



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:

Tuesday | April 30, 2024 | 9:00 a.m.
VIA REMOTE ACCESS: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 112 772 9711
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 - #515

1. Call to Order – Jordan Maynard, Interim Chair

2. Meeting Minutes
 - a. July 12, 2023
 - I. 10AM **VOTE**
 - II. 3PM **VOTE**

3. Administrative Update – Dean Serpa, Executive Director
 - a. Update on MGC sponsored conference “Using Research to Rewrite the Playbook: Examining the Social Impacts of Sports Betting and the Changing Gambling Landscape” – Mark Vander Linden, Director of Research and Responsible Gaming
 - b. Update on Plainridge Park Casino Racing Opening Day – Dr. Alexandra Lightbown, Director of Racing and Chief Veterinarian

4. Legislative Update – Commissioner Brad Hill



Massachusetts Gaming Commission

5. Research and Responsible Gaming – Mark Vander Linden, Director of Research and Responsible Gaming
 - a. GameSense FY24 Third Quarter Report – Long Banh, Program Manager; Chelsea Turner, Chief Operating Officer – MACGH; Amy Gabrila, GameSense Manger – MACGH; Veronia Shumway, GameSense Advisor – MACGH; Jodie Nealley, Director of Recovery Services – MACGH
 - b. Discussion of MGC exploring participation in national VSE Program – Mark Vander Linden, Director of Research and Responsible Gaming **VOTE**

6. Sports Wagering Division – Bruce Band, Director of Sports Wagering
 - a. House Rules Update: DraftKings – Andrew Steffen, Sports Wagering Operations Manager **VOTE**
 - b. Request for approval of AccessIT Group, Inc. as Qualified Independent Technical Expert in accordance with 205 CMR 243.01(1)(x) – Cristian Taveras, Gaming Technical Compliance Manager **VOTE**

7. Legal – Todd Grossman, General Counsel
 - a. Discussion of Draft Amendments to Ohio Administrative Code Rule 3775-16-09: Promotions and Bonuses prohibiting promotions and bonuses unrelated to gaming transactions and Discussion of Provisions of 205 CMR 256 Related to Promotions and Bonuses – Carrie Torrisi, Deputy General Counsel

8. Community Affairs Division – Joe Delaney, Chief of Community Affairs; Mary Thurlow, Senior Program Manager; Lily Wallace, Program Manager
 - a. Community Mitigation Fund Applications
 - I. Foxborough **VOTE**
 - II. Plainville **VOTE**
 - III. Wrentham **VOTE**
 - IV. Attorney General’s Office **VOTE**
 - V. Hampden County District Attorney’s Office **VOTE**
 - VI. Suffolk County District Attorney’s Office **VOTE**
 - VII. Hampden County Sheriff’s Department **VOTE**
 - VIII. Metropolitan Area Planning Council **VOTE**
 - IX. Southeastern Regional Planning & Economic Development District **VOTE**
 - X. Pioneer Valley Planning Commission **VOTE**



Massachusetts Gaming Commission

9. Commissioner Updates

10. 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: April 26, 2024 | 9:00 a.m. EST

April 26, 2024



Jordan M. Maynard, Interim 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: July 12, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 517 7379

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

Commissioners Present:

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

1. [Call to Order](#) (06:15)

Chair Judd-Stein called to order the 465th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Administrative Update](#) (07:23)

Executive Director Karen Wells stated that in response to the prior meeting's discussion, she had confirmed with all Commissioners that there was never an issue where she was prohibitive regarding communication. She stated that she had reviewed all outstanding items with the Commission staff and that General Counsel Todd Grossman was in great shape to take over as Interim Executive Director.

3. [Legal](#) (10:50)

Deputy General Counsel Caitlin Monahan stated that three regulations were before the Commission for a final vote. She noted that these regulations were previously adopted by emergency and currently in effect.

a. [205 CMR 222: Capital Investment and Monitoring of Project Construction – Regulation and Amended Small Business Impact Statement for final review and possible adoption.](#) (12:02)

Attorney Paul Kominers, outside counsel from the law firm Anderson and Krieger, presented the draft of 205 CMR 222.00. The *draft of 205 CMR 222 and Amended Small Business Impact Statement* were included in the Commissioner’s Packet on pages 4 through 12. Mr. Kominers stated that the Commission received no further comments since the emergency adoption of the regulation and that the legal team recommended no further changes.

Commissioner O’Brien moved that the Commission approve the Amended Small Business Impact Statement and draft of 205 CMR 222 as included in the Commissioner’s Packet and discussed here today; and further moved that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

b. [205 CMR 239: Continuing Disclosure and Reporting Obligations of Sports Wagering Licenses – Regulation and Amended Small Business Impact Statement for final review and possible adoption.](#) (14:31)

Attorney Mina Makarious, outside counsel from Anderson and Krieger, presented the draft of 205 CMR 239. The *draft of 205 CMR 239 and Amended Small Business Impact Statement* were included in the Commissioner’s Packet on pages 13 through 21. The *public comments related to 205 CMR 239* were included in the Commissioner’s Packet on pages 25 through 31.

Mr. Makarious stated that one of the comments suggested that the twice-per-month reporting of disbursements was excessive. He noted that the legal team discussed this requirement with the Commission staff and that they had indicated that this level of reporting was helpful in the past. He recommended against implementing the change suggested by the Operator.

Mr. Makarious stated that some Operators had raised concerns that including complimentary services offered in the quarterly report may require the disclosure of commercially sensitive

information. He stated that while G.L. Chapter 23N did not protect the same type of information as G.L. 23K, it did not supersede other protections or exemptions within the public records act. He recommended against making changes to this provision.

Mr. Makarios noted that an Operator raised concerns about being required to provide federal and state tax returns to the Commission. He noted that this was a misconception, as the regulation only required Operators to compile and retain this data unless the Commission submits a specific request.

Mr. Makarios noted that one of the Operators had requested language be added to the provision requiring attestation that taxes were paid for an exclusion if the excise taxes were being contested. He explained that this language was not necessary and that entities could explain to the Commission that they were unable to make a certification, as taxes were being contested.

Chair Judd-Stein asked if Sports Wagering Operators would be able to reach out to the Sports Wagering Division or legal team if they had concerns about information that would put them at a competitive disadvantage during the quarterly reports. General Counsel Grossman stated that casinos had non-disclosure agreements that allowed the Commission to enter executive sessions to discuss sensitive information. He stated that these protections did not exist for sports wagering operators, and that the Commission would have to utilize existing exemptions to the public records law and executive session provision to protect that information. He added that the exemption for competitive disadvantage only applied during the licensees' application phase.

Commissioner Skinner moved that the Commission approve the Amended Small Business Impact Statement and draft of 205 CMR 239 as included in the Commissioner's Packet and discussed here today; and further moved that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

[c. 205 CMR 256.01: Sports Wagering Advertising – Regulation and Amended Small Business Impact Statement for final review and possible adoption.](#) (26:38)

Mr. Makarios presented the draft of 205 CMR 256.01. The *draft of 205 CMR 256.01 and Amended Small Business Impact Statement* were included in the Commissioner's Packet on pages 22 through 24. He noted that no comments were received on this section of the regulation. He stated that a comment was received on another provision of 205 CMR 256, but that the

comment would be reviewed at another time, as it was not relevant to the provision scheduled for this meeting.

Commissioner Hill moved that the Commission approve the Amended Small Business Impact Statement and draft of 205 CMR 256.01 as included in the Commissioner's Packet and discussed here today; and further moved that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

4. [Commissioner Updates](#) (30:41)

Commissioner Hill noted that the Massachusetts House of Representatives had proposed a supplemental budget that contained language that would allow simulcasting to occur for the next five years. He noted that the budget would still have to go through the Senate, however.

Commissioner Skinner sought clarification regarding when the new Officer roles would take effect. She stated that she and Commissioner Hill had started to transition the responsibilities of the Treasurer role. Commissioner O'Brien stated that the procedure adopted by the Commission used a default date of July 15th as the annual turnover time.

a. [Farewell to Executive Director Karen Wells](#) (35:12)

Commissioner O'Brien stated that she had known Executive Director Wells for a long time, and that she could be counted on for candor and professionalism. Commissioner O'Brien commended Executive Director Wells for successfully handling Covid-19, the implementation of sports wagering, and the Wynn investigation. Commissioner O'Brien stated that Executive Director Wells' willingness and ability to actively listen was an important leadership quality.

Commissioner Skinner stated that Executive Director Wells was a valuable professional resource, a great colleague, and a friend. Commissioner Skinner thanked Executive Director Wells for always being available and being a fantastic manager of the Commission staff.

Commissioner Hill explained that Executive Director Wells was the first person to greet him at the office when he was appointed Commissioner. He stated that she was patient and understanding. He commended Executive Director Wells' dedication to employees' wellness and leadership through challenging moments. He stated that Commission staff strive to emulate

Executive Director Wells' leadership skills, and that he would miss her infectious energy and can-do attitude.

Commissioner Maynard stated that Executive Director Wells was the cornerstone of the Commission. He stated that anyone who enjoys responsible gaming in Massachusetts, sports wagering, or working at the licensees' properties could thank Executive Director Wells for her immense contributions to the Commission. He stated that Executive Director Wells portrayed excellent leadership and patience.

Chair Judd-Stein stated that she valued Executive Director Wells' leadership and role as a colleague. Chair Judd-Stein echoed each Commissioner's praise for Executive Director Wells. Chair Judd-Stein stated that Executive Director Wells was capable of pivoting and coming up with creative solutions when issues arose. Chair Judd-Stein stated that Executive Director Wells was an objective leader within the organization who was highly respected by the licensees and external stakeholders. Chair Judd-Stein stated that she would remember Executive Director Wells for her generosity, empathy, and kindness.

Executive Director Wells stated that her role was intellectually, professionally, and sometimes emotionally challenging, but the unwavering support of the Commission helped to address complex circumstances. She thanked the Commission staff and gave special thanks to the Director of the Investigations and Enforcement Bureau, Loretta Lillios.

Director Lillios thanked Executive Director Wells and stated that she was grateful for her leadership and friendship. General Counsel Grossman stated that Executive Director Wells was smart, conscientious, and an amazing person to work for. He stated that Executive Director Wells challenged him to do his best. Mr. Makarious thanked Executive Director Wells on behalf of the outside counsel from Anderson & Krieger. He stated that the legal team appreciated the professionalism, direct and careful feedback, and thoughtfulness of Executive Director Wells.

Director of Racing Dr. Alex Lightbown thanked Executive Director Wells for everything she had done for the Racing Division. Chief People and Diversity Officer David Muldrew thanked Executive Director Wells and stated that she gave him the opportunity to reach his goals. Office Operations Manager Maryann Dooley stated that it was an honor and privilege to work with Executive Director Wells.

5. [Other Business](#) (1:07:48)

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

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

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.
Commissioner Maynard: Aye.
Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated July 10, 2023
2. [Commissioner's Packet](#) from the July 12, 2023, meeting (posted on massgaming.com)



Massachusetts Gaming Commission Meeting Minutes

Date/Time: July 12, 2023, 3:00 p.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 684 0957

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

Commissioners Present:

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

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

Chair Judd-Stein called to order the 466th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Interim Executive Director Contract Discussions](#) (00:41)

a. Executive Session

Chair Judd-Stein stated that the Commission anticipates that it will meet in executive session in accordance with G.L. c. 30A, § 21(a)(2) to conduct strategy sessions in preparation for negotiations with Todd Grossman for the position of Interim Executive Director.

Commissioner O'Brien moved that the Commission go into executive session on the matter and for the reason the chair just stated on the record. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

The Commission did not reconvene the public meeting at the end of the executive session.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated July 10, 2023



TO: Interim Chair Maynard, Commissioners O'Brien, Hill, and Skinner

FROM: Mark Vander Linden, Director of Research and Responsible Gaming;
Long Banh, Responsible Gaming Program Manager

DATE: April 30, 2024

RE: GameSense Fiscal Year 2024 Third Quarter Report

The Expanded Gaming Act includes a number of key mandates to ensure the successful implementation of expanded gaming, including the prevention of and mitigation of social impacts and costs. Chapter 23k section 21(16) requires casino operators to provide an on-site space for an independent substance abuse, compulsive gambling and mental health counseling service and establish a program to train gaming employees in the identification of and intervention with customers exhibiting problem gaming behavior.

To fulfill this mandate, the Commission adopted GameSense, an innovative responsible gaming program that equips casino patrons who chose to gamble with information and tools to adopt positive play behaviors and offers resources to individuals in distress from gambling-related harm. The Commission has a contract with the Massachusetts Council on Gaming and Health (MCGH) to operate the GameSense Information Centers, located on-site at all Massachusetts casinos and staffed 16-24 hours daily by trained GameSense Advisors.

Today, Chelsea Turner, Chief Operations Officer; Amy Gabriela, GameSense Manager; Veronica Shumway, GameSense Advisor; and Jodie Nealley, Director of Recovery Services of Massachusetts Council on Gaming and Health will share with you the GameSense activities and highlights from the third quarter of Fiscal Year 2024.



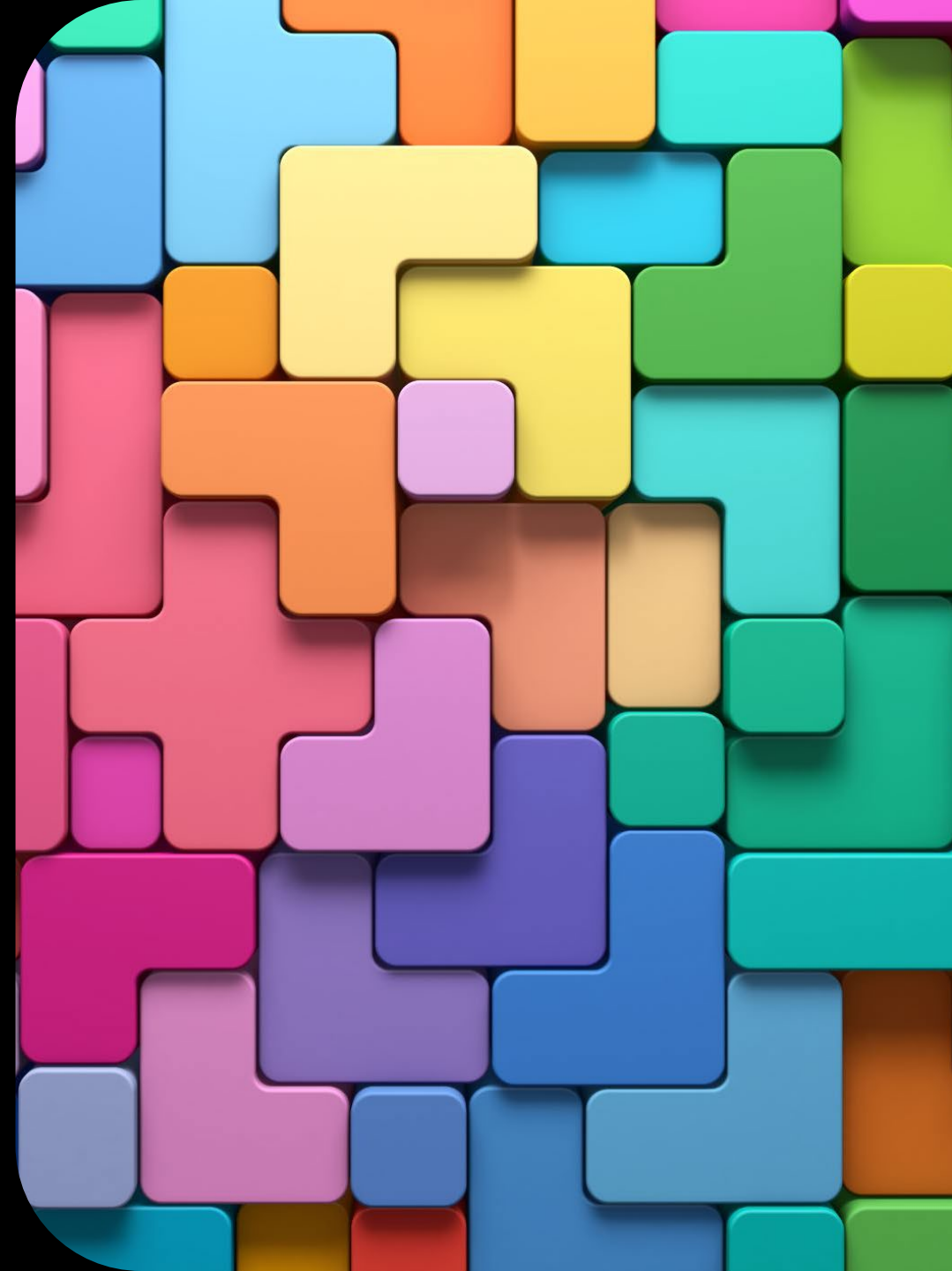
Massachusetts Gaming Commission

GameSense FY 24 Q3 Presentation

- **Chelsea Turner, COO**
- **Amy Gabrila, GameSense Manager**
- **Veronica Shumway, GameSense Advisor**
- **Jodie Nealley, Director of Recovery Services**

MA Council on Gaming and Health

April 30, 2024



Agenda

- Interaction Numbers
- Magic Moments
- PGAM Debrief
- Celebrating Diversity
- Champion Awards
- Out in the Community
- GamLine Update
- Q & A



Interaction Numbers Across All 3 Properties

- Down, in large part because we are down staff at two properties
- Still pretty solid when you look back year over year

<u>Type of Interaction:</u>	<u>FY</u>	<u>Q3 Totals</u> <u>All 3</u> <u>Properties</u>
Simple Interaction:	FY21	41936
	FY22	46476
	FY23	43600
	FY24	40305
Demonstration:	FY21	9660
	FY22	15293
	FY23	19865
	FY24	14183
Exchange:	FY21	2819
	FY22	3181
	FY23	9334
	FY24	8635
Casino Related:	FY21	12227
	FY22	18054
	FY23	14510
	FY24	11646

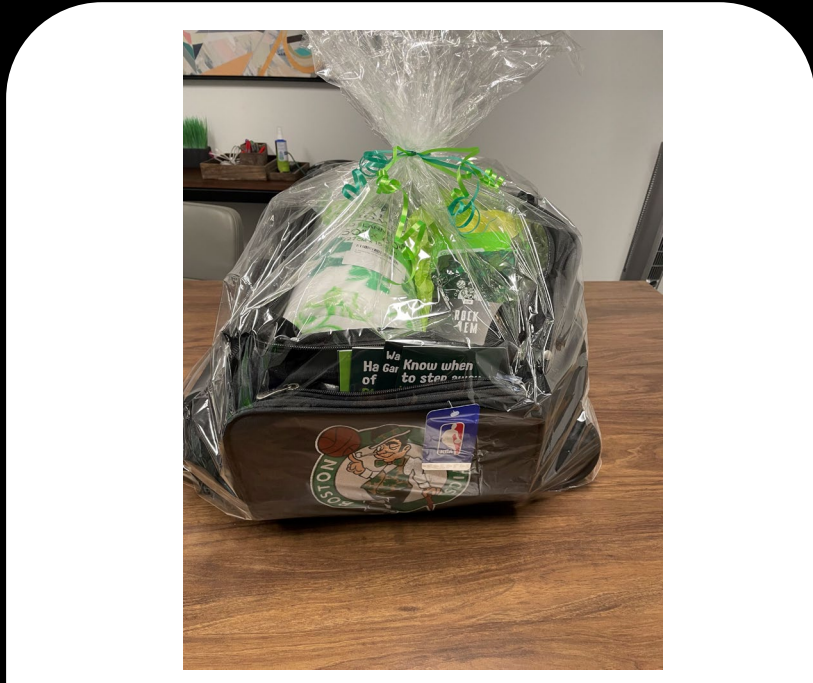
Interaction Numbers Across All 3 Properties

- VSEs are up considerably (36%!) year-over-year
- Overnight VSEs and Remote VSEs are also up considerably
- VSEs and Reinstatements initiated through LiveChat are also up

<u>Type of Interaction:</u>	<u>FY</u>	<u>Q3 Totals</u> <u>All 3</u> <u>Properties</u>
VSEs:	FY21	80
	FY22	137
	FY23	139
	FY24	189
	FY22 VSE Overnight:	8
	FY23 VSE Overnight:	20
	FY24 VSE Overnight:	28
	FY22 Remote:	25
	FY23 Remote:	48
	FY24 Remote:	86
	FY22 VSE + Reinst. Initiated by LC:	14
	FY23 VSE + Reinst. Initiated by LC:	41
	FY24 VSE + Reinst. Initiated by LC:	66
FY24 # of VSES requesting follow up:	24	
Reinstatements:	FY21	38
	FY22	48
	FY 23	76
	FY24	59
	FY22 Reinstatement Overnight:	2
	FY23 Reinstatement Overnight:	2
	FY24 Reinstatement Overnight:	6
	F23 Remote Reinstatements:	7
FY24 Remote Reinstatements:	13	
PlayMyWay:	FY21	341
	FY22	586
	FY 23	2270
	FY24	

Interaction Numbers Across All 3 Properties

- Raffle Basket Entries are Up!
- This quarter featured fondue, movie night and Celtics baskets
- The Celtics basket was especially popular
- 4987 guests have voluntarily signed up to receive GameSense Information

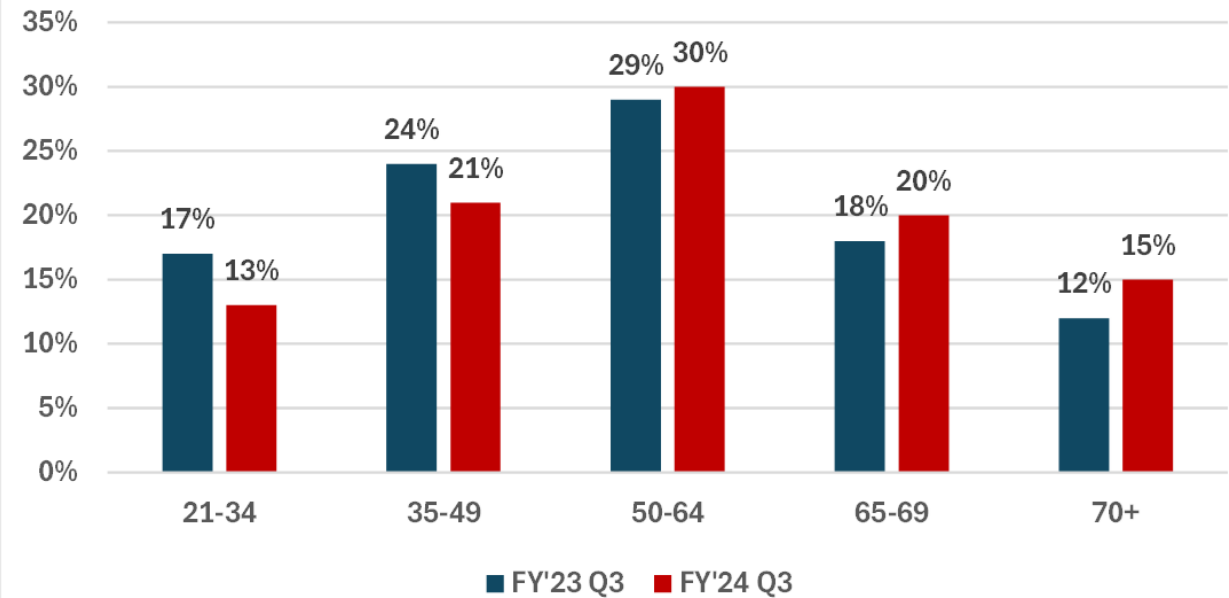


<u>Type of Interaction:</u>	<u>FY</u>	<u>Q3 Totals</u> <u>All 3</u> <u>Properties</u>
Raffle Baskets:	FY23	10905
	FY24	11304

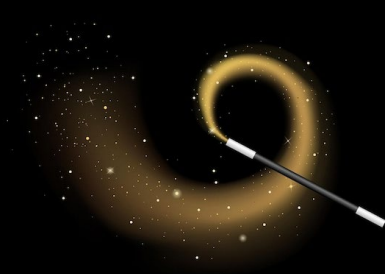
Additional Info. Not in the Charts

- Approximately 47% of the demonstrations and exchanges were with males, 53% with females
- Approximately 14% of the demonstrations and exchanges were with folks between the ages of 21 - 31, 21% between the ages of 35 - 49, 30% between the ages of 50 - 64, 20% between the ages of 65 - 69 and 15% were 70+
- Approximately 12% of the demonstrations and exchanges occurred between 9 am and noon, 31% between noon and 5 pm, 31% between 5 pm - 10 pm, 11% between 10 pm and 1 am, 9% between 1 am and 5 am and 6% between 5 am - 9am

FY'24 Q3 vs FY'23 Q3 - Age Distribution



Magic Moments



AMY GABRILA / MGM



MARK LEANDRO / PPC



ANITA PANG / EBH



PGAM Highlights

- Focus more back-of-house
- 284 total hours dedicated to PGAM
- Swag wheel (5457 engagements), Vending Machine (558 engagements), Sports Wagering Quiz (283 engagements), March Madness quiz (281 engagements) were the most popular activities
- 3364 total entries in casino employee quizzes, 1566 unique entries
- Marketing & Communications toolkits sent to each property

GameSense



GameSense

National Gambling Disorder Screening Day



Brief Biosocial Gambling Screen (BBGS) Questionnaire

To screen for potential gambling-related problems, please complete the following questions.¹

1. During the past 12 months, have you become restless, irritable or anxious when trying to stop/cut down on gambling?
 Yes
 No
2. During the past 12 months, have you tried to keep your family or friends from knowing how much you gambled?
 Yes
 No
3. During the past 12 months did you have such financial trouble as a result of your gambling that you had to get help with living expenses from family, friends or welfare?
 Yes
 No

A "yes" answer to any of the questions means the person is at risk for developing a gambling problem.

Screening Results

Front of House Screening Data Across All 3 Casino Properties				
	MGM	PPC	EBH	Total
Number of individuals invited to be screened:	126	113	146	385
Total number of individuals screened:	114	71	90	275
Total number of individuals with a positive screen (i.e., answered "yes" to at least one Question):	26	19	37	82
	MGM	PPC	EBH	Total
Among those with positive screen, how many were males?	11	13	28	52
Among those with positive screen, how many were females?	15	6	9	30
Among those with positive screen, how many identify as neither male nor female?	0	0	0	0
	MGM	PPC	EBH	Total
Among those with a positive screen, how many were aged 18 - 25?	0	0	12	12
Among those with a positive screen, how many were aged 26 - 40?	11	0	15	26
Among those with a positive screen, how many were aged 41 - 55?	3	6	7	16
Among those with a positive screen, how many were aged 56+?	12	13	3	28

Screening Results – Back of House

Back of House Screening Data Across All 3 Casino Properties				
	MGM	PPC	EBH	Total
Number of individuals invited to be screened:	102	52	50	204
Total number of individuals screened:	92	34	37	163
Total number of individuals with a positive screen (i.e., answered "yes" to at least one Question):	12	6	11	29
	MGM	PPC	EBH	
Among those with positive screen, how many were males?	8	2	5	15
Among those with positive screen, how many were females?	4	4	6	14
Among those with positive screen, how many identify as neither male nor female?	0	0	0	0
	MGM	PPC	EBH	
Among those with a positive screen, how many were aged 18 - 25?	5	1	4	10
Among those with a positive screen, how many were aged 26 - 40?	3	2	7	12
Among those with a positive screen, how many were aged 41 - 55?	3	3	0	6
Among those with a positive screen, how many were aged 56+?	1	0	0	1

PGAM VSE Campaign

- 664,486 impressions
- 644 site visits to GameSenseMA.com
- Total ad buy was \$1,000
- Specialized audience-based targeting
- In addition, the MGC communications team facilitated the radio ad buys and placement on SportsHub and iHeart platforms

GameSense

Sponsored

Looking to BENCH your BETS?

Time for a timeout? Self-exclusion lets you take a break from MA sports betting and casino play for a set period of time. Chat 24/7 to learn more.



GameSense

Learn More

Thank You EBH, MGM & PPC for your generous PGAM donations!

EBH

- 1 \$400 Apple Gift Card
- 1 \$500 Boda Borg Gift Card
- 1 \$500 Project Putt Gift Card
- 10 Patriots hoodies
- 5 EBH Zip Up Jackets (2 small, 2 XL and 1 XXL)
- 6 Winter Sets (EBH Hat, Gloves and Scarf)
- 7 EBH Tshifts
- 18 Beach/picnic blankets
- 8 Bamboo Charging Docks

MGM

- 8-\$50 Food & Beverage Certificates

PPC:

- 4@\$50 gift cards (Total \$200) for weekly winner
- 20@\$25 gift cards (Total \$500) for vending machines
- 1@\$200 Slack's gift card (FOH basket) & 1@\$100 Slack's gift card (BOH basket)
- Candy bars for vending machines
- 4 cases of pillows
- 3 cases of defrosting trays
- 4 cases of coolers (both types)
- 4 boxes of bath robes
- 3 boxes of umbrellas
- 24' TV & 19' monitor (5 each)
- 4 boxes back stretchers



Celebrating Diversity

- Black History Month Quiz
- International Women's Day (March 8) Quiz
- Women's History Month Quiz



Lunar New Year

DRAGON DANCE AT EBH



GSA JOHN AT PPC



Sample Quiz Question



What tradition is known for scaring away the evil spirits?

- A) Painting
- B) Playing drums
- C) Fortune telling
- D) Lion dance



Sample Quiz Answer

D) Lion dance



Lion dancing is known for scaring away evil spirits. This tradition involves performers dressed as lions who dance and mimic the movements of a lion. It is believed that the loud drums, cymbals, and firecrackers used during lion dancing can ward off evil spirits and bring good luck. The energetic and lively performance is often seen during Lunar New Year and other festive occasions to bring blessings and drive away negativity.

GameSense Tip:

There are Lunar New Year Myths as well as gambling myths. Make sure you understand the rules of the game and set a win/lose budget before you gamble.

Champion Awards / EBH



GameSense

ENCORE BOSTON HARBOR'S GAMESENSE CHAMPION AWARDS

The quarterly GameSense Champion Awards acknowledge casino staff who have successfully incorporated responsible gaming into their daily work. These awardees are personally recognized by Commissioner John Stan and shared with the casino.

ANDREA SIMPSON
DEALER, TABLE GAMES

Andrea, a valuable member of the Encore opening team, has ascended as a standout performer. With a wealth of experience and exceptional customer

Champion Awards / MGM



Champion Awards / PPC



Out in the Community

- Bus outreach efforts
- 11 presentations made to MA Peer Recovery Centers throughout the state that will combine, slides, a case study and group discussion
- Reached 123 people in early recovery from SUD
- Title of Presentation: “Gambling, Sports Betting and Recovery: Risks and Resources”



GSM Linh Ho Boarding Attleboro - PPC Bus

GamLine Statistics

FY24 GAMLINE INTAKE COUNTS	Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL	MO. AVE
	0 SGEL		66	66	105	85	107	87	104	69	83				772
1 HRIA		64	50	72	73	71	104	100	119	119				772	86
2 Urge		20	11	2	14	19	6	19	19	17				127	14
3 Lottery		15	14	18	23	16	18	20	16	19				159	18
4 VM ***		5	4	3	7	-	-	-	-					19	5
TOTAL		170	145	200	202	213	215	243	223	238	0	0	0	1849	154

FY24 GAMLINE INTAKE PERCENTS	Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
	0 SGEL		39%	46%	53%	42%	50%	40%	43%	31%	35%			
1 HRIA		38%	34%	36%	36%	33%	48%	41%	53%	50%				42%
2 Urge		12%	8%	1%	7%	9%	3%	8%	9%	7%				7%
3 Lottery		9%	10%	9%	11%	8%	8%	8%	7%	8%				9%
4 VM***		3%	3%	2%	3%	-	-	-	-					1%
TOTAL		100%	100%	100%	100%	100%	100%	100%	100%	100%	0%	0%	0%	100%

Hangups	297	367	459	425	375	363	405	431	496					3618
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VPS LINES	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL	MO. AVE
	(800)GAMBLER*	296	319	384	381	362	374	432	424	529				3501
(800) GAM-1234**	171	193	275	246	226	204	216	230	205				1966	218
TOTAL	467	512	659	627	588	578	648	654	734	0	0	0	5467	

VPS %	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
(800)GAMBLER*	63%	62%	58%	61%	62%	65%	67%	65%	72%				64%
(800) GAM-1234**	37%	38%	42%	39%	38%	35%	33%	35%	28%				36%
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%	100%				100%

*Our local line (617)449-7737 receives calls going to NCPG LINE 1-800-GAMBLER

** MACGH promotes 1-800-GAM-1234

*** Leaving a Voice Mail was a direct extension option through October.





TO: Interim Chair Maynard, Commissioners O'Brien, Hill, and Skinner
FROM: Mark Vander Linden, Director of Research and Responsible Gaming
CC: Dean Serpa, Executive Director
DATE: April 30, 2024
RE: National Voluntary Self-Exclusion Model

205 CMR 133.00 governs procedures and protocols relative to the list of self-excluded persons from entering the gaming area of the gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed. 205 CMR 233 extends the list to the sports wagering. To date, there are 1,842 persons enrolled in the voluntary self-exclusion (VSE) program.

The VSE lists are enforced in Massachusetts by the MGC; however, casino and sports wagering licensees generally chose to extend the list to affiliated properties in other jurisdictions which they operate. For example, Penn Gaming will enforce the exclusion list at its property in Bangor, ME. This is allowed by M.G.L. 23k, Section 45.(3)(h) which states; *Nothing in this section shall prohibit a gaming establishment from disclosing the identity of persons on the self-excluded persons list under this section to affiliated gaming establishments in this commonwealth or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs operated by affiliated gaming establishments.*

There isn't currently VSE reciprocity between states in the U.S.. For example, enrolling in the VSE program in Massachusetts wouldn't apply to gaming facilities or platforms across the border in Rhode Island or Connecticut.

As gambling opportunities have become increasingly accessible via mobile and brick and mortar casinos across New England, this is proving to be a limitation of the current program and a burden for persons wishing to block themselves from gambling.

IdPair's proposed model for a National Voluntary Self-Exclusion Program offers individuals the opportunity to enroll in voluntary self-exclusion and have it apply across multiple states and gambling products in one online form.

Advancing this model requires the cooperation and collaboration of state regulators and policy makers. As described in the attached fact sheet, several New England states are considering this approach and in discussions with IdPair.

I recommend the MGC explore the benefits and challenges of participation in a National VSE program. If the Commission agrees, I would engage with potential partner states and IdPair. Additionally, I would work closely with the IT division to review technical and security issues and Legal division to review statutory and regulatory issues. Following these steps, I will report back to the commission with a recommendation on how to proceed.



Massachusetts Gaming Commission

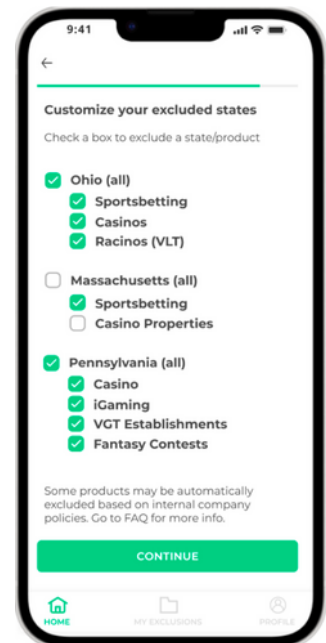
101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com

NATIONAL VSE

The National Voluntary Self-Exclusion Program offers individuals the opportunity to exclude themselves from gambling activities across multiple states and gambling products in one online form. This will not only promote responsible gambling but also streamline the process for consumers, operators and regulators alike. By enabling consumers to proactively manage their gambling habits on a national scale, the National VSE program enhances consumer protection and regulatory oversight, fostering a safer and more sustainable gaming environment for all.

Important National VSE facts:

- **The New England region will likely have 100% coverage. ME, NH, VT, CT, RI are all discussing the possibility of a summer launch.** Following the New England launch, more states will be added in the northeast before the end of 2024.
- **No changes are required to the information collected or options presented by the current state VSE program to join the national program.** The current Massachusetts state program will continue to operate as normal. The National VSE will run side-by-side with the current state list. Should Massachusetts wish to move to a single list in the future, this can be done at its own discretion if/when comfortable doing so.
- **GameSense will be a valuable component in Massachusetts' participation in the National VSE program.** For example, reinstatement will still go through GameSense, and idPair will communicate with GameSense to confirm that the requirements have been met before reinstating any individuals who have excluded from Massachusetts as part of the National exclusion.
- **No changes are required for operators to process the National VSE list.** Operators can opt for an integration at a cost to them, or simply download csv files with the VSE individuals information for upload to their backend.
- **MGC will be notified of any self-reported violations, delayed operator downloads, or other areas of concern as they occur.**



Cost:

- The cost for the program is calculated from the Gross Gaming Revenue (GGR) for each state, along with a maximum cap, which equates to approximately 1/10,000th of GGR, with a maximum cap of \$250,000. A minimum may apply for states with no GGR history.
- **For Massachusetts, the annual cost will be \$100,000.**
- Every 5 years the cost will be recalculated (or as additional gambling products like iCasino, or others, are introduced).

Benefit to Consumers:

- Besides allowing consumers to seamlessly self-exclude across multiple states, all of the important information regarding their exclusions, reinstatements, and access to resources will always be available to them within their account-based login.
- Additionally, information such as corporate exclusion policies, where a company may exclude an individual across all of its properties if they exclude from one, will be available for the consumer, so that a full understanding of what VSE entails is presented.



Sports Wagering Division

8. **Golf:** Revisions for settlement clarification.
9. **Handball:** Revisions for settlement clarification. Addition of rules to address market types.
10. **MMA:** Revisions for settlement clarification. Addition of rule to address market type.
11. **Motor Racing:** Addition of rules to address market types.
12. **Table Tennis:** Revisions for market types.

CONCLUDING STATEMENT:

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

Market Rules

Progressive Parlay

~~A selection that is settled as push is considered a losing selection in a Progressive Parlay. A selection that is settled as void or push (for clarity, a selection settled as push is not considered a voided selection in a Progressive Parlay) will result in the Progressive Parlay being downgraded to the next lowest number of selections. For example, in the event a Progressive Parlay was placed with four (4) selections, one (1) of the selections was settled as voided or push, and the Progressive Parlay contains no losing or pushed selections, then the Progressive Parlay would drop down to be a three (3) selection Progressive Parlay. In the event that the number of voided/push selections result in there being no more than two (2) selections in the Progressive Parlay, and there is no more than one (1) selection settled as lost or push, then the whole Progressive Parlay will be settled as void, irrespective of the settlement of the other selections in the Progressive Parlay.~~

General

2. Definitions

~~2. "Pushes" are when wagers are refunded due to a tied outcome. References to "Push Rules" indicate that, for the associated market, ties will result in a refund of the wager amount as opposed to a win or loss.~~

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Soccer

Player Props

- ~~General Rules – Player Props includes Goalscorer markets. Selected players must start the match for bets to stand, unless otherwise stated.~~
- ~~First/Last/Anytime/Next Goalscorer- Predict if a player will score first/last/anytime goal in match. Own goals are ignored for settlement purposes. Bets on players not taking part in the match will be void. Bets on players coming on as substitutes will stand, unless the market has already been determined. Own goals are ignored for settlement purposes. If an own goal is scored, the next non-own goal scored (if there is such) will be considered the first or next for settlement purposes. If an own goal is the last goal scored, the last non-own goal scored (if there is such) will be considered the last for settlement purposes.~~

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Basketball

General Rules

- The game must start on the scheduled day (local stadium time) for bets to have action.
- In the event a game is halted and not resumed with more than 5 minutes of scheduled game time remaining, bets will void unless the specific market outcome is already determined (or unless otherwise stated). There must be 5 minutes or less of scheduled game time remaining for bets to have action unless the specific market outcome is already determined (or unless otherwise stated). For competitions that are played without a game clock, or that do not rely exclusively on a game clock, then the game must be declared official by the league's governing body for bets to have action unless settlement has already been determined.
- All bets include overtime unless otherwise stated. In the event a game does not finish in a tie, but overtime is played for qualification purposes, then bets will be settled excluding overtime.

Specific Market Rules

- **Wire to Wire Winner** – A given team needs to lead the game at the end of every quarter for "Yes" to settle as a winner. If a given team does not do so, the winning bet is "No".
- **Possession Result Exact** – On possessions where multiple outcomes occur (e.g.: a basket is made and an additional free throw is awarded on the same play) the market will be settled in accordance with the first outcome (value of basket scored). This market is graded based on the result of the next possession occurring after the time specified in the market. If time expires in the period before there is a shot attempt, turnover, or free throws are awarded, the market will be void.
- **Possession Result Grouped** – This market is graded based on the result of the next possession occurring after the time specified in the market. Team possession ends on a score, free throw attempt(s), or when the opposing team gains possession. At the end of a period, if time expires before the team possession ends (based on definition above) the market will be void.

Player Props

- **Most Points/Rebounds/Assists/etc. in game markets** - All bets are action unless the player that was wagered on does not receive any playing time. In the event a non-listed player records the highest amount of the stated statistic, all bets lose. In the event # two or more players tie, Dead Heat rules apply.

Futures/Other Props

- **NBA General Rule** – Any game that the NBA states is not a regular season game (e.g. the In-Season Tournament Championship Game) will not be treated as a regular season game for the settlement of any futures markets. As such, for futures markets, the result of any such game and all player statistics accumulated during any such game will not be treated as results and/or statistics that occurred during the regular season.
- **Most Regular Season Wins Handicap** – Winning selection will be the team with the highest number of regular season wins of the selections adding each team's wins to the handicap listed. For example, Team A has a handicap of 0 wins, Team B has a handicap of +5 wins, and Team C has a handicap of +6 wins, in the event all teams end with the same record, Team C will be

settled as the winner. A wager on Most Regular Season Wins Handicap market, does not constitute a wager on the Most Regular Season Wins market.

- Name the Finalists/Exact Result – All bets on this market will void in the event the Finals/Championship is not played.
- Season/Tournament Team Head to Head or Team to Advance Further – In the event one or more of the teams in the specific market either fails to start the season/tournament or withdraws from the season/tournament, all bets will be void. For College Basketball, in the event both teams are eliminated in the same round, Dead Heat rules apply. For all other basketball competitions, in the event both teams are eliminated in the same round, all bets will be settled as push.
- Stage of Elimination – In the event the nominated team gets disqualified or withdraws from the competition, all bets will be void.
- Series Winner – A team getting disqualified or withdrawing from the series, will not void the bet.
- Other Series Markets – In the event a team gets disqualified or withdraws from the series, all bets will be void, unless settlement is already determined prior to disqualification or withdrawal or unless otherwise stated.
- Regular Season Stat Leaders (Highest Average Points/Rebounds/Assists/Threes Made/Steals/Blocks per Game) – Bets will not void as a result of the selected player failing to play in any or a certain number of games. Player must qualify, per the league's statistical qualification minimums, to be settled as the winner. Dead Heat rules apply.
- ~~Player with Most (or highest average) Pts/Rebs/Asts/etc.~~ – All bets are action. Bets are action regardless of the number of games. Dead Heat rules apply.
- Player Regular Season Averages or H2H Regular Season Averages (Points/Rebounds/Assists/Threes Made/Steals/Blocks per Game) – The player (or all players specified in the case of H2H markets) must play at least 41 regular season games for bets to have action. This includes any legs involving season averages in Team Specials markets.
- ~~Name the Finalists/Exact Result~~ – All bets are action unless the Finals/Championship is not played.
- Player to Reach Milestone/Break Record Before, On or After X Game – In the event the player does not accomplish the record or milestone specified in the specific season, all bets will be void. The specified game must be played on the stated date to have action.
- Draft Props – The official NBA Draft website will be used for settlement purposes (player's height, etc.). ~~If a player is undrafted, the "over" on the player's draft position will be the winner for settlement purposes.~~
- Draft Position Over/Under – In the event a player declares for the draft and goes undrafted, over will be settled as the winner. In the event a player does not declare for the draft or withdraws before the draft starts, all bets on such player will be void.
- 1. ● Number X Pick – In the event the player selected as the specified pick was not listed in the market, all bets will be settled as lost.
- ~~Season/Tournament Team Head to Head or Team to Advance Further~~ – In the event one or more of the teams in the specific market either fails to start the season/tournament or withdraws from the season/tournament, all bets will be void. For U.S. competitions, in the event both teams are eliminated in the same round, Dead Heat rules apply. For International/European competitions, if both teams are eliminated in the same round, all bets will be settled as push.

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- **Stage of Elimination** – In the event the nominated team gets disqualified or withdraws from the competition, all bets will be void.
- **Series Winner** – In the event a team gets disqualified or withdraws from the series, all bets are action.
- **Other Series Markets** – In the event a team gets disqualified or withdraws from the series, all bets will be void, unless settlement is already determined prior to disqualification or withdrawal or unless otherwise stated.

Champions League

- If a game finishes in a tie and overtime is not played, 2-way Moneyline bets will be settled as push.
- If a game does not finish in a tie, but overtime is played for qualification purposes, markets will be settled according to the result at the end of regular time.

3x3/Streetball/Big 3/Other

- Settlement will be based on official competition rules.
- If a game starts, but is not completed, bets will be void unless the specific market outcome is already determined.

Tennis

Specific Market Rules

- **Set Betting (Correct Score), 1st Set / Moneyline, Player Total Games** – In the event a match does not reach its natural conclusion (e.g. retirement, disqualification, match suspension or cancellation) all bets will be void unless settlement has already been determined. For example, in the Set Betting (Correct Score) market, a bet on a player to win 2-0 will be settled as lost in the event the relevant player lost the 1st set and then retires; in the 1st Set / Moneyline market, a bet on a player will be settled as lost in the event the relevant player lost the 1st set and then retires; in the Player Total Games market, a bet on under 12.5 player games would be settled as lost in the event there was a retirement with the score 6-4,4-6,3-3. In the event there is a change to the total number of sets to be played, all bets will be void.
- **Total Sets** – In the event the match does not reach its natural conclusion (e.g. retirement, disqualification, match suspension or cancellation), all bets will be void unless settlement has already been determined. Determined selections include when a match is in its last possible set (for example, 3rd set in a 3 set match or 5th set in a 5 set match) or the penultimate set has finished and the match has not finished (for example, in a 3 set match the score is 1-1 or in a 5 set match the score is 2-2). In such cases the Over selection will be settled as won and the Under selection settled as lost.
- **Total Sets (3 Way)** – In the event the match does not reach its natural conclusion (e.g. retirement, disqualification, match suspension or cancellation), the total sets being played in the match will include the set the last point was played in. For example, in the event a player retires after the first point of the 3rd set then the total number of sets played will be three (3). All bets on this market will be void in the event the match is stopped in the 1st or 2nd set.
- **Total Games - X Set, Correct Score X Set** – In the event a match does not reach its natural conclusion (e.g. retirement, disqualification, match suspension or cancellation), all bets on these

markets will be void unless settlement has already been determined. For example, in the event there is a retirement at 5-5 in the 1st set, in the Total Games – 1st Set market, the over 9.5 selection would be settled as won and the under 9.5 selection would be settled as lost.

- **Tie-Break King / Match Control / Match Titan** – The stated player must win the match in straight sets, with every set by the stated score line.
- **Go the Distance?** – Predict if a match will reach a tie-break in the final set. Bets are void if the statutory number of sets are changed.
- **To Win from Behind** – The stated player must win from at least 1 set behind at any point in the match.
- **Break Serve 1st, Win the 1st Set, Win the Match** – The stated player must break serve 1st, win the 1st set and win the match. In the event there are no service breaks, bets will be settled as lost
- ~~**1st to Win X Games**~~ – All bets placed after the coin toss will be void.
- ~~**First Break**~~ – All bets placed after the coin toss will be void.
- ~~**Total Aces**~~ – A Total Aces wager is similar to an Asian Handicap and Over/Under wager. Win/loss is determined by the number of aces collectively accumulated by both players. Bets will be void in the event the statutory number of sets is changed. In the event a match is not completed because of a player retirement or disqualification, all bets will be void.
- ~~**Total Breaks of Serve in the Match**~~ – Predict how many times each player will lose their service game in the match. Bets will be void in the event the statutory number of sets is changed. In the event a match is not completed because of a player retirement or disqualification, all bets will be void.
- ~~**Tie-Break King**~~ – Predict that the match will be won in straight sets, with every set won 7-6.

Fast Markets

- **Point Winner / 1st Point Winner** – Bets void in the event the point is awarded by the umpire as a penalty point.
- **Game Winner** – Bets void in the event the game is awarded by the umpire as a penalty.
- **Game Correct Score/Game Total Points/Game to Deuce** – Bets void in the event the game is awarded by the umpire as a penalty.

Statistical and Player Markets

- **Ace/Double Fault Totals** – In the event of a disqualification or retirement, all bets will be void unless the settlement has already been determined. In the event of ties, if no tie price is offered, bets will be void.
- **Break of Serve Markets** – In the event the statutory number of sets is changed, all bets will be void. In the event of a disqualification or retirement, all bets will be void unless settlement has already been determined. The loss of serve in a tie break does not count as a break or a player being broken. The terms "break" or "broken" refer to the loss of a full service game only.
- **Match Combo** – In the event the aces are tied, bets will be settled as lost.
- **Match Parlay** – In the event there are no service breaks, bets will be settled as lost.
- **Player to Hold Every Service Game** – The selected player to win every one of their own service games. The player must not be broken at any point during the match. In the event of disqualification or retirement all bets will be void unless settlement has already been determined.

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- 1st Player to Break Serve – The selected player to be the 1st to win a game when their opponent is serving. Tie breaks do not count as service games. For this wager to be a winner, the player specified must lose a service game.
- Highest 1st Serve Percentage – In the event the 1st serve percentage is tied, the bet is lost.
- Player X Not to Lose Serve in Match – Tie breaks do not count as service games.
- First Player to Lose a Service Game – Tie breaks do not count as service games. For this wager to be a winner, the player specified must lose a service game.

Futures/Other Props

- Outright/Top Half Winner/Bottom Half Winner/Quarter Winner – In the event a player withdraws without playing at least one (1) point in the tournament, bets on the player will be void. In the event a player is disqualified, bets on that selection will be settled as losers.
- Winning Quarter/Winning Half - Predict from which quarter or half the winner of the tournament will come from. ~~All players taking part in the tournament are divided into 4 groups (quarters), with one of the top 4 seeds in each quarter. Winning Quarter: choose from which quarter the winning player will come from (e.g. 1st, 2nd, 3rd, 4th). Winning Half: choose from which half the winning player will come from (e.g. top or bottom).~~
- Not to Win – The selected player not to win the tournament. The player must play at least one (1) point in the tournament for bets on the player to stand.
- Tournament Total Tie Breaks – In the event at least one (1) point is played in a tie break, this will count as a tie break, even if the match is not completed.
- Tournament Total Matches to Go to 5 Sets – In the event at least one (1) point is played in the 5th set, this will count as a five-set match.
- Who Will Go Further – In the event one (1) of the players withdraws from the tournament without playing at least one (1) point, all bets will be void. In the event both players are eliminated in the same round, all bets will be void.
- Total Games in Round – In the event at least one (1) of the matches do not reach their natural conclusion, all bets will be void.
- Match with Least Games – In the event at least one (1) of the matches do not reach their natural conclusion, all bets will be void. In the event of a tie, all bets will be void.
- Daily Special – In the event at least one (1) of the matches do not reach their natural conclusion, all bets will be void.
- Which Player Will Be World Number One End of Year? – Settled off official governing body statistics on 1st December of the stated year.
- Over/Under Player Season End Ranking – Settled off official governing body statistics on 1st December of the stated year.
- End of Season Ranking Match Bet - Settled off official governing body statistics on 1st December of the stated year.
- Top Ranked Player by Country – Settled off official governing body statistics on 1st December of the stated year.
- End of Year Top Aces Server – Settled off official governing body statistics on 1st December of the stated year. Only ATP tournaments and Grand Slams count towards the total.
- 1-● To Finish in Year End Top 8 - Settled off official governing body statistics on 1st December of the stated year. Players that participate in the Year End Championships but do not finish in the top 8 of the official rankings will be settled as losers.

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- ~~First New Number 1~~ – A new player to be ranked as ATP number 1 in the world who has never achieved this ranking before. In the event a player not in the selections reaches ATP number 1 in the world, bets will be void.

Baseball

General Rules

- Bets on games suspended after they have started will have action as long as the game is resumed within 36 hours of the original start time **and made official**. ~~If not, a suspended game is scheduled to be resumed more than 36 hours after the original start time,~~ all bets will be void, unless the wager has been unequivocally determined prior to the game's suspension. This applies unless otherwise stated (i.e. playoff game rule).
- **Moneyline** – “4.5 innings rule” ~~– in the case of official, shortened games,~~ For bets to have action, the game must go at least 5 full innings (4.5 innings if the home team is ahead). ~~If a game is called/suspended after this point, and not rescheduled, the winner is determined by the score after the last full inning (unless the home team scores to tie, or take the lead, in the bottom half of the inning, in which case the winner is determined by the score at the time the game is called) (unless otherwise stated, i.e., playoff game rule).~~

Daily Specials Props

For all Daily Specials, all scheduled games (quantity listed in the market title) must be played to completion on the listed date and go at least 8.5 innings for bets to have action, unless settlement has already been determined as stated below:

- ~~“- Game 1” or “- Game 2” will be used to denote games/teams with doubleheaders,~~
- ~~MLB Grand Salami/Homes vs. Aways~~ – All scheduled games must be played and go at least 8.5 innings for bets to have action (or 6.5 innings in a 7-inning game).
- Daily Total Runs (Grand Salami) – All bets have action if the “Over” selection is determined regardless of the quantity games played to completion.
- Highest Scoring Team – All bets have action if the highest scoring team played in an official game (regardless of length) and all other scheduled games went at least 8.5 innings.
- Highest Scoring Game – All bets have action if the highest scoring game is an official game (regardless of length) and all other games went at least 8.5 innings, or if the highest scoring game is suspended until a later date and all other games went at least 8.5 innings,
- ~~Team with Most Runs/HRs/Hits/etc. on a specific day~~ – All scheduled games must be played and go at least 8.5 innings for bets to have action, unless the team with the most runs/HRs/hits/etc. took part in an official, shortened, game and all other games went at least 8.5 innings. For teams with double headers, they will be listed with a (1) or (2) next to their team name for their 1st and 2nd game.
- ~~Game with Most Runs/HRs/Hits/etc. on a specific day~~ – Only games that go at least 8.5 innings are considered for settlement purposes, unless the game with most runs/HRs/hits/etc. was an official, shortened, game. For double headers, the game will be listed with a (1) or (2) for the 1st or 2nd game.

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- ~~Total HRs/Hits/Strikeouts/etc. on a specific day~~— All scheduled games must be played and go at least 8.5 innings for action (unless result is already determined).
- **Will there be a Grand Slam/Player to hit for the cycle/etc. on a specific day**— All bets have action if the “Yes” selection is determined at any stage, regardless of the quantity of games played to completion. All scheduled games must be played and go at least 8.5 innings for bets to have action (unless the result is determined from an official, shortened, game).
- **Will there be a No Hitter/Perfect Game on a specific day**— All bets have action if the “Yes” selection is determined at any stage, regardless of the quantity of games played to completion. All scheduled games must be played and go at least 8.5 innings for bets to have action (unless the result is determined from a game that went at least 8.5 innings).
- **Pitcher with most strikeouts/Player with most total bases/etc. on specific day**— All bets have action if the winning pitcher/player played in an official game (regardless of length) and all other games went at least 8.5 innings, or the winning pitcher/player is unequivocally determined. All scheduled games must be played and go at least 8.5 innings for bets to have action, unless the pitcher/player with the most strikeouts/total bases/etc. took part in an official, shortened, game and all other games went at least 8.5 innings.

Futures/Other Props

- **Futures (World Series/Pennant/Divisions/ Tournament Winner/Group Winner etc.)** – If the league/governing body officially declares a winner for the relevant season on the specified market, bets are action, regardless of season length, team relocation, team name change, playoff format, etc. (unless otherwise stated). In the event two or more teams are tied then the tie breaker procedures for the relevant league/governing body apply.

Pre-live Same Game Parlays

- ~~Settlement of these bets will be based on the following criteria:~~
 - ~~in the event a pre-live Same Game Parlay contains a selection applicable to a player who did not participate in the game (“Baseball Non-Participating Player”), the selection containing the Baseball Non-Participating Player will be voided and the pre-live Same Game Parlay will be repriced based on the last odds available to DraftKings prior to the start of the game. In the event all selections in a pre-live Same Game Parlay are Baseball Non-Participating Players, then the whole bet will be settled as void.~~
 - ~~in the event a pre-live Same Game Parlay contains at least one (1) selection, other than a selection containing a Baseball Non-Participating Player, which is settled as void or push, then the whole pre-live Same Game Parlay will be settled as void, irrespective of whether the pre-live Same Game Parlay contains other winning or losing selections, unless the game associated with the pre-live Same Game Parlay is abandoned.~~
 - ~~in the event the game associated with the pre-live Same Game Parlay is abandoned, and the pre-live Same Game Parlay contains an already losing selection at the time of abandonment, the pre-live Same Game Parlay will be settled as lost, otherwise the pre-live Same Game Parlay will be settled as void.~~

- in the event a selection is a tie, and no tie outcome is offered for that selection (for example “Race to X Runs” where neither team reaches the number of runs), then the pre-live Same Game Parlay will be settled as lost.
- A game is abandoned in the event:—
 - the game does not start on the scheduled day (local stadium time).—
 - The game starts but is then postponed and is not rearranged and played within thirty six (36) hours of the original start time. This rule applies to pre-live Same Game Parlays irrespective of the Playoff Game Rule, the Mercy Rule, or any other exceptions.—
- For all player markets, selected players must take part in the game for bets to have action, otherwise the player is a Baseball Non-Participating Player. For the purposes of Same Game Parlays, taking part in the game for the below types of markets (regardless of whether the selection in question references a specific period of the game) is defined as follows:—
 - Hitting/Batting Markets—recording at least one plate appearance.—
 - Stolen Bases Markets—entering the game in any capacity (e.g. hitter, fielder, pitcher, pinch runner).—
 - Pitching Markets—throwing at least one pitch.—
- In the event a pre-live Same Game Parlay contains a selection which is settled as void or push, the pre-live Same Game Parlay will be repriced based on the odds available on the DraftKings website at the time of bet placement. In the event all selections in a pre-live Same Game Parlay are settled as void or push, then the whole bet will be settled as void.
- All Baseball specific rules also apply to pre-live Same Game Parlays. In the event of a conflict between any other Baseball specific rule and the Baseball pre-live Same Game Parlay rules, solely as they relate to a Baseball pre-live Same Game Parlay, the pre-live Same Game Parlay rules prevail.

Boxing

Specific Market Rules

- **Fight Winner** - All bets will be valid regardless of changes to the number of rounds to be fought. Declaration of a draw - all bets will be void and wagers will be refunded, except as otherwise stated (e.g. 3-Way Moneyline bets). This includes a fight which ends in a Majority Draw. In the event a fight has scheduled extra rounds and it ends in a draw, all bets will be settled on the result at the end of the additional round(s).
- **Knockdown Betting** - For settlement purposes a knockdown is defined as a fighter being KO'd or receiving a mandatory 8 count (anything deemed a slip by the referee will not count). For any Knockdown markets related to Rounds or Group of Rounds, in the event the fight ends prior to the round (or group of rounds) that the bet has been placed on, bets will be settled as lost. For example, if the fight finishes in round 5 and a bet is placed on there being a knockdown in rounds 7-12 then the bet will be settled as lost.

- Punch Stats – All punch stat markets will be settled on data provided by CompuBox and according to the below definitions. For punch stat markets, the scoring area consists of the head and torso.
 - Thrown Punches – Any punch attempt at the scoring area of an opponent.
 - Jab – A straight punch with a fighter’s lead hand.
 - Power Punch - Any non-jab punch such as uppercuts, crosses and hooks.
 - Landed Punches - A punch that lands inside the scoring area. A landed punch can be a deflected punch as well as a direct hit, providing it ultimately connects to the scoring area.
 - Head/Body Punch Landed – Includes Jab and Power Punches categorized based on where in the scoring area the punch lands

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Golf

Specific Market Rules

- **18 Hole 2 & 3 Ball Match Bet Markets** - Bets stand once the players have teed off the first hole. If a round is abandoned, bets on that round will be void. In the event that pairings or groups change, then all bets will be void. The winner will be the player with the lowest score over 18 holes. For tournaments using the Stableford scoring system the highest points scorer during the round is the winner. For 2 ball betting, where a price is not offered for the tie, bets will be settled push in the event of a tie and wagers refunded. In 3 ball betting Dead Heat rules will apply. For hole winner markets, bets stand once all nominated players tee off the designated hole. Dead Heat rules apply in the event of tied scores. For a player to win the hole, they must score a lower score than every other player on that specified hole. If a player withdraws during the hole, bets on the withdrawn player will be settled as losers. Bets are settled once the players leave the green. For hole group betting, bets are settled based on the score over a specified group of holes. Dead Heat rules apply in the event of tied scores. For a player to win the group of holes, they must score a lower score than every other player on the specified holes. Bets will be void if one of the players does not tee off on the first of the specified holes. If a player withdraws during the specified group of holes, bets on that player will be settled as losers.

Handball

General Rules

- In the event a match is abandoned before the end of regular time, all bets on the match will be void, unless settlement has already been determined.
- All bets exclude overtime, unless otherwise stated. In the event a game does not finish in a tie, but overtime is played for qualification purposes, then bets will be settled excluding overtime.
- In 2-way markets, push rules apply unless otherwise stated.
- Mercy Rule – The score at the time of the relevant league’s “Mercy Rule” call will be used for settlement purposes.
- All match markets will be settled on the score at the end of regular time and will exclude overtime, if any, unless otherwise stated.

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Specific Market Rules

- Player Matchups/Performance Markets – Relevant player must receive playing time for bets to have action.
- Top Team Goalscorer/Tournament Top Goalscorer – Goals scored in regular time and extra time count. Goals scored in penalty shootouts do not count. Dead Heat rules apply.
- Tournament MVP/Tournament All Star Goalkeeper – All settlements are based on results published by the official governing body.

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MMA

General Rules

- If the fight does not take place as scheduled, and does not occur on the same date (local time), all bets are void. Exceptions are 1) if we advertise an incorrect start time and 2) if we set up a fight using an expected date before the exact date is known. Once an official announcement is made regarding the fight date, the fight will be corrected to the official date and will then be subject to normal rules. Except for fights with a confirmed date of 31st December, all fights that are listed with the date as 31st December are considered "Future Fights", these are fights that are without a set date. All "Future Fights" must have a confirmed date by 31st December otherwise all bets on such fights will be void.

Specific Market Rules

- Point Spread – In the event a fighter wins via knockout, submission, or disqualification then bets placed on the winning fighter will be settled as won. In the event the fight requires a decision via the judges' scorecards, the point spread will be applied to the fighter's combined total points. For example, in a three-round fight that requires a decision via the judges' scorecards, if all three judges scored the fight 29-28 for Fighter X and the point spread is Fighter X -3.5, then bets on Fighter X -3.5 will be settled as lost and bets on Fighter Y +3.5 will be settled as won.

Motor Racing

Specific Market Rules

- Not/To Be Classified – In the event a driver does not start, all bets will be void.
- 1st to Retire – In the event two or more drivers retire on the same lap, then Dead Heat Rules apply. In the event a driver does not start, all bets will be void.
- Car 1st to Retire – In the event two or more cars retire on the same lap, then Dead Heat Rules apply. In the event all drivers for a team do not start, all bets will be void.
- Last Classified Driver – The driver who is in the final numbered position in the FIA classification will be deemed the winner.
- Fastest Speed – The fastest recorded speed by the FIA will be used for settlement.
- Most Team Points – In the event two or more teams are tied on points, then Dead Heat Rules apply.

Table Tennis

General Rules

- In the event any of the named players in a match are replaced before the match starts, all bets will be void.
- Bets on a match that starts but is later abandoned, postponed, interrupted, or left incomplete will be void, unless the match is re-scheduled within 24 hours of the original start time.
- Bets will be void in the event the match does not reach its natural conclusion (e.g. retirement, disqualification, walkover, or cancellation), unless settlement has already been determined, or unless otherwise stated.
- In the event any market does not reach its natural conclusion (e.g. the end of a game/point for a game/point market), bets will be void unless settlement has already been determined, or unless otherwise stated.

Specific Market Rules

- **Total Points** – Win/loss is determined by the number of points accumulated by both players, unless otherwise stated. In the event that the total is exactly equal to the betting line, then all bets on this offer will be settled as push.

Fast Markets

- **Winner – Listed Game** – Predict the player who will win the listed game. In the event the game is not played due to the end of the match, all bets on the specific game will be void.
- **Point Winner – Listed Game** – Predict the player who will win the listed point. In the event the point is not played due to the end of the game or match, all bets on the specific point will be void.
- **Games Decided by Extra Points** – An extra point is defined as when one or more of the players wins with 12 points or more in a game.

Futures/Other Props

- **Outright** – Bets are settled based on the player's position at the end of the specific tournament. In the event a player withdraws without playing at least one (1) point in the tournament, bets on the player will be void. In the event a player is disqualified, bets on that player will be lost.

Settlement Rules

All settlements are based on the statistics and results provided by the official website of the league, or league's official statistical provider on the day of the match, unless otherwise stated.

Commented [S1]: Please note, our Table Tennis rules were previously approved. We have rewritten them and relocated them for formatting purposes.

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TO: Chair Maynard
Commissioner O'Brien
Commissioner Hill
Commissioner Skinner

FROM: Cristian Taveras – Gaming Technical Compliance Manager

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

DATE: April 25, 2024

RE: Technical Security Expert – New Applicant

EXECUTIVE SUMMARY:

Under 205 CMR 243.01(x)(2) <https://www.mass.gov/doc/205-cmr-243-sports-wagering-equipment/download> an independent technical expert must meet certain requirements:

To qualify as an independent technical expert, the independent technical expert shall:

- a. Have relevant education background or in other ways provide relevant qualifications in assessing Event Wagering Systems;
- b. Obtain and maintain certifications sufficient to demonstrate proficiency and expertise as a network penetration tester by recognized certification boards, either nationally or internationally;
- c. Have at least five years' experience performing technical security control audits on Event Wagering Systems; and
- d. Meet any other qualifications as prescribed by the Commission or its designee.

We have a request form that elicits that information. The applicant has submitted the form and the MGC IT department has reviewed the information. The document has sensitive information so we would like not to share it publicly, but it has been shared with you. We verified the information provided by looking up their certifications, their company website and we also contacted their reference.

SUPPORTING DOCUMENTS:

- **qualified independent technical expert form -AccessIT**

CONCLUDING STATEMENT:

The MGC IT department confirms that all requirements have been met under 205 CMR 243.01(x)(2) and there are no reservations moving forward.



Legal Division

To: Interim Chair Jordan Maynard
Commissioner Eileen O'Brien
Commissioner Brad Hill
Commissioner Nakisha Skinner

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

Re: Non-Gaming Promotions

Date: April 30, 2024

In 2023, the Ohio Casino Control Commission (“OCCC”) proposed to amend Ohio Administrative Code Rule 3775-16-09 regarding promotions and bonuses to prohibit promotions and bonuses unrelated to gaming transactions. The full text of the proposed prohibition, which would be codified at Rule 3775-16-09(G), would read:

(G) Sports gaming proprietors must not offer a promotion or bonus in connection with or as a result of a non-gaming consumer transaction unless the promotion or bonus:

- 1) Does not target individuals under the age of twenty-one, other individuals who are ineligible to participate in sports gaming, individuals with gambling problems, or other vulnerable individuals;
- 2) Is offered only to individuals who have been verified as being twenty-one years of age or older and not participating in the Ohio Voluntary Exclusion Program; and
- 3) Complies with the requirements in rule 3775-16-08(C) of the Administrative Code [advertising].

The OCCC also proposed to clarify at Rule 3775-16-09(H) that the prohibition against promotions and bonuses unrelated to gaming transactions does not prohibit loyalty programs, as approved by the OCCC’s executive director. As we understand the rule, this would require sports wagering operators who conduct other, non-gaming related businesses, to implement some of the safeguards against advertising to individuals under 21 years of age that it implements for sports wagering promotions when it promotes to those non-gaming related businesses.



Massachusetts Gaming Commission

The Commission has analogous regulations at 205 CMR 256.05-07 which prohibit operators from allowing, conducting, or participating in advertising, marketing, or branding that is aimed at individuals under the age of 21, individuals or groups that are at moderate or high risk of gambling addiction, and individuals who have enrolled in the Commission's self-exclusion program. In particular, 205 CMR 256.05 includes several prohibitions that would likely prevent advertising known to cross-promote sports wagering to individuals under 21 years of age while promoting others goods and services:

- 205 CMR 256.05(1) includes a requirement that where an operator's advertising includes the use of only their logo or trademark inside a sports venue, absent other qualifying information, the logo or trademark be accompanied by a note that individuals must be 21 years or older to participate in sports wagering.
- 205 CMR 256.05(2) explicitly bans "branding for Sports Wagering that is aimed at individuals younger than 21 years old."
- 205 CMR 256.05(3) prohibits "advertising, marketing, branding, and other promotional materials" that "contain images, symbols, celebrity or entertainer endorsements, or language designed to appeal primarily to individuals younger than 21 years old."
- 205 CMR 256.05(4) contains a prohibition on "advertising, marketing, branding, and other promotional materials" from being placed in media and locations where they are likely to disproportionately reach individuals under 21 years of age.
- 205 CMR 256.05(5) prohibits the use of logos, trademarks, or brands on products, clothing, toys, games, or game equipment designed or intended for persons younger than 21 years old.

Those regulations could be interpreted broadly to prohibit advertising, marketing, and branding relating to *sports wagering*, regardless of whether the advertising, marketing, or branding arises from a sports wagering or non-sports wagering transaction. However, they would be less likely to apply to marketing of non-gaming goods and services provided by the operator.

If it were to consider revisions to its own regulations similar to those being proposed by the OCCC, the Commission may want to review the comments the OCCC has received from operators and others regarding its proposed rule. The Campaign for Fairer Gambling ("CFG") expressed support for the rule, largely based on its general concerns with sports wagering promotions and bonus offers, which it believes are "often misleading and attractive to vulnerable players." "When bonuses are authorized and even incentivized during a non-gambling related transaction," CFG went on to say "it only compounds the concerns, especially from a public health perspective."



Massachusetts Gaming Commission

Operators, however, commented that the rule would be difficult to follow and may have unintended consequences. FanDuel, for instance, noted that in the context of non-gaming activity, FanDuel may not have access to the same “know your customer” tools to limit advertising to individuals over 21 years of age and would thus be forced to avoid partnerships on non-gaming related activity altogether. Fanatics agreed that implementation problems could cause operators to instead rely on broader blanket advertising, such as television advertising, to reach audiences, thus likely reaching *more* individuals under 21. Both companies thus advocated for changes more narrowly defining what advertising is prohibited to exclude “direct,” personalized advertising rather than general advertising and to apply the prohibition only where the operator has information regarding the recipients of the advertising that reveals they are under 21 years of age.



Massachusetts Gaming Commission

3775-16-09 Promotions and bonuses.

A) Unless otherwise restricted or prohibited under Chapter 3775. of the Revised Code and the rules adopted thereunder, sSports gaming proprietors may offer promotions and bonuses.

(B) The promotion or bonus rules must be clear and unambiguous, and include:

- (1) Date and time the promotion or bonus is active and expires;
- (2) Rules of play;
- (3) Nature and value of prizes or awards;
- (4) Eligibility restrictions or limitations;
- (5) Wagering and redemption requirements, including any limitations;
- (6) Eligible events or wagers;
- (7) Cancellation requirements; and
- (8) Terms and conditions that are full, accurate, concise, transparent, and do not contain misleading information.

(C) Promotions or bonuses described as free or risk-free must not require the patron to incur any loss or risk their own money to use or withdraw winnings from the free wager.

(D) Promotions or bonuses may require promotion or bonus funds be played through in order to be withdrawn but must not restrict the patron from withdrawing their own funds or withdrawing winnings from wagers placed using their own funds.

(E) Sports gaming proprietors must make the promotion or bonus rules available to patrons and the commission.

(F) Sports gaming proprietors must have procedures for the issuance, acceptance, and tracking of promotions or bonuses.

(G) Sports gaming proprietors must not offer a promotion or bonus in connection with or as a result of a non-gaming, consumer transaction unless the promotion or bonus:

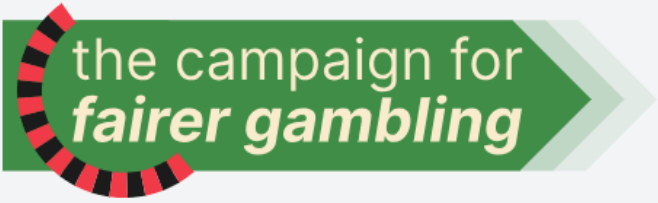
1) Does not target individuals under the age of twenty-one, other individuals who are ineligible to participate in sports gaming, individuals with gambling problems, or other vulnerable individuals;

2) Is offered only to individuals who have been verified as being twenty-one years of age or older and not participating in the Ohio Voluntary Exclusion Program; and

3) Complies with the requirements in rule 3775-16-08(C) of the Administrative Code.

(H) Paragraph (G) does not prohibit a sports gaming proprietor from participating in a consumer loyalty program, as approved by the executive director.

(GI) A sports gaming proprietor must cease the offering of a promotion or bonus upon discovery that the promotion or bonus fails to comply with this rule or if required by the executive director because the promotion or bonus fails to comply with Chapter 3775. of the Revised Code or the rules adopted thereunder or otherwise undermines the integrity of sports gaming.



**Campaign for Fairer Gambling Comments on Proposed Changes to Regulation 3775-16-09
Promotions and Bonuses for Sports Betting**

Dear Executive Director Schuler and Members of Ohio Gaming Control Commission,

On behalf of the Campaign for Fairer Gambling (CFG), we thank you for this opportunity to provide comments on your proposed updates to rule 3775-16-09 which speaks to the allowances and restrictions for promotions and bonuses in sports betting. CFG was recently relaunched here in the United States after much success in the U.K. This national campaign strives to provide an evidence-based approach to improving U.S. remote gambling policy, regulations, legislation, and enforcement standards; ultimately reducing gambling related harms. We believe with the right protections in place, gambling can be both enjoyable and safe for consumers and viable for businesses.

The campaign would like to offer its strong support of the following proposed provision: “(G) Sports gaming proprietors may not offer a promotion or bonus in connection with or as a result of a non-gaming consumer transaction. This paragraph does not prohibit a sports gaming proprietor from participating in a consumer loyalty program, as approved by the executive director.” The CFG does not support the utilization of promotions and bonuses in any market at any time. These ‘promotions’ and ‘bonuses’ are often misleading and attractive to vulnerable players. The recent increase in class action lawsuits across the United States illustrates that consumers are misled by promotions and bonuses and result in player expenditures much higher than intended. When bonuses are authorized and even incentivized during a non-gambling related transaction it only compounds the concerns, especially from a public health perspective. Consumers, particularly vulnerable persons, should not be exposed to and incentivized to engage with a known risky product. These risks are likely not being disclosed to them and if presented during a non-gambling related transaction, we must address the issue that the customers in question are now being exposed to something they may have never desired to seek out of their own volition or more importantly some customers may have explicitly requested via a self-exclusion enrollment to be protected from such promotions. Allowing bonus offers to be offered on non-gambling related platforms increases the risks of exposure for underage individuals and self-excluded persons that should have the freedom and ability to buy other products and services without fear of harm. It’s important to note, research highlights that the younger an individual is exposed to and engages with gambling or gambling like mechanics, the greater the chance they can struggle with a gambling problem later in life. Additionally, when promotions or bonuses are offered through affiliates some consumers may perceive that there has been an independent vetting process conducted by the affiliate. Consumers may not understand that there is a commercial relationship between the affiliate and the licensee. We therefore consider this to not be as fair as we believe sports betting should be. Gambling is not a risk-free activity and it’s the collective responsibility of all stakeholders to put the welfare of the public, vulnerable persons, and players at the heart of all

regulations. Further refining these regulations to include this new provision places consumer welfare at the nucleus of the discussion and only enhances your policies.

We believe this requirement and others that you have outlined continues to place Ohio as a national leader, helping to prevent and reduce the harm that has resulted already and will come for other individuals from legalized sports wagering. We appreciate this opportunity to comment. We'd be happy to answer all questions or concerns that you may have.

Sincerely,

Brianne Doura-Schawohl



Ohio Casino Control Commission
Matthew T. Schuler, Executive Director
100 E. Broad St.
20th Floor
Columbus, OH 43215
Sent via electronic mail

Re: Proposed Amendment to Ohio Adm.Code 3775-16-09

July 12, 2023

Dear Executive Director Schuler,

I write on behalf of FBG Enterprises Opco, LLC dba Fanatics Betting & Gaming ("FBG") in response to the Ohio Casino Control Commission's ("OCCC") proposed changes to Ohio Adm.Code 3775-16-09, as well as the updated sports wagering marketing restrictions shared via e-mail by General Counsel Morrison on June 28, 2023. We wish to express our concerns with the lack of grounding of this draft rule and the e-mail guidance in the enabling sports wagering statute and the degree to which the restriction appears to be targeted at FBG's business.

In the past few months, FBG has spoken at length with OCCC staff regarding its planned efforts to market the FBG sports wagering product to customers of its affiliate business, Fanatics, LLC ("Fanatics Commerce"), which operates, among other sites, the Fanatics.com consumer website. No provision of O.R.C. 3775 (the "Statute"), nor the Ohio Administrative Code, restricts FBG from advertising sports wagering promotions to individuals who visit and purchase licensed sports merchandise from Fanatics.com, or any other digital platform that is ultimately owned or operated by FBG's parent company, Fanatics Holdings, Inc. In fact, subpart .02(B)(10)(a-e) of the Statute charges the OCCC with the responsibility of developing advertising restrictions that cause licensees to comply with five enumerated advertising requirements. The broad draft rule and e-mail guidance in question go far beyond any of the advertising requirements contemplated in the Statute. It is also worth noting that FBG has not previewed any promotional offers to OCCC that run afoul of the advertising restrictions listed in the Statute.



Rather than cite a specific provision of the Statute that gaming offers to non-gaming purchasers violates, General Counsel Morrison's June 28 industry e-mail cite a belief that these types of offers "contribute to the normalization of gambling and threaten the integrity of sports gaming by increasing the risk of problem gambling." Yet, the OCCC has not cited any study or statistical basis for adopting this belief regarding risks of advertising to non-gaming purchasers, and FBG is not aware that any such evidence exists in the industry today. The advertising restriction put into place by the OCCC via the June 28 industry e-mail is, to our knowledge, the first of its kind in the industry.

On the contrary and as previously discussed with OCCC staff, marketing to Fanatics Commerce customers is not only a sound business decision for FBG, but it is also a safer and lighter touch method of advertising. As demonstrated to OCCC staff, the vast majority of Fanatics Commerce purchasers are 21 or older, they have a propensity to be interested in or currently engaged in sports wagering, and the average Fanatics Commerce customer does not transact in high volume in a given year, limiting their exposure to sports wagering marketing on the Fanatics.com site. Given these facts, we fail to see how FBG's proposed marketing to Fanatics Commerce customers creates a heightened risk of a "normalization of gambling," especially when compared to the standard marketing tactics of the industry as further detailed in this letter.

Additionally, this newly developed marketing restriction appears on its face to be specifically targeted at FBG's business model. In General Counsel Morrison's June 28 industry e-mail, the OCCC expressed a concern around the potential negative impact should sports wagering operators be allowed to offer promotions to non-gaming consumers. However, the OCCC has not, to date, developed comparable restrictions for a host of other types of marketing that speak to non-gaming patrons, such as television commercials, radio ads, podcast reads, and in-venue stadium billboards. And, in fact, Ohio residents are presented the opportunity to engage with sports wagering at the nearly 1,000 non-gaming facilities that host sports wagering kiosks across the state, including restaurants, bars, bowling alleys, and even grocery stores. Throughout Ohio, non-gaming patrons – cable subscribers, restaurant diners, ticket holders for sporting events – see gaming promotions and are marketed to for sports wagering on a daily basis, and those individuals are more likely than Fanatics Commerce purchasers to be under 21. Given the volume and reach of these other forms of advertising, we respectfully offer that these types of marketing are far more likely to cause the "normalization of sports wagering" that the OCCC expresses



concerns around rather than FBG advertising to purchasers of a specific website who are almost entirely of the legal wagering age and are inclined to be interested in sports wagering.

Finally, General Counsel Morrison's June 28 industry e-mail notes that gaming offers to non-gaming purchasers, even if allowed, are not "generally available" and are therefore a form of direct marketing. While we cannot comment on the structure of our competitors' promotions, we would dispute any notion that the offers FBG has previewed to OCCC staff are not "generally available" to Ohio patrons. Under the terms of the "purchase match" offer we discussed with OCCC staff, all Ohio-based patrons could avail themselves of the offer subject to fulfilling two conditions: 1) purchasing merchandise from Fanatics.com and 2) being found eligible to engage in sports wagering (e.g., 21 or older, not self-excluded). To our knowledge, virtually all industry acquisition offers involve similar conditions in that a person must 1) take some type of action (e.g., Deposit X Get Y, Wager A Get B, etc.) and 2) be found eligible to engage in sports wagering. We disagree that incorporating a purchase condition makes an offer not "generally available" and therefore a form of direct marketing, but that a similar requirement to deposit or wager does not raise the same concern. In both cases, offers are made widely available through media and not directed at any certain person, while subject to certain qualifying conditions. Said otherwise, in the "purchase match" example, FBG does not reach out to particular persons in advertising the offer – it is available to all Fanatics Commerce customers in Ohio. And while not binding on the OCCC, we are not aware of any other gaming state taking the position that the particular qualifying conditions of a promotion determine whether the offer is a form of direct marketing. Rather, to our knowledge, all other gaming jurisdictions that speak to direct marketing define it as a particular means of transmission – e-mail, direct mail, or text message, in most cases.

On behalf of FBG, I want to reiterate that we share the same goal as the OCCC, in that we want the Ohio sports wagering market to be commercially successful, while being conducted in a safe and responsible manner. We greatly respect the OCCC's authority and expertise in these matters, and would not dispute a restriction on gaming promotions to certain specified categories of non-gaming patrons consistent with the Statute, such as customers of businesses largely frequented by teenagers. But we disagree with the scope of these new restrictions and assess these changes as targeted at FBG's business, while also holding that there is no objective basis to support the assumption that sports wagering promotions offered to non-gaming patrons increases the risk of problem gaming. For these reasons, we respectfully request that the OCCC reconsider adoption of this administrative rule change, as well as the restrictions outlined in General Counsel Morrison's June 28 e-mail.



We welcome the opportunity to further discuss these matters at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'ASmith'.

Alex Smith
Vice President, Regulatory Affairs



Cory Fox
cory.fox@fanduel.com

November 30, 2023

Via Email to rulecomments@casinocontrol.ohio.gov
Matt Schuler, Executive Director
Ohio Casino Control Commission
100 East Broad Street, 20th Floor
Columbus, OH 43215

Re: FanDuel comments on proposed amendments to “Ohio Adm. Code 3775-16-09.”

Dear Executive Director Schuler:

I write to provide comments on behalf of FanDuel Group, Inc. (“FanDuel”) regarding the Ohio Casino Control Commission’s (“Commission”) proposed amendments to “Ohio Adm. Code 3775-16-09.” (“Proposed Amendments”). Based on our extensive experience as an operator in the sports betting and fantasy sports industries and collaborator with regulators of sports betting in many states in the development of their regulations, we offer constructive feedback on ways in which the Proposed Amendments can be improved for effectiveness and consistency with other state regulations.

We thank the Commission for taking the time to review our concerns and consider the significant impacts the Proposed Amendments may have. All our suggested changes will be shown as follows: proposed additional text will be bolded and underlined and all text to be deleted will be bolded, bracketed, and struck through. For the sake of clarity our suggested edits will be in red, and the Commission’s edits will be in black.

We have two significant concerns with the language of the Proposed Amendments. First, the requirement to “verify” that a recipient of a bonus or promotion offered in connection with a non-gaming consumer transaction is unprecedented and is unmanageable in practice. Sports gaming proprietors have all account holders engage in a thorough “Know-Your-Customer” (“KYC”) process at the time of account creation. This process is specifically designed to ensure that all account holders are at least 21 years old and not participating in the Voluntary Exclusion Program (“VEP”). However, it is not feasible for that same level of verification to be applied to individuals engaged in non-gaming consumer transactions, especially when such transactions take place with a third party. Requiring such a standard would, in effect, be a blanket ban on sports gaming proprietors partnering with third party businesses in Ohio to provide promotions to their customers. We strongly suggest the Commission remove this requirement entirely, or at a minimum, require sports gaming proprietors to engage in commercially reasonable efforts to prevent individuals who are under 21 or participating in the VEP from receiving the bonus or promotion.



Second, the text of the Proposed Amendments is not clear on how directly the “non-gaming, consumer transaction” must be to the promotion or bonus in order to trigger the age and identity verification requirements of the Proposed Amendments. We suggest that clarification be added to Proposed Amendments to limit the scope to situations where promotions or bonuses are directly contingent upon the non-gaming consumer transaction (i.e. spend x on non-gaming product/service, get y in bonus bets/promotional credits/other benefit) as opposed to including any promotion or bonus offered to an individual due to them being on a marketing list of a third-party which they may have had a non-gaming consumer transaction with at some point previously.

To address this concern, we suggest the following preferred and alternative edits to the Proposed Amendments:

PREFERRED:

Section 3775-16-09(G):

“(G) Sports gaming proprietors must not offer a promotion or bonus **directly** in connection with or **directly** as a result of a non-gaming, consumer transaction unless the promotion or bonus:

1) Does not target individuals under the age of twenty-one, other individuals who are ineligible to participate in sports gaming, individuals with gambling problems, or other vulnerable individuals;

~~2) Is offered only to individuals who [have been verified as being twenty-one years of age or older and not participating in the Ohio Voluntary Exclusion Program;]~~
and

~~3)2) Complies with the requirements in rule 3775-16-08(C) of the Administrative Code.”~~

ALTERNATIVE:

Section 3775-16-09(G):

“(G) Sports gaming proprietors must not offer a promotion or bonus **directly** in connection with or **directly** as a result of a non-gaming, consumer transaction unless the promotion or bonus:

1) Does not target individuals under the age of twenty-one, other individuals who are ineligible to participate in sports gaming, individuals with gambling problems, or other vulnerable individuals;

2) Is offered only ~~[to individuals who have been verified as being]~~ when the sports



gaming proprietor has engaged in commercially reasonable efforts to ensure the individuals receiving the promotion or bonus are twenty-one years of age or older and not participating in the Ohio Voluntary Exclusion Program; and

3) Complies with the requirements in rule 3775-16-08(C) of the Administrative Code.”

We appreciate your time and consideration of our comments and would be happy to discuss at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cory Fox', written over a light blue circular stamp.

Cory Fox

Government Affairs and Product Counsel Vice President



Ohio Casino Control Commission
Andromeda Morrison, General Counsel
100 E. Broad St.
20th Floor
Columbus, OH 43215
Sent via electronic mail

Re: Proposed Amendment to Ohio Adm.Code 3775-16-09

November 30, 2023

Dear Attorney Morrison,

On behalf of FBG Enterprises Opco, LLC ("FBG"), I write to provide feedback on the Ohio Casino Control Commission's ("OCCC") proposed revisions to Ohio's sports gaming promotional marketing rules (specifically 3775-16-09). Our Company thanks you and the wider OCCC team for your engagement with the industry on this draft rule, and we appreciate the opportunity to provide feedback and seek further clarification, which is set forth below.

FBG has previously noted to OCCC staff the Company's strong belief that executing on a marketing strategy that focuses on speaking to Fanatics customers when they engage with Fanatics businesses is not just a sound business decision, but a more responsible means of marketing. FBG previously shared with staff statistical support demonstrating that Fanatics Commerce customers are overwhelmingly 21 or older, and a significant percentage of those customers are interested in or currently engaged in sports wagering. If the contemplated rule revisions are implemented, to compete in the Ohio market, FBG will shift marketing resources towards other mediums (i.e., TV, out of home) where a higher percentage of minors and Voluntary Exclusion Program ("VEP") participants, the very people the OCCC is seeking to limit exposure for, will view FBG's offers.

FBG shares OCCC's goal of preventing a rise in problem gaming in the state, but respectfully disagrees that marketing the Fanatics Sportsbook to Fanatics consumers, in particular, presents



an increased risk of problem gaming and/or a normalization of gambling relative to other forms of allowable marketing. With that view in mind, FBG has engaged OCCC staff on several occasions the past several months in an attempt to determine a more narrowly tailored solution that would not force FBG to widen the audience the Company primarily markets to, or otherwise face a competitive disadvantage. As such, we hope to continue working constructively with OCCC staff to address any wider industry marketing concerns, while still remaining free to execute on our core business strategy.

1. OCCC should clarify the overall scope of the new rule

The lead-in language to the new draft rule provides as follows:

(G) Sports gaming proprietors must not offer a promotion or bonus in connection with or as a result of a non-gaming, consumer transaction unless the promotion or bonus:

FBG believes the industry would benefit from the OCCC clarifying what is meant by a “in connection with or as a result of a non-gaming, consumer transaction.” Should the draft rule be read to imply a *purchase* is necessary for the rule to take hold, while potentially exempting, for instance, promotional marketing to a non-gaming patron who creates an account with a media platform? And is there a temporal element to the draft restriction, such that sports gaming proprietors can make promotional offers available to third-party consumers after some period of time so it is not “in connection with or as a result of” a transaction?

In discussing our own marketing strategy with OCCC staff, FBG has detailed how promotional marketing to third-party consumer businesses is commonplace in the sports wagering industry, both through on-site offers and subsequent direct marketing. While FBG marketing to the Fanatics Commerce business is but one example, sports gaming proprietors in Ohio regularly make sports wagering offers available to Ohio customers of national media companies, various consumer businesses and website visitors, and even patrons who previously purchased tickets from Ohio-based professional sports teams. In spirit, FBG feels strongly that there is no



rational distinction between FBG marketing its platform to Fanatics Commerce customers, and one of FBG's competitors marketing to account holders of a national media company, for instance. However, as currently drafted, FBG believes the draft rule could be read to only implicate scenarios where there is a consumer *purchase*, while exempting essentially the same types of promotional offers sent by operators to other non-gaming patrons.

2. The draft rule should be clarified to applied to traditional forms of direct marketing, and not on-platform, generally available digital offers

FBG recommends that the OCCC clarify that the draft rule in question applies to direct marketing offers and promotions, where direct marketing is defined as personalized offers transmitted to a patron via mail, email, or text message, which FBG believes is the majority approach in the industry. In FBG's view, the draft rule should not be read to capture, for instance, a banner ad or pop-up reminder of a generally available sign-up offer (e.g., Bet X Get Y) following a purchase, when that same offer could be displayed in a compliant fashion on a digital page just before a patron clicks the word "purchase."

3. OCCC should clarify the definition of "target"

Sub-part 1 of the draft rule is as follows:

1) Does not target individuals under the age of twenty-one, other individuals who are ineligible to participate in sports gaming, individuals with gambling problems, or other vulnerable individuals

FBG requests that the OCCC clarify the definition of "target" in this context, and in the rules more broadly. FBG's view is that the word "target" in this context necessarily implies 1) an intent to communicate to a patron and 2) a certain level of either known or implied knowledge about a specific patron or a targeted population. On the contrary, FBG does not believe "target" can or should be read to create a strict liability standard, such that operators have "targeted" a



patron simply by making a promotional offer available to them, absent further details. This is especially true when the operator has no reason to know or suspect the recipient of a promotional offer is under 21 or a VEP participant, and an offer is subject to a condition that the patron is eligible to wager and able to create a sports gaming account. To this point, certain other sports gaming jurisdictions have approached this topic either by adding some type of knowledge or effort standard regarding a specific recipient,¹ or by focusing on an operator's presumed knowledge of a targeted population.²

To avoid issues of interpretation, FBG recommends the OCCC define "target" in this context such that promotional offers would be prohibited where 1) the sports gaming proprietor has access to data indicating that the recipient of a particular offer is under 21 or a VEP participant, or 2) the proprietor could reasonably infer that a meaningful percentage of recipients (such as the 25% standard adopted by the Massachusetts Gaming Commission) of an offer are under 21 or a VEP participant based on known or inferred details of a targeted population. Such a standard would align with the OCCC's position on other marketing restrictions, where a sports gaming proprietor may, for instance, freely advertise a sign-up offer for sports wagering in a commercial during a NFL game, but may not advertise that same offer on the Disney Channel.

4. A verification standard for third-party consumer marketing is impossible for sports gaming proprietors to comply with

Sub-part 2 of the draft rule provides as follows:

2) Is offered only to individuals who have been verified as being twenty-one years of age or older and not participating in the Ohio Voluntary Exclusion Program; and

¹ See, e.g., Colorado 1 CCR 207-2 9.3(2)(obligating operators to use "all reasonable measures" to suppress direct marketing to prohibited participants); Virginia 11VAC5-80-120(C) (restricting operators from "knowingly directing" marketing to prohibited persons).

² See, Massachusetts 205 CMR 256.05(4) (prohibiting, among other things, advertising "where 25% or more of the audience is presumed to be under twenty-one years of age").



This sub-rule would introduce a requirement for sports gaming proprietors in certain circumstances to “verify” the age and VEP status of consumers prior to offering certain promotions. Read plainly, a “verification” standard would suggest sports gaming proprietors must conduct the same type of rigorous know-your-customer (“KYC”) check that Ohio patrons submit to when establishing a sports gaming account.

As the OCCC is aware, sports gaming proprietors always “verify” an Ohio patron’s eligibility when signing up for a sports gaming account by collecting multiple pieces of data from the patron, including date of birth and at least the last four digits of a patron’s Social Security Number, and then matching that information via third-party KYC providers against official record databases. Given that collection of such personal identifiable information (“PII”) is essentially unheard of in any type of consumer transaction, sports gaming proprietors will likely never be able to “verify” with perfect accuracy the age or VEP standing of a patron in a third-party consumer database given the lack of PII obtained by third-party businesses. As such, a verification standard in the rule would serve to effectively ban the forms of promotional marketing the draft rule is meant to contain. Such a standard would, to our knowledge, be the first rule of its type in the country, and would create a standard Ohio sports gaming proprietors cannot meet.

FBG respectfully submits that OCCC should remove sub-part 2 of the draft rule, and rely on the language in sub-part 1 that restricts sports gaming proprietors from targeting underage or VEP participants with promotional offers. FBG believes a rule that makes clear operators cannot target ineligible patrons with marketing offers would achieve OCCC’s goal in this regard.

Conversely, the OCCC could adopt a “commercially reasonable efforts” standard in sub-part 2 of the rule. Said otherwise, the OCCC could charge sports gaming proprietors through the draft rule with the obligation of utilizing commercially reasonable efforts, based on the data held by the third-party commercial partner, to determine whether a consumer recipient of a promotional offer is 21 or older, and/or a VEP participant, before engaging in marketing to that consumer. Such a standard would still impose upon sports gaming proprietors a meaningful



obligation to take efforts to suppress promotional marketing to ineligible consumers as the draft rule intends, while not creating a standard that is so strict that it practically cannot be met.

We hope you find these comments and requests for clarification helpful, and we look forward to further engaging with OCCC staff in this rulemaking process.



GRACE H. FLANAGAN
Vice President of Regulatory Affairs & Chief Compliance Officer

DIRECT DIAL: 267-525-7346
E-MAIL: gflanagan@parxcasino.com

July 12, 2023

Ohio Casino Control Commission
c/o Andromeda Morrison
100 East Broad Street, 20th Floor
Columbus, Ohio 43215

Re: Proposed amendments to O.A.C. 3775-16-09, Promotions and bonuses

Dear Ms. Morrison:

Thank you for the opportunity to provide input on the proposed amendments to O.A.C. 3775-16-09, Promotions and bonuses, as attached to your email dated June 28, 2023. On behalf of Parx Interactive Ohio Inc. (Parx), I would like to thank the Commission for emphasizing the importance of responsible gaming and related marketing messaging and support your efforts in this respect. I would also like to raise a question regarding the application of the rule to instances where a direct promotion may target a customer of our partner, a licensed sports gaming proprietor, and respectfully request changes to the proposed regulations to address this.

As you know, Parx operates as the Mobile Management Service Provider to MVGC Subsidiary, Inc., aka Muirfield Village Golf Club (Muirfield), which currently holds a Type A Sports Gaming Proprietor license. As such, our partner is subject to the know your customer and advertising requirements in O.A.C. 3775-16-08.

Our current reading of the proposed new rule suggests that promotions directed at the customers of a partner *who is also* a licensed gaming company would not be allowed. Promotions targeted at our gaming company partner's customers, using their customer database, would be different in character than the scenario we believe the Commission is trying to address with this rule change, i.e., a gaming company advertising to the customers of their own non-gaming affiliate.

Where both the advertiser and the partner company are licensed gaming companies and already subject to all of your requirements, this prohibition is unnecessary and is not a further normalization of gaming. As such, we believe that the proposed rule and FAQ should be revised to allow cross-marketing, including promotions, to customers of licensed gaming companies by



their licensed gaming company partners, as well as to distribution lists that Parx or our sports wagering proprietor partner maintain that are not directly linked to a specific non-gaming consumer transaction.

While we are not currently offering these, examples of promotions we might offer that we propose be excluded from the prohibition include an email with a signup bonus promotion to Muirfield's members, or a text message with a signup bonus to participants of a tournament at Muirfield, only after having removed from distribution those underaged and on excluded lists and otherwise complying with regulatory requirements.

In furtherance of this, we respectfully request Revised Code 3775-16-09 be modified to clarify that consumer membership or licensure with a sports gaming proprietor should not be considered a "non-gaming consumer transaction", and promotions sent to a database, even if built in part from non-gaming consumer transactions, not be prohibited, provided they do not directly arise from the purchase:

(G) Sports gaming proprietors may not offer a promotion or bonus ~~in connection with or~~ as a direct result of a non-gaming consumer transaction], which means a non-gaming good or service purchased by an individual consumer for personal use, excluding sports gaming proprietor licenses and memberships]. This paragraph does not prohibit a sports gaming proprietor from participating in a consumer loyalty program, as approved by the executive director.

Parx respectfully submits that these changes are in keeping with the spirit of the Commission's intention to limit the expansion of gaming, while supporting sports clubs as holders of sports wagering licenses under the act. Please feel free to contact me if you have any questions or would like to discuss these comments in further detail.

Sincerely,

/s/Grace H. Flanagan

Grace H. Flanagan

Metzler, Tessa

From: Jamie Salsburg <jamie@dyveagency.com>
Sent: Friday, November 10, 2023 4:41 PM
To: Rule Comments
Subject: Code 3775-16-09

Follow Up Flag: Follow up
Flag Status: Flagged

As the person who brought the Fanatics promotion to light as problematic, this revision does not address the primary concerns.

Primary Concerns

1. Dollar for Dollar Matching of Non-Gambling Purchases
 - a. Creates Truly Free Bets
 - i. When a promotion offers a dollar for dollar promotional bonus on purchases of non-gambling items, the offeror is creating an opportunity where the offeree places a truly free bet. They are not gambling as they have no financial investment in the bet. They have the item purchased and an opportunity to win a bet. A loss leaves them with their original purchased item, so they truly cannot lose. Gambling involves risk and this promotion removes it, making it a poor introduction to the product.
 - b. Fear of Missing Out (FOMO)
 - i. Promotions with a dollar-for-dollar matching bonus create a fear of missing out in the consumer. They purchased a non-gambling item, but now also have acquired a truly free bet which they can use to begin sports betting. A savvy consumer will recognize that not placing the bet means missing out on the full value of their purchase. Creating this entanglement for a consumer that was making a non-gaming purchase feels like a predatory approach.

For additional context and discussion, you can review Episode 23 of the Dyve Agency Audio podcast where the promotion is discussed at length.

<https://open.spotify.com/episode/1ML2hEF9G0rFpdWCOgpr7E?si=0ead8f6bcdd44a44>

Additionally, ChatGPT highlights some of the ethical issues, some of which have been addressed by the updated language, but others which are not. I find it to be an interesting list to review.

<https://chat.openai.com/share/6f5e048c-e2c2-429d-adbc-93ba073be7ab>

JAMIE SALSBURG

dyve

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From: [Danielle Boyd](#)
To: [Morrison, Andromeda](#); [Sports Gaming](#)
Cc: Robert.Wamsley@hrccincinnati.com; [Michael Prygoski](#); [Rich Bregazzi](#); [Drew Huffman](#)
Subject: RE: FAQ Update and Proposed Rule Stakeholder Comment Period
Date: Thursday, July 6, 2023 1:39:11 PM
Attachments: [image001.png](#)

Hi Andromeda and team,

After internal review of our promotions plan as well as all Ohio based marketing, we are responding to confirm that we have not and will not offer any directed consumer promotions based on non-gaming consumer transactions.

This is not a tactic we have used previously in any jurisdiction, and one we believe runs against a plain logic understanding and commitment to Responsible Gaming as highlighted by the Commission in its communications.

Please let this e-mail serve as our confirmation of such as requested in your communication dated June, 28th.

Of note, we have engaged Odds On Compliance to do a full audit of all our promotions to confirm our internal findings. We will certainly report anything that comes up at a later date, however, we do not anticipate any findings.

Many thanks and please let me know if you have any questions,

Danielle



Danielle Boyd
Hard Rock Digital
Vice President- Regulatory and Compliance
danielle.boyd@hardrockdigital.com
M: 304.549.9338

From: Andromeda.Morrison@casinocontrol.ohio.gov
<Andromeda.Morrison@casinocontrol.ohio.gov>
Sent: Wednesday, June 28, 2023 3:00 PM
To: sportsgaming@casinocontrol.ohio.gov
Subject: FAQ Update and Proposed Rule Stakeholder Comment Period

Sports Gaming Stakeholders,

As you know, the Commission has developed a list of frequently asked questions to assist stakeholders in obtaining answers to common inquiries. The Commission continues to periodically update these FAQs and provide them to stakeholders.

The FAQs on advertising, marketing, and user recruitment have now been updated and are available [here](#). These FAQ changes have been made because the Commission has become aware of sports gaming promotions based on unrelated consumer transactions. These promotions are targeted to specific consumers based upon their consumer purchase with an affiliate company. These types of promotions target these consumers with a sports gaming promotion inducement specifically because of their unrelated consumer transaction. These types of promotions include offers made to a consumer following the consumer transaction on the affiliate marketer’s website or application or made following the consumer transaction to the consumer’s e-mail address, by mail, or other direct communication.

The Commission considers responsible gambling to be a cornerstone of the integrity of sports gaming in Ohio. These types of consumer promotions, if permitted, would contribute to the normalization of gambling—providing gambling rewards from simply engaging in non-gaming consumer spending activity. The Commission is cognizant that research demonstrates that the normalization of gambling increases the risk for problem gambling, especially among young people. Therefore, these types of promotions, offered to consumers based on their non-gaming related purchases, threaten the integrity of sports gaming in Ohio and are not permitted.

Moreover, these types of promotions, triggered to consumers based upon their purchase, are not “generally available” and are instead direct advertisements targeting a specific consumer. As such, even if these promotions were otherwise permitted, they would need to meet the requirements in Ohio Adm.Code 3775-16-08 including the ability to opt out of future offers, age verification, and ensuring the consumer is not a participant in an exclusion program.

The Commission requests that each operator confirm that it does not or has ceased offering any directed consumer promotions, based on non-gaming consumer transactions, no later than 5 p.m. Friday, July 7, 2023.

Although the Commission considers these types of promotions to be impermissible, and directs all operators to immediately cease these promotions, the Commission is aware that further administrative rules in this area would assist the industry in ensuring compliance with Ohio law. To that end, the Commission is proposing the attached change to Ohio Adm.Code 3775-16-09. The Commission welcomes stakeholder comment on the proposed administrative rule change. Comments may be submitted to rulecomments@casinocontrol.ohio.gov no later than 5:00 p.m. Wednesday, July 12, 2023.

CAUTION: This is an external email and may not be safe. If the email looks suspicious, please do not click links or open attachments and forward the email to csc@ohio.gov or click the Phish Alert Button if available.



TO: Interim Chair Jordan Maynard and Commissioners Eileen O'Brien, Bradford Hill, and Nakisha Skinner

FROM: Joseph E. Delaney, Mary Thurlow, and Lily Wallace

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

DATE: April 23, 2024

RE: Community Mitigation Fund Evaluation Memo – 04/30/24 Commission Meeting

The FY 2025 Community Mitigation Fund (CMF) grant round created new mechanisms for the application and award of grants. The Municipal Block Grant Program established a formula for the distribution of funds to eligible municipalities and the Regional Agency Grant Program modified and expanded eligibility for regional entities to obtain funds from the CMF. The Commission voted proposed municipal grant amounts in the fall of 2023. Municipal applications may now include multiple projects across several project categories within a single grant application. All applicants were provided additional guidance through the development of identified impacts, acceptable projects and ineligible projects for each of the grant categories. These changes have resulted in record demand for funds, with grant requests totaling approximately \$22 million.

The Community Affairs Division recruited a Review Team consisting of seven staff members and two Commissioners covering four different MGC Divisions. Each application was submitted timely to the Commission, received an in-depth review by the Review Team and each applicant was afforded an opportunity to meet with the Review Team to provide any further clarification needed.

The following applications are presented in this memo for the Commission's review and action.

Municipal Block Grant Applications: Foxborough, Plainville, and Wrentham

Regional Grant Applications: Attorney General's Office, Hampden County District Attorney's Office, Suffolk County District Attorney's Office, Hampden County Sheriff's Department, Metropolitan Area Planning Council, Southeastern Regional Planning & Economic Development District, and Pioneer Valley Planning Commission



Massachusetts Gaming Commission

MUNICIPAL BLOCK GRANT APPLICATIONS

Applicant Name: Foxborough	Region: A
MGC FY25 Allocation: \$64,500	Requested Amount: \$352,000 or \$146,600
Recommended Grant Amount: \$64,500	
<p>Waiver: Foxborough, Plainville and Wrentham are proposing to combine funds for the below described regional marketing initiative. Foxborough is proposing to use their entire allotment of \$64,500 with Plainville contributing \$31,990 of their allotment and Wrentham contributing \$56,800 of their allotment for a total of \$153,290. Foxborough provided two budgets, one for \$352,000 and one for \$146,600, as they indicated that the proposal “can be scaled based on resources available.” The Review Team does not recommend granting the waiver to the \$352,000 amount as the applicant indicated that the project is scalable. In requesting a waiver, the applicant must demonstrate why the waiver is necessary (e.g., the project could not be completed without the waiver). In this case, the applicant did not demonstrate that it was necessary, only that it was desirable from the Town’s standpoint. Each community is proposing to keep within their allocation, so there is no need for a waiver for the full \$153,290. Since this amount exceeds Foxborough’s initial request of \$146,600, the Town may revise their scope of work to include these additional funds.</p>	
1. Community Planning - Regional Destination Marketing Initiative - \$146,600	
Recommendation: Full Funding - \$64,500	
<p>Description: This project is a continuation of the Regional Marketing Program for Foxborough, Plainville and Wrentham with Foxborough continuing to be the fiscal manager. This program offers a comprehensive strategy that integrates marketing, sales and advertising with a particular focus on the three major draws of the communities – Gillette Stadium/Patriot Place, Plainridge Park Casino and the Wrentham Premium Outlets.</p>	
<p>Impact: The application cited the Guidelines in identifying the gaming related impact: “gaming establishments attract a large group of patrons and employees to their establishments that would not otherwise be present in the area. This provides opportunities for local communities and businesses to attract these patrons and employees to their communities and business establishments.”</p>	
<p>Determination: The Review Team agrees that this project will continue to assist the communities in drawing patrons and employees of PPC to regional attractions in the area as well as drawing additional visitors to the area.</p>	
<p>Rationale: The Commission has awarded three grants to these communities in 2019, 2021 and 2023 which has allowed the communities to establish the framework of their marketing initiative as well as rolling out their web platform, creating a distinctive brand and implementing various advertising campaigns. The Communities have been maintaining metrics of their program and have shown good results. These funds will allow the communities to continue their marketing program while expanding its reach. Under the new Block Grant approach, the communities must identify a casino related impact and a project that will help address that impact. They have done that with this application, therefore, the Review Team recommends full funding of this project at \$64,500. The Review Team is not recommending granting of the waiver, however, the communities may revise the scope of work to include the total value requested by the three communities to \$153,290. The Review Team continues to monitor efforts being made by the Communities to make this program self-sustaining.</p>	



Massachusetts Gaming Commission

Applicant Name: Plainville	Region: A
MGC FY25 Allocation: \$153,300	Requested Amount: \$153,300
Recommended Grant Amount: \$153,300	
Waiver: N/A	
1. Public Safety - Solar Powered Traffic Monitoring Devices and Smart Flares	
Recommendation: Full Funding - \$121,310	
Description: This project is for the purchase of 16 solar powered traffic and speed monitoring devices and electronic flares for Plainville Police Department vehicles.	
Impact: The application identified increases in traffic volume, vehicle speed and vehicular accidents as the impacts of the casino, which are identified in the Guidelines.	
Determination: The Review Team agrees that this project addresses the identified impact.	
Rationale: The traffic and speed monitoring devices will allow for continuous data collection, speed monitoring, and congestion management, while the electronic flares will enhance traffic management capabilities and address safety and environmental concerns associated with traditional road flares. The Review Team agrees that these measures will help the Town address the identified impacts and recommends full funding for this project.	
2. Community Planning - Regional Destination Marketing Initiative	
Recommendation: Full Funding - \$31,990	
Description: Plainville has been part of a Regional Destination Marketing Initiative with the municipalities of Foxborough and Wrentham. This is a continuation of that joint effort with Foxborough being the fiscal agent. Please see the Foxborough application for a full description of the project.	
Impact: The application cited the Guidelines in identifying the gaming related impact: “gaming establishments attract a large group of patrons and employees to their establishments that would not otherwise be present in the area. This provides opportunities for local communities and businesses to attract these patrons and employees to their communities and business establishments.”	
Determination: The Review Team agrees that this project will continue to assist the communities in drawing patrons and employees of PPC to regional attractions in the area as well as drawing additional visitors to the area.	
Rationale: These funds will allow the communities to continue their marketing program while expanding its reach. Under the new Block Grant approach, the communities must identify a casino related impact and a project that will help address that impact. They have done that with this application, therefore, the Review Team recommends full funding of this project at \$31,990. Please see the Foxborough application for additional information.	



Massachusetts Gaming Commission

Applicant Name: Wrentham	Region: A
MGC FY25 Allocation: \$76,800	Requested Amount: \$76,800
Recommended Grant Amount: \$76,800	
Waiver: N/A	
1. Community Planning - Regional Destination Marketing Initiative	
Recommendation: Full Funding - \$56,800	
Description: Wrentham has been part of a Regional Destination Marketing Initiative with the municipalities of Foxborough and Plainville. This is a continuation of that joint effort with Foxborough being the fiscal agent. Please see the Foxborough application for a full description of the project.	
Impact: The application cited the Guidelines in identifying the gaming related impact: “gaming establishments attract a large group of patrons and employees to their establishments that would not otherwise be present in the area. This provides opportunities for local communities and businesses to attract these patrons and employees to their communities and business establishments.”	
Determination: The Review Team agrees that this project will continue to assist the communities in drawing patrons and employees of PPC to regional attractions in the area as well as drawing additional visitors to the area.	
Rationale: These funds will allow the communities to continue their marketing program while expanding its reach. Under the new Block Grant approach, the communities must identify a casino related impact and a project that will help address that impact. They have done that with this application, therefore, the Review Team recommends full funding of this project at \$56,800. Please see the Foxborough application for additional information.	
2. Public Safety - De-escalation and Use of Force Training - \$20,000	
Recommendation: Full Funding	
Description: This project is to provide each officer with 8 hours of training in the use of Force and De-escalation.	
Impact: Wrentham cites the impact identified in the Guidelines that increased visitation and employment due to the casino will likely increase the interaction between public safety personnel and casino patrons and employees.	
Determination: The Review team agrees that this proposal addresses the identified impact.	
Rationale: This type of training is identified as an eligible mitigation measure in the FY 2025 Guidelines.	



Massachusetts Gaming Commission

REGIONAL PUBLIC SAFETY AGENCY GRANT APPLICATIONS

Applicant Name: Massachusetts Attorney General's Office	Region: A
MGC FY25 Allocation: N/A	Requested Amount: \$250,000
Recommended Grant Amount: \$250,000	
Waiver: N/A	
Regional Public Safety - Addressing Casino-Linked Domestic Violence in Massachusetts \$250,000	
Recommendation: Full Funding - \$250,000	
<p>Description: The Massachusetts Attorney General’s Office (AGO) is requesting \$250,000 to add resources to address gaming-related domestic violence (DV) and sexual assault (SA) cases while building capacity to investigate and prosecute human trafficking crimes. This funding would cover the salary and fringe benefits associated with hiring a new Assistant Attorney General (AAG) who would work solely on casino-related cases. The grant funds will also fund supporting efforts such as state police overtime and translation services. While most training will be done internally the Gaming Enforcement Division (GED) has requested funds for five of their staff members to attend the Conference on Crimes Against Women in Dallas, TX.</p>	
<p>Impact: The applicant used impacts identified in the FY2025 Community Mitigation Fund Guidelines: "It is recognized by law enforcement and the casino industry that casinos and other hospitality related businesses may attract certain types of crime. This is including but not limited to human trafficking, money laundering, and drug trafficking." and " The introduction of casinos in the Commonwealth has led to increased criminal cases being handled by the District Attorney or Attorney General".</p>	
<p>Determination: The Review Team agrees that this project addresses the identified impact.</p>	
<p>Rationale: The AGO receives funds to offset the costs of casino-related crimes. The AGO handles almost all day-to-day criminal cases that occur at MGM Springfield and Encore Boston Harbor. The AGO only handles gaming-related criminal activity that occurs inside Plainridge Park Casino with the Norfolk District Attorney's Office handling the remaining cases. The AGO also prosecutes all criminal conduct related to expanded gaming in the Commonwealth. GED investigates and prosecutes activity that relates to gaming facilities such as financial crime, organized crime, corruption, drug trafficking, human trafficking, and money laundering. Since 2021, an average of 22% of GED cases related to Encore Boston Harbor involve charges relating to DV and SA. During the same period, 14% of GED cases related to MGM Springfield also involve charges relating to DV and SA.</p> <p>The AGO’s The Human Trafficking Division (HTD) currently investigates and prosecutes all human trafficking and labor trafficking that occurs throughout the state of Massachusetts. However, HTD does not have sufficient resources to assign an AAG solely to casino-related investigations. The AGO has determined that the most efficient way to tackle unique casino-related human trafficking from FY2025 onwards is to establish a new AAG position within the GED. The new AAG will allow for an immediate addition of capacity for casino-related human trafficking investigations while still being able to leverage internal no-cost staff training from HTD.</p> <p>The Review Team agreed that this is a critical need that is in line with Commission priorities. Police departments are seeing a rise in domestic violence, sexual assault, and human trafficking cases related to the presence of the casino. Both the GPAC and Research and Responsible Gaming Division have raised this issue and the need to look at it holistically as it relates to the state. This initiative would be a new addition, so the Review Team agreed that the AGO warranted extra funding in addition to the funds used by the GED to meet its statutory obligations, the primary of which is to investigate and prosecute allegations of criminal conduct relating to or impacting the operation of gaming establishments or games.</p>	



Massachusetts Gaming Commission

Applicant Name: Hampden County District Attorney	Region: B
MGC FY25 Allocation: N/A	Requested Amount: \$75,000
Recommended Grant Amount: \$75,000	
Waiver: N/A	
Regional Public Safety -Personnel Assistance \$75,000	
Recommendation: Fully Fund \$75,000	
Description: The Hampden County District Attorney's Office is requesting \$75,000 to partially fund the salaries of personnel who review cases related to the casino, administratively manage the cases related to the casino, and work with victims on cases related to the casino.	
Impact: The applicant used impacts identified in the FY2025 Community Mitigation Fund Guidelines: "The introduction of casinos in the Commonwealth has led to increased criminal cases being handled by the District Attorney or Attorney General".	
Determination: The Review Team agrees that this project addresses the identified impact.	
Rationale: MGM Springfield continues to regularly attract a large influx of people within the DA's jurisdiction. With this increase in activity, there continue to be arrests for various casino-related offenses which have in turn added to the workload in the District Attorney's office. The office managed 194 casino-related cases in the last calendar year including: Firearms (25), Disorderly/Resisting Arrest/Trespass/Assault and Battery on a Police Officer (54), Narcotics (19), Sexual offenses (7), Assault and Battery/Violation of Restraining Order (22), Breaking and Entering/Destruction of Property (16), Larceny (21), Motor Vehicle Charges (18), and Miscellaneous (12). Work on these cases can span more than one grant cycle. The Review Team agreed that this funding would help to mitigate the increased staffing need at the Hampden DA's office due to the presence of the casino. The funding would cover not only ADAs but the administrative personnel in the District Court who create and manage each case that comes through the system. Additionally, funding would go toward a victim witness advocate for handling the initial victim outreach on cases involving a victim.	



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Applicant Name: Hampden County Sheriff's Department	Region: B
MGC FY25 Allocation: N/A	Requested Amount: \$400,000
Recommended Grant Amount: \$400,000	
Waiver: N/A	
1. Regional Public Safety - SDH Regional Public Safety FY2025 - \$400,000	
Recommendation: Full Funding \$400,000	
Description: These funds will provide assistance to the Hampden County Sheriff's Office to offset the cost of lease payments for the Western Massachusetts Recovery and Wellness Center (WMRWC).	
Impact: The Hampden County Sheriff's Office runs the WMRWC which was previously located in the footprint of MGM Springfield. The development of MGM Springfield required the relocation of the center, which resulted in increased lease payments.	
Determination: The Review Team agrees that this project addresses the identified impact.	
Rationale: The WMRWC, a regional correctional treatment center in the Commonwealth, operated by the Hampden County Sheriff's Office was forced to move after 29 years of operation at 26 Howard Street in Springfield due to the facility being within the physical footprint of the casino. The original annual rent at the Howard Street location was \$666,257 including utilities. The lower than market rate was due to the length of tenant stay at the original site. The 10-year lease at the Mill Street address cost HCSO \$11,820,588.00 from December 2016-December 2026, a significant amount over the original lease. The Review Team agrees that this funding will directly mitigate the impact of the increased lease cost. The HCSO has always requested the full cost of the lease from Ways and Means in their general budget request. The applicant expressed that it was difficult to find outside funding to help assist with the lease. HCSO has an automatic renewal with DCAMM and will be in conversation in regard to the renewal after the initial 10-year lease.	



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Applicant Name: Suffolk County District Attorney's Office	Region: A
MGC FY25 Allocation: N/A	Requested Amount: \$106,829.70
Recommended Grant Amount: \$106,900	
Waiver: N/A	
1. Regional Public Safety - Suffolk County District Attorney - \$106,829.70	
Recommendation: Full Funding \$106,900	
<p>Description: These funds will allow the Suffolk County District Attorney's Office (SCDAO) to add another Assistant District Attorney (ADA) to the Human Trafficking & Exploitation Unit, to provide the unit with the essential digital forensic capabilities to prosecute highly sensitive cases. This would include the purchase of six secure external drives, a small safe for each ADA's office, and two one-year Licenses to Traffic Jam Software (a Human Trafficking specific software). The DAs office will also create educational brochures for the community relating to human trafficking.</p>	
<p>Impact: As identified in the FY 2025 Guidelines the presence of a casino may cause a rise in certain crimes including human trafficking.</p>	
<p>Determination: The Review Team agrees that this project addresses the identified impact.</p>	
<p>Rationale: The SCDAO works closely with the Boston Police Department's Human Trafficking Unit and the Massachusetts State Police High-Risk Victims Unit, both of which have had multiple cases that involved the Encore Casino. The Review Team agreed that this funding could be used to help mitigate increased costs to the SCDAO due to an increase in cases. The office proposes bringing on another ADA to build more capacity within the office to handle increased cases. Currently the CMF provides funding to the Hampden County DA's office to provide an increase in staff funding to offset similar increases. The \$88,500 will cover the base salary of the new position and the SCDAO will cover the fringe benefits of the employee. To the extent in which the casino is identified early in the case, the new ADA will be assigned to that case. The SCDAO will be required to report on numbers related to casino related crimes as part of their annual reporting requirements.</p> <p>The SCDAO also requested various equipment to help improve the work of the department. The external drives would allow the attorneys to have more flexibility on where they can work while maintaining security of sensitive cases. This would allow them to work from the office and the courthouse. The SCDAO is also looking to modernize how they store more sensitive pieces of evidence that have been handed to them by using individual safes in their offices. The Review Team agreed that due to the highly sensitive nature of these cases, it is important that the department has means to protect the privacy of the victims.</p> <p>These funds are also for the purchase of two one-year licenses to Traffic Jam Software, a Human Trafficking specific software that would allow ADAs and investigators to search the internet for sexual advertisements of their victims using facial recognition. The Review Team agreed that this software could provide assistance to ADAs in prosecuting crimes in the digital age.</p> <p>These funds will also be used to create more relevant brochures for the community relating to human trafficking. The Review Team agreed that this would be a good way to increase education on resources for the community.</p>	



REGIONAL PLANNING AGENCY GRANT APPLICATIONS

Applicant Name: Metropolitan Area Planning Council	Region: A
MGC FY25 Allocation: N/A	Requested Amount: \$250,000
Recommended Grant Amount: \$250,000	
Waiver: N/A	
1. Regional Planning - Chelsea to Everett Greenway Connector \$90,000	
Recommendation: Fully Fund at \$90,000	
<p>Description: The Metropolitan Area Planning Council (MAPC) is requesting funds to plan the extension of the Chelsea Greenway shared-use path from its current end point in Chelsea to connect to the Northern Strand Community Trail and Encore Boston Harbor Casino in Everett. MAPC will procure and manage an engineering consultant to conduct an alternatives analysis to identify a preferred alignment or routes from the end of the Chelsea Greenway at Chestnut Street in Chelsea to Broadway (Route 99) in Everett and on to the Northern Strand Trail.</p>	
<p>Impact: The grant application cited the following impacts that were identified in the FY2025 CMF Guidelines: increased traffic associated with the gaming establishment may cause increased congestion on the major routes leading to/from the gaming establishment; increased traffic associated with the gaming establishment may result in increased vehicular accidents on major routes leading to/from the gaming establishment; increased traffic associated with the gaming establishment may result in increased vehicular/bicycle/pedestrian conflicts; and increased traffic associated with the gaming establishment may cause localized increases in air pollution due to congestion.</p>	
<p>Determination: The Review Team agrees that this project could help identify recommendations to address the identified impacts.</p>	
<p>Rationale: The Review Team agrees that this straightforward planning project will build on the work of previous municipal CMF grants to create better bike infrastructure surrounding the Encore casino. The Review Team agrees with the applicant that the connection between the Chelsea Greenway and Northern Strand in Everett is critical to the system as a whole. The existing transportation networks, particularly east-west connectors, have limited safe bicycle and pedestrian access from much of Chelsea to Encore. This safety challenge is particularly difficult during peak morning and afternoon periods and during major events at the Casino, when Routes 16 and 99 are congested, and the only other local east-west connector (Beacham Street) is heavily used by freight vehicles.</p>	
2. Regional Planning - Regional Marketing and Tourism Initiative for Arts and Culture Entertainment Venues - \$75,000	
Recommendation: Fully Fund at \$75,000	
<p>Description: MAPC requests funding for a regional initiative to integrate arts and culture entertainment venues into existing digital regional marketing tools to increase marketing and awareness of venues in competition with the Encore Casino. MAPC will inventory existing arts, culture, and entertainment venues in the Host and Surrounding Communities as well as document their current marketing and promotional resources to perform a marketing integration analysis. They will use this analysis and interviews with stakeholders to create a marketing assessment and implementation strategy for the region.</p>	
<p>Impact: As identified in the FY 2025 Guidelines competition from the gaming establishment may have negative impacts on other businesses competing in the hospitality and entertainment industries; the presence of a gaming establishment may result in reallocated spending; and the marketing capabilities of the gaming establishments may put other competing local businesses at a disadvantage.</p>	
<p>Determination: The Review Team agrees that this project could help identify recommendations to address the identified impacts.</p>	



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Rationale: The Review Team agrees that this project could help identify the gaps in marketing and existing resources that serve the arts and culture fields, and test collaborative solutions that utilize partnerships to strengthen the local entertainment ecosystem. As we have heard from multiple venues in the region there is concern about their ability to survive in the shadow of Encore. This project could improve the value of existing promotional resources for smaller local venues to compete with Encore venues, initiating regional technology partnerships that can integrate and support these venues, and connect venues to existing resources. Currently, many local venues in the entertainment industry are not utilizing all available platforms to market their venues or performances. This is an opportunity to convene regionally to identify opportunities to leverage both platform strengths and explore whether they can be integrated to improve visibility and marketing for arts and culture venues in the region.

3. Regional Planning - Small Business Resiliency and Growth Supports Plan - \$85,000

Recommendation: Fully Fund \$85,000 with Conditions

Description: MAPC is requesting funds to create a small business regional planning initiative to explore and recommend strategies to better support small business in the retail, hotel/hospitality, travel services, food service/dining, recreation, and entertainment industries; and organize, develop content for and hold a half-day supplier diversity conference for business support organizations.

Impact: As identified in the FY 2025 Guidelines MAPC cited: competition from the gaming establishment may have negative impacts on other businesses competing in the hospitality and entertainment industries; the presence of a gaming establishment may result in reallocated spending; and that Gaming establishments typically purchase millions of dollars of goods and services each year, much of which is purchased locally. This provides the opportunity for local businesses to provide these goods and services."

Determination: The Review Team agrees that this project could help identify recommendations to address the identified impacts.

Rationale: The Review Team agrees that this project could build capacity in Region A for small businesses impacted by the presence of the casino. By creating centralized business support opportunities MAPC can serve both the small business needs as well as the needs of Encore to hit their diversity and small business spending goals. The planning effort will include preparing an inventory of business support organizations (BSOs) located in or serving these communities, with attention to the types of classes, counseling and other services being offered to small firms, identifying the activities by service category and, identifying BSOs which currently serve or have tangible plans to serve small businesses in the identified industries. The deliverable will be a Regional Small Business Resiliency and Growth Supports Plan providing a written gap analysis of small business support provided by public and private institutions in and near Region A communities. The Review Team agrees that this plan could provide tangible deliverables that would benefit the region.

Other proposed tasks include: developing content for and holding a half-day conference for identified stakeholders to orient them to the opportunities and process for doing business as vendors to Encore Boston Harbor; and funds to perform a pilot program related to the small business support plan if one is identified.

The Review Team agrees that this is a worthwhile application but would like to establish conditions on the funding to ensure appropriate oversight. The results of Task 1 will influence what direction the other tasks will take, and the Review Team wants to make sure that the remainder of the work is appropriately scoped. The Review Team recommends that the Commission release the first \$54,800 of the grant funds to complete Task 1 of the grant (\$42,315 for Task 1 and \$12,485 of administrative funds), with the remaining grant amounts released after staff have met with MAPC to discuss the results of Task 1.



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Applicant Name: Southeastern Regional Planning & Economic Development District (SRPEDD)	Region: A-Category 2
MGC FY25 Allocation: N/A	Requested Amount: \$234,000
Recommended Grant Amount: \$234,000	
Waiver: N/A	
1. Regional Planning - Arts and Culture Tourism Plan - \$234,000	
Recommendation: Full Funding \$234,000	
<p>Description: This project is for the development of an arts and cultural tourism plan for the Category 2 region including the communities of Attleboro, Foxborough, Mansfield, North Attleboro, Plainville, and Wrentham. The purpose of the Cultural Tourism Plan is to prioritize the creative sector by highlighting and celebrating existing assets in the region and to establish a greater vision for arts and culture in the selected communities. This plan will inform each of the communities’ planning and relationship to the arts, artists, and arts organizations.</p>	
<p>Impact: As identified in the FY 20205 Guidelines “Gaming establishments attract a large group of patrons and employees to their establishments that would not otherwise be present in the area. This provides opportunities for local communities and businesses to attract these patrons and employees to their communities and business establishments.”</p>	
<p>Determination: The Review Team agrees that this project could help identify recommendations to address the identified impact.</p>	
<p>Rationale: The Review Team agreed that a cultural tourism plan could provide implementable action items that could help local communities to attract the influx of individuals patronizing the casino to their communities and businesses. The team agreed this was a good use of regional planning funds as the plan would impact all of the host and surrounding communities of Plainridge Park Casino. The development of this plan will consider ways to make these communities true destinations that both benefit from and provide direct benefits to Plainridge Park, rather than being areas that visitors to the Casino simply pass through. To capture these benefits, SRPEDD would help surrounding communities strategically activate and coordinate their downtowns, events, artists, and restaurants to attract similar investments in arts, culture, and tourism. The Review Team agreed that this initiative would ideally complement the Casino’s own schedule of activities. In this way, SRPEDD proposes the surrounding communities can become part of developers’ portfolios, attractive sites for local and regional activities and events, and ultimately a part of visitors’ itineraries – growing the pie of Casino-related economic activity, not competing with it.</p>	



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Applicant Name: Pioneer Valley Planning Commission	Region: B
MGC FY25 Allocation:	Requested Amount: \$98,385
Recommended Grant Amount: \$98,400	
Waiver: N/A	
1. BIPOC and Women-Owned Micro and Small Business Study - \$98,385	
Recommendation: Fully Fund at \$98,400	
<p>Description: The Pioneer Valley Planning Commission (PVPC) is requesting funding to collect and evaluate data regarding BIPOC- and women-owned small- and micro- businesses in the Pioneer Valley in order to gain a greater understanding of how best to enhance MGM’s efforts to meet its diversity procurement goals.</p>	
<p>Impact: PVPC identified the need to build capacity to resolve the underspending in the region based on MGM's diversity spending target.</p>	
<p>Determination: The Review Team agrees that this project could help identify recommendations to address the identified impact.</p>	
<p>Rationale: The Review Team agrees that this study will build off previous work aimed at building resiliency in the region allow PVPC to fully research and evaluate the business development inequities and barriers faced by BIPOC- and women-owned small businesses. More data and analysis are needed to understand this sector and why its participation in the regional economy is so low. This is meant to be an in-depth effort to communicate with as many businesses as possible through the one-on-one survey process to gather the type of information that is needed to support a stronger equitable economic ecosystem going forward. PVPC sees this as an important step in understanding how best to develop and bolster the opportunities to grow and sustain small- and micro-businesses for these communities, which they also believe will help with enabling MGM to meet its targets and the regional economy to benefit from the hotel/casino. PVPC has also requested \$75,000 in funding and support through the Federal Reserve Bank of Boston Community Lab effort to enhance their efforts. The Review Team expects that this study will yield implementable initiatives that will help the with building a thriving business ecosystem in the region.</p>	



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