



## NOTICE OF MEETING AND AGENDA

Pursuant to the Massachusetts Open Meeting Law (G.L. c. 30A, §§ 18-25), St. 2022, c. 107, and St. 2023, c. 2, notice is hereby given of a public meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

**Thursday | August 17, 2023 | 10:00 a.m.**  
**VIA REMOTE ACCESS: 1-646-741-5292**  
**MEETING ID/ PARTICIPANT CODE: 111 755 4999**  
**All meetings are streamed live at [www.massgaming.com](http://www.massgaming.com).**

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

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

### **PUBLIC MEETING - #471**

1. Call to Order – Cathy Judd-Stein, Chair
  
2. Meeting Minutes
  - a. January 23, 2023 **VOTE**
  - b. January 26, 2023 **VOTE**
  
3. Administrative Update – Todd Grossman, Interim Executive Director & General Counsel
  
4. Legislative Update – Commissioner Brad Hill, Grace Robinson, External Relations Manager
  
5. Investigation and Enforcement Bureau – Loretta Lillios, Director of Investigation and Enforcement Bureau, Heather Hall, Chief Enforcement Counsel
  - a. Overview of Casino Property Public Safety Efforts – Loretta Lillios, Director of Investigation and Enforcement Bureau (IEB); Heather Hall, Chief Enforcement Counsel/Assistant Director, IEB; Detective Lieutenant Michael



Massachusetts Gaming Commission

Leo, Unit Commander, Gaming Enforcement Unit (GEU); and Lieutenant Sean O'Brien, GEU

I. Executive Session **VOTE**

The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(4), to discuss the use and deployment of security personnel or devices, or strategies with respect thereto at gaming establishments. The public session of the Commission meeting will reconvene at the conclusion of the executive session.

6. Sports Wagering Division – Bruce Band, Director of Sports Wagering, Crystal Beauchemin, Sports Wagering Business Manager
  - a. BetMGM Quarterly Report (Q2) – Joshua Wyseman, Director of Licensing – BetMGM
  - b. WynnBet Quarterly Report (Q2) – Jennifer Roberts, VP & General Counsel – WynnBet
  - c. Betr Quarterly Report (Q2) – Michael Denevi, Head of Media – Betr
  - d. DraftKings Quarterly Report (Q2) – Jack List, Senior Director, Regulatory Operations – DraftKings
  
7. Research and Responsible Gaming – Mark Vander Linden, Director of Research and Responsible Gaming
  - a. Selection of Ad Hoc Study for FY24 Research Agenda **VOTE**
  
8. Investigation and Enforcement Bureau – Loretta Lillios, Director of Investigation and Enforcement Bureau, Heather Hall, Chief Enforcement Counsel
  - a. Update on Penn Entertainment, Inc's and Plainridge Park Casino's New Branding Partner (ESPN)
  
9. Selection of Interim Director of Investigation and Enforcement Bureau – All Commissioners **VOTE**
  
10. Permanent Executive Director Hiring Process
  - a. Continued Discussion of Potential Use of a Search Firm – David Muldrew, Chief Human Resources Officer, Derek Lennon, Chief Financial Officer **VOTE**



Massachusetts Gaming Commission

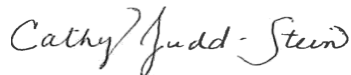
- b. Selection of Screening Committee for Executive Director – All Commissioners, Mina Makarious, Partner, Anderson & Kreiger LLC **VOTE**

11. Commissioner Updates

12. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that this Notice was posted as “Massachusetts Gaming Commission Meeting” at [www.massgaming.com](http://www.massgaming.com) and emailed to [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us). Posted to Website: August 15, 2023 | 10:00 a.m. EST

August 15, 2023



*Cathy Judd-Stein, Chair*

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



Massachusetts Gaming Commission



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** January 23, 2023, 11:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 600 4127

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

### **Commissioners Present:**

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

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

Chair Judd-Stein called to order the 426<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

#### 2. [Sports Wagering Round Table Discussion with the Players' Association](#) (00:50)

The Roundtable included representatives from the National Football League Players Association (NFLPA), the Major League Baseball Players Association (MLBPA), the National Basketball Players Association (NBPA), the National Hockey League Players Association (NHLPA), and the Major League Soccer Players Association (MLSPA).

##### I. Opening Remarks and Introduction of Players Representatives

Chair Judd-Stein provided an overview for the roundtable; stating that for sports wagering to be successful, the Commission wanted to ensure that events maintained their integrity. She noted

that it was additionally important was that these events placed no added pressure on the players from the sports wagering market.

A. [James C. Eisenberg and Kris Erikson from Preti Strategies](#) (2:51)

James Eisenberg and Kris Erikson from Preti Strategies explained that Preti strategies was based in Boston and represented the Players Association. Mr. Eisenberg stated that the players association worked with the legislative leaders and was informed that their concerns were more appropriate to address in a regulatory setting before the Commission.

B. [Steve Fehr; National Hockey League Players Association](#) (4:44)

Special Counsel Steve Fehr from the NHLPA introduced himself and stated that he had represented the NHLPA on a wide variety of matters for more than ten years.

C. [Matt Nussbaum; Major League Baseball Players Association](#) (5:04)

Matt Nussbaum, General Counsel with the Major League Baseball Players Association stated that he served as an in-house attorney for the MLBPA for eleven years and stated that he used to work for the NHLPA.

D. [David Foster; National Basketball Players Association](#) (5:28)

David Foster, Deputy General Counsel for the National Basketball Players Association introduced himself and stated that he had worked for the NBPA for seven years.

E. [Ned Erlich; National Football Players Association](#) (5:45)

Ned Erlich, Associate General Counsel for the National Football Players Association introduced himself. He stated that he worked for the NFLPA for 11 years and that prior to that, he was outside counsel to the NFLPA.

Mr. Eisenberg noted that the Major League Soccer Association was also part of the player's association but was unavailable to join the meeting.

II. [Topics of Discussion](#) (7:54)

A. Regulations Protecting Athlete and Family Safety

Mr. Erikson noted that the language submitted in the regulation proposal was not final, and that the players association was willing to work with the Commission on the language. Mr. Erlich stated that the protection of players, players' families, umpires, referees, officials, and other personnel was a concern. He noted that the likelihood of an adverse incident arising from sports

wagering increases, as sports wagering becomes more prevalent. He stated that there was a broad spectrum of potential misconduct including physical and verbal threats, attempted assault, and harassment. He noted that incidents involving unruly fan behavior at events had also occurred.

Mr. Erlich stated that the Commission needed to clearly delineate what safety measures look like and that fans must clearly understand what constitutes misconduct. He noted that Virginia and Illinois enacted definitions and protections in their sports wagering regulations. Mr. Fehr stated that a few state legislatures had built in protections for the players within their laws as well.

Mr. Foster stated that other jurisdictions had found the league and teams to be best suited to handle safety. He noted that teams struggled to enforce discipline on fans as the fans drove revenue. Mr. Nussbaum noted that a high-volume sports bettors had made death threats to four players on the Tampa Rays in 2019. He noted that the concerns existed at the events, and in other locations, including social media.

Commissioner Hill sought clarification regarding the player association's recommendations for regulations. Mr. Eisenberg stated that the Commission's ultimate enforcement mechanism was the ability to remove wagering on a sporting event. He stated that if threats to players were numerous enough, the Commission could remove wagering from an event.

Mr. Erikson stated that a provision like this would incentivize the leagues and arena to provide protections for players and their families. He stated that a regulation that could remove betting from events at a venue would have the teams and leagues step-up their enforcement.

Chair Judd-Stein sought clarification as to when threats would be sufficient enough to pull sports wagering for an event. Mr. Eisenberg stated that it would be a rare occurrence, but that the Commission should reserve the right to enact this option for the safety of players, player's families, and event officials.

Commissioner Skinner noted that this action would impact the entirety of Massachusetts' bettors and not just bad actors, she asked how that could be justified. Mr. Eisenberg noted that it would have a strong effect on the overall market and would be an extreme example in response to imminent threats where sports wagering was a factor. He stated that most enforcement would be expected to be on an individual basis.

Mr. Foster stated that the first enforcement mechanism would be to address the individual bettor, and that pulling betting from events would require ample information about a serious threat. He noted that the Commission had a mission to protect the residents of Massachusetts. Commissioner Skinner stated that the responses were helpful.

Commissioner O'Brien noted that the statute eliminated certain in-game bets and demeaning bets and asked if the players associations wanted to exclude other bets not in the statute. Mr. Erikson stated that the statute allows for the players' association to petition the Commission regarding

prohibiting any bets and that any issues can be addressed in that venue. Mr. Fehr stated that it was difficult to envision problems that may arise in the future. Commissioner O'Brien requested the language from the Virginia and Illinois statutes. Mr. Erikson stated that he would send the language over during the week.

Commissioner Maynard stated that 205 CMR 152 allows the involuntary exclusion of individuals in the gaming context, and asked if this ability would be helpful in the sports wagering context. Mr. Eisenberg stated that similar language could be a potential enforcement mechanism. Mr. Nussbaum stated that any individual making threats should be disqualified from betting. General Counsel Todd Grossman stated that he would have to review Chapter 23N to see if the statute allowed for involuntary exclusions. He noted that if the language was not present in the statute, the Commission would have to decide whether they have the authority to adopt such language in their regulations.

Commissioner Skinner asked if the players' associations had reached out to the sports wagering operators regarding their process related to unruly individuals. Mr. Erikson stated that they had worked alongside the legislature and now the regulatory body but stated that they had not yet communicated with the operators.

#### B. Collective Bargaining Agreements (38:05)

Mr. Nussbaum stated that the MLBPA had a collectively bargained policy that had yet to be published. He noted that every single major and minor league athlete was required to go through a series of educational trainings and resources. He noted that the Office of the Commissioner of Baseball had an investigations department to investigate improper betting. He requested that the regulatory framework afford deference to the investigative process and appeals, so that the players could have the due process rights they had collectively bargained for. Mr. Fehr stated that there were detailed provisions for how investigations commenced and that it would be helpful to follow that process without interference. Mr. Erlich agreed with the other speakers in requesting deference in the investigation process.

Chair Judd-Stein stated that if there was suspicious activity involving an athlete, the Commission could coordinate with the players' association to protect that confidential information. General Counsel Grossman clarified that the Commission's ability to withhold information was somewhat limited, due to the open-meetings law, but that the Commission had the ability to protect certain information that was exempt from disclosure pursuant to the public records law.

General Counsel Grossman noted that the investigatory exemption to the public records law was related only to the Commission's investigations, and that he would have to research whether information provided from another investigation could be protected. Director of the Investigations and Enforcement Bureau ("IEB") Loretta Lillios stated that the IEB was aware of the importance of confidentiality in maintaining the integrity of an investigations. She stated that the IEB would fully uphold and adhere to the exemptions to the public records law. Chair Judd-

Stein stated that the Commission was committed to the transparency of the open-meeting law, but that the public records law contemplated the need for confidentiality in investigations.

Mr. Nussbaum expressed an interest in the players' associations or individual athletes receiving prompt notice of investigations conducted by the Commission. Mr. Foster stated that it was critical that the players receive investigation information as close in time as possible to when the leagues receive the information. Mr. Erlich stated that the associations should not have to rely on the sports leagues to filter what information was shared.

### C. [Other Considerations](#) (53:54)

Chair Judd-Stein stated that the Commission had discussed endorsements by athletes between the ages of eighteen and twenty-one. She expressed concern that those endorsements could target a younger population that the Commission has a duty to protect. Mr. Nussbaum stated that the issue was being addressed in collective bargaining, especially in the minor league where players were more likely to fall within that younger age range. He stated that the policy for Major League Baseball was that players could use their name, images, and likeness to sponsor legal sports wagering operations, but that there were restrictions to what the underage players could state in the endorsement.

Mr. Erlich stated that members of the NFLPA were prohibited from endorsing gambling products. Commissioner O'Brien asked if players in the MLBPA would be able to do endorsements in jurisdictions where they could not bet. Mr. Nussbaum stated that the players could engage in certain endorsement activities.

Mr. Foster stated that the NBPA agreed with MLBPA's analysis. He stated that some players careers may be entirely between the ages of eighteen and twenty-one, and that they should be able to receive some of the betting companies' profit from their labor.

Chair Judd-Stein sought clarification regarding the NFLPA's policy on endorsements. Mr. Erlich stated that the NFL's policy prohibits all endorsement of gambling products. Commissioner Hill sought clarification on what restrictions would be placed on eighteen-to-twenty-one-year old's endorsements. Mr. Nussbaum stated that he would send a copy of the collective bargaining agreement to the Commission. He noted, however, that the language had not been finalized. He reported that players could endorse hotels or casinos, but could not endorse brands specific to baseball or sports wagering operators. He noted that the operators were typically part of much larger organizations.

Commissioner Maynard expressed his assumption that guardrails would be built into these agreements and stated that it was important not to interfere with a revenue generating contract for a young player. Mr. Nussbaum stated that there was a stream of advertising from sports wagering entities during sporting events, and that those advertisements happen alongside the name, images, and likenesses of players who are underage and playing in the game.



Commissioner Hill stated that responsible gaming was a concern constantly reviewed by the Commission and requested that the players associations remain mindful of responsible gaming in their negotiations and efforts as well. Mr. Nussbaum stated it was a point well taken.

Chair Judd-Stein stated that there needed to be a reporting mechanism for the Commission to hear about threats made to players, and stated she wanted assurances from the IEB team that channels of communication would exist. She stated that Commission staff would work on the regulatory language to address the safety and wellbeing of all those involved in sports events.

Commissioner O'Brien stated that when an industry makes money off the actions of other individuals, the primary responsibility should rest with the entities making that money. She stated that operators could play a role in ensuring safety concerns were equitably addressed. Commissioner Skinner stated that player safety should be prioritized by the Commission, but that she would await the Legal Division on whether the Commission has authority to enact these changes. She expressed that she believed the Commission had the authority to some extent to do so.

### 3. [Other Business](#) (1:17:50)

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

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

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

### **List of Documents and Other Items Used**

1. Revised Notice of Meeting and Agenda dated January 20, 2023
2. [Commissioner's Packet](#) from the January 23, 2023, meeting (posted on [massgaming.com](http://massgaming.com))



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** January 26, 2023, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 025 1821

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 Jordan Maynard

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

Chair Judd-Stein called to order the 429<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and Chair Judd-Stein, Commissioner O'Brien, Commissioner Hill, and Commissioner Maynard were present. Commissioner Skinner was not present for this meeting.

#### 2. [Administrative Update](#) (00:58)

Executive Director Karen Wells reported that the operations certificate vote would take place at the January 30, 2023, public meeting. She stated that Commission staff and Gaming Laboratories International ("GLI") were performing final evaluations and checks that the category one operators were ready to launch. Chair Judd-Stein asked about the status of the operators' internal controls. Executive Director Wells stated that the internal controls had been submitted and were in the process of being evaluated by GLI.

#### 3. [Research and Responsible Gaming](#) (5:41)

a. Report: Community Perspectives of Encore Boston Harbor, NORC at the University of Chicago

Dr. Bonnie Andrews, Research Manager for the Research and Responsible Gaming Division stated that the Commission had adopted a strategic research plan, and that one area of focus was within the field of community-engaged research. She stated that the purpose of this research was to address the impact of casino gambling on Massachusetts communities. She explained that the Commission had contracted with NORC at the University of Chicago to engage with community members to design and conduct a study on how the introduction of Encore Boston Harbor (“EBH”) affected day to day life of those in the casino’s surrounding community.

Dr. Andrews stated that the study generated recommendations from participants, including, EBH reinvesting money in nearby communities; for EBH to provide support and resources for people who have experience problem gambling; and for EBH to actively engage with community members. She stated that the study’s findings were presented to the community during November. She noted that the Commission engaged the Gambling Research Exchange of Ontario (“GREO”) to create snapshots of the research findings in languages spoken by the communities that live near EBH.

Principal Research Scientist from NORC, Dr. Jenna T. Sirkin, Research and Evaluation Project Manager, Sofia Ladner, Research Scientist from the Institute for Community Health, Dr. Christina Drymon, Community Interviewer, Yanqing Huang, Senior Research Associate, Jared Sawyer, and Senior Research Scientist, Petry Ubri presented the research related to community perspectives on EBH with topics including research methods, key findings, a participant overview, and recommendations. The *Community Perspectives Presentation* was included in the Commissioners packet on pages 4 through 90.

Commissioner O’Brien stated that the Commission had a robust GameSense program in casinos and expressed concern with the lack of awareness of this program in the external community. Dr. Sirkin stated that a representative from GameSense was on the community advisor board to remedy that concern. She stated that she agreed with the assessment that there was a lack of awareness of resources available. Director of Research and Responsible Gaming Mark Vander Linden stated that this was good feedback as to how GameSense could expand its reach via communication and marketing.

Commissioner Hill sought clarification as to whether EBH was involved in the community engagement reports. Director Vander Linden stated that the priority in community driven research was to hear the perspectives of the community and that the casino was intentionally not part of the research. He noted that representatives from EBH attended the community event in November when the research was presented, and that they had received an advanced copy of the report.

Commissioner Hill asked if there were more exact numbers for the views on gambling. Dr. Sirkin stated that the research was qualitative and did not have exact percentages. She noted that the general views on gambling were nearly evenly split. Director Vander Linden clarified to the Commission that the follow-up general population survey that would be presented in the Spring of 2023 was a quantitative study that would have more percentages.

Commissioner Hill expressed worry that EBH was not being viewed as a community partner by survey participants, when their quarterly updates before the Commission demonstrated a different picture. He stated that he hoped to distribute more information to the public regarding the licensee's community engagement endeavors.

Chair Judd-Stein noted to her fellow Commissioners that while community engagement existed, it was possible that the engagement could have been in a form that the community did not recognize, interact with, or ultimately may have not desired. She stated that there could be an opportunity for the community to communicate with EBH on this issue. She the research team if the community had clarified what would be helpful to them in terms of community engagement. Ms. Ubri stated that the participants mentioned a desire for community meetings and forums to open a dialogue regarding their needs with the casinos. Chair Judd-Stein proposed that the Commission could assist in facilitating those conversations with the casinos.

Director Vander Linden noted that community engagement was a spectrum, and that a higher level of community engagement that was collaborative and empowering to the community takes longer to achieve. He stated that community engagement was also addressed in the responsible gaming framework.

Dr. Sirkin further reported to the Commissioners that more than half of the interviews were in languages other than English. She stated that part of the issue with community engagement may have been the translation required to reach all the communities interviewed. Commissioner Maynard stated that there was a lot of opportunity for additional communication, and that the Commission could be good facilitators of those interactions.

#### 4. [Sports Wagering Implementation](#) (53:30)

##### a. Approval of House Rules - Category 1 (Retail)

Director of Sports Wagering Bruce Band and Sports Wagering Operations Manager Sterl Carpenter presented the house rules submitted by the category one licensees. The *House Rules Submissions* were included in the Commissioner's Packet on pages 91 through 298. Director Band stated that the casinos had been requested to amend their house rules to remove sports events that had not yet been approved by the Commission.

Commissioner O'Brien noted that MGM's house rules had holdover language from the COVID-19 pandemic stating that vouchers were valid for 365 days; excluding any time that the sports

wagering operator or gaming establishment had to close. She expressed that it would be beneficial for all operators to be consistent with this provision and recommended that Plainridge Park Casino (“PPC”) and EBH adopt this language, as well.

Sports Wagering Operations Manager Carpenter continued his presentation and explained that the Commission’s policy was to not include events in the house rules until they had been approved by the Commission. He noted that other jurisdictions allowed events that had yet to be approved to be included in the house rules. Chair Judd-Stein noted that practice would prevent confusion in the Commonwealth.

Chair Judd-Stein asked if the submitted house rules satisfactorily met all the requirements within 205 CMR 147.02. Mr. Carpenter affirmed that the operators had fulfilled each requirement. Commissioner Maynard and Commissioner Hill both offered their gratitude to Director Band and Mr. Carpenter for walking them through the house rules.

Chair Judd-Stein inquired where the house rules would be posted at each property. Director Band replied that each of the category one operators would have the house rules posted on their website, with physical copies posted throughout the properties. He noted that the final decisions on placement were still being made by the Licensees.

Chair Judd-Stein asked if there would be hard-copies of the house rules available for patrons to take. Director Band noted that the house rules were lengthy and that they would be available to patrons electronically. Mr. Carpenter explained that each sports wagering kiosk had a tab that included the rules for reference.

Commissioner O’Brien moved that the Commission approve the house rules submitted by the category one sports wagering operators PPC, MGM, and EBH, as included in the Commissioner’s Packet and discussed here today, with the understanding that they would be further modified to reflect the Commission’s vote concerning the catalog that was approved for acceptable wagering in the Commonwealth. She further moved that PPC and EBH amend so much of their house rules to reflect that sports wagering tickets shall be honored for one year after the date of the event and add the language excluding any time the sports wagering or gaming establishment had to be closed. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

5. [Legal](#) (1:11:09)

a. Sports Wagering Regulations:

- i. [205 CMR 250](#): Protection of Minors and Underage Youth - Regulation and Amended Small Business Impact Statement for final review and possible adoption.

Associate General Counsel Ying Wang stated that 205 CMR 250 had appeared before the Commission on November 17, 2022, and that the Commission voted to promulgate the regulation by emergency. She stated that a public hearing was held on January 24, 2023, presided over by Commissioner Maynard. She stated that one public comment had been received. The *draft of 205 CMR 250 and the Amended Small Business Impact Statement* was included in the Commissioner’s Packet on pages 301 through 304.

Attorney Annie Lee, counsel from the law firm Anderson and Krieger, stated that the comment received was regarding 205 CMR 250.04. She explained that the comment suggested adding the phrase “as applicable to either in-person or mobile sports wagering operations”. She noted that Director Vander Linden and the legal team recommended that adoption of this language. Chair Judd-Stein sought clarification as to how this change would affect mobile operators.

Commissioner O’Brien explained that mobile operators would only have to answer questions relevant to their operations, and that they would not have to answer non-applicable questions related to physical spaces.

Commissioner O’Brien moved that the Commission approve the Amended Small Business Impact Statement and draft of 205 CMR 250 as included in the Commissioner’s Packet, and as further amended today, specifically inserting the language at 250.04 in the opening section after the comma, “as applicable to either in-person or mobile sports wagering operations:” and further, that staff be authorized to take the steps as 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 Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

- ii. [205 CMR 251](#): Sports Wagering Operations Certificate - Regulation and Amended Small Business Impact Statement for final review and possible adoption. (1:20:02)

Associate General Counsel Judith Young stated that 205 CMR 251 was promulgated by emergency on November 17, 2022. She stated that a hearing was held on January 24, 2023, presided over by Commissioner Maynard. She noted that no comments were received for this regulation, and no changes were made to the regulation before the Commission. The *draft 205 CMR 251 and Amended Small Business Impact Statement* were included in the Commissioner's Packet on pages 305 through 310.

Chair Judd-Stein sought clarification as to whether the operators were required to post the operations certificate on either their website or within the sports wagering application. Attorney Mina Makarious from Anderson and Krieger stated that the operations certificate had to be prominently displayed on the operator's website or mobile application for category three sports wagering operators.

Commissioner Hill moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 251 as included in the Commissioner's Packet and discussed today. He further moved that staff be authorized to take the steps as 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 Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

iii. [205 CMR 235](#): Occupational Licenses - Regulation and Amended Small Business Impact Statement for final review and possible adoption. (1:24:15)

Next, Associate General Counsel Young explained that 205 CMR 235 was voted to be promulgated by emergency during the November 17, 2022, public meeting. She stated that a hearing was held on January 24, 2023, also presided over by Commissioner Maynard and that one written comment had been received. The *draft 205 CMR 235 and Amended Small Business Impact Statement* were included in the Commissioner's Packet on pages 311 through 321.

Attorney Paul Kominers from Anderson and Krieger stated that an additional comment was received and included on page 330 of the Commissioner's Packet. He explained that the first comment from BetMGM requested the definition for pit boss be added. He stated that the licensing division did not receive comments or issues with the set of occupations subject to occupational licensing. Mr. Kominers stated that he did not recommend the adoption of this comment.

Mr. Kominers stated that the second comment was regarding the expiration of all licenses on March 1. He noted that there was a statutory requirement that all renewal applications be received by March 1 of the calendar year, however, he did not recommend the adoption of this comment.

Mr. Makarios noted to the Commissioners that a cross-reference in 205 CMR 235.10 which referred to 234.11 should be changed to reference the general enforcement regulation, 205 CMR 232. He stated that the second sentence within the provision should be struck, as the appeal would be covered by the same process outlined in 205 CMR 232. Commissioner O'Brien sought clarification as to which language would be struck. Mr. Makarios stated that the paragraph would end after the reference to 205 CMR 232, and all existing language would be deleted after the reference.

Commissioner Maynard moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 235 as included and amended in the Commissioner's Packet; specifically packet page 218 at 205 CMR 235.10 to strike the reference to 205 CMR 234.11 and add in its place '205 CMR 232', and to strike in its entirety the last sentence of that paragraph. He further moved that staff be authorized to take the steps as 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 Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

iv. [205 CMR 202](#): Authority and Definitions - Regulation and Small Business Impact Statement for initial review and approval to commence the promulgation process and/or adoption via emergency. (1:32:11)

Deputy General Counsel Caitlin Monahan noted to Commissioners that 205 CMR 202 had completed the promulgation process and was currently in effect. She stated that the proposed amendment for 205 CMR 202 before the Commission included new definitions, and the inclusion of a new section within 205 CMR 202.03. The *draft amendment to 205 CMR 202* and *Small Business Impact Statement* were included in the Commissioner's Packet on pages 322 through 328.

Chair Judd-Stein sought clarification as to why the term 'area' only applied to category one licensees and the term facility applied to category two licensees. Mr. Makarios explained that the sports wagering area was part of a gaming establishment rather than a gaming area, which was the more traditional gaming floor. He stated that wherever sports wagering may occur in a



category one property must be within the gaming establishment as approved by the Commission. He noted that the term ‘sports wagering facility’ was for licensees who did not have a gaming area and would be regulated under the Commission’s authority to regulate simulcasting.

Mr. Makarios stated that the added definitions captured third-party marketing entities. He explained that a new provision was added regarding construction amendments which provided specific detail into the waiver process gaming operators must follow. Commissioner O’Brien asked why this regulation was requested by emergency. Deputy General Counsel Monahan explained that this regulation affected the definitions required for the category one sports wagering operator launch.

Commissioner O’Brien moved that the Commission approve the Small Business Impact Statement and the draft of 205 CMR 202 as included in the Commissioner’s Packet, specifically the blue highlighted edits to the pre-approved version, and further discussed today; and that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter to begin the regulation promulgation process,. She further moved that staff be authorized to modify chapter or section numbers or titles to file additional regulation sections as reserved or make any other administrative changes as necessary to execute the regulation promulgation process. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

## 6. [Commissioner Updates](#) (1:49:09)

Chair Judd-Stein asked if any of the Commissioners had updates, they’d like to share or discuss. Commissioners stated that they did not. Before closing, the Commissioners thanked the Commission staff and GLI for their hard work towards the launch of sports wagering.

## 7. [Other Business](#) (1:51:53)

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

Commissioner O’Brien moved to adjourn. The motion was seconded by Commissioner Maynard.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.  
The motion passed unanimously, 4-0.*

**List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated January 24, 2023
2. [Commissioner's Packet](#) from the January 26, 2023, meeting (posted on massgaming.com)



**TO:** Chair Judd-Stein  
Commissioner O'Brien  
Commissioner Hill  
Commissioner Skinner  
Commissioner Maynard

**FROM:** Grace Robinson, External Relations Manager

**CC:** Todd Grossman, Interim Executive Director & General Counsel

**DATE:** 14 August 2023

**RE:** Legislative Update

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**Budget:**

Last week, Governor Healey signed HB4040: *An Act making appropriations for the fiscal year 2024 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.* The Governor sent back eight outside sections with proposed amendments - one of which was Section 15 which deals with the enforcement, regulation, and control of the distribution of alcoholic beverages at gaming establishments and the related roles of the Commission and ABCC.

Included is Governor Healey's letter to the legislature regarding her proposed amendment.

## ATTACHMENT D

August 9, 2023

To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 15 of House Bill No. 4040, “An Act Making Appropriations for the Fiscal Year 2024 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 15 proposes that the Alcoholic Beverages Control Commission enforce, regulate, and control the distribution of alcoholic beverages consumed in gaming establishments but not within gaming areas. Under current law, the Massachusetts Gaming Commission holds primary enforcement authority over the distribution of alcoholic beverages within gaming establishments, with the Alcoholic Beverage Control Commission providing investigative support. Section 15 would alter the division of enforcement authority between the Commissions in some, but not all, respects.

I am concerned that this section begins, but does not complete, the important work of reviewing and fine-tuning alcohol enforcement authority in gaming establishments. The language in Section 15 amends some but not all of the existing enforcement statutes, creating the risk or appearance of conflict with provisions of G.L. c. 23K, § 6(g) and G.L. c. 10, § 72A.

I note that the Expanded Gaming Act was signed into law in 2011, creating the category of gaming beverages licenses for the first time. As gaming has grown and developed over the past decade, the structure for regulating these licenses is in need of review and may be in need of change. Therefore, I recommend that this section be amended to require the Alcoholic Beverages Control Commission and the Massachusetts Gaming Commission to study alcohol regulation and enforcement in gaming establishments, including in restaurants and bars within gaming establishments but not in gaming areas. I also recommend that the Commissions review the effectiveness of their ongoing enforcement partnership.

For the reasons stated above, I recommend that section 15 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 15. The Alcoholic Beverages Control Commission and Massachusetts Gaming Commission shall study and report on the status of alcohol enforcement in gaming establishments, including in restaurants and bars within gaming establishments but not in gaming areas, and review the effectiveness of the ongoing collaborative relationship that exists between the Alcoholic Beverages Control Commission and Massachusetts Gaming Commission. In their review, the Alcoholic Beverages Control Commission and the Massachusetts Gaming Commission shall seek input from stakeholders, including but not limited to gaming licensees, vendors and contractors that hold or operate under gaming establishment liquor licenses.

A report of their findings, including any legislative or regulatory recommendations, shall be filed with the clerks of the house of representatives and senate, the joint committee on consumer protection and professional licensure, and the joint committee on economic development and emerging technologies not later than April 1, 2024.

Respectfully submitted,

Maura T. Healey  
Governor



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

FROM: Mark Vander Linden, Director of Research and Responsible Gaming, Bonnie Andrews, Research Manager

CC: Todd Grossman, Interim Executive Director

DATE: August 17, 2023

RE: Selecting topic of an ad hoc study for the FY24 MGC Research Agenda

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## Background

The Massachusetts Gaming Commission (MGC) has an Interagency Service Agreement (ISA) with the University of Massachusetts, Amherst to carry out social and economic research as defined in [Chapter 23k Section 71](#). Since 2013, the team of researchers, collectively known as Social and Economic Impacts of Gambling in Massachusetts (SEIGMA), has produced a range of studies to inform the Commission and stakeholders about the impacts resulting from the introduction of casinos in the Commonwealth. A complete library of this research can be found on the MGC website: <https://massgaming.com/about/research-agenda/>.

In FY21 and FY22, the MGC included one to two ad hoc reports in the research deliverables outlined in the annual ISA. The ad hoc report provides flexibility in defining the topic of study after the fiscal year begins. In FY21, there were two ad hoc reports including a social study examining gambling harms and the prevention paradox and an economic study examining casino operations with a focus on the impacts of the COVID-19 pandemic on the gaming industry. In FY22, there was a report to examine the potential impacts of sports wagering in Massachusetts.

## Selecting the FY24 Ad Hoc Report

The FY24 ISA with UMASS/SEIGMA includes one economic ad hoc report. Given fiscal and investigator time constraints within the SEIGMA FY24 budget, this study is that it must rely on existing data rather than requiring additional primary data collection and is anticipated to be no more than 10 pages. We are providing the following three topics of study, and welcome further recommendations:

1. **Early impacts of sports betting** – This topic would address the interest of the MGC in understanding the early economic impacts of sports betting. This early analysis would assess impacts from currently licensed operators of retail sports betting, including the three



Massachusetts Gaming Commission

Massachusetts casinos (Category 1 licensees) and two racetracks, Raynham Park and Suffolk Downs (Category 2 licensees). Following the same data collection process used for casino operator studies, the team will closely collaborate with the Division of Research and Responsible Gaming at the MGC to obtain the data needed for this study. The work will also involve gathering and analyzing revenue data available from the MGC, as well as recent patron behavior data related to sports betting activities from SEIGMA's Online Panel Survey from 2023. The data collected will be used as inputs for economic modeling, allowing the analysis of impacts generated from the introduction of retail sports betting to the state. The team will calibrate the model using a recent SEIGMA literature review on cannibalization in sports betting as well as any relevant findings about patron behavior in from recent behavioral surveys. The work could be revisited in FY25 when a patron origins study has been completed using GPS location data, and additional year of behavioral data has been collected, allowing us to update the economic impact analysis. With advance planning, the team could coordinate with the MGC to obtain operator data from Category 3 licensees to expand the analysis to examine online sports betting operators.

2. **Casino supplier diversity spending** – This topic will address the interest of the MGC in equity impacts from casino operations, in this case, through their supplier diversity spending agreements. This topic would analyze the extent to which casinos are building stronger business ecosystems for BIPOC- and other minority-owned businesses. The work will start with a background/landscape analysis examining the existing presence of minority-owned and woman-owned businesses in the state. Then, using operator spending data updated through June of 2023, the study will assess the involvement of minority-, women- and veteran-owned industry sectors supplying the casino industry. The analysis will analyze operator spending data to highlight the nature of diverse vendor contracting, highlight successes, and identify gaps, which could be instructive to other supplier diversity programs in the state. The data could also serve as inputs for economic impact modeling to analyse the economic impacts generated by contracts with diverse business enterprises across the state.

If the commission desires, in FY25, UMDI could conduct a qualitative data collection process to gather information from the three operators and a subset of diverse vendors involved in the supply chain to identify key features of successful vendor diversity initiatives, along with common challenges, helpful strategies, and major lessons learned.

3. **Workforce and job quality questions–follow-on custom analysis** – This report would address additional interests in questions about the casino workforce and job quality, using the operator data set used for the FY23 Workforce study. A topic related to workforce and job quality that has already garnered interest is a desire for a more developed analysis of local impacts. Answering these questions would involve a closer geographic focus than what was done in the FY23 Workforce study, to explore host and surrounding community employment opportunities, occupational development, and payroll impacts. Another question, posed by the MGC's Research Review Committee (RRC), has to do with the availability of paid sick and vacation time.



Massachusetts Gaming Commission

If desired, these types of additional questions could be shaped by RRC feedback, labor advocates, or other interested MGC parties, identified by the MGC. Interested parties selected by the MGC could first review the FY23 Workforce report and submit follow-up questions. In order to maintain the research schedule, questions to be pursued would need to be identified no later than the end of September, 2023.

We believe that each option holds promise to expand our understanding of casino gambling and sports wagering in Massachusetts. However, given the recent introduction of sports wagering and the need to understand the impacts of this industry in a timely way, combined with the opportunity to leverage and maximize current MGC research efforts related to understanding impacts of the sports wagering industry, we support a study that further examines the economic impact of sports betting in the United States.



Massachusetts Gaming Commission





**BETMGM**

# Sports Wagering Quarterly Report Q2 2023

Presented to:  
Massachusetts Gaming Commission



# REVENUE

Q 2 2023

## REVENUE & TAXES\*

Month	Revenue	Taxes Collected	Handle
March	7,314,463	1,462,893	3.23%
April	4,610,952	922,191	2.15%
May	5,391,257	1,078,251	3.09%
June	3,539,724	707,945	2.83%
<b>Total</b>	<b>\$ 20,856,396</b>	<b>\$ 4,171,280</b>	<b>2.82%</b>

NOTE: Future reports will include prior quarter data.

\* Online wagering only



**BETMGM**

# HUMAN RESOURCES

Q2 2023

## RESOURCE DIVERSITY\*

Employee Level	Total Employees	Minority		Veteran		Woman		MA Residents	
		Count	%	Count	%	Count	%	Count	%
Executive	17	2	12%	1	6%	3	18%	0	0%
Supervisor/Manager	241	72	30%	4	2%	78	32%	0	0%
Non-Manager	905	455	50%	15	2%	291	32%	6	1%
<b>Total</b>	<b>1,164</b>	<b>529</b>	<b>45%</b>	<b>20</b>	<b>2%</b>	<b>372</b>	<b>32%</b>	<b>6</b>	<b>1%</b>

NOTE: Future reports will include prior quarter data.

\* Data provided is as of 6/30/23



# VENDOR UTILITY

Q2 2023

## GLOBAL VENDOR UTILTIY

Spend Type	Q2	
	Dollars	%
<b>Total Vendor Spend</b>	<b>\$ 150,994,785</b>	<b>100%</b>
Diverse Vendor Spend	\$ 1,211,447	1%

Diversity Type	Q2	
	Dollars	%
Diverse & Small	\$ 939,262	78%
Small Only	\$ 230,521	19%
Diverse Only	\$ 41,664	3%
Minority Business Enterprise	\$ 672,908	56%
Veteran Business Enterprise	\$ 206,581	17%
Women Business Enterprise	\$ 30,546	3%

NOTE: Future reports will include prior quarter data

## LOCAL VENDOR UTILTIY\*

Submission Date	Dollars
March	245,140
April	3,780,000
May	3,512,990
June	730,075
<b>Total</b>	<b>\$ 8,268,204</b>

Vendor Category	Dollars
Small & Medium Enterprises	\$ 80,762
Total Spend %	0.98%

NOTE: Future reports will include prior quarter data

\* Figures based upon vendor disbursement reports previously submitted and capture all spend from March through June 2023.





**BETMGM**

# COMPLIANCE

Q2 2023

## DIGITAL UNDERAGE USE\*

<b>Period</b>	<b>Underage Patrons</b>
April-June	1

NOTE: Future reports will include prior quarter data.

\*The above case pertains to BetMGM digital product only. Local retail cases are monitored and attended to by MGM.



**BETMGM**

**RESPONSIBLE  
GAMING**

Q2 2023

## SELF-REGULATION

Month	Patrons	
	Time-Out Tool	Voluntary Self Exclusion
March	56	50
April - June	234	150
<b>Total</b>	<b>290</b>	<b>200</b>

NOTE: Future reports will include prior quarter data.

# Responsible Gaming

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- BetMGM launched a new online responsible gaming training program on April 19, 2023
  - This program will be used as part of new hire orientation and an annual refresher
  - Different trainings were created, each tailored to the role of the BetMGM employee
    - Roles that are more customer-facing will receive enhanced training on customer interactions
  - Trainings include GameSense material as well as specific processes as they relate to BetMGM
- BetMGM proudly participated in Problem Gambling Awareness Month and, in support of the National Council on Problem Gambling's efforts, did the following:
  - Featured GameSense information, tips, and responsible gambling strategies throughout its social media channels
  - Banners were placed on the platform to raise awareness of the BetMGM responsible gambling tools
  - Partnered with EPIC Risk Management to conduct employee learning sessions involving lived experience and what operators can do to support their customers
  - Email campaigns were run to provide details on problem gambling awareness and other BetMGM responsible gambling efforts
  - A GameSense trivia game was held during a company-wide meeting to engage all company employees in responsible and problem gambling knowledge retention



# LOTTERY

Q2 2023

# Lottery

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- BetMGM's primary focus in Massachusetts is specific to sports wagering
  - At this time, BetMGM does not have a commercial relationship with the Massachusetts State Lottery
  - The organization is always considering additional ways we can assist our license providers and their organizations
- MGM Springfield offers on-property lottery engagement



**BETMGM**

# COMMUNITY OUTREACH

Q2 2023



# Community Outreach

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- BetMGM's community outreach efforts are funneled through a series of 7 Employee Resource Groups (ERGs):
  - AAPI Voices
  - Bet on Vets
  - Black Employee Network
  - ImpACT
  - LatinX Alliance
  - Pride@BetMGM
  - Women@BetMGM
- As a part of the ERGs, members can get involved with the business as well as be a part of our greater community.



**BETMGM**  
**BELIEVE IN YOUR GAME**



# Massachusetts Gaming Commission Sports Wagering Quarterly Report

2<sup>nd</sup> Quarter 2023

**Wynn**BET

# Sports Wagering Revenue

# Sports Wagering Revenue, Taxes, & Handle

## Q1 2023

MONTH	TOTAL SW REVENUE	MA SW TAXES COLLECTED	HANDLE
January	\$0.00	\$0.00	\$0.00
February	\$0.00	\$0.00	\$0.00
March	\$2,101,186.65	\$411,068.93	\$18,336,370.45
<b>TOTALS</b>	<b>\$2,101,186.65</b>	<b>\$411,068.93</b>	<b>\$18,336,370.45</b>

## Q2 2023

MONTH	TOTAL SW REVENUE	MA SW TAXES COLLECTED	HANDLE
April	\$463,005.74	\$81,195.55	\$22,811,166.93
May	\$1,050,743.23	\$201,942.25	\$16,412,297.43
June	\$508,067.48	\$95,723.90	\$11,777,967.95
<b>TOTALS</b>	<b>\$2,021,816.45</b>	<b>\$378,861.70</b>	<b>\$51,001,432.31</b>

# Workforce Diversity

# WSI Workforce Diversity

Q1 2023

<b>GENDER</b>	<b>WSI EMPLOYEES</b>
Male	57%
Female	43%

<b>MINORITIES</b>	<b>WSI EMPLOYEES</b>
African American	21%
Hispanic/Latino	13%
Asian American	10%
Two or More	8%
Pacific Islander	2%
<b>TOTAL MINORITY WORKFORCE</b>	<b>54%</b>

# WSI Workforce Diversity

Q1 2023

CATEGORY	MINORITY	WOMEN	VETERAN	MA RESIDENT	% OF TOTAL WSI EMPLOYEES
Executive (Director and above)	22%	78%	0%	0%	5.5%
Manager/Supervisor	50%	50%	0%	0%	13.5%
Line Level	55%	39%	5%	0.7%	81%
<b>TOTALS</b>	<b>53%</b>	<b>42%</b>	<b>4.5%</b>	<b>0.5%</b>	<b>100%</b>



# WSI Workforce Diversity

Q2 2023

<b>GENDER</b>	<b>WSI EMPLOYEES</b>
Male	62%
Female	38%

<b>MINORITIES</b>	<b>WSI EMPLOYEES</b>
African American	21%
Hispanic/Latino	14%
Asian American	11%
Two or More	7.5%
Pacific Islander	2.5%
<b>TOTAL MINORITY WORKFORCE</b>	<b>56%</b>

# WSI Workforce Diversity

Q2 2023

CATEGORY	MINORITY	WOMEN	VETERAN	MA RESIDENT	% OF TOTAL WSI EMPLOYEES
Executive (Director and above)	25%	75%	0%	0%	5%
Manager/Supervisor	60%	40%	0%	0%	13%
Line Level	57%	36%	5%	0.8%	82%
<b>TOTALS</b>	<b>56%</b>	<b>39%</b>	<b>4.4%</b>	<b>0.6%</b>	<b>100%</b>

# WSI Workforce Diversity

## Diversity Goals / Plans

From Q1 2023 to Q2 2023, WynnBET's workforce percentages remained consistent. This can be attributed to the low turnover that occurred between quarters. Our executive team consists of 75% female leaders. This representation extends throughout the majority of the business units within WSI - including legal, compliance, creative, product, customer service and finance.

WynnBET remains dedicated to promoting, recruiting and hiring diverse talent across all levels in the company.

- Target broad socioeconomic categories using job boards with varied reach to ensure a diverse candidate pool for every open role.
- Meet with employees as part of our career pathing program to identify career aspirations and align that with available opportunities throughout the company within a formalized program called WynnBET Academy.
- WynnBET Academy programs:
  - Provide upskilling curriculum available to all employees.
  - Thoughtful portfolio of programs to ensure successful upward mobility within the company: Talent Exchange (interdepartmental shadowing), Emerging Leaders (growing front-line employees into next generation of leadership), and New Leader Onboarding (upskilling for new managers who have never managed direct reports).
  - Continuous improvement and personal growth is at the core of all company programs.

# Vendors

# Vendors

2023

DIVERSITY CERTIFICATION	Q1	Q2
MBE	3%	31%
VBE	4%	69%
WBE	93%	0%
<b>TOTAL DIVERSITY SPEND IN MA</b>	<b>13.5%</b>	<b>0.37%</b>

# Vendors

## Diversity Goals / Plans

In our initial report, as part of our license approval, we provided our marketing spend goals for 2023 in the Commonwealth. Specifically, we stated it was our goal to invest 4.7% of our overall discretionary marketing spend with WBEs, 3.6% with VBEs, and 1.6% with MBEs. Based on performance of these marketing partners, WynnBET's goal is to double our percentage of diversity vendor marketing spend compared to total statewide marketing spend year-over-year.

As of the end of Q2, WynnBET has spent 2.55% with WBEs, 0.32% with VBEs, and 0.19% with MBEs. The decrease in total diversity spend in the Commonwealth from Q1 to Q2 can be attributed to a significant portion of the spend being a purchase in Q1 that spanned through Q2. Additional spend with a WBE has already been secured for Q3. WynnBET has increased the total amount of marketing spend that will occur within the Commonwealth from its initial report; however, most of that increase was with performance marketing channels. We are currently planning a ramp up in spending to coincide with the upcoming football season.

Identification as a MBE, VBE, or WBE is strictly optional and does not preclude a vendor from registering to conduct business with WynnBET. A significant number of our vendors have opted not to provide this information. Despite this, WynnBET remains dedicated to contracting with diverse vendors.

# Compliance



# Compliance

## Minors/Underage Access

### Q1 2023

MONTH	FOUND SW OR ATTEMPTING TO SW ON A SW PLATFORM
January	N/A
February	N/A
March	0
<b>TOTALS</b>	<b>0</b>

### Q2 2023

MONTH	FOUND SW OR ATTEMPTING TO SW ON A SW PLATFORM
April	0
May	0
June	0
<b>TOTALS</b>	<b>0</b>



# Responsible Gaming

# Responsible Gaming

## VSE Enrollees

### Q1 2023

MONTH	VSE ENROLLEES
January	N/A
February	5
March	32
<b>TOTALS</b>	<b>37</b>

### Q2 2023

MONTH	VSE ENROLLEES
April	41
May	20
June	16
<b>TOTALS</b>	<b>77</b>

# Lottery

# Lottery

WynnBET does not directly participate in the sale of Massachusetts State Lottery products. However, WynnBET's affiliate, Encore Boston Harbor, does participate in the sale of Massachusetts State Lottery products at its property. WynnBET continues to rely upon its relationship with Encore Boston Harbor to ensure that Massachusetts State Lottery sales are not negatively impacted by sports wagering within the Commonwealth.

# Community Outreach & Charitable Impacts

# Community Outreach & Charitable Impacts

All WynnBET employees are invited to participate and contribute to Wynn Resorts, Limited community engagements.

WynnBET employees have volunteered their time and made charitable donations, the majority of which are Nevada centric. WynnBET has supported local Massachusetts charity events including the *15<sup>th</sup> Annual Joe Andruzzi & Friends Golf Tournament* and the *Shawn Thornton Foundation Golf Tournament*.

WynnBET's sister company, Encore Boston Harbor, collected over 980 hygiene items for domestic violence survivors at Casa Myrna during Q2. EBH employees volunteered 2,725.6 hours of their time during Q2 serving organizations such as BARCC, Mystic River Watershed Association, Camp Harborview, and Cradles to Crayon. During the Mother's Day Floral Sale, employees raised \$2,320 which was matched by EBH, and a total of \$4,640 was donated to the Community Grant Fund. Finally, employees raised \$1,725 during the Pride Day Bake Sale which was also matched by EBH, resulting in \$3,450 being donated to Fenway Health.

The image features a dark blue background with white and yellow outlines of sports balls. In the top left, there is a partial outline of a baseball with its characteristic stitching. In the bottom left, there is a partial outline of an American football with its laces. On the right side, there is a large, detailed outline of a basketball. Centered in the middle of the image is the WynnBET logo, which consists of the word "Wynn" in a bold, italicized yellow font, followed by "BET" in a bold, italicized white font.

**WynnBET**



***BETR SW QUARTERLY REPORT***

August 2023







# REVENUE

# Revenue

We did not launch sports wagering operations in Massachusetts until May 2023.

MONTH	MA SW TAXES COLLECTED	HANDLE	TOTAL SW REVENUE
MARCH	\$0	\$0	\$0
APRIL	\$0	\$0	\$0
MAY	\$9,124.60	\$593,334.57	\$42,596.66
JUNE	\$2,310.42	\$290,667.28	\$10,829.33
<b>TOTAL</b>	<b>\$11,435.02</b>	<b>\$884,001.85</b>	<b>\$53,425.99</b>



# WORKFORCE/WORKFORCE DIVERSITY

# Workforce / Workforce Diversity

**Total Employees:** 74 Full Time Employees

**Mass Employees:** 0

**Women:** 12

# OF EMPLOYEES IN EACH CATEGORY	MINORITY	WOMEN	VETERAN	MA RESIDENT	TOTAL EMPLOYEES
EXECUTIVE	2   40%	0   0%	0   0%	0   0%	5
MANAGER, SUPERVISOR	4   2.8%	3   21.4%	0   0%	0   0%	14
ENTRY LEVEL, NON-MANAGER	28   50.9%	9   16.3%	0   0%	0   0%	55
<b>TOTALS</b>	<b>34   45.9%</b>	<b>12   16.2%</b>	<b>0   0%</b>	<b>0   0%</b>	<b>74</b>

**Employment Diversity:**

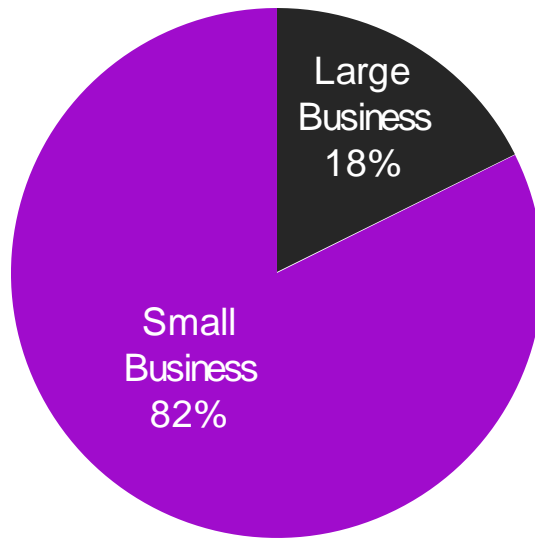
A top priority for us at Betr is recruiting, retaining and developing employees that are best suited to achieve our company’s objectives regardless of their race, religious creed, color, ancestry, age, national origin, sex, disability or veteran status. Betr prides itself on providing all applicants and our employees with equal opportunity in our recruitment, selection, appointment, training, promotion, discipline, and delegation. Betr ensures the hiring and promotion of women and minority groups as well as including them in all levels of employment and in company decision making. Betr works to maintain a culture and workforce that is not only designed to achieve company goals but also reasonably reflects the diversity of its community and the surrounding areas.



# VENDOR/SUPPLIER SPEND/ SUPPLIER DIVERSITY

# Supplier/Vendor Overview: Small Businesses

## Supplier/ Vendor Ecosystem



### Small Business Partners:

- Simplebet Inc
- FansUnite Entertainment Inc.
- Hiltzik Strategies
- SOLUTIONS SJM LLC
- Hot Paper Lantern LLC
- Sphere Global LLC
- The Schmo LLC

**82% of our partners self identify as a small business.**

## Breakdown of Small Business Spend

<u>Small Business</u>	<u>YTD SPEND</u>
Simplebet Inc	\$856,196
FansUnite Entertainment Inc.	\$143,447
Hiltzik Strategies	\$109,149
SOLUTIONS SJM LLC	\$77,427
Hot Paper Lantern LLC	\$58,360
Sphere Global, LLC	\$57,700
The Schmo LLC	\$32,661
Grecia Quintero	\$27,900
Other Small Businesses	\$75,683

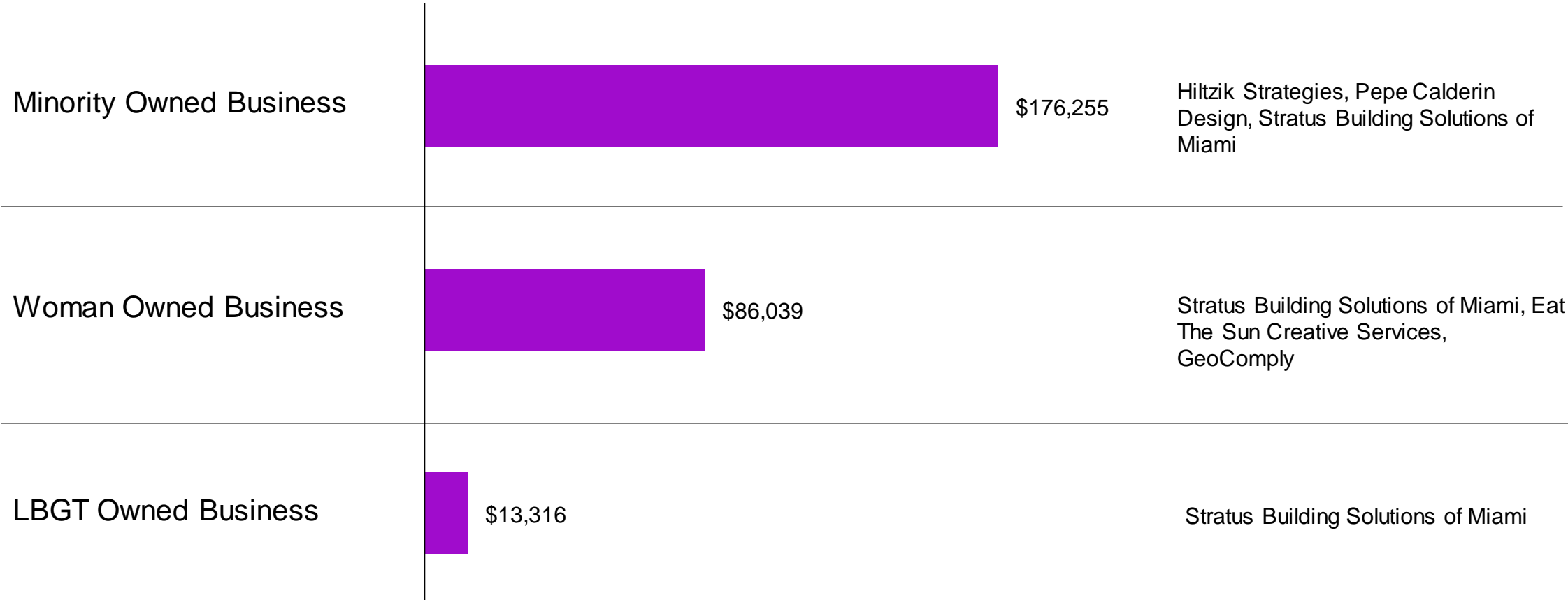
# Supplier/Vendor Overview: Ownership Diversity



Diversity Category –  
Enterprise Ownership

YTD Spend 2023

Partners



# Supplier/Vendor Overview: Affiliation Diversity

Diversity Category – Enterprise Affiliation	YTD Spend 2023	Partners
Hispanic American	\$451,782	Pepe Calderin Design, SOLUTIONS SJM, Stratus Building Solutions, Brose, Gaming Labs
Asian Pacific American	\$346,071	FansUnite, GeoComply, Saiber, Hiltzik Strategies, Gaming Labs
African American	\$335,148	FansUnite, GeoComply, Saiber, Hiltzik Strategies, Gaming Labs
Native American	\$47,303	Gaming Labs
Alaska Native Corporation/ Indian Tribes	\$47,303	Gaming Labs





# COMPLIANCE

# Minors/Underage Access

The one case seen on the chart was an underage individual who “took over” the account of a parent, an incident report was submitted to the MGC.





# RESPONSIBLE GAMING

# VSE Enrollment

Betr personnel attended the National Conference on Gambling Addiction & Responsible Gambling 2023 in Washington, D.C.

0

**Betr had zero VSE enrollees this quarter**



# LOTTERY

# Massachusetts State Lottery

Betr has been exploring activation ideas to capitalize on the Massachusetts State Lottery by utilizing our media arm and live sportsbook app. During our recent meeting, Betr proposed a seamless integration of the Massachusetts State Lottery into our platform. This integration aims to offer users exclusive promotions, rewarding experiences, and a vibrant community centered around sports betting and lottery participation. The two specific activations that were discussed are as follows:

## 01

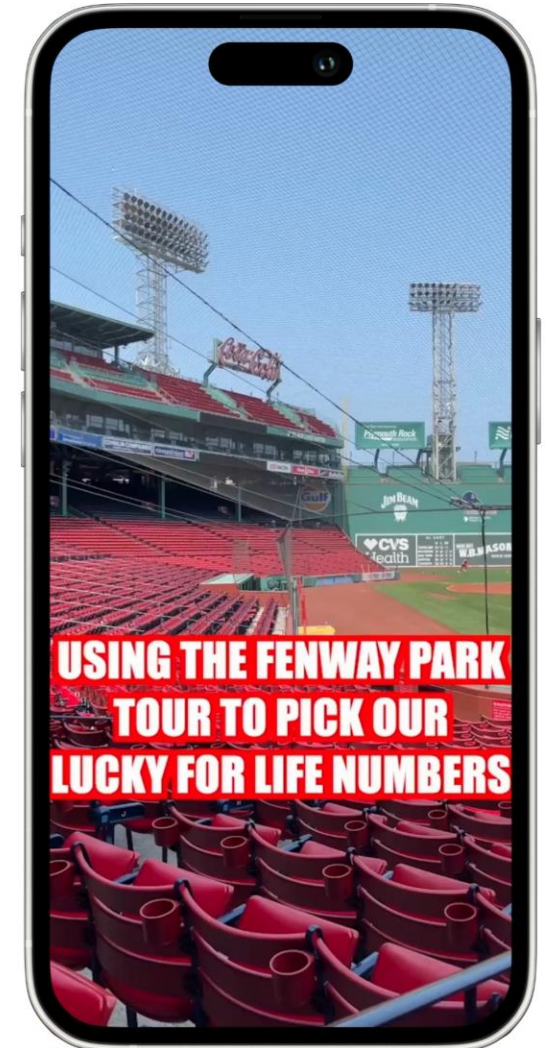
### ORIGINAL CONTENT CREATION

Betr's strategic plans for the Massachusetts State Lottery include creating original content with renowned talent outlets like Jake Paul, Haley & Hanna Cavinder, Handshake Bets, Bo Nickal, and more. Through innovative marketing and captivating content, we aim to boost visibility and engagement for the lottery, creating a dynamic community of participants in sports betting and lottery activities through the Betr app. Please view the social asset from Handshake Bets featuring the Boston Red Sox and the Massachusetts State Lottery.

## 02

### MASSACHUSETTS STATE LOTTERY

In Q4 2023, Betr launched "Betr Ticket," a personalized free-to-play game based on sporting event outcomes. Now, proposing a collaboration with the Massachusetts Lottery, Betr aims to create a customized game under their brand. Tailoring the game to local Massachusetts sports events, like the Red Sox-Yankees playoffs, will strengthen the association between the Massachusetts Lottery and popular sporting events.





# COMMUNITY/OUTREACH/ CHARITABLE IMPACTS

# Betr x Boxing Bullies Integration

- Founded with the vision to become an **industry leader in socially conscious operations**
- Led by Jake Paul, known for his involvement in **community-focused organizations**, including "Boxing Bullies" charity
- Launching the **#BeBetr** sub-brand in 2023 to support and initiate charitable efforts
- Bringing Jake Paul's "Boxing Bullies" charity to Massachusetts, partnering with local gyms to build **healthier communities**
- "Boxing Bullies" aims to instill **self-confidence and leadership** in youth while fighting against bullying
- Jake Paul's charity has already raised over **\$400,000**, donated **300 pairs of boxing gloves**, and initiated **gym renovations**
- Discussions underway with a local **Boys & Girls Club** for funding comprehensive youth programming in athletics, education, and citizenship







# BETR SW QUARTERLY REPORT

August 2023





August 17th, 2023

# Sports Wagering Quarterly Report

Q1 & Q2 2023

DRAFTKINGS INC.

# AGENDA

 1. Revenue

 2. Workforce & Workforce Diversity

 3. Vendor/Supplier Spend & Supplier Diversity

 4. Compliance

 5. Responsible Gaming

6. Lottery

7. Community, Outreach & Charitable Impacts

10

Revenue

# Q1 Revenue

Month	Total SW Revenue	MA SW Taxes Collected	Hold %
January	\$0.00	\$0.00	%
February	\$0.00	\$0.00	%
March	\$16,119,770.77	\$3,111,365.49	6.3%
TOTALS	\$16,119,770.77	\$3,111,365.49	6.3%

# Q2 Revenue

Month	Total SW Revenue	MA SW Taxes Collected	Hold %
April	\$28,961,247.87	\$5,656,799.90	10.2%
May	\$30,625,273.26	\$6,018,432.11	13.9%
June	\$15,436,370.44	\$3,008,784.79	9.4%
TOTALS	\$75,032,891.54	\$14,684,016.80	11.2%



02

**Workforce  
Diversity**

# Workforce / Workforce Diversity

As of end of July 1, 2023 we have 4,239 total employees globally. Globally female represent 27% of our employee population, and within the US 32% of our employees identify as an underrepresented race/ethnicity (non-white). We have a priority focus on advancing diversity in leadership positions, as well as increasing female representation globally.

# Breakout of Workforce Diversity Data

As of July 1, 2023 for all regular employees

	GLOBAL			US			MA		
	Non-White	Women	Veteran	Non-White	Women	Veteran	Non-White	Women	Veteran
<b>Senior Leaders</b>	8.22%	17.81%	2.05%	9.76%	21.14%	2.44%	4.11%	30.14%	2.74%
<b>Managers</b>	11.46%	23.88%	1.28%	17.15%	26.60%	1.28%	14.07%	28.89%	1.85%
<b>Professionals</b>	25.58%	28.55%	0.76%	37.39%	31.42%	0.69%	22.58%	28.08%	0.00%
<b>TOTAL</b>	<b>21.87%</b>	<b>27.15%</b>	<b>0.92%</b>	<b>31.88%</b>	<b>29.95%</b>	<b>0.89%</b>	<b>19.05%</b>	<b>28.43%</b>	<b>0.68%</b>



30

# Vendor/Supplier Spend/ Supplier Diversity

# Vendor/Supplier Spend/ Supplier Diversity

As a part of DraftKings' commitment to Diversity, Equity and Inclusion, we focus on four Primary Pillars to drive our strategy – diversifying and creating an inclusive Workforce, Workplace, Marketplace and Community. Our Marketplace Pillar focuses specifically on our customers, products and suppliers.

DraftKings believes that diversifying our suppliers promotes innovation through the introduction of new products, solutions and services. Supplier Diversity is a priority strategic initiative for 2023. DraftKings is onboarding a third-party Diversity Supplier tool that will provide accurate reporting against our Diversity Supplier initiatives. The tool will provide prior spending levels as well as identify diversity status of future vendors in real time.

In Q1 2023 with the exclusion of charitable donations, we have identified that 2.1% of our total US vendor billings have been allocated to minority, women or veteran-owned companies. Our goal is to increase our spending to 5% by 2028 with minority, women, veteran and LGBT-owned businesses

# Supplier Diversity Targets

In order to reach our Supplier Diversity targets, we will implement the following programs, resources and initiatives at DraftKings:

- i. Enhance our vendor tracking & reporting systems
- ii. Identify high potential areas to immediately start resourcing women, minority & veteran-owned businesses as it pertains to our function areas (Media, Marketing Services, Design Services, Food & Beverage Services, Engineering, etc)
- iii. Amplify our Supplier Diversity initiative internally across our organization to ensure all employees that contract outside vendors have accountability in helping achieve our Diversity Supplier goal
- iv. Supplier Diversity Business Fairs to introduce local and global businesses to DraftKings employees responsible for contracting vendors
- v. Working with local Supplier Diversity Offices, we will ensure an up-to-date list of Minority/Women/Veteran-owned businesses are accessible for all employees
- vi. Based on annual budgets per function, we will develop team goals
- vii. For large contracts, teams will be required to include women, minority & veteran-owned businesses as a part of the bidding process

# Total Vendor/Supplier Spend Overall

SPENDING	Q1 '23	Q2 '23
MBE	15.1%	26.3%
VBE	-	-
WBE	-	-

**04**

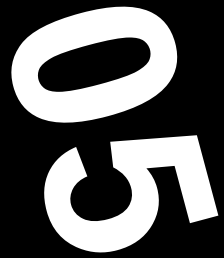
**Compliance**

# Underage/Minor Access

The below statistics are based on DraftKings' Monthly Underage Report as of 7.10.23

Month	User Accounts Suspended due to claims of underage activity*
March	0
April	4*
May	2*
June	0

\* These users have made claims that an underage individual, usually a family member, placed a wager on the of-age user's account, or there was some other evidence to support that the account was being operated by an underage individual who was not the account holder.



# Responsible Gaming

# Voluntary Self Exclusion Enrollees

All DraftKings users are routed to the Massachusetts state exclusion list from

MGC VSE App Exclusions (YTD as of July 1,23)
170



90

Lottery

# Massachusetts State Lottery

DraftKings has spoken with the Massachusetts Lottery.

# 20 Community/Outreach/Charit able Impacts

# Major sponsor of The Foundation To Be Named Later “Hot Stove Cool Music” event

April 15th, 2023

Hot Stove Cool Music celebrates music, baseball and giving. Held annually in Boston, it raises funds for programs supported by Foundation to Be Named Later. The Foundation To Be Named Later (FIBNL) was launched in 2005 by social worker, Paul Epstein and his twin brother, former Boston Red Sox EVP & GM and Chicago Cubs President of Baseball Operations, Theo Epstein. Foundation To Be Named Later invests in the next generation of emerging leaders through its Peter Gammons College Scholar program.

**Amount donated: \$25,000**



# Title sponsor of the Dravet Syndrome Foundation "Strike Out Dravet" event

This year's event was hosted by local families in support of the mission of the Dravet Syndrome Foundation (DSF) to fund cutting-edge research into Dravet syndrome and improve the quality of life for patients and families.

**Amount donated: \$25,000**



# Presenting sponsor of the Dana-Farber Cancer Institute “Jimmy Fund Day” at Fenway

June 10th, 2023

Jimmy Fund Day at Fenway presented by DraftKings at Dana-Farber Cancer Institute the experience of a lifetime at Fenway Park on June 10, 2023, while fueling the future of cancer research and care. The Dana-Farber Campaign supports the Institute and its mission to defy cancer by accelerating science, care, and expertise.

**Amount donated: \$55,000**



PRESENTED BY  
**DRAFTKINGS**

**#KNCANCER**

# Participation in JPM Corporate

## Challenge

July 22nd, 2023

60 DraftKings employees participated in this 3.5 mile walk in downtown Boston, with just under \$4,000 raised to benefit the Fifty Years Fund powered by The United Way of Massachusetts Bay.

J.P.Morgan

Corporate Challenge®





# Sponsor of How to Boston While Black Summit

April 13-14, 2023

The How to Boston While Black Summit brought together more than 750 Black entrepreneurs, business professionals, non-Black allies, and DEI leaders. The Summit hosted more than 60 speakers, daily networking opportunities, keynotes, and had more than 20 speakers sessions focused on culture, community, civic, and corporate life. DraftKings hosted a recruiting booth at the job fair and was the headline sponsor of the Summit After Party.





# Responsible Gaming Funding (2023)

*\*DraftKings' responsible gaming initiatives are funded throughout the year and are ongoing throughout all quarters.*

- **DraftKings State Council Funding Program**

**Amount:** \$495,000 to multiple state councils, including \$15,000 to the Massachusetts Council on Gaming and Health  
DraftKings' State Council Funding Programs dedicates \$15,000 to each state council and is used to fund staff training, conferences, helpline support, or other crucial programing.

- **Kindbridge Research Institute (Beverly, MA) - 50x4 Vets**

**Amount:** \$150,000

DraftKings donated to the 50x4 Vets program which seeks to provide a permanent, long-term solution to the lack of research on problem gaming on veterans. This includes collaboration with inpatient treatment centers to research the problem and improve the lives of veterans.

- **Kindbridge Research Institute (Beverly, MA) - Military Research Associate Program**

**Amount:** \$100,000

The Military Research Associate Program (MRAP) assists veterans transitioning from military service to pursue advanced training in public mental health research. This includes academic skill building, such as academic writing, literature search and review, study design and execution, as well as academic and research resume building, which includes publishing peer-reviewed articles.





# Responsible Gaming Funding (2023)

*\*DraftKings' responsible gaming initiatives are funded throughout the year and are ongoing throughout all quarters.*

- **Bet Blocker**

**Amount: \$15,000**

In an effort to promote responsible gaming and provide free resources to those who need assistance, DraftKings has donated to BetBlocker for the second consecutive year. This partnership demonstrates DraftKings' commitment to the well-being of its customers and the broader community. Customers that use BetBlocker can set restrictions on their play (such as only playing on weekends) or choose to be blocked entirely from thousands of gaming websites, both legal and not.



- **International Center for Responsible Gaming**

**Amount: \$70,000**

DraftKings has donated to ICRG's general research fund. Research projects test the effectiveness of responsible gaming and treatment strategies, problem gaming among minority populations, the impact of co-occurring disorders on gaming disorder, and many other aspects of this public health problem.





**THANK YOU**



# Massachusetts Gaming Commission

## Executive Summary

### Executive Director Position

#### Introduction

On June 8, 2023, an official announcement was made by Executive Director Karen Wells regarding her forthcoming retirement from the Massachusetts Gaming Commission, with the effective date set as July 14, 2023. This transition prompted the initiation of a selection process for an Interim Executive Director. Following a diligent assessment, Todd Grossman emerged as the designated Interim Executive Director, a decision communicated on July 17, 2023. The Commission has since undertaken proactive measures to identify a permanent successor for the Executive Director position.

Recognizing the gravity of securing an exceptionally qualified candidate, the Commission is proactively exploring the option of enlisting an executive search firm. Consequently, a strategic collaboration was established between the Massachusetts Gaming Commission and the Local Enterprise Assistance Fund (LEAF), facilitated through the MGC Technical Assistance grant. This collaboration aimed to identify a pool of five distinct search firms possessing diversity, achieved by leveraging the Supplier Diversity Office's Database (SDO) and LEAF's proprietary supplier network. LEAF was entrusted with the responsibility of refining the list to exclusively encompass firms that align with the mandated services and encompass the scope delineated by the MGC.

Each of the firms were asked the following questions:

- Does your company have experience working with government agencies?
- In which industries do you have the most experience in placing executives? (Top 3)
- Does your company have experience filling C-suite positions?
- What other types of senior-level positions have you placed?
- How long does it typically take to fill C-suite positions?
- Are you able to fill C-suite positions in 6 months or less?
- What is your "Resume Submission to Interview" Ratio?
- What is your "Interview to Hire" Ratio?
- What is your position retention rate?
- Where are your offices located?

**This executive summary presents the top 5 executive search firms from the SDO and Leaf's database.**

#### Findings:

- |                                  |               |         |            |
|----------------------------------|---------------|---------|------------|
| • MH Group, LLC                  | MBE           | WBE     | For Profit |
| • Gumbs Partners                 | Not Certified | Not MBE | For Profit |
| • Centum Search, LLC             | MBE           | WBE     | For Profit |
| • Renaissance Network, Inc.      | Not Certified | MBE     | For Profit |
| • US Professional Services, Inc. | Not Certified | WBE     | For Profit |