for the Innings is reduced by 10 or more overs after the bet was placed. In The Hundred matches, Top Wicket-Taker bets will be cancelled if the scheduled number of overs for the innings is reduced by 50 or more balls. If two or more bowlers have taken the same number of wickets, the bowler who has conceded the fewest runs will be the winner. If there are two or more bowlers with the same wickets taken and runs conceded, dead heat rules will apply. When two or more players take the same number of wickets, the innings dead-heat rules will apply. If no bowlers take a wicket in an innings, then all bets will be cancelled. Bets will be cancelled if the specified player is not part of the squad. If no bowlers take a wicket in an innings, then all bets will be cancelled. Wickets taken in a super over do not count.

Most Sixes

Which team will hit the most sixes? In limited overs matches, bets will be cancelled if it has not been possible to complete at least 80% of the overs scheduled to be bowled due to external factors, including bad weather, unless settlement of the bet has already been determined. Bets will also be cancelled if one team faces less overs than the opposition, unless settlement of bet had already been determined before reduction of overs took place. Only sixes scored from the bat (off any delivery - legal or not) will count towards the total sixes. Overthrows and extras do not count. Sixes scored in a super over do not count. Which team will hit the most sixes? In One Day Internationals and other 50-over limited overs matches, Most Sixes bets will be cancelled if the scheduled number of overs for the innings is reduced by 5 or more overs after the bet was placed. In Twenty20 matches, Most Sixes bets will be cancelled if the scheduled number of overs for the Innings is reduced by 3 or more overs after the bet was placed and the team is not All Out and has

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not reached a target to win the match. In The Hundred matches, Most Sixes bets will be cancelled if the scheduled number of overs for the Innings is reduced by 3 or more 5-ball overs after the bet was placed, and the team is not all out, and has not reached a target to win the match. Only sixes scored from the bat (off any delivery – legal or not) will count towards the total sixes. Sixes scored in a super over do not count. In the event of a tie, Dead heat rules will apply.

Delivery Markets

The result will be determined by the number of runs added to the team total, off the specified delivery. For settlement purposes, all illegal balls count as deliveries. For example, if an over starts with a wide, then the first delivery will be settled as 1 and, although there has not been a legal ball bowled, the next ball will be deemed as delivery 2 for that over. If a delivery leads to free hit or a free hit is to be re-bowled because of an illegal delivery, the runs scored off the additional delivery do not count. All runs, whether off the bat or not are included. For example, a wide with three extra runs taken equates to 4 runs in total off that delivery. For the Hundred, an over will consist of 5 legal deliveries, so a full innings will be made up of 20 overs. For example, if there are no illegal deliveries, the 5th ball bowled in the innings will be displayed as “X runs off 5th delivery, 1st over” and the 6th ball bowled in the innings will be displayed as “X runs off 1st delivery, 2nd over”. If there is an illegal delivery in the first five balls bowled, the 6th ball bowled in the innings will be displayed as “X runs off 6th delivery, 1st over”. All other rules remain the same as other formats.

Tennis Rules

Total games

Bets on the total number of games in a match will be over/under a particular number, e.g. 19.5 games. In the event of retirement, bets will be cancelled unless at the time of the withdrawal at least one set has been completed and the result of the total games is already determined [to be over a certain number of games if the match had been completed] (e.g. If a match is abandoned at 6-4 4-4, bets on Over/Under 19.5 games or fewer in the match are settled as winners/losers respectively, since any conclusion to the match would have to have completed at least 20 games. Bets on the total number of games in a match will be over/under a particular number, e.g. 21.5 games. In the event of a retirement, bets will be cancelled unless at the time of the withdrawal the result of the total games is already determined e.g. If a match is abandoned at 6-4 4-4, bets on Over/Under 19.5 games or fewer in the match are settled as winners/losers respectively, since any conclusion to the match would have to have had at least 20 games.



Sports Wagering Division

results are determined by the score at the time the game is called. For first 5 innings wagers, if a game is suspended in the bottom of the 5th inning with the home team ahead, all money line bets will be posted as official at the time of suspension, with the total being refunded. If a game is decided by the mercy rule, all bets are valid and will be resulted according to official match results.

CONCLUDING STATEMENT:

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



Sports Wagering Division

6. **MMA:** Revision for Round Betting markets.
7. **Rugby:** Revision for settlement clarification for overtime scenarios.

CONCLUDING STATEMENT:

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

Sport-Specific Rules

Football

General Football Rules

- Games must start in the same scheduling week of the league for bets to have action.
 - For the NFL, the scheduling week is Thursday-Wednesday. [The exception to this rule is for the NFL Playoffs or Super Bowl, where all wagers on an NFL football playoff game will stand unless the match is outright cancelled and will not be rescheduled.](#)
 - For the NCAA, the scheduling week is Tuesday-Monday. [The exception to this rule is for the College Football Playoff, where all wagers on a college football playoff game will stand unless the match is outright cancelled and will not be rescheduled.](#)

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.

- [Where the option of 'No Touchdown Scorer' is included in markets, this selection will be the winner if no player satisfies the criteria specified in the market name. If such selection is not included, then all selections will be settled as a loss.](#)

Most Passing, Rushing or Receiving **PropsYards** in a game (by an individual player)

Multi-player markets offer the opportunity to bet on a selected player to achieve the most passing, rushing, or receiving yards, [receptions, rushes, etc \(props\)](#) in an individual game or as a head-to-head market against another player. These are all-in markets [where a listed player must lead in these statistical categories. In the absence of Any Other/Any Other Player selection, all players will be graded as a Loss if an unlisted player leads the category.](#)

Baseball

General Baseball Rules

● 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 in accordance with the below listed rules.

- ~~All other markets (included but not limited to) Run Line and Total Runs will be made void if not already determined, unless a minimum of 7 innings are played, or 6.5 should the home team be leading at the commencement of the bottom of the 7th inning.~~ All other markets (included but not limited to) Run Line and Total Runs will be made void if not already determined.

Ice Hockey

Winning Margin

This market offers the customer the chance to bet on what the margin of victory will be, choosing from a selection of bands, for example 1 goal, 2 goals or 3+ goals etc

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- The market can be offered with either team specific or general game based selections. ~~Overtime and Shootouts will not count towards the settlement of this market.~~

1st Goal/Xth Goal/Next Goal

This market allows betting on a team to score a nominated goal within the period of play. ~~This market is inclusive of overtime only, not shootouts.~~ regulation period of play.

Double Chance (Including 1st/2nd/3rd Period Specific Markets)

[A 3-way market based on the outcome of the specified period, offering the customer the option to combine two selections, such as 'Team A/Draw', where the selection is deemed a winner if either of the two outcomes occur. When a game reaches its conclusion at the end of regulation time, two of the three options will be settled as winners at full odds with the remaining selection settled as a loser. This market will exclude overtime and shootouts.](#)

Soccer

[Soccer Daily Specials](#)

- [If an event is postponed before it starts, and is completed within 48 hours of the original start time, Daily Specials on that event will have action.](#)
- [If an event is postponed after it starts, and is not completed by midnight local time on the same day, Daily Specials on that event will be voided.](#)
- [“Either Player” Daily Specials- If either player does not participate/play 1 second of the match, the market will be voided regardless of if the other player achieves the stated accomplishment.](#)

Boxing

Method of Victory/Exact Method of Victory

A multi-way market allows betting on the specific outcome of the fight. The market can be offered at a basic level offering the choice between a stoppage or a decision, or can be offered in a more detailed manner giving the choice of different types of decision or stoppage. [Unless offered as a selection within the market, Method of Victory bets on a fight that finishes in a Technical Draw will be void.](#)

Round Betting (Includes Grouped Round Betting/Either Fighter Round Betting/Either Fighter Grouped Round Betting)

MMA

General MMA Rules

- Unless otherwise stated, all markets, excluding Moneyline, will be settled as Win/Loss even if the winning selection(s) are not offered.

Round Betting (Includes Grouped Round Betting/Either Fighter Round Betting/Either Fighter Grouped Round Betting)

A multi-way market allows betting on which round the fight will end in, and where relevant which fighter will win the fight.

- Where a fight is decided by Technical Decision round betting will be settled with both the round where the fight ended~~two winning selections, the round where the fight ended~~, as well as the relevant decision selection ~~will both be settled~~ as winners.

Rugby League

General Rugby League Rules

- All markets, excluding the moneyline, do not include overtime unless otherwise stated.



Sports Wagering Division

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

4. Baseball

4.4. Futures Markets + Other Specials

- Home Run Derby:
 - All wagers are graded based on the official results published by mlb.com.
 - Wagers relating to home run distances will be resulted according to the figures provided by MLB's Statcast.
 - Will There Be a Swing Off Tiebreaker: Settled upon whether any matchup is determined via a tiebreaker.
 - Most Home Runs Hit on Consecutive Pitches: Settled upon the player who hits the most consecutive home runs in any given round. Home runs hit across multiple rounds will not count for settlement purposes.
 - Number of Home Runs Hit on Consecutive Pitches: Settled upon the exact number of consecutive home runs hit in any given round. Home runs hit across multiple rounds will not count for settlement purposes.
 - Number of Pitches thrown before First Home Run: Settled upon the exact pitch number of the first home run (e.g. if the 4th pitch seen/thrown is a home run, pitch 4 will be determined the winner, all other selections will be a loss).
 - Most Home Runs Hit in X Round: Settled upon player who hits the most home runs in any given round. Dead-heat rules will apply if multiple players tie for the same number of home runs in any given round.
 - Player to Hit the Longest Home Run: Settled upon player who hits the longest home run. Dead-heat rules will apply if multiple players tie for the same distance.
 - Player to Hit the Home Run with the Highest Exit Velocity: Settled upon player who hits a home run with the highest exit velocity. Dead-heat rules will apply if multiple players tie for the same exit velocity.
- 1. Player Match Bets: If two contestants are eliminated in the same stage of the competition, bets on which player will advance further will be void.
- 2. First Swing Markets; Settled on the result of the first pitch swung upon by the batter.

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5. Basketball

5.1. Sports Rules – NBA, NCAA and WNBA Basketball

- Should an NCAA game's scheduled venue be changed, all wagers placed prior to the notification of the change will be void only if the new venue is in a different state from the original

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

- Team to go on X Run (e.g. Team X to go on a 15-0 run): "Yes" wagers will be settled as a winner if team scores specified number of points prior to opposing team scoring their next point. For the purposes of these wagers, a "Run" cannot carry over between halves, quarters, or overtime periods.
- "Double Up" refers to Team X scoring twice the amount of points as Team Y in the specified period. If at any point during the specified period Team X has twice the amount of points as Team Y, the "Yes" will be settled as the winning selection.

5.3. Player Props – NBA, NCAA and WNBA Basketball

- Player to Score X+ Points in Each Quarter - All Bets Stand once the player takes the court, irrespective of game time played in each quarter. Winning selections are determined by statistics acquired by the player in Each Quarter.

- Number of Made 3s in next 3 minutes and number of made 3s in next minute - Settlement is based on the total number of 3s made in specified time frame.
- Both teams to Score in Next minute - Each Team Must score 1+ Point in the specified time frame.
- Both teams to Score 3+ Each in Next Minute - Each teams Must Score 3+ Points in the specified time frame.
- Next Point/Xth Point Scored - Refers to the team that scores the indicated point of the game.
- Next Field Goal - Refers to the team that scores the next field goal of the game.
- Next Basket type - Refers to the type of Field Goal Each team scores
 - 2 Pointer or 3 Pointer

5.5. Overview of Specific Markets – Euro/Other Basketball

- Spread Betting (3-way): For the purpose of deciding results on spread betting, the actual score of the match (Team A v Team B) is adjusted for the spread. If Team A or Team B are selected, then the spread adjustment applies to the Points scored by that team. If the draw is selected then the spread adjustment applies to Team A. For example, spread markets are shown as: Team A (-1) +350, Draw (-1) +300 & Team B (+1) -188.
- If Team A win by 2 or more Points then all bets on Team A (-1) will be winners. Bets on the Draw (-1) and Team B (+1) will be losers. (e.g., Team A win 22-20 so becomes Team A 21-20 after the -1 adjustment so Team A are the spread winners.)
- If Team A win by exactly 1 Point, then all bets on Draw (-1) will be winners. Bets on Team A (-1) and Team B (+1) will be losers (e.g., Team A 21-20 becomes 20-20 after the -1 adjustment to the home team so it's a spread draw)
- If the match ends in a draw or Team B win by any number of points, then all bets on Team B (+1) will be winners. Bets on Draw(-1) and Team A (-1) will be losers. (e.g., Team A 21-21 Team B becomes Team A 21-22 Team B after the +1 adjustment to Team B so Team B are the spread winners).

13. Ice Hockey

13.1. US Ice Hockey (General)

- NCAA: if a goal is not scored in the five-minute overtime period, the game shall be declared a tie, and wagers will be void. If "tie" is an option to select, wager(s) will be settled accordingly.

27. Tennis

- Aces / Double Fault related markets: Will be settled according to official data feed providers. In the event of a retirement, all markets/selections will be voided unless the market/selection has been unequivocally determined. The match must be completed for bets to stand, except in the case of the first ace or first double fault markets. These markets will be settled on the basis of official scoring providers or official tournament websites (and in the event of any discrepancies between data of official scoring providers and that of tournament websites, the data of official tournaments data feed partners will take precedence).

Baseball Futures List

MLB Division Finishing Position

Wager on the exact finishing order in a division. If teams have the same record, BetMGM will settle the market based on official results declared by the Official Governing Body. If the Official Governing Body does not declare a winner or break the tie, then BetMGM will use the Head-to-Head Records between the tied teams as a primary tiebreaker. If there is still a tie after considering Head-to-Head Records, BetMGM will use the teams' Intradivision Record as a secondary tiebreaker.

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CRICKET RULES

5. Top Wicket-Taker (Bowler) in an Inning(s)/Top Bowler – Which bowler will take the most wickets for the named team? The result of this market is determined on the bowler with the highest individual number of wickets in an individual innings. In Test or First Class Matches, Top Wicket-Taker bets will be cancelled if fewer than 60 overs are bowled in the Innings due to external factors, including bad weather, unless the Innings has reached a natural conclusion. In One Day Internationals and other 50 Over limited overs matches, Top Wicket-Taker bets will be cancelled if the scheduled number of overs for the innings is reduced by 25 or more overs after the bet was placed. In Twenty20 matches, Top Wicket Taker bets will be cancelled if the scheduled number of overs for the Innings is reduced by 10 or more overs after the bet was placed. In The Hundred matches, Top Wicket-Taker bets will be cancelled if the scheduled number of overs for the innings is reduced by 50 or more balls. If two or more bowlers have taken the same number of wickets, the bowler who has conceded the fewest runs will be the winner. If there are two or more bowlers with the same wickets taken and runs conceded, dead heat rules will apply. When two or more players take the same number of wickets, the innings dead-heat rules will apply. If no bowlers take a wicket in an innings, then all bets will be cancelled. Bets will be cancelled if the specified player is not part of the squad. If no bowlers take a wicket in an innings, then all bets will be cancelled. Wickets taken in a super over do not count.

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22. Most Sixes – Which team will hit the most sixes? In limited overs matches, bets will be cancelled if it has not been possible to complete at least 80% of the overs scheduled to be bowled due to external factors, including bad weather, unless settlement of the bet has already been determined. Bets will also be cancelled if one team faces less overs than the opposition, unless settlement of bet had already been determined before reduction of overs took place. Only sixes scored from the bat (off any delivery - legal or not) will count towards the total sixes. Overthrows and extras do not count. Sixes scored in a super over do not count. Which team will hit the most sixes? In One Day Internationals and other 50 over limited overs matches, Most Sixes bets will be cancelled if the scheduled number of overs for the innings is reduced by 5 or more overs after the bet was placed. In Twenty20 matches, Most Sixes bets will be cancelled if the scheduled number of overs for the Innings is reduced by 3 or more overs after the bet was placed and the team is not All Out and has not reached a target to win the match. In The Hundred matches;

~~Most Sixes bets will be cancelled if the scheduled number of overs for the Innings is reduced by 3 or more 5-ball overs after the bet was placed, and the team is not all out, and has not reached a target to win the match. Only sixes scored from the bat (off any delivery – legal or not) will count towards the total sixes. Sixes scored in a super over do not count. In the event of a tie, Dead heat rules will apply.~~

42. Delivery Markets

~~The result will be determined by the number of runs added to the team total, off the specified delivery. For settlement purposes, all illegal balls count as deliveries. For example, if an over starts with a wide, then the first delivery will be settled as 1 and, although there has not been a legal ball bowled, the next ball will be deemed as delivery 2 for that over. If a delivery leads to free hit or a free hit is to be re-bowled because of an illegal delivery, the runs scored off the additional delivery do not count. All runs, whether off the bat or not are included. For example, a wide with three extra runs taken equates to 4 runs in total off that delivery. For the Hundred, an over will consist of 5 legal deliveries, so a full innings will be made up of 20 overs. For example, if there are no illegal deliveries, the 5th ball bowled in the innings will be displayed as “X runs off 5th delivery, 1st over” and the 6th ball bowled in the innings will be displayed as “X runs off 1st delivery, 2nd over”. If there is an illegal delivery in the first five balls bowled, the 6th ball bowled in the innings will be displayed as “X runs off 6th delivery, 1st over”. All other rules remain the same as other formats.~~

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TENNIS RULES

Pre-Match Tennis Rules

~~4. Total games - Bets on the total number of games in a match will be over/under a particular number, e.g. 19.5 games. In the event of retirement, bets will be cancelled unless at the time of the withdrawal at least one set has been completed and the result of the total games is already determined [to be over a certain number of games if the match had been completed] (e.g. If a match is abandoned at 6-4 4-4, bets on Over/Under 19.5 games or fewer in the match are settled as winners/losers respectively, since any conclusion to the match would have to have completed at least 20 games. Bets on the total number of games in a match will be over/under a particular number, e.g., 21.5 games.~~

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~~a. In the event of a retirement, bets will be cancelled unless at the time of the withdrawal the result of the total games is already determined. E.g., If a match is abandoned at 6-4 4-4, bets on Over/Under 19.5 games or fewer in the match are settled as winners/losers respectively, since any conclusion to the match would have to have had at least 20 games.~~



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

From: Carrie Torrisi, Chief of Sports Wagering Division

Date: March 27, 2025

Re: Request for Extension of Temporary Waiver from 248.04(4)

The Commission's regulation 205 CMR 248.04(4) requires that "[t]he Sports Wagering Operator shall at the time of account establishment, utilize identity authentication questions that require a patron to provide information known only to the patron through security questions, unless an alternate method of authentication is approved by the Commission."

BetMGM and Ballys use a tiered approach for their KYC processes, which includes the use of identity authentication questions as a second step that may be, but is not always, reached by the patron. As such, these operators do not meet the current regulatory requirement.

In August 2023, these operators' KYC processes were erroneously approved by the Sports Wagering Division based on the misunderstanding that approval by the Commission of alternate methods was not required because the operators *did* use identity authentication questions.

On February 6, 2025, the Commission issued a temporary waiver from 205 CMR 248.04(4) to BetMGM and Ballys until May 1st. The Sports Wagering Division is seeking an extension of this waiver until June 1st to allow us time to finalize review and schedule these presentations before the Commission for approval.



Legal Division

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

FROM: Justin Stempeck, Deputy General Counsel

DATE: March 19, 2025

RE: 205 CMR 256.04 False or Misleading Advertising
205 CMR 256.02(1) Scope Change

Enclosed for the Commission's review are two proposed amendments to 205 CMR 256. One change to 205 CMR 256.02(1) is a minor language change to clarify the scope of the regulation. The next change to 205 CMR 256.04 adds language requiring marketing and advertising disclosures.

The suggested change to 205 CMR 256.02 is set forth here:

- (1) The provisions of 205 CMR 256.~~0200~~ **Sports Wagering Advertising** shall apply to all advertising, marketing, and branding for Sports Wagering aimed at, published, aired, displayed, disseminated, or distributed in the Commonwealth. Nothing in 205 CMR 256.02 shall be construed as limiting a Person's obligations to comply with any other federal, state or local law applicable to advertising, marketing and branding, nor shall anything herein be construed as modifying or limiting in any way any more stringent or additional requirement applicable to advertising, marketing and branding.

This minor change simply clarifies that all of 205 CMR 256 applies to all advertising, marketing and branding and clarifies the extent of regulation.

The change to 205 CMR 256.04(4) is more substantive and adds the following subpart (a):



Massachusetts Gaming Commission

- (a) All marketing or advertising by or on behalf of a Sports Wagering Operator must include a clear and conspicuous disclosure describing the financial, employment, personal, or other relationship with the Sports Wagering Operator. Inclusion of this disclosure shall not operate as a waiver of the prohibition against advising or encouraging patrons to place a specific wager as outlined in 205 CMR 256.04(4).

This language serves to mirror similar disclosure requirements mandated by the Federal Trade Commission and the UK Gambling Commission. We have seen a variety of advertisements on social media that may benefit from a disclaimer identifying that an influencer or spokesperson is in fact being compensated for their statements with respect to a given operator. Critically, this disclaimer requirement would not function as a replacement for the ongoing obligation of operators to comply with 205 CMR 256.04(4) to refrain from advising or encouraging patrons to place any specific type or kind of wager.¹

¹ Given questions concerning the interpretation of “advise or encourage” in the context of a wide range of advertisements the legal division plans to draft a guidance document providing examples of the Commission’s interpretation of this clause for discussion at a future public meeting.

Code of Massachusetts Regulations

Title 205: Massachusetts Gaming Commission

Chapter 256.00: Sports Wagering Advertising (Refs & Annos)

205 CMR 256.04

256.04: False or Misleading Advertising

Currentness

(1) No Sports Wagering Operator shall allow, conduct, or participate in any unfair or deceptive advertising, marketing, or branding for Sports Wagering.

(2) No Sports Wagering Operator shall obscure or fail to disclose any material fact in its advertising, marketing, or branding for sports wagering or use any type, size, location lighting, illustration, graphic, depiction or color resulting in the obscuring of or failure to disclose any material fact in any advertising, marketing, or branding.

(3) All Sports Wagering advertisements must clearly convey the material conditions under which Sports Wagering is being offered, including information about the cost to participate and the nature of any promotions, to assist patrons in understanding the odds of winning. Any material conditions or limiting factors must be clearly and conspicuously specified in the advertisement. Additional, non-material terms and conditions may be otherwise made available on a website or application if an advertisement is not of sufficient size or duration to permit inclusion of the additional information.

(4) No Sports Wagering Operator, Sports Wagering Vendor, or third party marketing or advertising entity required to be licensed or registered pursuant to 205 CMR 234.00: *Sports Wagering Vendors*, nor any employee of any of the foregoing, may advise or encourage patrons to place a specific wager of any specific type, kind, subject, or amount. This restriction does not prohibit general advertising or promotional activities which may notify a patron of the need to place a specific wager type, kind, subject, or amount in order for patron to receive a promotional benefit.

(a) All marketing or advertising by or on behalf of a Sports Wagering Operator must include a clear and conspicuous disclosure describing the financial, employment, personal, or other relationship with the Sports Wagering Operator. Inclusion of this disclosure shall not operate as a waiver of the prohibition against advising or encouraging patrons to place a specific wager as outlined in 205 CMR 256.04(4).

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(5) A Sports Wagering Operator that engages in any promotion related to Sports Wagering shall clearly and concisely explain the terms of the promotion and adhere to such terms. If a Sports Wagering Operator offers complimentary items or promotional credit that are subject to terms, conditions or limitations in order to claim the item or redeem the item or credit, the Operator shall fully disclose all material terms, conditions or limitations through the following methods, provided that additional, non-material terms and conditions, may be otherwise made available on a website or application if an advertisement is not of sufficient size or duration to permit inclusion of the non-material information.

- (a) In all advertisements or inducements where the complimentary item or promotion are advertised;

 - (b) If being added to a Sports Wagering Account, through the use of a pop-up message either while the complimentary item or promotional credit is being added or when the patron next logs in to the Account, whichever is earlier; and

 - (c) If the offer requires the patron to Wager a specific dollar amount to receive the complimentary item or promotional credit, the amount that the patron is required to Wager of the patron's own funds shall be disclosed in the same size and style of font as the amount of the complimentary item or promotional credit, and the complimentary item or promotional credit shall not be described as free.
- (6) No advertising, marketing, branding, and other promotional materials published, aired, displayed, disseminated, or distributed by or on behalf of any Sports Wagering Operator shall:
- (a) Promote irresponsible or excessive participation in Sports Wagering;

 - (b) Suggest that social, financial, or personal success is guaranteed by engaging in event wagering;

 - (c) Imply or promote Sports Wagering as free of risk in general or in connection with a particular promotion or Sports Wagering offer;

 - (d) Describe Sports Wagering as "free", "cost free" or "free of risk" if the player needs to incur any loss or risk their own money to use or withdraw winnings from the Wager;

 - (e) Encourage players to "chase" losses or re-invest winnings;

 - (f) Suggest that betting is a means of solving or escaping from financial, personal, or professional problems;

 - (g) Portray, suggest, condone or encourage Sports Wagering behavior as a rite of passage or signifier of reaching adulthood or other milestones;

 - (h) Portray, suggest, condone or encourage Sports Wagering behavior that is socially irresponsible or could lead to financial, social or emotional harm;

256.04: False or Misleading Advertising, 205 MA ADC 256.04

(i) Imply that the chances of winning increase with increased time spent on Sports Wagering or increased money wagered;

(j) Be placed on any website or printed page or medium devoted primarily to responsible gaming;

(k) Offer a line of credit to any consumer; or

(l) Use individuals to provide purported expertise or Sports Wagering advice who are employed by, contracted with, or otherwise compensated by a Sports Governing Body, team, club or athlete on which a wager may be placed.

Credits

History: [1489 Mass. Reg. 55](#), (emergency) eff. Jan. 25, 2023; [1493 Mass. Reg. 59](#), amended eff. Apr. 14, 2023.

The Massachusetts Administrative Code titles are current through Register No. 1541, dated February 14, 2025. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 205, § 256.04, 205 MA ADC 256.04

End of Document

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Code of Massachusetts Regulations

Title 205: Massachusetts Gaming Commission

Chapter 256.00: Sports Wagering Advertising (Refs & Annos)

205 CMR 256.02

256.02: Application

Currentness

(1) The provisions of 205 CMR 256.00 ~~Sports Wagering Advertising-02~~ shall apply to all advertising, marketing, and branding for Sports Wagering aimed at, published, aired, displayed, disseminated, or distributed in the Commonwealth. Nothing in 205 CMR 256.02 shall be construed as limiting a Person's obligations to comply with any other federal, state or local law applicable to advertising, marketing and branding, nor shall anything herein be construed as modifying or limiting in any way any more stringent or additional requirement applicable to advertising, marketing and branding.

(2) Sports Wagering advertisements may only be published, aired, displayed, disseminated, or distributed in the Commonwealth by or on behalf of Sports Wagering Operators licensed to offer Sports Wagering in the Commonwealth, unless the advertisement clearly states that the offerings are not available in the Commonwealth or otherwise makes clear that the offerings are not intended for use in the Commonwealth. Sports Wagering Operators and their agents, employees, or any third party conducting advertising or marketing on their behalf shall not advertise forms of illegal gambling in the Commonwealth.

(3) No Sports Wagering Operator shall allow, conduct, or participate in any advertising, marketing, or branding for Sports Wagering on any billboard, or other public signage, which fails to comply with any federal, state or local law.

Credits

History: [1489 Mass. Reg. 55](#), (emergency) eff. Jan. 25, 2023; [1493 Mass. Reg. 59](#), amended eff. Apr. 14, 2023.

The Massachusetts Administrative Code titles are current through Register No. 1542, dated February 28, 2025. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 205, § 256.02, 205 MA ADC 256.02

End of Document

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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 256 Sports Wagering Advertising**, specifically 205 CMR 256.02: Application and 205 CMR 256.04: False or Misleading Advertising.

These regulations were promulgated as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and are authorized by G.L. c. 23N, §4. These regulations govern the advertising and marketing of sports wagering in the Commonwealth.

These regulations are unlikely to have an impact on small businesses as they govern 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:

These regulations are 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 these regulations.

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 regulations are likely to deter or encourage the formation of new businesses in the Commonwealth:

These amendments are unlikely to have any impact on the formation of new businesses in the Commonwealth.



Massachusetts Gaming Commission

Massachusetts Gaming Commission

By:

/s/ Justin Stempeck
Justin Stempeck, Deputy General Counsel

Dated: March 19, 2025



Massachusetts Gaming Commission

101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



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

FROM: Justin Stempeck, Deputy General Counsel

DATE: March 27, 2025

RE: 205 CMR 238.01: *Definitions*

205 CMR 238.01: *Definitions*, which has been amended to add a definition for “Sports Wagering Liability,” has completed the promulgation process. A public hearing was held on March 25, 2025. No comments pertaining to this regulation were provided and no edits have been made to the regulation since its presentation to the Commission on February 6, 2025.

We are seeking a vote to adopt the final version of the proposed regulation. The final version of the regulation and accompanying amended small business impact statement have been included in the Commissioners’ Packet.



Massachusetts Gaming Commission

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 238: ADDITIONAL UNIFORM STANDARDS OF ACCOUNTING
PROCEDURES AND INTERNAL CONTROLS FOR SPORTS WAGERING

238.01: Definitions

As used in 205 CMR 238.00, the following words and phrases shall have the following meanings, unless the context clearly indicates otherwise:

Cash means currency or coin.

Cash Equivalent means a certified check, cashier's check, treasurer's check, personal check, travelers' check, money order, or other instrument as specified by the Commission.

Check means as defined in M.G.L. c. 106, §§ 3 through 104.

Chief Sports Wagering Executive means the individual responsible for the daily conduct of a Sports Wagering Operator's business. Unless the Chief Sports Wagering Executive also serves as the Chief Executive Officer of the Sports Wagering Operator, the Chief Sports Wagering Executive shall report directly to the Chief Executive Officer of the Sports Wagering Operator.

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

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

Segregated Account means a financial account that segregates funds owned by patrons and that is restricted to funds owned by patrons in the United States, and not comingled with the Sports Wagering Operator's operational funds.

Sports Wagering Counter means any a window in a structure approved by the Commission within a Gaming Establishment or Sports Wagering Facility from which a Ticket Writer conducts Sports Wagering transactions.

Sports Wagering Liability means the amounts accepted by the Sport Wagering Operator on Sports Wagers whose outcomes have not been determined and amounts owed but unpaid on winning Sports Wagering tickets or vouchers.

Ticket Writer means a person assigned the responsibility for the operation of a Ticket Writer Station.

Ticket Writer Station means a point of sale used by a Ticket Writer for the execution or formalization of Sports Wagers placed on behalf of a patron.



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 adoption of **205 CMR 238.01: DEFINITIONS**, for which a public hearing was held on February 6, 2025.

The adoption of 205 CMR 238.01 is part of the process of promulgating regulations governing the operation of Sports Wagering in the Commonwealth. This regulation is governed largely by G.L. c. 23K, §4 and G.L. c. 23N, §4.

The adoption of 205 CMR 238.01 applies to sports wagering operators, sports wagering vendors, and the Commission. Accordingly, this regulation is unlikely to have an impact on 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:

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

It is not readily apparent that this regulation would affect small businesses, as it relates sports wagering operators.

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

There are no schedules or deadlines for compliance or reporting requirements within this regulation that would pertain to small businesses.

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

This regulation does not impose reporting requirements upon small businesses, therefore, the compliance and reporting requirements within this regulation have not been simplified.

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



Massachusetts Gaming Commission

This regulation amendment includes definitions and does not establish performance standards.

5. 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 the proposed regulation will either deter or encourage the formation of new businesses in the Commonwealth.

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

As it is currently drafted, it does not appear that the proposed revision to 205 CMR 238.01 creates an adverse impact on small businesses.

Massachusetts Gaming Commission
By:

/s/ Justin Stempeck
Justin Stempeck
Deputy General Counsel

Dated: March 27, 2025



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

FROM: Ying Wang, Associate General Counsel

DATE: March 27, 2025

RE: 205 CMR 243.02: *Kiosks*

205 CMR 243.02: *Kiosks*, which supplements the process that was previously approved for 205 CMR 143.07 pertaining to the use of kiosks, has completed the promulgation process. A public hearing was held on March 25, 2025. No comments pertaining to this regulation were provided and no edits have been made to the regulation since its presentation to the Commission on January 23, 2025.

We are seeking a vote to adopt the final version of the proposed regulation. The final version of the regulation and accompanying amended small business impact statement have been included in the Commissioners' Packet.



Massachusetts Gaming Commission

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 243: SPORTS WAGERING EQUIPMENT

243.02: Kiosks

A Sports Wagering Operator and a Sports Wagering Vendor making use of a kiosk for Sports Wagering shall comply with 205 CMR 143.07.



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 adoption of **205 CMR 243.02: KIOSKS**, for which a public hearing was held on January 23, 2025.

The adoption of 205 CMR 243.02 is part of the process of promulgating regulations governing the operation of Sports Wagering in the Commonwealth. This regulation is governed largely by G.L. c. 23K, §4 and G.L. c. 23N, §4.

The adoption of 205 CMR 243.02 applies to sports wagering operators, sports wagering vendors, and the Commission. Accordingly, this regulation is unlikely to have an impact on 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:

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

As a general matter, it is unlikely that any small businesses will be negatively impacted by this regulation as it relates sports wagering operators, sports wagering vendors, and the Commission. Accordingly, there are no less stringent compliance or reporting requirements for small businesses.

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

There are no schedules or deadlines for compliance or reporting requirements within this regulation that would pertain to small businesses.

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

This regulation does not impose any reporting requirements upon small businesses, therefore, the compliance and reporting requirements within this regulation have not been simplified.

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



Massachusetts Gaming Commission

The proposed regulation does not establish performance standards for small businesses.

5. 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 the proposed regulation will either deter or encourage the formation of new businesses in the Commonwealth.

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

As it is currently drafted, it does not appear that the regulation creates any adverse impact on small businesses.

Massachusetts Gaming Commission

By:

/s/ Ying Wang

Ying Wang

Associate General Counsel

Dated: March 27, 2025



Legal Division

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

FROM: Judith Young, Associate General Counsel
Burke Cain, Chief of the Gaming Agents Division
Dave DiOrio, Casino Compliance Coordinator/Assistant Chief
Natalia Villareal, Casino Regulatory Manager
Marty Edwards, Assistant Casino Regulatory Manager

RE: Update to Table Games Rules, *Spanish 21*, pursuant to 205 CMR 147.02

DATE March 27, 2025

History:

Spanish 21 is a blackjack-style table game that has been in operation since 2018. The game and its rules were initially approved by the Commission in February of 2018. The game was in operation at both Encore Boston Harbor and MGM Springfield¹. The posted rules of the game have been amended three times since its initial approval as a table game in 2018, 2019 and 2020 respectively.

Overview:

During the Gaming Agents Division Chief and Casino Regulatory Staff's review of existing table games rules, it was noted that a payout table within section 6(e) should be updated to more accurately reflect the payouts within the GLI's review and analysis of Pontoon 21 and Spanish 21. The correct payout table has been inserted into the rules accordingly. Additional labels have been added to the rules for clarity purposes within sections 5(f) and 5(g). A red-lined copy of the rules, showing the proposed changes, has been included in the Commissioner's packet.

The IEB, in conjunction with the Legal Division, is seeking the Commission's vote of approval for the updated Spanish 21 rules.

¹ As of February 2023, the blackjack-style table game, Pontoon 21 is now played at MGM Springfield and EBH is now the only gaming establishment to feature Spanish 21 to its patrons.



Massachusetts Gaming Commission

SPANISH 21

Rules

1. Definitions

The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise:

Blackjack - shall mean an ace and any card having a point value of 10 dealt as the initial two cards to a player or a dealer, except that this shall not include an ace and a 10 point value card dealt to a player who has split pairs.

Hard total - shall mean the total point count of a hand which contains no aces or which contains aces that are each counted as one in value.

Pat hand - shall mean a hand that has a value of 17 or better and does not require a hit.

Push - shall mean a tie between the hand of the player and that of the dealer, except for hands containing a point count of 21 or a blackjack.

Rescue - is defined in Section 9.

Soft total - shall mean the total point count of a hand which contains an ace that is counted as 11 in value.

Suit - shall mean one of the four categories of cards: club, diamond, heart or spade.

2. Cards; number of decks; rank of cards

- (a) Spanish 21 shall be played with six or eight decks of cards, with backs of the same color and design and one additional cutting card. The decks shall meet the requirements of 205 CMR 146.48 and shall consist of 48 cards, with the 10 of each suit having been removed from each deck during the inspection required by 205 CMR 146.49 and Section 3. The cutting card shall be opaque and a solid color readily distinguishable from the color of the backs and edges of the playing cards, as approved by the Commission.
- (b) The point value of the cards contained in each deck shall be as follows:
 - (1) Any card from 2 to 9 shall have its face value;
 - (2) Any Jack, Queen or King shall have a value of 10;
 - (3) An ace shall have a value of 11, unless that value would give a player or the dealer a score in excess of 21, in which case it shall have a value of one.

3. Opening of the table for gaming

- (a) After receiving the decks of cards at the table in accordance with 205 CMR 146.49, the

dealer shall, as applicable, comply with the requirements of either 205 CMR 146.49 and (b) through (c) below or the requirements of 205 CMR 146.50.

- (b) If the decks contain the 10 of any suit, the dealer shall remove these cards from the decks, and the floorperson shall verify that all such cards have been removed from each deck. Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. Each deck of cards shall be spread out separately, according to suit and in sequence.
- (c) After the first player has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards, and stacked. If during the mixing or the stacking process a card is turned over and exposed to the players, the cards shall be remixed. Once the cards have been stacked, they shall be shuffled in accordance with Section 4.

4. Shuffle and cut of the cards

- (a) Immediately prior to the commencement of play, unless the cards were pre-shuffled pursuant to 205 CMR 146.50, and after each shoe of cards has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack.
- (b) After the cards have been shuffled and stacked, the dealer shall:
 - (1) If the cards were shuffled using an automated card shuffling device, place the stack of cards in the dealing shoe and deal the cards in accordance with the procedures set forth in Section 7; provided, however, that nothing herein shall be deemed to prohibit the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe; or
 - (2) If the cards were shuffled manually or were pre-shuffled pursuant to 205 CMR 146.50, cut the cards in accordance with the procedures set forth in (c) below.
- (c) If a cut of the cards is required, after the cards have been shuffled, the dealer shall perform one of the following options. The dealer will offer the stack of cards, with backs facing away from them to the players to be cut, or at the casino's discretion, the dealer will cut the stack of cards for the table.
- (d) The cut of the cards shall be offered to players in the following order:
 - (1) The first player to the table, if the game is just beginning; or
 - (2) The player at the farthest position to the right of the dealer; provided, however, that if there are two or more consecutive rounds of play, the offer to cut the cards shall rotate in a counterclockwise manner after the player to the far right of the dealer has been offered the cut.
- (e) The player or dealer making the cut shall place the cutting card in the stack at least a deck

from either end. Once the cutting card has been inserted, the dealer shall take the cutting card and all the cards on top of the cutting card and place them on the bottom of the stack. The dealer shall then take the entire stack of cards that was just shuffled and align them along the side of the dealing shoe. Thereafter, the dealer shall insert the cutting card in the stack at a position at least approximately one-quarter of the way in from the back of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

- (f) After the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if they determine that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut, at the gaming licensee's option, by the player who last cut the cards, or by the next person entitled to cut the cards, as determined by (c) and (d) above.
- (g) A reshuffle of the cards in the shoe shall take place after the cutting card is reached in the shoe as provided for in Section 7(j), provided, however, that the gaming licensee may determine after each round of play that the cards should be reshuffled.
- (h) A gaming licensee may submit to the Massachusetts Gaming Commission for approval the proposed shuffle, cut card placement, number of cut cards (to include shuffle techniques without the use of any cut cards), location of where the shuffle takes place, who is responsible for shuffling, shuffling equipment (dealing shoes or other dealing devices) and burn card procedures.
- (i) Whenever there is no gaming activity at a Spanish 21 table that is open for gaming, the cards shall be spread out on the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures outlined in Section 3(c) shall be completed.
- (j) When the licensee is using a manual shuffle the following steps will be incorporated into their shuffle procedure.
 - (1) The "plug" is a method for inserting unused cards from behind the cut card into the cards in the discard tray. This is usually the first step.
 - (2) The "riffle" is when the cards are divided into two piles and interlaced.
 - (3) The "turn" involves dividing the shoe into two stacks and rotating one stack 180 degrees before riffling the stacks together.
 - (4) The "strip" also known as running cuts. The strip should not occur before at least two riffles have taken place.
 - (5) The "cut" is the final step before the cards are put back into the shoe. This ensures that the top card cannot be identified if it was accidentally exposed during the other steps.

5. Wagers; payout odds

- (a) Prior to the first card being dealt for each round of play, each player at the game of Spanish 21 shall make a wager against the dealer which shall win if:
 - (1) The score of the player is 21 or less and the score of the dealer is in excess of 21;
 - (2) The score of the player exceeds that of the dealer without either exceeding 21;
 - (3) The player has achieved a score of 21 in two cards and the dealer has achieved a score of

- 21 in two or more cards; or
- (4) The player has achieved a score of 21 in more than two cards and the dealer has achieved a score of 21 in more than two cards.
- (b) Except as otherwise provided in (a)(3) and (4) above, a wager made in accordance with this section shall be void if the score of the player is the same as the dealer. However, a wager shall lose if the player has 21 in more than two cards and the dealer has a blackjack.
- (c) All wagers at Spanish 21 shall be made by placing gaming chips or plaques and, if applicable, a match play coupon on the appropriate betting areas of the table layout. A verbal wager accompanied by cash may be accepted, provided it is confirmed by the dealer and casino supervisor, and that such cash is expeditiously converted into gaming chips or plaques in accordance with 205 CMR 146.09.
- (d) Except as otherwise provided in this section, no wager shall be made, increased or withdrawn after the first card of the respective round has been dealt.
- (e) After each round of play is complete, the dealer shall collect all losing wagers and pay off all winning wagers. Except as provided in (f) and (g) below, winning wagers made in accordance with (a)(3) above shall be paid at odds of 3 to 2, and all winning wagers made in accordance with (a)(1), (2) or (4) above shall be paid at odds of 1 to 1.
- (f) **Bonus 21 Payoffs.** Notwithstanding the provisions of (e) above, a gaming licensee shall pay the following payout odds for winning wagers made in accordance with (a) above unless the player has doubled down, in which case all of the following wagers shall only be paid at odds of 1 to 1:
- (1) Three cards consisting of the 6, 7 and 8 of mixed suits shall be paid at odds of 3 to 2;
 - (2) Three cards consisting of the 6, 7 and 8 of the same suit shall be paid at odds of 2 to 1, except that three cards consisting of the 6, 7 and 8 of spades shall be paid at odds of 3 to 1;
 - (3) Three cards consisting of three 7's of mixed suits shall be paid at odds of 3 to 2;
 - (4) Three cards consisting of three 7's of the same suit shall be paid at odds of 2 to 1, except that three cards consisting of three 7's of spades shall be paid at odds of 3 to 1;
 - (5) Five cards totaling 21 shall be paid at odds of 3 to 2;
 - (6) Six cards totaling 21 shall be paid at odds of 2 to 1; and
 - (7) Seven or more cards totaling 21 shall be paid at odds of 3 to 1.
- (g) **Super Bonus Payoffs.** In addition to the payouts required by (f)(4) above, a winning hand that consists of three 7's of the same suit when the dealer's exposed card is also a seven of any suit shall be paid an additional fixed payout of \$1,000 if the player's original wager was \$5.00 or more but less than \$25.00, or \$5,000 if the player's original wager was \$25.00 or more. All other players at the table who placed a wager during that round of play shall also be paid an additional fixed payout of \$50.00. Notwithstanding the foregoing, the additional fixed payouts required by this subsection shall not be applicable if the winning hand had been doubled down pursuant to Section 9 or had been split pursuant to Section 10.

- (h) Except as expressly permitted by this section, once the first card of any hand has been removed from the shoe by the dealer, no player shall handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.
- (i) Once an insurance wager, a wager to double down or a wager to split pairs has been made and confirmed by the dealer, no player shall handle, remove or alter such wagers until a decision has been rendered and implemented with respect to that wager, except as expressly permitted by this section.
- (j) After the cards have been shuffled pursuant to Section 4, a gaming licensee may, in its discretion, prohibit any person, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table unless the gaming licensee chooses to permit the player to begin wagering or until a reshuffle of the cards has occurred.

6. Match-the-dealer wager

- (a) A player at a Spanish 21 table may make an additional “match-the-dealer” wager that either of the player’s initial two cards will match the dealer’s up card in the manner required by (e) below. If both of the player’s initial two cards match the dealer’s up card, the player shall be paid in accordance with (e) below for each matching card.
- (b) Prior to the first card being dealt for each round of play, a player who has placed the basic wager required by Section 5 may make an additional match-the-dealer wager, which shall be in an amount not less than \$1.00 and shall not exceed the lesser of:
 - (1) The amount of the wager made by the player pursuant to Section 5(a); or
 - (2) A maximum amount established by the gaming licensee, which limit shall be posted in accordance with 205 CMR 147.03.
- (c) A match-the-dealer wager shall be made by placing gaming chips or plaques and, if applicable, a match play coupon on the appropriate area of the Spanish 21 layout, except that a verbal wager accompanied by cash may be accepted provided that it is confirmed by the dealer and casino supervisor at the table prior to the first card being dealt to any player, and that such cash is expeditiously converted into gaming chips or plaques in accordance with 205 CMR 146.09.
- (d) Immediately after the second card is dealt to each player and the dealer, and prior to any additional cards being dealt to any player at the table or the dealer and before any card reader device is utilized, all losing match-the-dealer wagers shall be collected by the dealer, and then all winning match-the-dealer wagers shall be paid by the dealer, in accordance with (e) below.
- (e) All winning match-the-dealer wagers shall be paid at no less than the following odds:
 - (1) If six or eight decks of cards are being used:

~~Each matching card of a different suit ————— 4 to 1~~

~~Each matching card of the same suit ————— 9 to 1~~
~~(2) If eight decks of cards are being used:~~

~~Each matching card of a different suit ————— 3 to 1~~

~~Each matching card of the same suit ————— 12 to 1~~

<u>2 Suited Matches</u>	<u>24 to 1</u>
<u>1 Suited and 1 Unsuitd Match</u>	<u>15 to 1</u>
<u>1 Suited Match</u>	<u>12 to 1</u>
<u>2 Unsuitd Matches</u>	<u>6 to 1</u>
<u>1 Unsuitd Match</u>	<u>3 to 1</u>

- (f) A match-the-dealer wager shall have no bearing on any other wager made by a player at the game of Spanish 21.

7. Procedure for dealing the cards

- (a) All cards used in Spanish 21 shall be dealt from a dealing shoe specifically designed for such purpose and located on the table to the left of the dealer.
- (b) The dealer shall remove cards from the shoe with their left hand, turn them face upwards, and then place them on the appropriate area of the layout with their right hand, except that the dealer has the option to deal hit cards to the first two betting positions with their left hand. Cards will be dealt so as not to expose the hole card or any other face down cards in a manner that cannot be readily observed by someone attempting to ascertain their value.
- (c) After each full set of cards is placed in the shoe, the dealer shall remove the first card therefrom face downwards and place it in the discard rack, which shall be located on the table immediately to the right of the dealer. Each new dealer who comes to the table shall also burn one card as described in this section before the new dealer deals any cards to the players. The burn card shall be disclosed if requested by a player.
- (d) At the commencement of each round of play, the dealer shall, starting on their left and continuing around the table, deal the cards in the following order:
- (1) One card face upwards to each box on the layout in which a wager is contained;
 - (2) One card face upwards to the dealer; and
 - (3) A second card face upwards to each box in which a wager is contained.
- (e) After two cards have been dealt to each player, the dealer shall, beginning from their left, announce the point total of each player. As each player's point total is announced, such player shall indicate whether they wishes to surrender, double down, split pairs, stand or draw, as provided for by this section.
- (f) As each player indicates their decisions, the dealer shall deal face upwards whatever

additional cards are necessary to effectuate such decisions consistent with this section and shall announce the new point total of such player after each additional card is dealt.

After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall deal a second card face upward to themselves; provided, however, that such card shall not be removed from the dealing shoe until the dealer has first announced "Dealer's Card," which shall be stated by the dealer in a tone of voice calculated to be heard by each person at the table. Any additional cards authorized to be dealt to the hand of the dealer by Section 12 shall be dealt face upwards at this time, after which the dealer shall announce their total point count. In lieu of the requirements of this subsection, one of the procedures set forth in (i) below may be implemented.

- (g) At the conclusion of a round of play, all cards still remaining on the layout shall be picked up by the dealer in order and in such a way that they can be readily arranged to indicate each player's hand in case of question or dispute. The dealer shall pick up the cards beginning with those of the player to their far right and moving counterclockwise around the table. After all the players' cards have been collected the dealer shall pick up their cards against the bottom of the players' cards and place them in the discard rack.
- (h) In lieu of the procedure set forth in (g) above, a gaming licensee may permit the dealer to deal their hole card face downward after a second card in a manner as to not disclose the value of the card and before additional cards are dealt to the players; provided, however, that the dealer shall not look at the face of the hole card until after all other cards requested by the players pursuant to those regulations are dealt to them. Notwithstanding the foregoing, if a gaming licensee elects to utilize a card reader device and the dealer's first card is an ace, king, queen or jack of any suit, the dealer shall determine whether the hole card will give the dealer a blackjack prior to dealing any additional cards to the players at the table, in accordance with procedures approved by the Commission. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone, including the dealer, at the table. If the dealer has a blackjack, no additional cards shall be dealt and each player's wager shall be settled in accordance with Section 5. Any gaming licensee using this alternate dealing procedure shall provide notice thereof in accordance with the requirements set forth in 205 CMR 147.03.
- (i) Whenever the cutting card is reached in the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed, after which the dealer shall:
 - (1) Collect the cards as provided in (h) above;
 - (2) Remove the cards remaining in the shoe and place them in the discard rack to ensure that no cards are missing; and then
 - (3) Shuffle the cards.
- (j) No player or spectator shall handle, remove or alter any cards used to game at Spanish 21 except as explicitly permitted by this section and no dealer or other casino employee shall permit a player or spectator to engage in such activity.
- (k) Each player at the table shall be responsible for correctly computing the point count of their

hand, and no player shall rely on the point counts required to be announced by the dealer under this section without checking the accuracy of such announcement themselves.

8. Surrender

- (a) After the first two cards are dealt to a player and the player's point total is announced, the player may elect to discontinue play on their hand for that round by surrendering one-half of

their wager. All decisions to surrender shall be made prior to such player indicating as to whether they wish to double down, split pairs, stand or draw as provided in this section.

- (1) If the first card dealt to the dealer was a 2, 3, 4, 5, 6, 7, 8 or 9, the dealer shall immediately collect one-half of the wager and return one-half to the player.
- (2) If the first card dealt to the dealer was an ace, king, queen or jack, the dealer shall place the player's wager on top of the player's cards. When the dealer's second card is revealed, the hand shall be settled by immediately collecting the entire wager if the dealer has blackjack, or by collecting one-half of the wager and returning one-half of the wager to the player if the dealer does not have blackjack.

(b) If the player has made an insurance wager and then elects to surrender, each wager shall be settled separately, and one wager shall have no bearing on the other.

9. Doubling down; rescue

- (a) Except for blackjack, a player may elect to double down, that is, make an additional wager not in excess of the amount of their original wager, on the two or more cards dealt to that player, including any hands resulting from a split pair, on the condition that one and only one additional card shall be dealt to each hand on which the player has elected to double down. In such circumstances, the one additional card shall be dealt face upwards and placed sideways on the layout.
- (b) A winning wager on a doubled hand shall be paid in accordance with Section 5(e) only, and the payouts in Section 5(f) and (g) shall not be applicable to such wagers.
- (c) If a dealer obtains blackjack after a player doubles down, the dealer shall collect only the amount of the original wager of such player and shall not collect the additional amount wagered in doubling down.
- (d) After the additional card required by (a) above has been dealt to a doubled hand, a player may "rescue" (take back) the double down wager and forfeit their original wager, as long as the additional card does not result in the hand having a point count in excess of 21.

10. Splitting pairs

- (a) Whenever the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands, provided that the player makes a wager on the second hand so formed in an amount equal to their original wager.
- (b) When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to the first incomplete hand on the dealer's left before proceeding to deal any cards to any other hand.
- (c) After a second card is dealt to a split pair, the dealer shall announce the point total of such hand and the player shall indicate their decision to stand, draw or double down with respect thereto. A player may also split pairs again if the second card dealt to an incomplete hand is

identical in value to the split pair; provided, however, that a player may split pairs a maximum of three times, or a total of four hands.

- (d) If the dealer obtains blackjack after a player splits pairs, the dealer shall collect only the amount of the original wager of such player and shall not collect the additional amount wagered in splitting pairs.
- (e) The additional payouts provided in Section 5(g) are not applicable to a winning wager on a split hand.

11. Insurance

- (a) Whenever the first card dealt to the dealer is an ace, each player shall have the right to make an insurance bet, which shall win if the dealer's second card is a King, Queen or Jack and shall lose if the dealer's second card is an ace, 2, 3, 4, 5, 6, 7, 8 or 9.
- (b) An insurance bet shall be made by placing on the insurance line of the layout an amount not more than half the amount staked on the player's initial wager, except that a player may bet an amount in excess of half the initial wager to the next unit that can be wagered in chips, when because of the limitation of the value of chip denominations, half the initial wager cannot be bet. All insurance bets shall be placed immediately after the second card is dealt to each player and prior to any additional cards being dealt to any player at the table. If a card reader device is in use, all insurance wagers shall be placed prior to the dealer inserting their hole card into the card reader device.
- (c) All winning insurance bets shall be paid at odds of 2 to 1.
- (d) All losing insurance bets shall be collected by the dealer immediately after the dealer draws their second face up card or discloses their hole card and before the dealer draws any additional cards.
- (e) Insurance bets shall not apply to the match-the-dealer wager permitted pursuant to Section 6.

12. Drawing of additional cards by players and dealers

- (a) A player may elect to draw additional cards whenever their point count total is less than 21, except that:
 - (1) A player having blackjack or a hard total of 21 may not draw additional cards; and
 - (2) A player electing to double down shall draw one and only one additional card;
- (b) Except as provided in (c) below, a dealer shall draw additional cards to their hand until the dealer has a hard or soft total of 17, 18, 19, 20 or 21, at which point no additional cards shall be drawn.
- (c) A dealer shall draw no additional cards to their hand, regardless of the point count, if decisions have been made on all players' hands and the point count of the dealer's hand will

have no effect on the outcome of the round of play.

13. More than one player wagering on a box

- (a) Unless otherwise directed by the Commission, a gaming licensee may permit from one to three people to wager on any one box of the Spanish 21 layout, provided that the first person wagering on that box consents to additional players wagering on such box, and provided further that the gaming licensee adheres to such procedures and limitations imposed by the Commission as dictated by the particular circumstances.
- (b) Whenever more than one player wagers on a box, the player seated at that box shall have the exclusive right to call the decisions with regard to the cards dealt to such box. In the case of no seated player, the person with the highest wager in the box shall have such right.
- (c) The player calling the decisions with respect to any box shall place their wager in that portion of the box closest to the dealer's side of the table and all other players wagering on such box shall place their wagers immediately behind and in a vertical line with the aforementioned wager.
- (d) Whenever more than one player is wagering on a box and the player calling the decisions decides to double down, the other players may also double their wagers but shall not be required to do so. In any event, only one additional card shall be dealt to the hand that is subject to the double down decision.
- (e) Whenever more than one player is wagering on a box and the player calling the decisions decides to split pairs, the other players shall either make an additional wager to cover each split pair or designate the split pair to which their initial wager shall apply.
- (f) Whenever more than one player is wagering on a box, each player shall have the right to make an insurance bet, regardless of whether the other players on that box make such a bet.
- (g) The Commission and its agents shall have the discretion and authority to limit, control and regulate the implementation of this section as is appropriate under the circumstances which shall include, without limitation, the right to limit the number of tables at which this procedure is permitted, the right to limit the number of boxes at each table on which more than one person can wager and the right to require the gaming licensee to establish the ability of its dealers to implement this section.

14. Player wagering on more than one box

A player may only wager on one box at a Spanish 21 table unless the gaming licensee, in its discretion, permits the player to wager on additional boxes.

15. Irregularities

- (a) A card found turned face upwards in the shoe shall not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe during the

dealing of the cards, the round of play shall be void and the cards shall be reshuffled.

- (b) If a 10 card of any suit is found in the shoe, it shall not be used in the game and shall be removed from the shoe by a floorperson in a manner approved by the Commission. If more than one 10 card is found in the shoe during the dealing of the cards, the round of play shall be void and the cards shall be reshuffled.
- (c) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.
- (d) After the initial two cards have been dealt to each player and a card is drawn in error and exposed to the players, such card shall be dealt to the players or dealer as though it were the next card from the shoe. Any player refusing to accept such card shall not have any additional cards dealt to him during such round. If the card is refused by the players and the dealer cannot use the card, the card shall be burned.
- (e) If the dealer has a point count of 17 or higher and accidentally draws a card for themselves, such card shall be burned.
- (f) If the dealer misses dealing their first or second card to themselves, the dealer shall continue dealing the first two cards to each player, and then deal the appropriate number of cards to themselves.
- (g) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack shall be shuffled and cut according to the procedures in Section 4, the first card shall be drawn face downwards and burned, and the dealer shall complete the round of play.
- (h) If no cards are dealt to the player's hand, the hand is dead and the player shall be included in the next deal. If only one card is dealt to the player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.
- (i) If after receiving the first two cards, the dealer fails to deal an additional card or cards to a player who has requested such cards, then, at the player's option, the dealer shall either deal the additional cards after all other players have received their additional cards but prior to the dealer revealing their hole card, or shall call the player's hand dead and return the player's original wager.
- (j) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled in accordance with procedures approved by the Commission.
- (k) Any automated card shuffling device shall be removed from a gaming table before any other method of shuffling may be utilized at that table.
- (l) If the dealer inserts their hole card into a card reader device when the value of their first card

is not an ace, king, queen or jack, the dealer, after notification to a casino supervisor, shall:

- (1) If the particular card reader device in use provides any player with the opportunity to determine the value of the hole card, call all hands dead, collect the cards and return each player's wager; or
 - (2) If the particular card reader device in use does not provide any player with the opportunity to determine the value of the hole card, continue play.
- (k) If a card reader device malfunctions the dealer may only continue dealing the game of Spanish 21 at that table using the dealing procedures applicable when a card reader device is not in use.

16. Bonus Spin

- (a) The Bonus Spin wager is betting that the player will receive either an Ace or a Blackjack on their first two cards dealt to them. An original standard wager must be made to be eligible to place a Bonus Spin Wager.
- (b) Players must place a bonus spin wager of \$5.00 before receiving cards.
- (c) If a player receives an Ace in either of their first two cards they are dealt they will be paid \$10.00.
- (d) If a player receives a natural Blackjack with their first two cards the dealer will
 - (1). Will press the corresponding seat button to display that the player was dealt a blackjack.
 - (2). Once the dealer completes the hand, they will activate the Bonus wheel and pay the appropriate winning section of the wheel.

VERSION 5.0
Approved xx/xx/2025



Legal Division

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

FROM: Judith Young, Associate General Counsel
Burke Cain, Chief of the Gaming Agents Division
Dave DiOrio, Casino Compliance Coordinator/Assistant Chief
Natalia Villareal, Casino Regulatory Manager
Marty Edwards, Assistant Casino Regulatory Manager

RE: Update to Table Games Rules, *Pontoon 21*, pursuant to 205 CMR 147.02

DATE March 27, 2025

History:

Pontoon 21 is a blackjack-style table game, similar to Spanish 21, and is currently in operation at MGM Springfield. The Commission first approved Pontoon 21 as a new table game pursuant to 205 CMR 147.03(3) at the December 1, 2022, public meeting. The initial rules of the game were posted online on December 1, 2022, as the accompanying regulation¹ for the physical layout and characteristics of the table went through the promulgation process. Once the regulation was finalized, the existing rules were then posted online on February 9, 2023. No changes have been made to the rules since that date.

Overview:

During the Gaming Agents Division Chief and Casino Regulatory Staff's review of existing table games rules, it was noted that a payout table within section 6(e) had been partially cut off from the casino rules. The exact language from the payout table, included in GLI's review and analysis of Pontoon 21 and Spanish 21, has been added back into to the rules.

Additional labels have been added to the rules for clarity purposes within sections 5(f) and 5(g). Additional provisions have been added to Section 13 to address player wagering at the table and eliminate a reference to a specific Commission licensee. A red-lined copy of the rules, showing all of the proposed changes, has been included in the Commissioner's Packet.

¹ 205 CMR 146.28: *Pontoon 21 Table; Physical Characteristics* was approved for promulgation on December 1, 2022. While the regulation worked its way through the promulgation process, the Commission approved a draft of the rules that contained the physical characteristics of the table game, as an additional section of the rules. Once the regulation became finalized, an updated portion of the rules for Pontoon 21 were posted online, with the section containing the physical characteristics removed on February 9, 2023.



Massachusetts Gaming Commission

The IEB, in conjunction with the Legal Division, is seeking the Commission's vote of approval for the updated Pontoon 21 rules.

PONTOON 21

Rules

1. Definitions

The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise:

Blackjack - shall mean an ace and any card having a point value of 10 dealt as the initial two cards to a player or a dealer, except that this shall not include an ace and a 10-point value card dealt to a player who has split pairs.

Hard total - shall mean the total point count of a hand which contains no aces or which contains aces that are each counted as one in value.

Pat hand - shall mean a hand that has a value of 17 or better and does not require a hit.

Push - shall mean a tie between the hand of the player and that of the dealer, except for hands containing a point count of 21 or a blackjack.

Rescue - is defined in Section 9.

Soft total - shall mean the total point count of a hand which contains an ace that is counted as 11 in value.

Suit - shall mean one of the four categories of cards: club, diamond, heart or spade.

2. Cards; number of decks; rank of cards

- (a) Pontoon 21 shall be played with six or eight decks of cards, with backs of the same color and design and one additional cutting card. The decks shall meet the requirements of 205 CMR 146.48 and shall consist of 48 cards, with the 10 of each suit having been removed from each deck during the inspection required by 205 CMR 146.49 and Section 3. The cutting card shall be opaque and a solid color readily distinguishable from the color of the backs and edges of the playing cards, as approved by the Commission.
- (b) The point value of the cards contained in each deck shall be as follows:
 - (1) Any card from 2 to 9 shall have its face value;
 - (2) Any Jack, Queen or King shall have a value of 10;
 - (3) An ace shall have a value of 11, unless that value would give a player or the dealer a score in excess of 21, in which case it shall have a value of one.

3. Opening of the table for gaming

- (a) After receiving the decks of cards at the table in accordance with 205 CMR 146.49, the dealer shall, as applicable, comply with the requirements of either 205 CMR 146.49 and (b) through (c) below or the requirements of 205 CMR 146.50.
- (b) If the decks contain the 10 of any suit, the dealer shall remove these cards from the decks, and the floor person shall verify that all such cards have been removed from each deck. Following the inspection of the cards by the dealer and the verification by the floor person assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. Each deck of cards shall be spread out separately, according to suit and in sequence.
- (c) After the first player has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards, and stacked. If during the mixing or the stacking process a card is turned over and exposed to the players, the cards shall be remixed. Once the cards have been stacked, they shall be shuffled in accordance with Section 4.

4. Shuffle and cut of the cards

- (a) Immediately prior to the commencement of play, unless the cards were pre-shuffled pursuant to 205 CMR 146.50, and after each shoe of cards has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack.
- (b) After the cards have been shuffled and stacked, the dealer shall:
 - (1) If the cards were shuffled using an automated card shuffling device, place the stack of cards in the dealing shoe and deal the cards in accordance with the procedures set forth in Section 7; provided, however, that nothing herein shall be deemed to prohibit the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe; or
 - (2) If the cards were shuffled manually or were pre-shuffled pursuant to 205 CMR 146.50, cut the cards in accordance with the procedures set forth in (c) below.
- (c) If a cut of the cards is required, after the cards have been shuffled, the dealer shall perform one of the following options. The dealer will offer the stack of cards, with backs facing away from them to the players to be cut, or at the casino's discretion, the dealer will cut the stack of cards for the table.
- (d) The cut of the cards shall be offered to players in the following order:
 - (1) The first player to the table, if the game is just beginning; or
 - (2) The player at the farthest position to the right of the dealer; provided, however, that if there are two or more consecutive rounds of play, the offer to cut the cards shall rotate in a counterclockwise manner after the player to the far right of the dealer has been offered the cut.
- (e) The player or dealer making the cut shall place the cutting card in the stack at least a deck

from either end. Once the cutting card has been inserted, the dealer shall take the cutting card and all the cards on top of the cutting card and place them on the bottom of the stack. The dealer shall then take the entire stack of cards that was just shuffled and align them along the side of the dealing shoe. Thereafter, the dealer shall insert the cutting card in the stack at a position at least approximately one-quarter of the way in from the back of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

- (f) After the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if they determine that the cut was performed improperly or in anyway that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut, at the gaming licensee's option, by the player who last cut the cards, or by the next person entitled to cut the cards, as determined by (c) and (d) above.
- (g) A reshuffle of the cards in the shoe shall take place after the cutting card is reached in the shoe as provided for in Section 7(j), provided, however, that the gaming licensee may determine after each round of play that the cards should be reshuffled.
- (h) A gaming licensee may submit to the Massachusetts Gaming Commission for approval the proposed shuffle, cut card placement, number of cut cards (to include shuffle techniques without the use of any cut cards), location of where the shuffle takes place, who is responsible for shuffling, shuffling equipment (dealing shoes or other dealing devices) and burn card procedures.
- (i) Whenever there is no gaming activity at a Pontoon 21 table that is open for gaming, the cards shall be spread out on the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures outlined in Section 3(c) shall be completed.
- (j) When the licensee is using a manual shuffle, the following steps will be incorporated into their shuffle procedure.
 - (1) The "plug" is a method for inserting unused cards from behind the cut card into the cards in the discard tray. This is usually the first step.
 - (2) The "riffle" is when the cards are divided into two piles and interlaced.
 - (3) The "turn" involves dividing the shoe into two stacks and rotating one stack 180 degrees before riffling the stacks together.
 - (4) The "strip" also known as running cuts. The strip should not occur before at least two riffles have taken place.
 - (5) The "cut" is the final step before the cards are put back into the shoe. This ensures that the top card cannot be identified if it was accidentally exposed during the other steps.

5. Wagers; payout odds

- (a) Prior to the first card being dealt for each round of play, each player at the game of Pontoon 21 shall make a wager against the dealer which shall win if:
 - (1) The score of the player is 21 or less and the score of the dealer is in excess of 21;
 - (2) The score of the player exceeds that of the dealer without either exceeding 21;

- (3) The player has achieved a score of 21 in two cards and the dealer has achieved a score of 21 in two or more cards; or
 - (4) The player has achieved a score of 21 in more than two cards and the dealer has achieved a score of 21 in more than two cards.
- (b) Except as otherwise provided in (a)(3) and (4) above, a wager made in accordance with this section shall be void if the score of the player is the same as the dealer. However, a wager shall lose if the player has 21 in more than two cards and the dealer has a blackjack.
- (c) All wagers at Pontoon 21 shall be made by placing gaming chips or plaques and, if applicable, a match play coupon on the appropriate betting areas of the table layout. A verbal wager accompanied by cash may be accepted, provided it is confirmed by the dealer and casino supervisor, and that such cash is expeditiously converted into gaming chips or plaques in accordance with 205 CMR 146.09.
- (d) Except as otherwise provided in this section, no wager shall be made, increased or withdrawn after the first card of the respective round has been dealt.
- (e) After each round of play is complete, the dealer shall collect all losing wagers and pay off all winning wagers. Except as provided in (f) and (g) below, winning wagers made in accordance with (a)(3) above shall be paid at odds of 3 to 2, and all winning wagers made in accordance with (a)(1), (2) or (4) above shall be paid at odds of 1 to 1.
- (f) **Bonus 21 Payoffs.** Notwithstanding the provisions of (e) above, a gaming licensee shall pay the following payout odds for winning wagers made in accordance with (a) above unless the player has doubled down, in which case all of the following wagers shall only be paid at odds of 1 to 1:
- (1) Three cards consisting of the 6, 7 and 8 of mixed suits shall be paid at odds of 3 to 2;
 - (2) Three cards consisting of the 6, 7 and 8 of the same suit shall be paid at odds of 2 to 1, except that three cards consisting of the 6, 7 and 8 of spades shall be paid at odds of 3 to 1;
 - (3) Three cards consisting of three 7's of mixed suits shall be paid at odds of 3 to 2;
 - (4) Three cards consisting of three 7's of the same suit shall be paid at odds of 2 to 1, except that the three cards consisting of three 7's of spades shall be paid at odds of 3 to 1;
 - (5) Five cards totaling 21 shall be paid at odds of 3 to 2;
 - (6) Six cards totaling 21 shall be paid at odds of 2 to 1; and
 - (7) Seven or more cards totaling 21 shall be paid at odds of 3 to 1.
- (g) **Super Bonus Payoffs.** In addition to the payouts required by (f)(4) above, a winning hand that consists of three 7's of the same suit when the dealer's exposed card is also a seven of any suit shall be paid an additional fixed payout of \$1,000 if the player's original wager was \$5.00 or more but less than \$25.00, or \$5,000 if the player's original wager was \$25.00 or more. All other players at the table who placed a wager during that round of play shall also be paid an additional fixed payout of \$50.00. Notwithstanding the foregoing, the additional fixed payouts required by this subsection shall not be applicable if the winning hand had been doubled down pursuant to Section 9 or had

been split pursuant to Section 10.

- (h) Except as expressly permitted by this section, once the first card of any hand has been removed from the shoe by the dealer, no player shall handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.
- (i) Once an insurance wager, a wager to double down or a wager to split pairs has been made and confirmed by the dealer, no player shall handle, remove or alter such wagers until a decision has been rendered and implemented with respect to that wager, except as expressly permitted by this section.
- (j) After the cards have been shuffled pursuant to Section 4, a gaming licensee may, in its discretion, prohibit any person, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table unless the gaming licensee chooses to permit the player to begin wagering or until a reshuffle of the cards has occurred.

6. Match Super Bonus wager

- (a) A player at a Pontoon 21 table may make an additional “match-super-bonus” wager that either of the player’s initial two cards will match the dealer’s up card in the manner required by (e) below. If both of the player’s initial two cards match the dealer’s up card, the player shall be paid in accordance with (e) below for each matching card.
- (b) Prior to the first card being dealt for each round of play, a player who has placed the basic wager required by Section 5 may make an additional “match-super-bonus” wager, which shall be an amount not less than \$5.00 and shall not exceed the lesser of:
 - (1) The amount of the wager made by the player pursuant to Section 5(a); or
 - (2) A maximum amount established by the gaming licensee, which limit shall be posted in accordance with 205 CMR 147.03.
- (c) A “match-super-bonus” wager shall be made by placing gaming chips or plaques and, if applicable, a match play coupon on the appropriate area of the Pontoon 21 layout, except that a verbal wager accompanied by cash may be accepted provided that it is confirmed by the dealer and casino supervisor at the table prior to the first card being dealt to any player, and that such cash is expeditiously converted into gaming chips or plaques in accordance with 205 CMR 146.09.
- (d) Immediately after the second card is dealt to each player and the dealer, and prior to any additional cards being dealt to any player at the table or the dealer and before any card reader device is utilized, all losing “match-super-bonus” wagers shall be collected by the dealer, and then all winning “match-super-bonus” wagers shall be paid by the dealer, in accordance with (e) below.
- (e) All winning “match-super-bonus” wagers shall be paid at no less than the following odds:
 - (1) If six or eight decks of cards are being used:

Each matching card of a different suit	3 to 1
Each matching card of the same suit	12 to 1

<u>2 Suited Matches</u>	<u>24 to 1</u>
<u>1 Suited and 1 Unsuited Match</u>	<u>15 to 1</u>
<u>1 Suited Match</u>	<u>12 to 1</u>
<u>2 Unsuited Matches</u>	<u>6 to 1</u>
<u>1 Unsuited Match</u>	<u>3 to 1</u>

(f) A “match-super-bonus” wager shall have no bearing on any other wager made by a player at the game of Pontoon 21.

7. Procedure for dealing the cards

(a) All cards used in Pontoon 21 shall be dealt from a dealing shoe specifically designed for such-purpose and located on the table to the left of the dealer.

(b) The dealer shall remove cards from the shoe with their left hand, turn them face upwards, and then place them on the appropriate area of the layout with their right hand, except that the dealer has the option to deal hit cards to the first two betting positions with their left hand. Cards will be dealt so as not to expose the hole card or any other face down cards in a manner that cannot be readily observed by someone attempting to ascertain their value.

(c) After each full set of cards is placed in the shoe, the dealer shall remove the first card therefrom face downwards and place it in the discard rack, which shall be located on the table immediately to the right of the dealer. Each new dealer who comes to the table shall also burn one card as described in this section before the new dealer deals any cards to the players. The burn card shall be disclosed if requested by a player.

(d) At the commencement of each round of play, the dealer shall, starting on their left and continuing around the table, deal the cards in the following order:
 (1) One card face upwards to each box on the layout in which a wager is contained;
 (2) One card face upwards to the dealer; and
 (3) A second card face upwards to each box in which a wager is contained.

(e) After two cards have been dealt to each player, the dealer shall, beginning from their left, announce the point total of each player. As each player's point total is announced, such player shall indicate whether they wish to surrender, double down, split pairs, stand or draw, as provided for by this section.

(f) As each player indicates their decisions, the dealer shall deal face upwards whatever additional cards are necessary to effectuate such decisions consistent with this section and shall announce the new point total of such player after each additional card is dealt.

- (g) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall deal a second card face upward to themselves; provided, however, that such card shall not be removed from the dealing shoe until the dealer has first announced "Dealer's Card," which shall be stated by the dealer in a tone of voice calculated to be heard by each person at the table. Any additional cards authorized to be dealt to the hand of the dealer by Section 12 shall be dealt face upwards at this time, after which the dealer shall announce their total point count. In lieu of the requirements of this subsection, one of the procedures set forth in (i) below may be implemented.
- (h) At the conclusion of a round of play, all cards still remaining on the layout shall be picked up by the dealer in order and in such a way that they can be readily arranged to indicate each player's hand in case of question or dispute. The dealer shall pick up the cards beginning with those of the player to their far right and moving counterclockwise around the table. After all the players' cards have been collected the dealer shall pick up their cards against the bottom of the players' cards and place them in the discard rack.
- (i) In lieu of the procedure set forth in (g) above, a gaming licensee may permit the dealer to deal their hole card face downward after a second card in a manner as to not disclose the value of the card and before additional cards are dealt to the players; provided, however, that the dealer shall not look at the face of the hole card until after all other cards requested by the players pursuant to those regulations are dealt to them. Notwithstanding the foregoing, if a gaming licensee elects to utilize a card reader device and the dealer's first card is an ace, king, queen or jack of any suit, the dealer shall determine whether the hole card will give the dealer a blackjack prior to dealing any additional cards to the players at the table, in accordance with procedures approved by the Commission. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone, including the dealer, at the table. If the dealer has a blackjack, no additional cards shall be dealt, and each player's wager shall be settled in accordance with Section 5. Any gaming licensee using this alternate dealing procedure shall provide notice thereof in accordance with the requirements set forth in 205 CMR 147.03.
- (j) Whenever the cutting card is reached in the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed, after which the dealer shall:
- (1) Collect the cards as provided in (h) above;
 - (2) Remove the cards remaining in the shoe and place them in the discard rack to ensure that no cards are missing; and then
 - (3) Shuffle the cards.
- (k) No player or spectator shall handle, remove or alter any cards used to game at Pontoon 21 except as explicitly permitted by this section and no dealer or other casino employee shall permit a player or spectator to engage in such activity.
- (l) Each player at the table shall be responsible for correctly computing the point count of their hand, and no player shall rely on the point counts required to be announced by the dealer under this section without checking the accuracy of such announcement themselves.

8. Surrender

- (a) After the first two cards are dealt to a player and the player's point total is announced, the player may elect to discontinue play on their hand for that round by surrendering one-half of their wager. All decisions to surrender shall be made prior to such player indicating as to whether they wish to double down, split pairs, stand or draw as provided in this section.
 - (1) If the first card dealt to the dealer was a 2, 3, 4, 5, 6, 7, 8 or 9, the dealer shall immediately collect one-half of the wager and return one-half to the player.
 - (2) If the first card dealt to the dealer was an ace, king, queen or jack, the dealer shall place the player's wager on top of the player's cards. When the dealer's second card is revealed, the hand shall be settled by immediately collecting the entire wager if the dealer has blackjack, or by collecting one-half of the wager and returning one-half of the wager to the player if the dealer does not have blackjack.
- (b) If the player has made an insurance wager and then elects to surrender, each wager shall be settled separately, and one wager shall have no bearing on the other.

9. Doubling down; rescue

- (a) Except for blackjack, a player may elect to double down, that is, make an additional wager not in excess of the amount of their original wager, on the two or more cards dealt to that player, including any hands resulting from a split pair, on the condition that one and only one additional card shall be dealt to each hand on which the player has elected to double down. In such circumstances, the one additional card shall be dealt face upwards and placed sideways on the layout.
- (b) A winning wager on a doubled hand shall be paid in accordance with Section 5(e) only, and the payouts in Section 5(f) and (g) shall not be applicable to such wagers.
- (c) If a dealer obtains blackjack after a player double down, the dealer shall collect only the amount of the original wager of such player and shall not collect the additional amount wagered in doubling down.
- (d) After the additional card required by (a) above has been dealt to a doubled hand, a player may "rescue" (take back) the double down wager and forfeit their original wager, as long as the additional card does not result in the hand having a point count in excess of 21.

10. Splitting pairs

- (a) Whenever the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands, provided that the player makes a wager on the second hand so formed in an amount equal to their original wager.
- (b) When a player splits pairs, the dealer shall deal a card to and complete the player's

decisions with respect to the first incomplete hand on the dealer's left before proceeding to deal any cards to any other hand.

- (c) After a second card is dealt to a split pair, the dealer shall announce the point total of such hand and the player shall indicate their decision to stand, draw or double down with respect thereto. A player may also split pairs again if the second card dealt to an incomplete hand is identical in value to the split pair; provided, however, that a player may split pairs a maximum of three times, or a total of four hands.
- (d) If the dealer obtains blackjack after a player splits pairs, the dealer shall collect only the amount of the original wager of such player and shall not collect the additional amount wagered in splitting pairs.
- (e) The additional payouts provided in Section 5(g) are not applicable to a winning wager on a split hand.

11. Insurance

- (a) Whenever the first card dealt to the dealer is an ace, each player shall have the right to make an insurance bet, which shall win if the dealer's second card is a King, Queen or Jack and shall lose if the dealer's second card is an ace, 2, 3, 4, 5, 6, 7, 8 or 9.
- (b) An insurance bet shall be made by placing on the insurance line of the layout an amount not more than half the amount staked on the player's initial wager, except that a player may bet an amount in excess of half the initial wager to the next unit that can be wagered in chips, when because of the limitation of the value of chip denominations, half the initial wager cannot be bet. All insurance bets shall be placed immediately after the second card is dealt to each player and prior to any additional cards being dealt to any player at the table. If a card reader device is in use, all insurance wagers shall be placed prior to the dealer inserting their hole card into the card reader device.
- (c) All winning insurance bets shall be paid at odds of 2 to 1.
- (d) All losing insurance bets shall be collected by the dealer immediately after the dealer draws their second face up card or discloses their hole card and before the dealer draws any additional cards.
- (e) Insurance bets shall not apply to the "match-super-bonus" wager permitted pursuant to Section 6.

12. Drawing of additional cards by players and dealers

- (a) A player may elect to draw additional cards whenever their point count total is less than 21, except that:
 - (1) A player having blackjack or a hard total of 21 may not draw additional cards; and
 - (2) A player electing to double down shall draw one and only one additional card;

- (b) Except as provided in (c) below, a dealer shall draw additional cards to their hand until the dealer has a hard or soft total of 17, 18, 19, 20 or 21, at which point no additional cards shall be drawn.
- (c) A dealer shall draw no additional cards to their hand, regardless of the point count, if decisions have been made on all players' hands and the point count of the dealer's hand will have no effect on the outcome of the round of play.

13. More than one player wagering on a box

~~MGMS will not permit more than one player to wager on a box.~~

- (a) Unless otherwise directed by the Commission, a gaming licensee may permit from one to three people to wager on any one box of the Pontoon 21 layout, provided that the first person wagering on that box consents to additional players wagering on such box, and provided further that the gaming licensee adheres to such procedures and limitations imposed by the Commission as dictated by the particular circumstances.
- (b) Whenever more than one player wagers on a box, the player seated at that box shall have the exclusive right to call the decisions with regard to the cards dealt to such box. In the case of no seated player, the person with the highest wager in the box shall have such right.
- (c) The player calling the decisions with respect to any box shall place their wager in that portion of the box closest to the dealer's side of the table and all other players wagering on such box shall place their wagers immediately behind and in a vertical line with the aforementioned wager.
- (d) Whenever more than one player is wagering on a box and the player calling the decisions decides to double down, the other players may also double their wagers but shall not be required to do so. In any event, only one additional card shall be dealt to the hand that is subject to the double down decision.
- (e) Whenever more than one player is wagering on a box and the player calling the decisions decides to split pairs, the other players shall either make an additional wager to cover each split pair or designate the split pair to which their initial wager shall apply.
- (f) Whenever more than one player is wagering on a box, each player shall have the right to make an insurance bet, regardless of whether the other players on that box make such a bet.
- (g) The Commission and its agents shall have the discretion and authority to limit, control and regulate the implementation of this section as is appropriate under the circumstances which shall include, without limitation, the right to limit the number of tables at which this procedure is permitted, the right to limit the number of boxes at each table on which more than one person can wager and the right to require the gaming licensee to establish

the ability of its dealers to implement this section.

14. Player wagering on more than one box

A player may only wager on one box at a Pontoon 21 table unless the gaming licensee, in its discretion, permits the player to wager on additional boxes.

15. Irregularities

- (a) A card found turned face upwards in the shoe shall not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe during the dealing of the cards, the round of play shall be void and the cards shall be reshuffled.
- (b) If a 10 card of any suit is found in the shoe, it shall not be used in the game and shall be removed from the shoe by a floorperson in a manner approved by the Commission. If more than one 10 card is found in the shoe during the dealing of the cards, the round of play shall be void and the cards shall be reshuffled.
- (c) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.
- (d) After the initial two cards have been dealt to each player and a card is drawn in error and exposed to the players, such card shall be dealt to the players or dealer as though it were the next card from the shoe. Any player refusing to accept such card shall not have any additional cards dealt to him during such round. If the card is refused by the players and the dealer cannot use the card, the card shall be burned.
- (e) If the dealer has a point count of 17 or higher and accidentally draws a card for themself, such card shall be burned.
- (f) If the dealer misses dealing their first or second card to themself, the dealer shall continue dealing the first two cards to each player and then deal the appropriate number of cards to themself.
- (g) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack shall be shuffled and cut according to the procedures in Section 4, the first card shall be drawn face downwards and burned, and the dealer shall complete the round of play.
- (h) If no cards are dealt to the player's hand, the hand is dead, and the player shall be included in the next deal. If only one card is dealt to the player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.
- (i) If after receiving the first two cards, the dealer fails to deal an additional card or cards to a player who has requested such cards, then, at the player's option, the dealer shall either deal the additional cards after all other players have received their additional cards but prior to the dealer revealing their hole card or shall call the player's hand dead and return the player's

original wager.

- (j) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled in accordance with procedures approved by the Commission.
- (k) Any automated card shuffling device shall be removed from a gaming table before any other method of shuffling may be utilized at that table.
- (l) If the dealer inserts their hole card into a card reader device when the value of their first card is not an ace, king, queen or jack, the dealer, after notification to a casino supervisor, shall:
 - (1) If the particular card reader device in use provides any player with the opportunity to determine the value of the hole card, call all hands dead, collect the cards and return each player's wager; or
 - (2) If the particular card reader device in use does not provide any player with the opportunity to determine the value of the hole card, continue play.
- (m) If a card reader device malfunctions the dealer may only continue dealing the game of Pontoon 21 at that table using the dealing procedures applicable when a card reader device is not in use.

16. Bonus Spin Extreme -16

- (a) Scope. *Bonus Spin Xtreme - Xtreme-16*, (“BSX-16”) is an optional fixed-amount progressive wager that can be configured for standard Blackjack or Pontoon 21 games. The Pontoon decks are standard 52-card decks with the “10’s” removed making them 48 card decks. The amount of the wager is \$5. The Player may place the *BSX-16* side wager at the beginning of the game, at the same time as their main Blackjack wager. The wager may not be made alone, it must be made with a standard Blackjack wager that meets the table minimum. The primary game is then played as normal, per house rules. The *BSX- 16* side wager is resolved when a qualifying "Trigger-Event" occurs.
- (b) If a qualifying "*Triggering Event*" occurs with the Dealer's initial two-cards, the *BSX-16* side wager wins, and awards the prize in Table 1, otherwise, the wager loses.

Table 1. Triggering Events

Event	\$5 Wager
Dealer's Initial Hand is a Six and a 10-valued Card	Wheel

- (c) To begin, Player's place their main Blackjack wagers and the optional *BSX-16* side wager.
- (d) After all wagers have been placed, the Dealer will press "Start Round" on

the Dealer Terminal and begin locking up all *BSX-16* side wagers.

(1) Important Note: Dealer should verify that all *BSX-16* side wagers have been placed and are accurately reflected on the Dealer Terminal before "Start Round" is selected. If the Dealer presses "Cancel Round" this will allow the sensors to be reset, and all side wagers can be played accurately.

(e) Once all *BSX-16* side wagers have been collected, the Player's and Dealer hand each receive their initial first two-cards according to the underlying Blackjack dealing procedures, per house rules.

(f) If the *BSX-16* side wagers do not meet the criteria in "*Triggering Events*", the side wagers will lose, and the Dealer will press "*End Round*" on the Dealer Terminal immediately then proceed with standard dealing procedures.

(g) If the *BSX-16* side wagers do meet the criteria in "*Triggering Events*", Player's will have an opportunity for additional winnings at the end of the round/game.

(1) The Dealer will mark the "*Triggering Event*" by placing Xtreme-16 button or lammer on the table indicating that the event has occurred, so they can continue dealing the game of Blackjack per house rules.

(h) Once all main Blackjack and any other side wagers have been reconciled, all cards have been locked up in the discard racks, except the Dealer cards, the Dealer will mark "*Triggering Event*" on the Dealer Terminal and press "*Spin*".

(i) After "*Spin*" is selected on the Dealer Terminal, a confirmation screen will appear confirming the wheel spin. The Dealer must press "*Confirm*" to begin the virtual wheel spin on the table signage. While the wheel is spinning only the *BSX-16* Player's position are displayed with participating Players highlighted.

(1) Important Note: If the spin outcome lands on a seat which has not participated, (no *BSX-16* side wager), then all participating Players with *BSX-16* side wagers win the community prize randomly picked and indicated by the inner community prize wheel on the table signage.

(j) If the spin outcome lands on a seat for a participating *BSX-16* Players, then the Player at the winning position is the Hot-Spot Prize winner and will spin the Hot-Spot wheel. The Hot-Spot winning position is highlighted on the Dealer Terminal screen and table signage.

(1) Important Note: The Hot-Spot winner only gets paid the Hot Spot prize (Outer wheel) and does not get paid the community prize (Inner wheel).

(k) The Dealer Terminal screen will prompt "*Enable Spin*" to activate the Players sensor in front of the Hot-Spot winner. When the Player is ready to initiate their spin, the Dealer will then press "*Enable Spin*" and at this point the Players sensor lights up and acts as a button to spin the *BSX-16* virtual wheel on the table signage.

(l) Once the spin has been "*Enabled*", the Player will now place their hand over the

sensor to initiate their spin.

(1) *Important Note:* Depending on the system settings or sensor malfunction, the Dealer may initiate the spin on behalf of the Player by pressing the highlighted Player position on the Dealer Terminal.

- (m) A "*Disable Spin*" will appear on the Dealer Terminal once the spin has been "*Enabled*" and will allow the Dealer to again "*Disable*" the spin should the need arise, (Player is momentarily unable to initiate the spin).
- (n) Once the spin has been initiated by the Player, a spinning wheel animation of the Hot-Spot Prize wheel will appear on the *BSX-16* table signage and will land on a prize spot after a few seconds of spinning (5-6 seconds). After the wheel has spun one or two times depending on the Hot-Spot position and participation, the Dealer will be prompted to either "*Cancel Jackpot*" or "*Pay Jackpot*".
 - (1) *Important Note:* The "*Cancel Jackpot*" should only be used in the event of system malfunction; any additional spins or "Mystery/Must Hit" jackpots are assumed valid and should be paid accordingly.
- (o) The Dealer will press "*Pay Jackpot*" to initiate the payouts for all participating Players. A payout confirmation will prompt on the Dealer Terminal showing the prize values along with Players position to be paid.
- (p) After the Dealer completes all Players winning payouts for the table, the Dealer will press "*Paid*" on the Dealer Terminal concluding *BSX-16* round.
 - (1) *Important Note:* The payouts should not be confirmed in this way until after all winning Players have received their prizes or in the case of a larger prize or Jackpot, a Pit Supervisor is notified of the win. Prize amounts over a certain threshold will require a Pit Supervisor or above to confirm the winning hand and spin by entering an authorization code "333333" into the Dealer Terminal.
- (q) Once the payouts have been completed and/or authorized by a Pit Supervisor or above, the Dealer will press "*Paid*" to confirm the payouts. The Dealer Terminal will prompt "*End Round*" for the Dealer to complete the *BSX-16* round. This will signal the end of the round and the beginning of a new round of *BSX-16*.
- (r) "*Cancel Round*" and "*End Round*" commands have two different primary functions.
 - (1) Cancel Round(s) are *NOT* accounted and should be used to RESET operational error during gameplay, or if a player wanted to place a late bet on the *BSX-16* side wager, after the Dealer already pressed "*Start Round*" on the Dealer Terminal.
 - (2) End Round(s) are accounted for and should only be used to end a valid *BSX-16* round that contributes to the progressive meters and the beginning of a new *BSX-16* round.

- i. Once cards have been dealt, a round should not be stopped except in the case of system malfunction or misdeal.

- (s) For the "*Mystery/Must-Hit*" jackpot, after "*End Round*" is pressed, the system checks if any Player participating in *BSX-16* side wager in the current round won the "*Must-Hit*" jackpot. The system provides the information on the Dealer Terminal which position has won the "*Mystery/Must-Hit*" jackpot and its amount. The jackpot will be processed the same way as other jackpots.

VERSION 3.0
Approved xx/xx/2025



Memorandum

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

From: Autumn Birarelli, Staff Attorney

Cc: Todd Grossman, General Counsel

Re: Proposed Amendment to 205 CMR 101

Date: March 20, 2025

205 CMR 101 regulates adjudicatory proceedings before the Massachusetts Gaming Commission ("Commission"). The proposed amendments to 205 CMR 101 are intended to provide clarity to the regulation, including to the briefing schedule process as well as allow for delegation authority related to procedural requests.

The proposed amendments to 205 CMR 101.03(5) clarifies that it is the Clerk that establishes the briefing schedule for appeals before the Commission. This change aligns the regulation with the Commission's current process. The amended language also clarifies that appeals brought to the Commission are not always scheduled for hearings, as the Commission may review appeals based upon the parties' submissions.

The proposed amendments to 205 CMR 101.03(7) and (8) would provide the Chair with the ability to delegate to the Clerk of the Commission the approval of certain procedural requests related to the parties' briefs in addition to the existing ability to appoint a single commissioner to review such requests. Requests for additional time to submit a brief and requests to submit additional pages are procedural in nature. While requests for additional time and requests to submit additional pages are not common, these requests have been made and granted in the past. The proposed amendment would give the Commission flexibility in how it chooses to address these procedural requests.

A correction was made to an internal citation in 205 CMR 101.02(4) and language was changed in 205 CMR 101.03(7) and (8) to be consistent throughout the regulation.

In sum, we are seeking a vote of authorization to begin the promulgation process for this regulation, and approval of the included small business impact statement.



Massachusetts Gaming Commission

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 101.00: M.G.L. C. 23K ADJUDICATORY PROCEEDINGS

Section

101.01 : Hearings Before the Commission

101.02 : Review of Orders or Civil Administrative Penalties/Forfeitures Issued by the Bureau, Commission Staff, or the Racing Division

101.03 : Review by the Commission of Decisions of the Hearing Officer

101.04: Informal Disposition of an Adjudicatory Proceeding

101.01 : Hearings Before the Commission

(1) Hearings held before the full commission pursuant to 205 CMR 101.01 shall be adjudicatory proceedings conducted in accordance with M.G.L. c. 30A, §§ 10 and 11. All hearings shall be further held under 205 CMR 101.00, as applicable, and 801 CMR 1.02: *Informal/Fair Hearing Rules*, unless the applicant/petitioner makes a written request for a hearing under 801 CMR 1.01: *Formal Rules*. In that event the commission shall determine, based on the facts and circumstances of the matter, whether 801 CMR 1.01 or 1.02 will apply in order to ensure a fair outcome. Such determination shall be based on such factors as the complexity of the issues presented, whether all parties are represented by counsel, and similar considerations. Conflicts between 801 CMR 1.01 or 1.02 and 205 CMR 101.00 shall be resolved in favor of 205 CMR 101.00. If the commission grants a request for a hearing to be held pursuant to 801 CMR 1.01, the provisions of 801 CMR 1.01(1), (2), (3), (5), (6), (11) and (14) shall not apply.

(2) The following types of adjudicatory hearings shall be held directly, in the first instance, by the commission:

(a) Suitability hearings before the commission pursuant to M.G.L. c. 23K, § 17(f), concerning any findings of fact, recommendations and/or recommended conditions by the Bureau relative to the suitability of the applicant for an initial gaming license or renewal of a gaming license, including without limitation, recommendations and recommended conditions resulting from the RFA-1 or new qualifier process pursuant to 205 CMR 115.00: *Phase 1 and New Qualifier Suitability Determinations, Standards and Procedures*.

(b) Hearings regarding the failure of a gaming licensee or qualifier to maintain adequate suitability as set forth in 205 CMR 115.01(4) and any adverse action taken against a gaming licensee or qualifier as a result of said failure.

(c) Hearings regarding the termination, revocation or suspension of a category 1 or category 2 gaming license issued by the commission pursuant to M.G.L. c. 23K, and/or the addition or modification of a condition thereto, or the termination, revocation or suspension of a license to conduct a racing meeting pursuant to M.G.L. c. 128A.

(d) Hearings regarding the transfer of a category 1 or category 2 gaming license or the transfer of a license to conduct a racing meeting or related to the transfer of interest in a category 1 or category 2 gaming license or gaming establishment in accordance with 205 CMR 116.08 through 116.10;

(e) Hearings regarding the assessment of a civil administrative penalty pursuant to M.G.L. c. 23K, § 36, against a category 1 or category 2 gaming licensee or a racing meeting licensee.

(f) Hearings regarding the approval or amendment of the gaming licensee's Operation Certificate as discussed in 205 CMR 151.00: *Requirements for the Operations and Conduct of Gaming at a Gaming Establishment*;

(g) For purposes of reviewing a petition to reopen a mitigation agreement in accordance with 205 CMR 127.04: *Commission Review of a Petition to Reopen a Mitigation Agreement*.

(h) Any challenge to the certification or denial of certification of an independent testing laboratory in accordance with 205 CMR 144.06: *Independent Testing Laboratory Certification and Auditing*.

(i) Any challenge to the certification or denial of certification as a gaming school in accordance with 205 CMR 137.01(4).

(j) Review of an application for a gaming beverage license, or request to amend, alter, or add a licensed area, pursuant to 205 CMR 136.03(4).

101.01 : continued

(3) Any request for such a hearing shall be filed with the clerk of the commission on a form provided by the clerk. Such a request shall not operate as a stay of the underlying action unless specifically allowed by the commission upon motion of the aggrieved party. A request for a stay may be allowed at the commission's discretion if one or both of the following two circumstances are demonstrated by the aggrieved party:

- (a) 1. there is a likelihood that the party seeking the stay will prevail on the merits of the case; and
- 2. there is a likelihood that the moving party will be harmed irreparably absent a stay.
- (b) 1. the consequences of the decision(s) to be made in the case are far-reaching;
- 2. the immediate impact upon the parties in a novel and complex case is substantial; or
- 3. a significant legal issue(s) is involved.

(4) In order to be considered by the commission, a request for a hearing must be filed no later than 30 days from the date the complained of action was taken, except in the event of civil administrative penalties. The request for review of a civil administrative penalty issued by the Bureau pursuant to M.G.L. c. 23K, § 36 shall be filed no later than 21 days after the date of the Bureau's notice of issuance of the civil administrative penalty and such a request must comply with the provisions of M.G.L. c. 23K, § 36(e). In the case of a temporary suspension of a license by the Bureau in accordance with M.G.L. c. 23K, § 35(e), a gaming licensee shall be entitled to a hearing before the Commission within seven days after the suspension was issued.

(5) The request for a hearing shall include:

- (a) the contact information of the party requesting the hearing;
- (b) the contact information of counsel representing the party requesting the hearing, if any; and
- (c) a brief description of the basis for the request for the hearing. In the event that a temporary suspension has been issued in accordance with M.G.L. c. 23K, § 35(e), at its election the licensee may include a request that the hearing be scheduled within seven days of the date of the issuance of the suspension. If the matter involves a civil administrative penalty, the request shall include a written statement denying the occurrence of any of the acts or omissions alleged by the Bureau in the notice, or assert that the amount of the proposed civil administrative penalty is excessive.

(6) The failure of a party to provide a specific description of the basis for the request for hearing may result in the dismissal of the request per the discretion of the commission.

(7) Any adjudicatory hearing conducted under 205 CMR 101.01 may be closed to the public at the request of either party, or on the commission's own initiative, in order to protect the privacy interests of either party or other individual, to protect proprietary or sensitive technical information including, but not limited to, software, algorithms and trade secrets, or for other good cause shown. Such a determination rests in the sole discretion of the commission.

(8) Pursuant to M.G.L. c. 23K, § 3(h), the chair may direct that all of the commissioners participate in the hearing and decision of the matter before the commission. In the alternative, pursuant to M.G.L. c. 23K, § 3(h), the chair with the concurrence of one other commissioner may appoint a single commissioner to preside over the hearing. The notice scheduling the time and place for the hearing shall specify whether the commission or a designated individual shall act as presiding officer in the particular case.

(9) Burden of Proof.

- (a) The applicant shall have the affirmative obligation to establish by clear and convincing evidence both its affirmative qualification for licensure and the absence of any disqualification for licensure.
- (b) In the case of a recommendation to terminate, revoke or suspend a category 1 or category 2 gaming license, or a license to conduct a racing meeting, the bureau or the racing division, as appropriate, shall have the affirmative obligation to establish by substantial evidence grounds upon which the commission should terminate, revoke or suspend the licensee's category 1 or category 2 gaming license or the licensee's license to conduct a racing meeting.

101.01 : continued

(c) In the case of an adverse action taken against a gaming licensee or qualifier for failure to maintain their suitability pursuant to 205 CMR 115.01(4) the Bureau or the racing division, as appropriate, shall have the affirmative obligation to establish by substantial evidence the lack of clear and convincing evidence that the gaming licensee or qualifier remains suitable.

(d) In the case of a transfer of interest, the gaming licensee shall have the affirmative obligation to establish by clear and convincing evidence its compliance with 205 CMR 116.09: *Approval*.

(e) In the case of a civil administrative penalty, the Bureau shall have the obligation to prove the occurrence of each act or omission by a preponderance of the evidence.

(10) Decisions. Upon completion of the hearing, the Commission shall render a written decision as promptly as administratively feasible, in accordance with M.G.L. c. 30A, § 11(8). The written decision of the Commission shall be the final decision of the Commission.

(11) Appeal. Pursuant to M.G.L. c. 23K, § 17(g), the applicant and/or the gaming licensee shall not be entitled to any further review from the Commission's determination of suitability. Decisions by the Commission concerning the matters set forth in 205 CMR 101.01(2)(b) may be reviewed by the appropriate court pursuant to the provisions of M.G.L. c. 30A.

101.02 : Review of Orders or Civil Administrative Penalties/Forfeitures Issued by the Bureau, Commission Staff, or the Racing Division

(1) An aggrieved party may file a request for review of an order, decision, or civil administrative penalty issued by the Bureau, where applicable, relative to the interpretation or application of a statute, regulation, or other applicable authority, or order, decision, or forfeiture issued by the racing judges or stewards, other than those enumerated in 205 CMR 101.01(2), with the clerk of the Commission on a form provided by the clerk. A request for review shall not operate as a stay of the order, decision, or civil administrative penalty/forfeiture, unless specifically allowed by the hearing officer upon motion of the aggrieved party. A request for a stay may be allowed at the hearing officer's discretion if one or both of the following two circumstances are present:

- (a) 1. there is a likelihood that the party seeking the stay will prevail on the merits of the case; and
- 2. there is a likelihood that the moving party will be harmed irreparably absent a stay.
- (b) 1. the consequences of the decision(s) to be made in the case are far-reaching;
- 2. the immediate impact upon the parties in a novel and complex case is substantial; or
- 3. a significant legal issue(s) is involved.

(2) All requests for review, aside from those for civil administrative penalties or an appeal in the case of any person penalized or disciplined by the racing officials of a meeting licensed by the Commission, must be filed no later than 30 days from the date of the order or decision. The request for review of a civil administrative penalty issued by the Bureau pursuant to M.G.L. c. 23K, § 36 shall be filed within 21 days after the date of the Bureau's notice of issuance of the civil administrative penalty and such a request must comply with the provisions of M.G.L. c. 23K § 36(e). The request for an appeal in the case of any person penalized or disciplined by the racing officials of a meeting licensed by the Commission must be filed within ten days of the date of said penalty or imposition of said discipline.

In the case of the temporary suspension of a license by the Bureau in accordance with M.G.L. c. 23K, § 35(e), a licensee shall be entitled to a hearing before a hearing officer within seven days after the suspension was issued.

(3) The request for review shall include:

- (a) contact information of the party requesting review;
- (b) contact information of counsel representing the party requesting review, if any;
- (c) a specific description of the basis for the request for review. In the event that a temporary suspension has been issued in accordance with M.G.L. c. 23K, § 35(e), at its election, the licensee may include a request that the hearing be scheduled within seven days of the date of the issuance of the suspension.

101.02: continued

If the matter involves a civil administrative penalty, the request shall include a written statement denying the occurrence of any of the acts or omissions alleged by the Bureau in the notice, or assert that the amount of the proposed civil administrative penalty is excessive; and
 (d) a copy of the order or fine that is the subject of the request for review.

(4) The failure of a party to provide a specific description of the basis for the request for review in accordance with 205 CMR 101.032(3)(c) shall be grounds for dismissal of the request per the discretion of the hearing officer.

(5) Upon receipt, the clerk shall assign the request for review to a hearing officer and schedule the hearing. Mailing of notice to the address on record with the Commission, or emailing the notice to the email address provided by the licensee or registrant on their application for licensure or registration shall be deemed satisfactory notice. The notice of hearing shall contain:

- (a) The name of the petitioner; and
- (b) The date, time and place of the hearing.

(6) Any adjudicatory hearing conducted under 205 CMR 101.02 may be closed to the public at the request of either party in order to protect the privacy interests of either party or other individual, to protect proprietary technical information including, but not limited to, software, algorithms and trade secrets, or for other good cause shown. Any such request may be opposed by the other party. The final determination rests in the sole discretion of the hearing officer.

(7) (a) Upon receipt of the appeal, the hearing officer shall, within ten days, schedule a telephone status conference with all parties. During the status conference the hearing officer shall:

1. Address any argument that the proceeding should proceed under 801 CMR 1.01: *Formal Rules*;
2. Establish a briefing schedule including deadlines for the filing of the petitioner's brief and providing for a reasonable amount of time for the respondent to file a reply brief;
3. Establish deadlines for the filing of a witness list and exhibit list at reasonable amount of time before the hearing date;
4. Establish a briefing schedule with respect to any anticipated motions including deadlines for the filing of the movant's brief and providing for a reasonable amount of time for the respondent to file a reply brief; and
5. After completion of the status conference, the hearing officer shall issue a written order memorializing all deadlines and provide it to all parties.

(b) After the initial status conference, either party may file a brief explaining how they believe the matter should be decided including the specific relief requested. No late briefs shall be accepted without express permission of the hearing officer. No sur-reply briefs shall be accepted without express permission of the hearing officer. No brief shall be longer than 15 double-spaced pages without express permission of the hearing officer.

A party may request permission to file a brief longer than 15 pages. Such request shall be filed with the clerk who will forward it to the hearing officer for review. The request must be in writing and state the number of additional pages requested. It shall be up to the discretion of the hearing officer as to whether to grant such request. If the hearing officer grants a request for additional pages, the clerk shall forward the order of the hearing officer to all parties and all parties shall have the right to file such additional number of pages.

(8) With or without the submission of a brief, each party shall submit a copy of all written documentary evidence they intend to offer for consideration by the hearing officer as well as a list of all witnesses that the party intends to present at the hearing. The documentary evidence and witness lists shall be provided on or before the date determined by the Hearing Officer during the initial status conference. Failure to submit a brief shall not preclude a party from submitting written evidence or calling witnesses to be considered by the hearing officer. Upon request, the petitioner shall be provided an opportunity in advance of the hearing to examine and copy the entire content of their case file and all other documents to be used by the Commission, bureau, or racing division. All materials submitted to the clerk/hearing officer including, but not limited to, briefs, evidence and witnesses lists, shall be contemporaneously provided to the all other parties and their counsel *via* first-class mail or e-mail. Evidence or witnesses that are filed without providing reasonable notice to the opposing party may be precluded at the hearing officer's discretion.

101.02: continued

(9) All requests for extensions of time to file a brief or to reschedule a hearing date shall be made in writing and filed with the clerk. No request for extension of time to file a brief or to reschedule a hearing shall be considered, unless it is made at least seven days prior to the hearing date or briefing deadline. The clerk of the Commission may issue orders on procedural and scheduling matters consistent with M.G.L. c. 23K, and 205 CMR in order to further the efficient administration of the Commission's hearings process. The clerk may provide an extension of time to file a brief or reschedule a hearing date in the clerk's discretion and for good cause shown. The clerk shall send the order granting an extension of time to file a brief or the rescheduling of a hearing date to all parties. Any order shall include the number of days granted for the extension of time or the new date for the rescheduled hearing. Absent extenuating circumstances, no hearing shall be rescheduled more than once.

In the event of the appeal of a decision by the Racing judges or stewards, if the petitioner fails to appear at the hearing, the Hearing Officer, after determining that the petitioner received proper notice of the hearing, shall dismiss the matter. In the event of a matter before the hearing officer concerning an action taken by the bureau, the bureau may proceed with a hearing before the Hearing Officer, even in the absence of the petitioner, after determining that the petitioner received proper notice of the hearing.

(10) Hearings held before the hearing officer pursuant to 205 CMR 101.02 shall be adjudicatory proceedings conducted in accordance with M.G.L. c. 30A, §§ 10 and 11. All hearings shall be further held under 205 CMR 101.00, as applicable, and 801 CMR 1.02: *Informal/Fair Hearing Rules*, unless the applicant/petitioner makes a written request for a hearing under 801 CMR 1.01: *Formal Rules*. In that event the hearing officer shall determine, based on the facts and circumstances of the matter, whether 801 CMR 1.01 or 1.02 will apply in order to ensure a fair outcome. Such determination shall be based on such factors as the complexity of the issues presented, whether all parties are represented by counsel, and similar considerations. Conflicts between 801 CMR 1.01 or 1.02 and 205 CMR 101.00 shall be resolved in favor of 205 CMR 101.00. If the hearing officer grants a request that a hearing be held pursuant to 801 CMR 1.01, the provisions of 801 CMR 1.01 (1), (2), (3), (5), (6), (11) and (14) shall not apply.

(11)(a) There shall be no motions or formal discovery allowed in hearings under 205 CMR 101.02, unless upon the request of a party and for good cause shown, the hearing officer allows such motions or formal discovery request to be served. In the event that motions or formal discovery are allowed by the hearing officer, the hearing officer shall also set forth a reasonable schedule for responding to such motions or discovery requests.

(b) In the event that the hearing concerns an appeal from a decision of the Racing Judges involving a violation of 205 CMR 3.29, 205 CMR 101.02(11)(a) shall not apply and the formal discovery (beyond those documents submitted by the Racing Division in support of its decision) shall be limited to the production of the Laboratory Documentation package of the Commission approved laboratory. The Laboratory Documentation Package shall comply with industry best practices as established by the Racing Medication and Testing Consortium's Laboratory Accreditation Requirements and Operating Standards, Appendix C.

(12) A written transcript or electronic record of each hearing shall be created and all witnesses presenting testimony shall be sworn to testify under oath.

(13) In addition to the duties and powers of the hearing officer under 801 CMR 1.02(10)(f), the hearing officer shall make all factual and legal findings necessary to reach a decision, including evaluating the credibility of all witnesses and evidence presented. The hearing officer may ask questions of a party or a witness at the hearing. The hearing officer can request additional information from any party and may recess or continue the hearing to a later date. Any party to such a hearing shall be entitled to issue subpoenas as approved by the hearing officer in compliance with 205 CMR 101.02(11) and in accordance with M.G.L. c. 30A, § 12(3). The hearing officer may request a post-hearing brief from the parties and shall determine the page limit for such brief and the time by which it must be submitted. The parties may request leave of the hearing officer to submit a post-hearing brief as long as such a request is made within ten days of the hearing.

101.02 : continued

(14) The standard of review of an order or fine issued by the bureau or the racing division shall be the substantial evidence standard, unless a different standard is required by M.G.L. c. 23K or M.G.L. c. 128A or M.G.L. c. 128C. The hearing officer shall conduct a review of the matter, making findings of fact and conclusions of law to render a decision. The hearing officer shall affirm the order issued by the bureau or the racing division if there is substantial evidence to support it.

(15) The hearing officer shall issue a written decision as soon as administratively feasible after the close of the hearing. The written decision shall include findings of fact and conclusions of law and shall clearly state the basis for the hearing officer's decision. The hearing officer shall file its decision with the clerk. The decision of the hearing officer shall be the final decision of the Commission unless a request for appeal to the Commission is filed by a party to the proceeding within 30 days of the date of the hearing officer's decision. In the event of a timely filed appeal of a civil administrative penalty to the Commission, payment of any such penalty shall be stayed through the final decision by the Commission.

(16) The clerk shall send a copy of the decision to all parties and shall include with the decision a letter stating that a party may request appeal of the hearing officer's decision by the Commission and describing the process for requesting an appeal by the Commission.

(17) The hearing officer is authorized to certify any matter directly to the Commission. The exercise of such authority will generally be reserved for matters of first impression or those which present extraordinary or unique circumstances. Either party may also request that the hearing officer certify such a matter for Commission review. The Commission may accept and review the matter or may remand the matter to the hearing officer. In the event that the Commission accepts the matter, such hearings will be conducted in accordance with 205 CMR 101.02 in which the Commission will perform the hearing officer's functions. Appeals of such decisions may be taken in accordance with M.G.L. c. 30A in *lieu* of 205 CMR 101.03.

101.03 : Review by the Commission of Decisions of the Hearing Officer

(1) Any decision issued by a hearing officer in accordance with 205 CMR 101.02 may be appealed to the Commission for review. An appeal of the decision shall be filed with the clerk of the Commission on a form provided by the clerk. An appeal shall not operate as a stay of the decision of the hearing officer, unless specifically allowed by the Commission upon motion of the appellant. A request for a stay may be allowed at the Commission's discretion if one or both of the following two circumstances are present:

- (a) 1. there is a likelihood that the party seeking the stay will prevail on the merits of the case; and
- 2. there is a likelihood that the moving party will be harmed irreparably absent a stay.
- (b) 1. the consequences of the decision(s) to be made in the case are far-reaching;
- 2. the immediate impact upon the parties in a novel and complex case is substantial; or
- 3. a significant legal issue(s) is involved.

(2) In order to be considered by the Commission, the appeal must be filed no later than 30 days from the date the decision was served by the clerk in accordance with 205 CMR 101.02(16).

(3) The appeal shall include:

- (a) contact information of the party requesting the appeal;
- (b) of counsel representing the party requesting the appeal, if any;
- (c) a brief description of the basis for the appeal; and
- (d) a copy of the decision of the hearing officer that is the basis for the appeal.

(4) Upon receipt of the appeal by the Commission, the clerk shall docket the request and provide a copy of the administrative record to all parties involved in the matter to be reviewed by the Commission. The record may be provided electronically or *via* other similar means. The record shall include the decision of the hearing officer, any briefs submitted by the parties, the evidence submitted to the hearing officer and the transcript or audio recording of the adjudicatory hearing before the hearing officer. The record may only be expanded by the Commission upon petition by a party and a showing of good cause as to why the evidence was not included as part of the hearing record.

101.03: continued

(5) The clerk shall schedule a date for review by the Commission. The clerk shall request that each party file a brief stating why the decision of the hearing officer should be affirmed, vacated or modified and the relief requested. Issues not raised before the hearing officer shall not be raised in a brief to the Commission. The briefing schedule shall be set by the ~~Commission~~ ~~clerk~~ and shall be staggered to provide the appellee adequate time to address the matters raised in the appellant's brief prior to ~~the scheduled hearing before review~~ by the Commission. No brief shall be longer than 15 pages. The briefs shall be filed with the clerk. Each party shall serve a copy of its brief on the other party(ies) to the ~~hearing proceedings~~.

(6) The clerk shall provide copies of the briefs and a copy of the written record to the Commission.

(7) A party may request permission to file a brief longer than 15 pages. Such request must be in writing. The clerk shall forward the request to the Commission. It shall be up to the discretion of the Commission as to whether to grant such a request. If the Commission grants a request for additional pages, the clerk shall forward a copy of the Commission's order to all parties to the hearing and all parties shall have the right to file such additional number of pages. Requests to file a brief longer than 15 pages may be granted by an order issued by a single commissioner appointed by the chair~~man~~ to issue such orders ~~or by the clerk as delegated by the chair~~.

(8) All requests for extensions of time to file a brief shall be made in writing to the clerk. The clerk shall forward the request for an extension of time to file a brief to the Commission. It shall be up to the discretion of the Commission as to whether to grant the request for an extension of time to file a brief. If the Commission grants the request for an extension of time to file a brief, the clerk shall forward a copy of the Commission's order to the parties and all parties shall have the extension of time to file a brief. Requests for an extension of time to file a brief may be granted by an order issued by a single commissioner appointed by the chair~~man~~ to issue such orders ~~or by the clerk as delegated by the chair~~.

(9) The Commission's review of the decision of the hearing officer shall be on the administrative record of the hearing conducted by the hearing officer. The Commission, in its sole discretion and upon its own motion, may request oral argument on the request to review the decision of the hearing officer.

(10) When reviewing a decision from the hearing officer, the Commission's determination shall be supported by substantial evidence, unless a different standard is required by M.G.L. c. 23K or M.G.L. c. 128A or M.G.L. c. 128C.

(11) The Commission shall conduct a *de novo* review of the decision of the hearing officer based upon the administrative record, provided however, that findings made by the hearing officer regarding credibility of witnesses shall be entitled to substantial deference by the Commission. As provided by M.G.L. c. 30A, § 10, such appeal shall comply with M.G.L. c. 30A, § 11(8). The procedures described in M.G.L. c. 30A, § 11(7) shall only apply if, where applicable, a party makes written request to the Commission in advance for a tentative or proposed decision.

(12) The Commission may, in whole or part, affirm the decision of the hearing officer, reverse the decision of the hearing officer, modify the decision of the hearing officer or remand the matter to the hearing officer for further action in accordance with the Commission's decision. Further, the Commission may add any condition reasonably calculated to ensure a person's compliance or faithful performance, to penalize for the violations, and/or to deter future violation including, but not limited to, fines. In making its decision, the Commission may rely on any evidence contained in the administrative record and is not limited to the evidence cited by the hearing officer in support of hearing officer's decision.

(13) The Commission shall issue a written decision as soon as administratively feasible and file it with the clerk. The decision shall advise the parties of their rights to review in accordance with M.G.L. c. 23K and M.G.L. 30A, as applicable. The clerk will provide a copy of the Commission's decision to all parties.

205 CMR: MASSACHUSETTS GAMING COMMISSION

101.04: Informal Disposition of an Adjudicatory Proceeding

At any time during an adjudicatory proceeding before a hearing officer or the Commission, the parties may make informal disposition of any adjudicatory proceeding by stipulation, agreed settlement or consent order. Upon such a disposition, the parties are obligated to notify the hearing officer or Commission through a joint filing indicating that the matter has been resolved and that is signed by all parties and/or their representatives.

REGULATORY AUTHORITY

205 CMR 101.00: M.G.L. c. 7, § 4H; M.G.L. c. 23K, §§ 3(h); 4(15), (28), (29), (37); 5; 13; 17(f), (g); 30(g); 31; 35(g); 36(c), (d) and (f); and M.G.L. c. 30A.



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 adoption of **205 CMR 101, M.G.L. C. 23K ADJUDICATORY PROCEEDINGS**.

This regulation is being promulgated as part of the process of updating regulations governing adjudicatory hearings before the Massachusetts Gaming Commission. It sets forth the requirements for adjudicatory proceedings before the Massachusetts Gaming Commission.

The proposed 205 CMR 101 applies to appellants who are requesting hearings relative decisions issued by the Massachusetts Gaming Commission. Accordingly, this regulation is unlikely to have an impact on 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:

Small businesses are unlikely to be subject to this regulation.

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. This regulation governs the compliance requirements to practice law before the Massachusetts Gaming Commission.

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

The standards set forth are design 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/ Autumn Birarelli

Autumn Birarelli, Staff Attorney

Dated: March 27, 2025



Massachusetts Gaming Commission