



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 29, 2024 | 10:00 a.m.
VIA REMOTE ACCESS: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 111 012 0315
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 - #529

1. Call to Order – Jordan Maynard, Interim Chair

2. Meeting Minutes
 - a. December 19, 2022 **VOTE**
 - b. September 19, 2023 **VOTE**
 - c. September 21, 2023 **VOTE**
 - d. November 7, 2023 **VOTE**

3. Legislative Update – Commissioner Brad Hill

4. Discussion of Conclusion of Independent Monitor Condition for Wynn MA LLC– All Commissioners; Todd Grossman, General Counsel; Jacqui Krum, EVP & General Counsel – Encore Boston Harbor

5. Research and Responsible Gaming – Mark Vander Linden, Director of Research and Responsible Gaming
 - a. Responsible Gaming Education Month



Massachusetts Gaming Commission

- b. Presentation of “Gambling and Problem Gambling in Massachusetts: Results of Three Online Panel Surveys” – Dr. Rachel Volberg, SEIGMA

- 6. Sports Wagering Division – Bruce Band, Director of Sports Wagering
 - a. Update to House Rules – Andrew Steffen, Sports Wagering Operations Manager
 - I. BetMGM **VOTE**
 - II. MGM Springfield **VOTE**
 - III. FanDuel **VOTE**

- 7. Racing – Dr. Alexandra Lightbown, Director of Racing
 - a. Standardbred Owners of Massachusetts (SOM) Recognition Request as Breeders’ Representative Group – Raymond “Chip” Campbell Jr., President SOM; Nancy Longobardi, Secretary/Treasurer, SOM **VOTE**
 - b. Review of Racing License Application for Annual Renewal – Justin Stempeck, Deputy General Counsel, Karalyn O’Brien, Chief Licensing **VOTE**

- 8. Legal – Todd Grossman, General Counsel
 - a. Discussion of Amendments to Ohio Administrative Code Rule 3775-16-03: Sports Gaming Accounts requiring the use of multi-factor authentication and Discussion of Possible Amendments to 205 CMR to mandate the use of multi-factor authentication by Massachusetts sports wagering operators – Carrie Torrisi, Deputy General Counsel

- 9. Investigations and Enforcement Bureau – Caitlin Monahan, Director of Investigations and Enforcement Bureau
 - a. Security at the Casino Facilities **VOTE**
 Executive Session
 The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(4), c.30A, §21(a)(7), and G.L. c. 4, §7(26)(f) to discuss the use and deployment of security personnel or devices, or strategies with respect thereto at Encore Boston Harbor, MGM Springfield and Plainridge Park Casino, specifically with regard to firearms and parking garage security; to discuss investigatory materials related to MGM parking garage security, necessarily compiled out of the public view by the IEB the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest; and to discuss responses to the Commission’s internal control related directives submitted by Encore Boston Harbor, MGM Springfield, and Plainridge Park Casino related to the same subject matter outlined herein.



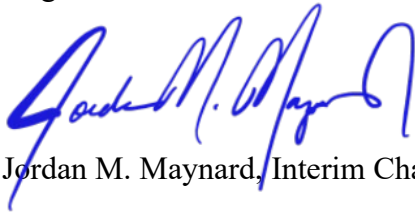
The public session of the Commission meeting will not reconvene at the conclusion of the executive session.

10. Commissioner Updates

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

I certify that this Notice was posted as “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to regs@sec.state.ma.us. Posted to Website: August 27, 2024 | 10:00 a.m. EST

August 27, 2024

A handwritten signature in blue ink, appearing to read "Jordan M. Maynard".

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: December 19, 2022, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 981 0714

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 414th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Legal Framework Relative to the Award of A Category 1 Sports Wagering Operator License](#) (09:52)

General Counsel Todd Grossman stated that this meeting was the Commission's opportunity to evaluate the application for a category one sports wagering license submitted by Blue Tarp reDevelopment, LLC, d/b/a MGM Springfield ("MGM"). He explained that under G.L. c. 23N, § 6(b)(1), the Commission shall issue a category one sports wagering license to any holder of a gaming license under G.L. Chapter 23K, provided that any holder of a category one sports wagering license shall not receive a category two sports wagering license.

General Counsel Grossman stated that MGM held a gaming license under G.L. c. 23K. He stated that a category one sports wagering license was defined in G.L. c. 23N, § 3, as a license issued

by the Commission that permits in-person sports wagering at a gaming establishment and not more than two individually branded mobile applications or digital platforms approved by the Commission. He stated that entities operating the mobile platforms would be required to have a category three sports wagering license.

General Counsel Grossman stated that 205 CMR 218 set out the application requirements, standards, and procedures. He explained that the Commission had convened a meeting to receive public feedback on the category one applications on December 5, 2022. He stated that the regulation sets out factors and considerations for the Commission to analyze in the evaluation process, but that the regulations did not set out a particular order to review factors nor did the regulation assign particular weight to the factors. He added that the Commission may require that the applicant provide additional information or documents the Commission deemed appropriate.

General Counsel Grossman noted that the evaluation of this application was being conducted in public and that all deliberations made by the Commission must take place in public. He stated that G.L. Chapter 30A, § 21(a)(7) allowed the Commission to move into executive session to comply with or act under the authority of any general law, such as G.L. Chapter 23N, § 6(i) regarding competitively sensitive information submitted in the course of the application process. He stated that if the Commission requested answers pertaining to competitively sensitive information, the applicant could request to move the meeting to executive session.

General Counsel Grossman stated that any finding the Commission makes must be backed by substantial evidence, and that the heightened standard of clear and convincing evidence applied to suitability pursuant to 205 CMR 215.

General Counsel Grossman stated that the factors the Commission would evaluate would be: the applicant's experience and expertise related to sports wagering; the economic impact and benefits to the Commonwealth; the applicant's proposed measures related to responsible gaming; the description of the applicant's willingness to foster racial, ethnic, and gender diversity, equity, and inclusion ("DEI"); the technology the applicant intends to use in operation; the suitability of the applicant and qualifiers; and any other appropriate factor in the Commission's discretion.

General Counsel Grossman stated that the Commission could determine temporary or durable findings of suitability, but that no preliminary finding needed to be entered. He noted that the Commission could use any information received pursuant to G.L. c. 23K, G.L. Chapter 128A, G.L. c. 128C, or information from other jurisdictions where the operator was authorized to operate. He stated that conditions could be placed on a license pursuant to 205 CMR 220.

[3. Continuation of Application Review from December 7, 2022 \(#407\) for Category 1 sports Wagering Operator License Submitted by MGM in Accordance With 205 CMR 218.06\(3\) and \(5\) \(24:33\)](#)

Chair Judd-Stein stated that the Commission had asked the applicant to supplement Sections F and G of their application at the December 7, 2022, public meeting. She stated that the applicant did provide supplemental information, and that MGM had the opportunity to present the new information at this meeting.

Jed Nosal, Attorney from Womble Bond Dickison, serving as external counsel for MGM, introduced: Chris Kelley, MGM President and COO; Arlen Carballo, MGM's Executive Director of Finance; Beth Ward, MGM's Director of Community Affairs; Daniel Miller, MGM's Director of Compliance; Danielle White, MGM's Vice President of Community Engagement; Augustine Kim, MGM's Vice President and Legal Counsel; Pat Madamba, MGM Resorts International's ("MGM Resorts") Senior Vice President and Legal Counsel; Garrett Farnes, MGM Resorts' Director of Responsible Gaming; Joshua Smith, MGM Resorts' Vice President of International Compliance; Sarah Brennan from BetMGM; and Roman Rubas from BetMGM.

Mr. Nosal stated that the application was updated based upon the Commission's input at the December 7, 2024, meeting. He stated that Section F was supplemented to include additional information about KYC safeguards, the wager application process, monitoring and security, and the testing of the platform and kiosks. He stated that additional information related to the certification of BetMGM's platform to applicable GLI standards in other jurisdictions was provided as well.

Mr. Nosal stated that Section G of the application was supplemented to provide more clarity regarding background compliance and suitability. He stated that MGM relied upon the IEB report that verified MGM Resorts' financial stability. He stated that answers were updated to ensure consistency. He stated that he felt comfortable with MGM's history of compliance as it was presented to the Commission.

Mr. Nosal stated that he wanted to address Commissioner O'Brien's question about the lawsuit brought by Chelan Brown against MGM. He stated that MGM was constrained in what could be discussed due to litigation strategy and privilege. He stated that MGM unequivocally denied the allegations by Ms. Brown. He stated that initially, a complaint was filed with MCAD alleging discrimination based upon race, discrimination based upon gender, sexual harassment, and retaliation. He stated that MGM filed a position statement in November 2020. He stated that on August 22, 2022, MCAD issued an investigative disposition finding insufficient evidence to support a determination of probable cause to credit the complaint with respect to all claims. Mr. Nosal stated that Ms. Brown was issued a "Right To Sue Letter" under state and federal law by the Equal Employment Opportunity Commission. He stated that Ms. Brown then filed a lawsuit against MGM and its former president. He noted that MGM had yet to be served with the complaint.

MGM's Vice President and Legal Counsel, Mr. Kim stated that both the defendants categorically denied that MGM filed any falsified reports with the Commission or engaged in unlawful discrimination, harassment, or retaliation. Mr. Nosal stated that once served, MGM intended to

file a motion to dismiss. He stated that MGM would vigorously defend itself against these claims. Mr. Nosal stated that MGM's workforce was over 50% minority with the largest concentration of team members coming from Springfield.

Commissioner O'Brien expressed the expectation that MGM would continue to provide any additional information related to the complaint and its claims to the Commission. Mr. Nosal stated that MGM would provide that information and reiterated that MGM denied all allegations in the complaint.

Commissioner Skinner asked if the IEB would conduct an internal investigation into the allegation that MGM had provided the Commission with falsified numbers. Chair Judd-Stein requested that this question be addressed at a later point, as she did not want to put the IEB on the spot at this juncture.

Chair Judd-Stein asked if there was a consensus as to whether MGM had met the Commission's expectations with this application. Commissioner O'Brien stated that she wanted more clarity as to what sections were changed to include new information.

Mr. Nosal stated that Section B(1)(a) of the application was changed to clarify the roles and responsibilities of BetMGM and MGM. He stated that it clarified that MGM would have control over the retail sportsbook operations. He stated that Section C of the application was supplemented to provide the most up to date information and incorporate additional information from BetMGM. He stated that some answers were amended to ensure consistency, but that the substance of the answers did not change. He stated that additional information from BetMGM was incorporated into Section E2 of the application.

Mr. Nosal reported that Section F of the application was changed to incorporate significant additional information regarding KYC, wager acceptance, monitoring of suspicious activity, location of servers, and BetMGM's security Policy. He stated that Section G of the application was updated to provide more comprehensive answers based on feedback from the Commission at the December 7, 2024, meeting.

Commissioners reached consensus that MGM had met the Commission's expectations in regard to Section B of the application.

Chair Judd-Stein asked if the number of kiosks was increased to eighteen. Mr. Kelley confirmed that was correct. Chair Judd-Stein then asked if all of the kiosks were on the gaming floor. Mr. Kelley stated that was correct. Chair Judd-Stein asked if the kiosks were spaced adequately for public safety purposes. Mr. Miller reported that the kiosks were stationed across several locations throughout the casino floor, with a higher concentration in the sports area.

Commissioner O'Brien asked how many employees were at the MassMutual Center. Ms. Ward stated that MassMutual averaged approximately 100 full-time employees. Commissioner

O'Brien asked if any brand ambassadors would be added in that area. Ms. Ward stated that brand ambassadors would not be used in the MassMutual Center. Chair Judd-Stein asked if MGM added clarification regarding their relationship with the Massachusetts Lottery. Mr. Miller confirmed that clarification was added regarding MGM's preexisting agreement with the Massachusetts Lottery to offer lottery kiosks and Keno in the casino.

Commissioners reached consensus that MGM had met the Commission's expectations in regard to Section C of the application.

Chair Judd-Stein stated that MGM's supplemental response to Section D of the application was comprehensive. Commissioner O'Brien reiterated that MGM had a commitment to keep the IEB and the Commission informed of any new information.

The Commission reached a consensus that MGM had met the Commission's expectations in regard to Section D of the application.

Commissioner Hill asked MGM's representatives to reiterate what amendments were made to Section E of the application. Mr. Nosal stated that Section E(3) of the application was amended to be more complete and include information related to the applicant, applicant's owner and the owner's subsidiaries. He stated that the Commission could refer to the supplements in Section G for further information related to disciplinary history.

Chair Judd-Stein asked if MGM would have control of tethered operator BetMGM's marketing decisions. Mr. Nosal stated that BetMGM was a separate entity, and that MGM would not have control over the tethered category three applicant. Mr. Madamba explained that BetMGM was a joint venture between MGM Resorts and Entain, a publicly traded company. He stated that decisions related to BetMGM were joint decisions with Entain. He stated that BetMGM would operate the tethered mobile sports wagering platform in Massachusetts, and that MGM would control and operate the retail sportsbook. Chair Judd-Stein asked if MGM would have discretion and control over the marketing partners of the tethered operator, because the tethered license was connected to MGM's category one sports wagering license. Mr. Miller stated that MGM would collaborate with the BetMGM regarding marketing, but that MGM had no control over BetMGM.

Commissioner Hill stated that MGM had met his expectations with respect to Section E of the application. Commissioner O'Brien stated that she would hold judgment on this section until after the Commission completed its review of Section G of the application. Commissioner Skinner agreed with Commissioner O'Brien with respect to Sections E, F, and G of the application. She stated that BetMGM was significantly intertwined with the category one retail sports wagering operations. She stated that she struggled with how to consider the category one license without first reviewing BetMGM's application.

Mr. Nosal stated that BetMGM was not a qualifier for MGM, and that BetMGM was a service provider similar to the vendor that manages the slot machines. He stated that MGM had confidence in the integrity of BetMGM. He stated that the ownership of BetMGM should not be reviewed as part of MGM's suitability and requested that those questions be saved for a review of BetMGM's application.

Loretta Lillios, Director of the IEB, stated that the vendor model was consistent with the Commission's regulations. She stated that for the purposes of retail launch BetMGM was being treated as a sports wagering vendor. She stated that the IEB was in the process of collecting materials required by regulation for temporary licensing that would permit the launch. Chair Judd-Stein asked if the IEB had any concerns with respect to suitability for MGM. Director Lillios stated that the IEB had submitted a report and was constantly receiving updates from each of the licensees. She stated that there was no information that disturbed the finding of suitability as presented in the IEB's report.

Commissioner Skinner asked if BetMGM would need to be found suitable as a vendor before they could commence retail operations at MGM. Director Lillios stated that by regulation, temporary vendor licenses were reliant upon attestations with full suitability investigations occurring subsequently thereafter. Commissioner Skinner asked what the process was for the Commission to review vendor information. Director Lillios stated that for occupational licenses and vendor licenses, the license was issued based on the IEB's findings. She explained that individual vendors did not come before the Commission. She stated that the IEB would keep the Commission apprised with the reporting component for BetMGM.

Commissioner Skinner noted that MGM was collaborating closely with BetMGM; and asked what the timeline was for reviewing BetMGM as a vendor. Director Lillios stated that the IEB was working to get the required attestations from operators prior to the retail launch. She confirmed that the IEB would review attestations, and that the suitability investigation would be performed after the launch.

Chair Judd-Stein noted that the application being reviewed was MGM and not BetMGM. Commissioner Skinner offered clarification that she was discussing BetMGM in its capacity as a vendor for MGM. She then asked if the review of BetMGM as a vendor would be reliant upon attestations alone. Director Lillios stated that there would be a subsequent investigation, and that other information could be considered during the review of BetMGM in relation to its own application for an operator's license. Director Lillios stated that G.L. c. 23N contemplated the identification of significant issues in conjunction with the review of BetMGM's operator's license, and that this information would not be ignored in conjunction with the IEB's review of BetMGM's vendor license.

Director Lillios stated that the initial review of vendors was reliant upon self-disclosures. She stated that if issues were discovered during this process there would be additional review and investigations. General Counsel Grossman stated that vendors that provide services could be

moved in and out, and that there is no guarantee that BetMGM will be the vendor used at launch. He stated that while BetMGM is a vendor, some of the issues would be more properly considered during the review of BetMGM's application. Mr. Nosal stated that MGM, MGM Resorts, and all qualifiers had suitability that stood on its own. He stated that the Commission could move forward with MGM's application based upon this existing suitability.

Commissioner O'Brien stated that some details of MGM's relationship with BetMGM as a vendor could be discussed in executive session as it might create a competitive disadvantage to answer those questions in a public forum. Commissioner Skinner stated that she understood that MGM would stand on its own as an operator but that she was hesitant to agree to BetMGM, even as a vendor, without first reviewing BetMGM's application.

Chair Judd-Stein stated that BetMGM's category three application was tethered to MGM's application, and that the Commission could not move forward on a tethered applicant until the category one sports wagering operator was approved. General Counsel Grossman stated that the awarding of a category one sports wagering license opens the door for the category one licensee to operate online sports wagering operations through a category three tethered operator. He stated that for the purpose of the category one application review the Commission could focus on the services BetMGM would perform in their capacity as a vendor.

Commissioner Skinner stated that some of her concerns with BetMGM were in connection with its role as a vendor for MGM. Chair Judd-Stein stated that the topic could be reviewed in executive session if appropriate. Commissioner O'Brien stated that would be helpful and Commissioner Skinner agreed. Commissioner Hill stated that if there were outstanding issues to be addressed in executive session regarding Section E of the application, that the Commission could return to whether there was a consensus as to whether Section E met expectations or not after the executive session.

Chair Judd-Stein asked if there were any questions about the answers supplemented for Section F of the application. The Commission had no questions relative to Section F of the application. The Commission reached a consensus that MGM had met the Commission's expectations in regard to Section F of the application.

Commissioner O'Brien stated there were several disclosures about recent fines and asked if MGM was comfortable discussing those matters in public. Mr. Madamba stated that those fines were related to BetMGM and not MGM's retail location.

Commissioner Skinner requested an executive session for clarity regarding portions of the responses in Section E, Section F, and Section G of the application. Mr. Nosal stated that it was his understanding that the outstanding issues were only related to Section E and Section G of the application. He stated that MGM and its qualifiers were currently found suitable under G.L. c. 23K and already under heightened reporting requirements. He stated that MGM would be happy to go into executive session to answer any additional questions.

Mr. Madamba reported that MGM filed its compliance committee binder with the IEB on a quarterly basis. He stated that all information related to subsidiaries was reported to the IEB, and that the information was far broader than the question on the application.

Chair Judd-Stein stated that there was a consensus that Section F of the application met the Commission's expectations but noted to Mr. Nosal that Commissioner Skinner had raised an issue related to technology. Commissioner Skinner requested a five-minute break to consult with General Counsel Grossman.

Commissioner O'Brien expressed that BetMGM was integrally intertwined with MGM's operations as described in the application. She stated that she wanted more information related to the control of advertising, marketing, and responsible gaming. She stated that an executive session may be appropriate for that topic. Commissioner Hill stated that he was willing to go into executive session with respect to Commissioner O'Brien and Commissioner Skinner's concerns. He noted that MGM had met his expectations for this category. Commissioner Maynard stated that he had no further questions, but out of respect for his fellow Commissioners, he would prefer to go into executive session prior to voting. Chair Judd-Stein agreed and stated that all Commissioners should have their questions answered.

General Counsel Grossman stated that Commissioner Skinner could inquire about these issues in public to narrow down what would be discussed in executive session. He stated that the topics discussed seemed to meet the exception related to confidential information that would place the applicant at a competitive disadvantage, if discussed publicly. Commissioner O'Brien stated that after reviewing the application, she had no further need for an executive session related to advertising and marketing control.

Commissioner Skinner asked what the relationship was between the applicant and BetMGM with respect to the provision related to promotions and advertising. Mr. Madamba replied that retail promotions were within MGM's control. He stated that MGM had the final decision whether or not promotions were appropriate to offer in this market.

Commissioner Skinner asked what relationship there was between the applicant and MGM regarding the maintenance of patron data. Mr. Madamba stated that certain data was shared between MGM and BetMGM, but that MGM was responsible for all information stored on MGM's servers. He stated that BetMGM is responsible for any data stored on its server, and that the environment stays secure. Mr. Miller stated that there was a diagram in the application which detailed the separation and connection of data systems.

Commissioner Skinner asked if BetMGM had access to MGM patron data. Mr. Madamba stated that BetMGM did not have access to full patron data, but that data was shared to facilitate the creation of accounts. Mr. Miller stated that sharing data was predominantly used to ensure players could move more smoothly through the loyalty program.

Commissioner Skinner stated that she believed it to be appropriate to discuss patron data further in executive session. General Counsel Grossman stated that this topic would fall into the parameters of competitively sensitive information that could place the applicant at a competitive disadvantage.

Mr. Nosal stated that for data integrity purposes, MGM was responsible for any issues that may arise. Commissioner Skinner stated that her questions related to the confidential investigations disclosed by BetMGM. She stated she had concerns related to the maintenance of security and patron data due to that disclosure. Mr. Nosal agreed that this confidential investigation would be best discussed in executive session.

Chair Judd-Stein stated that the Commission anticipated that it may meet in executive session in conjunction with its review of the Blue Tarp reDevelopment (d/b/a MGM Springfield) application in accordance with G.L. c. 30A, § 21(a)(7), and G.L. c. 23N, § 6(i), to consider information submitted by the applicant in the course of its application for an operator license that is a trade secret, competitively-sensitive or proprietary and which if disclosed publicly would place the applicant at a competitive disadvantage.

Commissioner Skinner moved that the Commission meet in executive session in conjunction with its review of the Blue Tarp reDevelopment (d/b/a MGM Springfield), application in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 23N, § 6(i) to consider competitively sensitive information related to the relationship between the applicant and BetMGM with respect to the maintenance of patron data and an ongoing confidential investigation that was disclosed by BetMGM, which if disclosed publicly would place the applicant at a competitive disadvantage. Commissioner O'Brien seconded the motion.

Chair Judd-Stein stated that she was unsure whether something disclosed by BetMGM should be discussed relative to the agenda items for MGM. Commissioner Skinner stated that the executive session was relative to the relationship the applicant had with BetMGM. Chair Judd-Stein asked if the same information was provided by the applicant. Mr. Madamba stated that MGM was prepared to discuss the topic in executive session. Chair Judd-Stein noted that she did not have BetMGM's application in front of her. Commissioner O'Brien stated that the question was relative to MGM's data protection and sharing in relation to the matter disclosed by BetMGM. Chair Judd-Stein stated that she did not want the motion to reference that the information was submitted by another applicant.

Commissioner Skinner moved that the Commission meet in executive session in conjunction with its review of the Blue Tarp reDevelopment (d/b/a MGM Springfield) application in accordance with G.L. c. 30A, § 21(a)(7), and G.L. c. 23N, § 6(i) to consider competitively sensitive information related to the relationship between the applicant and BetMGM with respect to the maintenance of patron data and an ongoing confidential investigation which if disclosed publicly would place the applicant at a competitive disadvantage. 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.

Transcriber's Note: The Commission entered executive session and then returned to the public meeting.

Commissioners reached a consensus that MGM had met the Commission's expectations in regard to Section E of the application. The Commission reached a consensus that MGM had met the Commission's expectations in regard to Section G of the application.

4. [MGM Springfield Category 1 License Application Determination by the Commission in Accordance with 205 CMR 218.07 \(3:09:48\)](#)

General Counsel Grossman reiterated that the factors the Commission would evaluate would be: the applicant's experience and expertise related to sports wagering; the economic impact and benefits to the Commonwealth; the applicant's proposed measures related to responsible gaming; the description of the applicant's willingness to foster racial, ethnic, and gender DEI; the technology the applicant intends to use in operation; the suitability of the applicant and qualifiers; and any other appropriate factor in the Commission's discretion.

Chair Judd-Stein asked if the Commission needed any further clarification related to advertising and marketing. Commissioner O'Brien replied that there were no further questions. Chair Judd-Stein asked if MGM was in control of third-party marketing affiliates. Mr. Madamba stated that MGM had full control over the retail side of marketing. He stated that MGM expected that BetMGM would follow all requirements in Massachusetts for mobile marketing.

General Counsel Grossman stated that a series of automatic conditions were attached to licensure. He stated that whether pre-registration could occur might be better addressed by regulation. He stated that the automatic conditions that attach to the license are that: the operator obtain an operations certificate before conducting sports wagering; the operator comply with all terms and conditions of the license and operations certificate; the operator comply with G.L. Chapter 23N and all rules and regulations of the Commission; the operator make all required payments to the Commission in a timely manner; the operator maintain its suitability to hold a sports wagering license; and the operator conduct sports wagering within its approved system of internal controls and in accordance with its approved house rules and G.L. c. 23N § 10(a).

Commissioner Hill moved that the Commission find that the applicant, Blue Tarp reDevelopment (d/b/a MGM Springfield), through its application submitted and discussed here

today and on December 7, 2022, has established by substantial evidence that it met the criteria set forth in 205 CMR 218.06(5) (a) through (e) and (g), and further that the reward of a category one license to the applicant would be to the benefit of the Commonwealth. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Commissioner Hill moved that the Commission find that the applicant Blue Tarp reDevelopment (d/b/a MGM Springfield) be found to have established through its application filing reviewed by the IEB and the discussion here today and on December 7, 2022, by clear and convincing evidence at an adjudicatory proceeding its suitability consistent with 205 CMR 218.06(5)(f) and that any condition subject to a finding of suitability also reference the obligations outlined in 205 CMR 220.01.

Commissioner O'Brien sought clarification regarding which adjudicatory hearing the motion referred to. General Counsel Grossman stated that any durable finding of suitability had to be made by clear and convincing evidence presented at an adjudicatory proceeding. He stated that MGM was found suitable at a previous hearing in 2013. He stated that MGM maintained that suitability. Commissioner O'Brien moved to amend the motion to add the language, "and nothing in the submissions of the applicant or in the hearing on December 7, 2022, or today raise substantial issues such that we would disturb the suitability finding." Commissioner Hill accepted the amendment. Chair Judd-Stein moved to amend the motion to clarify that the adjudicatory hearing referenced was held on December 23, 2013. Commissioner Hill accepted the amendment. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

[5. Presentation of Application for a Category 3 Sports Wagering Operator License Submitted by BetMGM, LLC including Demonstration of Technology and User Experience in Accordance with 205 CMR 218.06\(3\) \(4:03:16\)](#)

BetMGM's Chief Compliance Officer Rhea Loney introduced BetMGM's Deputy General Counsel Jeremy Kolman, BetMGM's Senior Director of Compliance Sarah Brennan, BetMGM's Senior Manager of Technical Sports Operations David Main, BetMGM's Senior Manager of Responsible Gaming Richard Taylor, BetMGM's Director of Loyalty Meghan Twombly, BetMGM's Head of DEI Anna Eleazar, and BetMGM's Director of Technical Governance Roman Rubas.

Ms. Brennan explained that BetMGM was established in 2018. She stated that BetMGM assisted in operating physical sportsbooks in Nevada, Detroit, New Jersey, Mississippi, and Maryland. She explained that BetMGM was a joint venture between MGM Resorts and Entain. She stated that BetMGM was live in twenty-five jurisdictions and that BetMGM provided retail technology, trading and risk management to MGM.

Ms. Brennan stated that MGM had exponential growth in the compliance team that corresponded with the growth of sports wagering markets in the United States. Mr. Main stated that BetMGM had an internal trading department which handled all odds-making. He stated that BetMGM used U.S. Integrity for integrity monitoring.

Mr. Taylor stated that BetMGM was focused on the development and continuous improvement to a multifaceted approach to responsible gaming. He stated that BetMGM had implemented GameSense throughout each of its operations. He stated that all employees receive responsible gaming training and that customer-facing employees received advanced training. He stated that BetMGM has a variety of responsible gaming tools and time-out features located in the platform's account settings. He stated that BetMGM collaborated with MGM Resorts regarding the voluntary exclusion list. He explained that the responsible gaming team reviewed marketing materials. He stated that BetMGM donated \$430,000 to the International Center for Responsible Gaming.

Ms. Twombly explained that BetMGM was partnered with MGM Rewards and had access to that loyalty program. She stated that patrons could earn bonus play or a number of other loyalty rewards. Ms. Eleazar stated that DEI was among BetMGM's core values and that BetMGM was committed to creating an inclusive culture. She stated that BetMGM partnered with seven employee research groups ("ERGs") to bring visibility to DEI concepts.

Ms. Eleazar explained that BetMGM had partnered with Supplier.io to help scale its diversity spending. She stated that BetMGM's goal was to determine the diversity percentage levels amongst its vendors in quarter one of 2023. She stated that BetMGM was using AI tools to generate gender neutral and inclusive job descriptions. She explained that in quarter one of 2023 BetMGM anticipated the launch of the Empower Mentorships program. She stated that BetMGM was working on developing diverse long-term institutional relationships.

Mr. Rubas stated that BetMGM's mobile platform was live in nineteen jurisdictions and that the platform was tested to GLI 33 technical standards. He stated that BetMGM did security

assessments and penetration testing through an independent third-party, Bulletproof. He stated that geofencing was integrated with GeoComply. Mr. Rubas then provided a product demonstration of BetMGM's mobile platform for the Commissioners and meeting attendees.

Chair Judd-Stein asked for clarification regarding the options for timeouts in the responsible gaming section. Mr. Rubas explained that there were several pre-designated timeouts and that players could also set a specific date. Chair Judd-Stein asked how much notice players received before the end of the timeout period. Mr. Rubas stated that players were notified once the timeout expired, and that they had the option to extend the timeout or return to wagering.

Chair Judd-Stein asked if there was notification that the timeout was approaching expiration. Mr. Taylor stated that cool-off periods were typically used for concerns related to problem gambling. He stated that a notification stating a cooling-off period was expiring might create a countdown that raises the patron's excitement levels. He stated that he was not comfortable having that occur, but that he would comply with any Commission requirements.

Commissioner Hill noted that the in-person support via phone was only available from 11 a.m. to 8 p.m. He explained that he had concerns about customer's being able to reach an available person. He stated that another operator that presented only had four hours where customer support was not available via phone. He stated that BetMGM had a large window without availability to call the operator. Mr. Rubas stated that the determination of hours was based upon regulator requests, and that the phone line could be made 24/7 if the Commission required it.

Commissioner Hill asked if the hours would be 11 a.m. to 8 p.m. if the Commission did not regulate a required availability. Ms. Brennan stated that was correct. Commissioner Maynard asked if customer support could escalate to calls should a major concern arise. Ms. Brennan explained that BetMGM had established a standard operating procedure for players who threaten self-harm, harm against the establishment, or exhibit problem gambling behaviors. She stated that customer support flags these issues to supervisors and the issue is escalated in a path most appropriate. She stated that these paths included calls from supervisors, wellness checks, and escalations to property security.

Commissioner Maynard asked if large transfers, like \$10,000, would flag the customer support team. Mr. Taylor stated that BetMGM focused on behaviors and context of the interaction. He stated that context decides whether an issue was escalated.

Chair Judd-Stein asked if live chat was with an AI or active employee. Mr. Rubas stated that BetMGM did not use AI. Commissioner O'Brien asked if customer support phone calls were offered in other languages. Ms. Brennan stated that the calls were offered in English, and that BetMGM was working to establish Spanish language support lines. Commissioner O'Brien asked if there were plans to implement any other languages. Ms. Brennan stated that she was not certain, and that she would get back to the Commission with further information.

6. [Presentations and Analysis Relevant to review and evaluation of Application for Category 3 sports wagering operator license submitted by BetMGM, LLC](#) (5:22:51)

a. Technical Components

Chair Judd-Stein stated that Gaming Laboratories International (“GLI”) was the first company to develop and set gaming technical standards which are now considered an industry benchmark. She stated that GLI continues to innovate standards and regulators rely upon these standards to preserve the integrity of the industry.

Joe Bunevith, GLI’s Director of Client Solutions, stated that before the test lab could make submittals the Commission would have to approve 205 CMR 247 and 205 CMR 248. He stated that 205 CMR 138 and 205 CMR 238 had been approved, and that after 205 CMR 247 and 205 CMR 248 were approved, operators would submit the code for their sports wagering systems and hardware to GLI for testing.

Mr. Bunevith stated that the operator would submit their code bases for the entire sports wagering systems they intended to deploy. He stated that if the program was one GLI was familiar with, then GLI would rely upon the last submission for one or more U.S jurisdictions and then test any changes to the platform to comply with Massachusetts specific rules and regulations. He stated that if a potential operator’s platform was new to GLI, it would undergo an architectural review that identifies, and documents critical files related to compliance. He stated that after the initial review was complete the source code could be submitted for testing in a locked down environment.

Mr. Bunevith stated that the lab would verify changes for Massachusetts specific deployments, and once those changes were validated, a certificate would be issued to the operator. He stated that once the certificate was issued the Commission could approve the operator for operations. He stated that field verification would be finalized in the upcoming weeks and that verification of the production server and verification of critical file signatures would commence. He stated that GLI would also review internal controls and procedures.

b. [Report on suitability of the Applicant](#) (5:30:29)

Senior Enforcement Counsel Kathleen Kramer stated that BetMGM’s category three sports wagering license was to be tethered to MGM’s category one sports wagering license. She reported that the IEB performed a review for preliminary suitability according to the standards set forth in 205 CMR 2.15.01(2). She noted that a full suitability investigation had not been conducted at this time.

Counsel Kramer stated that the licensing division did a scoping review of the applicant pursuant to G.L. Chapter 23N, § 5(b). She stated that four entities and seven individuals were designated

as qualifiers in connection with BetMGM's application. She stated that the IEB reviewed the submission and found no substantial deficiencies.

Counsel Kramer stated that the team conducting the review was comprised of contract investigators. She stated that the review for preliminary suitability included a summary of BetMGM's licensing status in other jurisdictions, compliance history in other jurisdictions, and pending litigation valued over \$100,000. She stated that the IEB had reviewed supplemental public financial filings with the Securities and Exchange Commission ("SEC") from BetMGM's parent company MGM Resorts. She stated that RSM reviewed BetMGM's forecasting submissions and a summary of BetMGM's self-reported history of judgments.

c. [Financial and Economic Impact Analysis](#) (5:33:38)

Jeff Katz, RSM's Strategic Finance Practice Leader, stated that much of the information in RSM's report was likely confidential and that details would have to be discussed in executive session. He stated that jurisdiction rules and regulations may affect the applicant market size and sportsbook composition. He noted that when sports wagering went live in Massachusetts, other neighboring states would likely see a decrease in sports wagering activity.

Mr. Katz stated that if all applicants were granted licenses, then Massachusetts would have an above average number of sportsbooks. He stated that having more sportsbooks was associated with lower hold percentages. He noted that there may be some consolidation in the sports wagering industry via merger or operators unable to sustain operations in this industry. He stated that the evolving nature of the industry made it difficult to predict the composition of the marketplace.

Mr. Katz stated that RSM reviewed BetMGM's self-disclosed financial information, the historical financial performance of BetMGM in other jurisdictions, BetMGM's liquidity, financial projections in Massachusetts, and the financial impact of compliance risk, bankruptcy, and other legal proceedings. He explained that BetMGM was owned by a joint venture partnership between MGM Resorts and Entain. He stated that the applicant provided financial disclosures for both entities.

Mr. Katz stated that MGM had previously been issued a determination of suitability. He stated that the applicant had provided projections based upon the estimated Massachusetts market size and gross gaming revenue applied to a projected market share percentage. He stated that this methodology had fewer data points to compare to the industry standard, but that it should not be seen as a negative.

Mr. Katz stated that the projected market share capture rate percentage was constant for a five-year forecast period. He stated that the applicant projected growth each year of the forecast and multiplied it by market share. He stated that the estimated amount is low in year one of projections and a reasonable estimate by year five. He stated that in other jurisdictions, online

sports wagering scaled quickly before settling to a single-digit annual growth rate. He stated that BetMGM's projected revenues were both reasonable and conservative.

Mr. Katz stated that both MGM Resorts and Entain provided financial support and technical resources on an as-needed basis. He stated that Entain filed publicly available filing with the London Stock Exchange, and that after quarter two of 2022 Entain had \$567 Million of available liquidity in cash. He stated that Entain had \$236 million payable on their total long term debt balance within the next twelve months.

Mr. Katz stated that MGM Resorts had public filings with the SEC indicating that as of quarter three of 2022, MGM resorts had \$7.3 billion in total liquidity, with \$5.3 billion in cash and \$2 billion in undrawn revolving credit. He stated that MGM resorts had \$1.5 billion payable on its total long term debt balance within the next twelve months. He stated that both Entain and MGM Resorts had the capital available to fund operations within the Commonwealth of Massachusetts.

7. Review and evaluation of Application for Category 3 sports wagering operator license submitted by BetMGM, LLC in accordance with 205 CMR 218.00 including, but not limited to consideration of the following criteria (5:51:43)

a. Experience and Expertise related to Sports Wagering (205 CMR 218.06(5)(a))

Commissioner Skinner asked if BetMGM was licensed in Maryland. Ms. Loney stated that BetMGM now held a license in Maryland but was in the process of applying for licensure when it submitted their application for licensure in Massachusetts.

Chair Judd-Stein inquired as to how issues flowed to the compliance committee. Ms. Loney explained that there was a three-person compliance committee, and a compliance plan approved by the Board of Directors. She stated that the compliance committee had one member from MGM Resorts, one member from Entain, and an independent member. She stated that the committee held quarterly meetings to review matters and incidents, but that the committee communicated in between meetings as necessary.

Commissioner Skinner sought clarification as to whether patron data was retained when using the 'Share My Bet' feature. Mr. Rubas stated that player information was not stored, and that the recipient would have to create an account to view and place that bet. Commissioner Skinner asked what information was required for that feature. Mr. Rubas stated that the patron could input a friend's email address to send a link for a bet.

Chair Judd-Stein noted that GLI had advised the Commission that no other jurisdiction had regulations that would prohibit pre-registration and preloading of funds. Ms. Loney stated that BetMGM was awaiting further clarification from the Commission before beginning pre-registration. She stated that the general practice across the industry was to allow pre-registration.

Chair Judd-Stein asked if BetMGM would use third-party marketing affiliates. Ms. Loney stated that BetMGM did plan to use marketing affiliates. Chair Judd-Stein asked if BetMGM would retain full control over the content put out by marketing affiliates. Ms. Brennan stated that the compliance team worked closely with the marketing department to ensure affiliates followed all marketing guidelines and American Gaming Association (“AGA”) standards. She noted that part of the patron’s privacy policy included the agreement to receive marketing from BetMGM’s partners.

Commissioner O’Brien asked what BetMGM does if a third-party marketing affiliate violates any rules or regulations in a jurisdiction. Ms. Brennan stated that some jurisdictions required marketing affiliates to hold a license, in which case there would be regulatory implications. She stated that if the violation was egregious, BetMGM would reevaluate the relationship with that affiliate. Commissioner O’Brien asked if there was zero tolerance policy, or a case-by-case policy. Ms. Brennan stated that violations by marketing affiliates are reviewed on a case-by-case basis.

Commissioner O’Brien asked what jurisdictions required licensure for marketing affiliates. Josh Wyseman, BetMGM’s Director of Licensing, stated that New Jersey, Pennsylvania, Indiana, Michigan, and Maryland required some level of licensure for third-party marketing affiliates. Commissioner O’Brien asked if there was reciprocity in licensing across those jurisdictions. Mr. Wyseman stated that affiliates had to do their own licensing in which they had to disclose which other jurisdictions they held a license in.

Commissioners reached consensus that BetMGM had met the Commission’s expectations in regard to Section B of the application.

[b. Economic Impact and Other Benefits to the Commonwealth if Applicant is Awarded a License \(205 CMR 218.06\(5\)\(b\)\) \(6:07:13\)](#)

Commissioner O’Brien asked if BetMGM still anticipated only one job to be located in Massachusetts. Mr. Wyseman stated that the one anticipated job was actually going to be employed by MGM not BetMGM. Commissioner O’Brien asked if the application was being amended to state that BetMGM was adding zero jobs in the Commonwealth of Massachusetts. Mr. Wyseman confirmed that was correct.

Commissioner Maynard asked if BetMGM was willing to work with the Massachusetts Lottery. Mr. Wyseman stated that BetMGM did not yet have a relationship with the lottery, but confirmed that they planned to work with the Lottery closely through MGM’s retail operation. Chair Judd-Stein asked whether BetMGM would be making arrangements with local establishments to promote the BetMGM platform. Ms. Loney stated that BetMGM would partner with local establishments for marketing where it made sense. Chair Judd-Stein stated that the partnerships could be used to cross-promote lottery products.

Commissioner O'Brien stated that the section on community engagement was disappointing as it repeatedly referenced MGM's community engagement. She stated that she wanted to hear more about BetMGM's efforts to complement MGM's community engagement. Ms. Brennan stated that BetMGM would implement a strategy when it was live in Massachusetts.

Ms. Eleazar stated that giving worked differently for BetMGM due to it being a joint venture. She stated that the giving mechanism was associated with the ERG's and provided funds for goals associated with ERG missions. Commissioner O'Brien asked if there were goals in terms of dollar amounts. Ms. Eleazar stated that there were not goals currently, just a budget given to the ERGs.

Chair Judd-Stein sought clarification regarding the goals for diversity spending and workforce diversity. Ms. Eleazar stated that BetMGM was committed to establishing those goals in quarter one of 2023. She stated that recommendations had been made, and that BetMGM's finance team was in the process of assessing the goals. Chair Judd-Stein asked when the goals would be announced. Ms. Eleazar reported that the goals should be agreed upon by the end of January.

Commissioner Skinner inquired as to what services *Supplier.io* offered to help develop diversity goals. Ms. Eleazar stated that *Supplier.io* was a diversity sourcing platform with a large database of vendors. She stated that the vendor identified minority-owned business enterprises ("MBEs"), women-owned business enterprises ("WBEs"), veteran-owned business enterprises ("VBEs") and LGBTQ-owned business enterprises. She stated that the vendor was helping BetMGM identify which of its vendors qualified as diverse vendors.

Commissioner Skinner asked if BetMGM had a mechanism to identify current diverse vendors. Ms. Eleazar stated that she had developed a self-reporting section in the vendor form, but that it only collected data from 2021 onward. She stated that *Supplier.io* was compiling the entirety of the information. Commissioner Skinner asked if BetMGM had current information about diversity spending. Ms. Eleazar stated that she did not have that information presently. Commissioner Skinner asked what BetMGM's supplier diversity goals were expected to be. Ms. Eleazar stated that the recommendation was 2% across each of the categories.

Commissioner Skinner inquired what the 2% was based on. Ms. Eleazar stated that BetMGM's staff looked at their procurement team's prior experience. She stated that 5% was average, and that the procurement team recommended 2% across each category as an initial goal. Commissioner Skinner stated that she would like more information once the process was clear. She stated that percentage does not convey a lot without the Commission knowing the number of vendors BetMGM worked with.

The Commission reached a consensus that BetMGM had met the Commission's expectations in regard to Section C of the application. Commissioner O'Brien stated that she would have liked more detail, but that this section satisfied the threshold that was required.

c. Applicant's willingness to foster racial, ethnic, and gender diversity, equity, and inclusion (205 CMR 218.06(5)(d)) (6:24:52)

Commissioner O'Brien stated that she had difficulty identifying the workforce diversity statistics as they were presented in the application. She asked if BetMGM's representatives could speak to the statistics among the general workforce and provide clarity regarding diversity in upper management.

Ms. Eleazar reported that BetMGM's employees were 31% Female, 67% Male, and 2% nonbinary. She stated that 8% of employees identified as Asian, 16% identified as Black, 18% identified as Hispanic or Latino, 3% identified as Pacific Islander, 52% identified as White, and 5% identified as two or more races. She stated that within the executive leadership team, 22% of the members were women, and one member identified as non-white. Commissioner O'Brien asked if this was for the C-Suite level employees. Ms. Eleazar confirmed that was correct.

Chair Judd-Stein asked if there were statistics related to other levels of management.

Commissioner O'Brien noted that the levels of management included in the application were director, senior director, and manager. Commissioner O'Brien stated that other licensees had robust programs for promoting within and asked if BetMGM had similar programs. Ms. Eleazar stated that BetMGM had the Progressive Women's Leadership Platform and had just launched the Take the Lead Program. She stated that in 2023 BetMGM would implement the Empower Mentorship Program. She stated that this program would be available to ERG members including the Women's ERG.

Chair Judd-Stein commended that the ethnicity of employees was broken out to show more clear statistics. Commissioner O'Brien stated that she had difficulty interpreting the graphs. Ms. Eleazar stated that BetMGM looked at information through an intersectional lens. She stated that BetMGM analyzed if any group had difficulty breaking into leadership roles.

Ms. Eleazar stated that at the director and senior director levels, there were twenty-nine White directors, of which nine were women. She stated that there were six Asian employees, of which one was a woman. She stated that the three Hispanic or Latino employees at this level were all men. She stated that there was one man and one woman who identified as two or more races at this level. Commissioner O'Brien asked if the category of "two-or-more races" was captured in other categories as well. Ms. Eleazar stated that employees could only self-identify in one category. Commissioner Skinner asked how many directors and senior directors there were in total. Ms. Eleazar stated that there were forty employees at that level. Commissioner Skinner asked how many of those employees in that category self-identified as minorities. Ms. Eleazar stated that eleven of the employees, or 28%, identified as not White.

Ms. Eleazar stated that at the manager level there were seventy-nine employees who Identified as white, of which twenty-five were women. She stated that there were fifteen Asian employees, of which six were women. She stated that there were twelve Black employees at this management

level, three of which were women. She stated that there were eight Hispanic or Latino employees, three of which were women. She stated that there were five employees who identified as two-or-more races, three of which were women.

Chair Judd-Stein noted that there was an employee self-assessment about inclusion. Ms. Eleazar stated that BetMGM engaged a third-party researcher to determine where BetMGM was at in terms of diversity. She stated that BetMGM now included this assessment as part of the quarterly survey.

Commissioner Maynard asked if BetMGM could provide the Commission with all information it had up until this point related to supplier diversity. Ms. Eleazar stated that she would provide that information to the Commission, but that the information was not tracked prior to 2021. She stated that the information from 2018 to 2021 would not be wholly accurate.

Commissioners reached consensus that BetMGM had met the Commission's expectations in regard to Section D of the application.

d. [Proposed measures related to responsible gaming \(205 CMR 218.06\(5\)\(c\)\)](#) (6:48:40)

Commissioner O'Brien asked if there was a mechanism that would prevent payments from credit cards and payment sources one step removed from credit cards. Mr. Taylor noted that BetMGM only prohibited credit card payments in jurisdictions that prohibited credit card use. Mr. Kolman stated that if a regulation required prohibition of payment sources one step removed from credit cards, then BetMGM would work to ensure that providers would implement those controls. He stated that if providers were unable to implement controls for a service, BetMGM would not accept payments from that service. Commissioner O'Brien asked which jurisdictions prevented credit card and one step away sources from being used. Mr. Kolman reported that Tennessee and Iowa did not allow credit funding.

Commissioner O'Brien noted that the phone number listed in the Massachusetts Responsible Gaming Plan was a national number. She explained that by statute, Massachusetts required numbers approved by the Massachusetts Department of Health be listed. Mr. Taylor stated that BetMGM would ensure the correct number is listed and that the marketing plans would follow that guidance. Commissioner O'Brien asked which number was listed on BetMGM's website. Mr. Taylor explained that BetMGM created clone websites for each jurisdiction, and that the responsible gaming logos, phone numbers, and links to state resources are specific to the Massachusetts page. Commissioner O'Brien asked if the different websites were IP address based. Mr. Taylor stated that the website would be based on the product the user was logged into, and that other states resources would be available through a link.

Commissioner Maynard commended the robust discussion of GameSense in the presentation. Chair Judd-Stein sought clarification regarding the role of Epic Risk Management. Mr. Taylor

stated that Epic Risk Management provided educational seminars, workshops, and training for BetMGM's employees related to the risks of problem gambling.

Commissioners reached consensus that BetMGM had met the Commission's expectations in regard to Section E of the application.

e. [Technology that the applicant intends to use \(205 CMR 218.06\(5\)\(e\)\)](#) (7:00:12)

Chair Judd-Stein asked if dual-factor authentication was opt-in rather than required. Mr. Rubas confirmed that it was opt-in. Chair Judd-Stein stated that the responses from BetMGM were fulsome and educational. She noted that keeping records for five-years for self-auditing was something the Commission could look at requiring as regulators.

Commissioner Skinner stated that she sought more information related to the security of patron data as it related to the confidential investigation BetMGM disclosed. Chair Judd-Stein stated this topic would likely be appropriate for an executive session. She stated that the consensus of whether or not Section F of the application met the Commission's expectations would be held until after the executive session.

f. [Suitability of the applicant and its qualifiers \(205 CMR 218.06\(5\)\(f\)\)](#) (7:04:03)

Commissioner O'Brien stated that an article was attached to the IEB's report related to a substantial fine in Entain's compliance history. Mr. Kolman asked to discuss this topic in executive session. Commissioner O'Brien noted that the fact there was a fine was public knowledge and stated she would like more details about it. She stated that some of the details might put BetMGM at a competitive disadvantage if discussed publicly. General Counsel Grossman stated that any parts of the matter publicly reported would not be a proper topic for executive session. Commissioner O'Brien stated that the article discussed a set of fines against Entain from the U.K. Gambling Commission which settled for £17 million. Mr. Kolman noted that BetMGM had its own anti-money laundering ("AML") compliance department, and that Entain did not provide AML compliance to BetMGM.

Commissioner Skinner noted that in Section G of the application there was a response of "not applicable to BetMGM and parent company will provide info separately." She stated that a response from the parent company facing fines due to a violation should have been included in that answer. She stated that this settlement was referenced in the IEB's report but not disclosed directly in the application. Commissioner O'Brien stated that a number of responses had referred to Entain's application, but that Entain did not need to apply as an entity qualifier.

Commissioner O'Brien noted that there was a reference to certain marketing agreements on page 945 of BetMGM's application and stated that the entity referenced was not referenced anywhere else in the application. Mr. Wyseman requested that this information be discussed in an executive session. General Counsel Grossman stated that administrative or judicial proceedings

tended to be matters of public record, and that there would have to be a showing that cases were not in the public record before they could be discussed in executive session.

Commissioner O'Brien stated that there was a pending litigation matter for a patent infringement case. She stated that if this litigation affected the technical capacity of BetMGM it could likely be discussed in executive session as a trade secret. Mr. Kolman noted that this case was active litigation. General Counsel Grossman noted that the complaint was a public matter. Mr. Kolman stated that the specifics as to technology were commercially sensitive. Commissioner O'Brien stated that she would like to know if that ruling could impact the technological capacity of the client.

Commissioner O'Brien stated that she would like to know if Entain had ever filed for bankruptcy. She stated that she wanted a clear answer as it was related to suitability. She noted that the response in the application was limited to BetMGM and MGM Resorts. She stated that this information is public and would not need an executive session. Commissioner Skinner stated that she had similar questions regarding disciplinary actions against Entain. Commissioner O'Brien noted that the question regarding internal controls similarly did not have answers related to Entain. Ms. Loney requested a brief recess to get relevant Entain employees on the call.

Ms. Loney introduced Entain's Senior Vice President of American Regulatory Affairs and Responsible Gaming Martin Lycka. Mr. Lycka noted that the U.K. matter was a regulatory settlement and not a fine. He stated that Entain had since improved and enhanced its government processes with a focus on responsible gaming and AML. Mr. Lycka stated that there had originally been over seventy counts, and that Entain had only been found guilty of six counts.

Commissioner O'Brien asked if Mr. Lycka could describe what the infractions were that resulted in settlement and what internal controls were changed in response to this matter. Mr. Lycka stated that improvements were made to AML and responsible gaming systems. He stated that the government's team was expanded to 600 employees, and that internal trainings were stepped up. He stated that a third-party was brought in to review Entain's governance processes. He stated that the results of these changes were presented at a hearing for license renewal in Nevada.

Mr. Lycka explained that Entain launched a new responsible gaming program called Advanced Responsibility and Care. He stated that Entain also created a dedicated team for responsible gaming matters. Commissioner O'Brien asked if Mr. Lycka could provide the facts of the seven matters that were the basis for the settlement. Mr. Lycka expressed he would prefer to speak about those issues in executive session.

Commissioner O'Brien noted that the CEO of BetMGM, Adam Greenblatt, once worked for Entain. She asked if Mr. Greenblatt was connected to the events at issue in the settlement. Mr. Lycka stated that Mr. Greenblatt worked for Entain from 2017 to 2018 and was not involved in any of the issues that resulted in the settlement. Commissioner O'Brien asked if Entain had any bankruptcies. Mr. Lycka replied that Entain had not had any bankruptcies. Ms. Loney noted that

BetMGM had separate responsible gaming operations that were not conducted by Entain personnel. She stated that BetMGM had its own AML polices and an AML team in-house at BetMGM.

Chair Judd-Stein asked if there were any questions for executive session. Commissioner O'Brien stated that she wanted to discuss the seven incidents that formed the basis for Entain's settlement. She stated that she also wanted to discuss the patent infringement case, the most recent Maryland incident, and the entity referenced on page 945.

Commissioner Skinner stated that she had questions pertaining to disciplinary action directed towards BetMGM. She stated she wanted more information regarding anything that was responsive to Section G(3) of the application. She stated that disciplinary incidents were mentioned in the IEB report, but that she wanted to know about the facts related to these incidents.

Commissioner Skinner stated that she also sought information related to the confidential investigation disclosed by BetMGM the previous week. General Counsel Grossman stated that the Commission needed to determine which matters were part of the public record before entering an executive session.

Chair Judd-Stein stated that in the question inquiring about administrative and judicial responses BetMGM had replied that Entain would submit its response with its application. She noted that Entain was not submitting an application, as they are a qualifying entity. Director Lillios stated that Entain submitted a Business Entity Disclosure form ("BED") which was reviewed by the Licensing Division.

Commissioner Skinner requested a summary of disciplinary incidents referenced in the BED. She stated that she would be happy to accept a written response to supplement that answer. Ms. Loney stated that BetMGM could provide a supplemental response. Commissioner Skinner asked if the information she requested was within the forms the IEB had. Ms. Loney confirmed it was.

Chair Judd-Stein noted that BetMGM's response to Section G(3)(g) of the application was that it was "not applicable to BetMGM" and questioned whether that was accurate. Mr. Wyseman stated that information was provided related to regulatory fines and proceedings, and that BetMGM had provided supplemental information after a deficiency notice was received. General Counsel Grossman stated that some of the matters were confidential, and others may not be. He stated that more information would be required before discussing each incident in executive session.

Ms. Loney offered to provide a brief summary of each incident in the public session. Ms. Brennan stated that many of the trading errors were manual errors in the beginning of BetMGM's history. She stated that the best practices in the industry dramatically improved in the

past three years. She noted that BetMGM tracked trends of errors and violations to help decrease the frequency of errors occurring.

Ms. Brennan stated that the first matter was related to a manual error where a trader failed to effectively reference proper compliance documentation. Commissioner Skinner asked if this was an in-house trader. Ms. Brennan confirmed that it was. She stated that the second incident was not properly documented, and that she would research the issue more thoroughly before providing information to the Commission. She noted that it was the same root cause and jurisdiction as the first incident.

Ms. Brennan stated that the third matter was due to several issues including a license application submitted late and a responsible gaming employee who was not appropriately licensed. She stated that the issues were all self-identified and that the fine encompassed four separate issues.

Commissioner Skinner suggested that the applicant provide a supplemental response rather than detailing each incident. Ms. Loney confirmed that BetMGM had submitted an attachment as part of the BED which detailed the incidents. Chair Judd-Stein noted that the Commission did not typically review the BED. Ms. Loney stated that she would supplement the answers in the application. Commissioner O'Brien stated that would be helpful. She stated that viewing Attachment 30(b) would be helpful. Chair Judd-Stein expressed apprehension that the Commission might be requesting the applicant to do more than what was requested in the application.

Director Lillios stated that it was not uncommon for operators who are active in many jurisdictions to have violations. She stated that the IEB reviews if there were multiple incidents where the same problem went unaddressed, whether the operator self-identified or self-disclosed the information to the regulator, whether the fines were timely paid, whether infractions were intentional or inadvertent, and whether the operator implemented remedial actions. She stated that it was not a surprise that an operator had violations as part of its history.

Executive Director Karen Wells stated that Massachusetts was a new jurisdiction and was not in a position to determine what the norm was for the industry. She stated that there would be an ongoing suitability investigation. She stated that the IEB would not be able to comment whether the breadth and scope of the violations was excessive. Chair Judd-Stein asked if the IEB would do further review of the compliance history during the durable suitability review. Director Lillios stated that the IEB adhered to the regulations requiring a summary of self-disclosed history, and that she was not in a position to opine as to whether any violations jumped out. She stated that there would be further review for durable suitability.

Commissioner Skinner stated that she was not looking to assess the number or severity of the disciplinary actions. She stated that she was looking for an answer to the question in the application as other applicants had done. She stated that there was an inconsistent response between the application and the BED that needed to be rectified. Mr. Kolman stated that

BetMGM interpreted the question as being about judicial proceedings and not fines as a result of regulatory settlements. Chair Judd-Stein stated that administrative proceedings included regulatory settlements. Commissioner O'Brien stated that she agreed with Chair Judd-Stein's interpretation. Mr. Kolman stated that he would amend the answer to include settlements.

Mr. Wyseman stated that Attachment 30(b) of the BED answered the question. Ms. Loney stated that the attachment was three pages and could be provided to the Commission for review. Chair Judd-Stein recommended the Commission take a brief pause to review this form.

Director Lillios introduced Lead Investigator Joe Duggan. Mr. Duggan stated that BetMGM had submitted supplemental answers to the BED, and that the IEB's report summarized as much detail as was submitted. Chair Judd-Stein asked if the amount of detail was consistent with industry practices. Mr. Duggan stated that operators all had litigation and regulatory fines. Director Lillios reiterated that the IEB had relied upon what was in the regulation and the applicant's attestation to the veracity of the submission. She stated that the IEB would conduct a full suitability review and if the applicant was found to have been misleading their license was at stake. She stated that the Commission found this a compelling paradigm to move forward with.

Commissioner Skinner reiterated that she wanted to see the answer in Section G(3)(g) supplemented to account for the disconnect between the application and the BED. She stated that she would be willing to accept supplemented documentation. Director Lillios stated that there was a supplemental document not in the IEB's preliminary report that had yet to be reviewed. Commissioner O'Brien stated that fact changed things for her. Director Lillios offered to provide the Commission with the chart submitted. Commissioner O'Brien expressed concern about the Commission viewing a document the IEB had yet to review.

Chief Enforcement Counsel Heather Hall explained that a supplemental document was submitted to the Licensing Division. She stated that it referenced the same fines in the IEB report but included incidents without fines. She stated that the IEB's report was consistent with the supplemental document.

Ms. Loney explained that the supplemental document gave slightly more information related to each fine. Commissioner Skinner stated that if the supplemental document was consistent with the information Ms. Brennan provided, she would like to review that document. Commissioner O'Brien agreed that the information present within the application needed to be supplemented. Commissioner Maynard stated that this was a possibility as the Commission put similar questions in two separate places. Commissioner Hill confirmed that he wanted the Commission to be provided with the information Commissioner Skinner was requesting.

Commissioner O'Brien suggested that the Commission enter executive session on the topics previously identified. She stated that BetMGM could supplement the application and that any vote would be conditional upon further review of the supplemental information. General Counsel Grossman stated that this approach would work.

8. [Executive Session](#) (8:58:02)

Chair Judd-Stein asked for the executive session topics to be reiterated. General Counsel Grossman stated that there were matters related to confidential investigations, the collaboration referenced relative to marketing agreements on page 945, the pending litigation relative to a patent infringement matter, the seven matters relative to Entain's regulatory settlement, and matters related to judicial and administrative proceedings. Commissioner O'Brien noted that only the Maryland matter could be discussed in executive session. General Counsel Grossman stated that those matters fell under the umbrella of being competitively sensitive to the point that if discussed publicly, it would place BetMGM at a competitive disadvantage.

Chair Judd-Stein stated that the Commission anticipated that it may meet in executive session in conjunction with its review of the BetMGM, LLC application in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 23N, § 6(i) to consider information submitted by the applicant in the course of its application for an operator license that is a trade secret, competitively-sensitive or proprietary and which if disclosed publicly would place the applicant at a competitive disadvantage.

Commissioner O'Brien moved that the Commission go into executive session for the specific reasons delineated by General Counsel Grossman just prior to the Chair's summary. 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.

Transcriber's Note: The Commission entered executive session and returned to the public session of the meeting at [10:17:15](#).

Commissioners reached consensus that MGM had met the Commission's expectations in regard to Section F of the application.

Chair Judd-Stein asked if the information from the executive session met the Commission's expectations for Section G. Commissioner Skinner stated that she was satisfied with the exception of the unlicensed supplier matter and unauthorized credit card transaction. She asked if the applicant could explain the cause for these incidents and what remediation efforts were put into place.

Ms. Brennan stated that BetMGM's vendor Sightline had a coding issue that allowed credit transactions because the BIN was not properly prohibited from making transactions. She stated that this impacted all operators. She stated that BetMGM had 911 credit card transactions in the amount of \$266,878. She stated that once notified BetMGM conducted an audit to ensure no further credit card transactions took place. She stated that subsequent audits have been conducted within the year after the notification. She stated that internal controls and terms of service were revised. She stated that she had testified in Iowa where Sightline accepted responsibility for having allowed these transactions.

Commissioner Skinner asked if credit cards were used to deposit funds in wagering accounts. Ms. Brennan confirmed that was correct. Commissioner Skinner asked if those funds were able to be put towards bets. Ms. Brennan confirmed that credit card funds were used for wagering activities. Commissioner Skinner asked if anything further was required as the settlement other than the fine payment. Ms. Brennan stated that proof of remediation methods and an evaluation of Sightline's internal compliance functions were also required.

Commissioner Skinner asked how this incident was brought to BetMGM's attention. Ms. Brennan stated that Sightline self-reports to the regulator and operators. She stated that BetMGM conducted an audit in parallel with Sightline's audit. Commissioner Skinner stated that six months of prohibited activity was significant.

Commissioner O'Brien asked if there were protocols in place to spot check compliance. Ms. Brennan stated that BetMGM did UAT testing prior to deployment of the platform in a new jurisdiction. She stated that any violation had been addressed as part of the regular compliance audit routine.

Commissioner Skinner requested details related to the unlicensed vendors. Mr. Wyseman reported that BetMGM worked with several third-party vendors who provided data. He stated that there was an error in an internal communication about the licensing status of a vendor. He stated that BetMGM had inadvertently relied upon that vendor's services at the time of launch despite their application for a license not being approved. He stated that the vendor was subsequently licensed in other jurisdictions. He stated that the licensing team had been expanded and put a more structured process with safeguards in place.

Commissioners reached consensus that MGM had met the Commission's expectations in regard to Section G of the application.

[9. BetMGM, LLC license application determination by the Commission in accordance with 205 CMR 218.07](#) (10:31:22)

Chair Judd-Stein asked for General Counsel Grossman to clarify the factors the Commission was to use to evaluate the application. General Counsel Grossman reiterated that the factors the Commission would evaluate would be: the applicant's experience and expertise related to sports

wagering; the economic impact and benefits to the Commonwealth; the applicant's proposed measures related to responsible gaming; the description of the applicant's willingness to foster racial, ethnic, and gender DEI; the technology the applicant intends to use in operation; the suitability of the applicant and qualifiers; and any other appropriate factor in the Commission's discretion.

General Counsel Grossman stated that there were two options for suitability. He stated that a durable finding of suitability could only be awarded if an applicant had been through an adjudicatory proceeding pursuant to 205 CMR 101. He stated that there had not been an adjudicatory proceeding for BetMGM. He stated that a preliminary finding of suitability may be awarded based upon certifications made by the applicant and in the IEB's report.

Chair Judd-Stein asked if there were any conditions to attach to BetMGM's license. General Counsel Grossman noted that the only condition he noted was that BetMGM submit information related to supplier diversity. Commissioner Maynard reported that the applicant's goals were presented as a 2% rate across each category. Commissioner Skinner stated that she wanted to see the number of vendors to put the 2% number in context. The Commissioners reached consensus in support of adding this condition.

Commissioner O'Brien proposed a condition that BetMGM provide timely ongoing notice to the IEB about any developments in either of the confidential investigations disclosed on December 16, 2024, and further discussed in executive session. The Commission reached consensus in support of adding this condition.

General Counsel Grossman reiterated that a series of automatic conditions were attached to licensure. He stated that whether pre-registration could occur might be better addressed by regulation. He stated that the automatic conditions that attach to the license were: the operator obtain an operations certificate before conducting sports wagering; the operator comply with all terms and conditions of the license and operations certificate; the operator comply with G.L. Chapter 23N and all rules and regulations of the Commission; the operator make all required payments to the Commission in a timely manner; the operator maintain its suitability to hold a sports wagering license; and the operator conduct sports wagering within its approved system of internal controls and in accordance with its approved house rules and G.L. c. 23N § 10(a).

Commissioner Hill moved that the Commission find that the applicant BetMGM, LLC, through its application submitted and discussed here today and subject to the conditions discussed here today has established by substantial evidence and met the criteria set forth in 205 CMR 218.06(5) (a) through (e) and (g), and further that any award of the category three license to the applicant would be to the benefit of the Commonwealth. Commissioner Maynard seconded the motion.

Chair Judd-Stein asked if the motion needed to be amended to expressly include the conditions. Commissioner O'Brien moved to amend the motion to include the first condition, that the

licensee provide a vendor diversity list as requested, and the second condition, that BetMGM provide timely and ongoing updates concerning any developments connected to the two confidential investigations that were first disclosed to the IEB on December 16, 2022; and further discussed in executive session today. Commissioner Hill accepted the amendment. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Commissioner Hill moved that the Commission find that the applicant BetMGM, LLC, be found to have established by its application filing reviewed by the IEB and the discussion here today by clear and convincing evidence its suitability consistent with 205 CMR 218.06(5)(f) and that any conditions subject to a finding of suitability also reference the obligations outlined in 205 CMR 220.01.

General Counsel Grossman explained that preliminary suitability required substantial evidence and not clear and convincing evidence. Commissioner O'Brien asked if 205 CMR 218 was the correct cite for preliminary suitability. General Counsel Grossman stated that preliminary suitability was captured in 215.01(2)(b). Commissioner Hill withdrew his motion.

Commissioner Hill moved that the Commission find that the applicant BetMGM, LLC, be found to have established by its application filing reviewed by the IEB and the discussion here today by substantial evidence its suitability consistent with 205 CMR 215.01(2) and that any conditions subject to a finding of suitability also reference the obligations outlined in 205 CMR 220.01. Commissioner Maynard seconded the motion.

Chair Judd-Stein asked if the suitability had to be further clarified as preliminary suitability. General Counsel Grossman stated that the regulation cited stated that it was for preliminary suitability. Commissioner O'Brien offered an amendment to add the word "preliminary" before the term "suitability" in the motion. Commissioner Hill accepted the amendment and Commissioner Maynard seconded the amended motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

10. [Other Business](#) (11:11:29)

Executive Director Wells recommended adjusting the agenda for the public meeting on December 20, 2022, as the Commission would not reasonably get to the agenda item evaluating Fanatics' application. Commissioner O'Brien agreed and stated that it was not realistic to get to Fanatics' application at that meeting.

Chair Judd-Stein agreed, and stated that Caesars, Plainridge Park Casino, then Penn Sports Interactive would be reviewed at the next day's meeting. Commissioner O'Brien asked if the Commission had received the supplemental information from Caesars. Director Lillios stated that the Licensing Division had received their BED. Director Lillios stated that the Licensing Division indicated that the preliminary review for administrative completeness would be ready for the meeting.

Chair Judd-Stein requested that General Counsel Grossman move the Commissioner update scheduled for 9:00 a.m. to the following day. Hearing no other business, Chair Judd-Stein requested a motion to adjourn.

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

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 December 12, 2022



Massachusetts Gaming Commission Meeting Minutes

Date/Time: September 19, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 934 9336

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 479th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Data Privacy Roundtable and Discussion of 205 CMR 257](#) (00:44)

a. Opening remarks

Chair Judd-Stein stated that several stakeholders expressed an interest in a discussion related to 205 CMR 257, the Commission's regulation governing data privacy. She stated that the Commission was interested in hearing more comments from the operators and other stakeholders on this regulation.

b. [Legal Framework](#) (02:20)

Attorney Mina Makarios, outside counsel from the law firm Anderson & Krieger stated that many comments were received from the Attorney General's Office, the operators, and other interested parties. He noted that the regulation began based upon a set of comments from the Attorney General's Office. He explained that the regulation had six sections: definitions, data use and retention, data sharing, patron access, data program requirements, and data breaches.

c. [Introduction of Roundtable Participants](#) (11:57)

The participants of the roundtable introduced themselves. The participants included: BetMGM's Associate General Counsel handling Privacy and Product Alexis Cocco; Encore Boston Harbor's Senior Vice President and General Counsel Jacqui Krum; FanDuel's Vice President for Product and New Market Compliance Corey Fox; Betr's Head of Gaming Alex Ursa, DraftKings' Government Affairs Manager David Prestwood, DraftKings' Vice President of Engineering Dan Kesack; Penn Entertainment's Vice President of Legal IP and Privacy Leo Wan; MGM Springfield's Compliance Director Daniel Miller; WynnBET's Vice President and General Counsel Jennifer Roberts; Wynn Resorts' Chief Technology and Privacy Counsel Sara Partida; Caesars Entertainment's Vice President and Chief Corporate Counsel for Marketing and Privacy Chris Willard; Fanatics' Associate General Counsel Chris Tarbell; Chief of the Data Privacy and Security Division of the Attorney General's Office Jared Rinehimer; Gaming Laboratory International's ("GLI") Vice President of Regulatory Affairs Joe Bunevith; GLI's Senior Gaming Technical Advisor Mark Robertson; and Responsible Gaming Expert from Carlson University, Dr. Michael Wohl.

d. [Discussion](#) (21:49)

I. Please Detail The Specific Requirements of The Commission's Regulation Not Currently Imposed In Other Jurisdictions that Present Challenges.

Mr. Prestwood explained that California's consumer privacy act ("CCCA") was the first comprehensive data law and became effective in 2020. He stated that the CCCA allowed consumers to opt out of having their data shared with third parties for non-required purposes.

Mr. Prestwood explained that 205 CMR 257 had unique requirements different from traditional data privacy laws. He stated that typical data privacy laws allowed the patrons to opt-out of data sharing rather than opt-in. He stated that no other jurisdiction requires patrons to opt-in. He stated that typically certain criteria, such as period of dormancy, were used for marketing. He stated that there are vendors that help organizations to comply with CCCA because it applies to all industries, but because 205 CMR 257 only applies to a singular industry it would be difficult to get vendors to help with compliance. He stated that the CCCA was a multi-year approach with a clear timeline for implementation.

Mr. Prestwood stated that 205 CMR 257 was challenging to implement and that there should have been a more thorough discussion of the public comments prior to voting. He expressed that

he wanted the operators to collaborate with the Commission to clarify some of the provisions and make the regulation more implementable.

Mr. Ursa stated that he agreed with Mr. Prestwood's statements. He stated that there was an issue with how quickly the regulation was promulgated, because it was impossible to comply with the technical regulations before they went into effect.

Mr. Rinehimer stated that opt-in consent is being used broadly in Europe. He stated that there are challenges to implementing this regulation, but that changing the consent mechanism to opt-out would not be an appropriate way to address that issue. He stated that data security was largely to prevent financial based harm to the citizens of the Commonwealth from identity theft.

Mr. Rinehimer stated that data security was regarding the consumers' right to know how their information was being used. He stated that the sports wagering industry was very data dependent. He stated that there are existing data privacy laws in place, such as the CCCA in California and General Data Protection Regulation ("GDPR") in Europe, and that implementing 205 CMR 257 would not require that much of a head start.

Mr. Rinehimer noted that one comment raised the issue of not being able to share information with third-party service providers even with the consent of patrons. He stated that operators had permission to use information for the operation of their sports wagering platform.

Mr. Ursa stated that he implemented GDPR for multiple brands, and that there was 25 months between promulgation and that law going into effect. He stated that it took months just to audit the data before work on the implementation of the law could begin. Mr. Fox stated that the GDPR also spent several years being revised so there was more notice in addition to the 25 months.

Mr. Makarios noted that the first public comment received from several operators requested that this regulation be struck in its entirety. He stated that changes were made based on more detailed comments and that he respectfully disagreed with the implication that the Commission did not sufficiently review comments. He stated that if clarifications of language were needed in the regulations, he would appreciate the operator input. Chair Judd-Stein sought clarification as to what third-parties were being considered in the issue mentioned by Mr. Rinehimer.

Mr. Makarios stated that not all requirements of the regulation required setting up new measures, and that some were checking what was already in place to ensure data breaches are prevented and data is not misused.

Ms. Cocco requested clarification regarding the term "necessary" in relation to running the operators' businesses. She stated that the operators would likely consider advertising and marketing to be required for successful operations, but questioned whether the Commission

would share that view. She expressed an interest in further clarification so that guidance could be provided to product teams.

Mr. Prestwood stated that he was sure the legal team reviewed each public comment. He noted that this was a highly technical issue, and it was difficult to present all relevant information to the Commission in a succinct manner. He stated that the operators tend to use third-party vendors for a lot of services for which patrons would have to opt-in. He expressed concerns that the operators would not be able to do so under the data sharing provisions of this regulation.

Commissioner Skinner asked what vendors the data would be shared with that were not considered necessary to the business operations. Chair Judd-Stein stated examples would be helpful. Commissioner Maynard asked if vendors could be put into categories, such as ones that easily fit into the definition of necessary to operate the business and ones that do not fit into that category as easily.

Mr. Prestwood stated that if a patron opted in to receive physical mail, the regulation would not allow the operator to share the patron's name and address with a third-party vendor that prints address labels. Ms. Cocco stated that rewards programs often allow patrons to use their reward points with businesses partnered with the operator and required that data be shared. She stated that it was necessary for the business model, but unclear if it was considered necessary for operating the platform.

Commissioner Maynard asked the legal team if Mr. Prestwood's example would be contemplated as a necessary for operations. Mr. Makarious stated that it would be allowed, and that the language of the regulation could be tweaked to be clearer. He expressed concern that some vendors in other industries routinely sell and transfer data.

Mr. Fox stated that a lot of marketing is driven by third-party software from service vendors. He stated that based upon Mr. Makarious' description it seemed like this would be an allowed use. He stated that this was one of FanDuel's concerns.

Commissioner O'Brien asked for a reminder regarding the timeline of this regulation. Mr. Makarious stated that a draft was discussed in June with a public comment period running through July. He stated that there was a public meeting on August 8, 2023, where the regulation was approved with contemplation that this roundtable would occur. Deputy General Counsel Caitlin Monahan stated that the regulation would go into effect on September 1, and that the current waiver was through November 17. Commissioner O'Brien stated that most of the issues seemed to revolve around the clarity of the regulation and stated that the regulation could be edited to ensure all operators understand what the regulation allows.

Commissioner Maynard thanked Mr. Makarious for agreeing to make edits to make the regulation clearer. He stated that all patrons should be aware of when their information is sold for non-necessary processes. Ms. Cocco suggested the language "reasonably anticipated usage"

and stated that language is used in other jurisdictions. Mr. Prestwood stated that the CCCA allows consumers to opt out of data sold or shared with third parties for non-required reasons.

Mr. Ursa thanked Mr. Makarios for clarification. Mr. Ursa raised concern that some information sharing was used for responsible gaming. The Commission reached a consensus that opt-in would not be required for information sharing related to responsible gaming. Mr. Ursa asked if advertising was considered necessary for operation. Commissioner O'Brien stated that a broader discussion might be required on that topic. She stated that advertising was not as clear-cut as the examples of printing labels and responsible gaming. Chair Judd-Stein stated she would like more information regarding how businesses would be affected if marketing was not approved as necessary.

Ms. Cocco stated that every marketing team she had worked with referred to targeted advertisements as being necessary to run a business. She stated that it would be difficult to run a business effectively without those marketing methods.

Dr. Wohl expressed concern with the use of data aggregation. He stated that while aggregation has advantages for privacy protection, it could make it challenging to identify at-risk players and provide interventions. He stated that responsible gaming programs rely on the ability to monitor individual gambling behavior. He stated that aggregating the data could hinder scientific progress in the area of responsible gaming.

Mr. Rinehimer noted that the term aggregate only appears in 205 CMR 257.02(5). He stated that the only issue seemed to be the term aggregate in this provision. Mr. Wohl stated that was correct and asked if the aggregation would preclude the ability to look at individual level play.

Chair Judd-Stein asked if the requirement of opt-in consent to share information may cause issues with gathering responsible gaming data. Dr. Wohl stated that most players who play problematically know they do so, and that those individuals would be less likely to opt in. He stated that this could cause data bias.

Mr. Rinehimer stated that later provisions in the regulation allow information to be used for responsible gaming purposes. He stated that the opt-in consent was not required for responsible gaming purposes. Dr. Wohl asked that the Commission make it clearer that research and responsible gaming information does not need patron consent and suggested removing the word aggregate.

Chair Judd-Stein asked whether the data would be available if the patron did not opt in. Dr. Wohl stated that for responsible gaming purposes he would prefer that data be collected regardless of the patron's consent. Mr. Makarios stated that the operators would collect the information regardless, and the opt-in language was related to what is done with the data after it is collected. He stated that the data would still exist even if the patron did not opt in. Dr. Wohl reiterated his request that the term aggregate be removed from the regulation.

II. [How Do You Currently Utilize Customer Data?](#) (1:33:23)

Ms. Cocco stated that staff was already working on cybersecurity upgrades, regulatory requirements, improving the customer experience, and incident management response and trouble shooting. She stated that implementing this regulation requires pulling team members from those other projects. She stated that there were already protections in place for patrons and that some of the requirements of the regulation were being met. She stated that once the Commission clarifies what is necessary, a project roadmap can be developed, and resources assigned.

Ms. Cocco stated that one challenge was the requirement to change contracts with vendors to comply with the regulation. She stated that similar data privacy laws allowed for 18-24 months for implementation to occur. She stated that contractual concerns were typically addressed when renewing contracts during that period.

Ms. Cocco stated that the operators might need to engage with third-party software developers to expand technical capabilities. She stated that categories of personally identifiable information would need to be mapped to comply with the regulation. She stated that another concern was identifying what was considered necessary for information sharing. She stated that it would take time to figure out how to implement all requirements in the most efficient manner.

Mr. Fox stated that it may be impossible to allow each user to design their individualized privacy regime.

Commissioner O'Brien noted that opt-in is used in Europe and asked if any of the licensees who operate internationally can speak to their experience with opt-in. Mr. Willard stated that Caesars had no European operations, but that designing opt-in consent for data sharing would be exceedingly challenging. He stated that the operator was concerned about certain opt-in rights that might affect the national loyalty program. He expressed an interest in further clarification so that Caesars could ensure they were meeting all requirements.

Mr. Fox stated that he would reach out to the European partners to see how they implemented these provisions. He stated that the systems implemented for FanDuel were built for the United States and they were not ready to implement the European system.

Mr. Bunevith stated that the implementation challenges seemed reasonable. He stated that managing consent was not just a simple user interface change, but a change to the architecture of the data and how it is tracked. Mr. Robertson stated that segregating data between different markets whether they are opt-in or opt-out could present a technical challenge. Mr. Bunevith stated that the regulation was a massive technical demand that would require far more than the two months waiver.

Commissioner Maynard asked how long it would take to implement the regulation. Ms. Cocco stated that it would take up to two years to meet all of the requirements. She noted that some of the regulation's provisions could be implemented earlier. She stated that she was unsure whether it was all technically feasible. Mr. Fox noted that other privacy laws allowed for two to three years for implementation.

Commissioner Maynard asked how long it would take to implement with the maximum resources and staffing. Ms. Cocco stated she could not give an answer without input from her team. Mr. Prestwood stated that there would still be time required to scope. He stated that even if they hired vendors there would be time interviewing, hiring, training, and performing background checks. He stated that other states typically allowed 20 or more months to implement newly adopted data privacy laws. He stated that he could not give a reasonable estimate on the timeline.

Mr. Rinehimer stated that implementation could take some time. He expressed concern about what measures were being taken in the interim to ensure information is being used properly. He requested that any potential waiver not be for the whole regulation so that the operators could implement easier requirements of the regulation. He expressed an interest in having data protections while the regulation is being implemented.

Chair Judd-Stein questioned whether the industry would be able to abide by the usage and sharing details while the more technical provisions of the regulation were being implemented. Mr. Rinehimer stated that things like that would take a much shorter period to implement in comparison to the opt-in mechanism.

Deputy General Counsel Monahan stated that components that require comprehensive implementation in the regulation were different from the requirements related to the way in which the algorithm is used. She stated that when granting the waiver, the Commission requested that each operator submit a plan for implementation. She noted that the plan for implementation was to be submitted in advance of the expiration of the existing waiver on November 17, 2023.

Mr. Fox noted that the CCCA already had broad language regarding the sale of information. He stated that most operators were already in compliance with the CCCA. He stated that if the language mirrored the CCCA it could allow for a quicker implementation process. Commissioner O'Brien asked if an opt-in consent system would make the operators non-compliant with other jurisdictions. Mr. Fox stated that he did not believe so, and that the challenge was with implementation.

Chair Judd-Stein asked Mr. Rinehimer what his opinion was on mirroring the language from the CCCA. Mr. Rinehimer stated that there were valid portions of the CCCA, but that 205 CMR 257's consent mechanism differed from the CCCA's implementation scheme. He stated that the Commission had the opportunity to take a leading role in data privacy. Commissioner O'Brien

noted that California had yet to launch online sports wagering. She stated that the CCCA did not focus on the unique issues of this industry.

Mr. Rinehimer stated that the CCCA was a general privacy law. He stated that mobile sports wagering was different from most other industries and that the Attorney General's Office had concerns regarding the way in which data could be used. He stated that an opt-in consent mechanism was appropriate to implement. Commissioner Maynard stated he wanted to ensure consumers are protected while implementation occurs.

Ms. Cocco stated that BetMGM has public facing privacy policies that consumers acknowledge at the time of sign-on. She stated that consumers are presented with any changes to the privacy policy. She stated that many jurisdictions require the review of privacy policies before they are posted.

Mr. Prestwood stated that concerns about data use were a separate issue from consent management. He stated that managing the restrictions on data use was more technically feasible than implementing a consent management scheme. He stated that further clarification would be required on certain terms, phrasing, and allowed usage of data.

Mr. Makarios stated that he would be happy to answer any questions about the language of the regulation, and asked for any suggestions that would help clarify the regulation. Chair Judd-Stein stated that clarification would be helpful for implementation. Mr. Makarios stated that edits could be made to the regulation to help clarify. He stated that whether information could be shared with third-party vendors was dependent upon the type of vendor and whether they are necessary for operations.

Mr. Makarios stated that the intent of the inclusion of anticipated litigation was so that the operators could retain information to address legal concerns. He stated that there might be more room for clarification in that portion of the regulation.

Mr. Makarios noted that most law firms work behind encrypted cloud systems. He expressed confusion about the claims that it would be impossible to hash or encrypt certain types of information. He noted that even if the data is encrypted it would be accessible with specialized access. He noted that investigations are subject to the investigative exemption under the public records act, and that forensics reports would be in that category.

Mr. Makarios stated that the language of "reasonably expected to make the wagering platform more addictive" was subject to the Commission's interpretation. He noted that it required an intent element. He stated that anonymization and aggregation of information in lieu of full deletion warranted additional discussion as it was a back-end issue.

Mr. Willard stated that anonymization of data would fulfill privacy goals and be easier to implement. Mr. Rinehimer stated that information would have to be sufficiently anonymized. He

expressed concern that if anonymized data was aggregated with other information, it could be used to re-identify a patron. He noted that the CCCA required that information could not be reasonably connected to the individual.

Mr. Willard stated that Caesars deletes name, date of birth, email address, and gender when anonymizing data. He stated that the CCCA standard of anonymizing data was easier to implement.

Chair Judd-Stein stated that tweaks could be made to the regulation, but that she did not want to compromise issues central to sports wagering. Mr. Prestwood stated that the CCCA applies to all industries and has clear guidelines about how to be in compliance. He stated that guidelines could make implementation more feasible.

Ms. Partida stated that the Commission's requirements of a plan for remediation and forensic examiners reports after a data breach were typically beyond what is considered a public report. She noted that the Securities Exchange Commission had narrowed what would be collected and disclosed publicly after a breach as it could pose a security risk.

Mr. Makarious stated that the forensic examiner's report could be requested by the Commission under 205 CMR 257.06(3). He stated that it was not automatic and allowed for careful control of the information. He stated that the Commission could have their own internal security protocols where the information would only be seen by the investigations and enforcement bureau. He noted that all public records law exemptions still applied to this information. Deputy General Counsel Monahan stated that the report was not mandatory and that there was room for discussion so that no security concerns would occur.

Chair Judd-Stein thanked everyone for their time. She stated that the Commission would reflect on this information before their agenda setting meeting. She noted that the waiver from this regulation expired on November 17, and stated she was hopeful that more guidance could be provided to the operators. Commissioner O'Brien stated that the Commission had mechanisms to give further clarification. She requested that the operators submit their information about what is currently implemented and the possible implementation timeline for 205 CMR 257.

Chair Judd-Stein asked if the potential changes discussed in this meeting would be considered. Commissioner O'Brien expressed an interest in seeing the changes memorialized in writing to ensure the Commission understood the extent of the changes. She stated that the regulation might be required to come to the Commission for amendments to ensure that all necessary clarifications had been made.

Commissioner Hill agreed with Commissioner O'Brien and thanked the participants of this discussion. Commissioner Skinner stated that hopefully some points were clarified today. She stated that she looked forward to the operators' materials requested at the August 8, 2023, meeting regarding details for any potential additional waivers and the extension of the current

waiver. She stated that she was hopeful the Commission and operators would make headway in addressing concerns related to 205 CMR 257.

Commissioner Maynard echoed the other commissioners' comments. He stated that he was trying to parse what was impossible versus what was inconvenient. He stated that he wanted to ensure that citizens knew how their data was being used. He stated that this regulation may be more comprehensive than existing privacy laws, but that he was okay with that. Chair Judd-Stein stated that this was a complicated topic and that there was a lot to consider from this discussion.

3. [Other Business](#) (2:49:35)

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

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

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 September 15, 2023



Massachusetts Gaming Commission Meeting Minutes

Date/Time: September 21, 2023, 9:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 850 8716

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 480th 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](#) (00:53)

Interim Executive Director & General Counsel Todd Grossman requested guidance from the Commission regarding his scope of authority as interim executive director. He asked if he had the ability to reclassify certain employees' positions based upon performance or create new positions that do not presently exist, and whether he could move existing employees into a new role.

Commissioner O'Brien stated that Interim Executive Director Grossman could move an existing employee to another existing position. She stated that the interim executive director did not have the authority to regrade employees, create new grades, or create new positions. She stated that those issues should come before the Commission. Commissioner Hill agreed.

Commissioner Maynard stated that any new positions should be referred to the Commission until there is a permanent executive director. Commissioner Skinner stated that she agreed with her fellow commissioners that these discussions should come to the Commission for consideration.

Chair Judd-Stein noted that unique circumstances may arise that require some nuance. She stated that she wanted these topics to be brought before the Commission. She asked if there was a way to hold an executive session for these types of topics out of concern for employees' privacy. Interim Executive Director Grossman stated that if the discussion pertains to moving a particular individual between positions an executive session could likely be used.

Commissioner O'Brien stated that if a current employee was being moved between existing positions and the directors overseeing those positions were in agreement, then the decision would not have to be discussed with the Commission. She stated that the creation of new jobs or assigning jobs to a different grade should be referred to the Commission until the permanent executive director is hired.

Interim Investigations and Enforcement Bureau ("IEB") and Chief Enforcement Counsel Heather Hall asked if this topic could be discussed further in an executive session. She stated that she wanted to ensure those in interim positions could make decisions with respect to staff. She stated that she would work closely with Chief People and Diversity Officer David Muldrew on these matters. Chair Judd-Stein asked Interim Executive Director Grossman to research the possibility of using an executive session to discuss this topic.

Commissioner Skinner asked if the Commission would be involved in these discussions if there were a permanent executive director in place. Commissioner O'Brien noted that there was a committee with a commissioner serving that regraded positions previously.

Commissioner Maynard asked whether the Commission should create a bright-line rule that these topics be discussed by the Commission. He stated that he would like to hear more information about the potential of allowing the interim director to have authority for non-management positions. Interim Executive Director Grossman stated that he would draft a more specific proposal.

Commissioner Skinner stated that the Commission seemed to be on the same page regarding the authority vested in the interim executive director. Chair Judd-Stein reiterated her request that Interim Executive Director Grossman look into the options of holding an executive session on this topic. Commissioner O'Brien asked that Chief Muldrew be included in any discussions on this topic.

3. [Security at MGM Springfield](#) (23:45)

a. Executive Session

Chair Judd-Stein stated that the Commission anticipated that it would 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 MGM Springfield, specifically with regard to firearms. She stated that the public session of the Commission meeting would reconvene at the conclusion of the executive session.

4. [MGM Cybersecurity Issue](#) (25:01)

a. Executive Session

Chair Judd-Stein stated that the Commission anticipated that it will meet in executive session in accordance with G.L. c. 30A, § 21(a)(7) and G. L. c. 4, § 7(26)(n) (certain records for which the public disclosure is likely to jeopardize public safety or cyber security) and G.L. c.30A, §21(a)(4) to consider information related to cybersecurity, the disclosure of which is likely to jeopardize public safety or cyber security, and to discuss the deployment of security personnel or devices or strategies with respect thereto in relation to an MGM cybersecurity issue. She noted that the public session of the Commission meeting would reconvene at the conclusion of the two executive sessions.

Commissioner O'Brien moved that the Commission go into executive session on the two matters and for the relevant reasons stated by the Chair 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.

Transcriber's Note: The Commission shared a screensaver which noted that the Commission had entered executive session.

5. [Racing](#) (1:21:06)

a. Notification of use of Delegated Authority to Change Post Time, Cancel Racing

Director of Racing and Chief Veterinarian Dr. Alex Lightbown explained that due to heavy rain on the night of September 10, the scheduled races were delayed. She stated that after the second race began there was another rainstorm, and the rest of the races were cancelled. She stated that Plainridge Park Casino ("PPC") needed 100 days of racing to maintain their ability to simulcast, and that with this cancellation they were racing 107 days for this season.

b. [Standardbred Owners of Massachusetts Recognition Request as Breeders' Representative Group](#) (1:23:16)

Director Lightbown stated that the Standardbred Owners of Massachusetts (“SOM”) had requested to be recognized as the breeder’s representative group pursuant to G.L. Chapter 128 § 2(j). The *Request from the SOM* was included in the Commissioner’s Packet on page 6.

Secretary and Treasurer of the SOM Nancy Longobardi stated that SOM had given away \$2,500,000 in purses the prior year and was projected to give out \$3,000,000 in purses for this year. She stated that 389 horses were registered in programs and 164 were eligible for two- and three-year-old races.

Ms. Longobardi noted that Commissioner Skinner had previously asked what made the SOM uniquely qualified to administer the breeder’s program. She noted that each member of the board of directors was a horse owner or horse breeder. She noted that the board of directors had decades of experience. She stated that two of the board members were directors for the U.S. Trotting Association. She stated that the SOM had successfully administered the breeding program since 1992. Commissioner Skinner stated that she had learned much about the SOM over her past year as a commissioner.

Commissioner Hill moved that in accordance with G.L. Chapter 128 § 2(j) the Commission approve the request of the Standardbred Owners of Massachusetts Inc. to be recognized as a group of representative standardbred breeders to administer the Massachusetts’ Standardbred Breeding Program at the Sire Stakes Race for 2023 as included in the Commissioner’s Packet and discussed here today. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

6. [Sports Wagering Division](#) (1:31:45)

Chair Judd-Stein commended Sports Wagering Manager Crystal Beauchemin for being recognized by the Emerging Leaders of Gaming 40 under 40 for 2024.

a. [DraftKings Request for Waivers from 205 CMR 256.05\(1\)](#) (1:33:37)

Ms. Beauchemin stated that DraftKings had submitted a request for waiver from the requirements outlined in the marketing regulation requiring the language “21+” alongside certain

logos and advertisements. She noted that the current waiver from this regulation expires on September 28. A *memorandum and DraftKing's waiver request* were included in the Commissioner's Packet on pages 7 through 12.

Ms. Beauchemin stated that DraftKings identified three logos requiring a waiver: a logo in Fenway Park above the Green Monster, a logo embedded in the hardwood floor at TD Garden, and a logo outside of the restaurant DraftKings Sports Zone at Gillette Stadium. She noted the logos at Fenway and TD Garden predated the legalization of sports wagering. She noted that DraftKings was concerned the "21+" language outside the restaurant at Gillette Stadium would mistakenly imply that the restaurant requires all entrants to be over the age of twenty-one.

Commissioner O'Brien asked for the legal team to provide their interpretation of whether the "21+" language would be required for these logos. Commissioner Skinner stated the law seemed clear that any sports wagering logo displayed on signage or a fixed structure at a sports venue where it is likely to be viewed by those under twenty-one years of age required the "21+" language.

Deputy General Counsel Caitlin Monahan stated that the operative issue was whether or not the logo displayed was related to sports wagering. She stated that it was the opinion of the legal department that the general DraftKings logo is related to sports wagering because it is frequently used in their sports wagering-specific advertisements. She stated that the "21+" language should therefore be used.

Commissioner Skinner stated that requiring the additional language seemed consistent with the Commission's intent after the significant discussion on this regulation. Commissioner O'Brien agreed. She stated that the expectation for a waiver was to allow DraftKings time to become compliant with the regulation rather than a permanent waiver.

Commissioner Hill recommended that a waiver be granted until October 2, 2023, as that is when the Red Sox season ended. He stated that DraftKings could ensure the required language was in place at Fenway before the next baseball season. Chair Judd-Stein asked if the operator would have to implement the change by October 3 or for the next season. Commissioner Hill suggested that the change be implemented before the next season. He noted that non-baseball events were also hosted at Fenway in the off-season.

Commissioner O'Brien stated that it would be beneficial to have more information about how long it would take to implement the changes. Chair Judd-Stein asked if other operators had made similar requests. Ms. Beauchemin stated that other operators had requested clarity, but none had submitted a waiver request. Deputy General Counsel Monahan recommended a waiver until October 2 to allow for the operator to submit more information about implementation.

Commissioner Maynard stated that he would like more details about DraftKings' agreements in place with the venues. He stated that he agreed with Commissioner Skinner's interpretation of

the regulation and that he did not want to relitigate this issue. Commissioner Hill noted that the logo at Fenway seemed to be on a material that could be more easily replaced.

Chair Judd-Stein stated that extending the waiver would allow DraftKings to submit more information.

Commissioner O'Brien moved that in accordance with 205 CMR 202.03(2) that the Commission issue to DraftKings a waiver from the requirements outlined in 205 CMR 256.05(1) with respect to the specified logo advertisement at Fenway Park through October 2, 2023, as included in the Commissioner's Packet and discussed here today as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. Chapter 23N. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Commissioner Hill stated that the change to the logo at TD Garden would be expensive, but that he did not feel comfortable giving a permanent waiver to this request. He stated that the flooring could probably be fixed before the next season starts. Commissioner Maynard asked if there was any context behind how the floor is put together or the agreement with the venue. Ms. Beauchemin stated that the information could be requested. She noted that the venue is frequently in use even during the off-season. Commissioner Hill noted that the parquet floor in which the logo is embedded was not in use for the other events.

Chair Judd-Stein stated that this change might impact TD Garden in a way the Commission did not fully anticipate as the flooring belongs to the venue and not the operator. Commissioner Hill recommended that the Commission extend the waiver until October 2 so that DraftKings could submit more information. Chair Judd-Stein agreed. Commissioner O'Brien stated that she was disappointed that more information was not submitted initially and stated that she was amenable to extending the waiver until October 2 for consistency.

Commissioner O'Brien moved that in accordance with 205 CMR 202.03(2) that the Commission issue to DraftKings a waiver from the requirements outlined in 205 CMR 256.05(1) with respect to the specified logo identified and included in the Commissioner's Packet at TD Garden through October 2, 2023, as included in the Commissioner's Packet and discussed here today as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. Chapter 23N. Commissioner Maynard seconded the motion.

Roll call vote:

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

The motion passed unanimously, 5-0.

Commissioner Hill expressed that he was confused with the third request, as the picture of the venue submitted in the packet and the logo submitted were two different things. Commissioner O'Brien noted that she had the same question. Ms. Beauchemin stated that one of the entrances to the restaurant used the logo "DraftKings Sports Zone." She stated that she could return with more pictures.

Commissioner O'Brien stated that there might be two different signages that would need to be evaluated. Commissioner Maynard noted that he is less sympathetic to requiring the regulation language when it is a digital logo.

Commissioner Hill asked if DraftKings Fantasy Sports Zone was the name of the facility or just a logo appearing on the bar. Deputy General Counsel Monahan stated that if the full logo is "DraftKings Sports Zone" then it is separate from the general DraftKings logo and specific to the restaurant. She noted that the image from the venue appears to be the general DraftKings logo.

Commissioner Hill stated that he wanted clarification as to what logo is visible from the stadium. Interim Executive Director Grossman stated that the restaurant is in the stadium on the Concourse and uses the DraftKings logo.

Commissioner Maynard noted that the waiver request stated that it was the corporate branding on digital signage outside of the DraftKings Sports Zone. He stated that it seemed different from the name of the restaurant. Director of Sports Wagering Bruce Band suggested the waiver be extended through October 2 for additional clarification from the operator.

Commissioner Skinner asked if the Encore Boston Harbor ("EBH") logo on the terrace should also have 21+ language. She expressed an interest in gaming and sports wagering advertisements being held to a consistent standard. Chair Judd-Stein stated that G.L. Chapter 23N had more expectations related to advertising and branding than G.L. Chapter 23K. Commissioner Skinner stated that she would like to discuss casino branding further at some point.

Deputy General Counsel Monahan noted that EBH, PPC, and MGM Springfield ("MGM") were all category one sports wagering licensees and that they should probably have the language as part of the sports wagering regulation. Commissioner O'Brien stated that this topic merits further discussion. Commissioner Maynard stated he would like to revisit this topic.

Deputy General Counsel Monahan noted that if EBH only used this logo for gaming and never used it for sports wagering then they could argue that the logo does not encompass sports wagering branding. She noted this was distinct from DraftKings which used its general logo to advertise sports wagering. Commissioner Skinner questioned whether gaming facilities should

also be required to have 21+ language. Commissioner O'Brien agreed and noted that it would require analysis of G.L. Chapter 23K.

Commissioner O'Brien moved that in accordance with 205 CMR 202.03(2) that the Commission issue to DraftKings a waiver from the requirements outlined in 205 CMR 256.05(1) with respect to the advertising logos at Gillette Stadium as included in the Commissioner's Packet and discussed here today through October 2, 2023, as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. Chapter 23N. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

b. [Fanatics – Update to House Rules](#) (2:37:01)

Interim Sports Wagering Operations Manager Andrew Steffen stated that Fanatics had requested an update to their house rules. He stated that the changes provided clarification to customers and updated their rules for football, motorsports, golf, cricket, and table tennis. *Fanatics' request and a memorandum* were included in the Commissioner's Packet on pages 13 through 20. Mr. Steffen stated that the sports wagering division confirmed that all requirements of 205 CMR 247.02 were met and that it had no reservations with approving these changes.

Commissioner O'Brien sought clarification regarding the language related to human error in relation to the cash out section. Mr. Steffen stated that patrons could cash out bets early at a reduced price, but he was unsure what human error would be applicable. Commissioner O'Brien asked if the same phrase was in other operators' house rules. Mr. Steffen stated he would check other house rules related to cashing out. He stated that he would follow up with Fanatics regarding the human error phrasing. Chair Judd-Stein suggested holding the vote on this topic until clarification was received from the operator.

c. [Event Petition Request – Jai Alai](#) (2:52:01)

Mr. Steffen explained that DraftKings had submitted a petition for the World Jai Alai League ("WJAL") to be added to the event catalog. He noted that WJAL had partnered with US Integrity in 2021, and since that partnership over 1,000 jai alai matches were played with no integrity issues reported. He noted that DraftKings' request was for WJAL's battle court matches which were different from parimutuel matches. *A memorandum and the event petition* were included in the Commissioner's Packet on pages 21 through 28.

Mr. Steffen noted that the battle court competition offered by WJAL was approved for wagering in Arizona, Colorado, Illinois, Iowa, Kansas, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia. He stated that DraftKings had submitted proposed rules. He noted that WJAL met twice per year with players, officials, and referees regarding league integrity policies. He noted that the WJAL gave DraftKings permission to submit wagering applications in all jurisdictions where DraftKings operates.

Commissioner O'Brien asked how many matches had been played since engaging with US Integrity. Mr. Steffen stated that more than 1,000 matches had been played. Commissioner O'Brien asked when the battle court format began. Mr. Steffen replied that he was not sure. Commissioner O'Brien noted that DraftKings had not reached out to the players' association, and asked if a players' association existed. Chief Operations Officer of World Jai Alai League, Scott Savin stated that there was no players association.

Commissioner Hill sought clarification as to what players and staff underwent in terms of the integrity program. Mr. Savin stated that all players were licensed by the state of Florida and required to undergo background checks and drug tests. He stated that training was held twice per year on integrity, wagering prohibition, and conduct both on and off the court.

Commissioner Hill stated that he was comfortable adding this event to the event catalog. Commissioner O'Brien noted that she wanted player feedback. Chair Judd-Stein asked if the petition required contact with players. Commissioner O'Brien noted that if there is an independent player's association it is required that the operator contact them. She expressed an interest in ensuring that players don't have additional concerns that were not presented to the Commission.

Commissioner Hill moved that the Commission amend the official catalog of events and wagers to include jai alai as included in the Commissioner's Packet and discussed here today. Commissioner Skinner seconded the motion.

Commissioner O'Brien offered an amendment that there would be an opportunity for player input. Commissioner Hill accepted the amendment. Commissioner O'Brien stated that any feedback could be submitted to the sports wagering division.

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.

Mr. Steffen noted that Fanatics had provided clarification regarding their house rules. He stated that Fanatics indicated that any impacts to the cash out functionality would be systems based, and that they would remove the human error language.

Commissioner Hill moved that the Commission approve the amendments to the house rules submitted by category three operator FBG Enterprises Opco LLC d/b/a Fanatics as included in the Commissioner's Packet and discussed here today further in regard to removing the human error language spoken about during today's discussion. 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.

d. [Penn Sports Interactive – Request to Void Wagers](#) (3:10:53)

Mr. Steffen stated that Penn Sports Interactive ("PSI") had requested to void wagers after they became aware of wagers on markets where the outcome was already concluded. He stated that on Sunday, September 17, wagers were open on NFL player prop markets in the New York Giants versus the Arizona Cardinals game for ninety minutes after the results were known to the public. He stated that 257 wagers were placed by 59 customers for a total of \$47,759.94 after the results were already known. A *Memorandum Regarding PSI's Request To Void Wagers* was included in the Commissioner's Packet on pages 28 through 29

Mr. Steffen stated that PSI had indicated that the error was technical in nature. He stated that their system only accepted whole numbers, and the results submitted included a fraction. He noted that no other wagers were affected.

Commissioner Skinner asked if this error could occur with other bets. Mr. Taveras stated that PSI's emergency change was still pending release. Commissioner Skinner asked if there would be a manual fix until the change is implemented. Director Band stated that PSI indicated they would manually review similar prop bets.

Commissioner Skinner asked how the patrons were notified of this error. Mr. Steffen stated that the 257 wagers were temporarily placed on hold and that the patrons were notified through their account. Commissioner Skinner asked if all of the voided wagers were placed after the results were known. Director Band stated that the wagers were placed after the outcome was publicly known. He noted that three or four patrons had filed complaints with the Commission about their winnings being withheld.

Commissioner Hill asked if the bets were timestamped. Gaming Technical Compliance Manager Christian Taveras stated that they were. Mr. Steffen stated that the first wager requested to be voided was timestamped 6:02 p.m., more than two hours past kick-off.

Chair Judd-Stein stated that the request to void these bets was timely. Mr. Taveras noted that while the emergency fix had not been released, PSI had a way to manually remove the prop bets.

Commissioner Hill moved that in accordance with 205 CMR 238.35(2), the Commission authorize the cancellation of wagers that had been placed on NFL player prop markets on outcomes that had already concluded in the New York Giants versus Arizona Cardinals NFL Game that took place on September 17, 2023, with Penn Sports Interactive.

Mr. Steffen stated that he had heard from PSI that the emergency release fixing this issue would go live before the Thursday night football game. 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.

7. [Legal](#) (3:30:06)

- a. Request for approval of TBG Securities as Qualified Independent Technical Expert in accordance with 205 CMR 243.01(1)(x).

Mr. Taveras explained that 205 CMR 243.01(x)(2) contained the requirements for approval of an entity as a qualified independent technical expert. He stated that an application was received by TBG Securities, the entity that performs technical security control audits for DraftKings. He noted that the information submitted contained sensitive information that the Commission staff did not want to share in a public meeting. He stated that the Commission staff had reviewed and verified the application and found that the entity meets the requirements of 205 CMR 243.01(x)(2). Commissioner Skinner asked if this vendor was licensed with the Commission. Mr. Taveras confirmed that the vendor was licensed.

Commissioner Skinner moved that in accordance with 205 CMR 243.01(x) that the Commission approve TBG Securities as a qualified independent technical expert as discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

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

The motion passed unanimously, 5-0.

8. [Community Affairs Division](#) (4:12:10)

a. Continued Discussion of Potential Modifications to the Community Mitigation Fund

Chief of the Community Affairs Division Joe Delaney stated that two Local Community Mitigation Advisory Committee (“LCMAC”) meetings were held to receive feedback related to the changes to the Community Mitigation Fund (“CMF”). Commissioner Hill stated that the LCMAC’s provided positive feedback regarding the change to the block grant structure. The Commission reached a consensus to continue to develop the block grant structure for the CMF.

Chief Delaney stated that the CMF had funded the Hampden Sheriff’s Office for eight years to offset an increased lease cost for the new location of the Western Massachusetts Alcohol Recovery Center. He stated that the program had a ten-year lease, and that payments could be sun-setted by paying the final two years of the lease at current grant levels.

Commissioner Skinner asked if Hampden County submitted an application for funds every year. Chief Delaney confirmed that it does. Commissioner O’Brien suggested that the Community Affairs Division indicate that the Commission requested more documentation. She noted that the Hampden County Sheriff’s Office had not sought funds elsewhere. Commissioner Skinner stated that the impact from the casino was diminishing with time. She stated that the CMF could fund the remainder of the lease term for the next two years. Commissioner Hill stated that he agreed with Commissioner O’Brien and Commissioner Skinner.

Commissioner O’Brien expressed an interest in allowing Hampden County to be eligible for funds but stated that she wanted to see more information about their plans for the funds and whether the county was searching for funds elsewhere. Chief Delaney stated that the CMF guidelines could be drafted so that Hampden County was eligible for funds.

Chief Delaney asked if the Commission wanted to cap this funding at the current level of \$400,000. Chair Judd-Stein asked what the overall cost was. Chief Delaney stated that the lease was increased by \$600,000, but that the CMF did not offset the entire increase. He stated that the Commission had previously approved \$400,000 annually. He stated that this funding would be included in the set-asides in the block grant structure. Chair Judd-Stein stated that the Commission needed to see what efforts Hampden County had made to receive other funding.

Chief Delaney asked if the Commission wanted to use previously unexpended funds for workforce grants and other set-aside grants. He noted that the Commission had previously agreed that money generated in Region A would remain in Region A, and likewise for Region B. He

noted that if unspent funds were used to pay for the set-asides it would not comply with that agreement as the majority of unspent funds were in Region A. He noted that Region A offered significant pushback to this in the LCMAC meeting. He stated that there was enough funding in Region B to keep the funding of these programs separate for another year, but that once those funds were expended money would be taken from Region A on an as-needed basis. He stated that the Community Affairs Division would try to develop alternatives for the Commission to consider.

Commissioner Skinner sought clarification as to which programs were set asides. Chief Delaney stated that it was funding for the workforce development grants, Hampden's Sheriff's Office, district attorneys' offices, and regional planning agencies. He stated that these programs were for county- or region-wide entities eligible for funds from the CMF that did not fit into the block grant model. He noted that Region B would have expenditures of \$975,000 annually in these programs. He noted that while the funding would cover this amount for one year, there was consideration of increasing the funding to \$1,500,000 which is slightly higher than Region B's available unspent funds.

Commissioner Hill stated that while the LCMACs were apprehensive to use funds from other regions, he would like to move forward with what was proposed. He stated that if there was an overwhelmingly negative response, the guidelines could be changed.

Commissioner Maynard expressed that he wanted the Commission to have discretion to move funds around. Chair Judd-Stein agreed with Commissioner Maynard. Chief Delaney stated that the Community Affairs Division could work towards finding different solutions and that there would be an opportunity to receive public input at the upcoming public hearing.

Commissioner Skinner stated that she would like more information about the awards for the set-aside programs and workforce development grants and expressed support for the discretion to move funds. Chief Delaney stated that he would craft the draft guidelines based on this proposal and in parallel look into other options.

Chief Delaney stated that another issue was whether there would be a targeted minimum spending in each category of the grant. He proposed a 15% minimum spending in each of the four main categories. He stated that for the first year of the block grant structure the 15% could be suggested targets with no waiver requirements.

Commissioner Skinner asked if a targeted minimum was typical to the block grant structure. She expressed that she did not want to eliminate existing barriers to trade them for other restrictive requirements. Chief Delaney stated that other grants have spending minimums based on category.

Commissioner Hill stated that he liked what was proposed, but that the communities should have some flexibility. He expressed concerns that some communities would not have projects to spend

funds on in certain categories. He stated he would prefer targeted spending rather than targeted minimums. Chief Delaney stated that communities could still request waivers if they wanted to exceed a funding threshold.

Commissioner Hill asked if it was envisioned that a community may request no funding for a particular category. Chief Delaney stated that it could happen, especially in communities that receive smaller grants. Program Manager Lily Wallace stated that the LCMAC indicated that the targeted minimums would inspire collaboration between the town's agencies.

Chief Delaney stated that the Commission has historically funded workforce grants in the amount of \$500,000 per region. He suggested that this amount could be increased. Commissioner Hill expressed support for increasing this funding to \$750,000. Commissioner O'Brien and Commissioner Maynard expressed support for increasing the funding in this category.

Chief Delaney asked if the Commission wanted to develop minimum grants by region. He suggested a minimum of \$200,000 in Region A, \$75,000 in Region B, and \$50,000 for Category two municipalities. The Commission reached a consensus in support of minimum grants by region.

Chief Delaney noted that the workforce development fund allowed 7.5% of the grant to be used for administrative costs. He recommended allowing 7.5% of the CMF block grants to be used for administrative costs, with a maximum of \$50,000. The Commission reached a consensus in support of allowing 7.5% of the grant up to \$50,000 being used for administrative costs.

Chief Delaney stated that with the existing CMF structure, grantees were required to seek Commission approval if they repurposed more than 10% or \$10,000 of the grant, whichever was smaller. He suggested that any repurposing of funds over \$25,000 should require Commission approval.

Commissioner O'Brien suggested leaving the percentage so that a community could not fully repurpose a smaller project. Chief Delaney stated that the 10% could be included.

Chief Delaney asked if the Commission wanted to develop set-aside funds for regional planning agencies. He noted that this would encourage regional cooperation and recommended setting aside \$250,000 for each of the three regional planning agencies located near the casinos. Commissioner Skinner asked if this would be considered for the surplus category. Chief Delaney clarified that the surplus is where the funds would come from and would be spent down over a period of three to five years. He noted that the Commission would have to consider where the funding comes from after that period.

Chief Delaney noted that the grant categories had funding caps. He recommended removing them under the block grant structure to keep the funding as flexible as possible. Commissioner Maynard stated he supported this, provided that each grantee reports on how spending is used in

each category. Chair Judd-Stein suggested that the guidelines highlight training in addition to equipment. She asked if conditions could be attached to grants. Chief Delaney stated that the Commission could choose to apply conditions, but that it would take away from the flexibility of funds.

Chief Delaney noted that the CMF traditionally only funded one-third of the total cost for transportation construction projects. He stated that communities had requested waivers for smaller projects, such as installing blue bike stations. He recommended that the block grant allow full funding for transportation construction projects' first \$250,000 in costs, and then 30% funding for any amount over \$250,000.

Commissioner O'Brien expressed that the Commission wanted to ensure that the communities did not break up transportation construction projects into smaller \$250,000 projects. Chief Delaney stated that when the guidelines are crafted transportation construction projects will be considered additive rather than standalone to avoid loopholes. The Commission reached consensus in support of the sliding scale funding for transportation construction projects.

Chief Delaney recommended that the Commission allow municipalities to exceed the grant allocation with a Commission waiver if a particular need is identified. He stated that any excess funds would be from the existing unexpended funds. Commissioner Hill stated that this would give the Commission discretion in decision-making and expressed support.

Chief Delaney asked if the Commission wanted operational costs and implementation costs to be eligible for funding. He stated that this has historically been allowed for overtime for traffic patrols, provided the funding is supplemental and does not supplant existing funding. Chair Judd-Stein noted that there might be confusion between the term operational costs and administrative costs. She stated that the distinction between the two terms should be clarified in the guidelines.

Chief Delaney asked if the CMF guidelines should include details about which projects are ineligible. Commissioner O'Brien stated that the Community Affairs Division could use examples of ineligible projects the Commission had previously rejected. Chief Delaney stated that if a community could provide a compelling reason for needing a piece of equipment that was not historically eligible, then waivers could be applied. Commissioner Hill expressed support for clarifying including clarification in the guidelines.

Chief Delaney noted that PPC previously received funds divided between Region A and Region B, but that Plainville is located in Region A. He stated that due to the disparity of funds between Region A and Region B, he believed it to be appropriate for the communities around PPC to be funded from Region A funds.

Chief Delaney asked if the Commission wanted to change the grant program to be run on the fiscal year rather than calendar year as both the Commission and the municipalities used a fiscal

year. He noted that the only technical change would be changing the name of the grant to the FY25 grant. The Commission reached consensus in support of this change. Chief Delaney stated that he would draft the CMF guidelines and present them to the Commission in October.

Chief Delaney stated that the formula for the block grant was based on four factors. He stated that the first factor was the minimum grant amount per region in the amounts of \$200,000 for Region A, \$75,000 for Region B, and \$50,000 for communities located near PPC.

Chief Delaney stated that as part of the second factor communities designated host communities would receive an additional 200% of the minimum grant amount, and surrounding communities would receive an additional 100% of the minimum grant amount.

He stated that the third factor in the formula was proximity to the casino. He noted that this factor totaled 40% of the grant amount. He stated that the Community Affairs Division reviewed maps of areas and physical features in making this assessment.

Chief Delaney stated that the last factor was traffic impacts based upon traffic studies. He noted that this category was for twenty percent of the total grant. A *memorandum of the proposed distribution of funds* was included in the Commissioner's Packet on pages 37 through 41.

Chief Delaney stated that the LCMACs wanted to discuss the formula within their communities before providing feedback. He stated that the LCMACs were in agreement that the four factors were important to the calculation of the formula.

Chair Judd-Stein noted that some communities, such as Springfield and West Springfield, might receive less funding than previously with this formula. She stated that the Commission had to consider that these cities were big communities that were home to a casino. Chief Delaney stated that the communities requested different levels of funding each year, and that sometimes they requested less than the proposed formula. Chair Judd-Stein stated that she wanted to ensure that the development project in downtown Springfield could still be done. Chief Delaney stated that the Community Affairs Division could look into weighing the categories differently based upon region. He noted that Springfield would receive one-third of the available funds in Region B under the block grant formula. Commissioner Maynard stated that if the formula were adjusted, smaller communities would likely receive less funds, which would not be optimal.

Commissioner Hill agreed with Chair Judd-Stein and Commissioner Maynard. Commissioner Hill suggested the Commission move forward with the block grant formula as proposed. He stated that Springfield and West Springfield could provide public comment and ideas for how to change the formula to benefit everyone. Commissioner Hill commended the Community Affairs Division for their work on this project. Commissioner Skinner expressed that she was looking forward to public comment.

Chief Delaney stated that the guidelines would be drafted and presented in early October. Commissioner Hill asked if the timeline was on track to have the block grant program ready for this year. Chief Delaney stated that a public hearing would be scheduled for a week after the draft guidelines are approved.

9. [Interim Investigations and Enforcement Bureau Director Contract Discussions](#) (5:40:56)

a. Executive Session

Chair Judd-Stein stated that the Commission anticipated that it would meet in executive session in accordance with G.L. c. 30A, § 21(a)(2), to conduct strategy sessions in preparation for negotiations with Heather Hall for the position of Interim Director of the Investigations and Enforcement Bureau. She stated that the public session of the Commission meeting would not reconvene at the conclusion of the executive session.

10. [Executive Session Minutes](#) (5:41:47)

a. Executive Session

Chair Judd-Stein stated that the Commission anticipated that it would also meet in executive session to review minutes from previous executive sessions, as their discussion at an open meeting may frustrate the intended purpose for which the executive sessions were convened; pursuant to G.L. c. 30A, §21(a)(6) (May 18, 2022), G.L. c.30A, §21(a)(3) (September 12, 2022; May 8, 2023; August 30, 2023) and G.L. c.30A, §21(a)(3) with respect to contract negotiations with Todd Grossman for the position of Interim Executive Director (July 12, 2023; July 17, 2023). She stated that the public session of the Commission meeting would not reconvene at the conclusion of the executive session.

Commissioner Maynard clarified that the August 30, 2023, and September 12, 2022, minutes required more editing and would not be voted on in the executive session.

Commissioner O'Brien moved that the Commission go into executive session on items nine and so-much of what's remaining in item ten as specified in the agenda and for the reasons stated by the Chair on the record. 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.

Transcriber's Note: The Commission entered an executive session, and the public meeting did not reconvene at the end of the executive session.

List of Documents and Other Items Used

1. [Revised Notice of Meeting and Agenda](#) dated September 20, 2023
2. [Revised Commissioner's Packet](#) from the September 21, 2023, meeting (posted on massgaming.com)



Massachusetts Gaming Commission Meeting Minutes

Date/Time: November 7, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 000 8355

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 486th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. Legal and IEB ([00:50](#))

- a. Review of Penn Entertainment and ESPN Deal, including presentation by Penn concerning said Deal

Chair Judd-Stein noted that information had been received from Penn Entertainment regarding the ESPN deal that was deemed confidential under MGC rules and regulations.

Heather Hall, IEB Assistant Director and Chief Enforcement Counsel, stated that she was present to discuss the Penn Entertainment – ESPN marketing deal with several others including: Karalyn O'Brien Licensing Division Chief, Zachary Mercer, Enforcement Counsel, and members of the legal team. Ms. Hall reported that there was a prior discussion of the deal during a meeting on

October 19, 2023. The Commission had a number of questions regarding the deal and Penn submitted a document in response. Chris Rogers, Executive Vice President and Chief Strategy Officer of Penn was present to address the document and answer Commissioner questions.

General Counsel Todd Grossman and Deputy General Counsel Caitlin Monahan were present to provide legal guidance as necessary.

Mr. Rogers introduced Erin Chamberlain, Penn Regional Vice President to present on the Penn-ESPN deal and rebranding from Barstool Sports to ESPNBet. She explained the proposed date for the rebranding was November 14, 2023, in all 17 US jurisdictions pending final approvals. Ms. Chamberlain reintroduced Mr. Rogers and Samantha Haggerty, Deputy Chief Compliance Officer and Regulatory Affairs Counsel and Adam Kates, Senior Director of Compliance at Penn Interactive.

Mr. Rogers noted the goal of the presentation was to address any outstanding questions regarding the ESPN deal, whether there have been any changes to Penn or PSI's suitability and whether the divestiture of Barstool Sports required any amendments to the licenses of Penn or PSI. Mr. Rogers recounted that the Commission had previously asked how other regulators had handled the Barstool Sports divestiture and noted that in their October 31, 2023 submission they had reported that there were no meaningful regulatory impediments to moving forward with the rebrand in other jurisdictions or questions of ongoing suitability for Penn. Mr. Rogers further noted that he believed Penn had complied with all Massachusetts laws and regulations to allow the rebranding to occur in Massachusetts pending a review of their house rules.

Penn noted they had begun conversations with the Commission before the August 8, 2023, public announcement of the deal. The next day they provided the Commission with their updated SEC filings. On August 15, 2023, Penn's Chief Compliance Officer, Chris Soriano, met with Commission staff to discuss these topics. On September 19, 2023, Mr. Soriano provided supplemental documentation related to the ESPN marketing deal and met again with Commission staff three days later. Mr. Soriano and Mr. Kates presented to the Commission on October 2, 2023, to provide supplemental information. Following Penn's recent quarterly earnings call they shared additional details about the ESPN partnership with the Commission.

Mr. Rogers then summarized the contents of the October 31, 2023, submission. He noted that the sportsbook agreement governs the terms of the relationship of the operation of ESPNBet. He explained that Barstool Sportsbook would be rebranded as ESPNBet in all available platforms. He also repeated that Penn would oversee and be directly responsible for the Sportsbook production, development, distribution, operations and promotions. He emphasized that Penn remains the responsible party for the conduct of licensed gaming operations and ESPN was a marketing partner. He clarified that only Penn team members would have control and operational responsibility over the actual conduct of gaming.

He noted that while there were some similarities between the deal and the prior agreement with Barstool that this deal differs as Penn does not own ESPN, but Penn did own Barstool. ESPN also provides "ESPN marketing services" which was a defined term in the agreement. These services included odds attribution to ESPNBet, editorial integration across mutually agreed

ESPN talent, and traditional media integrations such as TV commercial and social media. In addition, ESPN's customer relationship management teams would work to integrate sportsbook offers with ESPN's customer campaigns. He explained the integrations would have guardrails and procedures to suppress marketing to customers excluded for any reason.

Mr. Rogers stated that Penn and ESPN developed a set of content guidelines to be followed when promoting ESPNBet on media channels. He explained that all advertising and promotions would contain state required responsible gaming messaging, would not target individuals under 21 or who appear to be under 21, and would not be placed on medium unless 73.6% of the audience is expected to be over 21. He also noted that content would not contain persons under 21 promoting or commenting on any betting activity, content would not make reference to wagers being offered by illegal sports wagering operators, content would not glorify excessive wagering or downplay the risks of losing, content would not guarantee success or imply greater chances of success than other operators, content would not use terms like "risk free" or "can't lose," and content would not include crass or lewd comments, intoxicated persons or illicit substances.

With respect to college campuses, Mr. Rogers noted that in collaboration with Penn ESPN has adopted a policy regarding the promotion of ESPNBet on college campuses. The policy prohibits advertising for or solicitation of or for ESPNBet by the announcers on the college game day set or any other programming originating from the college campus to the in-person audience. The policy also prohibits ESPNBet signage on site during programming originating from a college campus and restricts the solicitation of sign-ups for ESPNBet while present on the college campus. Mr. Rogers explained that these prohibitions would be in effect even if the broadcast was off-campus if an in-person audience of college students was still expected. Any promotion for ESPNBet during the broadcast originating from a college campus would not be visible to the audience. He explained by way of an example, that a promotion for ESPNBet may be filmed offsite and added to the broadcast for a television audience but not seen by the live audience. He noted this policy complies with 205 CMR 26.05(4)(e).

On wagering guidelines, Mr. Rogers explained that no employee can place a wager at any facility or through any application or digital platform owned or operated by their employer and that this prohibition would continue to apply to Penn employees. Since ESPN is not an operator and does not own or operate a sports wagering platform, ESPN employees would not be subject to this wagering prohibition. Mr. Rogers explained that ESPN was developing a comprehensive set of employee guidelines to include on air talent to ensure that ESPN maintains high standards of journalistic integrity and that insiders remain independent from ESPNBet. He emphasized that there would be no connection between ESPN insiders, reporters, or the news desk with anyone that handles risk or trading for Penn. Penn would not have access to ESPN's news production

Mr. Rogers noted that he believed that all required information regarding the divestitures of Barstool Sports, the marketing alliance with ESPN and the rebranding had been provided. He continued and explained that where the Commission previously granted both PPC and PSI suitability under the prior relationship with Barstool Sports he did not believe there was any basis to alter their suitability finding. With respect to licensing conditions, Mr. Rogers stated that he did not believe there would be any basis for new conditions and deferred to Commission staff

on whether the removal of the Barstool conditions would be required at that time or at a later date. Mr. Rogers then concluded his remarks.

Commissioner Hill asked Mr. Rogers for clarification on advertising during the college game day television program specifically concerning whether there could still be commercials advertising betting. Mr. Rogers noted that Commissioner Hill's understanding was correct and that Penn's focus was on not advertising to the college students in attendance at the event. He further explained that the focus was on advertising only to an audience that is 75% or more over the age of 21.

Commissioner Hill then asked if Mr. Rogers could explain the term "glorify" as it had been used. Mr. Rogers explained that it was important to emphasize that sports betting is a form of entertainment and not a way to make money and not portraying it as something where you can't lose. Mr. Rogers clarified that he believed the use of "glorify" came from an American Gaming Association ("AGA") regulation.

Commissioner O'Brien then raised a concern about where the line is that protects consumers and complies with Commission regulations. She noted that she wanted to hear more from Penn about how odds attribution to ESPNBet on ESPN programming would not run into regulatory problems. She also wanted to know more about how ESPN's customer relationship management team would work to integrate the sportsbook offers within the ESPN customer campaigns and what safeguards would exist so that consumers would not conflate ESPN and ESPNBet.

Mr. Rogers noted these questions were broad and addressed generally the use of media by sportsbook operators. Commissioner O'Brien explained that she believed this was a different type of relationship as Penn was tethering itself to an existing brand and not using third party marketers like many other operators. Commissioner O'Brien reiterated that she wanted to hear more about how the reporting and media function of ESPN would be kept distinct from ESPNBet for the average consumer.

Mr. Rogers went on to explain that the ESPN brand was important for its existing value. He noted that at that time ESPN was giving odds attribution to Caesars sportsbook and had integrations with both Caesars and DraftKings. Mr. Rogers believed a consumer could distinguish between ESPN editorial and sportsbook and raised examples in other jurisdictions. Commissioner O'Brien asked what was being done to make it clear to consumers when aspects of ESPNBet were integrated into ESPN programming. Mr. Rogers explained that he saw the concern as having news breakers associated with the operator of the sportsbook and having access to information that bettors did not. He noted that ESPN is very focused on that distinction and will develop a conservative policy to make sure the sportsbook is completely separate and that within ESPN there are heightened restrictions around news breakers. Mr. Rogers said he would provide more information on that policy from ESPN when it was finalized. Commissioner O'Brien indicated she would like that information.

Chair Judd-Stein asked if the ESPN guidelines could be provided during the meeting if possible. Mr. Rogers noted that the guidelines are meant to maintain ESPN journalistic integrity and that there is no connection between the news desk and the risk and trading team at Penn. Chair Judd-

Stein asked if that was a current risk across the industry. Mr. Rogers agreed and noted it was more of a perception than an actual risk as across the industry sportsbooks are completely separate from media partners. He recognized customer concern that a sportsbook could have access to some sort of insider information from a media partner.

Chair Judd-Stein asked for clarification of the entities involved. She noted that ESPNBet was completely separate but asked for detail on the ESPN entities. Mr. Rogers noted that the operator and licensee is PSI and will be operating ESPNBet and had licensed the brand from ESPN. ESPN Enterprises is the marketing partner that would provide marketing services to Penn and is owned by ESPN which in turn is majority owned by the Walt Disney Company.

Commissioner Skinner asked about control, namely that if the Commission found non-compliance on behalf of ESPN Enterprises how it would be handled with respect to the roles of Penn, PSI and ESPN. Mr. Rogers explained that Penn was the operator and ultimately responsible for actions of the sportsbook while ESPN is a licensed marketing partner. He noted there could be implications on ESPN's own license but ultimately Penn would be responsible as the operator. Commissioner Skinner raised concerns about customer confusion and potential commercials that could be a violation of Commission regulations and asked if there was any concern that Penn would not have the means to address such an incident with ESPN Enterprises. Mr. Rogers noted that there was no concern of this situation occurring and that ESPN was strongly committed to being best in class from a responsible gaming marketing partnership perspective and fully understood the responsibilities.

Commissioner O'Brien noted that this was an exclusive arrangement between Penn and ESPN from a marketing perspective but asked if ESPN would be exclusive in other areas. Mr. Rogers noted that the relationship was largely exclusive around media integrations and while ESPN could still take linear advertisements from other operators during commercial breaks, that the integrations moving forward would all be with ESPNBet.

Commissioner O'Brien asked what was still being finalized in the guidelines and how it would move forward. She noted that there was a lot to be excited about, but it would have to be watched closely because of the same name and the integrations. She asked for additional details on the guardrails. Mr. Rogers indicated that the 10/31/23 letter from Penn had the key points of the policy and that it was constantly evolving as the industry changed and they had discussions with regulators. Commissioner O'Brien noted that the letter was only broad strokes, and she would like to see the actual policy. Commissioner Skinner seconded a request for the finalized guidelines beyond the letter.

Chair Judd-Stein asked about whether the integration between sports wagering operators and media were any different at that time than they would be in the future once those integrations were exclusive between Penn and ESPN and suggested those types of integrations were permitted under the Commission regulatory framework. Commissioner O'Brien disagreed noting that the branding of ESPNBet combined with the exclusivity of the integrations with ESPN could create confusion with the consumer and pose the greatest risk.

Mr. Rogers noted the convergence of media and sports betting and that many operators have media components. He was confused about the focus on Penn's use of the ESPN brand and suggested that this suggested less focus on operators just using marketing affiliates. Commissioner O'Brien responded by noting that in other situations the licensee had absolute control of their media but that in Penn's situation the news reporting function would be controlled by another entity. With other operators it is very clear that media assets are controlled by the operator if something goes awry.

Chair Judd-Stein pointed out that Mr. Rogers led with the reminder that Penn/PSI remains in control and the responsible party for any branding. She noted that she did not believe there were any regulation that addressed the perception of a relationship between the media and betting areas. Deputy General Counsel Caitlin Monahan explained that regulations do address which entities can encourage or recommend specific bets and noted that the legal department had specific questions for Penn/ESPN about how to keep those areas separate. Regulation 256.04(4) sets the standard for who can and cannot encourage or advise on a specific wager or type of wager. Deputy General Counsel Monahan explained that the original question asked about the relationship between Penn and ESPN and what could ESPN employees say or not say with regard to recommending or encouraging a specific wager.

Commissioner Skinner questioned whether Penn had the same "reach" relative to ESPN if ESPN found itself in a situation of non-compliance concerning the encouragement of a patron placing a specific wager. Mr. Rogers indicated that as the operator Penn is ultimately responsible and ESPN is a marketing partner with its own license in MA. Penn also has a contract with ESPN in which ESPN must remain compliant.

Commissioner Maynard noted that Pat McAfee has a popular show where he goes through the entire NFL weekly schedule and betting lines. He then asked where the line is drawn between when an ESPN personality makes a prediction and if those predictions would be connected to the ESPNBet app. Commissioner Maynard noted a concern about protecting consumers from relying on a personality like McAfee to make a bet.

Mr. Rogers recognized the Commissioners' concern with the ability of ESPN personalities to somehow control the sportsbook. He noted that concern was not present with their Barstool arrangement and that people understood that Barstool was distinct from the sportsbook. Mr. Rogers stated that he was open to how to make the distinction clearer and that ESPN commentators speaking were not speaking for the sportsbook and had no influence over the odds.

Commissioner O'Brien stated that there are incidents where news reporting runs into conflicts because of corporate ownership and disclosures are made to make that clear. She wondered if that was something applicable here to make those differences clear about the corporate structure of ESPN.

Commissioner Maynard added that there was likely a lot of data about whether ESPN could have an impact on betting lines, and he was interested in seeing that data. Commissioner O'Brien

indicated that she was interested in the finer details of the agreement with ESPN because of the concerns she raised, and she would want to review that agreement when completed.

Chair Judd Stein asked legal whether there were concerns about Penn going live on November 14, 2023, and whether they would potentially be out of compliance with 256.04. She noted if there were those concerns then likely internal Commission members would need to be alerted. Legal noted that they had only flagged issues after reviewing the Penn letter. Chair Judd-Stein clarified that her question was whether Penn would be out of compliance if these issues were not resolved, further asking if Penn was doing something differently with ESPN than they were with Barstool. Deputy General Counsel Monahan noted she could not say there was a per se violation at the time. General Counsel Grossman added that there are many examples of personalities talking about wagering and the question of whether the discussion turns into advising and encouraging wagering is ultimately dependent on the Commission's view. General Counsel Grossman noted there is a difference between offering an opinion on a game/spread and telling viewers to go place a wager.

Commissioner O'Brien noted that she wanted a condition because of the history of Penn. She recognized there was no violation of the regulation but the way in which the relationship was rolled out could impact that and thus she wanted to see the guidelines. Chair Judd-Stein asked Commissioner O'Brien if there was something she would specifically like to see from Penn such as a disclaimer before programming. Commissioner O'Brien noted it was hard to answer the question in detail until she could review the guidelines in full and she would want a condition to mandate the production of that document. She further explained she saw risk regarding editorial integration and ESPN talent crossing lines. If the guardrails addressed how those areas complied with the regulation that was the most important issue for Commissioner O'Brien.

Chair Judd-Stein asked the other Commissioners for additional comments. Commissioner Hill noted he was familiar with these types of shows and recognized that personalities are only giving opinions. He explained the difference would be if the host told viewers to bet on a game and hoped that ESPN and Penn understand that difference.

Commissioner Maynard agreed with Commissioner Hill and then explained he was curious about an integration on the betting app with respect to what the media host was saying. He agreed that there would be no issue if only an opinion was given, the betting lines did not move, and there was no integration with the app. Commissioner Maynard further explained he had no reason to think Penn could not go forward with launch on November 14, 2023.

Chair Judd Stein agreed with Commissioner Maynard but noted that she struggled with seeing any issues of non-compliance at that time as opposed to contemplating future possible non-compliance. The Chair noted she could only evaluate the facts before the Commission when considering non-compliance and they were still waiting to see how everything would work. The Chair noted she had no issue with a condition requiring the documents but was wondering about the timing.

Commissioner O'Brien explained she was not asking to hold up launch pending production of the document, but she was flagging that she wanted to see the complete document and review it. She also worried about the effect on the less sophisticated consumer.

Commissioner Hill supported Commissioner O'Brien's request and that it not hold up the launch. He noted the information was necessary and that he would like to have it. The Chair noted there seemed to be consensus. Commissioner Skinner asked about the specific language for the condition on the license and the process.

The Chair asked General Counsel Grossman to explain the process. General Counsel Grossman asked Mr. Rogers if the document was competitively sensitive, and Mr. Rogers indicated he would need to check with ESPN but that at least some portions of the document should be public. Mr. Rogers indicated he would make any information available as required but that he was struggling with conditions on the use of a media partner when it was an industry wide issue and that the only ask was to be treated like all other operators.

Commissioner O'Brien noted that her reaction was the same as to Barstool branding which was that this was a unique situation using a pre-existing brand and created a heightened risk to consumers because of the reasons discussed. She noted that Penn was not being treated differently than a similarly situated licensee but that inherently Penn was differently situated in this scenario.

Commissioner Skinner stated that she viewed the issue as broader than branding and that it also involved responsible gaming and Penn was not being treated differently as it was required by other licensees during the application review process. She noted it was necessary to move forward and there was no intention to delay the launch.

Chair Judd Stein asked General Counsel Grossman if the Commission adopted a condition if there were examples of other conditions that had been attached to other licensees and what the condition would look like. General Counsel Grossman explained that the proposed condition would be looking to review the policy that ESPN was crafting that established the divide between the news and the sportsbook operations. The Chair asked if it would have to be a condition and General Counsel Grossman noted it could be an internal control. The Chair also noted that Penn was willing to provide the policy to allow the Commission to review it. Commissioner O'Brien noted that normally the internal controls are provided before the launch and explained that the license condition could be simply providing the employee guidelines by a date certain. The Chair asked if it had been an internal control, or a condition and Commissioner O'Brien noted that the timing of the submission to the Commission of the guidelines could be a license condition while the approval would be part of the internal controls. The Chair clarified that the licensee wanted to avoid conditions being attached to its license and was willing to produce the requested document. Commissioner O'Brien suggested that the Commission require the policy be provided by a date certain or a license condition could apply.

Commissioner Maynard asked if there was any mechanism to make sure the policy was received aside from conditioning the license. General Counsel Grossman indicated that the licensee could be directed to provide the document, and they have agreed to do so. He also noted that the

licensee must abide by the regulations and that the discussion was really a matter of timing. General Counsel Grossman recommended that the document be provided, reviewed by the Commission and if the Commission was satisfied that it could just be incorporated into an internal control.

The Chair noted that this would not necessarily be a condition or an internal control as it would have been discussed in the ordinary course. Commissioner O'Brien stated she was looking for more clarity on the timing of the production of the policy. Mr. Rogers indicated the policy would be provided as soon as possible within the next 30-60 days. Commissioner Skinner indicated she wanted a more definitive response before launch on November 14, 2023, further explaining that this type of document was not a condition on other temporary licenses as it was not needed. The Chair agreed. Commissioner Skinner noted that ideally the Commission would have already had the document for review, but she wanted a more definitive timeline for the production of the document. Mr. Rogers committed to providing the document but indicated that Penn did not view it as something that was required under the regulations and was only being produced voluntarily. He noted that ESPN was drafting the policy to make sure there was no perception of a lack of journalistic integrity. He further explained that many sports betting operators have partnerships with media companies and the same issues would be applicable and they were not required to submit similar policies.

Commissioner O'Brien reiterated that she did not believe the production of the policy was voluntary or optional and that she viewed the protections as a critical part of Penn's house rules. Commissioner Maynard noted that this process took place during initial licensure with all the operators, including Penn and suggested that since they have already agreed to produce the document the discussion was complete. Chair Judd-Stein asked for Commissioner Maynard to elaborate on analogies as to how other operators were treated, noting that she believed the Penn-ESPN deal was unique.

Commissioner Maynard noted that the Commission had always made it clear that licensees owned the actions of their vendors. Chair Judd-Stein agreed with Commissioner Maynard and noted that this situation was unique because of the exclusive branding and the perception issue. She also credited Mr. Roger's contention that production of the policy was not required in the regulations. Deputy General Counsel Monahan confirmed that the document was not being requested pursuant to a regulation but that it was being requested as part of the application review process because Penn was operating under a temporary license and there was substantive change from Barstool to ESPN. Chair Judd-Stein explained that the material change referenced by Deputy General Counsel Monahan was from case law as opposed to statute or regulation. Mr. Rogers noted the document would be produced but he did not want to over commit on timing. He only mentioned the voluntary nature with respect to why the policy had not been produced to date.

Commissioner O'Brien stated that she was looking for the supplemental materials by a specific date and she recognized Penn was working with another party to draft the document. Commissioner Skinner was satisfied with production in 30-60 days but was hoping for a clearer estimate. Chair Judd-Stein suggested setting a production date. General Counsel Grossman suggested the document be produced on or before December 14, 2023, the next public hearing

date and if the document was not produced that the licensee appear and explain why. Commissioner O'Brien agreed with the proposal and asked that if the document was not going to be produced that the Commission be notified the week before the 14th. Commissioner Skinner agreed. Deputy General Counsel Monahan suggested the document be produced prior to the 14th for review purposes.

Chair Judd-Stein suggested the document be produced by December 11, 2023, and noted the Commission would be fair if something came up to delay production by the licensee as long as it was communicated to the Commission. Commissioner Skinner raised a question about the disassociation of Barstool sports and player data and the transition from one company to another and how that would look to the consumer in terms of communication. Mr. Rogers explained that the divestiture of Barstool was complete and the rebrand was in preparation. All the customer data was held by Penn, not Barstool. Customers were already receiving communication about the rebranding and were being sent emails and pop-ups in the app. From a process standpoint after relaunch customers would be directed to the app store to download the new app and then all of their data would port over to the ESPNBet app. Commissioner Skinner asked about an opt out process before the data transfer. Mr. Rogers explained that the data was already on the system and would just transport over.

Commissioner O'Brien noted there was a prior executive session on the details of the divestiture, and she was seeking details on additional components related to Barstool and Penn, but it may be better suited for discussion in executive session. Chair Judd-Stein believed that topic would be marked for a different meeting. Commissioner O'Brien suggested there was a reference to the topic in part of that day's agenda, but it could be cleaner to get an update in a separate meeting. General Counsel Grossman agreed with Commissioner O'Brien and recommended a more precise notice for a future meeting. Chair Judd-Stein agreed with addressing the topic in a future meeting.

Chair Judd-Stein asked Licensing Chief O'Brien for the status of ESPN's licensing. Chief O'Brien explained that ESPN held a sports wagering registration and had since March of 2023. The Chair noted that no conditions were being added at that time and they wished the licensee good luck.

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. [Notice of Meeting and Agenda](#) dated November 7, 2023



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

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

CC: Dean Serpa, Executive Director

DATE: August 29, 2024

RE: Gambling and Problem Gambling in Massachusetts: Results of Three Online Panel Surveys

The Commission has an Interagency Service Agreement (ISA) with the University of Massachusetts, Amherst to carry out social and economic research. 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 of expanded gaming.

Population surveys of gambling participation and gambling problems have become increasingly expensive and complex over time. An emerging option to improve surveillance is the use of annual online panel surveys to supplement less frequent population surveys. Online panels consist of groups of people recruited to participate in online surveys in return for compensation. While online panels are not representative of the population, individuals who participate in such surveys tend to be heavy gamblers which provides a much greater 'yield' of individuals with characteristics of the greatest concern to policymakers, regulators, and others seeking to minimize and mitigate gambling harm.

This report assesses changes among monthly gamblers in the online panels in Massachusetts in gambling attitudes, gambling participation and problem gambling prevalence from 2014 to 2023. While online panels cannot be used to estimate population prevalence rates, it is reasonable to assume that changes in the behavior of monthly gamblers in the online panels do reflect changes in how regular gamblers in the population might be behaving.

Attached are the final report, a research snapshot, and the presentation.



Massachusetts Gaming Commission

MGC Research Snapshot

Gambling and Problem Gambling in Massachusetts: Results of Three Online Panel Surveys

August 2024

What you need to know

This report assesses changes among monthly gamblers in online panel surveys in Massachusetts in gambling attitudes, gambling participation and problem gambling prevalence from 2014 to 2023. Results refer only to panel members and not to the population of Massachusetts. Among monthly gamblers, attitudes toward gambling have grown more negative. Between 2022 and 2023, there were increases in gambling participation among monthly gamblers, which suggests that the lingering impact of COVID-19 on gambling behavior among monthly gamblers may be diminishing. There was an increase in sports betting participation among monthly gamblers, but there does not yet appear to be substantial recapture of sports betting revenues among monthly gamblers in the wake of legalization despite a reduction in the proportion of sports bettors among monthly gamblers who only gamble on sports illegally. Finally, among monthly gamblers, there may have been an increase in people experiencing gambling harms and gambling problems between 2014 and 2023.

What is this research about?

Population surveys of gambling participation and gambling problems have become increasingly expensive and complex over time. An emerging option to improve surveillance is the use of annual online panel surveys to supplement less frequent population surveys. Online panels consist of groups of people recruited to participate in online surveys in return for compensation. While online panels are not representative of the population, individuals who participate in such surveys tend to be heavy gamblers which provides a much greater 'yield' of individuals with characteristics of the greatest concern to policymakers, regulators, and others seeking to minimize and mitigate gambling harm.

This report assesses changes among monthly gamblers in the online panels in Massachusetts in gambling attitudes, gambling participation and problem gambling prevalence from 2014 to 2023. While online panels cannot be used to estimate population prevalence rates, it is reasonable to assume that changes in the behavior of monthly gamblers in the online panels do reflect changes in how regular gamblers in the population might be behaving.

What did the researchers do?

Three online panel surveys have been carried out in Massachusetts as part of the SEIGMA study. The Baseline Online Panel Survey (BOPS) was fielded in 2013 and 2014; the Follow-up Online Panel Survey (FOPS) was fielded in March 2022; and the 2023 Online Panel Survey (OPS23) was fielded one year later in March 2023. The goal of the online surveys was not to generate estimates of behaviors in the population but instead to track changes in behavior over time among regular (monthly or more frequent) gamblers.

What did the researchers find?

This report includes results for monthly gamblers in the online panel surveys. We use the terms "among monthly gamblers in the online panels" and "among monthly gamblers" but this always refers only to panel members and not to the population of Massachusetts.

Attitudes Toward Gambling

- Increase in proportion of monthly gamblers in the online panels who believe that the harm of gambling outweighs the benefits;
- Decrease in the proportion of monthly gamblers who believe that all types of gambling should be legal;
- Decrease in the proportion of monthly gamblers who believe that gambling in Massachusetts is too available;
- More neutral attitudes about the overall impact of casinos;
- Decline in the proportion of panelists who believe that employment is the most important positive impact of casinos;
- Increase in the proportion of panelists who believe that gambling addiction is the most important negative impact of casinos.

Gambling Behavior

- Increases in participation in daily lottery games, sports betting, private wagering, horse racing, bingo and online gambling among monthly gamblers in the online panels;
 - This result contrasts with across-the-board decreases in gambling participation in the 2021 population survey compared to 2013; we believe that these decreases in the population were at least partly due to lingering effects of the COVID-19 pandemic;



- Increase in gambling intensity (number of types of gambling, number of days gambled) among monthly gamblers;
- Increases in monthly and weekly betting on sports among monthly gamblers from 2014 to 2022 and from 2022 to 2023;
- From 2022 to 2023, betting on sports parlays increased among monthly gamblers although betting on professional sports events remained the most frequent type of sports wager;
- From 2022 to 2023, betting on sports with Massachusetts sports betting operators increased among monthly gamblers;
- No substantial recapture of spending on sports betting outside of Massachusetts among monthly gamblers as yet.

Gambling Problems and Harms

- Increase in problem gambling prevalence among monthly gamblers in the online panels between 2014 and 2022 and between 2022 and 2023;
- Increases in five of the six domains of gambling-related harm among monthly gamblers, including financial harms, emotional and/or psychological harms, family and relationship harms, work or school harms, and harms related to illegal activities.

Conclusions and Recommendations

To summarize:

- Attitudes among monthly gamblers in the online panels, and possibly in the population, have grown more negative with more monthly gamblers believing that gambling harm outweighs the benefits and fewer monthly gamblers believing that all types of gambling should be legal.
- Between 2022 and 2023, there were increases in gambling participation among monthly gamblers in a range of gambling activities which suggests that the lingering impact of COVID-19 on gambling behavior among monthly gamblers in Massachusetts may be diminishing.
- While there was an increase in sports betting participation among monthly gamblers, there does not yet appear to have been substantial recapture of sports betting revenues among monthly gamblers in the wake of legalization although there has been a reduction in the proportion of sports bettors among monthly gamblers who only gambling on sports illegally.
- Finally, there may have been an increase in people experiencing gambling harms and gambling problems among monthly gamblers in Massachusetts between 2014 and 2023.

About the researchers

Rachel A. Volberg, Martha Zorn, and Valerie Evans are part of the SEIGMA team at the School of Public Health and Health Sciences University of Massachusetts Amherst. Robert J. Williams is the Co-Principal Investigator on the SEIGMA project and is with the Faculty of Health Sciences at the University of Lethbridge in Alberta, Canada. For more information about this study, please contact Rachel Volberg at rvolberg@schoolph.umass.edu.

Future work will include analyses comparing recreational, at-risk and problem gamblers to identify predictors of at-risk and problem gambling and identification of the specific types of gambling contributing to experiences of gambling harm in Massachusetts. This report may also serve as a template going forward for a series of brief reports on gambling and problem gambling among regular gamblers in Massachusetts as an early warning system to allow for timely efforts at harm minimization and mitigation.

Citation

Volberg, R.A., Zorn, M., Evans, V., Williams, R.J. (2024). *Gambling and Problem Gambling in Massachusetts: Results of Three Online Panel Surveys*. Amherst, MA: School of Public Health and Health Sciences, University of Massachusetts Amherst.

<https://massgaming.com/about/research-agenda-search/?cat=social-impact>

Key Words

Social Impact; Online Panel Surveys

Acknowledgments

Financial support for this study comes from the Massachusetts Gaming Commission through the Public Health Trust Fund.

About this Snapshot

MGC Snapshots are intended to translate lengthy and sometimes technical reports into an easily understandable overview of the research. The findings and recommendations in the Snapshot are those of the researchers and do not necessarily reflect the position of the MGC.



Gambling and Problem Gambling in Massachusetts: Results of Three Online Panel Surveys



July 5, 2024



SOCIAL AND ECONOMIC IMPACTS
OF GAMBLING IN MASSACHUSETTS

UNIVERSITY OF MASSACHUSETTS SCHOOL OF PUBLIC HEALTH AND HEALTH SCIENCES

Table of Contents

Table of Contents	i
List of Tables	ii
List of Figures.....	ii
Authorship and Acknowledgements	iii
Executive Summary	iv
Introduction.....	1
Overview of Methods	4
Attitudes Toward Gambling	8
Gambling Behavior	12
Gambling Problems and Gambling Harms	17
Discussion	21
References	23
Appendix.....	26

List of Tables

Table 1 SEIGMA surveys in Massachusetts2

Table 2 Problem gambling prevalence in contemporaneous population and online panel surveys (unweighted) ..5

Table 3 Online panel samples for analysis7

Table 4 Past-year gambling participation among monthly gamblers in MA online panels (unweighted) 12

Table 5 Gambling intensity among monthly gamblers in MA online panels (unweighted) 13

Table 6 Past-year sports betting frequency and activities among monthly gamblers in MA online panels (unweighted) 14

Table 7 Past-year participation by monthly gamblers in sports betting formats (unweighted) 15

Table 8 Basis for classifying panelists using the PPGM 18

Table 9 Problem gambling prevalence among monthly gamblers in MA online panels (unweighted) 19

Table 10 Gambling harms among monthly gamblers in MA online panels (unweighted) 20

Table 11 Demographics of monthly gamblers in MA online panels (unweighted) 27

Table 12 Attitudes about gambling among monthly gamblers in MA online panels (unweighted) 28

List of Figures

Figure 1 Attitudes about gambling among monthly gamblers in the online panels (unweighted)9

Authorship and Acknowledgements

Authorship

Rachel A. Volberg, Research Professor at the School of Public Health and Health Sciences, University of Massachusetts Amherst and Principal Investigator on the SEIGMA project. Dr. Volberg is the lead author of this report.

Martha Zorn, SEIGMA Data Manager, School of Public Health and Health Sciences, University of Massachusetts Amherst. Ms. Zorn was responsible for data cleaning, data management, and data analysis of the SEIGMA primary data and the production and checks of tables and figures.

Valerie Evans, SEIGMA Project Manager and Biostatistician, School of Public Health and Health Sciences, University of Massachusetts Amherst. Ms. Evans provided background research on the topic and reviewed the draft report.

Robert J. Williams, Professor in the Faculty of Health Sciences at the University of Lethbridge in Alberta, Canada, and Co-Principal Investigator on the SEIGMA project. Dr. Williams contributed to all sections of the report.

Acknowledgements

Financial support for the Social and Economic Impacts of Gambling in Massachusetts (SEIGMA) study comes from the Massachusetts Gaming Commission. This multi-year project was competitively bid and awarded to the University of Massachusetts Amherst in April 2013. In June 2019, the Massachusetts Gaming Commission issued a subsequent Request for Response (BD-19-1068-1700-1-40973) for Research Services and the University of Massachusetts Amherst was awarded the contract effective January 2020.

We would like to thank the members of the Massachusetts Gaming Commission's Research Review Committee (RRC). Members of this committee represent a range of perspectives and their careful review of draft versions of this report contributed to its clarity as well as utility to multiple audiences.

As always, we thank the Massachusetts Gaming Commission for their continued vision and guidance over the course of the SEIGMA project. The Commission's broad vision for the expansion of gambling in Massachusetts and commitment to the research needed to maximize the benefits and minimize the harms related to gambling in the Commonwealth made this project possible.

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A PDF OF THIS REPORT CAN BE DOWNLOADED AT: www.umass.edu/seigma

Executive Summary

Population surveys of gambling participation and gambling problems have become increasingly expensive and complex over time. An emerging option to improve surveillance is the use of annual online panel surveys to supplement less frequent population surveys. While online panels are not representative of the population, individuals who participate in such surveys tend to be heavy gamblers which provides a much greater ‘yield’ of individuals with characteristics of the greatest concern to policymakers, regulators, and others seeking to minimize and mitigate gambling harm.

Three online panel surveys have been carried out in Massachusetts as part of the SEIGMA study. The Baseline Online Panel Survey (BOPS) was fielded in 2013 and 2014; the Follow-up Online Panel Survey (FOPS) was fielded in March 2022; and the 2023 Online Panel Survey (OPS23) was fielded one year later in March 2023. The goal of the online surveys was not to generate estimates of behaviors in the population but instead to track changes in behavior over time among regular (monthly or more frequent) gamblers.

This report assesses changes among monthly gamblers in the online panels in Massachusetts in gambling attitudes, gambling participation and problem gambling prevalence from 2014 to 2023. While online panels cannot be used to estimate population prevalence rates, it is reasonable to assume that changes in the behavior of monthly gamblers in the online panels do reflect changes in how regular gamblers in the population might be behaving. In addition to the findings, the report is intended to serve as a template for series of reports tracking gambling participation and problem gambling prevalence at regular intervals going forward.

Key Findings

This report produces results for monthly gamblers in our online panel surveys. We use the terms “among monthly gamblers in the online panels” and “among monthly gamblers” but this always refers only to panel members and not to the population of Massachusetts.

Attitudes Toward Gambling

- Increase in proportion of monthly gamblers in the online panels who believe that the harm of gambling outweighs the benefits;
- Decrease in the proportion of monthly gamblers who believe that all types of gambling should be legal;
- Decrease in the proportion of monthly gamblers who believe that gambling in Massachusetts is too available;
- More neutral attitudes about the overall impact of casinos;
- Decline in the proportion of panelists who believe that employment is the most important positive impact of casinos;
- Increase in the proportion of panelists who believe that gambling addiction is the most important negative impact of casinos.

Gambling Behavior

- Increases in participation in daily lottery games, sports betting, private wagering, horse racing, bingo and online gambling among monthly gamblers in the online panels;
 - This result contrasts with across-the-board decreases in gambling participation in the 2021 population survey compared to 2013; we believe that these decreases in the population were at least partly due to lingering effects of the COVID-19 pandemic;

- Increase in gambling intensity (number of types of gambling, number of days gambled) among monthly gamblers;
- Increases in monthly and weekly betting on sports among monthly gamblers from 2014 to 2022 and from 2022 to 2023;
- From 2022 to 2023, betting on sports parlays increased among monthly gamblers although betting on professional sports events remained the most frequent type of sports wager;
- From 2022 to 2023, betting on sports with Massachusetts sports betting operators increased among monthly gamblers;
- No substantial recapture of spending on sports betting outside of Massachusetts among monthly gamblers as yet.

Gambling Problems and Harms

- Increase in problem gambling prevalence among monthly gamblers in the online panels between 2014 and 2022 and between 2022 and 2023;
- Increases in five of the six domains of gambling-related harm among monthly gamblers, including financial harms, emotional and/or psychological harms, family and relationship harms, work or school harms, and harms related to illegal activities.

Introduction

In November, 2011, an [Act Establishing Expanded Gaming in the Commonwealth](#) was passed by the Legislature and signed by Governor Deval Patrick (Chapter 194 of the Acts of 2011). This legislation permitted casinos and slot parlors to be introduced in Massachusetts under the regulatory auspices of the Massachusetts Gaming Commission (MGC). Three casino licenses were available, with one allocated for the Greater Boston area, one for Western Massachusetts, and one for Southeastern Massachusetts. A single license for a slot parlor was also available, with no geographic restriction as to its location.

Following passage of the Expanded Gaming Act, two casinos and one slot parlor were approved by the MGC. The slot parlor, [Plainridge Park Casino \(PPC\)](#), is located in the Town of Plainville and opened on June 24, 2015. The Western Massachusetts casino, [MGM Springfield \(MGM\)](#), is located in the City of Springfield and opened on August 24, 2018. The Greater Boston casino, [Encore Boston Harbor \(EBH\)](#), is located in the City of Everett and opened on June 23, 2019. To date, no casino application has been approved for Southeastern Massachusetts.

Section 71 of the Expanded Gaming Act requires the MGC to establish an ‘annual research agenda’ and identifies three essential elements of this research agenda:

- A baseline study of problem gambling and the existing prevention and treatment programs that address its harmful consequences;
- Comprehensive studies of the social and economic impacts of gambling in the commonwealth; and
- Individual studies relative to the neuroscience, psychology, sociology, epidemiology, and etiology of gambling.

To accomplish the first two goals of the annual research agenda, the MGC issued a Request for Response for Research in November, 2012. In March of 2013, the MGC selected a research team from the University of Massachusetts Amherst (UMass) School of Public Health and Health Sciences to carry out a comprehensive research agenda that included both the baseline study of problem gambling and a study of the social and economic impacts of casino gambling in Massachusetts. The study, titled the *Social and Economic Impacts of Gambling in Massachusetts* (SEIGMA), was originally envisioned as a before-and-after evaluation of the impacts of the introduction of casinos in Massachusetts. However, the gradual introduction of casinos over an extended period from 2015 to 2019 led to the decision to produce periodic reports that comprehensively document the known impacts, with the first report published in 2018 (SEIGMA Research Team, 2018) and the next report anticipated in 2024.

In August, 2022, an [Act to Regulate Sports Wagering](#) was passed by the Massachusetts Legislature and signed into law by Governor Charlie Baker. This legislation allows for up to 15 sports betting licenses in the Commonwealth with eight of the licenses tied to a land-based partner (the three licensed casinos, three online licenses tethered to the casinos, and two racetracks still operating simulcast facilities) and the remaining seven online licenses open to competitive bidding. Individuals physically located in Massachusetts can wager on most professional sports leagues but cannot bet on in-state college teams unless the teams are playing in a tournament with four or more teams. The MGC is responsible for overseeing the establishment and regulation of the Massachusetts sports betting industry.

Monitoring Gambling and Problem Gambling in Massachusetts

Gambling-related harms are a tangible threat to public health and should be monitored as such (Price, Hilbrecht, & Billi, 2021). Surveillance is an essential component of an overall public health approach particularly for the prevention and mediation of harm. The recent introduction of sports betting to the commonwealth underscores the importance of regular surveillance of gambling behavior in Massachusetts as new gambling types and formats are introduced to the landscape. The shift to online gambling also introduces a new challenge to regulators and policymakers as gambling is no longer restricted to brick-and-mortar establishments but can be done anywhere and at any time. Going forward, new strategies and policies to track and respond to gambling-related harms in real time will become increasingly important (Marionneau, Ruohio, & Karlsson, 2023).

The SEIGMA team has fielded multiple surveys of gambling participation and problem gambling prevalence since 2013. Table 1 presents information about these surveys, including sample sizes and the year each one was carried out.

Table 1 SEIGMA surveys in Massachusetts

Survey	Sample Size	Year
Baseline General Population Survey (BGPS)	9,578	2013-2014
Baseline Online Panel Survey (BOPS)	5,046	2013-2014
Baseline Targeted Surveys (Plainville, Springfield) (B-TPP, B-TPS)	~1,000 each	2014, 2015
Follow-up Targeted Surveys (Plainville, Springfield) (F-TPP, F-TPS)	~1,000 each	2016, 2019
Follow-up General Population Survey (FGPS)	6,293	2021-2022
Follow-up Online Panel Survey (FOPS)	3,038	2022
Online Panel Survey 2023 (OPS23)	3,380	2023
MA Gambling Impact Cohort (MAGIC) – 5 waves	3,139	2013-2019

In line with the original 2012 research plan for SEIGMA, the Baseline and Follow-up Online Panel Surveys (BOPS, FOPS) were implemented in 2014 and 2022. The main purpose of the online panels was to recruit a significantly larger number of heavy gamblers and those experiencing gambling problems than could be obtained with address-based sampling methods. These enriched samples provided more reliable estimates of the behaviors and characteristics of Massachusetts adults at highest risk of experiencing gambling harms, the negative personal impacts of gambling, the differential impact of different types of gambling on gambling-related problems, and prevention awareness and treatment-seeking behavior of individuals experiencing gambling problems.

Population surveys are a primary tool for public health surveillance. However, population surveys have become increasingly expensive and complex; at the same time, rapidly declining response rates have raised concerns about potential biases in such samples. Online panel surveys are known to be biased because they include high numbers of people who gamble heavily and are more likely to experience gambling-related harms. While online panels cannot be used to estimate population prevalence rates, it is reasonable to assume that changes in the behavior of online panelists do reflect changes in how heavy gamblers in the general population are behaving. The SEIGMA team recently concluded that while online panel surveys cannot be used to establish accurate gambling participation and problem gambling prevalence rates, they hold considerable value as a means to identify the **direction of changes** in gambling-related attitudes, behaviors, and harms on a regular basis. Fielding annual online panel surveys, as the SEIGMA team has done over the past few years, is a time- and cost-effective way of conducting regular surveillance and providing regulators and policymakers with crucial information to

target gambling-harm mitigation strategies. This approach takes advantage of a ‘bug’ in the nature of online panels and turns it into a ‘feature.’

While not generalizable to the population, the online panel survey data from Massachusetts has been used to elucidate numerous issues beyond trends in gambling participation and problem gambling prevalence. These studies have included reports on:

- The negative impacts of gambling, the differential impact of different types of gambling, and prevention awareness and treatment seeking behavior of Massachusetts adults experiencing gambling problems (Williams et al., 2017);
- Characteristics of individuals experiencing gambling problems that are predictive of wanting treatment for a gambling problem (Evans, Zorn, & Volberg, 2020);
- Prevalence of specific gambling harms among different demographic groups in the Massachusetts population (Volberg, Evans, Zorn, & Williams, 2020);
- The distribution of specific gambling harms in the Massachusetts population and the extent to which harms are concentrated in higher risk groups (Volberg, Zorn, Williams, & Evans, 2021);
- The potential social and economic impacts of the introduction of sports betting in Massachusetts (Volberg, Evans, Zorn, & Williams, 2022);
- The potential impacts of advertising on gambling behavior among Massachusetts adults (Volberg, Zorn, Williams, & Evans, 2024).

While the online panel surveys are not a substitute for population surveys, they do enable researchers and policy makers to assess the direction of changes in behavior in the most high-risk stratum of the population and allow for the implementation of protective and mitigation measures in a timely manner. This report presents information about changes in gambling participation and problem gambling prevalence among monthly gamblers across three online panel surveys carried out in Massachusetts between 2014 and 2023. Changes in views of gambling as a recreational activity, in rates of gambling participation, gambling problems and gambling-related harms are also addressed. This report is intended to serve as a template for a series of brief reports tracking trends in gambling participation and problem gambling among monthly gamblers in the Massachusetts.

Overview of Methods

Online panels consist of groups of people recruited to participate in online surveys in return for compensation. Sociodemographic and behavioral information is collected from panel members so that a stratified sample can be selected to match the sociodemographic characteristics of the jurisdiction where a survey is conducted. Online panels are commonly used in market research, and increasingly in academic studies (Göritz, 2007; Göritz, Reinhold, & Batinic, 2002). The advantages of online panel surveys are that (a) the validity of answers to ‘sensitive questions’ (e.g., gambling) tends to be higher in self-administered formats (Tourangeau & Smith, 1996; van der Heijden, Van Gils, Bouts, & Hox, 2000); (b) everyone has agreed and expects to be contacted (unlike population surveys); (c) the results can be obtained in a much shorter period of time; and (d) they are much less expensive than surveys utilizing probability sampling (Olson et al., 2021).

The main limitation of online panels is that panelists are not randomly selected but rather have self-enrolled. While online panel companies generally stratify their samples to be demographically representative of the population, significant behavioral biases typically remain that cannot be corrected by this stratification or by demographic weighting (e.g., Pickering & Blaszczynski, 2021; Williams, Lee & Back, 2013). One obvious issue is that a non-random minority of people do not use the Internet and thus are not eligible to be part of an online panel. An additional consistent finding is that online panel members tend to have much higher levels of pathology than are found in the general population, including overall rates of substance use, mental health problems, gambling involvement, and addictions.

Online Panel Surveys in Massachusetts, 2014-2023

Three online panel surveys have been carried out in Massachusetts as part of the SEIGMA study. The Baseline Online Panel Survey (BOPS) was fielded in 2013 and 2014 simultaneously with the Baseline General Population Survey (BGPS). The Follow-up Online Panel Survey (FOPS) was fielded in 2022 simultaneously with the Follow-up General Population Survey (FGPS). The third Online Panel Survey (OPS23) was fielded one year after the FOPS in 2023.¹

Ethics approval was obtained for all of the surveys from the University of Massachusetts Institutional Review Board (IRB# 175 2013-1709). The review ensured that privacy was protected, informed consent was obtained, and safeguards were in place to protect the data.

BOPS Recruitment and Sample

Ipsos Public Affairs (Ipsos) conducted the Baseline Online Panel Survey (BOPS). Ipsos maintains an online panel of individuals across the country who have agreed to participate in research studies. When individuals join the Ipsos panel, they provide demographic information about themselves and their household (e.g., age, gender, state of residence, county of residence). Ipsos used this information to email a sample of Massachusetts adults stratified by age, gender and region (Western versus Eastern Massachusetts) that was proportional to the number of people in these groups as reported by the U.S. Census. To obtain a final sample, Ipsos supplemented its own online panel sample with Massachusetts online panel members from seven partner vendors. The BOPS was launched in late October 2013, and data collection ended in late March 2014 to run coincident with data

¹ A fourth online panel survey (OPS24) was fielded in March 2024.

collection in the BGPS. A sample of 5,046 completed surveys was obtained. A full description of the methodology utilized for the BOPS was published in a separate SEIGMA report (Williams et al., 2017).

FOPS and OPS23 Recruitment and Sample

Qualtrics conducted the Follow-up Online Panel Survey (FOPS) and the 2023 Online Panel Survey (OPS23). Like Ipsos, Qualtrics maintains an online panel of individuals who have agreed to participate in research studies in return for small incentives and have provided demographic information about themselves. This information was used to recruit a sample of Massachusetts adults with quotas established for age and gender but with no limitation by region. The FOPS was fielded in March 2022 and OPS23 was fielded in March 2023. A sample of 3,038 completed surveys was obtained for the FOPS and a sample of 3,380 was obtained for OPS23.

In addition to obtaining the BOPS sample from a different vendor than the FOPS and OPS23, the question wording specific to sports betting in the FOPS and OPS23 was slightly different from the BOPS so as to accommodate the newer forms of sports betting available in 2022 compared to 2014. In the BOPS, the question about sports betting asked “In the past 12 months, how often have you bet money on **sporting events** (this includes sports pools)” whereas the FOPS and OPS23 asked “In the past 12 months, how often have you bet money or gambled on **sports** (this includes social betting, online betting, fantasy sports, and esports).”

While all three online panel surveys were stratified by gender and age, only the 2014 panel was stratified by geographic region. Along with the use of different online panel companies (Ipsos and Qualtrics), this may reduce the validity of some comparisons in this report. Readers are advised to compare results from 2014 with those from 2022 and 2023 with caution.

Comparing the Online Panel Samples with the General Population

Table 2 illustrates differences between the population surveys and the online panel surveys in Massachusetts in overall gambling participation and problem gambling prevalence. As anticipated, there were substantial differences in both gambling participation and problem gambling prevalence between the population surveys carried out in Massachusetts in 2013 and 2021 and the online panel surveys completed in 2014 and 2022.

Table 2 Problem gambling prevalence in contemporaneous population and online panel surveys (unweighted)

	BGPS 2013		BOPS 2014		Percent Change
	Percent	95% CI	Percent	95% CI	
Total	100		100		
Non-gambler	26.6	(25.3, 28.0)	20.7	(19.6, 21.9)	-5.9
Recreational gambler	62.9	(61.4, 64.4)	59.6	(58.3, 61.0)	-3.3
At-risk gambler	8.4	(7.5, 9.4)	13.3	(12.4, 14.3)	4.9
Problem or pathological gambler	2.0	(1.6, 2.6)	6.4	(5.7, 7.1)	4.4
	FGPS 2021		FOPS 2022		Percent Change
	Percent	95% CI	Percent	95% CI	
Total	100		100		
Non-gambler	38.7	(36.7, 40.7)	21.2	(19.7, 22.7)	-17.5
Recreational gambler	51.3	(49.3, 53.4)	53.4	(51.6, 55.1)	2.1
At-risk gambler	8.5	(7.4, 9.8)	14.3	(13.1, 15.5)	5.8
Problem or pathological gambler	1.4	(1.0, 2.1)	11.2	(10.1, 12.4)	9.8

Note: Data from the population surveys (BGPS and FGPS) are weighted to the MA population while data from the online panels (BOPS and FOPS) are unweighted.

Briefly, overall gambling participation among the online panelists in 2014 was higher than in the Massachusetts population in 2013. Additionally, the prevalence of at-risk gambling and problem gambling among the panelists in 2014 was significantly higher than in the adult population. As noted in our report on the 2021 population survey, there was a substantial decrease in the population in overall gambling participation between 2013 and 2021 (from 73.1% to 60.2%) as well as participation in specific types of gambling that we believe was due, at least partly, to the lingering impacts of the COVID-19 pandemic (Volberg et al., 2023).

In contrast, there was no difference in overall gambling participation in the 2014 and 2022 online panel surveys in Massachusetts with 78.7% and 78.5% of panelists having gambled in the past year, respectively. In contrast to the population surveys, there were changes in the proportion of online panelists classified as problem gamblers in 2022 compared to 2014. While the proportion of panelists classified as non-gamblers was unchanged and the proportion classified as recreational gamblers was lower in 2022 than in 2014, the proportion of online panelists classified as problem gamblers in 2022 (11.2%) was higher than the proportion classified in this way in 2014 (6.4%). In 2023, overall gambling participation among the panelists was even higher than among the panelists in 2022 (81.8%) as was problem gambling prevalence (14.5%).

Given that the goal of the online surveys was not to generate estimates of behaviors in the population but instead to observe changes in behavior over time, the data from the surveys was not weighted. However, it is helpful to review differences in the samples obtained from the online panels compared with characteristics of the general population. Although panelists in the online panel surveys were selected to match the Massachusetts adult population by gender and age, there were differences in other characteristics of the online samples compared to the general population.

Panelists in the 2014 online survey were more likely than the general population to be White (83.6% vs 76.3%) and less likely to be Hispanic (5.2% vs 9.3%), Black (3.3% vs 6.2%), or Asian (3.9% vs 6.1%). Panelists from the 2022 and 2023 online surveys were also more likely than the general population to be White (75.8% and 73.4%) compared with the general population (70.4%). As in the 2014 survey, panelists from 2022 and 2023 were less likely to be Asian (4.1% and 4.2%) compared to the general population (7.1%). Panelists in the online surveys were more likely than the general population to have higher levels of education. The proportion of individuals with less than a high school education in the general population was 10.4% in 2014 and 9.0% in 2021; in contrast, 3.0% of the 2014 panelists, 2.9% of the 2022 panelists, and 2.2% of the 2023 panelists had less than a high school education. Panelists were more likely than the general population to have obtained some college education and more likely to have graduated from college.

Comparing Monthly Gamblers in the Panels with the General Population

In response to feedback from the MGC's Research Review Committee regarding the utility of analyzing data from all of the panelists in each survey, we focused our analysis in this report on the subset of panelists who had gambled monthly or more often in the past year after eliminating a small number of panelists in 2023 who had the same IP address as panelists in 2022. This narrower focus is intended to highlight changes in the behavior and experiences of the most heavily involved gamblers in the panels. Table 3 presents information about the size of the groups of monthly gamblers in each of the online panels carried out in Massachusetts.

Table 3 Online panel samples for analysis

Online Panel	Overall Sample	After Removing Duplicates	%	Gambled Monthly or More	%
BOPS 2014	5046	5046	100	2497	49.5
FOPS 2022	3038	3038	100	1631	53.7
OPS23 2023	3380	3215	95	1866	58.0

As with the online panel samples as a whole, it is helpful to compare the monthly gamblers in the online panels with characteristics of the general population. Monthly gamblers in the 2014 online survey were more likely than the general population to be male (56.4% vs 47.8%), less likely to be under the age of 35 (26.6% vs 30.4%), more likely to be White (83.9% vs 76.3%), more likely to have obtained some college education (38.8% vs 26.4%) and less likely to have annual household incomes of \$50,000 or more (55.8% vs 70.9%). Monthly gamblers in the 2022 and 2023 panels were more likely to be male, more likely to be under the age of 35 (32.2% and 35.4% vs 29.7%), less likely to be Asian (3.4% and 3.7% vs 7.1%), more likely to have obtained some college education, and less likely to have annual household incomes of \$50,000 or more (59.7% and 72.9% vs 78.2%). Table 11 in the Appendix provides detailed information about the demographics of monthly gamblers in the Massachusetts online panels compared with Massachusetts adults.²

² Readers may be surprised that members of online panels tend to have higher education but lower income than the population. However, research shows that lower education is associated with less likelihood of completing online surveys (Jang & Vorderstrasse, 2019) and that survey respondents in lower socio-economic populations are more likely to have graduated college compared to nonrespondents (Roberts et al., 2020).

Attitudes Toward Gambling

Before examining gambling participation among monthly gamblers in the online panels, it is helpful to consider these gamblers' attitudes toward gambling in Massachusetts. Online panelists were asked several questions about their views of gambling. Questions assessed panelists' beliefs about the overall benefit or harm of gambling in society, about legalized gambling in general, and about the availability of gambling in Massachusetts. Online panelists were also asked their opinion about the overall impact of casinos in Massachusetts and about the most positive and negative impacts of casinos in the Commonwealth. Figure 1 presents information about the proportion of monthly gamblers in each online panel that endorsed different answers to these questions.

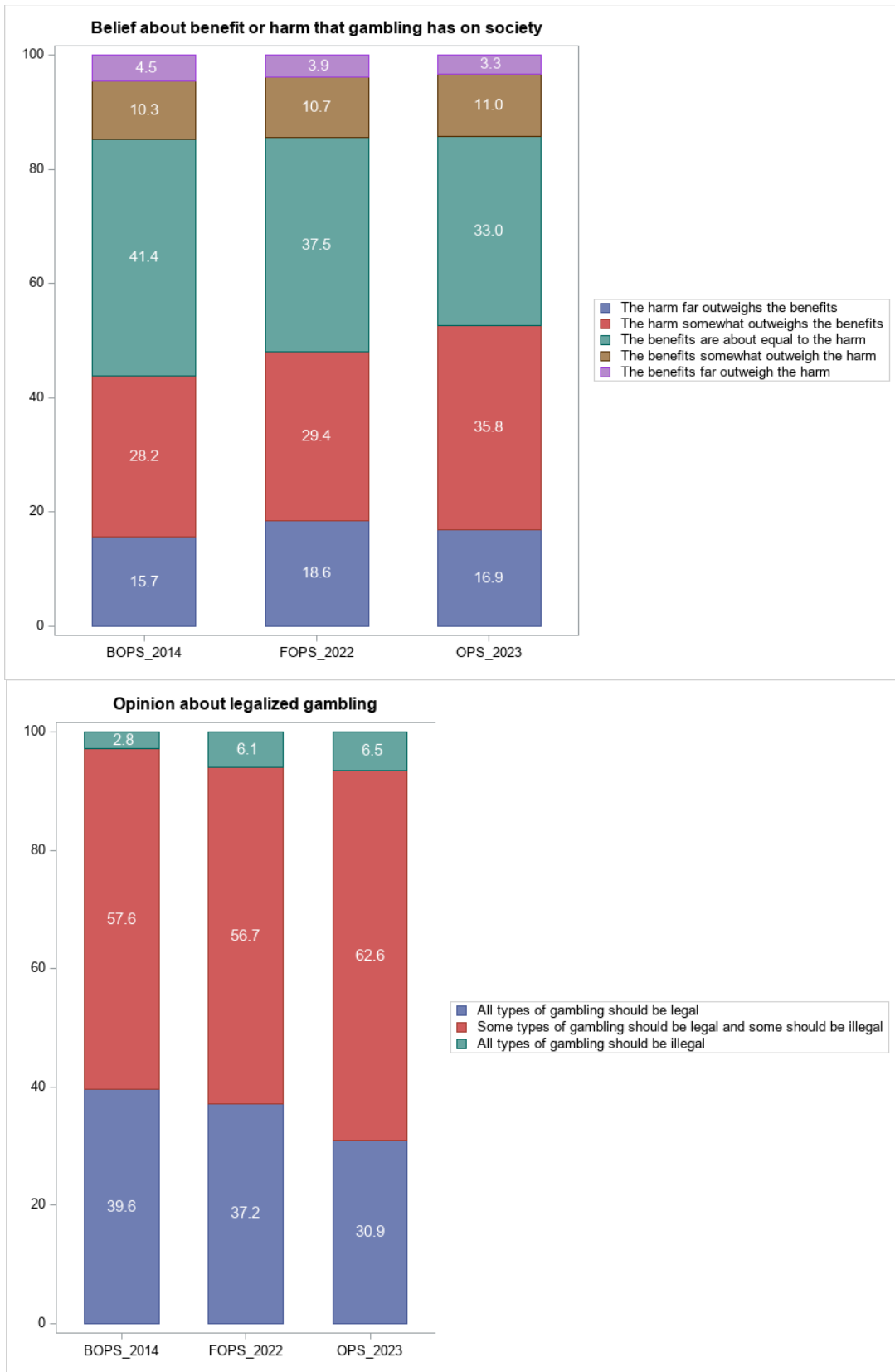
With respect to beliefs about the overall benefit or harm of gambling in society, monthly gamblers in 2023 were more likely than monthly gamblers in 2014 and 2022 to believe that the harm of gambling outweighs the benefits and less likely to believe that the benefits and harm of gambling were about equal. Monthly gamblers in 2023 were less likely than monthly gamblers in 2014 and 2022 to believe that all types of gambling should be legal; monthly gamblers in 2022 and 2023 were more likely than monthly gamblers in 2014 to believe that all types of gambling should be illegal.

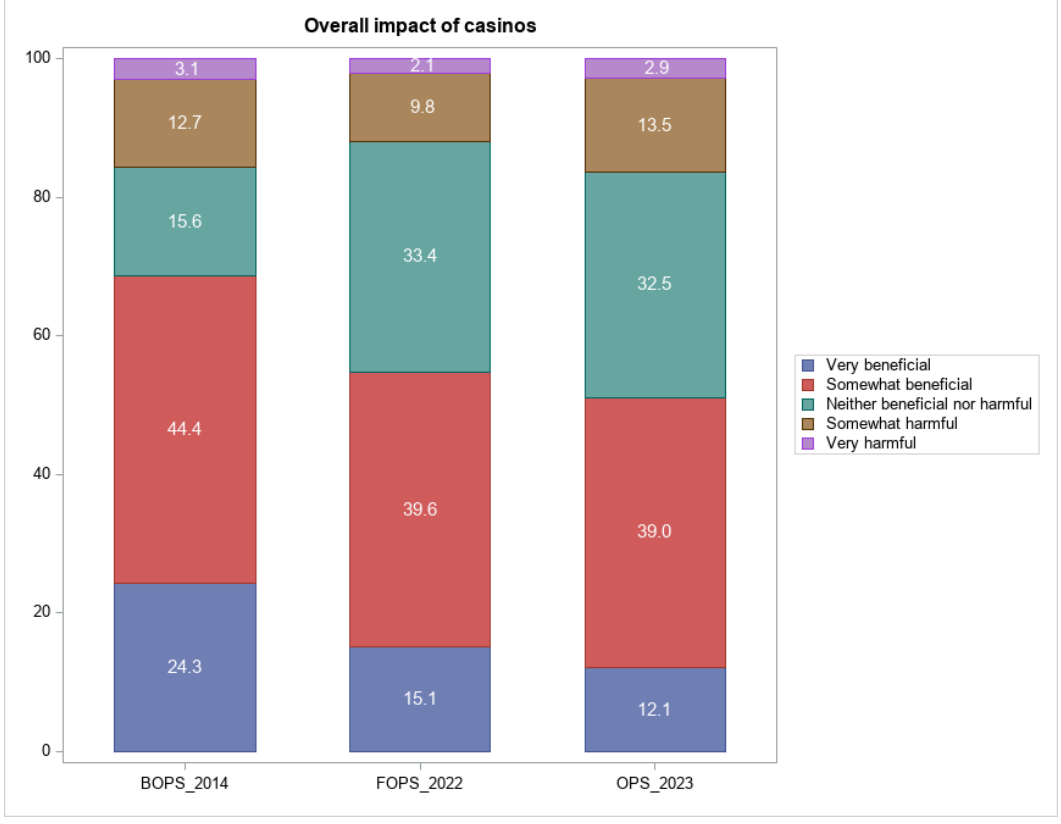
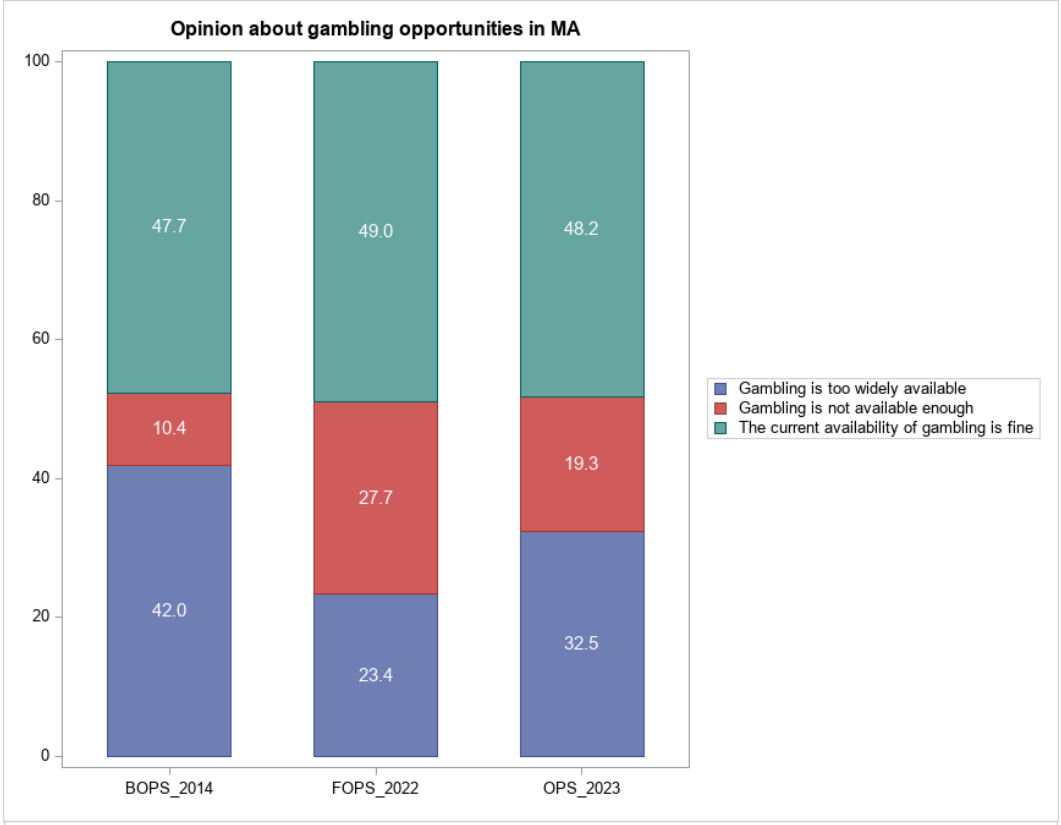
Monthly gamblers in 2022 and 2023 were less likely than monthly gamblers in 2014 to indicate that gambling was too widely available in Massachusetts and more likely to indicate that gambling was not available enough. Monthly gamblers in 2014 were more likely than monthly gamblers in 2022 and 2023 to indicate that the overall impact of casinos in Massachusetts would be beneficial; monthly gamblers in 2022 and 2023 were more likely than those in 2014 to indicate that the overall impact of casinos in Massachusetts had been neither beneficial nor harmful.

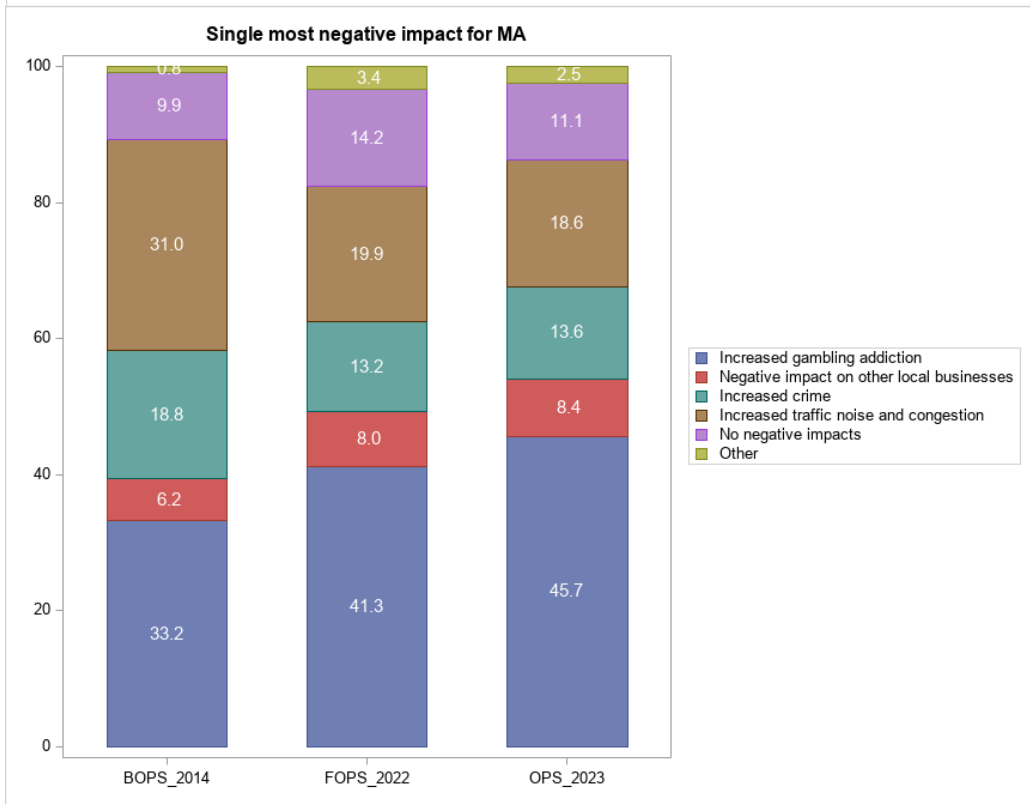
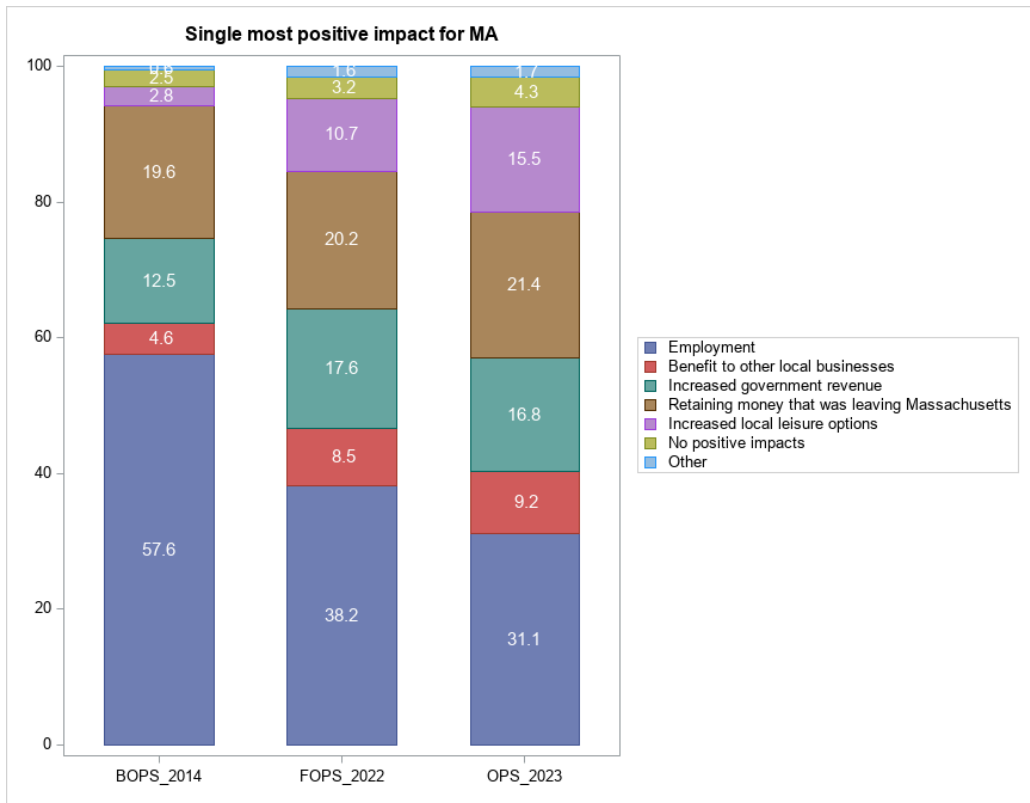
There were several differences across the three panels of monthly gamblers related to the most positive and negative impacts of casinos in Massachusetts. There was a decline in the proportion of monthly gamblers who believed that employment was the most positive impact and an increase in the proportion of monthly gamblers who believed that increased leisure options (specifically the ability to gamble locally) was the most positive impact of casinos in Massachusetts. There was an increase between 2014 and 2022 and 2023 in the proportion of monthly gamblers who believed that increased gambling addiction was the most important negative impact of casinos in Massachusetts and decreases in the proportions who believed that higher crime and more traffic noise and congestion were the most important negative impacts.

Detailed information about gambling attitudes among monthly gamblers in the online panels is presented in Table 12 in the Appendix.

Figure 1 Attitudes about gambling among monthly gamblers in the online panels (unweighted)







Gambling Behavior

We begin by presenting information on overall past-year gambling participation as well as participation in specific types of gambling among monthly gamblers in the three online panel surveys carried out in Massachusetts. These data are helpful in understanding changes in the gambling behavior of regular gamblers between 2014 and 2023. Again, while data from the online panel surveys is not representative of the population, changes from one time to the next provide suggestive evidence of changes in gambling participation in Massachusetts over the past decade.

Table 4 shows past-year gambling participation rates among monthly gamblers in the 2014, 2022 and 2023 panels for all of the types of gambling available to Massachusetts adults between 2014 and 2023. This table shows that past-year participation in traditional large jackpot lottery games by monthly gamblers **decreased** between 2014 and 2022 as did instant lottery gambling. Past-year participation by monthly gamblers in raffles **decreased** from 2014 to 2022 and then **increased** in 2023. Past-year participation in daily lottery games **increased** between 2014 and 2022 and rose again in 2023 as did sports betting,³ private wagering, horse racing, bingo and online gambling. Past-year participation by monthly gamblers in EGMs and casino table games⁴ **increased** between 2022 and 2023 while private wagering **increased** between 2014 and 2022 and rose again in 2023.

Table 4 Past-year gambling participation among monthly gamblers in MA online panels (unweighted)

	BOPS_2014			FOPS_2022			OPS_2023		
	N	%	95% CI	n	%	95% CI	n	%	95% CI
All gambling	2497	100	(,)	1631	100	(,)	1866	100	(,)
All lottery	2449	98.2	(97.6, 98.7)	1506	92.3	(90.9, 93.5)	1751	93.8	(92.7, 94.8)
Traditional	2378	95.5	(94.6, 96.2)	1436	88.0	(86.4, 89.5)	1675	89.8	(88.3, 91.1)
Instant games	1880	76.8	(75.1, 78.4)	1135	69.6	(67.3, 71.8)	1357	72.7	(70.7, 74.7)
Daily games	775	31.6	(29.8, 33.5)	937	57.4	(55.0, 59.8)	1237	66.3	(64.1, 68.4)
Raffles	840	44.3	(42.1, 46.6)	619	38.0	(35.6, 40.3)	1012	54.2	(52.0, 56.5)
Any casino	1087	47.3	(45.2, 49.3)						
EGMs				581	35.6	(33.3, 38.0)	935	50.1	(47.9, 52.3)
Table games				462	28.3	(26.2, 30.6)	807	43.2	(41.1, 45.5)
Sports betting	535	21.8	(20.2, 23.4)	629	38.6	(36.2, 41.0)	1014	54.3	(52.1, 56.6)
Private wagering	618	25.2	(23.5, 26.9)	487	29.9	(27.7, 32.1)	835	44.7	(42.5, 47.0)
Horse racing	268	10.9	(9.7, 12.1)	302	18.5	(16.7, 20.5)	694	37.2	(35.1, 39.3)
Bingo	354	14.2	(12.9, 15.6)	510	31.3	(29.1, 33.6)	918	49.2	(47.0, 51.4)
Online	260	10.7	(9.5, 11.9)	411	25.2	(23.1, 27.4)	714	38.3	(36.1, 40.5)

³ As a reminder, part of the change from 2014 to 2022 in past-year sports betting participation was likely due to a change in the wording of the question about this activity from “**sporting events** (this includes sports pools)” to “**sports** (this includes social betting, online betting, fantasy sports, and esports)”.

⁴ In 2014, online panelists were asked “In the past 12 months, how many times have you gambled at a **casino, racino or slots parlor outside of Massachusetts?**” In 2022 and 2023, online panelists were asked about **electronic gambling machines** and **casino table games** separately but without limiting these activities to land-based venues.

Differences between 2014 and 2022 for most of these activities were statistically significant. **Decreases** between 2014 and 2022 were statistically significant for all lottery, traditional lottery, instant games, raffles, and any casino gambling. **Increases** between 2014 and 2022 were statistically significant for daily games, sports betting, private wagering, horse racing, bingo and online gambling. There were no statistically significant decreases in participation in specific types of gambling between 2022 and 2023. There were statistically significant **increases** in daily games, raffles, EGMs, table games, sports betting, private wagering, horse racing, bingo and online gambling.

Recalling the results of the Follow-up General Population Survey (FGPS) where we identified significantly lower rates of gambling participation in 2021 compared to 2013, well after the worst of the COVID-19 pandemic, it was interesting to observe increases in most types of gambling among monthly gamblers in the 2023 online panel compared with 2022. In addition to the increases already noted, this included past-year participation in EGMs and casino table games. Together, these findings suggest that the lingering impact of the pandemic on gambling behavior among regular Massachusetts gamblers may have diminished.

Beyond past-year participation, it is helpful to consider changes in gambling intensity among monthly gamblers in the three panels. Gambling intensity includes the number of gambling formats engaged with in the past year and the maximum frequency of gambling (i.e., number of days gambled in the past-year). Table 5 presents information about changes in these measures of gambling involvement among monthly gamblers in the three online panels. The mean number of gambling formats increased across the surveys from 3.6 in 2014 to 6.0 in 2023 and the differences were statistically significant. Similarly, the number of days gambled in the past year increased among monthly gamblers across the surveys and the differences were statistically significant. Finally, gambling expenditures rose between 2014 and 2022 and then dropped although not as low as in 2014.

Table 5 Gambling intensity among monthly gamblers in MA online panels (unweighted)

	BOPS_2014			FOPS_2022			OPS_2023		
	n	mean	SE of mean	n	mean	SE of mean	n	mean	SE of mean
# gambling formats	2497	3.6	0.04	1631	4.6	0.07	1866	6.0	0.080
Maximum number of days/year gambled across all gambling types	2497	85.3	1.77	1631	103.0	2.47	1866	112.6	2.274
Gambling expenditures	2484	1,908.2	2509.85	1630	15,838.6	8311.79 *	1866	7,962.8	391.86 *

*Indicates significant change from previous survey

Focus on Sports Betting

Given the recent introduction of legal sports betting in Massachusetts, it is informative to examine changes in sports betting behavior among monthly gamblers in the online panels. While there was a decline in past-year sports betting among Massachusetts adults between 2013 (BGPS) and 2021 (FGPS), from 12.6% to 9.9% (Volberg et al., 2023), the frequency of past-year sports betting among monthly gamblers in the online panels was higher than in the population and did not decline in the wake of the pandemic. Table 6 presents information about sports betting participation among monthly gamblers in the 2014, 2022 and 2023 online panels.

Table 6 shows that in 2014, the great majority (78.2%) of monthly gamblers in the panel had not gambled on sports in the past year while 21.8% had gambled on sports in the past year and 14.0% had gambled on sports at least monthly or weekly in the past year. In 2022, there was a reduction in the proportion of panelists who had not gambled on sports in the past year (to 61.4%) and increases in the proportion of panelists who had gambled on sports in the past year (38.6%) as well as at least monthly or weekly (31.7%). In 2023, there was another decline in the proportion of panelists who had not gambled on sports in the past year (to 45.7%) and increases in the proportion of panelists who had gambled on sports in the past year (54.3%) as well as at least monthly or weekly (47.5%).

Differences between 2014 and 2022 among monthly gamblers in not having bet on sports in the past year and betting weekly on sports in the past year were statistically significant. Differences between 2014 and 2023 in not having bet on sports in the past year and in having bet on sports at least monthly or weekly were statistically significant. Differences between 2022 and 2023 in not having bet on sports at all in the past year and having bet on sports at least weekly were statistically significant.

Table 6 Past-year sports betting frequency and activities among monthly gamblers in MA online panels (unweighted)

		BOPS_2014		FOPS_2022		OPS23_2023	
		% ¹	95% CI ¹	% ¹	95% CI ¹	% ¹	95% CI ¹
Frequency of sports betting	1=never	78.2	(76.6, 79.8)	61.4	(59.0, 63.8)	45.7	(43.4, 47.9)
	2=at least yearly	7.8	(6.8, 8.9)	6.9	(5.7, 8.2)	6.8	(5.7, 8.0)
	3=at least monthly	7.0	(6.0, 8.0)	12.8	(11.3, 14.5)	19.2	(17.5, 21.0)
	4=at least weekly	7.0	(6.1, 8.1)	18.9	(17.1, 20.9)	28.3	(26.4, 30.4)
Type of sports betting engaged in	Professional sporting events			60.4	(56.5, 64.2)	61.9	(58.9, 64.9)
	Sports parlays			36.9	(33.2, 40.7)	51.2	(48.1, 54.2)
	Fantasy sports betting			32.4	(28.9, 36.2)	34.6	(31.7, 37.6)
	Betting on sports you participated in			11.8	(8.8, 15.6)	13.2	(11.3, 15.4)

¹ Percentages and 95% CI are calculated using the unweighted N

Panelists in 2022 and 2023 were asked about their sports betting behavior in greater detail than panelists in 2014. Table 6 shows that in both the 2022 and 2023 surveys, monthly gamblers who had bet on sports in the past year were most likely to have bet on professional sports events followed by sports parlays and fantasy sports. Betting on sports that a person had participated in themselves was far less common. With the exception of sports parlays, differences between 2022 and 2023 in the types of sports betting engaged in were not statistically significant.

Participation in Specific Types of Sports Betting in 2022 and 2023

Detailed information about sports betting formats was collected in the 2022 and 2023 online panel surveys. Monthly gamblers in the panels who had bet on sports in the past year were asked where and how they bet on sports. Options included:

- Office sports pools or social betting against friends or family
- Placing bets with a legal, land-based sportsbook outside of Massachusetts
- Placing bets with a legal, land-based sportsbook within Massachusetts
- Placing bets with an illegal/underground land-based sportsbook or bookmaker in Massachusetts
- Placing bets on sporting events with an online sportsbook outside of Massachusetts
- Placing bets on sporting events with an online sportsbook within Massachusetts

Table 9Table 7 presents information about monthly gamblers’ participation in specific types of sports betting. In 2022, just under half (49.3%) of sports bettors had participated in office pools or in social betting against friends and/or family. In 2023, the proportion of monthly gamblers who had participated in these informal types of sports betting declined to 33.6%. Between 2022 and 2023, the proportion of monthly gamblers who placed bets with a legal land-based sportsbook in Massachusetts increased from 29.3% to31.8% while the proportion who placed bets with an online sportsbook in Massachusetts increased from 11.4% to 26.6%. The proportion of monthly gamblers who placed bets with an online sportsbook outside of Massachusetts declined from 22.4% to 16.0%. All of these changes were statistically significant.

The difference in the proportion of monthly gamblers who placed bets at legal land-based sportsbooks outside of Massachusetts was not statistically significant.

Table 7 Past-year participation by monthly gamblers in sports betting formats (unweighted)

		FOPS_2022		OPS23_2023	
		% ¹	95% CI ¹	% ¹	95% CI ¹
Where and how bet on sports	Office sports pools or social betting against friends/family	49.3	(45.4, 53.2)	33.6	(30.8, 36.6)
	Legal land-based sportsbook outside MA	29.3	(25.8, 32.9)	31.8	(29.0, 34.7)
	Legal land-based sportsbook in MA	22.6	(19.5, 26.0)	42.6	(39.6, 45.6)
	Illegal/underground land based sportbook or bookmaker in MA	16.9	(14.1, 20.0)	19.6	(17.3, 22.2)
	Sporting event with online sportsbook outside MA	22.4	(19.3, 25.8)	16.0	(13.8, 18.4)
	Sporting event with online sportsbook in MA	11.4	(9.2, 14.2)	26.6	(24.0, 29.4)
Legal/illegal /leakage	Any legal sports betting	86.5	(83.6, 88.9)	93.2	(91.5, 94.6)
	Only legal sports betting	66.1	(62.3, 69.7)	68.1	(65.2, 70.9)
	Any illegal sports betting	33.9	(30.3, 37.7)	31.9	(29.1, 34.8)
	Only illegal sports betting	13.5	(11.1, 16.4)	6.8	(5.4, 8.5)
	Any sports betting leakage	54.5	(50.6, 58.4)	51.2	(48.1, 54.3)
If MA had not legalized sports betting, would you have spent the money that you spent gambling on sports at sportsbooks in other states or countries (on-line or in person)				53.0	(47.0, 58.8)

¹ Percentages and 95% CI are calculated using the unweighted N

Legal and Illegal Sports Betting in 2022 and 2023

To elucidate the question of recapture of sports betting behavior via legalization of sports betting in Massachusetts, the types of sports betting included in the 2022 and 2023 panel surveys were divided into legal and illegal activities. Panelists were classified as having done no sports betting, any legal sports betting (including legal venues in other jurisdictions), only legal sports betting, both legal and illegal sports betting, and only illegal sports betting on the basis of their responses to a question about sports betting formats. It is important to note that the last two options under ‘Legal sports betting’ were not legal in Massachusetts in 2022 since sports betting did not become fully operational in the Commonwealth until March 2023.

Legal sports betting included:

- Office sports pools and social/friendly betting,⁵
- Placing bets with a legal land-based sportsbook outside of Massachusetts,

⁵ Although informal sports betting with friends and family or in office pools is illegal in Massachusetts if the amount won is more than \$5 (<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter271/Section1>), this activity is widely tolerated and rarely prosecuted.

- Placing bets with a legal, land-based sportsbook within Massachusetts, and
- Placing bets with an online sportsbook in Massachusetts.

Illegal sports betting included:

- Placing bets with an illegal land-based bookmaker in Massachusetts, and
- Placing bets on sports events with an online sportsbook outside of Massachusetts.⁶

Table 7 shows that there was an increase in the proportion of monthly gamblers in the online panels who had engaged in **any legal** sports betting between 2022 and 2023. There was no change in the proportion of monthly gamblers in the online panels who had engaged in **any illegal** sports betting between 2022 and 2023 and a decrease in the proportion of monthly gamblers who engaged **only in illegal sports betting**. There was also no change in sports betting ‘leakage’ (i.e., spending on sports betting operators outside of Massachusetts). Finally, in response to a question in the 2023 survey, 53.0% of monthly gamblers indicated that if Massachusetts had not legalized sports betting, they would have gambled on sports in other jurisdictions or online with an out-of-state operator. Taken together, these data suggest that there was not a substantial recapture of illegal sports betting revenues in Massachusetts between 2022 and 2023. However, as many jurisdictions internationally have found, it can take a substantial period of time for sports bettors to migrate fully from non-regulated to regulated providers (Lopez-Gonzalez, 2021). The extent of sports betting recapture in Massachusetts will become clearer once data from OPS24 is available and analyzed.

⁶ Betting with a legal online sportsbook outside of Massachusetts would not be illegal if the bettor were physically located outside the Commonwealth.

Gambling Problems and Gambling Harms

Many instruments exist for the population assessment of problem gambling. Worldwide, the most commonly used instruments are the South Oaks Gambling Screen (SOGS) (Lesieur & Blume, 1987), the Problem Gambling Severity Index (PGSI) (Ferris & Wynne, 2001) and various scales based on the DSM diagnostic criteria for pathological gambling (e.g., Fisher, 2000; Gerstein, Volberg, Harwood, & Christiansen, 1999; Kessler et al., 2008; Petry, Stinson, & Grant, 2005). One or more of these instruments were used in 95% of adult problem gambling prevalence surveys carried out internationally between 1975 and 2011 (Williams, Volberg, & Stevens, 2012). In 2013, we chose the Problem and Pathological Gambling Measure (PPGM)⁷ to assess gambling problems and harms in the baseline survey (BGPS) and it has served as our primary instrument to assess problem gambling in all of the SEIGMA surveys (Williams & Volberg, 2014).

The PPGM is a 14-item assessment instrument with questions organized into three sections: Problems (7 questions), Impaired Control (4 questions), and Other Issues (3 questions). The instrument employs a 12-month timeframe and recognizes a continuum of gambling across four categories (Recreational, At-Risk, Problem, and Pathological). The PPGM is different from other problem gambling instruments in several important respects. First, the PPGM comprehensively assesses **all** of the potential harms of problem gambling (i.e., financial, mental health, health, relationship, work/school, legal), whereas only a subset of potential problems are assessed with the other instruments. To better capture problem gamblers who have not acknowledged they have a problem, the PPGM allows for either direct admission of a problem/harm or endorsement of something that indicates harm is occurring regardless of whether the person is willing to identify it as a problem. For example, one item in the PPGM asks if there is someone besides the respondent who would say that their gambling has caused significant problems, even if the person does not agree.

Internationally, there is widespread agreement that for someone to be classified as a problem gambler there needs to be evidence of both (a) significant negative consequences, and (b) impaired control (Neal, Delfabbro, & O'Neil, 2005). This is made explicit in the PPGM which requires endorsement of one or more items from the Problems section and one or more items from the Impaired Control section to classify an individual as a **Problem Gambler**. In contrast, any pattern of item endorsement that results in a score above a certain threshold is sufficient to be designated as a problem gambler in the PGSI and DSM.⁸ Endorsement of several PPGM problems and indices of impaired control is required to classify a person as a **Pathological Gambler**. Endorsement of a problem or impaired control, but not both, typically leads to classification as an **At-Risk Gambler**. This reflects the growing recognition that individuals who become problem gamblers can take a number of different pathways into the disorder (Blaszczynski & Nower, 2002; el-Guebaly et al., 2015; Williams et al., 2015). Gamblers who do not meet the criteria for At-Risk, Problem, or Pathological Gambling are deemed to be **Recreational Gamblers**. Table 8 presents the PPGM typology and the criteria required for classification across these groups.

⁷Changes to the PPGM have recently been proposed to provide better discrimination of at-risk gamblers and chronic gamblers. The revised instrument is called the Problem Gambling Measure (Gooding, Williams, & Volberg, 2024).

⁸The PGSI and DSM assessment instruments give each symptom equal weight despite the fact that some items are more serious and/or diagnostically important than others (McCready & Adlaf, 2006; Toce-Gerstein, Gerstein, & Volberg, 2003).

Table 8 Basis for classifying panelists using the PPGM

Category	Classification criteria
Non-Gambler	Has not gambled in the past 12 months
Recreational Gambler	Has gambled in past 12 months Total score 0
At-Risk Gambler	Total score 1+ Does not meet criteria for more severe categories OR Gambling frequency and expenditure \geq PG median
Problem Gambler	Has gambled at least once a month in past 12 months Impaired Control score 1+ Problems score 1+ Total score of 2-4 OR Total score 3+ Gambling frequency and expenditure \geq PG median
Pathological Gambler (equivalent to severe problem gambler)	Has gambled at least once a month in past 12 months Impaired Control score 1+ Problems score 1+ AND Total score of 5+

To minimize false positives (i.e., a positive test result that is incorrect), a person has to report gambling at least once a month in the past year to be classified as either a problem or pathological gambler. None of the older problem gambling instruments requires corroborating gambling behavior. To minimize false negatives (i.e., a negative test result that is incorrect) and better identify problem gamblers who have not acknowledged they have a problem, a person can be classified as a problem gambler despite reporting sub-threshold levels of symptomatology if their gambling expenditure and frequency are equal to those of unambiguously identified problem gamblers. Although it is well recognized in the addiction field that a significant portion of people with addictions are in denial (Howard et al., 2002; Rinn, Desai, Rosenblatt, & Gastfriend, 2002; Shaffer & Simoneau, 2001), the PPGM is the only gambling instrument designed to identify these individuals.

Problem Gambling among Monthly Gamblers in the Online Panel Surveys

Information about the prevalence of recreational, at-risk and problem gambling among monthly gamblers in the online panels is presented in Table 9. The table shows that the prevalence of problem gambling among monthly gamblers increased between 2014 and 2022 and increased again between 2022 and 2023. In parallel with these changes, recreational gambling decreased between 2014 and 2022 and decreased again in 2023. There was no change in the proportion of monthly gamblers in the online panels who were classified as at-risk gamblers.

Table 9 Problem gambling prevalence among monthly gamblers in MA online panels (unweighted)

	BOPS_2014			FOPS_2022			OPS_2023		
	n	%	95% CI	n	%	95% CI	n	%	95% CI
Total	2497	100.0	(,)	1631	100.0	(,)	1866	100.0	(,)
Recreational gambler	1631	65.3	(63.4, 67.2)	888	54.4	(52.0, 56.9)	921	49.4	(47.1, 51.6)
At-risk gambler	549	22.0	(20.4, 23.7)	402	24.6	(22.6, 26.8)	467	25.0	(23.1, 27.0)
Problem or pathological gambler	317	12.7	(11.4, 14.1)	341	20.9	(19.0, 23.0)	478	25.6	(23.7, 27.6)

Gambling Harms among Monthly Gamblers in the Online Panel Surveys

Gambling and problem gambling exist on a continuum that stretches from non-gambling, at one end, to problem gambling, at the other end. Problem gambling is associated with a range of physical and emotional health issues, including depression, anxiety, suicidal ideation, substance use and addiction (Hodgins & el-Guebaly, 2009; Petry, 2005). While most of these consequences are associated with problem gambling, there is research showing that heavy gambling is also associated with harm in individuals who would not meet criteria for the clinical entity (e.g., Afifi, Cox, Martens, Sareen, & Enns, 2010; Browne et al., 2017).

Until recently, gambling harms were identified solely with the clinical entity of problem gambling. The assumption underlying this approach was that gambling harm could be minimized by treating individuals with this condition or by preventing people from progressing to this state. In the past decade, however, a broader view of the impacts of gambling has emerged internationally with a shift in focus from problem gambling to ‘gambling-related harm’ (Abbott et al., 2018; Browne et al., 2017; Langham et al., 2016; Shannon, Anjou, & Blaszczynski, 2017). This approach recognizes that there are many more people harmed by gambling than reflected in the rates of problem gambling alone.

The SEIGMA team has published two reports on gambling harms in Massachusetts. In the first report, we focused on identifying gambling harms reported by key demographic groups in the population and without regard to the prevalence of problem gambling within these groups (Volberg et al., 2020). In the second report, we sought to determine whether the ‘Prevention Paradox’⁹ applied in Massachusetts by examining the distribution of different harms in the population and assessing the extent to which different types of harm were concentrated in higher risk groups (Volberg et al., 2021).

Table 10 presents information about the proportion of monthly gamblers in the online panels who experienced different types of gambling-related harm. The types of gambling-related harm assessed by the PPGM include financial harms, harms to physical health, emotional or psychological harms, harms to family or relationships, work or school-related harms and harms related to illegal activity related to gambling.

⁹ Use of the term ‘Prevention Paradox’ in relation to gambling focuses on one aspect of the original concept, namely the situation in which a far greater number of individuals experiencing gambling-related harm are low-risk gamblers because there are far more low-risk gamblers than high-risk gamblers in the population (Browne & Rockloff, 2018).

Table 10 Gambling harms among monthly gamblers in MA online panels (unweighted)

	BOPS_2014			FOPS_2022			OPS_2023		
	n	%	95% CI	n	%	95% CI	n	%	95% CI
Financial	273	11.2	(10.0, 12.5)	293	18.0	(16.2, 19.9)	385	20.6	(18.9, 22.5)
Health	261	10.7	(9.5, 11.9)	124	7.6	(6.4, 9.0)	188	10.1	(8.8, 11.5)
Emotion/psychological	127	5.2	(4.4, 6.2)	295	18.1	(16.3, 20.0)	343	18.4	(16.7, 20.2)
Family/relationships	104	4.3	(3.5, 5.1)	227	13.9	(12.3, 15.7)	332	17.8	(16.1, 19.6)
Work/school	42	1.7	(1.3, 2.3)	163	10.0	(8.6, 11.5)	231	12.4	(11.0, 14.0)
Illegal	42	1.7	(1.3, 2.3)	135	8.3	(7.0, 9.7)	162	8.7	(7.5, 10.0)

Table 10 shows that the proportion of monthly gamblers in the online panels endorsing items indicating different types of gambling-related harm increased between 2014 and 2023. There were increases between 2014 and 2022 in the proportion of panelists endorsing financial harms, emotional or psychological harms, family or relationship harms, work or school related harms and harms related to illegal activity. All of these increases were statistically significant. Between 2022 and 2023, there was an increase in the proportion of monthly gamblers reporting family or relationship harms but no other statistically significant differences. Health-related harms was the only area without an increase among monthly gamblers in the online panels.

Discussion

While population surveys are an important component of public health monitoring, they are not the only tool available to monitor the impacts of gambling. There is much that can be learned from other areas of public health that use alternate research strategies, in conjunction with or instead of population surveys. While alternate methods have limitations, these can be addressed using triangulation to arrive at more robust assessments of the distribution and determinants of disease. Such systems are used internationally to enhance surveillance of tobacco, alcohol and illicit drug use (Andresen-Streichert, Müller, Glahn, Skopp, & Sterneck, 2018; Castiglioni, Senta, Borsotti, Davoli, & Zuccato, 2015; Descheemaeker, Spruyt, & Hermans, 2014; Hickman, Taylor, Chatterjee, & al, 2002).

As we noted at the beginning of this report, population surveys of gambling participation and gambling problems have become increasingly expensive and complex. In this report, we have focused on the utility of using online panel surveys as a means to identify changes in gambling-related attitudes, behaviors and harms in Massachusetts on a regular and affordable basis. While online panels are not representative of the population, individuals who participate in such surveys provide a much greater 'yield' of individuals with characteristics of the greatest concern to policymakers, regulators, and others seeking to minimize and mitigate gambling harm.

In this report, we examined differences among monthly gamblers from three separate online panels in attitudes toward gambling, gambling participation, problem gambling prevalence and gambling-related harms. We found that the proportion of monthly gamblers who believe that the harm of gambling outweighs the benefits was higher in 2023 compared to 2014 and 2022. Monthly gamblers in 2023 were less likely to believe that all types of gambling should be legal compared to 2014 and 2022.

There was a decline in the proportion of monthly gamblers in the online panels who believed that employment was the most positive impact of the introduction of casinos in Massachusetts and an increase in the proportion who believed that greater leisure options was the most positive impact of casinos in the commonwealth. There was an increase in the proportion of monthly gamblers in the online panels who believed that a higher rate of gambling addiction was the most important negative impact of casinos in Massachusetts and decreases in the proportions who believed that increased crime and traffic were the most important negative impacts.

With respect to gambling participation, there were decreases in past-year participation in traditional large jackpot lottery games, instant lottery gambling and any casino gambling among monthly gamblers in the online panels and increases in past-year participation in daily lottery games, sports betting, private wagering, horse racing, bingo and online gambling. Recalling the results of the Follow-up General Population Survey (FGPS) where we identified significantly lower rates of gambling participation in 2021 compared to 2013, well after the worst of the COVID-19 pandemic, it was interesting to observe increases in participation for most types of gambling among monthly gamblers in the online panels in 2023 compared with 2022. In addition to the increases already noted, this included past-year participation in EGMs and casino table games as well as private wagering. Together, these findings suggest that the lingering impact of the pandemic on gambling behavior among regular Massachusetts gamblers may be diminishing. We also identified increases in gambling intensity among monthly gamblers in the online panels, including the number of types of gambling engaged with in the past year and the mean number of days gambled in the past year.

With respect to sports betting behavior, we identified an increase in sports betting participation concentrated particularly among monthly gamblers in the online panels who bet on sports on a monthly or weekly basis. Between 2022 and 2023, when legal sports betting became operational in Massachusetts, there was an increase in the proportion of panelists who bet on sports parlays although betting on professional sports events remained the most frequent type of sports bet. There were also increases in the proportion of monthly gamblers in the online panels who bet on sports with Massachusetts sports betting operators (land-based and online). Despite these changes, there does not yet appear to have been substantial recapture of sports betting revenues outside of Massachusetts in the wake of legalization.

Finally, we identified an increase in the prevalence of problem gambling among monthly gamblers in the online panels between 2014 and 2023. We further identified increases among monthly gamblers in the online panels in five of the six domains of gambling-related harm.

To summarize, attitudes among monthly gamblers in the online panels, and possibly in the population, have grown more negative with more monthly gamblers believing that gambling harm outweighs the benefits and fewer monthly gamblers believing that all types of gambling should be legal. Between 2022 and 2023, there were increases in gambling participation among monthly gamblers in a range of gambling activities which suggests that the lingering impact of COVID-19 on gambling behavior among monthly gamblers in Massachusetts may be diminishing. While there was an increase in sports betting participation among monthly gamblers, there does not yet appear to have been substantial recapture of sports betting revenues among monthly gamblers in the wake of legalization although there has been a reduction in the proportion of sports bettors among monthly gamblers who only gambling on sports illegally. Finally, there may have been an increase in people experiencing gambling harms and gambling problems among monthly gamblers in Massachusetts between 2014 and 2023.

Future Directions

We noted in our report on the Follow-up General Population Survey (FGPS) that there is much to be learned from gambling surveys beyond overall participation and problem gambling prevalence (Volberg et al., 2023). With respect to the population survey, we identified several additional areas of work, including this report on the online panel surveys, an integrated report assessing all of the social and health as well as economic and fiscal impacts of legalized gambling in Massachusetts since 2013, and multivariate analyses to identify changes in predictors of at-risk and problem gambling and provide a better understanding of the impacts of COVID-19 on gambling behavior and problem gambling prevalence in Massachusetts.

Going forward, we anticipate carrying out several additional investigations focused specifically on the online panels. Likely directions for future analytic work include multivariate analyses comparing recreational, at-risk and problem gamblers to identify predictors of at-risk and problem gambling and identification of the specific types of gambling contributing to experiences of gambling harm in Massachusetts. We further anticipate that this report will serve as a template going forward for a series of brief reports on gambling and problem gambling among regular gamblers in Massachusetts as an early warning system to allow for timely efforts at harm minimization and mitigation.

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Appendix

Table 11 Demographics of monthly gamblers in MA online panels (unweighted)

		BOPS 2014			FOPS 2022			OPS 2023			Massachusetts PUMS			
											2014 ²		2021 ³	
		N ¹	%	SE	N ¹	%	SE	N ¹	%	SE	%	SE	%	SE
Gender	Male	1,409	56.4	1.0	884	54.2	1.2	1,085	58.1	1.1	47.8	0.3	48.2	0.3
	Female	1,088	43.6	1.0	731	44.8	1.2	769	41.2	1.1	52.2	0.3	51.8	0.3
	Other				6	0.4	0.1	9	0.5	0.2				
	Prefer not to answer				10	0.6	0.2	3	0.2	0.1				
Age	18-20	64	2.6	0.3	48	2.9	0.4	49	2.6	0.4	5.7	0.1	5.6	0.1
	21-24	204	8.2	0.5	127	7.8	0.7	159	8.5	0.6	7.4	0.1	6.6	0.1
	25-34	387	15.5	0.7	350	21.5	1.0	453	24.3	1.0	17.3	0.2	17.5	0.2
	35-54	978	39.2	1.0	560	34.3	1.2	695	37.2	1.1	34.1	0.2	31.5	0.2
	55-64	449	18.0	0.8	239	14.7	0.9	237	12.7	0.8	16.5	0.2	17.1	0.2
	65-79	393	15.7	0.7	277	17.0	0.9	243	13.0	0.8	13.6	0.2	16.7	0.2
	80+	22	0.9	0.2	30	1.8	0.3	30	1.6	0.3	5.4	0.1	5.0	0.1
Ethnicity	Hispanic	159	6.4	0.5	222	13.6	0.8	325	17.4	0.9	9.3	0.2	11.1	0.2
	White alone	2,094	83.9	0.7	1,214	74.4	1.1	1,319	70.7	1.0	76.3	0.2	70.4	0.2
	Black alone	94	3.8	0.4	87	5.3	0.6	90	4.8	0.5	6.2	0.1	6.0	0.1
	Asian alone	65	2.6	0.3	55	3.4	0.4	69	3.7	0.4	6.1	0.1	7.1	0.1
	Some other race alone	32	1.3	0.2	14	0.9	0.2	19	1.0	0.2	0.7	0.0	1.3	0.1
	Two or more races	53	2.1	0.3	39	2.4	0.4	44	2.4	0.4	1.4	0.1	4.1	0.1
Education	Less than high school	87	3.5	0.4	40	2.5	0.4	43	2.3	0.3	10.4	0.2	9.0	0.2
	HS or GED	563	22.7	0.8	412	25.3	1.1	324	17.4	0.9	24.9	0.2	23.6	0.2
	Some college	964	38.8	1.0	539	33.0	1.2	624	33.4	1.1	26.4	0.2	24.1	0.2
	BA	563	22.7	0.8	444	27.2	1.1	594	31.8	1.1	22.4	0.2	24.4	0.2
	Graduate or professional degree	306	12.3	0.7	196	12.0	0.8	281	15.1	0.8	15.8	0.2	18.9	0.2
Income	Less than \$15,000	205	9.0	0.5	144	9.3	0.7	114	6.4	0.6	7.2	0.1	6.1	0.1
	\$15,000 - <\$30,000	348	15.2	0.7	186	12.0	0.8	150	4	0.6	9.3	0.2	6.6	0.1
	\$30,000 - <\$50,000	460	20.1	0.8	292	18.9	0.9	222	12.4	0.7	12.6	0.2	9.1	0.2
	\$50,000 - <\$100,000	820	35.9	0.9	511	33.0	1.1	591	32.9	1.1	28.8	0.2	23.4	0.2
	\$100,000 - <\$150,000	333	14.6	0.7	288	18.6	0.9	467	26.0	1.0	20.1	0.2	19.7	0.2
	\$150,000 or more	121	5.3	0.4	126	8.1	0.7	251	14.0	0.8	22.0	0.2	35.1	0.2

¹ Unweighted N refers to the total number of respondents who answered this question

² Source: U.S. Census Bureau, 2014 American Community Survey PUMS

³ Source: U.S. Census Bureau, 2021 American Community Survey PUMS

Table 12 Attitudes about gambling among monthly gamblers in MA online panels (unweighted)

		BOPS_2014			FOPS_2022			OPS_2023		
		n	%	95% CI	n	%	95% CI	n	%	95% CI
Belief about benefit or harm that gambling has on society	The harm far outweighs the benefits	361	15.7	(14.3, 17.2)	303	18.6	(16.8, 20.5)	315	16.9	(15.2, 18.6)
	The harm somewhat outweighs the benefits	649	28.2	(26.4, 30.1)	480	29.4	(27.3, 31.7)	668	35.8	(33.7, 38.0)
	The benefits are about equal to the harm	952	41.4	(39.4, 43.4)	611	37.5	(35.1, 39.8)	616	33.0	(30.9, 35.2)
	The benefits somewhat outweigh the harm	236	10.3	(9.1, 11.6)	174	10.7	(9.3, 12.3)	205	11.0	(9.6, 12.5)
	The benefits far outweigh the harm	104	4.5	(3.7, 5.4)	63	3.9	(3.0, 4.9)	62	3.3	(2.6, 4.2)
Opinion about legalized gambling	All types of gambling should be legal	933	39.6	(37.6, 41.6)	607	37.2	(34.9, 39.6)	577	30.9	(28.9, 33.0)
	Some types of gambling should be legal and some should be illegal	1356	57.6	(55.5, 59.5)	925	56.7	(54.3, 59.1)	1168	62.6	(60.4, 64.8)
	All types of gambling should be illegal	67	2.8	(2.2, 3.6)	99	6.1	(5.0, 7.3)	121	6.5	(5.5, 7.7)
Opinion about gambling opportunities in MA	Gambling is too widely available	964	42.0	(40.0, 44.0)	381	23.4	(21.4, 25.5)	606	32.5	(30.4, 34.6)
	Gambling is not available enough	238	10.4	(9.2, 11.7)	451	27.7	(25.5, 29.9)	360	19.3	(17.6, 21.1)
	The current availability of gambling is fine	1095	47.7	(45.6, 49.7)	799	49.0	(46.6, 51.4)	900	48.2	(46.0, 50.5)
Overall impact of casinos	Very beneficial	585	24.3	(22.6, 26.0)	247	15.1	(13.5, 17.0)	226	12.1	(10.7, 13.7)
	Somewhat beneficial	1070	44.4	(42.4, 46.4)	646	39.6	(37.3, 42.0)	728	39.0	(36.8, 41.3)
	Neither beneficial nor harmful	377	15.6	(14.2, 17.1)	544	33.4	(31.1, 35.7)	606	32.5	(30.4, 34.6)
	Somewhat harmful	305	12.7	(11.4, 14.0)	160	9.8	(8.5, 11.4)	252	13.5	(12.0, 15.1)
	Very harmful	74	3.1	(2.5, 3.8)	34	2.1	(1.5, 2.9)	54	2.9	(2.2, 3.8)
Single most positive impact for MA	Employment	1407	57.6	(55.6, 59.5)	623	38.2	(35.9, 40.6)	580	31.1	(29.0, 33.2)
	Benefit to other local businesses	112	4.6	(3.8, 5.5)	139	8.5	(7.3, 10.0)	171	9.2	(7.9, 10.6)
	Increased government revenue	305	12.5	(11.2, 13.8)	287	17.6	(15.8, 19.5)	313	16.8	(15.1, 18.5)
	Retaining money that was leaving Massachusetts	478	19.6	(18.0, 21.2)	330	20.2	(18.4, 22.3)	400	21.4	(19.6, 23.4)
	Increased local leisure options (i.e., the ability to gamble locally)	68	2.8	(2.2, 3.5)	174	10.7	(9.3, 12.3)	290	15.5	(14.0, 17.2)
	No positive impacts	60	2.5	(1.9, 3.1)	52	3.2	(2.4, 4.2)	81	4.3	(3.5, 5.4)
	Other	14	0.6	(0.3, 1.0)	26	1.6	(1.1, 2.3)	31	1.7	(1.2, 2.4)
Single most negative impact for MA	Increased gambling addiction (and associated consequences: bankruptcy, suicide, divorce, etc.)	794	33.2	(31.4, 35.2)	673	41.3	(38.9, 43.7)	852	45.7	(43.4, 47.9)
	Negative impact on other local businesses	148	6.2	(5.3, 7.2)	130	8.0	(6.8, 9.4)	157	8.4	(7.2, 9.8)
	Increased crime	448	18.8	(17.2, 20.4)	215	13.2	(11.6, 14.9)	254	13.6	(12.1, 15.2)
	Increased traffic noise and congestion	741	31.0	(29.2, 32.9)	325	19.9	(18.1, 21.9)	348	18.6	(17.0, 20.5)
	No negative impacts	237	9.9	(8.8, 11.2)	232	14.2	(12.6, 16.0)	208	11.1	(9.8, 12.7)
	Other	20	0.8	(0.5, 1.3)	56	3.4	(2.7, 4.4)	47	2.5	(1.9, 3.3)

Gambling and Problem Gambling in Massachusetts: Results of a Three Online Panel Surveys

Rachel Volberg, PhD
Research Professor
School of Public Health & Health Sciences

Overview

- Panel survey methods
- Attitudes about gambling
- Gambling behavior
- Gambling problems and harms
- Discussion and future directions

Background

- Monitoring and public health
- Online panel surveys
 - “It’s a feature, not a bug”
 - Not representative
 - High proportion of regular gamblers, gamblers experiencing problems
 - Useful to regularly monitor direction of changes at relatively low cost
- Allows for timely introduction of protective, mitigation measures

SEIGMA Surveys

Survey	Sample Size	Year
Baseline General Population Survey (BGPS)	9,578	2013-2014
Baseline Online Panel Survey (BOPS)	5,046	2013-2014
Baseline Targeted Surveys (Plainville, Springfield) (B-TPP, B-TPS)	~1,000 each	2014, 2015
Follow-up Targeted Surveys (Plainville, Springfield) (F-TPP, F-TPS)	~1,000 each	2016, 2019
Follow-up General Population Survey (FGPS)	6,293	2021-2022
Follow-up Online Panel Survey (FOPS)	3,038	2022
Online Panel Survey 2023 (OPS23)	3,380	2023
MA Gambling Impact Cohort (MAGIC) – 5 waves	3,139	2013-2019

Methods

- Questionnaire
 - Aligned closely with questionnaire used in population surveys
 - Described as gambling survey since purpose was to recruit gamblers
 - Sections included
 - Physical & mental health, alcohol & drug use
 - Attitudes, gambling behavior, gambling problems
 - Awareness of services
 - Wording of question about sports betting changed in 2022 to include newer forms
- Data collection
 - 2014 conducted by Ipsos
 - 2022 and 2023 conducted by Qualtrics

Comparing Panels to MA Population

	BGPS 2013		BOPS 2014		Percent Change
	Percent	95% CI	Percent	95% CI	
Total	100		100		
Non-gambler	26.6	(25.3, 28.0)	20.7	(19.6, 21.9)	-5.9
Recreational gambler	62.9	(61.4, 64.4)	59.6	(58.3, 61.0)	-3.3
At-risk gambler	8.4	(7.5, 9.4)	13.3	(12.4, 14.3)	4.9
Problem or pathological gambler	2.0	(1.6, 2.6)	6.4	(5.7, 7.1)	4.4
	FGPS 2021		FOPS 2022		
	Percent	95% CI	Percent	95% CI	
Total	100		100		
Non-gambler	38.7	(36.7, 40.7)	21.2	(19.7, 22.7)	-17.5
Recreational gambler	51.3	(49.3, 53.4)	53.4	(51.6, 55.1)	2.1
At-risk gambler	8.5	(7.4, 9.8)	14.3	(13.1, 15.5)	5.8
Problem or pathological gambler	1.4	(1.0, 2.1)	11.2	(10.1, 12.4)	9.8

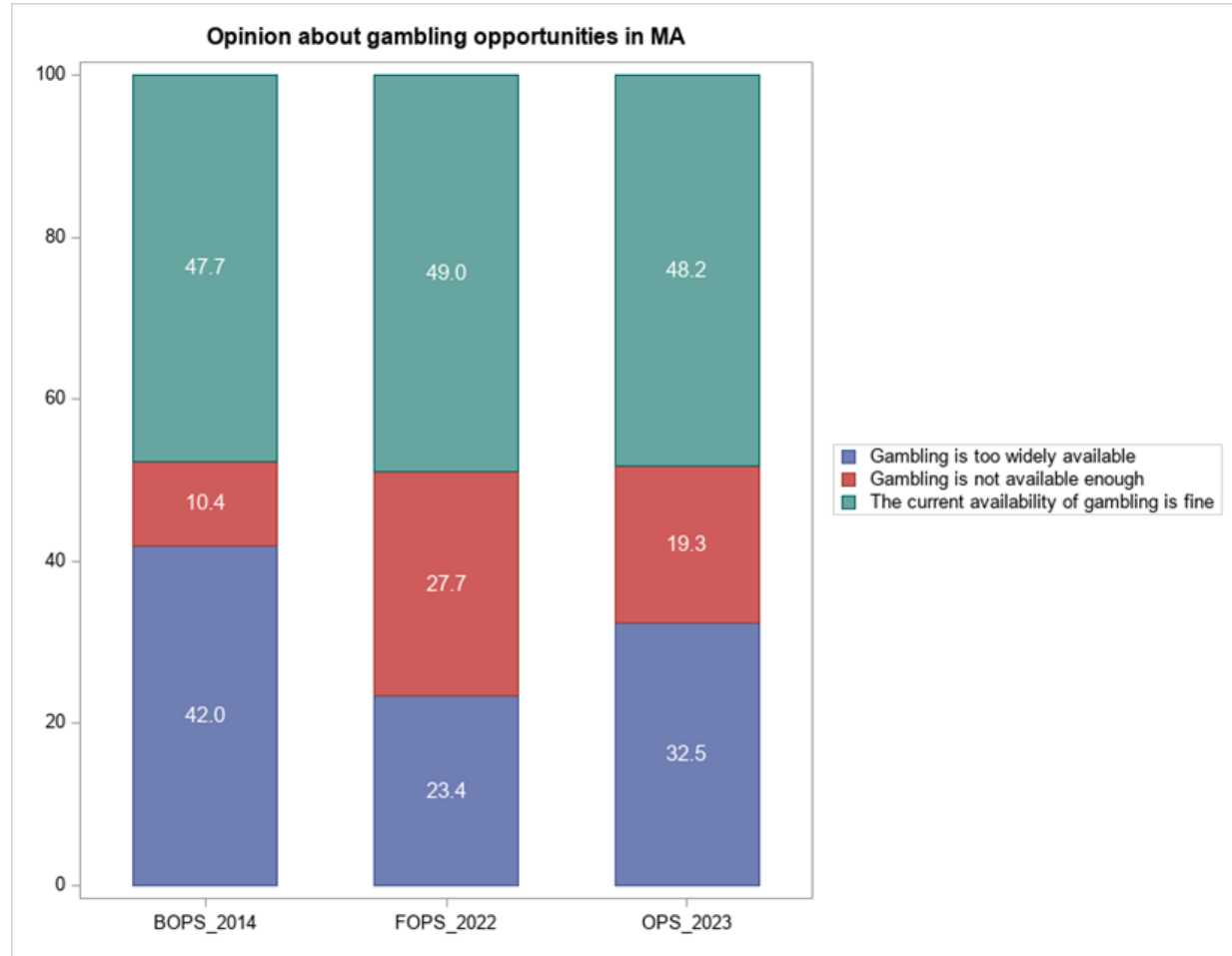
Note: Data from the population surveys (BGPS and FGPS) are weighted to the MA population while data from the online panels (BOPS and FOPS) are unweighted.

Panel Samples for Analysis

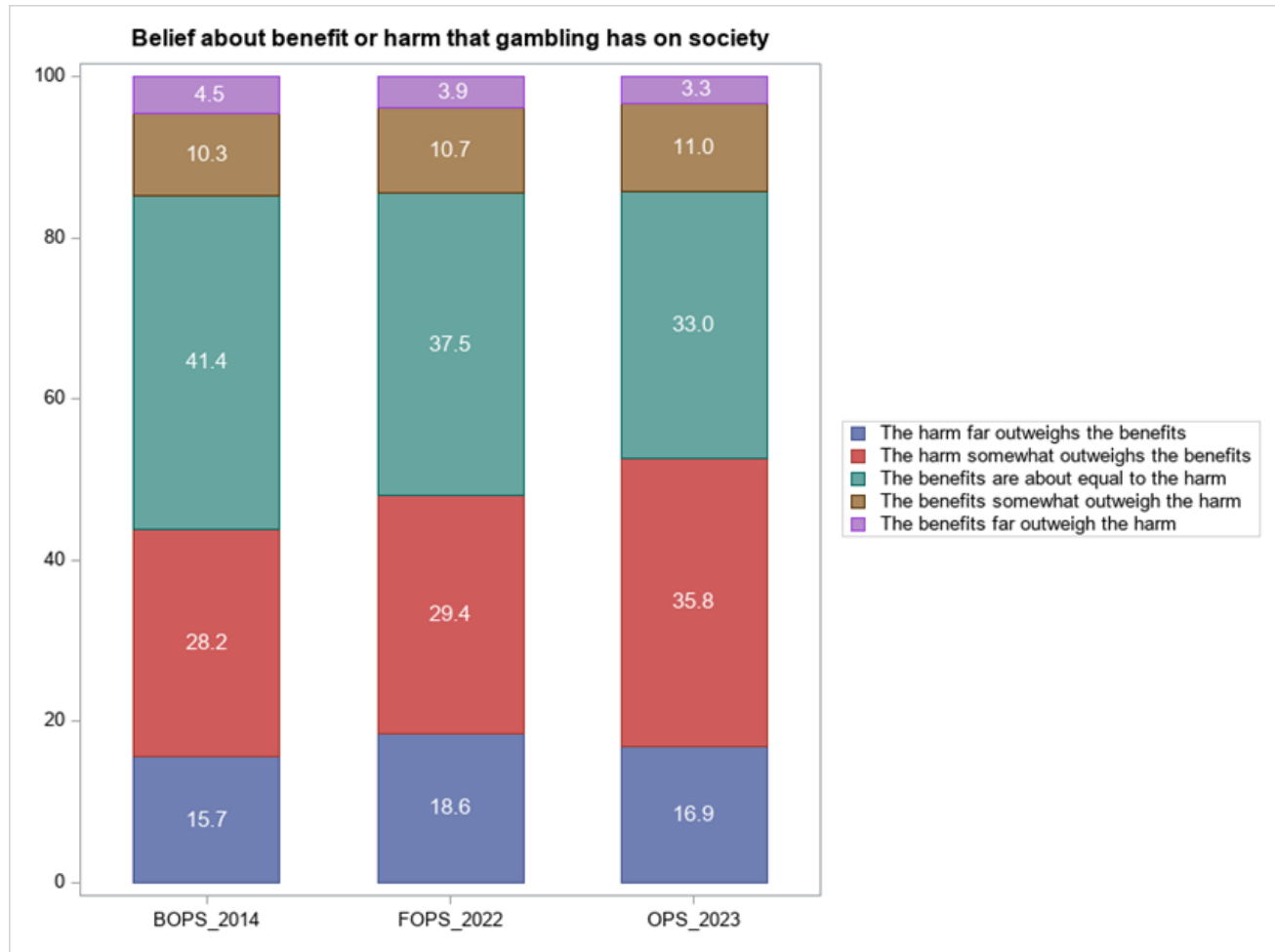
Online Panel	Overall Sample	After Removing Duplicates	%	Gambled Monthly or More	%
BOPS 2014	5046	5046	100	2497	49.5
FOPS 2022	3038	3038	100	1631	53.7
OPS23 2023	3380	3215	95	1866	58.0

ATTITUDES TOWARD GAMBLING

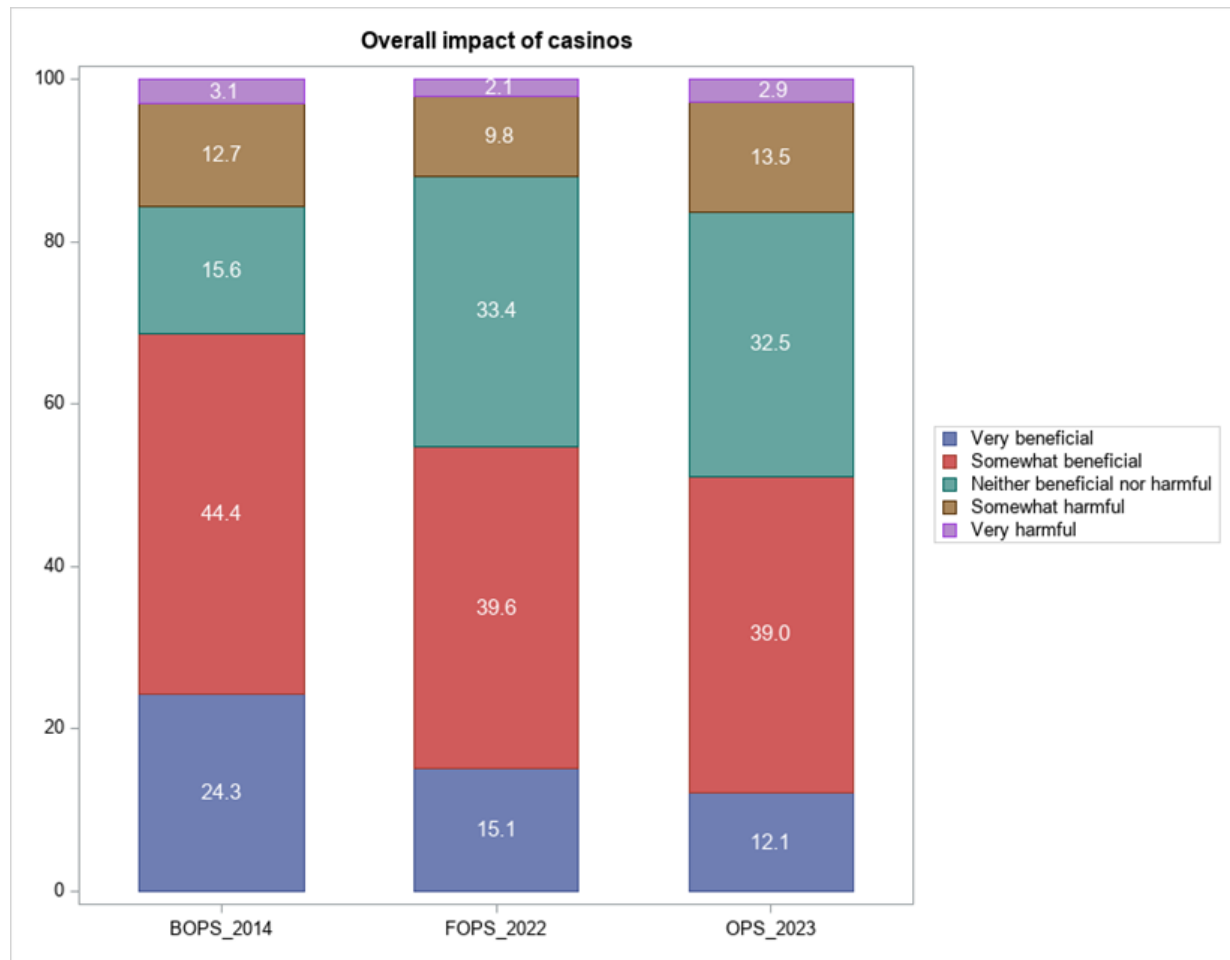
Attitudes: Availability



Attitudes: Benefits and Harms



Attitudes: Overall Impact of Casinos



GAMBLING BEHAVIOR

Gambling Participation

- Definition provided for consistency:

We define gambling as betting money or material goods on an event with an uncertain outcome in the hopes of winning additional money or material goods. It includes things such as lottery tickets, scratch tickets, bingo, betting against a friend on a game of skill or chance, betting on horse racing or sports, investing in high risk stocks, etc.

- 13 activities assessed
 - Past-year participation
 - Frequency of participation
 - Expenditures

Gambling Participation

	BOPS_2014			FOPS_2022			OPS_2023		
	N	%	95% CI	n	%	95% CI	n	%	95% CI
All gambling	2497	100	(,)	1631	100	(,)	1866	100	(,)
All lottery	2449	98.2	(97.6, 98.7)	1506	92.3	(90.9, 93.5)	1751	93.8	(92.7, 94.8)
Traditional	2378	95.5	(94.6, 96.2)	1436	88.0	(86.4, 89.5)	1675	89.8	(88.3, 91.1)
Instant games	1880	76.8	(75.1, 78.4)	1135	69.6	(67.3, 71.8)	1357	72.7	(70.7, 74.7)
Daily games	775	31.6	(29.8, 33.5)	937	57.4	(55.0, 59.8)	1237	66.3	(64.1, 68.4)
Raffles	840	44.3	(42.1, 46.6)	619	38.0	(35.6, 40.3)	1012	54.2	(52.0, 56.5)
Any casino	1087	47.3	(45.2, 49.3)						
EGMs				581	35.6	(33.3, 38.0)	935	50.1	(47.9, 52.3)
Table games				462	28.3	(26.2, 30.6)	807	43.2	(41.1, 45.5)
Sports betting	535	21.8	(20.2, 23.4)	629	38.6	(36.2, 41.0)	1014	54.3	(52.1, 56.6)
Private wagering	618	25.2	(23.5, 26.9)	487	29.9	(27.7, 32.1)	835	44.7	(42.5, 47.0)
Horse racing	268	10.9	(9.7, 12.1)	302	18.5	(16.7, 20.5)	694	37.2	(35.1, 39.3)
Bingo	354	14.2	(12.9, 15.6)	510	31.3	(29.1, 33.6)	918	49.2	(47.0, 51.4)
Online	260	10.7	(9.5, 11.9)	411	25.2	(23.1, 27.4)	714	38.3	(36.1, 40.5)

Gambling Intensity

	BOPS_2014			FOPS_2022			OPS_2023		
	n	mean	SE of mean	n	mean	SE of mean	n	mean	SE of mean
# gambling formats	2497	3.6	0.04	1631	4.6	0.07	1866	6.0	0.080
Maximum number of days/year gambled across all gambling types	2497	85.3	1.77	1631	103.0	2.47	1866	112.6	2.274
Gambling expenditures	2484	1,908.2	2509.85	1630	15,838.6	8311.79 *	1866	7,962.8	391.86 *

*Indicates significant change from previous survey

Sports Betting: Frequency & Activities

		BOPS_2014		FOPS_2022		OPS23_2023	
		% ¹	95% CI ¹	% ¹	95% CI ¹	% ¹	95% CI ¹
Frequency of sports betting	1=never	78.2	(76.6, 79.8)	61.4	(59.0, 63.8)	45.7	(43.4, 47.9)
	2=at least yearly	7.8	(6.8, 8.9)	6.9	(5.7, 8.2)	6.8	(5.7, 8.0)
	3=at least monthly	7.0	(6.0, 8.0)	12.8	(11.3, 14.5)	19.2	(17.5, 21.0)
	4=at least weekly	7.0	(6.1, 8.1)	18.9	(17.1, 20.9)	28.3	(26.4, 30.4)
Type of sports betting engaged in	Professional sporting events			60.4	(56.5, 64.2)	61.9	(58.9, 64.9)
	Sports parlays			36.9	(33.2, 40.7)	51.2	(48.1, 54.2)
	Fantasy sports betting			32.4	(28.9, 36.2)	34.6	(31.7, 37.6)
	Betting on sports you participated in			11.8	(8.8, 15.6)	13.2	(11.3, 15.4)

¹ Percentages and 95% CI are calculated using the unweighted N

Sports Betting & Recapture

		FOPS_2022		OPS23_2023	
		% ¹	95% CI ¹	% ¹	95% CI ¹
Where and how bet on sports	Office sports pools or social betting against friends/family	49.3	(45.4, 53.2)	33.6	(30.8, 36.6)
	Legal land-based sportsbook outside MA	29.3	(25.8, 32.9)	31.8	(29.0, 34.7)
	Legal land-based sportsbook in MA	22.6	(19.5, 26.0)	42.6	(39.6, 45.6)
	Illegal/underground land based sportbook or bookmaker in MA	16.9	(14.1, 20.0)	19.6	(17.3, 22.2)
	Sporting event with online sportsbook outside MA	22.4	(19.3, 25.8)	16.0	(13.8, 18.4)
	Sporting event with online sportsbook in MA	11.4	(9.2, 14.2)	26.6	(24.0, 29.4)
Legal/illegal /leakage	Any legal sports betting	86.5	(83.6, 88.9)	93.2	(91.5, 94.6)
	Only legal sports betting	66.1	(62.3, 69.7)	68.1	(65.2, 70.9)
	Any illegal sports betting	33.9	(30.3, 37.7)	31.9	(29.1, 34.8)
	Only illegal sports betting	13.5	(11.1, 16.4)	6.8	(5.4, 8.5)
	Any sports betting leakage	54.5	(50.6, 58.4)	51.2	(48.1, 54.3)

GAMBLING PROBLEMS & HARMS

Problem Gambling

Category	Classification criteria
Non-Gambler	Has not gambled in the past 12 months
Recreational Gambler	Has gambled in past 12 months Total score 0
At-Risk Gambler	Total score 1+ Does not meet criteria for more severe categories OR Gambling frequency and expenditure \geq PG median
Problem Gambler	Has gambled at least once a month in past 12 months Impaired Control score 1+ Problems score 1+ Total score of 2-4 OR Total score 3+ Gambling frequency and expenditure \geq PG median
Pathological Gambler (equivalent to severe problem gambler)	Has gambled at least once a month in past 12 months Impaired Control score 1+ Problems score 1+ AND Total score of 5+

Problem Gambling

	BOPS_2014			FOPS_2022			OPS_2023		
	n	%	95% CI	n	%	95% CI	n	%	95% CI
Total	2497	100.0	(,)	1631	100.0	(,)	1866	100.0	(,)
Recreational gambler	1631	65.3	(63.4, 67.2)	888	54.4	(52.0, 56.9)	921	49.4	(47.1, 51.6)
At-risk gambler	549	22.0	(20.4, 23.7)	402	24.6	(22.6, 26.8)	467	25.0	(23.1, 27.0)
Problem or pathological gambler	317	12.7	(11.4, 14.1)	341	20.9	(19.0, 23.0)	478	25.6	(23.7, 27.6)

Gambling Harms

	BOPS_2014			FOPS_2022			OPS_2023		
	n	%	95% CI	n	%	95% CI	n	%	95% CI
Financial	273	11.2	(10.0, 12.5)	293	18.0	(16.2, 19.9)	385	20.6	(18.9, 22.5)
Health	261	10.7	(9.5, 11.9)	124	7.6	(6.4, 9.0)	188	10.1	(8.8, 11.5)
Emotion/psychological	127	5.2	(4.4, 6.2)	295	18.1	(16.3, 20.0)	343	18.4	(16.7, 20.2)
Family/relationships	104	4.3	(3.5, 5.1)	227	13.9	(12.3, 15.7)	332	17.8	(16.1, 19.6)
Work/school	42	1.7	(1.3, 2.3)	163	10.0	(8.6, 11.5)	231	12.4	(11.0, 14.0)
Illegal	42	1.7	(1.3, 2.3)	135	8.3	(7.0, 9.7)	162	8.7	(7.5, 10.0)

Discussion

- This study focuses on the utility of using online panel surveys to identify changes in gambling behaviors and harms on a regular, affordable basis
- Identified differences in attitudes, gambling behavior, problem gambling and gambling harms among monthly gamblers across 3 online panels
- Recalling FGPS results, it is interesting to observe increases in participation among monthly gamblers in 2023 compared to 2022

Future Directions

- Multivariate analyses comparing recreational, at-risk and problem gamblers to identify predictors
- Future brief reports on gambling and problem gambling among online panelists to serve as an early warning system to allow for timely efforts at harm minimization and mitigation

Thank you!

For more information:

www.umass.edu/seigma/reports

<https://massgaming.com/about/research-agenda/>



7. **Football:** Revision for settlement clarification.
8. **Golf:** Addition of rules to address new market types.
9. **Hockey:** Addition of rule to address new market type.
10. **Lacross:** Addition of rule to address new market type.
11. **MMA:** Rules split from Boxing. Addition of rules to address available markets.
12. **Pickleball:** Addition of rules to address available markets.
13. **Soccer:** Revision for settlement clarification. Addition of rules to address new market types.

CONCLUDING STATEMENT:

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

BetMGM Sports Book Wagering Rules

Minimum Length of Play

For wagering purposes, unless otherwise stipulated in individual sports wagering rules, games are official after:

1. FOOTBALL (pro and college) – 55 minutes of play. If a match is abandoned before 55 minutes of play has been completed, all bets on the match are cancelled, except for those markets which have been unconditionally determined, unless an official result is declared by the official governing body before then.

Same Game Parlay Rules

“Same Game Parlay” (SGP) is a single parlay bet combining multiple selections from the same event. If a pick within a SGP is cancelled, then the wager odds at the time of bet placement will be re-calculated using the remaining legs. BetMGM reserves the right to cancel a SGP or SGP+ if it is unable to adjust the odds of the wager after a selection is cancelled. All selections must win for the SGP to be settled as a winner. If any selection within a SGP is voided, then the entire SGP is voided.

Baseball Rules

Baseball Wager Types

Baseball Daily Specials

The number of games scheduled at the time of bet placement is specified in the market name. Wagers will be cancelled if any of the listed number of games fails to meet the Minimum Length of Play requirements on the scheduled date.

Baseball Player Props

Batter v. Batter Most Walks

Settled based on which batter records the most walks in their at-bats in a game. This does include intentional walks.

Batter v. Batter Most Hits

Settled based on which batter records the most hits in their at-bats in a game. If a player reaches base due to an error, that will not count as a hit for that player.

Batter v. Batter Most Home Runs

Settled based on which batter records the most home runs in their at-bats in a game. Inside the Park Home Runs do count for this market.

Batter v. Batter Most Total Bases

Settled based on which batter records the most total bases in their at-bats in a game. Total Bases only include what the player hits for (singles, doubles, triples, and home runs).

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Batter v. Batter Most Extra Base Hits

Settled based on which batter records the most amount of doubles, triples, or home runs in a game.

Pitcher v. Pitcher Most Strikeouts

Settled based on which pitcher records the most amount of strikeouts in the game. Dropped third strikes count towards the pitcher's total strikeouts.

Pitcher v. Pitcher Fewest Walks

Settled based on which pitcher records the least amount of walks in a game. This does include intentional walks.

Pitcher v. Pitcher Fewest Hits

Settled based on which pitcher concedes the least amount of hits in a game. If a player reaches base due to an error, that would not count as a hit conceded by that pitcher.

Pitcher v. Pitcher Fewest Home Runs

Settled based on which pitcher concedes the least home runs in a game. Inside the Park Home Runs do count for this market.

Pitcher v. Pitcher Fewest Total Bases

Settled based on which pitcher concedes the least Total Bases in a game. Total Bases only include what the player hits for (singles, doubles, triples, home runs). Walks, errors, fielder's choice, and dropped third strikes do not count towards this market.

Pitcher v. Pitcher Fewest On Base

Settled based on which pitcher has the least amount of players on base in a game. Hits, walks, intentional walks, and hit by pitch count for this market. Errors, dropped third strikes, fielder's choice, and catcher's interference do not count towards this market.

Pitcher v. Pitcher Fewest Extra Base Hits

Settled based on which pitcher concedes the least Extra Base Hits in a game. These only include doubles, triples, or home runs in a game.

MLB All Star Game

All game markets will be settled after 9 innings of play, apart from the Moneyline market and those markets that specifically address events in a potential tiebreaker scenario. Any player statistic (e.g., Home Runs, Total Bases, RBI's, Runs Scored, etc.) accumulated during a potential Home Run Derby tiebreaker scenario will not be considered for settlement, unless specifically stated otherwise.

Baseball Same Game Parlay Rules

Player Specific Markets (For Same Game Parlay):

If a player does not participate in a match, selections specific to that player (and therefore the entire bet) will be cancelled. This rule is applied as follows:

Selections on hitting / batting markets will be active only if the player starts the game. in-question gets at least one plate appearance. If the player does not appear at the plate, these selections will

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be treated as cancelled.

Basketball Rules

Basketball Wagers

Race to X Statisticpoints

Wager on which team/player will reach the specified statisticpoints tally first. Should neither team/player reach the specified statistictotal, and a 'Neither' option is not offered, then bets on that market will be cancelled. In the event of a wagering tie, the straight wager is considered "no action" and wager is cancelled. Parlays reduce to the next lowest amount of selections. Wagers are cancelled on a player who does not take part in the match or who comes on as a substitute after the specified statistic has been recorded.

Player Most Statistic

Wager on which player will have the highest number of the specified statistic. If a player not listed is deemed the winner, all bets stand. Dead heat rules apply.

Buzzer Beater Markets

A wager on if a shot will be successfully made at the end of the game from either team and said shot put the team ahead in the game, with 2 seconds or fewer on the clock. The team who makes the shot must either be losing, or the game is tied the moment before the shot goes in. Only second half and overtime periods are counted in this market. The market will be settled according to ESPN play-by-play data. This can be a 2-point or 3-point attempt. Settled at the end of the game. Postponed/Cancelled match rules apply.

College Basketball Conference Regular Season Winner

Wager on which team wins the College Basketball Conference in the regular season. If multiple teams are deemed co-regular season champions, bets will be settled based on the team who is awarded the top seed in the conference tournament.

Biathlon Rules

Date/Site Changes

Race Rules:

This rule applies to World Cup races. For Tournaments (e.g. World, European or National Championships, Olympics etc.) Tournament Rules apply. All bets are settled on the official classification at the time of the podium presentation. If a race is interrupted or postponed but is held within 80 hours after the original start date, then all bets on the event are valid. If the race does not take place within 80 hours after the original start date, then all bets will be cancelled.

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Tournament Rules:

All bets are settled on the official classification at the time of the podium presentation (flower ceremony). When a betting event within a sporting tournament (e.g. World, European or National Championships, Olympics etc.) is postponed within the official time allocated for the event, all transacted bets remain valid. If a betting event is unable to commence within the official time allocated, all bets are cancelled.

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Biathlon Wagers

Ante post/Outright winner (others on request)

If a selection is disqualified for whatever reason, then all bets on this selection will stand.

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Finish in Top 3/5/10

If a selection is disqualified for whatever reasons, then all bets on this selection will stand. Should there be a tie for the last position in the market (e.g. 2 competitors tie for 3rd in Top 3 market), then dead heat rules will apply.

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Triple Head to Head

If one or more participants withdraw before they have started the event, then all bets will be cancelled. The winner will be the athlete/nation who is placed highest in the race. If an athlete/nation is disqualified or does not finish the race for any reason, then this selection is deemed a loser and the bet is decided between the remaining two athletes/nations. If two athletes/nations are disqualified or do not finish the race for any reason, then the remaining athlete/nation is deemed the winner. If all athletes/nations are disqualified or do not finish the event for any other reason, then all bets will be cancelled.

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Team to lead at 1st, 2nd, 3rd exchange

All bets will be settled on the official classification at the respective exchange posted by the respective governing authority (IBU/IOC).

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Bowling Rules

Date/Site Changes

Event must take place with 7 days of the advertised date in the listed city for bets to stand. Should the venue change, but remain in the same city, then all bets stand.

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Minimum Length of Play

If an event does not conclude after the first frame begins, then all bets will be cancelled.

Bowling Wagers

Event Winner

Bets will be settled on the original classification by the governing body, regardless of any subsequent disqualifications or enquiries. If a competitor does take part in an event, then bets placed on that competitor or team will stand.

Boxing Rules

Date/Site Changes

For confirmed fights if a contest is postponed and rescheduled to take place within 48 hours of the original start time, all bets on that contest will stand. If the contest does not take place within 48 hours, all bets will be cancelled. If a rescheduled fight takes place in a country different from the original country, all bets will be cancelled. If a fight is rescheduled and takes place in a different venue but in the same country, all bets stand.

Future Fights and Unconfirmed Bouts

The one exception to the 48-hour date/site change rule, is fights that have been set up before the exact date is known and will be reclassified under the correct event and date, once an official announcement has been made. Where we offer prices on fights that have not been announced or had a date set, bets will stand until the fight does take place or can be cancelled on request once we are reasonably satisfied the fight will not take place.

Once a fight has been reclassified under the correct event and date, it is then subject to the 48-hour date/site change rule as normal.

Boxing General Rules

Boxing wagers are accepted in the following manner:

The official start of the fight is when the bell is sounded for the beginning of the first round. All bets will be settled according to the official result declared by the official governing body immediately after the end of the fight, with the exception of a Technical Draw (the rules for which are set out in the 'Technical Decision/Technical Draw section below). Any subsequent appeals or amendments to the result will not be taken into account for settlement purposes.

Contestant Replaced: If one of the contestants is replaced by a substitute, bets on the original bout will be cancelled.

Fight Outcomes: No Contest - In the event of a 'no contest' being declared, all bets will be made cancelled, with the exception of selections where the outcome has already been determined.

Failure to Come Out for a Round: When a boxer fails to answer the bell for the next round bets will be settled on their opponent having won the bout in the previous round.

Tournament Betting: In Tournament Boxing, any fighter starting the tournament, who then withdraws from the event will be settled as a loser.

Technical Decision/Technical Draw:

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If a fight is scheduled for more than four rounds and, after four rounds, an accidental injury occurs (e.g. a clash of heads causing a cut) the fight will be deemed to have resulted in a Technical Decision in favor of the boxer who is ahead on the scorecards at the time the fight is stopped (and all markets on the fight will stand). If the judges score the fight even at this point the result will be a Technical Draw and bets on the fight will stand with all bets on draw being deemed winners.

If the accidental injury occurs during the first 4 rounds and a Technical Draw is returned in the ring, all bets are cancelled with the exception of markets where the outcome has already been determined.

If an intentional foul causes an injury and the injury results in the fight being stopped in a later round, the injured boxer will be deemed to have won by Technical Decision if he is ahead on the scorecards. The fight will result in a 'Technical Draw' if the injured boxer is behind or even on the scorecards (and, for settlement purposes, the result of the fight will be deemed to be a draw).

Boxing Wagers

Fight Result:

Fight Result (3-Way): If the fight ends in a draw all bets on either fighter to win will be settled as losers.

Fight Result (2-Way): – If the fight ends in a draw all bets on this market will be cancelled.

Should a fight be declared a 'Technical Draw' in the ring during the first 4 rounds then all bets are cancelled.

In fights where the scheduled number of rounds changes, all bets will stand.

Individual Round Betting, Round Group Betting:

Betting on the round in which the fight result will be determined. If a fight is stopped before the full number of rounds have been completed bets will be settled on the round in which the fight was stopped.

If a boxer is disqualified or a winner declared by Technical Decision bets will be settled on the round in which the fight was stopped.

Technical Draw declared after the start of Round 5 will be settled as draw.

Should a fight be declared a 'Technical Draw' in the ring during the first 4 rounds then all bets are cancelled.

Bets to win "On Points" will only be deemed winners if the full number of rounds are completed.

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When a boxer fails to answer the bell for the next round, bets will be settled on their opponent having won the bout in the previous round.

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In fights where the scheduled number of rounds changes, all bets will be cancelled.

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When will the fight be won?

Betting on the round in which the fight result will be determined. If a fight is stopped before the full number of rounds have been completed, bets will be settled on the round in which the fight was stopped.

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If a boxer is disqualified or a winner is declared by Technical Decision/Technical Draw (after the start of Round 5), bets will be settled on the round in which the fight was stopped.

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Should a fight be declared a 'Technical Draw' in the ring during the first 4 rounds then all bets are cancelled. When a boxer fails to answer the bell for the next round, bets will be settled on their opponent having won the bout in the previous round.

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Bets "To go the distance" will only be deemed winners if the full number of rounds are completed.

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In fights where the scheduled number of rounds changes, all bets will be cancelled.

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Final Judgment:

If the fight is decided by Technical Decision bets will stand. A Decision is on scorecard points between the 3 judges.

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Split Decision: Where 2 of the 3 judges score the same fighter as the winner, while the third judge scores the other fighter as the winner.

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Majority Decision: Where 2 of the 3 judges score the same fighter as the winner, while the third indicates neither fighter won (i.e. draw).

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Unanimous Decision: When all 3 judges have the same fighter as the winner.

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All bets will be settled as losers if the fight ends in a draw, or the fight ends in a KO/TKO or DQ.

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Should a fight be declared a 'Technical Draw' in the ring during the first 4 rounds then all bets are cancelled.

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In fights where the scheduled number of rounds changes, all bets will stand.

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Total Rounds:

Bets will be settled on the exact time that the fight is completed. Where a half is stated, this is defined by the halfway point of the round. For example, 1 minute 30 seconds into a 3-minute round or 1 minute into a 2-minute round. For settlement purposes this halfway point will define the half for over/under betting. For example, for a bet on "Over 8.5 rounds" to be a winner, the fight must last beyond 1 minute and 30 (3-minute rounds) seconds in round 9.

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Where a full round is stated, bets will be settled on the round the fight ends. For example, a bet on 3rd Round or later that ends in round 3 would be a winner.

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If a boxer is disqualified or the fight is decided by a Technical Decision/Technical Draw (after the start of Round 5), bets will be settled on the round in which the fight was stopped.

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Should a fight be declared a 'Technical Draw' in the ring during the first 4 rounds then all bets are cancelled with the exception of markets where the outcome has already been determined.

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In fights where the scheduled number of rounds changes, all bets will be cancelled.

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Method of Victory:

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KO/TKO/DQ (KO: When a fighter fails to stand up after a 10 count. TKO: When the bout is stopped by the referee, or one fighter retires. Disqualification: When the bout is stopped, and the referee declares one or both fighters as disqualified.)

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On Points / Technical Decision: When the bout is decided by the judge's scorecards at the conclusion of the scheduled number of rounds. Technical Decision: When the bout is stopped by a cut/injury not caused by a punch and decided by the judge's scorecards before the scheduled number of rounds is completed.

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Draw: When the judges' scorecards are a draw or when a Technical Draw is declared after the start of Round 5.

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Should a fight be declared a 'Technical Draw' in the ring during the first 4 rounds then all bets are cancelled.

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In fights where the scheduled number of rounds changes, all bets will stand.

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Knockdown/Referee's Counts:

For settlement purposes, a knockdown is defined as a fighter being KO'd/ receiving a mandatory eight count (anything deemed a slip by the referee will not count).

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Should a fight be declared a 'Technical Draw' in the ring during the first 4 rounds then all bets are cancelled with the exception of markets where the outcome has already been determined.

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In fights where the scheduled number of rounds changes, all bets will stand.

Gone in 60 Seconds:

The fight must be officially won by the boxer in question inside the first 60 seconds of Round 1.

In fights where the scheduled number of rounds changes, all bets will stand.

Down but Not Out:

A boxer must be knocked down and given a mandatory eight count and subsequently win the fight.

In fights where the scheduled number of rounds changes, all bets will stand.

Fight to go the distance (Will the Fight Go the Full X Rounds):

Bets on Yes will be settled as winners should all the scheduled rounds be completed. If a Technical Decision or Technical Draw is recorded via the Judges' scorecards before the scheduled number of rounds, then the fight will not have been considered to have gone the distance.

In fights where the scheduled number of rounds changes, all bets will be cancelled.

Boxing and Mixed Martial Arts Rules

Date/Site Changes

For confirmed fights if a contest is postponed and rescheduled to take place within 48 hours of the original start time, all bets on that contest will stand. If the contest does not take place within 48 hours, all bets will be cancelled. If a rescheduled fight takes place in a country different from the original country, all bets will be cancelled. If a fight is rescheduled and takes place in a different venue but in the same country, all bets stand.

Minimum Length of Play

The bell (buzzer, etc.) sounding signifies the start of the opening round and the bout is considered official for betting purposes, regardless of the scheduled length, weight, classification, and/or championship sanction. For an individual round to be considered complete, the fighters must answer the bell beginning the next round, except for the final scheduled round in which case the final bell signifies the completion of the round and fight. If a fight has a change to the scheduled number of rounds all outright bets on the match will be action, however round by round bets will be cancelled.

Boxing and Mixed Martial Arts Wagers

Boxing and Mixed Martial Arts wagers are accepted in the following manner:

Results will be graded on the basis of the official result at ringside as communicated by the official announcer. Any subsequent change to the official outcome of the fight for any reason will not be recognized for wagering purposes. If the official announcer does not declare a result at the end of the fight, the market will be settled on the result displayed on the applicable organization official site.

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For wagering purposes, a wager on a fighter to win by "KO" wins if the selected fighter wins by Knock Out (KO), Technical Knock Out (TKO), or Disqualification (DQ).

If a fight is stopped due to an injury, disqualification, or any other stoppage either by the referee or doctor, then this will be considered a Technical Knock Out (TKO).

Any fight that is deemed 'No Contest' will have all wagers cancelled.

Fight Winner

Wager on which fighter will win the match. If the wagering offer on a match includes the draw as a third option and the match ends in a draw, wagers on the draw will be paid, while wagers on both fighters will be lost. If the wagering offer includes only the two fighters, with the draw either not offered or offered as a separate proposition, and the match ends in a draw, wagers on either fighter will be cancelled.

Will Go/Won't Go Round X

Wager on whether or not the match reaches this distance. The halfway point of a round is at exactly one minute and thirty seconds into a three-minute round. For example, 9½ rounds would be one minute and thirty seconds of the 10th round. In case of a two and a half minute round, the halfway point is one minute and 15 seconds. In case of a five minute round, the halfway point is two minutes and 30 seconds.

For total wagers that list a full number of rounds, the fighter must answer the bell for the following round for the round to be deemed complete. For example, on 8 full rounds the fighter must answer the bell for the 9th round for the over to be paid. If the fighter completes the 8th round but fails to answer the bell for the 9th round the under will be the winner. This applies to all rounds except the final scheduled round for which the final bell will signify the completion of the round. If a fight is stopped before the full number of rounds have been completed, or if a fighter is disqualified and a points decision awarded, bets will be settled in the round the fight was stopped.

For Round betting, if a fight is stopped before the full number of rounds have been completed, or if a fighter is disqualified and a points decision awarded, bets will be settled in the round the fight was stopped. The fight must end in the selected round for the wager to win.

Method of Victory

Wager on the exact outcome of the fight. KO includes a referee intervention during strikes, doctor stoppage, or stoppage from a fighter's corner. A submission includes a tap-out or verbal submission from one of the fighters, or referee stoppage due to technical submission. If either fighter is disqualified, then a no contest is declared, and all bets are cancelled.

Scheduled Number of Rounds

In fights where the scheduled number of rounds changes, all bets will stand unless the result would be automatically determined by the change in the number of rounds (in which case, such bets will be cancelled). For example, if a fight gets changed from a 12 to a 10 round fight, only bets on rounds 11 and 12 will be cancelled.

Knockdown/Referee's counts

For settlement purposes, a knockdown is defined as a fighter being KO'd or receiving a mandatory eight count (anything deemed a slip by the referee will not count). For individual round knockdowns, all bets will be cancelled should the fight end before the round starts.

Gone In 60 Seconds

The fight must be officially won by the boxer in question inside the first 60 seconds of Round 1.

Down But Not Out

A boxer must be knocked down and given a mandatory eight count and subsequently win the fight.

Fight Outcomes

No Contest—In the event of a 'no contest' being declared, all bets will be cancelled, with the exception of selections where the outcome has already been determined.

PFL Season Championship Winner

Winning markets will be settled depending on which fighter wins the PFL Championship for the specified division after the conclusion of that season's playoffs. No refunds will be given to any wagers placed on fighters that withdraw from the season due to injuries, suspensions, or for any other reason. Results will be graded on the basis of the official result at ringside as communicated by the official announcer in each respective championship fight. Any subsequent change to the official outcome of the fight for any reason will not be recognized for wagering purposes. If the official announcer does not declare a result at the end of the fight, the market will be settled on the result displayed on the applicable organization official site.

Boxing and Mixed Martial Arts Card Props

Various unique wagers may be offered from time to time, called proposition bets. Boxing and Mixed Martial Arts Card Props only include the main card and undercard fights. Early preliminaries will not be included. Wagers will stand on the number of bouts scheduled to be on the full card, which includes all main card and undercard fights. Wagers will stand so long as the exact number of bouts quoted in the market heading take place. If there are any withdrawals and subsequent replacements, wagers will stand. If a bout is cancelled without a replacement, changing the number of bouts taking place, then all wagers will be cancelled.

Boxing and Mixed Martial Arts Futures Props

Wagering on which fighter will be a weight classes champion or league/competition champion (i.e. UFC champion) on a specific date will be determined using the governing body's official source. Interim champions do not count for settlement purposes. If the title is vacated on the designated date then all wagers will be cancelled and stakes returned. All fighters will be deemed as action regardless if they competed in that weight division or not, or were inactive due to injury, suspension, or for any other reason.

Boxing and Mixed Martial Arts Pick the Bout Props

For all "Pick the Round" propositions, if the length of the bout is changed from that posted all wagers are deemed "no action" and cancelled.

Boxing and Mixed Martial Arts Draw Props

~~“Draw” proposition wagers: “Decision” means fight must go to the judge’s scorecard(s) to determine a winner, including technical decision.~~

Boxing and Mixed Martial Arts Decision Props “Decision” proposition wagers:

~~“Decision” means fight must go to the judge’s scorecard(s) to determine a winner, including technical decision.~~

Football Rules

Minimum Length of Play

For wagering purposes, unless otherwise stipulated in individual Football sports wager rules, Pro and College Football results are official after 55 minutes of play. If a match is abandoned before 55 minutes of play has been completed, all bets on the match are cancelled, except for those markets which have been unconditionally determined, unless an official result is declared by the official governing body before then. BetMGM does not recognize suspended games (after they have met the minimum time or length requirement specified in the specific sports rules), protests, or overturned decisions for wagering purposes.

Golf Rules

Golf Wagers

Nearest the Pin

Betting on which player will hit the ball nearest to the pin with their tee shot on the specified hole. Ball must be on the green to count. Bets are cancelled if all players in the group miss the green.

Tee Shot in the Water

Betting on if the specified player’s tee shot will finish in a water hazard on the specified hole. The official governing body website’s stats/shot data will be used for settlement purposes.

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Commented [ZK1]: Example of wagers:
Player X - Tee shot in the water hazard on 17th hole?
Yes/No

Group X - Any player's tee shot in the water hazard on 17th hole? Yes/No

Hockey Rules

Hockey Wagers

Hockey wagers are accepted in the following manner:

Winner and Both Teams to Score X Goals

Wager on which team will win the game and whether both teams will score the specified number of goals. This market is settled based on regular time only and does not include overtime.

Lacrosse Rules

Lacrosse Wagers

College Lacrosse Conference Regular Season Winner

Wager on which team wins the College Lacrosse Conference in the regular season. If multiple teams are

deemed co-regular season champions, bets will be settled based on the team who is awarded the top seed in the conference tournament.

Mixed Martial Arts Rules

Date/Site Changes

For confirmed fights, if a contest is postponed and rescheduled to take place within 48 hours of the original start time, all bets on that contest will stand. If the contest does not take place within 48 hours, all bets will be cancelled. If a rescheduled fight takes place in a country different from the original country, all bets will be cancelled. If a fight is rescheduled and takes place in a different venue but in the same country, all bets stand.

Minimum Length of Play

The bell (buzzer, etc.) sounding signifies the start of the opening round and the bout is considered official for betting purposes, regardless of the scheduled length, weight, classification, and/or championship sanction. For an individual round to be considered complete, the fighters must answer the bell beginning the next round, except for the final scheduled round, where the final bell signifies the completion of the round and fight. If a fight has a change to the scheduled number of rounds all outright bets on the match will be action, however round by round bets will be cancelled.

Mixed Martial Arts Wagers

Mixed Martial Arts wagers are accepted in the following manner:

Results will be graded on the basis of the official result at ringside as communicated by the official announcer. Any subsequent change to the official outcome of the fight for any reason will not be recognized for wagering purposes. If the official announcer does not declare a result at the end of the fight, the market will be settled on the result displayed on the applicable organization official site.

For wagering purposes, a wager on a fighter to win by "KO" wins if the selected fighter wins by Knock Out (KO), Technical Knock Out (TKO), or Disqualification (DQ).

If a fight is stopped due to an injury, disqualification, or any other stoppage by the referee or doctor, this will be considered a Technical Knock Out (TKO).

Any fight deemed 'No Contest' will have all wagers cancelled, except for selections where the outcome has already been determined.

Fight Winner:

Wager on which fighter will win the match. If the wagering offer on a match includes the draw as a third option and the match ends in a draw, wagers on the draw will be settled as a winner, while wagers on both fighters will be settled as a loser. If the wagering offer includes only the two fighters, with the draw either not offered or offered as a separate proposition, and the match ends in a draw, wagers on either fighter will be refunded.

Will Go/Won't Go Round X:

Wager on whether or not the match reaches this distance. The halfway point of a round is at exactly two

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minutes and thirty seconds into a five-minute round. For example, 1½ rounds would be two minute and thirty seconds of the 2nd round.

For total wagers that list a full number of rounds, the fighter must answer the bell for the following round for the round to be deemed complete. For example, on 2 full rounds, the fighter must answer the bell for the 3rd round for the over to be paid. If the fighter completes the 2nd round, but fails to answer the bell for the 3rd round the under will be the winner. This applies to all rounds except the final scheduled round for which the final bell will signify the completion of the round. If a fight is stopped before the full number of rounds have been completed, or if a fighter is disqualified and a points decision awarded, bets will be settled in the round the fight was stopped.

For Round betting, if a fight is stopped before the full number of rounds have been completed, or if a fighter is disqualified and a points decision awarded, bets will be settled in the round the fight was stopped. The fight must end in the selected round for the wager to win.

Method of Victory:

Wager on the exact outcome of the fight. KO includes a referee intervention during strikes, doctor stoppage, stoppage from a fighter's corner or if the opposing fighter is disqualified. A submission includes a tap-out or verbal submission from one of the fighters, or referee stoppage due to technical submission. Round and Method of Victory is determined by the outcome and the round in which it occurs.

Scheduled Number of Rounds:

If a fight has a change to the scheduled number of rounds, all outright bets on the match will be action, however round by round bets will be cancelled.

Gone in 60 Seconds:

The fight must be officially won by the fighter in question inside the first 60 seconds of Round 1.

Fight Outcomes:

No Contest - In the event of a 'no contest' being declared, all bets will be cancelled, with the exception of selections where the outcome has already been determined.

Fastest Submission/KO/TKO

Winner is determined by whichever fighter has the fastest submission or KO/TKO win of the night according to the broadcast's official end time. Fights that end in DQ or a No-Contest will be cancelled. If there is an event with no Submission or KO/TKO victories, all selections will be cancelled and refunded. Early preliminary fights will not be offered, only standard preliminary and main card fights will be offered.

PFL Season Championship Winner:

Winning markets will be settled depending on which fighter wins the PFL Championship for the specified division after the conclusion of that season's playoffs. No refunds will be given to any wagers placed on fighters that withdraw from the season due to injuries, suspensions, or for any other reason. Results will be graded on the basis of the official result at ringside as communicated by the official announcer in each respective championship fight. Any subsequent change to the official outcome of the fight for any reason will not be recognized for wagering purposes. If the official announcer does not declare a result at the end of the fight, the market will be settled on the result displayed on the applicable organization official site.

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Mixed Martial Arts Card Props

Various unique wagers may be offered from time to time, called proposition bets. Mixed Martial Arts Card Props only include the main card and undercard fights. Early preliminaries will not be included. Wagers will stand on the number of bouts scheduled to be on the full card, which includes all main card and undercard fights. Wagers will stand so long as the exact number of bouts quoted in the market heading take place. If there are any withdrawals and subsequent replacements, wagers will stand. If a bout is cancelled without a replacement, changing the number of bouts taking place, then all wagers will be cancelled.

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Mixed Martial Arts Futures Props

Wagering on which fighter will be a weight classes champion or league/competition champion (i.e. UFC champion) on a specific date will be determined using the governing body's official source. Interim champions do not count for settlement purposes. If the title is vacated on the designated date then all wagers will be cancelled and stakes returned. All fighters will be deemed as action regardless if they competed in that weight division or not, or were inactive due to injury, suspension, or for any other reason.

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Mixed Martial Arts Pick the Bout Props

For all "Pick the Round" propositions, if the length of the bout is changed from that posted all wagers are deemed "no action" and cancelled.

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Mixed Martial Arts Draw Props

"Draw" proposition wagers: "Decision" means fight must go to the judge's scorecard(s) to determine a winner; including technical decision.

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Mixed Martial Arts Decision Props "Decision" proposition wagers:

"Decision" means fight must go to the judge's scorecard(s) to determine a winner; including technical decision.

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Pickleball Rules

Date/Site Changes

If a match is not played on the scheduled date all bets will be cancelled. If a match is suspended and not completed before the tournament ends, wagers will be cancelled.

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Minimum Length of Play

Matches must be fully completed or else wagers on the match will be cancelled. If there is a retirement or a disqualification after the match has started, wagers will be cancelled unless a winning market has already been determined. Wagers will be declared as cancelled if any original stated player or players are replaced. If a player withdraws before the start of the tournament all bets on that specific player will be cancelled.

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Pickleball Wagers

Game X Lead after X Points

This bet refers to the player that is leading after a specified number of points.

Game X Extra Points

This bet refers to whether the game will go to extra points.

Correct Score

This bet refers to the correct score of a match/game.

Competitor X Total Points Over/Under

This bet refers to the total points of a player's scoring being over/under a specified number.

Competitor X Total Points Odd/Even

This bet refers to the total points of a player's scoring being odd/even.

Match/Game Handicap

This bet refers to the point spread of a specific game or match.

Total Games Over/Under

This bet refers to the total games going over/under a specified total.

Total Points Over/Under

This bet refers to the total points going over/under a specified total.

Game Race to X Points

This bet refers to the player that gets to the specified point number first in the game.

Game Winner/Match Winner/Point Winner

This bet refers to the winner of a specific game, match or point.

Triple Crown

This bet refers to a player winning all three different tournament brackets within a tournament (Singles, Women's or Men's doubles, and Mixed Doubles)

Soccer Rules

Soccer Wager Rules

Soccer wagers are accepted in the following manner:

90-Minute

Wager is on the outcome of a soccer match, determined on the basis of the score at the end of 90 minutes of play PLUS any time the referee adds to compensate for injuries and other stoppages. 90-Minute wagers do not include periods of extra time or penalty shootouts. If a match takes place but is not completed as advertised (e.g. it is not a 90-minute match or is split into three periods, rather than two), all bets in the match will be cancelled. If any team starts a match with less than 11 players, all bets on that match will

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be cancelled. If a match is postponed or cancelled, any bets placed prior to the scheduled start of the match will be cancelled. [For second leg knockout stage matches in cup tournaments, this wager does not apply to Team to Advance/Qualify markets.](#)

Draw No Bet

[Wager on which team will win the match. If the game finishes in a draw, then stakes will be refunded.](#)

Moneyline: Rest of Match

[All bets are determined without taking into consideration the current score at the time the bet is placed – as if the game were starting again from 0:0 score after the bet is placed.](#)

Total Shots on Target

[A deliberate attempt to score that is on target. Includes all Goals being scored and shots on target saved by the Goalkeeper. It also includes shots on target that are Blocked by a last line defending player, preventing the ball from entering the Goal. Shots directly hitting the frame of the goal are not counted as shots on target unless the ball goes in and is awarded as a goal.](#)

Total Shots Outside Box

[Wager on total number of shots taken from outside the box. A shot taken on the 18-yard line will count as being inside the box.](#)

Total Tackles

[A tackle is defined as where a player connects with the ball in a ground challenge where they successfully take the ball away from the player in possession. The tackled player must clearly be in possession of the ball before the tackle is made.](#)

Total Passes

[An intentional played ball from one player to another. Open play passes, goal kicks, corner kicks, and free kicks can be played as a pass. Crosses, throw-ins, and keeper throws do not count as a pass.](#)

Total Goalkeeper Saves

[A goalkeeper save is defined as a goalkeeper preventing the ball from entering the goal with any part of their body when facing an intentional attempt on goal from an opposition player. An attempt on goal that hits a defending player before being collected by the goalkeeper is not defined as a save and will be registered as a block. Saves have the following attributes:](#)

Body Part – Hands/Feet/Body

Save Type – Caught/Collected/Parried Safe/Parried Danger Area/Fingertip

2- Goalkeeper Position – Diving/Standing/Reaching/Stopping

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Sports Wagering Division

7. **Football:** Revision for settlement clarification.
8. **Golf:** Addition of rules to address new market types.
9. **Hockey:** Addition of rule to address new market type.
10. **Lacross:** Addition of rule to address new market type.
11. **MMA:** Rules split from Boxing. Addition of rules to address available markets.
12. **Pickleball:** Addition of rules to address available markets.
13. **Soccer:** Revision for settlement clarification. Addition of rules to address new market types.

CONCLUDING STATEMENT:

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

SPORTS BOOK WAGERING RULES:

Minimum length of play

For wagering purposes, unless otherwise stipulated in individual sports wagering rules, games are official after:

1. FOOTBALL (pro and college) – 55 minutes of play. If a match is abandoned before 55 minutes of play has been completed, all bets on the match are cancelled, except for those markets which have been unconditionally determined, unless an official result is declared by the official governing body before then.

BASEBALL RULES

Baseball Wagers

1. Baseball Daily Specials

- a. The number of games scheduled at the time of bet placement is specified in the market name. Wagers will be cancelled if any of the listed number of games fails to meet the Minimum Length of Play requirements on the scheduled date.

MLB All Star Game

All game markets will be settled after 9 innings of play, apart from the Moneyline market and those markets that specifically address events in a potential tiebreaker scenario. Any player statistic (e.g., Home Runs, Total Bases, RBI's, Runs Scored, etc.) accumulated during a potential Home Run Derby tiebreaker scenario will not be considered for settlement, unless specifically stated otherwise.

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BASKETBALL RULES

Pre-Match Basketball Wagers

1. Race to ~~X~~ Statisticpoints - Winner being the team/player who reaches the specified statisticpoints tally first.
 - a. Should neither team reach the total, and a 'Neither' option is not offered, then bets on that market will be cancelled.
 - a-b. Wagers are cancelled on a player who does not take part in the match or who comes on as a substitute after the specified statistic has been recorded.

College Basketball Conference Regular Season Winner

Wager on which team wins the College Basketball Conference in the regular season. If multiple teams are deemed co-regular season champions, bets will be settled based on the team who is awarded the top seed in the conference tournament.

BOXING AND MIXED MARTIAL ARTS RULES

Date/Site Changes

For confirmed fights if a contest is postponed and rescheduled to take place within 48 hours of the original start time, all bets on that contest will stand. If the contest does not take place within 48 hours, all bets will be cancelled. If a rescheduled fight takes place in a country different from the original country, all bets will be cancelled. If a fight is rescheduled and takes place in a different venue but in the same country, all bets stand.

Minimum Length of Play

The bell (buzzer, etc.) sounding signifies the start of the opening round and the bout is considered official for betting purposes, regardless of the scheduled length, weight, classification, and/or championship sanction. For an individual round to be considered complete, the fighters must answer the bell beginning the next round, except for the final scheduled round in which case the final bell signifies the completion of the round and fight. If a fight has a change to the scheduled number of rounds all outright bets on the match will be action, however round by round bets will be cancelled.

Boxing and Mixed Martial Arts Rules

Boxing and Mixed Martial Arts wagers are accepted in the following manner:

1. Results will be graded based on the official result at ringside as communicated by the official announcer. Any subsequent change to the official outcome of the fight for any reason will not be recognized for wagering purposes. If the official announcer does not declare a result at the end of the fight, the market will be settled on the result displayed on the applicable organization official site.
2. For wagering purposes, a wager on a fighter to win by "KO" wins if the selected fighter wins by Knock Out (KO), Technical Knock Out (TKO), or Disqualification (DQ).
3. If a fight is stopped due to an injury, disqualification, or any other stoppage by either the referee or doctor, then this will be considered a Technical Knock Out (TKO).
4. Any fight that is deemed 'No Contest' will have all wagers cancelled.
5. Fight Winner — A wager on which fighter will win the match.
 - a. If the wagering offer on a match includes the draw as a third option and the match ends in a draw, wagers on the draw will be paid, while wagers on both fighters will be lost. If the wagering offer includes only the two fighters, with the draw either not offered or offered as a separate proposition, and the match ends in a draw, wagers on either fighter will be refunded.
6. Will Go/Won't Go Round X — A wager on whether or not the match reaches this distance.
 - a. The halfway point of a round is at exactly one minute and thirty seconds into a three minute round. For example, 9½ rounds would be one minute and thirty

seconds of the 10th round. In case of a two-and-a-half-minute round, the halfway point is one minute and 15 seconds. In case of a five-minute round, the halfway point is two minutes and 30 seconds.

- b. ~~For total wagers that list a full number of rounds, the fighter must answer the bell for the following round for the round to be deemed complete. For example, on 8 full rounds the fighter must answer the bell for the 9th round for the over to be paid. If the fighter completes the 8th round but fails to answer the bell for the 9th round the under will be the winner. This applies to all rounds except the final scheduled round for which the final bell will signify the completion of the round.~~
- c. ~~If a fight is stopped before the full number of rounds have been completed, or if a fighter is disqualified and a points decision awarded, bets will be settled in the round the fight was stopped.~~
- d. ~~For Round betting, if a fight is stopped before the full number of rounds have been completed, or if a fighter is disqualified and a points decision awarded, bets will be settled in the round the fight was stopped. The fight must end in the selected round for the wager to win.~~

~~7. — Method of Victory — Wager on the exact outcome of the fight.~~

- a. ~~KO includes a referee intervention during strikes, doctor stoppage, or stoppage from a fighter's corner.~~
- b. ~~A submission includes a tap-out or verbal submission from one of the fighters, or referee stoppage due to technical submission.~~
- c. ~~If either fighter is disqualified, then a no-contest is declared and all bets are cancelled.~~

~~8. — Fight Outcomes~~

- a. ~~No Contest — In the event of a 'no-contest' being declared, all bets will be made cancelled, with the exception of selections where the outcome has already been determined.~~

~~9. — PFL Season Championship Winner~~

- a. ~~Winning markets will be settled depending on which fighter wins the PFL Championship for the specified division after the conclusion of that season's playoffs. No refunds will be given to any wagers placed on fighters that withdraw from the season due to injuries, suspensions, or for any other reason. Results will be graded on the basis of the official result at ringside as communicated by the official announcer in each respective championship fight. Any subsequent change to the official outcome of the fight for any reason will not be recognized for wagering purposes. If the official announcer does not declare a result at the end of the fight, the market will be settled on the result displayed on the applicable organization official site.~~

Boxing and Mixed Martial Arts Propositions

Various unique wagers may be offered from time to time, called proposition bets.

Boxing and Mixed Martial Arts Card Propositions

Only the main card and undercard fights will count. Early preliminaries will not be included. Wagers will stand on the number of bouts scheduled to be on the full card, which includes all main card and undercard fights. Wagers will stand so long as the exact number of bouts quoted in the market heading take place. If there are any withdrawals and subsequent replacements, wagers will stand. If a bout is cancelled without a replacement, changing the number of bouts taking place, then all wagers will be cancelled.

Boxing and Mixed Martial Arts Futures Propositions

Boxing and MMA futures are unique wagers that will be offered from time to time.

Wagering on which fighter will be a weight classes champion or league/competition champion (i.e. UFC champion) on a specific date will be determined using the governing body's official source. Interim champions do not count for settlement purposes. If the title is vacated on the designated date, then all wagers will be cancelled and stakes returned. All fighters will be deemed as action regardless if they competed in that weight division or not or were inactive due to injury, suspension, or for any other reason.

Boxing and Mixed Martial Arts Pick the Bout Propositions

For all "Pick the Round" propositions, if the length of the bout is changed from that posted or noted on printed media, all wagers are deemed "no action" and cancelled.

Boxing and Mixed Martial Arts Draw Propositions

"Draw" proposition wagers: "Decision" means fight must go to the judge's scorecard(s) to determine a winner; including technical decision.

Boxing and Mixed Martial Arts Decision Propositions

"Decision" proposition wagers: "Decision" means fight must go to the judge's scorecard(s) to determine a winner; including technical decision.

Biathlon Rules

Date/Site Changes

Race Rules:

This rule applies to World Cup races. For Tournaments (e.g. World, European or National Championships, Olympics etc.) Tournament Rules apply. All bets are settled on the official classification at the time of the podium presentation. If a race is interrupted or postponed but is held within 80 hours after the original start date, then all bets on the event are valid. If the race does not take place within 80 hours after the original start date, then all bets will be cancelled.

Tournament Rules:

All bets are settled on the official classification at the time of the podium presentation (flower ceremony). When a betting event within a sporting tournament (e.g. World, European or National Championships, Olympics etc.) is postponed within the official time allocated for the event, all transacted bets remain valid. If a betting event is unable to commence within the official time allocated, all bets are cancelled.

Biathlon Wagers

Ante post/Outright winner (others on request)

If a selection is disqualified for whatever reason, then all bets on this selection will stand.

Finish in Top 3/5/10

If a selection is disqualified for whatever reasons, then all bets on this selection will stand. Should there be a tie for the last position in the market (e.g. 2 competitors tie for 3rd in Top 3 market), then dead heat rules will apply.

Triple Head to Head

If one or more participants withdraw before they have started the event, then all bets will be cancelled. The winner will be the athlete/nation who is placed highest in the race. If an athlete/nation is disqualified or does not finish the race for any reason, then this selection is deemed a loser and the bet is decided between the remaining two athletes/nations. If two athletes/nations are disqualified or do not finish the race for any reason, then the remaining athlete/nation is deemed the winner. If all athletes/nations are disqualified or do not finish the event for any other reason, then all bets will be cancelled.

Team to lead at 1st, 2nd, 3rd exchange

All bets will be settled on the official classification at the respective exchange posted by the respective governing authority (IBU/IOC).

Bowling Rules

Date/Site Changes

Event must take place with 7 days of the advertised date in the listed city for bets to stand. Should the venue change, but remain in the same city, then all bets stand.

Minimum Length of Play

If an event does not conclude after the first frame begins, then all bets will be cancelled.

Bowling Wagers

Event Winner

Bets will be settled on the original classification by the governing body, regardless of any subsequent disqualifications or enquiries. If a competitor does take part in an event, then bets placed on that competitor or team will stand.

Boxing Rules

Date/Site Changes

For confirmed fights if a contest is postponed and rescheduled to take place within 48 hours of the original start time, all bets on that contest will stand. If the contest does not take place within 48 hours, all bets will be cancelled. If a rescheduled fight takes place in a country different from the original country, all bets will be cancelled. If a fight is rescheduled and takes place in a different venue but in the same country, all bets stand.

Future Fights and Unconfirmed Bouts

The one exception to the 48-hour date/site change rule, is fights that have been set up before the exact date is known and will be reclassified under the correct event and date, once an official announcement has been made. Where we offer prices on fights that have not been announced or had a date set, bets will stand until the fight does take place or can be cancelled on request once we are reasonably satisfied the fight will not take place.

Once a fight has been reclassified under the correct event and date, it is then subject to the 48-hour date/site change rule as normal.

Boxing General Rules

Boxing wagers are accepted in the following manner:

The official start of the fight is when the bell is sounded for the beginning of the first round. All bets will be settled according to the official result declared by the official governing body immediately after the end of the fight, with the exception of a Technical Draw (the rules for which

are set out in the 'Technical Decision/Technical Draw section below). Any subsequent appeals or amendments to the result will not be taken into account for settlement purposes.

Contestant Replaced: If one of the contestants is replaced by a substitute, bets on the original bout will be cancelled.

Fight Outcomes: No Contest - In the event of a 'no contest' being declared, all bets will be made cancelled, with the exception of selections where the outcome has already been determined.

Failure to Come Out for a Round: When a boxer fails to answer the bell for the next round bets will be settled on their opponent having won the bout in the previous round.

Tournament Betting: In Tournament Boxing, any fighter starting the tournament, who then withdraws from the event will be settled as a loser.

Technical Decision/Technical Draw:

If a fight is scheduled for more than four rounds and, after four rounds, an accidental injury occurs (e.g. a clash of heads causing a cut) the fight will be deemed to have resulted in a Technical Decision in favor of the boxer who is ahead on the scorecards at the time the fight is stopped (and all markets on the fight will stand). If the judges score the fight even at this point the result will be a Technical Draw and bets on the fight will stand with all bets on draw being deemed winners.

If the accidental injury occurs during the first 4 rounds and a Technical Draw is returned in the ring, all bets are cancelled with the exception of markets where the outcome has already been determined.

If an intentional foul causes an injury and the injury results in the fight being stopped in a later round, the injured boxer will be deemed to have won by Technical Decision if he is ahead on the scorecards. The fight will result in a 'Technical Draw' if the injured boxer is behind or even on the scorecards (and, for settlement purposes, the result of the fight will be deemed to be a draw).

Boxing Wagers

Fight Result:

Fight Result (3-Way): If the fight ends in a draw all bets on either fighter to win will be settled as losers.

Fight Result (2-Way): – If the fight ends in a draw all bets on this market will be cancelled.

Should a fight be declared a 'Technical Draw' in the ring during the first 4 rounds then all bets are cancelled.

In fights where the scheduled number of rounds changes, all bets will stand.

Individual Round Betting, Round Group Betting:

Betting on the round in which the fight result will be determined. If a fight is stopped before the full number of rounds have been completed bets will be settled on the round in which the fight was stopped.

If a boxer is disqualified or a winner declared by Technical Decision bets will be settled on the round in which the fight was stopped.

Technical Draw declared after the start of Round 5 will be settled as draw.

Should a fight be declared a 'Technical Draw' in the ring during the first 4 rounds then all bets are cancelled.

Bets to win "On Points" will only be deemed winners if the full number of rounds are completed.

When a boxer fails to answer the bell for the next round, bets will be settled on their opponent having won the bout in the previous round.

In fights where the scheduled number of rounds changes, all bets will be cancelled.

When will the fight be won?

Betting on the round in which the fight result will be determined. If a fight is stopped before the full number of rounds have been completed, bets will be settled on the round in which the fight was stopped.

If a boxer is disqualified or a winner is declared by Technical Decision/Technical Draw (after the start of Round 5), bets will be settled on the round in which the fight was stopped.

Should a fight be declared a 'Technical Draw' in the ring during the first 4 rounds then all bets are cancelled. When a boxer fails to answer the bell for the next round, bets will be settled on their opponent having won the bout in the previous round.

Bets "To go the distance" will only be deemed winners if the full number of rounds are completed.

In fights where the scheduled number of rounds changes, all bets will be cancelled.

Final Judgment:

If the fight is decided by Technical Decision bets will stand. A Decision is on scorecard points between the 3 judges.

Split Decision: Where 2 of the 3 judges score the same fighter as the winner, while the third judge scores the other fighter as the winner.

Majority Decision: Where 2 of the 3 judges score the same fighter as the winner, while the third indicates neither fighter won (i.e. draw).

Unanimous Decision: When all 3 judges have the same fighter as the winner.

All bets will be settled as losers if the fight ends in a draw, or the fight ends in a KO/TKO or DQ.

Should a fight be declared a 'Technical Draw' in the ring during the first 4 rounds then all bets are cancelled.

In fights where the scheduled number of rounds changes, all bets will stand.

Total Rounds:

Bets will be settled on the exact time that the fight is completed. Where a half is stated, this is defined by the halfway point of the round. For example, 1 minute 30 seconds into a 3-minute round or 1 minute into a 2-minute round. For settlement purposes this halfway point will define the half for over/under betting. For example, for a bet on "Over 8.5 rounds" to be a winner, the fight must last beyond 1 minute and 30 (3-minute rounds) seconds in round 9.

Where a full round is stated, bets will be settled on the round the fight ends. For example, a bet on 3rd Round or later that ends in round 3 would be a winner.

If a boxer is disqualified or the fight is decided by a Technical Decision/Technical Draw (after the start of Round 5), bets will be settled on the round in which the fight was stopped.

Should a fight be declared a 'Technical Draw' in the ring during the first 4 rounds then all bets are cancelled with the exception of markets where the outcome has already been determined.

In fights where the scheduled number of rounds changes, all bets will be cancelled.

Method of Victory:

KO/TKO/DQ (KO: When a fighter fails to stand up after a 10 count. TKO: When the bout is stopped by the referee, or one fighter retires. Disqualification: When the bout is stopped, and the referee declares one or both fighters as disqualified.)

On Points / Technical Decision: When the bout is decided by the judge's scorecards at the conclusion of the scheduled number of rounds. Technical Decision: When the bout is stopped by a cut/injury not caused by a punch and decided by the judge's scorecards before the scheduled number of rounds is completed.

Draw: When the judges' scorecards are a draw or when a Technical Draw is declared after the start of Round 5.

Should a fight be declared a 'Technical Draw' in the ring during the first 4 rounds then all bets are cancelled.

In fights where the scheduled number of rounds changes, all bets will stand.

Knockdown/Referee's Counts:

For settlement purposes, a knockdown is defined as a fighter being KO'd/ receiving a mandatory eight count (anything deemed a slip by the referee will not count).

Should a fight be declared a 'Technical Draw' in the ring during the first 4 rounds then all bets are cancelled with the exception of markets where the outcome has already been determined.

In fights where the scheduled number of rounds changes, all bets will stand.

Gone in 60 Seconds:

The fight must be officially won by the boxer in question inside the first 60 seconds of Round 1.

In fights where the scheduled number of rounds changes, all bets will stand.

Down but Not Out:

A boxer must be knocked down and given a mandatory eight count and subsequently win the fight.

In fights where the scheduled number of rounds changes, all bets will stand.

Fight to go the distance (Will the Fight Go the Full X Rounds):

Bets on Yes will be settled as winners should all the scheduled rounds be completed. If a Technical Decision or Technical Draw is recorded via the Judges' scorecards before the scheduled number of rounds, then the fight will not have been considered to have gone the distance.

In fights where the scheduled number of rounds changes, all bets will be cancelled.

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GOLF RULES

Golf Wagers

1. Nearest the Pin

Betting on which player will hit the ball nearest to the pin with their tee shot on the specified hole. Ball must be on the green to count. Bets are cancelled if all players in the group miss the green.

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2. Tee Shot in the Water

a. Betting on if the specified player's tee shot will finish in a water hazard on the specified hole. The official governing body website's stats/shot data will be used for settlement purposes.

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HOCKEY RULES

Pre-Match Hockey Wagers

1. Winner and Both Teams to Score X Goals - Wager on which team will win the game and whether both teams will score the specified number of goals. This market is settled based on regular time only and does not include overtime.

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Player X - Tee shot in the water hazard on 17th hole?
Yes/No

Group X - Any player's tee shot in the water hazard on 17th hole? Yes/No

LACROSSE RULES

Lacrosse Wagers

1. College Lacrosse Conference Regular Season Winner

- a. Wager on which team wins the College Lacrosse Conference in the regular season. If multiple teams are deemed co-regular season champions, bets will be settled based on the team who is awarded the top seed in the conference tournament.

Mixed Martial Arts Rules

Date/Site Changes

For confirmed fights, if a contest is postponed and rescheduled to take place within 48 hours of the original start time, all bets on that contest will stand. If the contest does not take place within 48 hours, all bets will be cancelled. If a rescheduled fight takes place in a country different from the original country, all bets will be cancelled. If a fight is rescheduled and takes place in a different venue but in the same country, all bets stand.

Minimum Length of Play

The bell (buzzer, etc.) sounding signifies the start of the opening round and the bout is considered official for betting purposes, regardless of the scheduled length, weight, classification, and/or championship sanction. For an individual round to be considered complete, the fighters must answer the bell beginning the next round, except for the final scheduled round, where the final bell signifies the completion of the round and fight. If a fight has a change to the scheduled number of rounds all outright bets on the match will be action, however round by round bets will be cancelled.

Mixed Martial Arts Wagers

Mixed Martial Arts wagers are accepted in the following manner:

Results will be graded on the basis of the official result at ringside as communicated by the official announcer. Any subsequent change to the official outcome of the fight for any reason will not be recognized for wagering purposes. If the official announcer does not declare a result at the end of the fight, the market will be settled on the result displayed on the applicable organization official site.

For wagering purposes, a wager on a fighter to win by "KO" wins if the selected fighter wins by Knock Out (KO), Technical Knock Out (TKO), or Disqualification (DQ).

If a fight is stopped due to an injury, disqualification, or any other stoppage by the referee or doctor, this will be considered a Technical Knock Out (TKO).

Any fight deemed 'No Contest', will have all wagers cancelled, except for selections where the outcome has already been determined.

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Fight Winner:

Wager on which fighter will win the match. If the wagering offer on a match includes the draw as a third option and the match ends in a draw, wagers on the draw will be settled as a winner, while wagers on both fighters will be settled as a loser. If the wagering offer includes only the two fighters, with the draw either not offered or offered as a separate proposition, and the match ends in a draw, wagers on either fighter will be refunded.

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Will Go/Won't Go Round X:

Wager on whether or not the match reaches this distance. The halfway point of a round is at exactly two minutes and thirty seconds into a five-minute round. For example, 1½ rounds would be two minute and thirty seconds of the 2nd round.

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For total wagers that list a full number of rounds, the fighter must answer the bell for the following round for the round to be deemed complete. For example, on 2 full rounds, the fighter must answer the bell for the 3rd round for the over to be paid. If the fighter completes the 2nd round, but fails to answer the bell for the 3rd round the under will be the winner. This applies to all rounds except the final scheduled round for which the final bell will signify the completion of the round. If a fight is stopped before the full number of rounds have been completed, or if a fighter is disqualified and a points decision awarded, bets will be settled in the round the fight was stopped.

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For Round betting, if a fight is stopped before the full number of rounds have been completed, or if a fighter is disqualified and a points decision awarded, bets will be settled in the round the fight was stopped. The fight must end in the selected round for the wager to win.

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Method of Victory:

Wager on the exact outcome of the fight. KO includes a referee intervention during strikes, doctor stoppage, stoppage from a fighter's corner or if the opposing fighter is disqualified. A submission includes a tap-out or verbal submission from one of the fighters, or referee stoppage due to technical submission. Round and Method of Victory is determined by the outcome and the round in which it occurs.

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Scheduled Number of Rounds:

If a fight has a change to the scheduled number of rounds, all outright bets on the match will be action, however round by round bets will be cancelled.

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Gone in 60 Seconds:

The fight must be officially won by the fighter in question inside the first 60 seconds of Round 1.

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Fight Outcomes:

No Contest - In the event of a 'no contest' being declared, all bets will be cancelled, with the exception of selections where the outcome has already been determined.

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Fastest Submission/KO/TKO

Winner is determined by whichever fighter has the fastest submission or KO/TKO win of the night according to the broadcast's official end time. Fights that end in DQ or a No-Contest will be cancelled. If there is an event with no Submission or KO/TKO victories, all selections will be

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cancelled and refunded. Early preliminary fights will not be offered, only standard preliminary and main card fights will be offered.

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PFL Season Championship Winner:

Winning markets will be settled depending on which fighter wins the PFL Championship for the specified division after the conclusion of that season's playoffs. No refunds will be given to any wagers placed on fighters that withdraw from the season due to injuries, suspensions, or for any other reason. Results will be graded on the basis of the official result at ringside as communicated by the official announcer in each respective championship fight. Any subsequent change to the official outcome of the fight for any reason will not be recognized for wagering purposes. If the official announcer does not declare a result at the end of the fight, the market will be settled on the result displayed on the applicable organization official site.

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Mixed Martial Arts Card Props

Various unique wagers may be offered from time to time, called proposition bets. Mixed Martial Arts Card Props only include the main card and undercard fights. Early preliminaries will not be included. Wagers will stand on the number of bouts scheduled to be on the full card, which includes all main card and undercard fights. Wagers will stand so long as the exact number of bouts quoted in the market heading take place. If there are any withdrawals and subsequent replacements, wagers will stand. If a bout is cancelled without a replacement, changing the number of bouts taking place, then all wagers will be cancelled.

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Mixed Martial Arts Futures Props

Wagering on which fighter will be a weight classes champion or league/competition champion (i.e. UFC champion) on a specific date will be determined using the governing body's official source. Interim champions do not count for settlement purposes. If the title is vacated on the designated date then all wagers will be cancelled and stakes returned. All fighters will be deemed as action regardless if they competed in that weight division or not, or were inactive due to injury, suspension, or for any other reason.

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Mixed Martial Arts Pick the Bout Props

For all "Pick the Round" propositions, if the length of the bout is changed from that posted all wagers are deemed "no action" and cancelled.

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Mixed Martial Arts Draw Props

"Draw" proposition wagers: "Decision" means fight must go to the judge's scorecard(s) to determine a winner; including technical decision.

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Mixed Martial Arts Decision Props "Decision" proposition wagers:

"Decision" means fight must go to the judge's scorecard(s) to determine a winner; including technical decision.

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Pickleball Rules

Date/Site Changes

If a match is not played on the scheduled date all bets will be cancelled. If a match is suspended and not completed before the tournament ends, wagers will be cancelled.

Minimum Length of Play

MATCHES MUST BE FULLY COMPLETED OR ELSE WAGERS ON THE MATCH WILL BE CANCELLED. IF THERE IS A RETIREMENT OR A DISQUALIFICATION AFTER THE MATCH HAS STARTED, WAGERS WILL BE CANCELLED UNLESS A WINNING MARKET HAS ALREADY BEEN DETERMINED. WAGERS WILL BE DECLARED AS CANCELLED IF ANY ORIGINAL STATED PLAYER OR PLAYERS ARE REPLACED. IF A PLAYER WITHDRAWS BEFORE THE START OF THE TOURNAMENT ALL BETS ON THAT SPECIFIC PLAYER WILL BE CANCELLED.

Pickleball Wagers

Game X Lead after X Points

This bet refers to the player that is leading after a specified number of points.

Game X Extra Points

This bet refers to whether the game will go to extra points.

Correct Score

This bet refers to the correct score of a match/game.

Competitor X Total Points Over/Under

This bet refers to the total points of a player's scoring being over/under a specified number.

Competitor X Total Points Odd/Even

This bet refers to the total points of a player's scoring being odd/even.

Match/Game Handicap

This bet refers to the point spread of a specific game or match.

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Total Games Over/Under

This bet refers to the total games going over/under a specified total.

Total Points Over/Under

This bet refers to the total points going over/under a specified total.

Game Race to X Points

This bet refers to the player that gets to the specified point number first in the game.

Game Winner/Match Winner/Point Winner

This bet refers to the winner of a specific game, match or point.

Triple Crown

This bet refers to a player winning all three different tournament brackets within a tournament (Singles, Women's or Men's doubles, and Mixed Doubles)

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SOCCER RULES

Pre-Match Soccer Wager Rules

a. For second leg knockout stage matches in cup tournaments, this wager does not apply to Team to Advance/Qualify markets.

2. Draw No Bet

a. Wager on which team will win the match. If the game finishes in a draw, then stakes will be refunded.

3. Moneyline: Rest of Match

a. All bets are determined without taking into consideration the current score at the time the bet is placed – as if the game were starting again from 0:0 score after the bet is placed.

4. Total Shots on Target

a. A deliberate attempt to score that is on target. Includes all Goals being scored and shots on target saved by the Goalkeeper. It also includes shots on target that are Blocked by a last line defending player, preventing the ball from entering the Goal. Shots directly hitting the frame of the goal are not counted as shots on target unless the ball goes in and is awarded as a goal.

5. Total Shots Outside Box

a. Wager on total number of shots taken from outside the box. A shot taken on the 18-yard line will count as being inside the box.

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6. Total Tackles

a. A tackle is defined as where a player connects with the ball in a ground challenge where they successfully take the ball away from the player in possession. The tackled player must clearly be in possession of the ball before the tackle is made.

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7. Total Passes

a. An intentional played ball from one player to another. Open play passes, goal kicks, corner kicks, and free kicks can be played as a pass. Crosses, throw-ins, and keeper throws do not count as a pass.

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8. Total Goalkeeper Saves

a. A goalkeeper save is defined as a goalkeeper preventing the ball from entering the goal with any part of their body when facing an intentional attempt on goal from an opposition player. An attempt on goal that hits a defending player before being collected by the goalkeeper is not defined as a save and will be registered as a block. Saves have the following attributes:

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i. Body Part – Hands/Feet/Body

ii. Save Type – Caught/Collected/Parried Safe/Parried Danger Area/Fingertip

iii. Goalkeeper Position – Diving/Standing/Reaching/Stopping

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Sports Wagering Division

6. **Tennis:** Revisions for settlement clarification. Addition of rules to address available markets.

CONCLUDING STATEMENT:

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

1. Baseball

1.1. General Rules

- If a game does not start on the officially scheduled day (local time), as published by the governing body, due to a rain delay or other deferral, all wagers shall be void. ~~If a game that has started is suspended, due to a rain delay or other deferral, and resumes within 48 hours of the originally scheduled start time (local time), then all wagers will stand. If a game starts, is then suspended, and resumes more than 48 hours after the originally scheduled start time (local time), all existing wagers will be void unless they have been determined prior to the game's suspension.~~
- ~~If a game that has started is suspended, due to a rain delay or other deferral, and resumes within 48 hours of the originally scheduled start time (local time), then all wagers will stand.~~ If a game is halted and scheduled to resume more than 48 hours after the original scheduled start time (local time), all wagers shall be void unless they have been determined prior to the game's suspension.
- ~~For the purposes of live betting,~~ the 8.5 Innings Rule shall automatically apply unless stated otherwise - e.g., in the section below entitled "Overview of Specific Baseball Markets" (which shall take precedence over this section). If a game is shortened due to a rain delay or other deferral, pre-live and live betting markets which have been determined will stand (irrespective of the 8.5 Innings Rule or whether an official league result has been confirmed).
 - Money Line Bets: Results are official after 5 innings (or 4.5 innings if the home team is leading)
 - All Other Bets (e.g. Total Runs, Run Line). Results are official only after 9 innings (or 8.5 innings if the home team is leading) unless the outcome has been unequivocally determined.

1.2. Player Props

- ~~Combined Strikeouts for Game: Both Listed Pitchers must start for bets to stand. Total number of strikeouts accrued within the game.~~
- Maddux: A Maddux describes a start in which a pitcher tosses a complete game shutout of at least 9 innings on fewer than 100 pitches. A singular pitcher must individually accomplish this feat for the entire duration of the game for bets to be settled as a win.
- Pitch Result: The pitch must be thrown by the listed pitcher against the listed batter, during the listed plate appearance for bets to have action. The pitch number is specific to the listed plate appearance. A pitch must be thrown in the listed plate appearance for the bets to have action. If no pitch is thrown (i.e. the pitching team elects to intentionally walk the batter before any pitches are thrown), bets on Pitch Result markets for that plate appearance will be void. Pitcher and batter violations will count towards settlement of this market. The "In Play" selections include all hits, batted balls put in the field of play, and batted balls that result in an out(s) being recorded (including outs caught in foul territory).
- Method of First Hit: Settled based on the method by which the first hit of the game (for either team) occurs. A change to the status of either listed pitcher will have no bearing on the settlement of this market. If no hits are recorded in the game, "No Hit" will be deemed the winning selection.
- Method of First RBI: Settled upon the method by which the first RBI of the game (for either team) occurs. A change to the status of either listed pitcher will have no bearing on the settlement of this market. All RBI's not recorded from a base hit will be categorized under the "Other" selection. If no RBI's are recorded in the game "No RBI" will be deemed the winning selection. Listed batters must be included in the starting line-up for bets to stand.
- Player to Record First Stolen Base: Listed players must record at least one plate appearance for bets to stand. If listed players do not record a plate appearance, bets on that player will be void. If a non-listed player is ruled the winner, bets on listed qualified players are action. If no stolen bases are recorded in the game, "No Stolen Base" will be deemed the winning selection. In the event of a double steal, the lead runner will be deemed the winning selection.
- Player to Hit First Home Run of Day: If listed player is in the starting line-up, bets are action. Listed players must be in the starting lineup for bets to have action. Any non-starters will be voided. Settlement will be determined on the time of day in which the first home run is hit, rather than the elapsed time/inning within an individual game.
- Pitches Per Plate Appearance: Automatic balls/strikes that result from pitcher/batter violations will count as pitches for settlement purposes. A pitch must be thrown in the plate appearance for bets to be action. If no pitch is thrown in the plate appearance (i.e., the pitching team elect to intentionally walk the batter before any pitches are thrown) bets on the market will be void. If any pitch or violation is thrown in the plate appearance before an intentional walk, all bets will have action. Should the listed plate appearance not occur, bets on the market will be voided. For bets to have action, a plate appearance must occur to completion (e.g. if the batter is mid plate appearance and a third out occurs to end the inning, the market will only be settled off the pitches that are thrown in the official plate appearance that occurs to begin

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the next inning). If a game ends without the conclusion of the current plate appearance, all unequivocally determined selections will have action.

- Method of First/Next/~~Last~~ Out: Settled upon mlb.com play by play within the provided selections (Strikeout, Groundout/~~Forceout/Sac Bunt~~, Flyout/Lineout/~~Sac Fly~~, Any Other Recorded Out). "Any Other Recorded Out" encompasses all additional ways to record an out not listed as a selection option. Flyouts, Lineouts, and Pop Outs, including batted balls determined to be Infield Fly's, will be deemed the same for settlement purposes. Fielder's Choice will be classified as Groundout/Forceout/Sac Bunt for settlement purposes. In the case of a walk-off (or any other situation where three outs in an inning do not occur), remaining markets will be void.
- ~~Method of Last Out: Settled upon mlb.com play by play within the provided selections (Strikeout, Groundout, Flyout/Lineout, Any Other Recorded Out). "Any Other Recorded Out" encompasses all additional ways to record an out not listed as a selection option. Flyouts, Lineouts, and Pop Outs, including batted balls determined to be Infield Fly's, will be deemed the same for settlement purposes.~~
- Total Batters Faced: Settled as the number of hitters a pitcher faces within the listed half inning. For a batter to be counted towards the total faced, the plate appearance must occur to completion (e.g. if the batter is mid plate appearance and a third out occurs to end the inning, the market will only be settled of the number of official plate appearances within the listed half-inning.

1.3. Futures Markets + Other Specials

- ~~Daily Head-To-Head~~ Strikeout Specials: For head-to-head strikeout matchups, both listed pitchers must start the game for bets on the matchup to stand. If the two listed pitchers record the same number of strikeouts, bets on the matchup will be voided. ~~For daily specials about which listed pitcher will record the most strikeouts on a given day, bets on any listed pitcher that does not start will be voided, and dead-heat rules will apply if multiple starting pitchers tie for the daily lead.~~
- Head-to-Head Total Base Special: For head-to-head total base matchups, both listed players must start the game and record at least one (1) plate appearance for bets on the matchup to have action. If the two listed players record the same number of total bases, bets on the matchup will be voided.
- Daily Strikeout Leader: All bets will have action given the listed pitcher starts on the listed date. Bets on any listed pitcher that does not start will be voided, and Dead-heat rules will apply if multiple starting pitchers tie for the daily lead among those listed in the market.
- All Star Game:
 - MLB All Star MVP: For bets to have action, players must record at least one plate appearance and pitchers must face at least one hitter within the All-Star game.
 - Reserve Pitcher Strikeouts may be offered for the All-Star game. Bets will stand if the listed pitcher throws a pitch at any during the game.

2. Basketball

2.1. Player Props – NBA, NCAA and WNBA Basketball

- First Basket Markets: Resulted on the first score of the game, inclusive of free throws, as per official NBA/NCAA box score. Should a player listed not start the game, all bets on the player selected will be void (otherwise betting is all-in). In the event of a tie at the end of the first quarter, First Basket / First Quarter Double bets are resulted as a loss.
 - Overtime First Basket Markets: Inclusive of Overtime/Double Overtime & Triple Overtime. Resulted on the first score of the specified overtime period in which the market relates to, inclusive of free throws, as per official league box score. Should a player not start in the specified period, all bets on the player selected will be void (otherwise, betting is all-in).
- The First Team Basket: Scorer will be resulted on the first scorer from each team; Should a player listed not start the game, all bets on the player selected will be void (otherwise betting is all-in).
 - Overtime First Team Basket Markets: Wagers will be resulted on the first scorer from the specified team. Should a player listed not start in the specified period, all bets on the player selected will be voided (otherwise, betting is all-in).
- Top Points Scorer markets: These rules relate to the Top Point Scorer and Overtime Top Point Scorer markets. Wagers placed on Top Point Scorer markets refer to the quoted statistic recorded by the specified player for the whole game (including overtime). As per official box score. Should a player not take part in any part of the game, the selected players wagers will be voided. For wagers placed on the Overtime periods played in the game (Regulation Periods excluded), should a player not take part in the overtime periods, wagers will be voided.

- Player Related Quick Duration Markets: These markets include Floor General, Method of Basket, Quarter Props and Quarter Prop Parlay, and Player to Score in Next Minute. A Player must take the court (for any duration of time) within the specified interval for bets to have action. For Floor General, both players must take the court (for any duration of time) within the specified interval for bets to have action.
- Method of First Basket (including Overtime First Basket markets where specified): All Rules relating to "First Basket Markets" apply. The market will be settled according to the official nba.com/ncaa.com play by play description.
- Playoff Series Props – Popular Parlays Featured: A series must come to a natural conclusion for bets to have action. Overtime Counts for settlement purposes. Wagers settled as per NBA.com official player statistics recorded extending to two decimal places for accuracy purposes. In case of two or more players ending on a tie, dead heat rules will apply. A selected player must take part in at least 50% or more games within the series for bets to have action (unless the result has been unequivocally determined.
- Playoff Series Extra Markets – Buzzer Beaters: Bets placed on this market will be settled on whether a field goal is made (not a foul shot) by one team within the last 2 seconds of regulation periods or overtime periods that results in that team winning the game outright (e.g. Home Team trails by 2 points and shoots a made 3 point shot to win the game within the final 2 seconds). This does not include a shot within the last 2 seconds to TIE the game, which they subsequently win in overtime/double overtime etc.

2.2. Mixed Martial Arts

- Knockdown/Takedowns/Significant Strikes/Strikes:
 - Markets involving significant strikes, strikes, knockdown or takedown statistics will be settled off results posted by ufcstats.com.

1. ——— z

2. ——— For Knockdown and Takedown markets, all wagers will be settled based upon data from UFCstats.com.

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3. Ice Hockey

3.1. US Ice Hockey (General)

- All game score related markets will be settled inclusive of overtime (including any subsequent shootout) unless explicitly stated to be settled on 60 Minutes or Regulation Time.
- In the event of a shootout, the winning team will be credited with one goal. This counts for all game related markets where applicable. Shootout goals do not apply to player props unless explicitly stated in market name.
- Season-Long player prop outright (such as leading goal scorer) are resulted on regular-season only.

Overview of Specific Game Markets (US Ice Hockey)

- Total Goals (Flat Line) — Settled on the total goals scored during a game. If the result is equal to the quoted index, bets will be voided.

3.2. Overview of Specific Futures Markets (US Ice Hockey)

- Team Regular Season Futures – For NHL Regular Season future wagers to have action, teams must complete 80 scheduled regular season games. For NCAA Hockey Regular Season futures to have action, teams must be completed 20 scheduled regular season conference games. For any other league not explicitly specified teams must completed 85% of their scheduled regular season games. Should a team not complete the required number of games, all wagers on that respective team's regular season points/wins will be void, unless the result is already pre-determined.

Player-Season Award/Player Regular Season Markets – Player must appear in 1 (one) game across the regular season for the specific player wager to have action for regular season awards. A player must appear in a game in the postseason for the specific player wager to have action for postseason awards. In the event a quoted player retires or does not play in the quoted season, then that respective players bets are to be voided. For awards that are reliant on statistics, Dead-Heat rules will apply if there are one or more ties (See Dead Heat Rules). Award rules apply to non-player awards such as Coaches/General Managers.

- Playoff Series Props (Player Stats in Every Game): A series must come to a natural conclusion for bets to stand. Overtime counts for settlement purposes unless explicitly stated to be a 60min only market. Wagers will have action as long as the specific player has at least one (1) second of ice time in any

game of the series. For bets to settle as a win, player must complete the required stat in every game the team plays in the series.

3.3. Overview of Player Prop Markets (US Ice Hockey)

- Full game/60 Min Related Player Markets: Players must receive time on ice, in any capacity, per the governing body box score to be considered as action. If a player does not receive any time on the ice, then all bets on the player will be void.
- 1st/2nd/3rd Period Player Related Props: Players must receive any time on ice, in the quoted period market name, as per the governing body box score to be considered as action. If a player does not receive any time on the ice in quoted period, then all bets on the player will be void. Overtime Player Period Markets are, however, subject to all-in betting (see below).
- All proposition markets are graded on the inclusion of regulation and overtime, unless otherwise explicitly stated that markets are for a specified period or 60 minutes. Player Shootout attempts/stats do not contribute unless market specifically states shootouts.
- First/Last Goalscorer – Market settled based on which player scores the first or last goal in a game. In the event that a game is scoreless in regulation and is scoreless in the overtime period, then "No Goalscorer" will be the winning selection.
- Xth Goal Scorer Markets – For markets priced with a "No Goalscorer" selection in the event a that the quoted index in market name is not scored, the "No Goalscorer" selection is the winner. All bets are action for players with any time on the ice. Bets will be void if quoted index goal is not scored in Regulation or Overtime.
- Overtime Specific Player Markets: All-In rules apply to these markets. In the event a player does not receive time on ice in Overtime, bets will be settled as per results. Game to Reach Overtime & OT Goal Scorer(s): Market quoted to reflect that game must be tied at end of Regulation and effectively overtime must be played. If game ends in regulation, all subsequent wagers are a loss. Any wager made on markets explicitly stated for overtime in games that do not reach overtime are void. A player must take the ice in overtime for bets to have action.
- Goalie Props: Props for full game markets will only have action if the listed goalie starts the game (records time on ice in the first minute). Period specific goalie props will have action if the listed goalie records any time on the ice in the quoted period, as per the governing body box score.

3.4. Overview of Specific Markets (European Ice Hockey and IIHF International Competitions)

- Race to xth Goal - The winner will be the team to achieve the number of specified goals first. For Markets quoted with a "Neither" selection, in the event the quoted index goal is not scored, "neither will be the winning selection. Should neither team reach the target, pre-match bets will void. Does not include Overtime or Shootout.

3.5. Player Props (European Ice Hockey and IIHF International Competitions)

- Players must ~~receive time appear~~ on the ice per the governing body box score during play for bets to stand. If a player does not receive any time on the ice, then all wagers on that player will be voided.
- Player Props are settled on the basis of 60 minutes, unless market explicitly states to include OT or Shootouts. Only goals scored in regulation or overtime count for settlement purposes. Shootout goals do not apply.
- Overtime counts for all player proposition markets. Only goals scored in regulation or overtime count for settlement purposes. Shootout goals do not apply.
- Xth Goal Scorer Markets: All-In Betting. In the event an unquoted selection wins, all bets still have action.

15. Soccer

15.1. General Information

24.1.1 General Information

- Player Prop markets will be settled upon statistics provided by Official Opta Data. These include Player selections on the following markets.
- All general soccer bets will be settled in accordance with official league data.
- For statistic related markets, the definitions provided within the "terminology" section will be used to determine the settlement of any bets which are placed on:
- The statistics provided by Official Opta Data will be used to determine the settlement of any bets which are placed on: (i) a given player to achieve a certain number of shots or shots on target (SOT), (ii) the total number of offsides awarded in a match or against a particular team, (iii) the total number of shots on target achieved by both sides, or either side, in a match, (iv) the total

number of tackles made by either team in a match, or (v) the total number of free kicks, goal kicks or throw-ins in a match.

- FanDuel reserves the right to settle the above markets in accordance with the definitions if there are disputes on official league data.
- “Normal Time” refers to the full length of a game (usually 90 minutes, including time added on by the referee for stoppages) and excludes any extra time or penalty shootouts.
- For head-to-head markets where there is a draw/tie option offered. If the market ends in a tie, bets on all other selections will be losers.
- Any player who takes the field for any part of a match will have action for settlement purposes. Only players not in the squad or unused substitutes will be deemed non-runners.
- For the avoidance of doubt – any FanDuel Soccer Special selection not specifically covered elsewhere will be settled in accordance with general rules – using Opta Data to determine settlement.

Abandoned, Postponed, Venue Changed or Unplayed Matches

- For major tournaments (such as the World Cup), if a game is delayed beyond midnight local time, all bets will stand and be settled once the game is played, as long as the game is played to a finish within 72 hours.

24.1.2 Terminology

- Official Opta Data will be used to settle player prop markets, see definition's below.
- “Normal Time” refers to the full length of a game (usually 90 mins, including time added on by the referee for stoppages) and excludes any extra time or penalty shootout.
- Assists can be defined as the final touch (pass, pass-cum-shot or any other touch) leading to the recipient of the ball scoring a goal. If the final touch (as defined in bold, above) is deflected by an opposition player, the initiator is only given a goal assist if the receiving player was likely to receive the ball without the deflection having taken place. Own goals, directly taken free-kicks, direct corner goals and penalties do not get an assist awarded.
- A Foul Won is defined when a player wins a free kick or penalty for their team after being fouled by an opposing player. There are no fouls won for a handball, dive, back pass, illegal restart, dissent, GK 6-second violation or by obstruction where a free kick is concerned.
 - Handball – A deliberate hand ball by an opposition player
 - Dive – A deliberate attempt for an opposition player to deceive the referee and win a free kick
 - Back Pass – A pass picked up by a goalkeeper when played from a teammate
 - Illegal Restart – An opposition player has consecutive touches directly after a dead ball situation
- Chance Created: A player will be credited with a Chance Created if they play the final pass leading to the recipient of the ball having an attempt at goal (Key Pass), or if they are credited with an assist. Where the final pass prior to a shot is blocked or deflected, this will not be credited as a Key pass
- Goal Involvement – A player will be credited with a goal involvement if they score or assist a goal
- Foul Involvement – A player will be credited with a foul involvement if they commit a foul or win a foul.

24.2.1 Goalscorer Markets

- Anytime Goalscorer

Own goals do not count

Assist Markets

- Data provided by Opta will be used to settle all assist markets.
- As determined by FanDuel's settlement guidelines, An assist is defined by the final touch (pass, pass-come-shot or any other touch) leading to the recipient of the ball scoring a goal.

Time Markets

- Goal Minutes
 - The goal minutes market is the total of the time in minutes of each goal scored. A goal scored at 23 mins & 25 seconds will be settled as the 24th minute.
 - All injury time goals will be counted as either 45th minute for the injury time at the end of the first half, or 90th minutes for injury time at the end of the second half

- This bet is 90 minutes only, extra time and penalties do not count for settlement purposes
- For team goal minutes, own goals count for the team that are awarded the goal.

24.2.2 Shots on Target

- For any bets involving a given player to achieve a number of shots on target, the final determination of Official Opta Data will be used to determine the numbers of shots on target for which the relevant player achieved, the number of shots on target will be made by FanDuel, using the definitions below. A shot on target is defined as any goal attempt that:

24.2.3 Extra Time Markets

- Extra Time Correct Score: Market applies to the result during the extra time period only. For the purposes of this market, the score shall be deemed 0-0 at the start of the extra time period.

24.2.4 Both Teams Score No Draw

- Yes Selection means both teams to score and one of the teams wins the match
- No Selection means all other outcomes

24.2.424.2.5 Tournament Markets

- Top Goalscorer
 - The top goal scorer market will be settled on the basis of the player who scored the most goals and not the Golden Boot, therefore Dead Heat Rules Apply.
 - Which player will score the most goals in the tournament.
 - Should players tie on the same number of goals, dead heat rules will apply.
 - Goals scored in a Penalty Shootout are NOT included in final goal totals.
- Golden Boot
 - The Golden Boot award is given to the player who has scored most goals. If more than one player is tied at this stage, ties are broken by another criteria and will be settled in line as per official governing body rules on the award. Goals scored in a Penalty Shootout are NOT included in final goal totals.
 - If two or more players score the same number of goals, the player with more assists will be deemed the winner.
 - If two or more players are still equal after taking assists into account, the minutes played by the player in the tournament will be taken into account, with the player playing fewer minutes ranked first.
 - The same criteria apply for each-way bets.

24.2.524.2.6 Pre-Match Combos/FanDuel Soccer Specials

- For any outright FanDuel Soccer Specials bets placed on the top goal scorer of a premier league season, the bets will be settled on the basis of the player who is awarded the Golden Boot.
- 1. If a soccer match is abandoned after it has started, we will settle FanDuel Soccer Specials bets which have already been unequivocally determined at the time on which the match is abandoned. Any FanDuel Soccer Specials bets which have not been unequivocally determined at the time of abandonment will be void unless FanDuel has knowledge that the match has been rescheduled to be played within three days of its original start date (local time) (in which circumstances the bet shall apply to the rescheduled match).

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16. Tennis

- In the event of a retirement or disqualification at any time after the match has started, all bets on the completed service games & points will stand. For match betting purposes, regardless of the point in the match, bets on the retiring player or pair will be void, while bets on the player or pairing progressing to the next round (or winning the tournament in the case of a final) will be deemed the winner, across all grades of tennis. All other markets will be voided unless the market has already been unequivocally determined, or unless otherwise states. Any markets that have already been determined will be settled as such.
- If a player or pairing retires or is disqualified in an ATP/WTA/Challenger Tour/Grand Slam/Davis Cup/BJK Cup/ATP Cup Match: (i) all match bets (i.e., bets placed on the winner of a given match) will be voided if the retirement/disqualification occurs prior to the conclusion of the first set and (ii) if the retirement/disqualification occurs following the conclusion of the first set, the player or pairing progressing to the next round (or winning the tournament in the case of a final) will, for the purpose of any match bets, be deemed the winner but match bets

placed on the retiring player or pairing will be voided (and stakes in respect of those bets refunded accordingly). Bets on all other tournaments or matches (such as ITF or exhibition matches) and bets on other markets (i.e. other than match betting markets) will be voided where a player or pairing retires or is disqualified (regardless of whether the retirement occurs during or following the first set) unless, in the case of bets on other markets (excluding Total Game Markets), the outcome of the bet had been unequivocally determined prior to the time of the retirement/disqualification (in which case, the bet shall stand and shall be settled accordingly). For the purpose of Total Games related markets, should a player retire or be disqualified, bets will settle as Win/Loss based off the minimum possible games should the match have been played to conclusion (e.g., A player retires with the score 6-4, 3-2. Total Games would be settled off the minimum amount of games left i.e., 6-4, 6-2).

- In the event of delay to the start, or suspension of the match at any point due weather or otherwise, then all bets will stand as long as the event is completed within the same tournament.
- Unless otherwise states in the name/heading of a market or selection, totals/handicaps/spreads apply to the overall match (rather than to sets or games)
- In the case of penalty points or games- these will be settled in accordance with the score update for resulting purposes.
- In the case of a dead heat in a head to head tennis market, both selections will be voided
- End of Year Grand Slam Special:
 - All bets placed on this market are for the singles event of each Grand Slam. All bets will stand if a player does not complete, or has retired or been disqualified before or during any Grand Slam. In the case of a change to surface, format of event/tournament, event location, or time of year, all bets will stand.
 - All Grand Slams must be played within that respective year. If a Grand Slam is postponed or cancelled then all bets will be void, unless in the case where the result has already been pre-determined
 - The Australian Open, French Open, Wimbledon, & US Open are deemed Grand Slams
- Player Specials
 - Unless stated otherwise, all bets placed are for the singles event of the tournament. All bets will stand if a player does not compete in related tournament(s) or throughout the year. If the player retires or is disqualified before or during any tournament, all bets will stand
 - All bets will be settled in accordance with the official ATP/WTA & ITF Websites
- All settlement rules which are included in this "Tennis" section (or elsewhere on this website) will also apply to the settlement of tennis-related Popular Parlay Wagers (e.g. Popular Parlays – Featured, Popular Parlays – Up to +900, Popular Parlays +1000 to +2400, Popular Parlays >+2500.

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Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

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

DATE: August 29, 2024

RE: Standardbred Owners of Massachusetts
Recognition

Dear Commissioners:

In accordance with Massachusetts General Law Chapter 128, Section 2 (j), the Standardbred Owners of Massachusetts, Inc. (SOM) has requested they be approved as the group of representative Standardbred breeders to administer the Massachusetts Standardbred breeding program and the Sire Stakes races for 2024.

Recommendation: That the Commission approves the request of the Standardbred Owners of Massachusetts, Inc. to be recognized as the group of representative Standardbred breeders to administer the Massachusetts Standardbred breeding program and the Sire Stakes races for 2024.



Massachusetts Gaming Commission



STANDARD BRED OWNERS OF
MASSACHUSETTS, INC.
PO Box 1862
PLAINVILLE, MA 02762

August 15, 2024

Massachusetts Gaming Commission
Racing Division
Alexandra Lightbown
Director of Racing
101 Federal St., 12th Floor
Boston, MA 02109

Dear Director Lightbown,

Standardbred Owners of Massachusetts, Inc. respectfully requests approval to be recognized as the duly organized representative group of standardbred breeders to administer the Massachusetts Standardbred Breeding program and Sire Stake races in accordance with Massachusetts General Law Chapter 128, sec. 2(j) for the upcoming 2024 season.

SOM, Inc. is a non-profit Massachusetts Corporation in good standing and has continuously administered the Massachusetts Breeding and Sire Stakes program since 1992.

Sincerely,

Nancy Longobardi

Nancy Longobardi
Secretary / Treasurer

WWW.SOMINC.NET
508-528-1877
INFO@SOMINC.NET

To: Interim Chair Jordan Maynard
Commissioner Bradford R. Hill
Commissioner Eileen M. O'Brien
Commissioner Nakisha L. Skinner

From: Justin Stempeck, Deputy General Counsel
Alexandra Lightbown, Director of Racing
Karalyn O'Brien, Chief Licensing Division

Re: PPC Racing Renewal Application

Date: August 22, 2024

In 2023, the Commission passed 205 CMR 15 updating the regulations surrounding the application and renewal process for Racing Meeting licensees. One of the sections added in this new regulation was 205 CMR 15.04: Suitability of New and Existing Licensees. As a result of this regulatory change, the renewal application was updated to reflect the additional requirements, namely the suitability of qualifiers as designated by the Licensing Division. That new question can now be found as Question #30 in the attached application.

Pursuant to statute Plainridge Park Casino must file their renewal application by October 1st and thus the Racing Division is seeking approval of the updated renewal application at this time.



Division of Racing

APPLICATION FOR LICENSE TO HOLD OR CONDUCT A RACING MEETING

APPLICATION OF: _____

FOR LICENSE TO HOLD OR CONDUCT A RACING MEETING AT:

_____ FOR CALENDAR YEAR 20__.

Pursuant to the provisions of Chapter 128A of the General Laws of the Commonwealth of Massachusetts, inserted by Chapter 374 of the Acts of 1934, as amended, the Applicant hereby makes application for license to hold or conduct a _____ racing meeting at _____ County of _____.

As used in this application the word “applicant” has the following meanings, respectively: In case of an individual applicant, the applicant. In case of a partnership applicant, all partners, including limited and silent partners. In case of a corporate applicant, all officers, directors, stockholders of record, persons owning the beneficial interest in any stock, subscribers to any stock and persons who voted any of the voting stock at the last stockholders. In the case of an LLC, all members and managers. In the case of a trust, all trustees. In the case of an unincorporated association, all members of the association.

Attached hereto, is a certified check or bank draft payable to the Massachusetts Gaming Commission in the sum of \$ _____ which is the greater of .0013 times the average daily handle for the racing meeting that occurred in 20__ or Three hundred dollars (\$300.00).

Applicant has provided the Massachusetts Gaming Commission with a surety bond issued by surety qualified to do business in the Commonwealth of Massachusetts and approved by the Commission in the amount of \$125,000 in accordance with Section 3(o) of Chapter 128A of the General Laws.

1. The name of the applicant:

2. The post office address of the applicant:

3. Address of principal office:

4. Trade name, if any, under which business is or is to be conducted:

5. The location of the race track where it is proposed to hold or conduct such meeting, including street address, municipality and county.

6. The days on which it is intended to hold or conduct such a meeting, the number of races to be run daily and the minimum purse per race.

7. The hours of each day between which it is intended to hold or conduct racing at such meeting in accordance with c. 128A §2 (5).

8. Name and address of attorney, if any, of the applicant:

9. Applicant is (check one):

- An individual
- A limited partnership
- An unincorporated association
- A general partnership
- A trust
- A corporation
- An LLC
- Other (specify)

10. If applicant is an individual, give name, address, place and date of birth.

Name _____

Residence _____

Place of Birth _____ Date of Birth _____

Submit as **Exhibit 10** three personal references including one of a bank.

11. If applicant is a corporation, LLC, partnership or other business entity:

(a) Submit as **Exhibit 11(a)** the name, place, date of birth and legal residence of each shareholder, member, manager, partner and/or officer of applicant and the office held by each.

(b) Submit as **Exhibit 11(b)** a statement showing:

(1) Class of stock issued or to be issued (designate which)

(2) Par value

(3) Vote per share

(4) Number of shares authorized

(5) Number of shares issued

(6) Number of shares subscribed

(7) Total number of shares and the percentage of shares owned by each shareholder.

(c) If applicant is a foreign corporation, LLC or partnership, submit as **Exhibit 11(c)** a statement listing the state of formation, the entity's qualification to do business in Massachusetts and the name and address of the registered agent for service of process in Massachusetts.

(d) If business entity is an LLC or other organized entity that does not issue stock, submit as **Exhibit 11(d)** a schedule of ownership listing all members/managers and percentage of entity held.

(e) If business entity is a partnership or other organized entity, submit as **Exhibit 11(e)** a schedule listing the partners or others holding an interest and the percentage of the entity held.

(f) Is the beneficial owner of any stock or share of business entity a person other than the owner of record or subscriber?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 11(f)** a statement showing:*

- (1) The name of the owner of record, or subscriber
- (2) The name of the beneficial owner
- (3) The conditions under which the owner or subscriber holds and votes or has subscribed for such stock or share of business entity
- (4) Whether applicant has any other obligations or securities authorized or outstanding which bear voting rights whether absolutely or upon any contingency
- (5) The nature of such securities
- (6) The face value or par value
- (7) The number of units authorized
- (8) The number of units issued and outstanding
- (9) The number of units, if any, proposed to be issued
- (10) The conditions or contingency upon which such securities may be voted
- (11) Facts showing whether or not such securities have been voted or entitled to be voted in in the period commencing five (5) years prior to this application.

(g) Does the applicant have officers, directors, members or managers who are also officers, directors, members, or managers of any other race track that is or has been licensed by this or any other racing or gaming commission?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 11(g)** a list of such officers, directors, members or managers, the race track or gaming facility involved, the date of licensure, the type of license and the jurisdiction in which such race track or gaming facility is located.*

12. (a) Has applicant or any of its officers, directors, members, or managers had a race track or gaming license revoked by order of decree of any Federal or State Court or any State Racing or Gaming Commission?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 12(a)** a list of such licensees, the name of the court or commission that revoked the license, the date the license was revoked and the reason for the revocation.*

(b) Have voluntary proceedings in bankruptcy been instituted by, or have involuntary proceedings in bankruptcy ever been brought against applicant or any officer, director, member or manager of applicant?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 12(b)** a list describing the name of the person or entity filing for bankruptcy, the type of petition filed in bankruptcy, the date of the filing, the court in which filed and the date of final discharge, or if ongoing, indicate the expected date of final discharge.*

(c) Are there outstanding any unsatisfied judgments, decrees or restraining orders against applicant or any officer, director, member or manager of applicant?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 12(c)** a list describing the type of the judgment, the court or other body entering the judgment, the date of the judgment, the person against whom the judgment is entered, the amount of the judgment and the reason why the judgment is unsatisfied.*

13. Does the applicant or any of its officers, directors, members, or managers, have now, or have ever had, any direct or indirect financial or other interest in:

(a) Any harness horse, running horse, or dog racing meeting conducting legalized pari-mutuel wagering?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 13(a)** a list describing the name of the officer, director, member or manager having the interest, the type of the interest, the amount of the interest, the name of the entity in which the interest is held, and the location of the entity and the jurisdiction licensing the entity.*

(b) Any application other than this pending before the Massachusetts Gaming Commission?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 13(b)** a list of all such applications, the type of application, the date such application was filed, the date the application was granted or rejected or whether the application is currently pending.*

(c) Any application for a racing license or a gaming license which has been denied by the Massachusetts Gaming Commission, the predecessor Massachusetts State Racing Commission or any other State Commission or authority?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 13(c)** a list of all such applications, including the jurisdiction in which it was filed, the type of application, the date the application was denied, the name of the applicant, and the reason for such denial.*

(d) Any harness horse, running horse, or dog racing meeting conducting pari-mutuel wagering in a State where pari-mutuel wagering, betting, pool making or gambling was not or is not legalized by State law?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 13(e)** a list of such racing meetings, the jurisdiction where the racing meetings are located and the date such racing meetings occurred.*

14. How does applicant control the real property on which the race track is located (indicate by check mark):

- Fee Simple Ownership
- Lease
- Other Authority

(a) If a previous racing applicant, please state any new changes to real property plot plan from previous year. If not a previous racing applicant, submit as **Exhibit 14(a)** the exact description, by metes and bounds, number of acres in premises, a plot plan showing the entire premises with all buildings presently on premises or proposed to be erected on said premises, information showing accessibility by highway, railroad and/or other means of public transportation, population within a 50 mile radius, and distances from principal cities, within said 50 mile radius. If applicant does not control the real property on which the race track is located by fee simple ownership, include the name and address of the fee simple owner or lessor of the real property. If the fee simple owner or lessor is a corporation, LLC, partnership or other business entity, also include a list of the officers, directors, managers, member or other persons with an interest in the fee simple owner or lessor.

(b) Does the applicant have and maintain control of the personal property necessary to operate and maintain the race track, including equipment and have and maintain control over the entire operation?

*Submit as **Exhibit 14(b)** a list describing all agreements relating to the operation and control of all equipment, personal property or other operational matters. This includes any agreement pertaining to operation of food, beverage, parking or other concessions, printing of programs or other materials, equipment leases, and subcontracting of services necessary to maintain and operate the race track. This also includes any financial interests, such as loans, and any agreement that, in the event of a default under such agreement, would have the consequence of creating a change in control of the race track.*

15. Has applicant's entire premises been approved by local authorities in accordance with Section 13A of Chapter 128A of the General Laws?

*Submit as **Exhibit 15** a copy of the applicant's approval. If applicant's premises have not been approved in accordance with c.128A §13A, explain why such approval was not obtained.*

16. Is the applicant delinquent in the filing of any report or the payment of any tax as required by Chapter 128A of the General Laws of the Commonwealth of Massachusetts or delinquent in the filing of any other report or the payment of any other tax required by the laws of the Commonwealth of Massachusetts?

YES NO

*If the answer to the question is yes, submit as **Exhibit 16** list of all delinquencies, the reason for such delinquencies and when all delinquencies will be cured.*

17. Submit as **Exhibit 17** a copy of all executed agreements with representative horsemen's organizations.

18. If license is granted applicant will carry:

(Check)

Workmen's Compensation Insurance	_____	YES	_____	NO
Public Liability Insurance	_____	YES	_____	NO
Jockey Insurance	_____	YES	_____	NO
Drivers' Insurance	_____	YES	_____	NO

Submit as **Exhibit 18** copies of all policies of insurance carried by applicant as well as a statement setting forth all other types of insurance carried for the protection of employees and patrons.

19. Submit as **Exhibit 19** the following information if not a previous racing applicant. If a previous racing applicant, please state any new changes:

(a) Grandstand:

- (1) Seating capacity
 - Box Seats
 - Reserved Seats
 - General Admission
 - Total seating capacity
- (2) Is Grandstand enclosed?
- (3) Is Grandstand heated?
- (4) Is any portion of Grandstand air conditioned?
- (5) Type of construction of Grandstand
- (6) Ground area covered by the Grandstand

(b) Club House

- (1) Seating Capacity
 - Box Seats
 - Reserved Seats
 - General Admission
 - Total seating capacity
- (2) Is Club House enclosed?
- (3) Is Club House heated?
- (4) Is any portion of the Club House air conditioned?
- (5) Type of construction of Club House
- (6) Ground area covered by the Club House

(c) Bleachers

- (1) Seating Capacity
- (2) Type of construction of Bleachers
- (3) Ground area covered by the Bleachers

(d) Parking Space:

- (1) Area
- (2) Automobile capacity
- (3) Is parking area lighted?
- (4) Is parking area treated? And if so how?
- (5) Is parking area numbered?
- (6) Is charge made for parking? And if so how much?
- (7) Are the parking area and walkways cleared of snow and ice?

(e) Number of pari-mutuel ticket windows provided:

Grandstand: _____ Selling: _ Cashing: _
Club House: _____ Selling: _ Cashing: _
Other Locations: _____ Selling: _____ Cashing: _____

(f) Toilet facilities for patrons of each sex in Grandstand, Club House and/or other locations.

(g) System of sewerage disposal. If not connected to main sewerage system give details of system used.

(h) Number of outlets for fresh, pure drinking water for patrons in grandstand, clubhouse and/or other locations.

20. Submit as **Exhibit 20** a detailed statement of security measures which will be employed for the protection of patrons, employees, occupational licensees and horses and the control of traffic within the premises and on roads leading to and from the said premises. This statement should include but not be confined to:

- (a) Number of uniformed police officers to be on duty each day inside the track;
- (b) Whether such police officers will be regular police officers or special officers;
- (c) Number of uniformed police officers detailed to traffic within the premises and on roads leading to and from the premises before, during and after racing hours;
- (d) Number of plain clothes officers or detectives assigned within the track proper;
- (e) System to be used for the detection and suppression of illegal gambling within the premises of the applicant;
- (f) System to be used in the detection and barring of pick-pockets, touts and other undesirable characters;
- (g) Name of person who will be in charge of security within the track proper;
- (h) Name of person who will have supervision of traffic control within the premises of the applicant and will act as liaison between the applicant and local police authorities in the control of traffic outside of the premises of the applicant;
- (i) Name of police authority that has been consulted in setting up security measures within the track and the control of traffic within and outside of the premises of the applicant.
- (j) System used to protect money received by the track, including security systems protecting the cash room and measures taken to ensure that all wagering equipment is working properly and free from tampering.

- 21.** Submit as **Exhibit 21**, a description of the following:
If a previous racing applicant, please state any new changes from the previous year:
- (a) Size of Track
 - (b) Number of Chutes
 - (c) Number of Stables
 - (d) Number of Stalls
 - (e) Number of Tack Rooms
 - (f) Number of Tack Rooms Heated
 - (g) Number of Shower baths in stable area
 - (h) Toilet facilities in stable area
 - (i) Fire protection in stable area including:
 - Number of sprinklers
 - Number of fire alarm boxes
 - Other fire protective measures in stable area
 - (j) A detailed statement of measures which will be employed in the policing of the stable area. This statement should include but not be confined to:
 - (1) Is stable area enclosed? If so, describe method of enclosure
 - (2) Number of gates to enclosure, where located and method of control;
 - (3) System of passes to be issued to persons employed in stable area;
 - (4) Method to be followed in allowing persons in and out of stable area;
 - (5) Number of uniformed police officers to be assigned to the stable area indicating the number in daytime hours and nights;
 - (6) Number of plain clothes officers or detectives to be assigned to the stable area, days and nights;
 - (7) Name of person who will be in charge of policing in the stable area.
 - (k) Recreation room
 - (l) Track Kitchen, including seating capacity
 - (m) Size of jockey or driver's room and equipment available including number of shower baths, toilets, hot-boxes, etc.
 - (n) List of other accommodations, facilities or services in stable area.
 - (o) List any other accommodations, facilities or services for the benefit of the patrons attending.
- 22.** Submit as **Exhibit 22** the trade name of any of the following equipment used at the track- date of purchase or the date of present contract or lease and expiration date of said contract:
- (a) Pari-Mutuel Equipment
 - (b) Starting Gate
 - (c) Photo Finish Camera
 - (d) Film Patrol
 - (e) Timing Devices
 - (f) Inter-communication system
 - (g) Public Address System
 - (h) Closed Circuit Television System
 - (i) Horse Shoe Board
 - (j) Scales

- 23.** Submit as **Exhibit 23**
If a previous racing applicant, please state any new changes from the previous year:
- (a) A copy of applicant's employee handbook
 - (b) A copy of all of applicant's policies and procedures regarding internal controls including but not limited to those policies that deal with the handling of money, or the placing of wagers both in person and via telephone or other methods
 - (c) A copy of applicant's audit committee and compliance committee charters as well as a list of the audit and compliance committee members and their relationship to the applicant
 - (d) Any other policies that indicate that applicant meets general industry standards for business and financial practices, procedures, and controls.
- 24.** Submit as **Exhibit 24** a copy of the applicant's most recent audited financial statements, most recent audited or unaudited quarterly financial statement, an audited profit and loss statement for the applicant's most recent fiscal year, a statement showing the total gross receipts for the past five calendar years received by each concessionaire operating at the race track and the amount paid to the applicant. If the receipts to the applicant are based on other than the gross receipts, explain how the receipts are calculated. Also include a description of any interest held by the applicant or any officer, director, member, manager, majority shareholder or partner in any concessionaire.
- 25.** Submit as **Exhibit 25** a statement setting forth the reasons why the applicant believes that the dates applied for will be beneficial to the public, the Commonwealth, the applicant and the Commonwealth's thoroughbred or Standardbred owners and trainers and Massachusetts based vendors and suppliers.
- 26.** Submit as **Exhibit 26** the following information:
- (a) Actual amount of purses paid in the last calendar year
 - (b) Estimated amount of purses to be paid in the next calendar year
 - (c) Actual handle generated by applicant on its live races in the last calendar year (all sources)
 - (d) Direct employment numbers attributable to applicant in the last calendar year as evidenced by the number of people who received a Form W-2 and / or Form 1099 MISC and direct employment numbers of employees who are citizens of the Commonwealth
 - (e) Indirect employment numbers attributable to applicant in the last calendar year as evidenced by statements from sub-contract companies (such as concession workers, security guards, tote personnel, etc.) as to employees assigned to applicant's facility
 - (f) Number of occupational licenses attributable to applicant in the last calendar year 2015
 - (g) Amount of tax revenue and other revenues paid to the Commonwealth in the last calendar year including total Massachusetts income tax withheld from employees, Massachusetts sales taxes paid to the Commonwealth, Massachusetts corporate taxes actually paid or payable for the most recent fiscal year, and real estate taxes, as evidenced by appropriate source documents such as Forms W-2, M941, sales tax remittance forms, etc.
 - (h) Total pari-mutuel revenue generated and paid to the Commonwealth in the last calendar year including state commissions, assessments, association license fees, occupational license fees, fines, penalties and miscellaneous revenues, other than unclaimed wagers, paid to the Massachusetts State Racing Commission and Massachusetts Gaming Commission.

27. Include as **Exhibit 27** a master list of requested simulcast imports. A new form (“Licensee Request for Simulcast Import”) MUST be completed for EACH signal and submitted to the Commission no later than November 29 of each calendar year. Approval letters from the host racetrack’s regulatory authority and both representative horsemen’s groups must be on file with MGC by the close of business on the day prior to the first day of import.
28. Include as **Exhibit 28** a master list of requested simulcast export outlets with this application. Such list should identify all secondary, satellite, and/or guest sites serviced by the primary outlet. In addition, a new form (“Licensee Request for Simulcast Export”) MUST be completed for each signal and submitted to the Commission, along with an approval letter from the applicant’s representative horsemen’s group, no later than 30 days before the first scheduled day of the live race meet.
29. Include as **Exhibit 29** a request for authorization for a system of account wagering in accordance with 205 CMR 6.20: General Account Wagering. The request shall include information related to any planned, non-monetary, incentive programs and account security plans. If a service provider is used, include copies of any and all agreements between the service provider and the applicant regarding the services to be provided by the service provider to the applicant in respect to the applicant’s account wagering operations
30. **Qualifiers and Suitability**

In evaluating this application, the Commission will consider whether the Applicants are persons likely to conduct racing in accordance with approved practices and in a manner consistent with the public safety, health, morals, and welfare. See Bay State Harness Horse Racing & Breeding Ass’n, Inc. v. State Racing Comm’n, 342 Mass. 694, 699–700 (1961).

Further, in accordance with G.L. c. 128A, § 3(i) the Commission must consider “the interest of members of the public in racing competition honestly managed ...”

With the above principles in mind, please complete a Business Entity Disclosure form and/or a Multijurisdictional Personal History Disclosure form with Massachusetts Supplement for each Qualifier as so designated by the Licensing Division.

31. General Conditions

- (1) Approval of a race meeting by the Commission does not establish the Commission as the insurer or guarantor of the safety or physical condition of the association's facilities or purse of any race.
- (2) By submitting this application, applicant agrees to indemnify, save and hold harmless the Commission from any and all liability arising from unsafe conditions at the applicant’s premises and default in payment of purses.
- (3) Applicant shall provide the Commission with a certificate of liability insurance as required by the Commission.
- (4) Applicant shall maintain in an approved depository, those amounts deducted from the pari-mutuel handle for distribution for the purposes specified in the Ch. 128A, 128C, and Commission rules.
- (5) Applicant and its managing officers are jointly and severally responsible to ensure that the amounts retained from the pari-mutuel handle are distributed according to the Ch. 128A, 128C, and Commission rules and not otherwise.
- (6) Applicant and its managing officers shall ensure that all purse monies, disbursements and

appropriate nomination race monies are available to make timely distribution in accordance with Ch. 128A, and Commission rules.

The applicant agrees, if a license is issued, to abide by and comply with the provisions of Chapters 128A and 128C of the General Laws now in effect or as hereafter amended and any rules and regulations heretofore or hereafter promulgated by the Massachusetts Gaming Commission. The applicant agrees that that if a license is granted, it will become the duty of the applicant as long as the license shall remain in effect, to file with the Massachusetts Gaming Commission such reports as may be required by Chapters 128A and 128C of the General Laws now in effect or as hereafter amended and such rules and regulations as it has adopted or may hereafter adopt, and to make such payments as may be required by law, and for failure so to do, the licensee shall incur the penalties set forth in Chapters 128A and 128C of the General Laws, or in such rules and regulations as said Massachusetts Gaming Commission has adopted or may hereafter adopt.

The applicant agrees to comply with all federal, state or local laws, rules, regulations or ordinances, now in effect or hereafter adopted applicable to applicant's activities allowed under a license granted by the Commission.

The applicant agrees that any construction on the premises covered by a license granted by the Commission shall be subject to the inspection of Commission and to that end further agrees that the Commission, its agents, representatives or employees, shall have access to the same during construction, and further agrees to so construct in strict accordance with such plans and specifications as may hereafter be approved by the Commission and to pay for the cost and expense incurred for the study and approval of the plans and specifications and inspection of the construction by said Massachusetts Gaming Commission. The applicant agrees that all buildings erected or to be erected on the premises here involved may be inspected by the Massachusetts Gaming Commission and their duly authorized agents, representatives or employees at any time, with or without prior notice to applicant.

Applicant agrees that all exhibits, statements, plans reports, papers, etc. submitted with the application are made a part hereof and are incorporated into this application as if set forth herein in full.

Applicant states under penalty of perjury that the answers provided in this application are true and correct. Applicant agrees that any license which may hereafter be granted is predicated upon statements and answers herein contained and that if the Commission determines that any information provided herein is false or misleading said license may be revoked.

Applicant:

By:

Date:

WITNESS:

WITNESS:

ATTEST:

Secretary (Affix Corporate Seal)

AFFIDAVIT BY INDIVIDUAL APPLICANT

Commonwealth of Massachusetts, County of _____.

_____, being duly sworn, upon ____ oath deposes and says that: The answers, statements and declarations made in the foregoing application are true.

Subscribed and sworn to before me this ____ day of _____.

_____ Signature of Affiant

_____ Signature of officer administering oath

_____ Title of such officer

AFFIDAVIT BY CORPORATE APPLICANT

Commonwealth of Massachusetts, County of _____.

_____, being duly sworn, upon ____ oath deposes and says that:

1. She/he is the _____ of the corporation named as the applicant and signed the foregoing application.
2. She/he was duly authorized by the Board of Directors of said corporation to sign said application in its name and in its behalf.
3. She/he has read and fully understands all of the questions pertaining to such applicant corporation and that all of the foregoing answers, statements and declarations made thereto are true.

Subscribed and sworn to before me this ____ day of _____.

_____ Signature of Affiant

_____ Signature of officer administering oath

_____ Title of such officer

AFFIDAVIT BY PARTNERSHIP APPLICANT

Commonwealth of Massachusetts, County of _____.

_____, being duly sworn, say on their respective oaths that:

1. They are the partners of the partnership named as the applicant in the foregoing application.
2. They have read and fully understand all of the questions pertaining to such applicant partnership and are authorized by all of said partners to make this affidavit.
3. That all of the foregoing answers, statements and declarations made thereto are true.

Subscribed and sworn to before me this ____ day of _____.

_____ Signature of Affiant

_____ Signature of officer administering oath

_____ Title of such officer

AFFIDAVIT BY LIMITED LIABILITY COMPANY APPLICANT

Commonwealth of Massachusetts, County of _____.

_____, being duly sworn, upon ____ oath deposes and says that:

1. _____ is the _____ of the Limited Liability Company named as the applicant and signed the foregoing application.
2. _____ was duly authorized to sign said application in its name and in its behalf.
3. _____ has read and fully understands all of the questions pertaining to such applicant and that all of the foregoing answers, statements and declarations made thereto are true.

Subscribed and sworn to before me this ____ day of _____.

_____ Signature of Affiant

_____ Signature of officer administering oath

_____ Title of such officer



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

FROM: Carrie Torrisi, Deputy General Counsel
Crystal Beauchemin, Sports Wagering Business Manager
Kevin Gauvreau, Information & Network Security Manager
Cristian Taveras, Gaming Technical Compliance Manager
Nathan Saylor, Gaming Systems Analyst

DATE: August 29, 2024

RE: Ohio Regulatory Amendments Regarding Sports Wagering Account Multi-Factor Authentication Requirements

The Ohio Casino Control Commission (the "OCCC") recently voted to amend Ohio Administrative Code Rule 3775-16-03 to require (rather than authorize) patrons to protect access to funded sports wagering accounts with multi-factor authentication (MFA) methods. Under Ohio's regulation, the use of MFA will be required at *each* login. The Ohio regulation is still being finalized under the state's regulatory process and has an estimated effective date of October 28, 2024.

The Commission does not currently require the use of MFA; the Legal Department is seeking input from the Commission and guidance on whether you would like us to draft proposed regulations mandating MFA for further discussion.

I. What is MFA

Multi-factor authentication is a multi-step account login process that requires users to enter more information than a password alone. For example, along with a password, patrons might be asked to enter a code sent to their email or phone, answer a secret question, or scan a fingerprint.

The New Jersey Division of Gaming Enforcement defines "multi-factor authentication" as:

[a] type of strong authentication that uses two of the following to verify a patron's identity:

1. Information known only to the patron, such as a password, pattern or answers to challenge questions;

- 2. An item possessed by a patron such as an electronic token, physical token or an identification card; or
 - 3. A patron's biometric data, such as fingerprints, facial or voice recognition.
- N.J.A.C. 13:69O-1.1

II. Operators’ Comments on Ohio Regulation

During its regulation review process, the OCCC received comments from several operators, which are included herein. Several comments recommended that MFA not be required at every login instance, but instead be required at initial login on a new device and then at set intervals, such as every two weeks, on each unique device. Several operators also recommended maintaining the option for players to enable MFA at every login at their own discretion.

DraftKings provided specific comments recommending the inclusion of a list of approved MFA methods rather than requiring that MFA methods be approved on a case-by-case basis. That list included:

- (1) A one-time password/code sent to a device or account that is confirmed to be owned/possessed by the owner of the sports gaming account;
- (2) Use of software tokens (authentication apps or software such as google authenticator or Microsoft authenticator);
- (3) Biometric verification;
- (4) Device recognition; or
- (5) Any other methods as approved.

III. MFA in Other Jurisdictions

Several jurisdictions either authorize or require the use of MFA methods. The following information is not an all-inclusive survey, but is intended to be a snapshot of MFA provisions in other jurisdictions.

Ohio, as discussed above, will begin requiring the use of MFA methods at each login (where the use of such methods was previously authorized but not required). New Jersey, Iowa, and Pennsylvania require the use of MFA at login and, after successful login, at least every 14 days thereafter for each unique device. Illinois and Michigan do not *require* the use of MFA at login, but provide patrons with the option to opt-in to the use of MFA methods.

Jurisdiction	MFA Required at Login
Ohio	Yes, at <i>each</i> login
New Jersey	Yes, at initial login and every 14 days thereafter

Iowa	Yes, at initial login and every 14 days thereafter
Pennsylvania	Yes, at initial login and every 14 days thereafter
Illinois	No, optional
Michigan	No, optional

IV. Massachusetts Operators' use of MFA

The Commission's regulation 205 CMR 248:07(3): *Account Access* provides that “[p]atrons must be given the option to use a multi-factor authentication process when accessing their account.” Bally Bet is the only operator that currently requires MFA at account login, while the remaining operators allow patrons to opt-in to MFA at each login. With respect to Bally Bet's requirements, MFA is required for all new devices at initial login and, after successful login, every 14 days thereafter for each unique device (which is in line with the MFA requirements in New Jersey, Iowa, and Pennsylvania).

Operator	MFA Required at Login
Bally Bet	Yes, at initial login and every 14 days thereafter
BetMGM	No, optional
Caesars	No, optional
DraftKings	No, optional
ESPN BET	No, optional
Fanatics	No, optional
FanDuel	No, optional

V. Best Practices for use of MFA

The recommended best practice with respect to MFA is to use MFA methods whenever possible. The frequency at which a user should be required to use MFA when signing in to a device or

platform is typically a decision to be made by striking a balance between security and convenience and is generally determined by the type of data you are trying to secure.

VI. Questions for Commission

1. Does the Commission want to require MFA?
2. If so, at what touchpoints does the Commission want to require MFA (*e.g.*, account login, intermittent account login, withdrawal of funds, etc.)?
3. If so, does the Commission want to lay out particular pre-authorized methods of MFA or require all methods to be reviewed on a case-by-case basis?

Rule 3775-16-03 | Sports gaming accounts.

(A) Online sports pool wagers may only be placed through a sports gaming account compliant with the provisions of this rule.

(B) As required by paragraph (B) of section 3775.12 of the Revised Code, a patron must register with a type B sports gaming proprietor and place all wagers on sporting events with a type B sports gaming proprietor through that registration. This registration is to be a sports gaming account compliant with the provisions of this rule.

(C) Each sports gaming proprietor must have procedures for ensuring sports gaming accounts comply with this rule and any other requirements of Chapter 3775. of the Revised Code and the rules adopted thereunder, including ensuring, through commercially reasonable means, that:

(1) An individual who falls into a category of a prohibited person under section 3775.13 of the Revised Code is not permitted to create a sports gaming account, or permitted to continue to make wagers once they become prohibited, for as long as that status applies; and

(2) A patron's identification is re-verified upon reasonable suspicion that the patron's identification or account has been compromised.

(D) Sports gaming proprietors must ensure that all sports gaming accounts:

(1) Include the following information for each patron, and the sports gaming proprietor must update this information each time it becomes aware of changes:

(a) Full legal name;

(b) Date of birth;

(c) Primary address;

(d) Sports gaming account number or username;

(e) If obtained pursuant to paragraph (D)(2)(a) of this rule, the type of government-issued identification examined, the government-issued identification number on the identification, and a digital copy of the identification;

(f) The method and any other information used to verify the patron's identity;

(g) The date of identity verification; and

(h) A history of the wagers placed;

(2) Are only created for patrons whose identities have been successfully verified and documented. Verifying and documenting the patron's identity must include:

(a) Digital or physical examination of the patron's government-issued identification, including the use of verification software designed to confirm the authenticity of the identification; or

(b) Methodology for multi-source authentication, which may include third party and governmental databases, as approved by the executive director;

(3) Provide for the following upon account creation:

(a) A patron must certify that the information provided to the sports gaming proprietor is accurate and they are not an excluded or otherwise prohibited sports gaming participant. The sports gaming proprietor must document this certification;

(b) A patron must acknowledge that the legal age for sports gaming is twenty-one years of age, and that they are prohibited from allowing any other person to access or use their sports gaming account. The sports gaming proprietor must document this acknowledgment; and

(c) A patron must be notified of available responsible gaming resources;

(4) Provide patrons with a readily accessible method for closing an account through the sports gaming proprietor's website or application or upon contact with the proprietor's customer service team. Upon account closure, the patron must be notified of available responsible gaming resources, including a helpline number compliant with paragraph (A)(3) of rule 3775-16-08 of the Administrative Code; and

(5) Provide patrons with on-demand access to a summary statement of all their patron account wagering activity during the past year. In addition, a sports gaming proprietor must provide patrons the ability to request a summary statement of all their patron account wagering activity during the past five years. On-demand access and requests must be accessible through the sports gaming proprietor's website, application, or sports gaming facility.

(E) A sports gaming proprietor may allow a sports gaming account to be deposit-enabled. In addition to the listed requirements, a deposit-enabled account must:

(1) Allow, in accordance with the proprietor's house rules, accounts to be funded only through the use of:

(a) Deposit of cash or vouchers at an approved cashiering or kiosk location;

(b) Credit or debit card;

(c) Promotional credit;

(d) Winnings;

(e) Corrections made by the sports gaming proprietor with documented notification to the patron;

(f) ACH transfer;

(g) Wire transfer; or

(h) Any other means approved by the executive director;

(2) Notify the patron of the establishment of a sports gaming account via electronic mail or regular mail;

(3) Provide patrons with an easy and obvious method, immediately upon initial account registration and at all times through the sports gaming proprietor's website or application, to impose limitations for betting parameters including, but not limited to, deposits, wagers, and time-based limitations. The self-imposed limitation method must provide the following functionality:

(a) Upon receiving any self-imposed limitation request, the sports gaming proprietor must ensure that all specified limits are correctly implemented immediately or at the point in time that was clearly indicated by the patron;

(b) The self-imposed limitations set by a patron must not override more restrictive sports gaming proprietor-imposed limitations. The more restrictive limitations must take priority;

(c) Once established by a patron and implemented by the sports gaming system, it must only be possible to reduce the severity of self-imposed limitations upon the expiration of the self-imposed period; and

(d) An option must be available for patrons to set automatically renewing self-imposed limits;

(4) Include the following additional information for each patron, and the sports gaming proprietor must update this information each time it becomes aware of changes:

(a) Telephone number;

(b) Electronic mail address; and

(c) Social security number, or the last four digits of the social security number, or an equivalent identification number for a noncitizen patron, such as a passport or taxpayer identification number;

(5) ~~Provide~~ Require patrons ~~the option~~ to protect access to funded sports gaming accounts with multi-factor authentication or similar authentication method, as approved by the executive director;

(6) Prohibit a patron from transferring funds from a sports gaming account to another sports gaming account;

(7) Allow patrons to withdraw the funds maintained in his or her account, whether such account is open or closed, within five business days of the request. A request for withdrawal will be considered honored if it processed by the sports gaming proprietor notwithstanding a delay by a payment processor, credit card issuer or the custodian of a financial account. If the sports gaming proprietor believes in good faith that the patron engaged in either fraudulent conduct or other conduct that would put the sports gaming proprietor in violation of the law, the sports gaming proprietor may delay the withdraw of funds to investigate or otherwise comply with the law. In such cases, the sports gaming proprietor must:

(a) Provide notice to the patron of the general nature of the investigation of the account; and

(b) Conduct its investigation in a reasonable and expedient fashion, providing the patron additional written notice of the status of the investigation at least every tenth business day starting from the day the original notice was provided to the patron; and

(8) Refund any balance remaining in a sports gaming account closed by a patron according to the account withdrawal requirements of this rule.

(F) A sports gaming proprietor that allows for deposit-enabled sports gaming accounts as described in paragraph (D) of this rule must have procedures in place to ensure that the manual addition or subtraction of funds, by the sports gaming proprietor, in a deposit-enabled sports gaming account are either:

- (1) Reviewed for any adjustments of five hundred dollars or less; or
- (2) Authorized in advance by supervisory personnel for all other adjustments.

Metzler, Tessa

From: Jess Panora <Jess.Panora@betmgm.com>
Sent: Friday, January 26, 2024 4:23 PM
To: Rule Comments
Cc: Robyn Bowers; Matthew Barrack
Subject: BetMGM Comments on Proposed Changes to Ohio Adm. Code 3775-16-03
Attachments: 01-26-2024 - Comment for Proposed Change to Ohio Adm. Code 3775-16-03, Sports Gaming Accounts.pdf

Good Afternoon,

BetMGM is pleased to submit the attached comments on the proposed changes to Ohio Adm. Code 3775-16-03, Sports Gaming Accounts.

Please reach out should you have any questions.

Thank you for the opportunity,

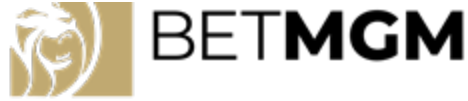
Jess Panora

Regulatory Administration Analyst - Compliance

E: jess.panora@betmgm.com



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January 26, 2024

Via Electronic Mail

Ohio Casino Control Commission
100 E. Broad St 20th Floor
Columbus, OH 43215

RE: Sports Wagering Regulation for Comment

Dear Commissioners,

BetMGM thanks the Commission for offering the opportunity to review and provide comments on the proposed amendment to Ohio Adm. Code 3775-16-03, Sports Gaming Accounts. Leveraging its extensive expertise as a sports betting operator and its collaborative efforts with regulators in twenty-nine jurisdictions during the formulation of their regulations, BetMGM aims to provide constructive input to enhance the effectiveness of Ohio operations and align the proposed procedures with the regulations of other states for consistency. BetMGM respectfully submits the following comments for consideration.

Rule 3775-16-03 | Sports gaming accounts.

OCCC Proposed Regulation Update:

(5) ~~Provide~~ **Require** patrons ~~the option~~ to protect access to funded sports gaming accounts with multifactor authentication or similar authentication method, as approved by the executive director;

BetMGM Comment:

BetMGM recently began enforcing MFA for all logins from an unrecognized device and has seen a significant decline in the number of account-related player complaints since this was implemented. Additionally, BetMGM has the capability to implement a "trust" window for successful MFA logins such that after a two-week period, the device returns to an unrecognized status and must undergo an MFA login again the next time a login attempt is made with said device. BetMGM feels that requiring MFA for logins from all new devices and then again at most every two weeks thereafter, strikes a middle ground that provides ample account security while not having a severe negative impact the player experience, and that the option to enable MFA on every login should remain up to the player to enable at their discretion.

We again want to express our appreciation for your thoughtful consideration of BetMGM's feedback on the Commission's proposed regulations. Should you have any questions about our submission or wish to discuss it further, please feel free to contact us.

Sincerely,

BetMGM

Metzler, Tessa

From: Dean Hestermann <DHestermann@caesars.com>
Sent: Friday, January 26, 2024 3:20 PM
To: Rule Comments
Subject: Comment on proposed amendment in Ohio Adm. Code 3775-16-03, Sports Gaming Accounts

Dear Sir or Madam,

On behalf of Caesars Sportsbook, I thank you for the opportunity to provide comment on the proposed change related to multi-factor authentication in Ohio Adm. Code 3775-16-03, Sports Gaming Accounts.

Caesars strongly supports various multi-factor authentication initiatives to help customers protect their information and accounts. Across the jurisdictions where we operate, we have found the best approach is a mix of regulatory requirements and user-controlled options. Some examples of when multi-factor authorization might be required is upon the use of a new device, or after a specified period of inactivity (such as a period ranging from 30-90 days). Opportunities at a customer's control might include giving the customer the ability to enable multi-factor authentication on every log-in, or potentially upon certain other events.

We would encourage the Commission to strike a balance between these two kinds of options, and to consider the technical capabilities of Ohio sports betting operators and applications to determine the other events where they might be required to offer customers the option of multi-factor authentication. It may take some time for operators to modify their software and systems to permit multi-factor authentication upon some events.

Again, thank you for the opportunity to provide comment.

Sincerely,
Dean Hestermann



Dean Hestermann | *Vice President, Issues Management and Strategic*

Communications

O 901-652-8787

1821 Overton Park Avenue | Memphis, TN 38112

Caesars | Harrah's | Horseshoe

www.caesars.com

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Metzler, Tessa

From: Kevin Cochran <kcochran@draftkings.com>
Sent: Friday, January 26, 2024 10:47 AM
To: Rule Comments
Cc: Sarah Meuli; David Prestwood
Subject: DraftKings - Comments to Proposed Rule 3775-16-03
Attachments: DraftKings - Sports Gaming Comment - 1-26-2024.pdf

Good morning,

Thank you for the opportunity to provide feedback on the proposed changes to rule 3775-16-03. Attached, please find feedback from DraftKings and let us know if the Commission has any questions or would like to follow up related to our submission or another matter.

Thanks again and have a nice weekend,

Kevin

KEVIN COCHRAN

Director, Legal and Government Affairs
DraftKings Inc.
215-290-4428



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January 26, 2024

Via E-Mail to rulecomments@casinocontrol.ohio.gov

Ohio Casino Control Commission
100 East Broad Street, 20th Floor
Columbus, OH 43215

RE: SPORTS GAMING RULE (3775-16-03) FOR COMMENT

In response to the Ohio Casino Control Commission’s (“Commission”) proposed Sports Gaming rule change related to Sports Gaming Accounts, as distributed to Sports Gaming Stakeholders on January 16, 2024, Crown OH Gaming LLC d/b/a DraftKings ("DraftKings") submits the following comments and questions for consideration. As a leading sports wagering operator in the United States, DraftKings has first-hand experience with regulatory frameworks that address sports wagering, and submits these comments based on its operational knowledge in multiple regulated markets.

Rule 3775-16-03 | Sports gaming accounts

Reason for Change: DraftKings respectfully requests the Commission consider amending this provision to narrow the circumstances upon which a patron must perform multi-factor authentication (“MFA”) to only a first-time login on a new device or every 14 days. Limiting MFA in this regard achieves account security without compromising the user experience in a way that comports with industry standards in leading jurisdictions such as Iowa, New Jersey and Pennsylvania. DraftKings respectfully requests consideration of limiting the user burden on an Ohio patron while still requiring MFA at least once every two weeks.

Proposed Rule Language (including the Commission’s proposed amendments):

5) ~~Provide~~ Require patrons ~~the option~~ to protect access to funded sports gaming accounts with multi- factor authentication or similar authentication method, as approved by the executive director, **when the patron logs in through a specific device for the first time, and at least every fourteen days for each unique device;**

* * * * *

Thank you for your consideration of DraftKings’ comments regarding the Commission’s proposed changes to Rule 3772-16-03. Please feel free to reach out should you or anyone else at the



Commission have any questions about our submission or our experience in other regulated jurisdictions.

Sincerely,

DraftKings Inc.

Metzler, Tessa

From: Michael Levine <michael.levine@betfanatics.com>
Sent: Friday, January 26, 2024 8:13 PM
To: Rule Comments
Subject: FBG Public Comments: 3775-16-03

Ohio Casino Control Commission,

Fanatics Betting & Gaming ("FBG") appreciates the opportunity to comment on the proposed amendment to Ohio Adm. Code 3775-16-03. FBG welcomes the addition of multi-factor authentication ("MFA") to secure customer accounts. That said, FBG proposes that the Ohio Casino Control Board contemplate a 14-day (for example) grace period (similar to other jurisdictions) whereby customers are required to complete MFA once every 14 days, per device. In addition, FBG respectfully requests that when this rule is enacted that there be an implementation period of approximately three (3) months to account for any updates to the rule post comment period.

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

Thank you,

Mike

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Metzler, Tessa

From: Daniel Mulhall <daniel.mulhall@betfanatics.com>
Sent: Friday, January 26, 2024 4:25 PM
To: Rule Comments
Cc: Alex Smith; Lauren Lemmer
Subject: FBG Comment: Ohio Adm. Code 3775-16-03

All,

While Fanatics Betting & Gaming supports OCCC's commitment to increased patron account security and believes multi-factor authentication to be a critical tool towards furthering those goals, our experience in other jurisdictions has shown that these goals can be met while also limiting patron friction on each login attempt. To that end, we would like to submit an addition to the proposed amended section to include a fourteen day grace period following successful multi-factor authentication on a unique device. This proposed revision is consistent with requirements in both New Jersey and Pennsylvania, which allow for the grace period only after a device has been successfully authenticated. Logins on new devices will require multi-factor authentication.

Rule 3775-16-03 | Sports gaming accounts

(5) Require patrons to protect access to funded sports gaming accounts with multi-factor authentication or similar authentication method, as approved by the executive director. After successful login, multi-factor authentication will need to be performed at least every fourteen days for each unique device.

We appreciate your consideration in advance. Thank you.

--

Dan Mulhall
Senior Manager, New Markets
m. 201.572.0032
Fanatics Betting & Gaming

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Metzler, Tessa

From: Nicolas Soto <nicolas.soto@fanduel.com>
Sent: Wednesday, January 24, 2024 11:47 AM
To: Rule Comments
Cc: Cory Fox; Josh Mehta; Tom Smith
Subject: FanDuel Comments on Proposed Amendment to Ohio Adm. Code 3775-16-03
Attachments: FanDuel Comments on Proposed Ohio Sports Gaming Amendments - 01.24.24.pdf

Good Morning,

Please see attached FanDuel comments regarding the Proposed Amendment to Ohio Adm. Code 3775-16-03.

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

Sincerely,

Nicolas Soto
Compliance Manager
Nicolas.Soto@FanDuel.com | (914) 356-2626



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Cory Fox
Cory.fox@fanduel.com

January 24, 2024

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 amendment to “Ohio Adm. Code 3775-16-03.”

Dear Executive Director Schuler:

I write to provide comments on behalf of FanDuel Group, Inc. (“FanDuel”) regarding the Ohio Casino Control Commission’s (the “Commission”) proposed amendment to “Ohio Adm. Code 3775-16-03.” (“Proposed Amendment”). Based on our extensive experience as an operator in the sports betting industry and collaborator with regulators of sports wagering in many states in the development of their regulations, we offer constructive feedback on ways in which the Proposed Amendment can be improved to be effective for both the Commission and operators, as well as ultimately in enhancing customer protections.

We thank the Commission for affording stakeholders the opportunity to provide comments on the Proposed Amendment.

The Proposed Amendment would “Require patrons to protect access to funded sport gaming accounts with multi-factor authentication or similar authentication method, as approved by the executive director.” Other states that have similarly moved toward requiring multi-factor authentication to enhance patron account protections, such as Iowa¹, New Jersey², and Pennsylvania³, have embraced trusted device functionality and required patrons to utilize multi-

¹ Authentication for log in using a multi-factor authentication process or other secure alternative means as authorized by the commission. After successful log in, multifactor authentication will need to be performed at least every fourteen days for each unique device. [ARC 7070C – Proposed Amendments to be considered during 01/25/24 Iowa Racing and Gaming Commission Meeting - <https://irgc.iowa.gov/media/293/download?inline=> - see Item 11 on pp. 8-9 for relevant text]

² Once a patron has successfully logged in using multi-factor authentication, subsequent logins to the same account on that same device can be exempt from multi-factor authentication for a period not to exceed two weeks. New Jersey Division of Gaming Enforcement Multi-Factor Authentication Best Practices.

³ The new MFA requirement will entail the Interactive Gaming Operator to employ an MFA method for each device that a patron utilizes to access their interactive gaming account. Once a device is authenticated using MFA, the MFA process will



factor authentication at login once every 14 days for each unique device. Embracing trusted device functionality in this manner would provide a mechanism to adequately protect patron accounts, while ensuring the user experience in Ohio remains consistent with other US jurisdictions that require multi-factor authentication for sports gaming accounts.

We suggest the following edits to the Proposed Amendment. For the sake of clarity, proposed additions will be shown in **bold and underlined** text.

Rule 3775-16-03 | Sports gaming accounts

(E) A sports gaming proprietor may allow a sports gaming account to be deposit-enabled. In addition to the listed requirements, a deposit-enabled account must:

(5) Require patrons to protect access to funded sports gaming accounts with multi-factor authentication or similar authentication method, as approved by the executive director, **for each new device. After a successful login with multi-factor authentication or similar authentication method for a specific device, the patron is not required to utilize multi-factor authentication or a similar authentication method to access their account from that device for a period of 14 days.**

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

Sincerely,

Cory Fox
Vice President for Product and New Market Compliance

not be required again for that device for a period of fourteen days. Once the fourteen days have past, the patron will have to reauthenticate their device using the MFA process. Each different device a patron uses to access their interactive gaming account will have to perform MFA and the MFA will remain valid for fourteen days after the last time that device successfully passed MFA. Pennsylvania Gaming Control Board Letter regarding Interactive Gaming Account Multi-Factor Authentication (MFA) Requirement.

Metzler, Tessa

From: Neil Squires <NSquires@delawarenorth.com>
Sent: Friday, January 26, 2024 9:28 AM
To: Rule Comments
Cc: Anthony Campoli
Subject: FW: Sports Gaming Rule for Comment - 01/16/24

Hello OCCC,

Related to the questions previously sent, the first and third questions still stand and would like response. The second item we would like to put forth as a comment:

- Gamewise would like to see MFA defined within the Rules to help ensure there is no ambiguity as to what is intended.

Thank you.

Best,

Neil Squires | Sr. Compliance Manager
GAMEWISE

From: Neil Squires
Sent: Wednesday, January 17, 2024 10:44 AM
To: rulecomments@casinocontrol.ohio.gov
Cc: Anthony Campoli <ACampoli@delawarenorth.com>
Subject: FW: Sports Gaming Rule for Comment - 01/16/24

Hello OCCC,

Gamewise/MVGBet has some questions related to this rule change proposal:

1. What is the expected/anticipated timeline on when the OCCC will expect the MFA to be in place as a platform requirement?
2. How does the OCCC define MFA?
3. Would Captcha be considered a "*similar authentication method*" by the OCCC?

We look forward to your responses.

Best,

Neil Squires | Sr. Compliance Manager
GAMEWISE

From: Ohio Casino Control Commission <communications@casinocontrol.ohio.gov>
Sent: Tuesday, January 16, 2024 3:36 PM

To: Neil Squires <NSquires@delawarenorth.com>

Subject: Sports Gaming Rule for Comment

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Sports Gaming Stakeholders,

The Commission is proposing an amendment to one Sports Gaming rule: Ohio Adm. Code 3775-16-03, Sports Gaming Accounts. The change is intended to streamline and update regulatory language related to multi-factor authentication. The proposed version of this rule can be found [here](#).

As always, please feel free to forward this communication to anyone else you think may be interested in this rule. Additionally, anyone may sign up for the Commission's sports gaming listserv themselves [here](#). If you would like to unsubscribe from this listserv, you may do so using the link located at the bottom of this email.

We understand that you may have questions or would like additional information before commenting, and if that is the case, we encourage you to reach out to your normal contacts at the Commission or to rulecomments@casinocontrol.ohio.gov at your earliest convenience. If, in the end, you would like to provide written comments, please email them to rulecomments@casinocontrol.ohio.gov by **5:00pm January 26**.

While you will have some additional chances to comment on these rules, including when they are filed with the state's Common Sense Initiative Office, please note that it is much easier for the Commission and for stakeholders to work out any questions or comments directly before the rules start the formal rule filing process.



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Metzler, Tessa

From: Robert McAdoo <R.McAdoo@gaminglabs.com>
Sent: Thursday, January 25, 2024 4:05 PM
To: Rule Comments
Cc: James Luccarelli; Joseph Carlon; Ventsislav Vasilev
Subject: Sports Gaming Rule for Comment for Multi-Factor Authentication

To Whom It May Concern,

Gaming Laboratories International would like to submit the following comment in regards to the requirements for the Multi-Factor Authentication requirement proposed revision. Please see the following after the requirement noted:

Rule 3775-16-03 | Sports gaming accounts

(E) A sports gaming proprietor may allow a sports gaming account to be deposit-enabled. In addition to the listed requirements, a deposit-enabled account must:

(5) ~~Provide~~ **Require** patrons ~~the option~~ to protect access to funded sports gaming accounts with multi-factor authentication **or similar authentication method**, as approved by the executive director;

Comment/Suggestion proposed for consideration from Gaming Laboratories International:

Recommend appending the following text or similar to (5) which provides more guidance on when multi-factor authentication is required to be used. This is based on requirements used in other established sportsbook markets.

Once a patron has successfully logged in using multi-factor authentication, subsequent logins to the same account on that same device can be exempt from multi-factor authentication for a period not to exceed two weeks.

The laboratory appreciates the Commission's time and consideration on the proposed comment for the rule in question and is available to provide additional details upon request if needed. Thank You.

Robert Mc Adoo

Senior Technical Compliance Engineer

www.gaminglabs.com

o 303-277-1172 EXT 2122

d 303-215-5822

e R.McAdoo@gaminglabs.com





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Metzler, Tessa

From: Adam Kates <adam.kates@penn-interactive.com>
Sent: Friday, January 26, 2024 9:48 AM
To: Rule Comments
Cc: Matthew.Spitnale@pennentertainment.com; Haggerty, Samantha; Gregory Brooks
Subject: Rule Comment: Ohio Adm. Code 3775-16-03

Good morning OCCC team,

On behalf of Penn Sports Interactive, we respectfully submit the below comments on the recently proposed MFA rule amendment.

Thank you for the opportunity, and have a wonderful weekend.

Adam

PSI Commentary:

Penn Sports Interactive (“PSI”) appreciates the opportunity to provide commentary on the Ohio Casino Control Commission’s proposed amendment to the Sports Gaming rule: Ohio Adm. Code 3775-16-03, Sports Gaming Accounts, specifically surrounding the use of multi-factor authentication (“MFA”).

PSI is generally in support of MFA and currently adheres to MFA and general account security best practices on the ESPN BET platform in Ohio. As currently implemented, ESPN BET requires MFA whenever a patron logs into their account from a new device and any time a patron makes a change to or updates their account information or credentials. In addition, any change to a patron’s account completed via Customer Support requires the patron to verify certain personally identifiable information in real-time before any changes may be made.

Finally, PSI permits patrons to opt into MFA for each and every login attempt to their sports gaming account if they chose to do so.

PSI respectfully recommends that the Commission maintain the patron optionality included in the currently effective rule 3775-16-03, or alternatively, implementing a requirement to complete MFA at various key touchpoints (such as each new device that is used) which would achieve a similar outcome of enhanced account security with less patron friction.

--

Adam Kates

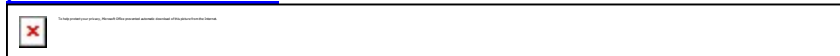
Senior Director, Compliance

PENN Interactive

adam.kates@penn-interactive.com

P: 416-479-8812 ext. 2728

pennentertainment.com



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Metzler, Tessa

From: Lisa Powers <LisaPowers@jackentertainment.com>
Sent: Friday, January 26, 2024 4:53 PM
To: Morrison, Andromeda; CAC, OCCC Compliance
Cc: Allyson Miller; Adam Suliman
Subject: RE: Sports Gaming Rule for Comment

Good Afternoon Andromeda,

Thank you for the detailed explanation. Respectfully, JACK Cleveland Casino and JACK Thistledown Racino propose the following revision to the rule:

(5) Require patrons to protect access to funded sports gaming accounts with multi-factor authentication or similar authentication method, as approved by the executive director, ***within ninety days from the effective date of this rule.***

We have reached out to our vendors for a scope of work to make this change and this timeline would allow us to comply with the rule while delivering a positive experience for our Ohio users. We would use this time to make the necessary changes to our registration flow, integrate with an SMS/text vendor for the authentication codes, update the code bases (Apple, Android, web, mobile-web), and modify the PAM-front end integration points. In addition to the development work, we would need to obtain GLI certification and conduct quality assurance and user testing prior to deployment, which could take place within the proposed timeframe.

Please let me know if you have any questions or we can provide any additional information.

Thank you,
Lisa

LISA POWERS
DIRECTOR OF COMPLIANCE
D: 216-297-4798
M: 513-667-4506
LISAPOWERS@JACKENTERTAINMENT.COM
100 PUBLIC SQUARE, CLEVELAND, OH, 44113
WWW.JACKENTERTAINMENT.COM



From: Andromeda.Morrison@casinocontrol.ohio.gov <Andromeda.Morrison@casinocontrol.ohio.gov>
Sent: Wednesday, January 17, 2024 3:04 PM
To: Lisa Powers <LisaPowers@jackentertainment.com>; CAC.Compliance@casinocontrol.ohio.gov
Cc: Allyson Miller <AllysonMiller@jackentertainment.com>; Adam Suliman <AdamSuliman@jackentertainment.com>
Subject: RE: Sports Gaming Rule for Comment

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Hi Lisa,

I was trying to get you a response too quickly and realize I did not provide the additional context of the rule change that would allow a sportsbook to submit an approval request to the executive director to seek approval of an authentication method that may deviate from the general rule provision. I think the idea here is that the Commission is open to other practices that provide security that may be different depending on operator needs. A time frame/frequency would be something that I think could fit into that category.

Open to your feedback as to time frame or frequency, of course, during the stakeholder comment period.

Thanks,
Andromeda



Andromeda Morrison

General Counsel &
Director of Skill Games
Ohio Casino Control Commission
(614) 387-5616

From: Morrison, Andromeda
Sent: Wednesday, January 17, 2024 12:53 PM
To: Lisa Powers <LisaPowers@jackentertainment.com>; CAC, OCCC Compliance <CAC.Compliance@casinocontrol.ohio.gov>
Cc: Allyson Miller <AllysonMiller@jackentertainment.com>; Adam Suliman <AdamSuliman@jackentertainment.com>
Subject: RE: Sports Gaming Rule for Comment

Hi Lisa,

Thanks for reaching out for clarification. The current draft and intent is to require multi factor authentication for each log-in.

Thanks,
Andromeda



Andromeda Morrison

General Counsel &
Director of Skill Games
Ohio Casino Control Commission
(614) 387-5616

From: Lisa Powers <LisaPowers@jackentertainment.com>
Sent: Tuesday, January 16, 2024 5:46 PM
To: CAC, OCCC Compliance <CAC.Compliance@casinocontrol.ohio.gov>; Morrison, Andromeda <Andromeda.Morrison@casinocontrol.ohio.gov>
Cc: Allyson Miller <AllysonMiller@jackentertainment.com>; Adam Suliman <AdamSuliman@jackentertainment.com>
Subject: FW: Sports Gaming Rule for Comment

Good Afternoon,

For clarification, does this rule change require MFA authentication for patrons for each login? Or is it MFA authentication for initial account set-up and then login thereafter if a patron so chooses?

Lastly, if it is for each login, if a patron completes MFA authentication to login and then logs in from the same device, would MFA authentication still be required or is it satisfied for a certain time period, such as 30 days from the same device?

Thank you,
Lisa

LISA POWERS

DIRECTOR OF COMPLIANCE

D: 216-297-4798

M: 513-667-4506

LISAPOWERS@JACKENTERTAINMENT.COM

100 PUBLIC SQUARE, CLEVELAND, OH, 44113

WWW.JACKENTERTAINMENT.COM



From: Ohio Casino Control Commission <communications@casinocontrol.ohio.gov>

Sent: Tuesday, January 16, 2024 4:36 PM

To: Lisa Powers <LisaPowers@jackentertainment.com>

Subject: Sports Gaming Rule for Comment

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**OHIO CASINO
CONTROL COMMISSION**

Sports Gaming Stakeholders,

The Commission is proposing an amendment to one Sports Gaming rule: Ohio Adm. Code 3775-16-03, Sports Gaming Accounts. The change is intended to streamline and update regulatory language related to multi-factor authentication. The proposed version of this rule can be found [here](#).

As always, please feel free to forward this communication to anyone else you think may be interested in this rule. Additionally, anyone may sign up for the Commission's sports gaming listserv themselves [here](#). If you would like to unsubscribe from this listserv, you may do so using the link located at the bottom of this email.

We understand that you may have questions or would like additional information before commenting, and if that is the case, we encourage you to reach out to your normal contacts at the Commission or to rulecomments@casinocontrol.ohio.gov at your earliest convenience. If, in the end, you would like to provide written comments, please email them to rulecomments@casinocontrol.ohio.gov by **5:00pm January 26**.

While you will have some additional chances to comment on these rules, including when they are filed with the state's Common Sense Initiative Office, please note that it is much easier for the Commission and for stakeholders to work out any questions or comments directly before the rules start the formal rule filing process.



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March 21, 2024

Via Email: rulecomments@casinocontrol.ohio.gov; csipubliccomments@governor.ohio.gov
Ohio Casino Control Commission
100 East Broad Street
20th Floor
Columbus, OH 43215

RE: SPORTS GAMING RULE FILED WITH CSI

Dear Executive Director Schuler,

In consideration of the Sports Gaming rules provided for comment by the Ohio Casino Control Commission (“Commission”), Crown OH Gaming, LLC d/b/a DraftKings ("DraftKings") submits the comments herein for consideration to the Commission and the Common Sense Initiative Office (“CSI”). As a leading sports wagering operator in the United States and a licensed Mobile Management Services Provider in Ohio, DraftKings has first-hand experience with regulatory frameworks that address both sports wagering and fantasy sports contests, and submits these comments for consideration based on its operational knowledge in multiple regulated markets.

Rule 3775-16-03 - Sports Gaming Accounts

Comment: DraftKings respectfully requests the regulations be amended to reflect multi-factor authentication (“MFA”) practices in other regulated sports gaming jurisdictions. We previously submitted feedback to the Commission in January in relation to this provision, along with other sports gaming operators, and are doing so again in hopes of codifying industry-standard practices that protect consumers and avoid customer frustration.

DraftKings encourages the Commission to look at how Connecticut managed Multi Factor MFA considerations in implementing its sports gaming rules. There, the state initially launched its market with a nearly identical requirement to the proposed rule in 3775-16-03(E)(5)—requiring MFA at every login. However, after a year or so of its market going live, the state changed its interpretation of their sports wagering rules by allowing operators to utilize different forms, like device recognition, as approved forms of MFA.

Other jurisdictions including New Jersey, Pennsylvania and Illinois have similar MFA policies to Connecticut, which we believe strikes the right balance of security, mitigation of player frustration and operational expenses on sports gaming operators. Additionally, providing an express list of approved authentication methods allows operators to build out MFA processes in ways that



provide a high-level of account security by not degrading the overall player experience. Our proposed changes could also allow players to access their sports gaming accounts in the event that a vendor relied on for one type of approved MFA (ex. SMS) were to be offline.

In conclusion, DraftKings respectfully requests the Commission reconsider amending how it interprets satisfactory compliance with this provision as currently drafted.

Commission-proposed Language:

(E) A sports gaming proprietor may allow a sports gaming account to be deposit-enabled. In addition to the listed requirements, a deposit-enabled account must:

(5) ~~Provide~~ Require patrons ~~the option~~ to protect access to funded sports gaming accounts with multi- factor authentication or similar authentication method, as approved by the executive director

DraftKings-proposed Language:

(5) ~~Provide~~ Require patrons ~~the option~~ to protect access to funded sports gaming accounts with multi- factor authentication or similar authentication method. **Multi-factor authentication methods shall be** as approved by the executive director, **and shall include at least one of the following;**

(i) A One-Time Password/code sent to a device or account that is confirmed to be owned/possessed by the owner of the sports gaming account;

(ii) Use of software tokens (authentication apps or software such as Google Authenticator or Microsoft Authenticator);

(iii) Biometric verification;

(iv) Device recognition; or

(v) Other method as approved by the executive director.

* * * * *



Thank you for your consideration of DraftKings' comments regarding the sports gaming rule 3775-16-03, Sports Gaming Accounts, as filed with CSI. Please feel free to reach out should anyone else at the Commission or CSI have any questions about our submission or our experience in Ohio or other regulated jurisdictions.

Sincerely,

Crown OH Gaming, LLC

From: Peter.Wolff@bet365.com
To: [Rule Comments](#)
Cc: Mohammad.Khan@bet365.com
Subject: bet365 response to CSI Filing - Sports Gaming Rule 3775-16-03
Date: Thursday, March 21, 2024 10:36:00 AM
Attachments: [External - Comment Period Extended for CSI Filing - Sports Gaming Rule.msg](#)

Hello,

Please find our response to the recent notification on a proposed update to Rule 3775-16-03 (email attached).

We are proposing the text in yellow to be added to the regulation update. This would still require multifactor authentication to be part of the user log in process, but it would also eliminate the need to do so for all login attempts on known devices. We feel that if multifactor authentication was required for each and every login attempt on known devices, this would create a negative player experience, and our proposed addition would still meet the objective of the protecting player accounts while also being more in line with what multiple other states similarly have in place.

(5) ~~Provide~~ Require patrons ~~the option~~ to protect access to funded sports gaming accounts with multifactor authentication or similar authentication method, as approved by the executive director. **After successful log in, multifactor authentication will need to be performed at least every fourteen days for each unique device;**

Please let us know if you have any questions with the above and we can get on a call to discuss further. Thanks,

Peter Wolff

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bet365.com

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