



## 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 | September 21, 2023 | 9:00 a.m.**  
**VIA REMOTE ACCESS: 1-646-741-5292**  
**MEETING ID/ PARTICIPANT CODE: 111 850 8716**  
**All meetings are streamed live at [www.massgaming.com](http://www.massgaming.com).**

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

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

### **PUBLIC MEETING - #480**

1. Call to Order – Cathy Judd-Stein, Chair
2. Administrative Update – Todd Grossman, Interim Executive Director & General Counsel
3. MGM Cybersecurity Issue

- a. Executive Session

**VOTE**

The Commission anticipates 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. The public session of the Commission meeting will reconvene at the conclusion of the executive session.



Massachusetts Gaming Commission

4. Security at MGM Springfield
  - a. Executive Session **VOTE**  
 The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(4), to discuss the use and deployment of security personnel or devices, or strategies with respect thereto at MGM Springfield, specifically with regard to firearms. The public session of the Commission meeting will reconvene at the conclusion of the executive session.
  
5. Racing – Dr. Alexandra Lightbown, Director of Racing and Chief Veterinarian
  - a. Notification of use of Delegated Authority to Change Post Time, Cancel Racing
  - b. Standard Owners of Massachusetts (SOM) Recognition Request as Breeders’ Representative Group – Raymond “Chip” Campbell Jr., President SOM; Nancy Longobardi, Secretary/Treasurer, SOM **VOTE**
  
6. Sports Wagering Division – Bruce Band, Director of Sports Wagering, Crystal Beauchemin, Sports Wagering Business Manager, Andrew Steffen, Interim Sports Wagering Operations Manager
  - a. DraftKings Request for Waivers from 205 CMR 256.05(1) **VOTE**
  - b. Fanatics – Update to House Rules **VOTE**
  - c. Event Petition Request – Jai Alai **VOTE**
  - d. Penn Sports Interactive – Request to Void Wagers **VOTE**
  
7. Legal – Todd Grossman, Interim Executive Director and General Counsel, Cristian Taveras, Gaming Technical Compliance Manager
  - a. Request for approval of TBG Securities as Qualified Independent Technical Expert in accordance with 205 CMR 243.01(1)(x). – **VOTE**
  
8. Community Affairs Division, Joe Delaney, Chief of Community Affairs
  - a. Continued Discussion of Potential Modifications to the Community Mitigation Fund **VOTE**



Massachusetts Gaming Commission

9. Interim Investigations and Enforcement Bureau Director Contract Discussions – All Commissioners **VOTE**
- a. Executive Session **VOTE**
- The Commission anticipates that it will meet in executive session in accordance with G.L. c. 30A, § 21(a)(2), to conduct strategy sessions in preparation for negotiations with Heather Hall for the position of Interim Director of the Investigations and Enforcement Bureau. The public session of the Commission meeting will not reconvene at the conclusion of the executive session.

10. Executive Session Minutes **VOTE**
- a. Executive Session **VOTE**
- The Commission anticipates that it will meet in executive session to review minutes from previous executive sessions, as their discussion at an open meeting may frustrate the intended purpose for which the executive 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). The public session of the Commission meeting will not reconvene at the conclusion of the executive session.
- I. May 18, 2022 **VOTE**
- II. September 12, 2022 **VOTE**
- III. May 8, 2023 **VOTE**
- IV. August 30, 2023 **VOTE**
- V. July 12, 2023 **VOTE**
- VI. July 17, 2023 **VOTE**

11. Commissioner Updates

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

I certify that this Notice was posted as “Massachusetts Gaming Commission Meeting” at [www.massgaming.com](http://www.massgaming.com) and emailed to [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us). Posted to Website: September 19, 2023 | 9:00 a.m. EST | **REVISED 9/20/2023 @ 1:30 p.m. EST**



Massachusetts Gaming Commission

September 19, 2023

*Cathy Judd-Stein*

*Cathy Judd-Stein, Chair*

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



Massachusetts Gaming Commission

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*Division of Racing*

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

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, Interim Executive Director and  
General Counsel

DATE: September 21, 2023

RE: Standardbred Owners of Massachusetts  
Recognition

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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 2023.

**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 2023.**



Massachusetts Gaming Commission



STANDARD BRED OWNERS OF  
MASSACHUSETTS, INC.  
PO Box 1862  
PLAINVILLE, MA 02762

September 12, 2023

Massachusetts Gaming Commission  
Racing Division  
Alexandra Lightbown  
Director of Racing  
101 Federal St., 12<sup>th</sup> 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 2023 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:** Chair Cathy Judd-Stein  
Commissioner Eileen O'Brien  
Commissioner Brad Hill  
Commissioner Nakisha Skinner  
Commissioner Jordan Maynard

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

**DATE:** September 13, 2023    **COMMISSION MEETING:** September 21, 2023

**RE:** DraftKings Request for Waivers from 205 CMR 256.05(1)

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**SUMMARY:**

On June 29, 2023, the Commission voted to finalize the draft of [205 CMR 256.05 \(1\): Sports Wagering Marketing](#) related to branding, and to begin the formal regulation process. This regulation requires Sports Wagering operators to include “21+” messaging alongside their logos and advertisements in certain circumstances.

*256.05: Advertising to Youth*

*(1) Advertising, marketing, branding, and other promotional materials published, aired, displayed, disseminated, or distributed by or on behalf of any Sports Wagering Operator shall state that patrons must be twenty-one years of age or older to participate; provided that branding consisting only of a display on an Operator’s logo or trademark shall not be required to comply with this provision unless it is, or is intended to be, displayed on signage or a fixed structure in a location where it is likely to be viewed by persons under 21 years of age.*

The Commission gave a universal waiver of this requirement for 90 days, through September 28<sup>th</sup> to allow the operators to scope their existing assets and make any necessary changes.

On July 7, DraftKings had inquired with the Sports Wagering and legal teams about certain advertisements/marketing placements which did not include the Sportsbook logo and the MGC legal team determined that the standalone corporate DraftKings logo would require the inclusion of 21+ language as “the use of the logo is often included in a way that is ‘related to Sports Wagering’.” As such, DraftKings has identified three advertisements using the corporate branding which they request a waiver for based on historic partnerships (prior to legalization of sports wagering), cost-prohibitive revisions or concerns regarding confusion due to the 21+ message.

**SUPPORTING DOCUMENTS:**

The operator's waiver request provides further detail, including images of the logos/locations requested by the waiver.

**CONCLUSION/RECOMMENDATION:**

We defer to the Commissioners as to whether a waiver of the requirement is necessary in each circumstance.

In addition, the Sports Wagering division would appreciate greater clarity in implementing this regulation moving forward, particularly with regard to advertisements using corporate logos, which do not include the "sportsbook" and have no other reference to sports wagering. As we understand it, the 21+ requirement would only apply to advertisements related to sports wagering and the company's sportsbook logos, or if the logo is located in an area reasonably understood to be viewed by anyone under 21 years of age.

Given many of our other operators also encompass several different business verticals, we want to ensure we're applying oversight for and ensuring compliance with this regulation equitably across the industry.





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## MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

*In accordance with 205 CMR 202.03; 205 CMR 102.03(4)*

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

### CONTACT INFORMATION

**DATE:** 8/21/2023

**NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY):** Crown MA Gaming d/b/a DraftKings

**NAME OF INDIVIDUAL COMPILING REQUEST:** Kevin Nelson

**TITLE OF INDIVIDUAL COMPILING REQUEST:** Senior Manager, Regulatory Operations

**CONTACT EMAIL ADDRESS:** knelson@draftkings.com

**CONTACT PHONE NUMBER:** 518-727-4624

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

### REGULATION INFORMATION

**SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED:**

**REGULATION SECTION TITLE:** 256.05(1)

**REGULATION LANGUAGE/TEXT:**

Advertising, marketing, branding, and other promotional materials published, aired, displayed, disseminated, or distributed by or on behalf of any Sports Wagering Operator shall state that patrons must be twenty-one years of age or older to participate; provided that branding consisting only of a display of an Operator's logo or trademark related to Sports Wagering shall not be required to comply with this provision unless it is, or is intended to be, displayed on signage or a fixed structure at a sports venue where it is likely to be viewed by persons under 21 years of age.



## REASON FOR REQUEST OF WAIVER

### **DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH:**

*Per 205 CMR 102.03(4)(b)*

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

DraftKings seeks a waiver to allow time to hold discussions with appropriate Commission staff to understand applicability of the requirements. DraftKings maintains several business verticals not "related to sports wagering" (e.g., Marketplace, DK Network, DK Horse), and is a recognized employer brand and charitable partner in the Commonwealth. The master DraftKings branding is intended to represent DraftKings as a company, not specifically the sports wagering product. After reviewing the Commission's discussion of the rationale behind this provision, DraftKings believes that DraftKings branding alone in absence of a tie to sports wagering is thus not required to include a 21+ disclaimer. Rather, the 21+ disclaimer should only be required when the DraftKings logo is "related to sports wagering," including the "DraftKings Sportsbook" branding. If the Commission disagrees with this analysis, DraftKings requires the waivers below.

*Per 205 CMR 102.03 (4)(a)(4)*

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

#### **Fenway Park**

DraftKings' corporate branding is currently displayed on top of the Green Monster at Fenway Park. This branding has been in place for several years, pre-dating the legalization of sports wagering in the Commonwealth. This master DraftKings branding is intended to capture several business verticals which are not 21+ products (Marketplace, DK Network, DK Horse), and represent DraftKings as an employer brand and charitable partner in the Commonwealth. DraftKings is already in the process of updating all "DraftKings Sportsbook" assets within Fenway Park (in-stadium sign, behind home-plate.), DraftKings believes there is ample signage within Fenway Park highlighting DraftKings Sportsbook is a 21+ product in Massachusetts. Thus, DraftKings believes this branding is outside the scope of the 21+ disclaimer requirement.

#### **TD Garden – Celtics**

DraftKings corporate branding is currently embedded on the hardwood of the Celtics playing floor. This branding was planned and approved prior to the legalization of sports wagering in the Commonwealth. The master DraftKings branding is intended to capture several business verticals which are not 21+ products (Marketplace, DK Network, DK Horse), and represent DraftKings as an employer brand and charitable partner in the Commonwealth. Given DraftKings is already in the process of updating all "DraftKings Sportsbook" assets within the TD Garden arena (in-arena signage, main video boards, etc.), DraftKings believes there is ample signage within the TD Garden highlighting DraftKings Sportsbook is a 21+ product in Massachusetts. Thus, DraftKings believes this branding is outside the scope of the 21+ disclaimer requirement. Additionally, the projected cost to update this asset is several hundred thousand dollars, which would be a substantial hardship if the Commission determines that this branding falls in the scope of the requirement and this waiver is not approved.

#### **Gillette Stadium**

DraftKings corporate branding is currently displayed on digital signage just outside the "DraftKings Sports Zone" bar/grill area. The DraftKings Sports Zone is not a 21+ environment, and as such requiring a 21+ disclaimer on this signage would be misleading. Further, this master DraftKings branding is intended to capture several business verticals which are not 21+ products (Marketplace, DK Network, DK Horse), and represent DraftKings as an employer brand and charitable partner in the Commonwealth.



**ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:**

n/a

**DETERMINATION**

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.

Waiver Requested for:





Gillette Stadium





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

FROM: Andrew Steffen – Interim Sports Wagering Operations Manager

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

DATE: September 14, 2023

RE: Update to licensee's house rules

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Under 205 CMR 247.02(4) <https://www.mass.gov/doc/205-cmr-247-uniform-standards-of-sports-wagering/download> the Commission reviews all changes proposed by a licensee to their house rules. A Sports Wagering Operator shall not change or modify the House Rules without the prior written approval of the Commission. Failure by an Operator to act in accordance with its House Rules may result in disciplinary action.

**EXECUTIVE SUMMARY:**

Fanatics Sportsbook has requested changes to their online sportsbook house rules. A full detailed summary of changes can be found in Exhibit A.

The summary of changes are as follows:

1. **General Betting Rules:** additions, deletions, and revisions all for clarification purposes.
2. **Football:** Revisions for clarification, revisions to provide additional detail on market types, addition of rules to address new market types, addition of rules to detail how Fanatics plans to settle NFL player prop markets in the event of an in-game injury.
3. **Basketball:** Revisions for clarification and additional clarity to identify when basketball games must take place to be considered action.
4. **Baseball:** Revisions for clarification and addition of rules to address a new market type.



*Sports Wagering Division*

5. **Ice Hockey:** Revisions for clarification.
6. **Golf:** Revisions for clarification on settlement.
7. **Soccer:** Additional clarity on how soccer markets are settled, additional clarity to identify when and where soccer games must take place to be considered action, additional clarity to identify when abandoned soccer games must be completed to be considered action, and other revisions for clarification.
8. **Boxing:** Revisions for clarification.
9. **Mixed Martial Arts:** Revisions for clarification.
10. **Motor Sports:** Revisions to address when races must occur for wagers to be considered action, revisions for clarification, addition of rules to address new market types, and addition of Formula One as a governing body.
11. **Table Tennis:** Revisions for clarification and addition of rules to address new market types.
12. **Rugby League:** Addition of new (*approved*) sport and corresponding general rules and market types.
13. **Rugby Union:** Revisions for clarification.
14. **Cricket:** Revisions for clarification on settlement of market types.
15. **Australian Rules:** Revisions for clarification.

**CONCLUDING STATEMENT:**

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



**Submission Date:** August 24, 2023

**Revised Submission Date:** September 1, 2023

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

### **General Betting Rules**

#### *Wager Resulting*

1. Addition of general rule that provides additional clarification on how we settle markets.

#### *In-Play Betting*

1. Revision for clarification.

#### *Market Settlement/Re-Settlement*

1. Revision to a 12 hour time frame from a 72 hour time frame.

#### *Abandoned, Canceled, Postponed or Forfeited Events*

1. Deletion for clarification.

#### *Duplicate Events/Selections*

1. Additions for clarification to include a specific example of a duplicate event.

#### *Odds Boosts*

1. Revisions for clarification on how our Odds Boosts function when a void occurs.

#### *Same Game Parlay*

1. Revisions for clarification.

#### *Cash Out*

1. Revisions for clarification to include detail on the availability of Cash Out.

#### *Miscellaneous*



1. Revisions for clarification.

### **Sport-Specific Rules**

1. Revisions for clarification.

### **Football**

*General Football Rules / Moneyline / 1st/2nd Half & 1st/2nd/3rd/4th Quarter Moneyline / Point Spread/Handicap (Including 1st/2nd/3rd/4th Quarter & 1st/2nd Half Point Spread/Handicap) / Total Points & Total Team Points (Including 1st/2nd/3rd/4th Quarter & 1st/2nd Half Total Points) / Double Result (Also referred to as Half-Time/Full-Time) / First Turnover Type/First Team to commit a Turnover / Regular Season Wins*

1. Revisions for clarification.

*Result of Xth/Current/Next Drive / Highest Scoring Half / Highest Scoring Quarter / Next Play Result Markets*

1. Revisions to provide additional detail on this market type.

*Make New First Down on Current Drive / Make X Yard Line on the Current Drive / Rushing Yards/Passing Yards to get on the Current Drive / Next Play Yards Gained / Player to Catch a Pass on Current Drive / Touchdown Scorer In Current Drive (will one of the listed players score an offensive touchdown in the current drive?) / What Will Happen In Current Drive (will the listed outcomes take place on any play in the listed drive?) / First Team to Score / Last Team to Score / First Team to Score Wins Game*

1. Addition of rules to address new market types.

*General Player Prop Rules*

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

### **Basketball**

*General Basketball Rules*

1. Additional clarity to identify when basketball games must take place to be considered action.
2. Revisions for clarification.



### **Baseball**

*Total Runs & Total Team Runs (Including Innings Specific Totals) / Team To Win The Most Innings / Will A Team Throw A No-Hitter/Perfect Game?*

1. Revisions for clarification.

*When will the first run be scored? / Result of First Plate Appearance / Result of First Pitch / Will A Player Throw A No-Hitter/Perfect Game? / Player to Record a Save / Will A Player Hit For The Cycle/Will A Player Hit a Grand Slam?*

1. Addition of rules to address new market types.

### **Ice Hockey**

*General Ice Hockey Rules*

1. Revisions for clarification.

### **Golf**

*2-Ball/3-Ball Matchups*

1. Revisions for clarification on settlement.

### **Soccer**

*General Soccer Rules*

1. Additional clarity on how soccer markets are settled.
2. Additional clarity to identify when/where soccer games must take place to be considered action.
3. Additional clarity to identify when abandoned soccer games must be completed to be considered action.
4. Revisions for clarification.

*First/Next/Last/Xth Goalscorer / Anytime Goalscorer/To Score 2+ (Brace)/To Score 3+(Hat-Trick)/To Score X+ Goals*

1. Revisions for clarification.

*Scorecast*

1. Deletion of section.

### **Boxing**

*General Boxing Rules / Method of Victory/Exact Method of Victory*

1. Revisions for clarification.

### **MMA**

*General MMA Rules / Total Rounds / Statistic Markets (Includes Punches Thrown, Punches Landed, Takedowns)*

1. Revisions for clarification.

### **Motor Sports**

*General Motor Sports Rules*

1. Revisions to address when races must occur for wagers to be considered action.
2. Revisions for clarification.

*Race Winner, Podium, Top 'X' and Points / Outright Championship Betting / Qualifying/Pole Position / Winning Margin / Total Classified Finishers / Straight/Dual Forecast / To Win By 'X'+ Seconds / Podium Double Finish / Double Points Finish / Race Hat-trick / Race Winner Without Big 6 / Finishing Positions / Fastest Pit Stop / Lap 1 Leader / Lap 1 Retirements / First Team/Driver to Retire / Safety Car / Virtual Safety Car / Qualifying Winning Margin / To Make Qualifying Session 3 / Qualifying Trebles / Practice Session Winner / Practice Match Bets / Constructors Championship Without Betting*

1. Addition of rules to address new market types.

*Match-ups / Race Props (lap markets, caution markets, etc.) / Stage Winner/Stage Props*

1. Revisions for clarification.

*Race Winner/Top X Finish*

1. Deletion of section.

*Motor Sport Settlement Rules*

1. Addition of Formula One as a governing body.
2. Revisions for clarification.

### **Table Tennis**

#### *General Table Tennis Rules*

1. Revisions for clarification on settlement.

#### *Table Tennis Market Rules*

1. Addition of rules to address new market types.

### **Rugby League**

1. Addition of a new sport and corresponding general rules and market types.

### **Rugby Union**

#### *Regular Season Points*

1. Revisions for clarification.

### **Cricket**

*General Cricket Rules / Limited Overs Matches / Test Matches / Series Betting / Total Runs / Top Team Batsman/Top Match Run Scorer / Top Team Bowler/Wicket Taker (Match) / Batsman Match Bets / Player Runs / Player Alternate Runs / Player to score 50/100 / Runs in a Specified Number of Overs (e.g. 1st 15 Overs) / Highest Score In Specified Overs (e.g. 15/10/6) / Highest Opening Partnership / Next Man Out / Team To Hit The Most Sixes / Super Over/Any Additional Overs Above The Allotted Amount / Next Over: Over/Under Runs / Total Match Sixes/Fours / First Over: Over/Under Total Runs / First Ball of the Match / Team of Top Batsman / Fall of Next Team Wicket (i.e. the score on which it will fall) / Highest Score After First Over / Century(100)/half-century (50) in Match / Player of the Match*

1. Revisions for clarification on settlement of market types.

*Top Team Batsman / Runscorer (Match) / Top Team Bowler/Wicket Taker (Series/Tournament) / Bowler Match Bets/Tries/Threesomes / Number of Runs in a Session / Number of Wickets in a Session / Four/Six in x Over / Team leading after First Innings / Total Match Runouts / Team Wickets Lost / Team Total Match Sixes/Fours / Most Run Outs / Bowler Match Wickets / Innings Extras / Highest Series Single Innings Score / Player Performance Markets / 1st Innings Margin / 1st/2nd Innings Bowled Out / Margin Betting / Six and Out / First/Second Innings Highest 5 Over period / Runs Scored at loss of 4 wickets / To win the Match/Top Team Runscorer Double / Top Team A/B Runscorer double/Top Team Runscorer/Top*



*Team Wicket Taker Double / Team to hit the most Fours / Team to hit the most fours and win the match / Race to Ten Runs / Top Tournament Wicket taker / Top Tournament Runscorer / Direction of first boundary / Wickets lost after “x” overs.*

1. Deletion of section.

### **Australian Rules**

*Australian Rules Market Rules*

1. Revisions for clarification.



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

FROM: Andrew Steffen – Interim Sports Wagering Operations Manager

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

DATE: September 14, 2023

RE: Request for a new event approval

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Under 205 CMR 247.03 <https://www.mass.gov/doc/205-cmr-247-uniform-standards-of-sports-wagering/download>, the Commission reviews all requests for additional events to be placed in the catalog. Under section 8, the Commission may grant, deny, limit, restrict, or condition a request made pursuant to this rule, and may revoke, suspend, or modify any approval granted under this rule.

#### **EXECUTIVE SUMMARY:**

DraftKings has submitted a *Petition for a Sporting Event or Wager Category* form, requesting the *World Jai-Alai League* be added as a new section of our catalog.

The form is attached to the commissioner's packet for reference. Its website link is also placed here for reference <https://jaialaiworld.com/about>.

#### **DISCUSSION:**

In 2018, Magic City Jai-Alai rebranded to World Jai-Alai League ("WJAL"). In 2021, WJAL partnered with US Integrity. Since that partnership, over 1,000 Jai-Alai matches have been played with zero integrity alerts from US Integrity or from the state of Florida (where all WJAL matches are played). Furthermore, over 4,000 matches have been played since the rebrand with zero integrity issues reported.

The proposed wagering on Jai-Alai is not based on the pari-mutuel format, but rather with a limited scope of available wagers such as pre-match, individual sets, and individual points. The specific matches for sports wagering fall under the "Battle Court" league within the governing



*Sports Wagering Division*

body of WJAL. These specific matches offer “head-to-head” matches with a team concept, a different type of play than the previous traditional pari-mutuel activity.

Currently, Jai-Alai Battle Court is approved for wagering in Arizona, Colorado, Illinois, Iowa, Kansas, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia.

**CONCLUDING STATEMENT:**

The Sports Wagering Division confirms all requirements have been met under 205 CMR 247.03 and has found the operator has answered all the applicable questions on the form. The operator has informed the *World Jai-Alai League* they are making this request to the Massachusetts Gaming Commission. The operator has received explicit approval by the *World Jai-Alai League* Chairperson to submit wagering applications in all jurisdictions in which it operates.



## MASSACHUSETTS GAMING COMMISSION

# PETITION FOR A SPORTING EVENT OR WAGER CATEGORY

*In accordance with 205 CMR 247.03*

### **Directions:**

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

### **SECTION A** **BACKGROUND**

1. NAME OF OPERATOR(S) PETITIONING: [DraftKings](#)
2. REQUESTING A SPORTS WAGERING EVENT OR WAGERING CATEGORY: [Sports Wagering Event](#)
3. NAME OF EVENT OR WAGERING CATEGORY: [World Jai-Alai](#)
4. IS THIS A VARIATION OF AN AUTHORIZED SPORTING EVENT OR WAGER CATEGORY? [Yes](#)
5. IS THIS A COMPOSITE OF AUTHORIZED SPORTING EVENTS OR WAGER CATEGORIES? [Yes](#)
6. IS THIS A NEW SPORTING EVENT OR WAGER CATEGORY? [YES](#)

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

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

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

World Jai-Alai (formerly known Magic City Jai-Alai) was founded in 2018. World Jai-Alai is a revival to the sport Jai-Alai, which differentiates from the original Jai-Alai played traditionally in the pari-mutuel format. World Jai-Alai created a new format and league called "Battle Court" league, which features five (5) teams of six (6) players each. The new format is played in a "head-to-head" jai alai action with a team concept that have sets played to six points. The first player or team to win two sets is declared the winner of the match. The object of the game is to place the ball where the opponent cannot return the ball, when caught on the fly or after one bounce, to the field of play. The two (2) teams earning the most points during the regular season will meet in the championship. The championship will consist of five (5) doubles matches and first team to win three (3) matches will win the overall championship. World Jai-Alai events such as "Battle Court" is currently available on ESPN+. DraftKings will only be offering wagering on the new format played in "Battle Court". The types of wagers which DraftKings will be outright winner, correct score, moneyline, set winner, total points, and point winner. The results are determined via the league's official website.



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

The attached proposed Jai-Alai House Rules will be utilized for this league. Technology used is provided by DraftKings Sportsbook.

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

Attached World Jai-Alai Battle Court League Rules.

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

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

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

Non-applicable because World Jai-Alai events is not determined solely by chance.

### SECTION C

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

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

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

N/A

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

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





**SECTION D**  
**POLICIES AND PROCEDURES REGARDING EVENT INTEGRITY**

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

Player Obligations - Each participating Player agrees to: not wager (whether directly or indirectly) in connection with any Jai-Alai competition, including members of their immediate household. Players are prohibited from accepting any “gift” from any party other than World Jai-Alai as an award or compensation. The Player is required to report any instance of their being approached by any person or entity, with any scheme or suggestion to effectuate an outcome of Jai-Alai competition. As all players (it being understood and agreed that the penalty for a transgression of this obligation will result in immediate discipline up to and including permanent banishment from World Jai-Alai events and the laws of the State of Florida).  
Attached 2023 Player Contract – Sect. XIV

**SECTION E**  
**MINIMUM CRITERIA**

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

Yes, event dates and start times are available at <https://jaialaiworld.com/battlecourt> as soon as they are finalized.

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

Yes, the league has contracted with U.S. Integrity to provide World Jai-Alai with integrity monitoring services and to ensure continued compliance.

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

No, game integrity and fairness are integral to World Jai-Alai and its desire to uphold the standards of the game of Jai-Alai.

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

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



## SECTION F

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

1. NAME OF SPORTS GOVERNING BODY: *World Jai-Alai*

2. HAS THE SPORTS GOVERNING BODY BEEN INFORMED OF THIS REQUEST? *Yes*

*IF 'NO' PLEASE EXPLAIN THE REASON BEHIND IT: N/A*

3. IF THERE IS NO SPORTS GOVERNING BODY, NAME THE ENTITY THAT CONDUCTS THE SPORTING EVENT: *N/A*

4. HAS THE ENTITY THAT CONDUCTS THE SPORTING EVENT BEEN CONTACTED REGARDING THIS REQUEST? *Yes*

*IF 'NO' PLEASE EXPLAIN THE REASON BEHIND IT:*

5. HAS ANY RELEVANT PLAYER'S ASSOCIATION BEEN INFORMED OF THIS PETITION? *No*

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

*N/A*

## SIGNATURE AND INFORMATION

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

*/s/ Jodie Lau*

*September 6, 2023*

Signature of individual requesting new event/wager

Date

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

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





## Memo Re BATTLE COURT JAI ALAI

Battle Court Jai Alai is a professional Jai Alai competition operated and regulated by the World Jai Alai League. The League has been in existence since 2018 and plays at the Magic City Fronton in Miami, Florida. We are requesting that Battle Court Jai Alai be an approved sport for sports betting in Massachusetts.

Our matches are played like tennis with a player or team required to win two out of three sets played to six points to win a match. Players are only compensated for winning. All matches are monitored by U.S. Integrity for any questionable instances of irregular play or unusual changes in odds. We have completed over 4,000 games since we started play and no instances of questionable play have been reported.

All players competing are licensed by the State of Florida. Players are required to pass an FBI background check and a drug test before being issued a State License. Players sign a contract that prohibits them and members of their immediate family from wagering on the sport of Jai Alai and includes both a morals clause and a best-efforts clause. League officials and referees are also licensed by the State of Florida, undergo an FBI background check and are prohibited from wagering.

The negative references about Jai Alai date back to the late 1970's and early 1980's and were tied to the pari-mutuel play of Jai Alai. While it appears from our research there is more fiction and urban legend than truth, the issue surrounding the sport seems to have been based on a betting syndicate being able to manipulate odds using a sophisticated algorithm tied to post positions. There were no instances of match-fixing by players. As we play Battle Court Jai Alai in a sports wagering format and there are no post positions we are not susceptible to these conditions. We pride ourselves on a spotless record with no match irregularities and feature a sport contested by players who undergo licensing and testing scrutiny not found in other major professional sports.

Battle Court Jai Alai is currently approved for wagering in twelve states including New Jersey, Virginia, Illinois, and Pennsylvania, and our games are streamed to ESPN and several other distribution platforms.



*Sports Wagering Division*

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

FROM: Andrew Steffen – Interim Sports Wagering Operations Manager

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

DATE: September 20, 2023

RE: Request to Void Wagers

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Pursuant to 205 CMR 238.35(2), the Commission reviews all requests and authorizes the cancellation or voiding of all wagers of a specific type, kind, or subject. A Sports Wagering Operator shall submit its request to cancel or void the Wager in writing. Under Section 4, the Commission shall issue a written order granting or denying the request to cancel or void the Wager.

**EXECUTIVE SUMMARY:**

Penn Sports Interactive (“PSI”) has submitted a request to void wagers after becoming aware of wagers placed on markets on outcomes that had already concluded. A total of 257 wagers were placed on these impacted markets by a total of 59 customers for a grand total of \$47,759.94.

On September 18, 2023, at approximately 11:20 ET, PSI informed the Sports Wagering Division of the incident and provided a full detailed report and the request to void on Wednesday, September 20, 2023, at approximately 11:00 ET.

**DISCUSSION:**

On Sunday, September 17, 2023, at approximately 19:00 ET, PSI became aware of wagers that had been placed on NFL player prop markets on outcomes that had already concluded in the New York Giants vs. Arizona Cardinals NFL game. A total of 10 different market types with a total of 14 different market names were left open for approximately 90 minutes after the outcome had already concluded.



*Sports Wagering Division*

PSI identified primary and secondary causes of the incident. The primary root cause of the issue was determined to occur from a technical data breakdown issue with one of their odds providers, Swish Analytics. The secondary cause was determined to occur when their sports trading platform “Vegas” experienced a significant increase in activity just after kickoff of the afternoon games, approximately 16:15 ET. This increase in activity created latency in certain “Vegas” monitoring displays. Only once the latency issue was resolved, was PSI able to confirm the wagering anomalies on the event.

With regards to how PSI will remedy and prevent, an emergency release was scheduled to be deployed the week of September 18, 2023, which will correct the Swish Analytics data parsing issue in order to process all player prop market updates and values. PSI will also introduce system performance enhancements to address the display monitoring latency.

**CONCLUDING STATEMENT:**

The Sports Wagering Division has reviewed the incident reported by the operator and confirms all requirements have been met under 205 CMR 238.35(2) and has no reservations about moving forward in processing the request to void all affected wagers with regards to this incident.



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

**FROM:** Cristian Taveras – Gaming Technical Compliance Manager

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

**DATE:** September 20, 2023

**RE:** Technical Security Expert – New Applicant

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**EXECUTIVE SUMMARY:**

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

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

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

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

**SUPPORTING DOCUMENTS:**

- **qualified independent technical expert form -TBG Response\_2023**

**CONCLUDING STATEMENT:**

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



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

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

CC: Todd Grossman, Interim Executive Director

DATE: September 14, 2023

RE: 2024 Community Mitigation Fund Policy Questions

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The Community Affairs Division is continuing to develop a new program structure for the review and distribution of the annual Community Mitigation Funds. This effort is intended to streamline and improve the CMF process while creating opportunities to distribute more available funds to the communities. As part of the annual evaluative effort, the Review Team has developed several policy questions related to the development of the Community Mitigation Fund

The below are the policy questions for the 2024 Grant Round the Commission will need to address:

- 1. Does the Commission want to pursue the restructuring of the CMF into a block grant program for municipalities, a set-aside program for state/county public safety agencies, and a competitive program for Workforce Development?** Staff have had several meetings with the LCMACs, the Subcommittee on Community Mitigation, and other relevant stakeholders. In all these meetings there has been interest and support for moving the CMF towards a block grant model. Program staff believes that a grant program of this nature will more effectively distribute funds to the eligible municipalities and help reduce the balance of previously unexpended funds in the program.
- 2. Does the Commission want to continue to fund the Hampden Sheriff's Office lease assistance?** The Western Massachusetts Alcohol Recovery Center was located within the footprint of MGM Springfield and had to be relocated. This facility had been at that location for many years and was operating under a Tenant at Will lease. Because of the relocation, the lease costs for the Sheriff's office increased significantly. The Sheriff's office entered a 10-year lease at the new location and the Commission has been providing \$400,000 of lease assistance for the last eight years. Under the restructured CMF, this grant would fall under the Program Set-Asides. As such, the Commission needs to decide whether to continue funding this program.



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There are several options that the Commission could consider: (i) continue the funding on an annual basis; (ii) sunset the funding over the next few years; (iii) fund the last two years of the lease at current levels; or (iv) end the funding with the 2023 grant.

- 3. Does the Commission want to use previously unexpended funds to finance the Workforce and Set-Aside Grants?** After the 2023 Grant awards were made, significant funds remain in the CMF. Most of these unexpended funds were generated from Region A. Should the Commission move ahead with the block grant approach, we are proposing to use the unexpended funds for the Workforce Grants and Program Set Asides. This would allow the program surplus to be reduced over time. In 2023, approximately \$2million of the grant awards went to Workforce and Program Set-Aside Grants (Hampden DA, PVPC, and Hampden Sheriff). If we can increase the utilization of the CMF by the DA's Offices and potentially increase Workforce grants, we may be able to increase the amount of unexpended funds being used each year. If the Commission decides to move ahead with this, it will not comply with the earlier agreement to keep the money generated in each region within that region. It is the intent to target the new money generated by the program to each specific Region. The team recommends that the unexpended funds be used for the Workforce and Set-Aside programs. While this does not fully comply with the agreement to keep moneys within the respective regions, the team looks at this as a one-time effort to bring the expenditures from the program more in line with available revenues.
- 4. Does the Commission want to have targeted minimum spending amounts in each category of Grant?** To see mitigation funds spread around to all categories of grants, the Commission could consider having minimum spending targets in each category. For the first year of this program, staff recommends a suggested minimum spending target of 15% in each of the four main categories (Transportation, Public Safety, Community Planning and Gambling Harm Reduction). Staff also realizes that some communities that receive smaller grants may not be able to achieve these goals and that some municipalities may have a larger project that would also preclude meeting those goals.
- 5. Does the Commission want to continue Workforce Development Grants and if so at what level?** The Workforce Development Grants have been very successful. They have increased over the years to the current \$500,000 per region. Given the availability of funds in the program, these amounts could be increased if the Commission so desires. An increase to \$750,000 per region would allow many more people to be trained to work in the casino industry. Our current grantees have said that they could use more funds to expand programming and could scale up next year. Considering the turnover rate and the number of openings at the casinos, additional training could help alleviate some of the worker shortages.
- 6. Does the Commission want to establish minimum grants for municipalities by region?** The needs of each region vary by the size of the gaming facility and the proximity to the regional



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transportation network. In looking at the distribution of funds, staff recommend that there be a minimum grant amount for all eligible municipalities. In looking at the availability of funds by region, we recommend that the minimum grant be \$200,000 in Region A, \$75,000 in Region B and \$50,000 for the Category 2 municipalities.

- 7. Does the Commission want to allow an administrative fee to offset the costs of administering the grant?** Most grant programs allow the use of some funds for administration costs. In fact, the CMF currently allows 7.5% of the grant to be used for administrative costs in the Workforce Development Grants. Several grantees indicated that allowing some funds to be used for administrative purposes would help in administering the program. Staff recommends that up to 7.5% of the grant funds be available for administrative costs up to a maximum of \$50,000.
- 8. Does the Commission want to allow re-allocation of funds after plans have been approved?** The Commission established a policy whereby any re-allocation of funds of \$10,000 or more or 10% of the total grant needs to be approved by the Commission. When each project was a discrete grant, reallocations would require moving money from one grant to another. Under the block grant approach, a single grant will be awarded for all projects within the municipality. The team envisions that there could be requests to move money around within the grant as costs become more well-defined. Does the Commission want to maintain this policy or make any revisions to it?
- 9. Does the Commission want to create a set-aside for Regional Planning Agencies?** One of the goals of the CMF is to increase collaboration between the affected municipalities. While we have had some success in that area, there have only been a few regional projects. The Regional Planning Agencies (RPAs) routinely look at regional issues such as traffic and economic development. Staff feels that by utilizing the expertise of RPAs multi-community projects could be coordinated and capacity could be built for initiatives that have previously been inaccessible for an individual municipality. Staff spoke with the three RPAs – Metropolitan Area Planning Council (MAPC), Pioneer Valley Planning Commission (PVPC) and the Southeast Regional Planning and Economic Development District (SRPEDD) – to see how funds might be best used for regional planning associated with the casinos. For the first year of the revamped program, staff is recommending setting aside \$250,000 for each of the RPAs. The RPAs were universally in agreement and excited about what they could contribute to the program. They agreed that \$250,000 was an appropriate funding level.
- 10. Does the Commission want to continue to place caps on the various categories?** In past grant rounds, the Commission has placed caps on each category (\$500,000 Specific Impact, \$200,000 Public Safety, \$250,000 Transportation Planning, etc.) Under the block grant approach, a municipality would be granted a set amount of money to be spent in any of the grant categories. This would effectively place an overall cap on the municipality. Eliminating individual category caps would give grantees more flexibility to prioritize spending within their own municipality. If the Commission would like to keep caps on the categories, the



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team recommends that the caps be a percentage of the overall grant rather than a dollar figure per category. The Team recommends that the category caps be eliminated.

**11. Does the Commission want to reconsider the percentage that the CMF will fund on Transportation Construction projects?** Over the last few years, the Commission has capped the amount of CMF contribution for a transportation construction project at 1/3 of the total project cost up to \$1.5 million. The reason for this cap is that most transportation construction projects have significant additional benefits to the municipality over and above mitigating a casino impact. A couple of communities have asked for the CMF to contribute a higher percentage of the project cost. While staff believes that 1/3 of the project cost remains generous, some smaller projects may warrant a higher proportion of funding.

For example, the Commission could consider funding 100% of project costs up to \$250,000 and then fund a percentage of the cost over that amount. Under the previous guidelines, the maximum grant was \$1.5 million. In order to receive the maximum award, a project would need to be \$4.5 million or greater. If 30% were used for the amount above \$250,000 a \$4.5 million project would have a contribution of \$1,525,000, which is very close to the \$1,500,000 maximum allowed under the previous program.

	Project Cost	CMF Contribution
Cost Funded at 100%	\$ 250,000	\$ 250,000
Cost Funded at 30%	\$4,250,000	\$1,275,000
Total Cost	\$4,500,000	\$1,525,000

This would allow municipalities to fund smaller projects without having to identify matching funds. In past grant rounds, applicants have requested waivers for some of the smaller projects (Bluebikes) and we have had instances where municipalities have not been able to secure the additional required funds.

**12. Does the Commission want to allow a municipality to exceed the designated grant allocation if a particular need is identified?** For the first year of the block grant approach, staff is concerned that there could be municipalities that have needs that exceed their designated grant allotment particularly in the western region. Considering the funds that are available to the program, additional projects could be approved if there is a demonstrated need. Staff recommends that the waiver process be modified to include this provision.

**13. Does the Commission want to allow operational costs and implementation costs to be eligible?** The Commission has allowed operational costs to be funded as long as the activity supplements rather than supplants existing funding. The typical example has been increased traffic patrols, but we have also recently funded a staff position for coordinating



the “Safe Ride Home” program being done by Springfield. The team recommends continuing to allow this funding as long as it does not supplant existing funding.

In the Community Planning category, several municipalities have wanted to use funds to implement recommendations from previous planning projects. The typical example is Community Planning funds have been used to develop a marketing plan for the municipality and now the municipality wants to use funds for implementing the plan (such as ad buys). The guidelines have been silent on whether these funds may be implementation purposes. The team recommends that these costs be allowed as part of their plan.

**14. Does the Commission want the Guidelines to identify ineligible projects or items?** Over the last few years, the Commission has received applications for items that were deemed to be ineligible because they supplanted existing funding or were items that should have been provided by the municipality rather than the CMF (e.g., replacement vehicles). However, many of these items were not specifically prohibited in the Guidelines. In the interest of providing clearer guidance, staff recommends that each grant category identify projects or items that are ineligible for funding. If the Commission wants staff to move ahead with this, proposed ineligible items will be included in the draft Guidelines that will be presented in October.

**15. What source of funds should be used for the municipalities around the Category 2 facility (PPC)?** In past grant rounds, funding for the municipalities around the Category 2 facility was divided evenly between Region A and Region B since PPC does not contribute funds to the CMF. In taking another look at this, staff recommends that all the funds for the Category 2 facility be taken from the Region A funds. Plainville itself lies within Region A. Given the disparity in the funds generated between Region A and Region B and the relatively small expenditures in the Category 2 area, staff believes that it is reasonable to assess all the CMF costs for PPC to Region A.

**16. Does the Commission want to change the program from a Calendar Year to a Fiscal Year?** The amount of funding available for each Grant cycle has previously been based on a calendar year. Most, if not all, of our applicants operate on a fiscal year that runs from July 1 through June 30. The Commission itself operates on the same fiscal year and our financial reporting is also done by fiscal year. This creates some difficulty in tracking contracts and payments. In essence, the CMF follows a fiscal year as our goal is to have all grant awards completed by June 30 each year. In doing this, the only real impact would be that there would be no 2024 CMF grant. We would go directly from the 2023 program to the FY 2025 program. Staff recommends making this change as it puts our program in alignment with our grantees and the Commission’s Financial Division.





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

FROM: Joseph Delaney, Mary Thurlow, and Lily Wallace

CC: Todd Grossman, Interim Executive Director

DATE: September 14, 2023

RE: 2024 Community Mitigation Fund Block Grant Formula

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The Community Affairs Division proposes to restructure the current Community Mitigation Fund (CMF) into a block grant program for eligible municipalities. Currently the program provides funds to grantees across a broad range of categories through individual applications. The program also funds other eligible entities to provide support for regional initiatives. The division is proposing to pilot a model where eligible applicants would be given a grant amount based on a formula, and the applicants would then provide an application in the form of a workplan that would contain all relevant projects for Commission approval. In developing this formula, the Division looked at other relevant state programs and worked through multiple funding formulas with the goals of ensuring the formula was equitable for municipalities while also keeping it simple enough to practically implement.

The team identified several factors to consider in the development of the formula:

1. **Minimum Grant Amount** – Staff recommend that there should be a minimum grant amount established by region each year subject to availability of funds. Considering the amount of money available in each region this year, the team is suggesting the following minimum grants:
  - Region A - \$200,000
  - Region B - \$75,000
  - Category 2 - \$50,000
2. **Host/Surrounding Community** – Staff recommends that some additional funds be awarded for being a designated Host or Surrounding Community. There are several communities in Regions A and B that are not designated Host or Surrounding Communities but are eligible for mitigation funds. These communities were either denied Surrounding Community status or did not participate in the designation of Surrounding Communities. By designating Host and Surrounding Communities, the licensees agreed that these communities would be impacted by the casinos. For the



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communities that were denied Surrounding Community status, there was no recognition of significant adverse impacts. Staff recommends that the Host community receive an additional 200% of the minimum grant and that designated Surrounding Communities receive an additional 100% of the grant.

3. **Proximity** - The basic premise behind this is that the further geographically a municipality is from the casino, the smaller the impacts will be. This portion of the grant is designed to consider public safety issues, economic impacts, gambling harms, etc. In making the determination of proximity, the team considered whether the municipality directly abutted the Host Community and how far the municipalities were from the casino. We also looked at geographic and physical features (rivers, highways, etc.) to assess how similar municipalities were to one another. The Host Communities received the largest share of these funds as they bear the brunt of the impacts associated with the casino. There is not a lot of available research to quantify impacts in a congruent fashion. The team used its best judgement to identify similarities and differences among municipalities to assign dollar values to the proximity category. The team recommends re-evaluation of this category on an annual basis as new information becomes available as many of these impacts are qualitative not quantitative data.
4. **Traffic Impacts** - Traffic is one of the largest impacts of the casinos and should be included as a factor in grant awards. The team reviewed the traffic studies associated with the casinos and assigned grant amounts by the percentage of traffic estimated to pass into municipalities on local roads. Traffic that directly accesses an interstate or other limited access highway was not considered in the calculation as MassDOT already receives a percentage of the gaming taxes for state road work. In Springfield, that does not include vehicles that use I-91 when entering or exiting the site. In Plainville, the traffic numbers do not include project traffic associated with I-495. In Everett, all the traffic was counted as it must use local roads in multiple communities before accessing a highway. However, once on the highway, that traffic was no longer considered. For example, traffic using I-93 north exiting the site must pass through Boston and Somerville on surface roads before reaching I-93. Once on I-93 the traffic then passes through Medford. For our purposes, the traffic impact was counted on Boston and Somerville, but not on Medford.

Based on these factors, the following pages present the results of this formula for each municipality.

The intention of the Division is to fund the following with FY23 tax revenues and previous unexpended funds would be used towards program set asides and workforce development grants. The below figures are based off a revenue of \$16 million dollars for FY23.



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**Region A – Encore Boston Harbor**  
**FY 25 Available Funding - \$11,500,000\***

Community	Base Grant	HCA/SCA Status	Proximity to Casino	Traffic	Total
Everett (Host)	\$200,000	\$400,000	\$1,600,000	\$615,300	\$2,815,300.00
Boston	\$200,000	\$200,000	\$800,000	\$1,346,100	\$2,546,100.00
Cambridge	\$200,000	\$200,000	\$300,000	0	\$700,000.00
Somerville	\$200,000	\$200,000	\$400,000	\$288,600	\$1,088,600.00
Medford	\$200,000	\$200,000	\$400,000	\$230,800	\$1,030,800.00
Malden	\$200,000	\$200,000	\$400,000	\$76,900	\$876,900.00
Revere	\$200,000	0	\$400,000	\$230,800	\$830,800.00
Chelsea	\$200,000	\$200,000	\$400,000	\$211,500	\$1,011,500.00
Saugus	\$200,000	0	0	0	\$200,000.00
Lynn	\$200,000	0	0	0	\$200,000.00
Melrose	\$200,000	0	0	0	\$200,000.00
<b>Total</b>	<b>\$2,200,000.00</b>	<b>\$1,600,000.00</b>	<b>\$4,700,000.00</b>	<b>\$3,000,000.00</b>	<b>\$11,500,000.00</b>

*\* These numbers do not represent FY 25 actuals.*



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**Region B –MGM Springfield**  
**FY 25 Available Funding - \$4,000,000\***

Community	Base Grant	HCA/SCA Status	Proximity to Casino	Traffic	Total
Springfield (Host)	\$75,000	\$150,000	\$600,000	\$468,000	\$1,293,000.00
West Springfield	\$75,000	\$75,000	\$250,000	\$75,200	\$475,200.00
Holyoke	\$75,000	\$75,000	\$75,000	\$51,200	\$276,200.00
Chicopee	\$75,000	\$75,000	\$125,000	\$42,400	\$317,400.00
Ludlow	\$75,000	\$75,000	\$75,000	\$9,600	\$234,600.00
Wilbraham	\$75,000	\$75,000	\$125,000	\$18,400	\$293,400.00
East Longmeadow	\$75,000	\$75,000	\$125,000	\$51,200	\$326,200.00
Longmeadow	\$75,000	\$75,000	\$125,000	\$28,000	\$303,000.00
Agawam	\$75,000	\$75,000	\$125,000	\$56,000	\$331,000.00
Hampden	\$75,000	0	0	0	\$75,000.00
Northampton	\$75,000	0	0	0	\$75,000.00
<b>Total</b>	<b>\$825,000.00</b>	<b>\$750,000.00</b>	<b>\$1,625,000.00</b>	<b>\$800,000.00</b>	<b>\$4,000,000.00</b>

*\* These numbers do not represent FY 25 actuals.*



Massachusetts Gaming Commission



**Category 2 – Plainridge Park Casino**  
**FY 25 Available Funding – \$525,000\***

<b>Community</b>	<b>Base Grant</b>	<b>HCA/SCA Status</b>	<b>Proximity to Casino</b>	<b>Traffic</b>	<b>Total</b>
Plainville (Host)	\$25,000	\$50,000	\$50,000	\$37,700	\$162,700.00
Wrentham	\$25,000	\$25,000	\$20,000	\$9,000	\$79,000.00
Foxborough	\$25,000	\$25,000	\$10,000	\$6,000	\$66,000.00
Mansfield	\$25,000	\$25,000	\$10,000	\$4,000	\$64,000.00
North Attleborough	\$25,000	\$25,000	\$10,000	\$29,000	\$89,000.00
Attleborough	\$25,000	\$25,000	0	\$14,300	\$64,300.00
<b>Total</b>	\$150,000.00	\$175,000.00	\$100,000.00	\$100,000.00	\$525,000.00

*\* These numbers do not represent FY 25 actuals.*

