



NOTICE OF MEETING AND AGENDA

Pursuant to the Massachusetts Open Meeting Law (G.L. c. 30A, §§ 18-25), and St. 2025, c. 2, notice is hereby given of a public meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

Thursday | September 25, 2025 | 10:00 a.m.

VIA REMOTE ACCESS: 1-646-741-5292

MEETING ID/ PARTICIPANT CODE: 112 391 3300

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 - #565

1. Call to Order – Jordan Maynard, Chair

2. Meeting Minutes

- | | |
|----------------------|-------------|
| a. March 14, 2024 | VOTE |
| b. April 11, 2024 | VOTE |
| c. June 20, 2024 | VOTE |
| d. August 1, 2024 | VOTE |
| e. September 4, 2025 | VOTE |

3. Administrative Update – Dean Serpa, Executive Director

- a. Casino Update and Slot Machine and Denomination Breakdown
Presentation – Burke Cain, IEB Gaming Agents Division Chief

4. Racing – Dr. Alexandra Lightbown, Director of Racing and Chief Veterinarian

- a. Standardbred Owners of MA Recognition **VOTE**

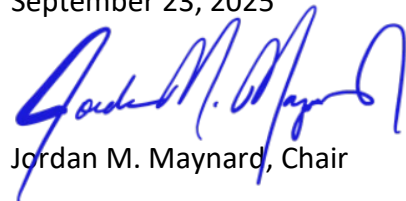


Massachusetts Gaming Commission

5. Sports Wagering Division – Carrie Torrisi, Division Chief, Sports Wagering
 - a. Discussion regarding Sports Wagering Quarterly Report Presentation – All Commissioners
6. Legal – Justin Stempeck, Interim General Counsel
 - a. 205 CMR 239.07: *Audit of Operator Operations by Commission* – Discussion and Review of Regulation Amendments and Amended Small Business Impact Statement for final adoption by Commission – Justin Stempeck, Interim General Counsel **VOTE**
 - b. 205 CMR 3.11: *General Rules & 205 CMR 3.14: Licenses, Registrations and Fees for Participants in Racing* – Discussion and Review of Regulations and Amended Small Business Impact Statement for approval to send to the Clerk of Senate and House, and Final Review and Adoption – Judith Young, Associate General Counsel, and Dr. Alexandra Lightbown, Director of the Division of Racing **VOTE**
 - c. 205 CMR 248.12: *Account Withdrawals* – Discussion and Review of Regulation Amendments and Amended Small Business Impact Statement for final adoption by Commission – Autumn Birarelli, Staff Attorney **VOTE**
7. Research and Responsible Gaming – Mark Vander Linden, Director of Research and Responsible Gaming
 - a. Voluntary Self-Exclusion Program Update – Mark Vander Linden, Director of Research and Responsible Gaming; Long Banh, Program Manager
8. Commissioner Updates
9. 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: September 23, 2025 | 10:00 a.m. EST

September 23, 2025



Jordan M. Maynard, Chair

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



Massachusetts Gaming Commission

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Massachusetts Gaming Commission

Meeting Minutes



Date/Time: March 14, 2024, 10:00 a.m.

Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292

PARTICIPANT CODE: 111 787 4930

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](#) (0:11)

Chair Cathy Judd-Stein called to order the 508th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

Chair Judd-Stein stated that the upcoming public meeting on March 18, 2024 would include final interviews for the role of Executive Director. She added that the Commissioners were aware that she intended to recuse herself from the interviews, discussions, and ultimate vote given that she would not have the opportunity to work with the prevailing candidate. She noted that her last day as Chair would be the following Thursday and that the current meeting would be her last full public meeting. She thanked industry experts and stakeholders, the Department of Public Health, the Attorney General's Office and the Commission's licensees for their support, generosity, and insight. She reminisced on her time at the Commission, highlighting the opening of Encore Boston Harbor. She concluded by stating that she expected the Commission to continue its dedication to advocating for vulnerable communities.

Commissioner O'Brien thanked the Chair for her work at the Commission. She highlighted the Chair's intellect, stamina, and her adherence to the statutory mission of the Commission.

Commissioner Skinner congratulated the Chair on her retirement and expressed her gratitude to the Chair for her commitment to public service.

Commissioner Maynard stated that the Chair was a trailblazer and good friend.

2. Meeting Minutes (14:53)

- a. June 1, 2023
- b. June 15, 2023
- c. June 21, 2023

Commissioner Maynard moved that the Commission approve the minutes from the June 1st, June 15th, and June 21st public meetings as found in the Commissioners' Packet subject to any necessary corrections for typographical errors or non-material matters. Commissioner O'Brien seconded the motion.

Commissioner Skinner stated that on page 17 of the minutes from the June 15th meeting, she had referred to the operators subject to a diversity audit as category 1 licensees. She stated that she recalled being corrected by the Chair but that this correction was not reflected in the minutes. She asked for this to be amended to refer to casino licensees. Commissioner Skinner read the quote from the bottom of page 17 of the June 15th meeting minutes.

Associate General Counsel Judith Young stated that she had made a note of Commissioner Skinner's comment.

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.

3. Administrative Update (18:03)

Interim Executive Director and General Counsel Todd Grossman introduced Assistant Attorney General Jared Rinehimer to offer an update relative to the impermissible offering of certain games by daily fantasy sports operators. He added that cease and desist letters had been sent out by the Attorney General's Office.

- a. Update to Offering of Impermissible Games by Daily Fantasy Sports Operators (18:55)

Assistant Attorney General Rinehimer stated that the Commission previously held discussions with the Attorney General's Office regarding cease and desist letters to be sent to daily fantasy sports operators who appeared to be offering parlays on their platforms or games against the house. Ten letters had been sent, and all operators but one responded by stating that they are no longer hosting these games or never hosted these games.

Chair Judd-Stein asked why one operator did not respond. Assistant Attorney General Rinehimer responded that the operator requested additional time to modify its platform. He added that the operator had not confirmed that they were no longer operating those games, but the State's position had been made clear, and the Attorney General's Office was planning on following up.

Chair Judd-Stein expressed her appreciation to the Attorney General for taking the first step towards addressing illegal sports betting.

4. [Legislative Update](#) (23:01)

a. [Report on Planned Legislative Breakfast](#) (23:05)

Commissioner Hill stated that a Legislative Breakfast would be held on April 2, 2024. He announced that the Commission had partnered with Chairman Parisella and Chairman Finegold of the Economic Development Committee on this breakfast.

Commissioner O'Brien asked if this was a public meeting as all Commissioners would be present. Commissioner Hill responded that the breakfast would not be a public meeting because the Commissioners would not formally be speaking at the event.

5. [Racing – Dr. Alexandra Lightbown, Director of Racing and Chief Veterinarian](#) (26:31)

a. [Request for Approval of Additional Simulcast Import Signal](#) (28:05)

Chief Lightbown introduced a request from Raynham Park to approve an additional simulcast import location, Sky Racing World, so that Raynham would be able to show the Dubai World Cup on March 30, 2024. Chief Lightbown stated that her recommendation was to approve the request from Raynham Park.

Commissioner O'Brien moved that the Commission approve the Raynham Park request for approval of an additional simulcast import location, Sky Racing World, for the remainder of the calendar year 2024, as included in the Commissioners' Packet and discussed here today.

Commissioner Maynard seconded the motion.

Roll call vote:

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

The motion passed unanimously, 5-0.

b. Report on 2022 Unpaid Winnings and possible subsequent authorization for CFAO to pay out funds approved by the Commission (30:24)

I. Plainridge Racecourse (30:24)

Chief Lightbown stated that Financial Analyst Chad Bourque had reviewed the unclaimed tickets from each track. *Separate memos regarding each location's unclaimed winnings can be found in the Commissioners' Packet on pages 43 through 46.* He determined that \$116,328.16 is to be paid by Plainridge Racecourse to the Commission for the 2022 unclaimed winnings.

Chair Judd-Stein asked if the money from the unclaimed winnings is paid to the Commission or to the Commonwealth. Chief Lightbown clarified that the money is paid to the Commission, and then by statute, once the money clears, money due to the horse tracks is sent back to be put into their purse accounts, and money due to the former dog tracks goes into the Racing Stabilization Fund.

Commissioner Skinner inquired about the review process and why 2022 was being reviewed rather than 2023. Chief Lightbown responded by stating that, by statute, patrons have a year from the year in which they placed the bet to cash in their tickets. She added that it is possible that patrons have lost or damaged tickets that they are trying to claim, in which case the claim would be reviewed. She noted that there are few of these this year because of a transition to online betting.

II. Suffolk Downs (35:23)

Chief Lightbown stated that the amount for Suffolk Downs totals \$114,479.36.

III. Wonderland Park (35:30)

Chief Lightbown stated that the amount for Wonderland Park totals \$655.85.

IV. Raynham Park (35:35)

Chief Lightbown stated that the amount for Raynham Park totals \$127,549.82.

Commissioner O'Brien moved that the Commission approve the following payments to the Commonwealth of Massachusetts for the 2022 unclaimed winnings as included in the Commissioners' Packet and discussed here today: \$116,328.16 from Plainridge Racecourse, \$114,479.36 from Sterling Suffolk Racecourse, \$655.85 from Wonderland Greyhound Park, and \$127,549.82 from Raynham/Taunton/Massasoit Greyhound Associations. She further moved that the Commission authorize the Finance Division to distribute the funds from unclaimed tickets from Plainridge Racecourse in the amount of \$116,328.16 into the Plainridge purse account, from the Sterling Suffolk Racecourse in the amount of \$114,479.36 to the Sterling Suffolk Racecourse purse account, from the Raynham Massasoit Greyhound Association in the amount

of \$127,549.82 to the Racing Stabilization Fund, and from the Wonderland Greyhound Park in the amount of \$655.85 also into the Racing Stabilization fund. 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.

6. Sports Wagering Division (38:16)

a. Request for Amendment to House Rules (38:32)

I. Fanatics (38:37)

Operations Manager Andrew Steffen reviewed updates to the house rules from Fanatics Betting and Gaming ("Fanatics"). *A memo and copy of the updated house rules are found in the Commissioners' Packet on pages 47 through 71.* He stated that Fanatics was requesting minor changes to their existing house rules, most of which were revisions for clarification as well as the addition of some new markets or prop bets. Manager Steffen stated that two (2) market types, a player's next team for both their football and basketball markets, were deleted from the house rules. These markets were added in Fanatics' initial updates submitted on February 26, 2024; however, these markets were not approved by the Commission during the meeting on February 1st. In review of the changes submitted, the Sports Wagering Division requested that these markets be removed from the house rules revisions and be resubmitted accordingly.

Manager Steffen stated that these house rules have been approved in other jurisdictions where Fanatics operates, such as Colorado, Ohio and Vermont. He further stated that after an extensive review, the Sports Wagering Division confirmed that all requirements had been met pursuant to 205 CMR247.02 and had no reservations on approving these house rule changes.

Commissioner O'Brien asked who would define goal on target for soccer wagering. Manager Steffen responded that FIFA tracks shots on target or shots on goal.

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

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.
The motion passed unanimously, 5-0.

II. FanDuel (46:20)

Manager Steffen reviewed updates to FanDuel's house rules. *A memo and copy of the updated house rules can be found on pages 72 through 78 of the Commissioners' Packet.* He noted that FanDuel submitted several new additions to their baseball markets and updates to other sports for clarification as well as added jai alai as a new sport. Manager Steffen stated that the Sports Wagering Division was unable to determine if other jurisdictions had approved these house rules recently. Manager Steffen stated that after an extensive review, the Sports Wagering Division confirmed that all requirements had been met pursuant to 205 CMR 247.02 and had no reservations on approving these house rule changes.

Chair Judd-Stein asked about the Commission's previous approval of jai alai and what specific league it was under. Manager Steffen responded that it was under the World Jai Alai League which was approved in September 2023. Chair Judd-Stein asked if the house rules needed to clarify the specific league. Manager Steffen stated that in other house rules, leagues are not defined. He added that in the Commission's catalog, World Jai Alai is the only league approved. Commissioner O'Brien added that when the Commission granted approval for jai alai, the Commission did not receive any player comments.

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

Roll call vote:
Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Maynard: Aye.
Chair Judd-Stein: Aye.
The motion passed unanimously, 5-0.

b. Event Catalog Addition Request United Football League (UFL) (53:36)

Manager Steffen introduced an event petition to add a new league to the Commission's catalog. He stated that he had misspoken in the previous agenda setting meeting and clarified that this was not a joint submission by DraftKings and FanDuel. Rather, FanDuel had submitted a request to add the United Football League ("UFL") to the Commission's catalog on February 1, 2024, and DraftKings submitted a petition on February 27, 2024. Manager Steffen stated that both petitions are similar. *A memo and copy of both petitions can be found in the Commissioners' Packet on pages 79 through 96.* He noted that the United States Football League ("USFL") and the XFL would merge to form the UFL. The new league would consist of 8 total teams, including 3 teams from the old USFL, 4 teams from the old XFL and a Houston team comprised of teams in both former leagues. Manager Steffen noted that the league is financially backed by

Fox Sports CEO Eric Shanks, representing half of the UFL, while the other half is comprised of recent members of the XFL ownership group. Both FanDuel and DraftKings have confirmed that this league will fall under their already approved house rules. He stated that both operators stated in their petitions that integrity rules are in line with current football approvals. The Sports Wagering Division confirmed that all requirements had been met pursuant to 205 CMR 247.03 and had no reservations on approving the new league to be added to the event catalogue.

Commissioner Skinner asked if these modifications were in line with integrity standards in other sports leagues. Manager Steffen responded that these integrity standards were combined from the USFL and the XFL, but no new rules were implemented. Commissioner Skinner asked for clarification on whether the modifications were already in existence when the two leagues were separate. Manager Steffen stated that she was correct.

Commissioner Skinner asked if there were any jurisdictions that denied either operator the ability to offer wagering on the new league. Trading Compliance Manager for FanDuel Chris Black stated that none of the jurisdictions that the Sports Wagering Division had reached out to had denied the UFL for approval. Senior Director of Regulatory Operations at DraftKings Jacob List added that 24 states had approved the request, and the request was pending in 4 states.

Commissioner O'Brien asked if the operators had heard back from the players' association. Manager Black stated that FanDuel had received no response from the players' association.

Commissioner Maynard moved that the Commission amend the official catalogue of events and wagers to include the United Football League as included in the Commissioners' Packet and discussed here today. 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.

c. [Request for Extension of Waivers pertaining to 205 CMR 257.03 \(4\)](#) (1:04:08)

Sports Wagering Business Manager Crystal Beauchemin presented requests to extend a uniform waiver from the requirements of 205 CMR 257.03(4) on data sharing that had already been in place but that expired in March. The waiver was previously discussed and allowed during a public meeting on November 16, 2023 at which time the Commission decided to review the relevant regulatory language. She added that the requests before the Commission were the same as the previous submissions. *A memo and copy of waiver requests from BetMGM and DraftKings can be found in the Commissioners' Packet on pages 97 through 103.* Ms. Beauchemin stated that the options available to the Commission were to review and approve the two specific waivers submitted or extend the universal waiver provided to all operators.

Commissioner Skinner stated her assumption that if the Commission had not received a waiver request from other operators, they must be in compliance given that the waiver was only through March 1, 2024. She indicated that it was meaningful that two operators chose to file a waiver request and not remain silent like the other operators. Ms. Beauchemin stated that operators were doing what they thought was appropriate in regard to the regulation; however, there were questions about encryption versus hashing versus other methods to protect Personally Identifiable Information.

Commissioner Skinner asked if there was anything in the operators' submitted reports that the Commission should consider in order to determine if a universal waiver would be fitting. Ms. Beauchemin stated that operators were continuing to attempt to comply but that may change if the regulatory language changes, which it has not yet. Commissioner Skinner asked for a copy of the submitted reports.

Commissioner O'Brien asked about the timing of the expected changes to the regulation. Deputy General Counsel Carrie Torrisi stated that after speaking with the Attorney General's Office, proposed amendments to the regulation were ready to be added to an upcoming meeting.

Commissioner Skinner stated that the waiver should extend some time out so that operators may be brought in for a comprehensive discussion. Commissioner O'Brien stated that she would like to set a realistic expiration date for an extension on the waiver. Commissioner Hill suggested that the extension could be through August 31st or until the regulation was amended to the Commission's preferences. Commissioner Maynard agreed with Commissioner Hill and hoped to have a comprehensive discussion with the operators before then. Ms. Beauchemin stated that she would be more comfortable setting a date in July.

Commissioner Skinner moved that in accordance with 205 CMR 202.03(2), the Commission issue a waiver to all licensed sports wagering operators from the requirements outlined in 205 CMR 257.03(4) through July 31, 2024 as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. c. 23N. Commissioner 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. [Report on status of Bally's Operational Plan](#) (1:22:19)

Director of Sports Wagering Bruce Band stated that he had reached out to the Chief Operating Officer of Bally's Interactive ("Bally's") North America in December and again in the past week to check in after they opened operations in Rhode Island. Bally's was aiming for the end of Q2 to open its sportsbook in Massachusetts. Director Band stated that he sent a letter to Bally's

containing all necessary steps prior to opening in order to obtain an operations certificate in Massachusetts. He stated that he had not heard back from Bally's and acknowledged that they had to go through many steps in order to be issued a temporary license.

Commissioner O'Brien suggested that the Commission have Bally's appear before the Commission. Director Band stated that he would push the envelope harder if he didn't hear from Bally's. Both Commissioner Hill and Commission Skinner agreed with Commissioner O'Brien.

Interim Executive Director and General Counsel Grossman stated that Bally's had been asked to meet the requirements for licensure just like every other operator. However, there was a slight difference in the licensing section of the regulations at this time which he asked Chief of the Licensing Division Kara O'Brien to review. Chief O'Brien explained that under the current regulations, occupational licenses for those in a supervisory capacity must be issued before the operator goes live. She added that last year, the Commission was able to license these individuals based on an attestation; however, that provision has since sunset, making temporary licenses with a preliminary investigation necessary.

Chair Judd-Stein stated that having a Massachusetts license is a privilege and expressed her frustration with Bally's delay as well as that they were claiming to already have a license.

Director of Investigations and Enforcement Bureau Caitlin Monahan stated the IEB was waiting for information from Bally's and will process it as it does. Chief O'Brien also stated that her Division had been working through the licensing process with Bally's.

7. [Investigations and Enforcement Bureau](#) (1:36:00)

Director Monahan stated that the Licensing Division had two matters for the Commission to discuss.

Transcriber's note: The Commission took a break at [1:36:42](#) and resumed at [1:54:23](#).

a. [MGM Springfield Request for Amendment to the Beverage License](#) (1:55:00)

Licensing Manager David MacKay stated that MGM Springfield had applied for an amendment of its Gaming Beverage License to add a new venue, "Converted Church," *as discussed on pages 104 through 109 of the Commissioners' Packet*. He stated that the amendment application had been reviewed by the Licensing Division, including verification pertaining to the licensed area manager, Christopher Smigel, Executive Director of Hospitality, and an on-site inspection. Manager MacKay added that the IEB Casino Regulatory Manager Angela Smith had confirmed the accuracy of the reported information through the on-site inspection. He acknowledged the collaboration with the Compliance Director of MGM Springfield Daniel Miller. He stated that the Licensing Division recommended that the Commission approve the amendment to the Gaming Beverage License.

Commissioner Maynard moved that the Commission approve MGM Springfield's Gaming Beverage License amendment request to add "Converted Church" as a new licensed area in

accordance with G.L. c. 23K, § 6 and 205 CMR 136.03 and 136.04. 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. Plainridge Park Casino's Request for Withdrawal of a Service Registration Exemption (2:02:12)

Manager MacKay stated that a request from Plainridge Park Casino ("PPC") to withdraw the exempt status for the food court attendant position was received by the Licensing Division. This request was made under the statutory provision enacted in 2017 that authorizes the Commission to exempt certain job positions from the G.L. c. 23K registration requirements. This position was originally approved for exemption on May 10, 2018. The position previously was working between two food outlets in the food court area, neither of which offered alcoholic beverage options. PPC has now added alcoholic beverage options, and if approved, this position will now provide alcohol service to patrons. Due to this change in responsibilities, the Licensing Division revisited the exempt status and recommended designating the position of food court attendant as a gaming service employee who must register in accordance with 205 CMR 134.09.

Commissioner Skinner stated that she did not have an issue with pulling back the exemption on the position but asked if the employees would be employees of Wahlburgers or PPC. Manager MacKay stated that these employees were employed by PPC. He stated that Wahlburgers was licensing their name only, and the outlet would be owned and operated by PPC.

Commissioner Hill moved that in accordance with 205 CMR 134.03(1)(b), the Commission withdraw its prior approval to exempt from the service employee registration requirements the position of "food court attendant" at Plainridge Park Casino as included in the Commissioners' Packet and discussed here today. 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.

8. Legal (2:09:31)

- a. [205 CMR 221.00: Sports Wagering Licensing Fees – Final Draft of Existing Regulation and Amended Small Business Impact Statement for Review and Approval to Finalize the Promulgation Process](#) (2:09:44)

Deputy General Counsel Torrissi presented 205 CMR 221.00 on sports wagering licensing fees and stated that the Legal Division was seeking approval to finalize the promulgation process and file this regulation with the Secretary of the Commonwealth. *A memo, draft of 205 CMR 221, and amended small business impact statement can be found in the Commissioners' Packet on pages 113 through 118.*

Anderson and Kreiger attorney Paul Kominers reviewed the regulation and stated that 205 CMR 221.00 governed fees for the licensing of sport wagering operators. He added that this was a small clean up amendment because it was previously written in a way that could be read to require operators to pay \$2 million for every temporary license.

Commissioner Skinner moved that the Commission approve the amended small business impact statement and the draft of 205 CMR 221 as included in the Commissioners' Packet and discussed here today, and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye

The motion passed unanimously, 5-0.

- b. [205 CMR 238.12: Reserve Requirement \(SW Letter of Credit\) – Amendments to Existing Regulation, and Small Business Impact Statement for Review and Approval to Commence the Promulgation Process and/or Adoption via Emergency](#) (2:13:19)

Deputy General Counsel Torrissi stated that amendments to 205 CMR 238.12 were being presented to the Commission for the first time in order to begin the promulgation process. *A memo, draft of 205 CMR 238.12, and small business impact statement can be found in the Commissioners' Packet on pages 119 through 123.*

Anderson and Kreiger attorney Annie Lee stated that 205 CMR 238.12 was last amended in October 2023 in conjunction with the promulgation of the cessation regulation. The cessation regulation called for operators to obtain a letter of credit to ensure that pending wagers would be able to be redeemed by patrons in the event of cessation of sports wagering operations. She added that following that amendment, Commission staff considered if a letter of credit would be beneficial for other purposes, specifically to protect patron deposits. The proposed amendment to 205 CMR 238.12 would require operators to back up patron funds through a letter of credit or

through a combination of a letter of credit in addition to the methods that are already permitted in the regulation. The effect of this proposed amendment would allow operators to co-mingle funds and use funds for operations where there is a letter of credit.

Chief Financial and Accounting Officer Derek Lennon stated that the regulation protects patrons and allows for maximum flexibility.

Commissioner Skinner moved that the Commission approve the small business impact statement and the draft of 205 CMR 238.12 as included in the Commissioners' Packet and discussed here today, and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to begin the regulation promulgation process. 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.

c. [205 CMR 238.35: Cancelled or Voided Wagers](#) (2:19:55)

Deputy General Counsel Torrisi presented 205 CMR 238.35 regarding cancelled or voided wagers for Commission discussion. *A memo and copy of 205 CMR 238.35 were included in the Commissioners' Packet on pages 124 through 129.*

Anderson and Krieger attorney Mina Makarious stated that questions had been raised as to whether this regulation was working the way the Commission intended it. He emphasized that this was the beginning of the discussion, and he would walk through how the particular provisions worked in the context of the cancellation or voiding of a wager by an operator. He stated that when underlying circumstances of a wager changed, the operator must void a bet. A provision was added in 2022 which allowed operators to cancel or void wagers in the event of an obvious error in the placement or acceptance of the wager in the opinion of the operator. He explained that the process to cancel or void involves the submittal of information to the Commission, including the basis for voiding or cancelling a wager. He continued by stating that the Commission may then request information and consider any relevant factors outlined in the regulation. He stated that the Commission had broad discretion and asked if the Commission would like to continue with this discretion or align with the models in other states, such as New Jersey or Connecticut.

Commissioner O'Brien stated that that she was interested in the New Jersey model which asks operators to provide certain information but does not have a comprehensive regulation in place. She stated that she was troubled by the level of complexities of some emerging parlay bets and a lack of ability to catch errors. She suggested that there be some more guidance in the Massachusetts regulation.

Chair Judd-Stein asked if there was any room for negotiation in terms of partial voiding of a wager such that the patron is made partially whole.

Commissioner Maynard stated that he agreed with Commissioner O'Brien, noting that he wanted some discretion to look at these cases to be able to consider the company's position as well as the patron's. He added that this was a matter of consumer protection.

Commissioner Skinner stated that she was troubled during the Commission's discussion of a void by DraftKings by the varying degree to which the operator was responsive to patrons and the remedy that was offered to patrons. She added that the Commission should request a history of communication to the patron involved in that matter.

Mr. Makarios added to the discussion by stating that partial remedies were possible and cautioned against a limitation of this discretion.

Commissioner O'Brien stated that she liked the idea of a proposed protocol and was curious about performing audits on certain errors. She asked if there was any legal inference in an operator's ability to void a wager all together where the operator disputes the matter but does give the patron back their money. Commissioner Skinner stated that the operator's ability to void should favor the patron.

Mr. Makarios stated that operators could rely on the Commission's discretion and offer patrons their wager amount back. He added that, as the current regulation stood, it would be difficult for a patron to claim that they have a right or expectation to see the wager be voided on the operator's side. Mr. Makarios concluded by stating that he would put together policy documentation to bring back to the Commission for review.

d. MGC-Licensed Seal of Approval Discussion (2:51:14)

Deputy General Counsel Justin Stempeck presented a discussion regarding whether the Commission could require licensees to display a seal of approval on their websites or platforms. *A memo reviewing this topic can be found on pages 130 to 131 in the Commissioners' Packet.* He stated that one thing to consider is the technological sophistication of a seal in addition to its graphics.

Commissioner O'Brien and Commissioner Hill expressed their support of the seal.

Transcriber's Note: The Commission took a break at 2:56:25 and resumed at 3:16:48.

9. Investigations and Enforcement Bureau (3:16:48)

- a. Discussion and Possible Adoption of Policy and Procedures for Administration of Certain Non-Compliance Matters Arising Under G.L. c. 23N and 205 CMR 232 (3:17:56)

Director Monahan presented for Commission review the Group A Sports Wagering Compliance Matter Review Protocol, which applies to low level sports wagering non-compliance matters. *A copy of the review protocol and redline version are on pages 132 through 137 of the Commissioners' Packet.* She provided an overview of incidents categorized as Group A matters.

Commissioner Hill thanked the team for continuously providing detailed incident reports.

Commissioner O'Brien moved that the Commission approve the Group A Sports Wagering Compliance Matter Review Protocol as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein Aye

The motion passed unanimously, 5-0.

10. Community Affairs Division (3:25:59)

a. Medford 2020 Transportation Construction Grant (3:26:53)

Chief of Community Affairs Joseph Delaney stated that in 2020, the Commission awarded \$530,000 to the City of Medford in a transportation construction grant for the Wellington Greenway Phase IV project. He explained that Medford now requested the Commission repurpose those funds for the design of the Wellington Route 28 Underpass, which will now be constructed using state and federal funding. The second request for the repurposing of funds was for the design of the Wellington Greenway Phase IV project, which will be constructed using Massachusetts Department of Transportation funding. He noted that the Commission's funding would help the city advance these projects to the construction phase. Mr. Delaney recommended transferring \$162,100 from the 2020 grant to the design of the Wellington Route 28 Underpass project and converting \$367,900 of the same 2022 grant from a transportation construction grant to a transportation planning grant for the completion of the Wellington Greenway Phase IV project.

Commissioner Hill moved that the Commission grant the request from the City of Medford to transfer \$162,100 from the 2020 Medford Wellington Greenway Phase IV Transportation Construction Grant to the Wellington Route 28 Underpass project to complete the project design and to convert \$367,900 of the 2020 Medford Wellington Greenway Phase IV Transportation Construction Grant to a transportation planning grant for the completion of the design of the Wellington Greenway Phase IV project as included in the Commissioners' 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.

b. FY 2025 Community Mitigation Fund Application Update and Approval Process
(3:38:36)

Mr. Delaney provided an update on the fiscal year 2025 Community Mitigation Fund. He reported that the total requests for the year amounted to \$22 million, which was significantly higher than the previous year. He noted that 28 communities were eligible for funding, 25 of which submitted municipal applications for funding. He stated that he intended to reach out to the 3 communities which did not apply. Mr. Delaney added that he had received 3 applications from regional planning agencies. He explained that the new block grant approach had increased the overall number of applications. He proposed a revised review process in which applications would be presented to the Commission by community. Mr. Delaney presented an example of a Community Mitigation Fund application.

Commissioner Hill expressed agreement with the new review process. Commissioner Skinner noted that she appreciated the additional information and preferred the format of the old memos but requested that the revised briefing prioritize substance over length. Commissioner O'Brien agreed with Commissioner Skinner but supported the idea of reviewing applications by community. Commissioner Maynard stated this support for the new review process.

11. Commissioner Updates (3:53:21)

Commissioner Hill stated that he visited Plainridge Park Casino and was impressed by their paddock and other facilities. He added that the Attorney General's Office was putting together a Youth Sports Betting Safety Coalition which would be announced on March 28, 2024. Commissioner Maynard added that the Attorney General's Office was aware that the Commission would hold public meetings regarding the matter if needed.

12. Other Business (4:06:03)

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 March 12, 2024
2. [Commissioners' Packet from the March 14, 2024](#) meeting (posted on massgaming.com)



Massachusetts Gaming Commission

Meeting Minutes

Date/Time: April 11, 2024, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 435 9381

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

Commissioners Present:

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

1. [Call to Order](#) (00:10)

Interim Chair Maynard called to order the 513th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all four Commissioners were present for the meeting.

2. [Meeting Minutes](#) (00:43)

The public meeting minutes for July 11, 2023 are included in the Commissioners' Packet on pages 4-19.

Interim Chair Maynard moved that the Commission approve the minutes from the July 11, 2023 public meeting included in the Commissioners' Packet, subject to any necessary corrections for typographical errors, or any other non-material matters. Commissioner Skinner seconded the motion.

Roll call vote:

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

*Interim Chair Maynard: Aye.
The motion passed unanimously, 4-0.*

3. [Administrative Update](#) (01:31)

Interim Chair Maynard noted that it was Executive Director Dean Serpa's first full Commission public meeting and welcomed Executive Director Serpa to the Commission. Executive Director Serpa thanked Interim Chair Maynard and the Commission and expressed his excitement.

Executive Director Serpa described his onboarding process to the Commission. Commissioner Skinner noted that she had a similar experience with onboarding to the Commission.

4. [Legislative Update](#) (04:08)

Commissioner Hill brought attention to the budget for the 2025 fiscal year proposed by the House Committee on Ways and Means ("Committee"). He highlighted aspects of the budget pertaining to the Commission. He noted that the Committee restored the cuts to the Race Horse Development Fund, including around 19 million dollars, and restored the cuts to the Public Health Trust Fund. He further noted that the Committee made a cut to the Community Mitigation Fund, by decreasing funding from 6.5% to 0%. Commissioner Hill added that the cut to the funding was only for the 2025 fiscal year and that there would be no problem for the 2024 fiscal year due to the money that was still left in the fund. He also added that there was an amendment to the budget proposal that would add money to the Public Health Trust fund.

Commissioner Hill said that the Governor and the Committee added language to the budget proposal for iLottery. He noted that the Commission sent a letter in 2017 to the Legislature that the proposed definition of iLottery was concerning at the time. Commissioner O'Brien asked the Legal department to distribute the 2017 letter to the Commissioners. Commissioner Skinner asked to receive real-time updates on the amendments that were being filed. Commissioner Hill stated that the amendments were all public, and he was happy to share the updates.

Commissioner Skinner asked to hear from the Finance team on the changes proposed by the Committee. Chief Finance and Accounting Officer Derek Lennon stated that the Committee's proposed changes were better than the proposed Governor's budget, but the funding cut was still harmful to the Community Mitigation Fund. He noted that the Community Mitigation Fund did have a balance in it, as was noted by Commissioner Hill.

Interim Chair Maynard stated his respect for the Governor's Office and the Legislature and stated his appreciation for the update.

5. [Sports Wagering Division](#) (12:11)

a. [Update on Status of Bally's Operations Plan](#) (12:20)

Chief Operating Officer at Bally’s Interactive, LLC d/b/a Bally Bet (“Bally’s”) Brett Calapp expressed his appreciation for the Commission and his excitement for Bally’s launch in Massachusetts. He talked about some of the difficulties that Bally’s faced, including platform and personnel changes. He noted Bally’s collaboration with the Commission and efforts to launch in Massachusetts.

Commissioner Hill asked if Mr. Calapp saw any barriers to launching Bally’s in Massachusetts at the end of June 2024. Mr. Calapp stated that he did not see any barriers and was working through the Commission’s regulatory items. Commissioner Skinner followed up by requesting that Bally’s appear in front of the Commission if they found any barriers to launch. She also added that there was no doubt that Bally’s was cooperating in the process. Mr. Calapp stated that he was happy to update the Commission if any barriers were discovered.

Commissioner O’Brien asked the Sports Wagering Division to keep regular reports and provide updates on the issue. Interim Chair Maynard agreed with the Commissioners and thanked Mr. Calapp.

b. [Event Catalog Addition Request: Pro Volleyball Federation](#) (24:15)

Sports Wagering Operations Manager Andrew Steffen presented an event petition from Crown MA Gaming, LLC d/b/a DraftKings (“DraftKings”) to add a new volleyball league to the Commission’s event catalog. *The petition and the supporting documents were found on pages 20-28 of the Commissioners’ Packet.* Mr. Steffen stated that the Sports Wagering Division confirmed the completion of the minimum requirements pursuant to 205 CMR 247.03 to add an event to the catalog.

Commissioner O’Brien stated that she saw no issues with adding the league to the catalog and welcomed the players to communicate with the Commission if they had concerns.

Commissioner Hill moved that the Commission amend the official catalog of events and wagers to include the Professional Volleyball Federation as included in the Commissioners’ Packet and discussed here today. Commissioner O’Brien seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

c. [Temporary Waiver requests related to 248.04 \(4\) regarding identity authentication questions](#) (30:14)

Sports Wagering Business Manager Crystal Beauchemin discussed the Temporary Waiver requests from 205 CMR 248.04(4) presented by American Wagering, Inc. d/b/a Caesars Sportsbook (“Caesars Sportsbook”) and FBG Enterprises Opco, LLC d/b/a Fanatics Betting &

Gaming (“Fanatics Sportsbook”). *Information about the waiver requests is found on pages 29-30 of the Commissioners’ Packet.* Ms. Beauchemin presented the recommendation from the Sports Wagering Division to allow the temporary waivers for 90 days with no changes to the existing Know-Your-Customer (“KYC”) processes.

Commissioner Skinner moved in accordance with 205 CMR 202.03(2), the Commission issue a waiver to Caesars Sportsbook and Fanatics Sportsbook from the requirements outlined in 205 CMR 248.04(4) until July 10, 2024, as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. c.23N. Commissioner Skinner further moved that such waiver be subject to the condition that Caesars and Fanatics Sportsbooks continue to use the KYC processes that have been reviewed by the Commission’s IT and Sports Wagering Divisions and validated by Gaming Labs International and that no additional changes be made to their KYC processes until their existing processes are reviewed by the Commission as proposed alternate methods of authentication under 205 CMR 248.04(4) or the identity authentication questions required by 205 CMR 248.04(4) are implemented. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

d. [Presentation on Sports Wagering in the Commonwealth Year at a Glance](#) (34:28)

Ms. Beauchemin presented the report on sports wagering in Massachusetts in 2023, with the following topics: licensee overview, employment impacts, financial rundown and responsible gaming. *The report is found on pages 31-33 of the Commissioners’ Packet.*

6. [Racing](#) (40:04)

a. [Plainridge Request to Offer Place Pick \(n\) Pools per 205 CMR 6.36](#) (40:26)

Director of Racing and Chief Veterinarian Dr. Alexandra Lightbown presented the request of Plainville Gaming and Redevelopment, LLC d/b/a Plainridge Park Casino (“PPC”) to offer a Place Pick (n) Carryover wager for the 2024 racing season in accordance with 205 CMR 6.36(1) and (2)(a). *Information for this request is found on pages 34-36 of the Commissioners’ Packet.* She also stated the Racing Division recommended that the Commission approve the request.

Commissioner O’Brien moved that the Commission approve PPC’s request to offer a Place Pick (n) Carryover Wager for the 2024 racing season in accordance with 205 CMR 6.36(1) and 205 CMR 6.36(2)(a) as included in the Commissioners’ Packet and discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

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

The motion passed unanimously, 4-0.

Transcriber's notes: The Commission went on a break at [43:41](#) and returned at [54:04](#).

7. [Legal](#) (54:17)

Interim Chair Maynard announced the return of the Commission. Roll call attendance was conducted, and all four Commissioners were present for the meeting.

- a. [205 CMR 257: Data Privacy – Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to begin the promulgation process](#) (55:13)

Deputy General Counsel Carrie Torrisi introduced an amendment to 205 CMR 257 regarding sports wagering data privacy. She stated that the draft was shared with the Attorney General's Office, and they found no concerns with the modifications. *The draft regulation is found on pages 40-49 of the Commissioners' Packet.* Partner at Anderson & Kreiger LLP Mina Makarious covered in detail the proposed changes in the draft.

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

Roll call vote:

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

The motion passed unanimously, 4-0.

- b. [205 CMR 3.12: Judges – Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to begin the promulgation process](#) (1:17:20)

Deputy General Counsel Justin Stempeck described proposed changes to 205 CMR 3.12(7) and 205 CMR 3.12(20) that dealt with the authority of the Racing Judges. *The proposed changes are found on pages 53-55 of the Commissioners' Packet.*

Commissioner Hill asked if the process was at the start of regulation promulgation, which Deputy General Counsel Stempeck confirmed. Commissioner Hill asked what the timing was

between the public hearing to be held and the State House's approval. Associate General Counsel Judith Young clarified that the time period between the public hearing and the approval at the State House was 60 days.

Commissioner Hill moved that the Commission approve the Small Business Impact Statement and the draft of 205 CMR 3.12 as included in the Commissioners' Packet and discussed here today and further that the staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to begin the regulation promulgation process. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

- c. [205 CMR 3.29: Medications and Prohibited Substances – Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to begin the promulgation process](#) (1:23:10)

Deputy General Counsel Stempeck described proposed updates to 205 CMR 3.29 that clarified the discretion of the Racing Judges in crafting penalties for multiple medication violations. *The proposed changes are found on pages 59-70 of the Commissioners' Packet.*

Commissioner Hill moved that the Commission approve the Small Business Impact Statement and the draft of 205 CMR 3.29 as included in the Commissioners' Packet and discussed here today and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to begin the regulation promulgation process. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

- d. [205 CMR 6.24: Deposits – Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to begin the promulgation process](#) (1:26:42)

Deputy General Counsel Stempeck described proposed updates to 205 CMR 6.24 which corrected the statutory language contained in the regulation with respect to permissible deposit mechanisms for an Advance Deposit Wagering account. *The proposed changes are found on pages 73-74 of the Commissioners' Packet.*

Commissioner O'Brien moved that the Commission approve the Small Business Impact Statement and the draft of 205 CMR 6.24 as included in the Commissioners' Packet and discussed here today and further that staff be authorized to take the necessary steps to file the required documentation with the Secretary of the Commonwealth and begin the regulation promulgation process. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

e. [Table Games Rules Update: Baccarat, Midi Baccarat, and Mini Baccarat](#) (1:28:58)

Attorney Young introduced rules updates to three table games: Baccarat, Midi Baccarat, and Mini Baccarat, which included the addition of the definition of a demonstrated hand with no wagers referred to as a "free hand". *The updated rules for all three games are found on pages 78-115 of the Commissioners' Packet.*

Chief of the Gaming Agents Division Burke Cain mentioned his discussion with the Gaming Agents that led to the formalization of the rule. Commissioner O'Brien asked if there were any reasons to put a maximum on the rule added. Chief Cain stated that since it was up to the discretion of the casino, it did not make sense logically for the casino to abuse the rule.

Commissioner Skinner moved that the Commission approve the amended rules of the game of Baccarat, Midi Baccarat, and Mini Baccarat as included in the Commissioners' Packet and discussed here today. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

Attorney Young thanked the Commissioners and stated that the rules would be updated on the Commission's website and were in effect immediately after the vote.

8. [Legal and Investigations and Enforcement Bureau](#) (1:34:00)

a. [Discussion of Process for Alleged Sports Wagering Noncompliance Adjudicatory Hearings](#) (1:34:14)

Deputy General Counsel Stempeck introduced a discussion on the role of the Investigations and Enforcement Bureau (“IEB”) in adjudicatory hearings. He covered the memorandum provided on the issue, which addressed the tools that the Commission had for addressing noncompliance events, the legal basis for those tools, and the assessment regarding how the IEB may participate in some adjudicatory hearings as a party. *The memorandum is found in the Commissioners’ Packet on pages 116-119.*

Commissioner Skinner clarified that she had previously misunderstood the party versus witness issue in connection with the question of adjudicatory bias but had adjusted her thinking. She asked whether the IEB would be required to leave the investigation process if it also appeared as a party in the adjudicatory proceeding. Director of Investigations and Enforcement Bureau Caitlin Monahan described the adjudicatory bias issue which relates to situations where the Commission reviewed the IEB’s investigatory reports in public hearings, creating the concern that they were getting too far into the facts of a case without the opportunity for the operator or other party to respond. Director Monahan clarified that regardless of the IEB’s status as a witness or a party, the Commission would continue to receive the same information, including the investigatory report, in the proper format of an adjudicatory hearing with all due process requirements met. Commissioner O’Brien also clarified that when the IEB was a party, it had more capacity to conduct more detailed investigations. Director Monahan added that when the IEB was a party, the hearing was closer in structure to a court case, giving the IEB the ability to conduct interviews and document discovery. Deputy General Counsel Stempeck noted that in an event where the IEB acted as a witness, the Commission functioned as both the prosecutor and the judging body, and he described some practical considerations that made that scenario difficult.

Commissioner Skinner asked for further clarity on the issue. Director Monahan described the differences in procedure for the two different roles of the IEB. Commissioner O’Brien added that the IEB’s ability to efficiently conduct investigations was greater than the Commissioners’ ability to do the same. Interim Chair Maynard stated that the Commissioners still had the choice to conduct their own investigation, but the IEB offered support for the Commissioners. He further added that the Commissioners reserved the ability to weigh the evidence or to request more information in a given matter.

Commissioner Skinner stated the importance of understanding why there was a choice before the Commission to shift the role of the IEB. Commissioner O’Brien said that she believed that this was always the intent of the Commission and that she was more comfortable when the IEB handled most cases as a party. Commissioner Skinner reiterated that she was not opposed to the IEB proceeding as a party, but she wanted to get a better understanding of the issue. After a brief discussion, the Commissioners agreed to decide how the IEB would act going forward at the next full public meeting after having reviewed the facts and history of the IEB.

Transcriber’s notes: The Commission went on a break at [2:11:10](#) and returned at [2:29:37](#).

9. [Community Affairs Division](#) (2:29:42)

Interim Chair Maynard announced the return of the Commission. Roll call attendance was conducted, and all four Commissioners were present for the meeting.

a. [Community Mitigation Fund Applications](#) (2:30:01)

Chief of the Community Affairs Division Joe Delaney appeared to present for Commission review Community Mitigation Fund applications for FY 2025. He reminded the Commission of updates that were made to the Community Mitigation Fund program. He described the two-tier system, which included Municipal Block Grants and Regional Agency Grants. The other update that he noted was the inclusion of recognized impacts of the casinos in the guidelines as compiled by staff, thus reducing the burden on the applicants to identify those casino impacts. He stated that the applications were reviewed by the Review Team, which consisted of Senior Program Manager Mary Thurlow, Program Manager Lily Wallace, Deputy General Counsel Torrisi, Attorney Young, Enforcement Counsel Zachary Mercer, Research Manager Bonnie Andrews, with Interim Chair Maynard and Commissioner Hill sitting in on the meetings.

i. [Lynn](#) (2:33:35)

Chief Delaney presented the Municipal Block Grant application from the City of Lynn, *a summary of which is found on page 124 of the Commissioners' Packet*. He stated that the application identified the impacts and proposed a project to install city-wide cameras to address those impacts; thus, the Review Team recommended full funding of the grant.

Commissioner O'Brien moved that the Commission approve the application for funding from the Community Mitigation Fund from the City of Lynn in the amount of \$200,000 for the purposes described in the application and the materials that were included in the Commissioners' Packet and for the reasons described therein and further discussed here today and further that the Commission staff be authorized to execute a grant instrument that commemorates the award in accordance with 205 CMR 153.04. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

ii. [Longmeadow](#) (2:36:38)

Chief Delaney presented the Municipal Block Grant application from the Town of Longmeadow, *a summary of which is found on pages 125-126 of the Commissioners' Packet*. He described the three projects proposed in the application, which addressed transportation and public safety concerns. The projects included retrofitting a crosswalk, installing traffic cameras, and purchasing rescue and emergency medical equipment for the Fire Department. He stated that the application identified the impacts and proposed projects which addressed those impacts; thus, the Review Team recommended full funding of the grant.

Commissioner Hill moved that the Commission approve the following application for funding from the Community Mitigation Fund for the Town of Longmeadow in the amount of \$324,800 for the purposes described in the submitted application and the materials included in the Commissioners' Packet and for the reasons described therein and discussed here today and further that the Commission staff be authorized to execute a grant instrument commemorating these awards in accordance with 205 CMR 153.04.

Commissioner O'Brien asked if these were three separate applications and three separate grants or a single application and one grant. Chief Delaney clarified that it was a single application and a single grant. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

iii. [Northampton](#) (2:43:53)

Chief Delaney presented the Municipal Block Grant application from the Town of Northampton, *a summary of which is found on pages 127-128 of the Commissioners' Packet*. He stated that the allocation that was voted on by the Commission was \$75,000, and the Town of Northampton was requesting a waiver to raise the amount to \$150,000. He stated that the Review Team did not recommend the waiver but recommended that the \$75,000 be allowed for the proposed project to restart the ValleyBike share program with conditions. He described how the program addressed community needs but failed to provide a sufficient association with the casino. He said that the Review Team recommended a conditional allocation due to the past failure of the program.

Commissioner O'Brien moved that the Commission approve in part the application from the Town of Northampton for \$75,000 in funding from the Community Mitigation Fund for the purposes described in the submitted application and the materials included in the Commissioners' Packet and for the reasons further discussed here today and further that the Commission staff be authorized to execute a grant instrument commemorating the award particularly with the limitations set forth by Chief Delaney in accordance with 205 CMR 153.04. Commissioner Hill seconded the motion. Chief Delaney clarified that the conditions were going to be incorporated into the grant instrument.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

iv. [Holyoke Community College](#) (2:52:12)

Ms. Wallace provided an overview of the guidelines for the Workforce Development category of Regional Agency Grants. She described the application submitted by Holyoke Community College on behalf of themselves, Springfield Technical Community College, and Springfield Public Schools for the continuation of their WorkReady program, which intended to increase capacity for pre-existing and new programs. *A summary of the application is found on page 129 of the Commissioners' Packet.* She stated that the Review Team recommended full funding of the program. Commissioner Hill noted the astounding success of the program in the past. Commissioner O'Brien and Interim Chair Maynard stated their agreement with Commissioner Hill.

Commissioner Skinner moved that the Commission approve Holyoke Community College's application for funding from the Community Mitigation Fund in the amount of \$750,000 for the purposes described in the submitted application and the materials included in the Commissioners' Packet and for the reasons described therein and discussed here today and further that the Commission staff be authorized to execute a grant instrument commemorating the award in accordance with 205 CMR 153.04. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

v. [MassHire Metro North](#) (2:57:14)

Ms. Wallace described the application submitted by MassHire Metro North, which intended to expand workforce development programming in its Metro Boston Regional Hospitality Consortium. *A summary of the application is found on page 130 of the Commissioners' Packet.* She stated that the Review Team recommended funding this application.

Transcriber's note: The motion to approve and the vote on the MassHire Metro North Regional Agency Grant application was conducted after the discussion on the Middlesex District Attorney's Office Regional Agency Grant application at [3:05:31](#).

Commissioner Hill moved that the Commission approve the application for funding from the Community Mitigation Fund for MassHire Metro North in the amount of \$750,000 for the purposes described in the submitted application and the materials included in the Commissioners' Packet and for the reasons described therein and discussed here today, and further that the Commission staff be authorized to execute a grant instrument commemorating these awards in accordance with 205 CMR 153.04. Commissioner Skinner seconded the motion.

Roll call vote:

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

The motion passed unanimously, 4-0.

vi. [Middlesex District Attorney's Office](#) (2:59:54)

Ms. Wallace provided background for the application submitted by the Middlesex District Attorney's Office, based on which they intended to offer community-based employment opportunities with Chambers of Commerce in Middlesex County. *A summary of the application is found on page 131 of the Commissioners' Packet.* Ms. Wallace cited the Review Team's concerns with the application and stated that the Review Team did not recommend funding this application. Chief Delaney clarified that the Review Team believed that the MassHire Metro North application was stronger than the one proposed by the Middlesex District Attorney's Office.

Commissioner O'Brien stated her support of the intent of the Middlesex District Attorney's Office with the goal of the application. Interim Chair Maynard showed appreciation for all the applicants and their willingness to engage with the Commission and agreed with the Review Team's recommendation.

Transcriber's notes: The motion to deny and the vote on the Middlesex District Attorney's Office Regional Agency Grant application was conducted after the vote on the MassHire Metro North Regional Agency Grant application at [3:06:33](#).

Commissioner O'Brien moved that the Commission deny the application from the Middlesex District Attorney's Office for funding from the Community Mitigation Fund as included in the Commissioners' Packet for the reasons that were described therein and were further discussed here today. Commissioner Hill seconded the motion.

Roll call vote:
Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

Chief Delaney noted that there were going to be around 11 applications presented to the Commission during the following meeting.

10. [Commissioner Updates](#) (3:08:30)

After inquiry by Interim Chair Maynard, no Commissioner updates were noted.

11. [Other Business](#) (3:08:39)

Hearing no other business, Interim Chair Maynard 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.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated April 9, 2024
2. [Commissioners' Packet](#) from the April 11, 2024, meeting (posted on massgaming.com)



Massachusetts Gaming Commission Meeting Minutes

Date/Time: June 20, 2024, 10:00 a.m.

Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292

PARTICIPANT CODE: 112 733 5555

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.

Committee Members Present:

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

1. Call to Order ([0:07](#))

Interim Chair Maynard called to order the 522nd Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all four Commission members were present for the meeting.

2. Meeting Minutes ([0:56](#))

- a. December 6, 2022
- b. December 7, 2022

Interim Chair Maynard moved to approve the minutes from the December 6, 2022 and December 7, 2022 public meetings that are included in the Commissioners' Packet, subject to any necessary corrections for typographical errors or other non-material matters. Commissioner Hill seconded the motion.

Roll call vote:

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

*Interim Chair Maynard: Aye.
The motion passed unanimously, 4-0.*

3. Administrative Update ([2:05](#))

Executive Director Dean Serpa turned his time over to Director of Research and Responsible Gaming Mark Vander Linden to speak on the Jurisdictional Approach to Responsible Gaming presentation that he gave at the North American Gaming Regulators Association (“NAGRA”) conference. The purpose of NAGRA is to bring together agencies that regulate gambling activities and provide a forum for the mutual exchange of regulatory information and techniques. Some topics discussed at this conference were unregulated skill, peer-to-peer gaming, differences in state regulations, illegal gambling in online markets, artificial intelligence, regulatory benefits of DEI, and responsible gaming. Director Vander Linden stated that Ohio stands out as a leader. He then shared an infographic about applying a population health lens to gambling.

Commissioner Skinner shared that the National Indian Gaming Commission presented on human trafficking at NAGRA. She hoped the Commission can learn from their licensees on how they are addressing the human trafficking issue if present on their premises, along with staff training. She noted that GEU staff attended the conference. Interim Chair Maynard agreed that this could be discussed at a future agenda setting meeting.

Commissioner O’Brien added human trafficking is a topic addressed in the public safety subcommittee meetings. There are trainings available to the staff at the casinos which are open for attendance. Director Vander Linden added that they recently started a research project with the Safe Exit Initiative to look at the impact of the casinos on the human trafficking market in Massachusetts.

4. Legislative Update ([12:19](#))

Commissioner Hill noted that there was no legislative update.

5. Racing ([2:55:21](#))

a. Jockeys’ Guild Recognition

Transcriber’s note: Agenda Item 5 was discussed after Agenda Item 8 due to a presenter’s conflict.

Director of Racing and Chief Veterinarian Dr. Alexandra Lightbown presented for Commission review the Racing Division’s recommendation to approve the Jockeys’ Guild as the organization that represents the majority of jockeys. She stated that under the statute, the money paid to this organization would go to active, disabled, or retired jockeys. *A memo and other information on this topic was included in the Commissioners’ Packet from pages 37 to 40.*

Commissioner Skinner questioned whether the Jockeys' Guild was eligible for the funds since they don't represent any jockeys who are regularly riding in the Commonwealth. General Counsel Todd Grossman clarified that the Commission had historically applied a flexible read to this provision in the statute as the idea that there would be no thoroughbred racing in Massachusetts was unanticipated when the Gaming Act was enacted.

Commissioner Skinner asked if the qualifications for disabled and retired jockeys could be reviewed briefly. Director Lightbown noted where the qualifications could be found in the memo provided to Commissioners. On behalf of the Jockeys' Guild, Attorney Mindy Coleman reviewed the terminology behind active, disabled, and retired, and what qualifies a jockey for each category.

Commissioner Skinner moved to approve the Jockeys' Guild as the organization that represents the majority of jockeys for the purpose of G.L. c. 128A, § 5(h)(4). Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

6. Legal ([13:35](#))

a. FBT Everett Realty, LLC v. Massachusetts Gaming Commission

General Counsel Grossman requested the Commission go into an executive session to discuss the FBT Everett Realty, LLC matter and to consider acceptance of executive session minutes.

Chair Maynard stated that the Commission anticipated that it would meet in executive session in accordance with G.L. c. 30A, § 21(a)(3) to discuss strategy with respect to FBT Everett Realty, LLC v. Massachusetts Gaming Commission, as discussion at an open meeting may have a detrimental effect on the litigation position of the Commission.

Commissioner Hill moved that the Commission go into executive session on the matter. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

b. Executive Session Minutes

- I. April 6, 2023
- II. February 15, 2024
- III. February 29, 2024

Chair Maynard stated that the Commission anticipated that it would meet in executive session to review minutes from previous executive sessions, as 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)(7) and c. 4, § 7(26)(f): April 6, 2023; G.L. c. 30A, § 21(a)(7) and G.L. c. 23K, § 21(a)(7): February 15, 2024 and February 29, 2024.

Commissioner Skinner moved to stay in executive session for the reasons stated by the Chair. Commissioner Hill seconded.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

The Commission entered an executive session at [17:21](#) and returned to the public meeting at [1:10:37](#).

7. Research and Responsible Gaming ([1:11:01](#))

- a. Presentation of report “Impacts of Advertising on Gambling Behavior in Massachusetts”

Director Vander Linden introduced Dr. Rachel Volberg, a long-time researcher looking at the effects of gambling, to present her report, “Impacts of Advertising on Gambling Behavior in Massachusetts” which included discussion on the Disclosure of Potential Conflict of Interest, Sports Betting Advertising, Study Methods, Online Panel Surveys, Results: Literature Review, Results: Online Panels, Results: Online Panel 2023, and Recommendations. *Dr. Volberg’s presentation was included in the Commissioners’ Packet on pages 77 through 94.*

Interim Chair Maynard noted that he was struck by the fact that the Commission has already started integrating some of the recommendations into processes and regulations. Commissioner O’Brien asked if there was any analysis in terms of the increased availability of sports betting in surrounding jurisdictions of Massachusetts that would have resulted in the uptick between 2022 and 2023 even before the Commission’s launch in 2023. Dr. Volberg noted that she would have her team look back at the data.

Commissioner O’Brien was also interested in the statistic that people who self-identified as going to an illegal sportsbook had gone from 4% to 18%. She noted that she would want to have further discussion on recommendations regarding advertising given First Amendment and cross-jurisdictional issues that arise. She also raised consideration of consumer protections on bonus

bets due to the intensity of emotion related to them. Dr. Volberg assured Commissioner O'Brien that they are continuing their research with an online panel survey from 2024 that is currently being prepared and plan to launch a 2025 panel survey. Director Vander Linden added the Commission is continuing to monitor the impact of advertising on gambling behavior.

Commissioner Hill asked if any of the recommendations from the presentation have been put forth in other jurisdictions. Dr. Volberg confirmed that they have been implemented but not in the United States. Commissioner Hill then asked what the Commission can do to benefit the consumer but not push them into the illegal market in terms of restrictions placed on ads similar to those on alcohol and tobacco. Dr. Volberg explained that advertising restrictions on tobacco were part of class action settlements in cases brought by state Attorneys General. Commissioner O'Brien added that there were also federal statutes regarding tobacco and alcohol advertising. Interim Chair Maynard mentioned this could be a good opportunity to talk to the operators about how work on this front would go a long way. Commissioner Skinner added that she wanted the Commission to continue to work on this issue, including a review of how the intensity and frequency of advertisements may have an effect on problem gamblers. Director Vander Linden highlighted the feedback made by the Commissioners and stated they will continue to focus on this research.

b. Proposed FY25 Gaming Research Agenda ([1:51:44](#))

Director Vander Linden then presented the Proposed FY 2025 Gaming Research Agenda. Director Vander Linden indicated that he sought advice from the Gaming Research Advisory Committee and the Gaming Policy Advisory Committee.

Research Manager Dr. Bonnie Andrews reviewed what has transpired since the Commission's last review of the research agenda on March 28, 2024. She discussed that there were 15 projects underway for FY24. She highlighted the studies on Sex Trafficking, on the Impact of Paid Media on Awareness and Participation of Sports Betting Among College Students, and one titled "Gambling on Addiction Recovery: Community Perspectives on the Impact of Legalized Gambling in Massachusetts."

Director Vander Linden then reviewed the proposed FY25 research agenda, which he stated has an estimated cost of \$1,930,000. He reviewed the projects proposed in the research agenda. He also outlined recommendations from the Gaming Research Advisory Committee for FY25: a study of video gaming and Esports, an updated evaluation of the voluntary self-exclusion program, and a continued commitment to knowledge translation and exchange. The GPAC also shared feedback to Director Vander Linden about more research on the gambling impacts on veterans.

Commissioner Hill moved that the Commission approve the proposed Fiscal Year 2025 gaming research agenda as included in the Commissioners' Packet and discussed here today. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: *Aye.*

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

The Commission entered a break at [2:20:36](#) and resumed at [2:43:42](#).

8. Finance ([2:44:01](#))

a. FY25 Budget Approval

Chief Finance and Accounting Officer Derek Lennon presented recommendations for the Commission's Fiscal Year 2025 operational budget. Chief Lennon recommended a total FY25 budget of \$59.5 million comprised of funding for the Gaming Control Fund, the Racing Oversight and Development Fund, the Community Mitigation Fund, the Sports Wagering Control Fund, and the Public Health Trust Fund. The Finance Division recommended a budget of \$39.87 million for the Gaming Control Fund, an increase in the Community Mitigation Fund from \$385,000 to \$483,000, a Sports Wagering Control Fund budget of \$11.1 million, and an increase of \$56,000 from the prior year for the Research and Responsible Gaming Fund. CFAO Lennon stated that the overall budget would fund 140.62 full time employees and eight contracted employees. *The Finance Division's memo on the Commissions' Fiscal Year 2025 operational budget was included in the Commissioners' Packet from pages 106 to 190.*

Commissioner Hill moved that the Commission approve the proposed Fiscal Year 2025 budget as included in the Commissioners' Packet and discussed here today. Commissioner Skinner seconded the motion.

Roll call vote:
Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Interim Chair Maynard: Aye.
The motion passed unanimously, 4-0.

9. Legal ([3:14:44](#))

a. Update regarding the Mashpee Wampanoag Litigation

Deputy General Counsel Justin Stempeck reported on the Mashpee Wampanoag ("Tribe") litigation. He provided Commissioners with a brief history of the litigation, developments since November 2023, next steps, and the Commission's role in tribal operations. *The materials for the Tribal Litigation update were included in the Commissioners' Packet from pages 191 to 197.*

Commissioner Skinner asked what the first actions would be between the Tribe and the Commission should the Tribe wish to move forward with operations. Deputy General Counsel Stempeck clarified that the Tribe would have their own gaming commission that would open communications with the Commission.

Interim Chair Maynard shared his recent conversation with the Louisiana Gaming Commission about their relationship with the Tunica Biloxi tribe. He emphasized how important mutual respect was between those two entities.

10. Investigation and Enforcement Bureau ([3:26:48](#))

- a. Continued discussion regarding noncompliance matter related to Temporary Category 3 Sports Wagering Licensee Penn Sports Interactive LLC, including next steps. Alleged noncompliance relates to misleading advertising in violation of 205 CMR 256.04(6)(c) and 205 CMR 256.04(6)(d)

Director of the Investigations and Enforcement Bureau Caitlin Monahan continued a discussion about a noncompliance matter involving Penn Sports Interactive, LLC from the public meeting on June 6, 2024. Commissioner O'Brien stated that she wanted to clarify an inconsistency with her recommendation in this matter. Her correct recommendation was for there to be an investigation with the IEB acting as a party, not a witness.

Commissioner Skinner asked for a recitation of the facts of the matter which was provided by Enforcement Counsel Zachary Mercer. Chair Maynard, Commissioner Skinner and Commissioner Hill were comfortable moving forward with the clarification.

11. Sports Wagering Division ([3:31:13](#))

- a. Approval of House Rules: Bally's

Director of Sports Wagering Bruce Band introduced Sports Wagering Operations Manager Andrew Steffen who presented on Bally's House Rules. *A copy of Bally's House Rules was included in the Commissioners' Packet from pages 198 to 284.*

Commissioner Hill asked if the Commission needs to know Bally's launch date before the vote to approve their house rules. Director Band gave a tentative launch date and affirmed that the vote can happen prior. Mr. Steffen added that the rules needed to be approved prior to launch.

Commissioner Skinner stated that she is comfortable with the language in the house rules. Interim Chair Maynard added that Bally's appeared at the Commission's most recent round table and that it was appreciated. Commissioner O'Brien asked a clarifying question about credit cards being used on sports wagering apps. Director Band stated that a certification was required from each licensee that their system will not allow credit cards.

Commissioner Hill moved that the Commission approve Bally's house rules as included in the Commissioners' Packet and discussed here today. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

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

b. Event catalog Addition Request: Tomorrow's Golf League (TGL) ([3:38:37](#))

Deputy General Counsel Stempeck gave a brief overview on Esports in connection with a request to add the Tomorrow's Golf League ("TGL") to the event catalog. The Legal Division was asked to review whether TGL should be considered Esports in the Commonwealth. He concluded that, based on research in other jurisdictions, TGL should not be considered Esports in Massachusetts.

Commissioner Hill agreed that TGL is not Esports and felt comfortable including it under allowable sports events in Massachusetts.

Commissioner Skinner stated that she was okay moving forward with approval but asked about the implications of putting TGL in as an "other event" as opposed to under golf. Deputy General Counsel Stempeck clarified that it could go in either category depending on the Commission's determination. Interim Chair Maynard asked whether testing is done to make sure the technology is consistent with its speed and trajectory calculations. Commissioner O'Brien added her concerns were about the protection of data and calibration of the machine. Mr. Steffen clarified that Toptracer Technology managed the data and calculated the trajectory of the ball. Commissioner O'Brien clarified that her questions were more about the integrity of the data and not on the employees who were implementing the system.

Interim Chair Maynard requested that the Commission wait for the information sought by Commissioner O'Brien before voting on this topic.

c. Wager Limitation by Operator Follow Up Discussion ([3:53:12](#))

Mr. Steffen provided an update on the ongoing wager limitation topic and confirmed that all Sports Wagering Operators will return to the next round table discussion.

Commissioner O'Brien raised the fact that the Commissioners had yet to come together to discuss the information obtained in the last round table which would help to reframe the conversation. Commissioner Skinner questioned what the substance of a second round table would be and expressed a need for parameters on what was expected of operators. Commissioner Hill recommended that at the next agenda setting meeting, the Commission discuss what questions they want answered during the round table. Commissioner Skinner agreed. Interim Chair Maynard stated that they could formulate questions together and discuss how to structure the round table in a meeting and noted he was aware of others who were interested in participating. Commissioner O'Brien clarified that she wanted to be sure that those who participated in the first round table were invited to attend in order to provide them the opportunity to further discuss the topic.

12. Communications Division ([4:09:21](#))

a. Review of Designs for MGC Seal of Approval

Chief of the Communications Division Thomas Mills presented the options for the new MGC seal of approval. *The options for the MGC seal were included in the Commissioners' Packet from pages 316 to 321.*

The Commissioners agreed on mockup 4 but with the correction of “Officially licensed” or “Licensed by” rather than “Licensed & Regulated”.

The Commission decided that the vote should be tabled until a final mockup is created.

13. Commissioner Updates ([4:17:10](#))

There are no commissioner updates.

14. Other Business ([4:17:31](#))

Hearing no other business, Interim Chair Maynard 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.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated June 17, 2024
2. [Commissioners' Packet](#) from the June 20, 2024 meeting (posted on massgaming.com)



Massachusetts Gaming Commission Meeting Minutes

Date/Time: August 1, 2024, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 308 2721

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

Commissioners Present:

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

1. [Call to Order](#) (00:10)

Interim Chair Maynard called to order the 527th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all four commissioners were present for the meeting.

2. [Meeting Minutes](#) (0:44)

The February 8, 2024, February 21, 2024, and February 28, 2024 public meeting minutes were included in the Commissioners' Packet on pages 5 through 17.

Commissioner Skinner moved that the Commission approve the meeting minutes from February 8th, February 21st, and February 28th, 2024 meetings as included in the Commissioners' Packet and discussed here today, subject to any necessary corrections for typographical errors, or any other non-material matters. Commissioner O'Brien seconded the motion.

Roll call vote:

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

*Interim Chair Maynard: Aye.
The motion passed unanimously, 4-0.*

3. [Administrative Update](#) (2:03)

Executive Director Dean Serpa stated that as of this week, the Commission will be moving forward with its 2024 performance review project, noting that between now and the end of September 2024, all managers will be completing this year's individual reviews. He emphasized that these performance reviews are an important touch point for staff and managers to provide each other with constructive feedback. Executive Director Serpa stated that this year, the Commission will be using the performance management platform Cornerstone to complete the performance reviews.

4. [Legislative Update](#) (5:29)

Commissioner Hill noted that the Legislature wrapped up the 2023-2024 full formal sessions and gave information about the FY 2025 budget. He stated the Legislature voted to override certain vetoes by Governor Healey; however, none of those items impacted the Commission. Commissioner Hill added that the Commission will receive funding for payments to cities and towns hosting racing and facility licenses. He stated that in the budget, there are sections that impact the Commission, including a redistribution of tax dollars generated by category 1 gaming operators. Commissioner Hill concluded the update by sharing that the House, Senate, and Governor's office have all listened to the Commission's concerns throughout the process and that the budget displays this.

5. [Research and Responsible Gaming](#) (11:11)

a. National Voluntary Self Exclusion Program Model

Director of Research and Responsible Gaming Mark Vander Linden stated that to date, the Commission was approaching roughly 2,000 individuals enrolled in the Voluntary Self-Exclusion program. He noted that when one enrolls in this program, it extends to all operators in Massachusetts. Director Vander Linden noted that this program does not extend to other states, and with new mobile methods of gambling, there are limitations. He stated that due to this, there is justification for a multi-state or national model and elaborated on what it would look like to achieve that.

Commissioner Skinner asked Director Vander Linden why other New England states might be hesitant to be the first to establish similar programs. He stated that he didn't have a certain idea of why other than the fact that being the first state to do so would be harder than following the lead of other states. idPair CEO Jonathan Aiwarzian added that one state taking that first step would encourage other states to join the effort.

Commissioner O'Brien asked if another challenge was the data privacy laws which vary in different states. Mr. Aiwarzian stated that while individuals share their information for self-exclusion in the program, their information does not get shared anywhere they have not

consented to. He added that people's data is treated with utmost respect. A conversation continued about privacy concerns.

Mr. Aiwarzian presented on the National Voluntary Self-Exclusion Program ("NVSEP") with important topics including why a national program is needed and how it helps, how the application idPair works, and the program's goals. *NVSEP's full presentation was included in the Commissioners' Packet on pages 20 to 35.*

Commissioner O'Brien stated she loved the idea of a national VSE program but had a few legal concerns. She asked if there was a way to talk to the Attorney General's Office regarding this matter. Mr. Aiwarzian stated that getting the departments to work together is one of his goals.

Interim Chair Maynard asked what reinstatement from the VSE program would look like across the different states. Director Vander Linden noted that reinstatement is important to the model in Massachusetts. He added that in terms of regulations, there is an option for designated agents that can enroll people in the program. Mr. Aiwarzian added that while there is variation between states, the variation is limited. Mr. Aiwarzian stated that by giving options to individuals and informing them that some states have different rules, the individual can decide whether to proceed or not self-exclude in a certain state.

Commissioner Skinner noted that the program has a lot of potential, but the details still need to be worked out as different jurisdictions are added. Commissioner Skinner asked what the cost would be to implement and maintain a national program as well as if there were any procurement laws that are implicated in the process. Director Vander Linden answered that idPair has agreed to waive any costs to the Commission if they agree to adopt the program until the point in time at which other states join, noting that for this fiscal year, there would be no budget associated with it. He said that regarding procurement laws, he had a conversation with Deputy General Counsel Justin Stempeck and Chief Information Officer Katrina Jagroop-Gomes on the matter. Mr. Stempeck elaborated on the legalities of the topic.

Interim Chair Maynard asked if there were any other companies in this field. Director Vander Linden stated he was aware of one other company that offers a similar solution. He concluded by noting that this type of program is of value to the Commission and the Commonwealth.

Commissioner O'Brien, Commissioner Skinner, and Commissioner Hill shared that they wanted to move forward with the concept. However, Commissioner Hill noted that he had concerns about the future costs of the program and would want that information before they were fully committed. Director Vander Linden noted that he would work on identifying the costs allocated for this.

- b. [Presentation of report, "A Framework for Independent Research Using Industry Funding: The Massachusetts Model"](#) (53:27)

Research Manager Dr. Bonnie Andrews presented the report, "A Framework for Independent Research Using Industry Funding: The Massachusetts Model." The report included important

topics like background on the model, the model in action, and a call to regulators and legislators. *The full presentation was included in the Commissioners' Packet on pages 44 to 57.*

Interim Chair Maynard stated he was very proud of The Massachusetts Model. Commissioner Hill shared this sentiment, noting that the model has been instrumental in the work that the Commission does. Commissioner O'Brien echoed these statements.

Director Vander Linden noted that a lot of credit should be given to the Legislature for carving out a research agenda that is unprecedented in the United States.

c. [GameSense Fiscal Year 2023-2024 Fourth Quarter Report](#) (1:05:05)

Responsible Gaming Program Manager Long Banh provided background on responsible gaming and the creation of the GameSense program.

Massachusetts Council on Gaming and Health ("MACGH") CEO Marlene Warner, COO Chelsea Turner, Chief Programs Officer Odessa Dwarika, and Chief Communications Officer Janine Ruggiero presented the GameSense FY24 Q4 Report with important topics including the following: FY24 Interaction Data, Magic Moments and Champion Awards, community engagement, new activities and trainings, increasing resources for patrons, highlights for FY25, and a personnel update. *GameSense's full FY24 Q4 presentation was included in the Commissioners' Packet on pages 59 to 80.*

A conversation ensued about COO Turner's departure from her position and how grateful the Commission was for her work.

6. [Investigations and Enforcement Bureau](#) (1:59:15)

The Commission reconvened after a short break. All four commissioners were present.

a. [Briefing on noncompliance related to Temporary Category 3 Sports Wagering Licensee, BetMGM, LLC, including next steps. Alleged noncompliance relates to wagering on unauthorized events in contravention of 205 CMR 247.01\(1\), 205 CMR 247.01\(2\)\(i\), and the Massachusetts Sports Wagering Catalog](#) (1:59:41)

Enforcement Counsel Nate Kennedy briefed the Commission on a noncompliance matter. Mr. Kennedy stated that on June 26, 2024, the Commission received a report that BetMGM, LLC d/b/a BetMGM hired Gaming Labs International ("GLI") to perform an audit of their platform to ensure compliance with Massachusetts prohibited sports wagering markets after they discovered that their platform had offered some prohibited markets. GLI performed the review and determined that BetMGM had been allowing betting on events where Belarus and Russia were participants. Mr. Kennedy noted this was a violation of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog. He stated there was a total of 2,221 wagers placed for a total handle of \$2,324.04. Mr. Kennedy asked the Commission for guidance on how to proceed.

Commissioner O'Brien asked how the IEB has handled past matters involving offering events that were outside the catalog. Interim Chief Enforcement Counsel Kathleen Kramer answered that there had been one other matter that involved a catalog violation and that matter was sent back to the IEB for review. Commissioner O'Brien stated she would be inclined to follow the same process for this violation. Commissioner Hill, Commissioner Skinner and Interim Chair Maynard agreed that this matter should be sent back to the IEB for review.

- b. [Briefing on noncompliance related to Temporary Category 3 Sports Wagering Licensee Betfair Interactive, LLC, d/b/a FanDuel Sportsbook, including next steps. Alleged noncompliance relates to employee placing wagers on platform in contravention of 205 CMR 238.32\(1\) \(2:03:59\)](#)

Enforcement Counsel Zac Mercer presented the next noncompliance matter. He stated that this matter involved a FanDuel employee placing wagers on the platform, which is prohibited by 205 CMR 238.32(1). On May 14, 2024, FanDuel discovered an employee engaged in sports wagering activity in Massachusetts totaling \$542 in wagers. Mr. Mercer stated that this was reported to the Commission, the employee's account was suspended, and all wagers were settled as losses. He asked the Commission for guidance on how to proceed.

Commissioner Skinner asked if FanDuel had knowledge that this employee was placing wagers. Mr. Kennedy clarified that FanDuel allows their employees to have accounts for certain reasons. However, he noted that FanDuel was unaware of the employee's wagering activity, and once they caught it, they acted.

Commissioner Skinner stated she would be interested in holding an adjudicatory hearing about this matter with the IEB serving as a witness. Commissioner Hill stated he would like to send this matter back to the IEB. Commissioner O'Brien stated she agreed with Commissioner Skinner's plan of action, but the IEB would function better as a party in the matter. Interim Chair Maynard noted he had many questions about the issue but agreed that the IEB should act as a party instead of a witness.

After conversation, the Commissioners agreed to have the IEB function as a party in an adjudicatory hearing.

- c. [Review of the IEB's Recommendation of Assessment of a Civil Administrative Penalty Pursuant to 205 CMR 232.02\(2\) regarding noncompliance with permissible sports wagering offerings by MGM Springfield \(2:10:38\)](#)

Enforcement Counsel Diandra Franks presented the next matter, the IEB's recommendation that the Commission assess a civil administrative penalty in the amount of \$22,500 upon MGM Springfield ("MGM") for a noncompliance incident that occurred in 2023. She stated the incident involved wagering on a non-tournament Massachusetts collegiate basketball game. She noted that MGM has been communicative throughout the process and agrees with the IEB's recommendation for the penalty. Ms. Franks asked the Commission if they agreed with the IEB's recommendation or if they would rather reject it and move forward with an adjudicatory hearing.

Commissioner Hill stated he agreed with the IEB's recommendation. Commissioner Skinner and Commissioner O'Brien shared this sentiment.

Commissioner Hill moved that pursuant to 205 CMR 232.02(2), the Commission adopt the IEB's recommendation of the issuance of a civil administrative penalty in the amount of \$22,500 for an incident of noncompliance with the requirements set forth in M.G.L. c. 23N, § 3 and 205 CMR 247.01(2)(a)(2) regarding the offering of a wagering on a regular season Northeastern University Men's Basketball game vs. La Salle. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

Ms. Kramer moved to the next matter and presented the IEB's recommendation that the Commission assess a civil administrative penalty in the amount of \$25,000 upon MGM for a noncompliance incident occurring between December 29 and December 30, 2023. She noted the statute and regulation implicated in the violation are M.G.L. c. 23N, § 3 and 205 CMR 247.01(2)(a)(2). Ms. Kramer noted that this incident involved wagering on a non-tournament Massachusetts collegiate basketball game. She added that on July 16, 2024, the IEB submitted their recommendation to the Commission, and no additional information was uncovered since that time that would change the nature of the noncompliance. She noted that MGM was communicative throughout the process and agrees with the IEB's recommendation. She asked the Commissioners whether they agreed with the IEB's recommendation or if they would rather reject it and move forward with an adjudicatory hearing.

Commissioner O'Brien stated she would like to accept the recommendation. Commissioner Skinner asked Ms. Franks if the wagers were offered on the app. Ms. Franks answered that all wagers for this event were placed at a kiosk and did not believe they were offered on the app.

Commissioner O'Brien moved that pursuant to 205 CMR 232.02(2), the Commission adopt the IEB's recommendation of the issuance of a civil administrative penalty in the amount of \$25,000 for an incident of noncompliance with the requirements set forth in M.G.L. c. 23N, § 3 and 205 CMR 247.01(2)(a)(2) regarding the offering of a wagering on a regular season UMass Amherst Men's Basketball game vs. Sienna College. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

7. [Sports Wagering Division](#) (2:19:48)

a. DraftKings Request to Void Wagers per 205 CMR 238.35(2)

Sports Wagering Operations Manager Andrew Steffen presented DraftKings' request to void wagers per 205 CMF 238.35(2). *A copy of Draft Kings' void request and related memorandum is included in the Commissioners' Packet at pages 82 through 87.* He stated that the incident occurred when DraftKings uploaded a document and offered wagering for a Formula 1 race with the incorrect spelling of a single driver's name while also offering wagers for the correct spelling of the driver's name. He noted that DraftKings stated this was an obvious error and is requesting the void. Mr. Steffen stated that this error was present between September 24, 2024 and September 27, 2024 for a total of 13 wagers by nine individuals totaling \$15.76. Due to the wager being placed for the driver to finish in the top four, DraftKings is requesting the void as the driver finished 17th. Mr. Steffen stated that DraftKings met the requirements and that the Sports Wagering Division recommended that the wagers be voided.

Commissioner O'Brien stated that since the driver did not exist, the void would be appropriate. Commissioner Hill and Commissioner Skinner agreed with this sentiment. Interim Chair Maynard stated that approving the void would make the most sense.

Commissioner Hill moved that the Commission approve the DraftKings request to void wagers as included in the Commissioners' Packet and discussed here today and authorize staff to issue a written order pursuant to 205 CMR 238.35(2). Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

b. [Request for Amendment to House Rules: DraftKings](#) (2:27:53)

Mr. Steffen introduced the request for amendment to Draft Kings' House Rules, which primarily included revisions for settlement clarifications and new language to address new market types or offerings. *A memorandum on DraftKings' request and their amended House Rules is included in the Commissioners' Packet on pages 88 through 102.* Mr. Steffen briefly went through the changes and stated that after extensive review, DraftKings met the requirements and that the Sports Wagering Division recommended the approval of these House Rules changes.

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

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

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

c. [Discussion of Wager Limitations by Operator Roundtable](#) (2:33:11)

Sports Wagering Business Manager Crystal Beauchemin stated that the original roundtable discussion on the topic of wager limitations took place on May 21, 2024, and while all sports wagering operators were initially slated to attend, only Bally's appeared. *A memorandum related to the wager limitation discussion is included in the Commissioners' Packet on pages 103 to 105.* Ms. Beauchemin noted that since then, each operator has expressed a willingness to have a discussion with the Commission regarding this issue if it was limited to operators only. Ms. Beauchemin noted that the Commission has had individual meetings with the operators regarding this issue over the past few months.

Interim Chair Maynard stated that he hopes every operator will join the Commission in a conversation. Commissioner O'Brien agreed with this sentiment but shared concern over operators not attending past meetings due to the Commission's public meeting rules. She stated that the operators, players, and bettors should be heard. She added that instead of a roundtable discussion, this matter should be addressed in a public meeting.

Commissioner Hill noted that the Commission is flexible, and it would be beneficial to give both the operators and the bettors the opportunity to speak on the matter. Interim Chair Maynard agreed and noted that he would want the Responsible Gaming community to speak as well.

Commissioner Skinner stated that she agreed with Commissioner Hill and Commissioner O'Brien's sentiment to hear both sides. However, she noted that the operators must show up and be willing to answer the Commissioners' questions.

The conversation continued over which direction to take on this matter and what topics need to be discussed.

8. [Discussion regarding upcoming five-year expiration of Wynn Resorts, Limited and Wynn MA, LLC Independent Compliance Monitor License Condition](#) (2:53:29)

Commissioner O'Brien opened the discussion regarding the condition of the independent monitor placed on the Wynn MA, LLC license. *Part of the Commission decision discussing the imposed condition can be found in the Commissioners' Packet on pages 106 through 108.* She stated that the independent monitor had indicated that they felt Wynn had satisfied the terms of the condition and improved to the point that they could discharge any further monitoring under the contract which was set to expire on September 5th. She noted that there were two ways to address the termination of the independent monitor contract: an adjudicatory hearing during which the Commission can vote to terminate the contract early or a discussion in a public meeting regarding the Commission's satisfaction or not with the condition, after which the contract could lapse on September 5th. She indicated that should the conversation take place

today, she was satisfied that Wynn had satisfied this condition, noting that other conditions did survive the five (5) year expiration.

Commissioner Hill stated that if the Commission did nothing regarding the contract, it would be terminated September 5, 2024. Commissioner O'Brien clarified that since the independent monitor has submitted their final invoice, she does not believe there would be any further money owed by the licensee. Instead, she stated it was a matter of whether the Commission wanted to officially discharge the contract early or if the Commission would like to let it expire on its own.

A conversation ensued over which direction to take on this matter. The Commissioners concluded that they would like to acknowledge the conclusion of the independent monitoring condition publicly in meeting that coincides with the lapse of the contract on September 5th.

9. [Legal](#) (3:02:38)

- a. [205 CMR 3.00: Harness Horse Racing, specifically, 205 CMR 3.12: Judges – Discussion and Review of Regulation Amendments and Amended Small Business Impact Statement for final adoption by Commission](#) (3:02:42)

Deputy General Counsel Justin Stempeck presented the first set of amendments to 205 CMR 3.12 regarding racing judges. *A memorandum, draft of 205 CMR 3.12, a public comment received, and the Amended Small Business Impact Statement is found in the Commissioners' Packet on pages 109 to 116.*

Commissioner Skinner moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 3.12 as included in the Commissioners' Packet and discussed here today and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

- b. [205 CMR 3.00: Harness Horse Racing, specifically, 205 CMR 3.29: Medications and Prohibited Substances – Discussion and Review of Regulation Amendments and Amended Small Business Impact Statement for final adoption by Commission](#) (3:05:30)

Mr. Stempeck presented the next proposed regulation amendments to 205 CMR 3.29 regarding medications and prohibited substances. *The documents related to the proposed changes to this regulation can be found in the Commissioners' Packet on pages 117 to 137.*

Commissioner Hill moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 3.29 as included in the Commissioners' Packet and discussed here today and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

- c. [205 CMR 6.24: Deposits – Discussion and Review of Regulation Amendments and Amended Small Business Impact Statement for final adoption by Commission](#) (3:06:58)

Mr. Stempeck presented the final racing regulation amendments to 205 CMR 6.24 regarding funding mechanisms for ADW accounts. *A memorandum, draft of 205 CMR 6.24, and the Amended Small Business Impact Statement are found in the Commissioners' Packet on pages 138 to 142.*

Commissioner O'Brien asked if this regulation was at odds with how the Legislature allows bettors to fund other accounts. Mr. Stempeck clarified that that was correct. Commissioner O'Brien stated that the Commission may want to bring this up before the Legislature to remind them that there is an inconsistency in the old horse racing statute. Mr. Stempeck agreed that this matter was worthy of future discussion.

Commissioner Skinner moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 6.24 as included in the Commissioners' Packet and discussed here today and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

- d. [205 CMR 219.04: Applying for Leave to Obtain a Renewed Temporary License- Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to begin the promulgation process by Commission](#) (3:12:36)

Deputy General Counsel Carrie Torrisi presented proposed changes to 205 CMR 219.04 relating to sports wagering temporary license renewals. *A memorandum, draft of 205 CMR 219.04, and the Small Business Impact Statement is found in the Commissioners' Packet on pages 143 to 149.*

Commissioner O'Brien moved that the Commission approve the Small Business Impact Statement and the draft of 205 CMR 219.04 as included in the Commissioners' Packet and discussed here today and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to begin the regulation promulgation process. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

10. [Communications Division](#) (3:15:58)

a. Review of Final Seal of Approval Design

Chief of Communications Tom Mills stated that the finalized versions of the Seal of Approval designs were ready for the Commissioners' feedback. *The designs are included in the Commissioners' Packet on page 151.*

Commissioner O'Brien stated she liked the color design and discussed how the Commission should push this change out to ensure consumers are aware.

Commissioner Skinner asked if there was anything else to consider besides aesthetics when considering the designs. Mr. Mills stated it was just a matter of a color design versus a black and white design.

A conversation ensued over the two designs and how the seal would appear on websites. Interim Chair Maynard stated he would like the color version as well.

Commissioner O'Brien moved that the Commission approve the use of MGC seal of approval design 1, the colored version, as included in the Commissioners' Packet and discussed here today. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

The Commission reconvened after a short break at [3:40:33](#). All four commissioners were present.

11. [Investigations and Enforcement Bureau](#) (3:49:12)

a. Security at the Casino Facilities Executive Session

Interim Chair Maynard stated that the Commission anticipated that it would 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 review draft letters to Encore Boston Harbor, MGM Springfield, and Plainridge Park Casino related to the same subject matter outlined herein. He noted that the public session of the Commission meeting would not reconvene at the conclusion of the executive session.

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

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

12. [Legal](#) (3:51:58)

Interim Chair Maynard further stated that the Commission anticipated that it would meet in an 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)(4), c. 30A, §21(a)(7), and G.L. c. 4, §7(26)(f):

I. March, 10, 2023

II. November 20, 2023

III. February 15, 2024

IV. July 11, 2024

Commissioner O'Brien moved that the Commission go into executive session to review the executive session minutes for the four dates stated by the chair and because discussing them in public would frustrate the intended purpose for the executive session for which those were convened. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Interim Chair Maynard: Aye.
The motion passed unanimously, 4-0.

13. [Commissioner Updates](#) (3:43:21)

Transcriber's Note: Commissioner Updates were shared before items 11 and 12 on the agenda.

Interim Chair Maynard stated that he attended the National Conference on Problem Gambling. He noted he spoke on a panel that was entitled a "Regulator's Role in Keeping Sports Betting Fun" in which he was joined by regulators from New Jersey and Ohio. He also stated he attended trainings on LGBTQ+ issues and gambling disorders as well as a panel on underground college student gambling behavior. He noted he was appreciative that he got to attend and share the work that the Commission was doing.

Commissioner O'Brien shared that she spoke on a Responsible Gaming panel in Pittsburgh regarding the online spaces of gambling.

Seeing and hearing no other business, the Commission entered the executive session.

Transcriber's Note: The Commission did not reconvene the public meeting session.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated August 1, 2024
2. [Commissioners' Packet](#) from the August 1, 2024, meeting (posted on massgaming.com)



Massachusetts Gaming Commission Meeting Minutes

Date/Time: September 4, 2025, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 851 1684

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

Commissioners Present:

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

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

Chair Maynard called to order the 562nd Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and four commissioners were present for the meeting.

2. [Meeting Minutes](#) (00:40)

The minutes from the June 3, 2024, September 11, 2024, October 2, 2024, and July 31, 2025 public meetings were included in the Commissioners' Packet on pages 5 through 32.

Commissioner Brodeur moved that the Commission approve the minutes from the following public meetings, as included in the meeting packet, subject to necessary corrections for typographical errors or other non-material matters: June 3, 2024, September 11, 2024, and October 2, 2024. Commissioner Hill seconded the motion.

Roll call vote:
Commissioner O'Brien: Aye.

Commissioner Hill: Aye.
Commissioner Brodeur: Abstain.
Chair Maynard: Aye.
The motion passed, 3-0 with one abstention.

Commissioner Brodeur moved that the Commission approve the minutes from the following public meeting, as included in the meeting packet, subject to necessary corrections for typographical errors or other non-material matters: July 31, 2025. Commissioner O'Brien seconded the motion.

Roll call vote:
Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Brodeur: Aye.
Chair Maynard: Aye.
The motion passed unanimously, 4-0.

3. Administrative Update (02:13)

Executive Director Dean Serpa noted that the new Human Resources ("HR") Division Chief Kathleen Buckley started on August 18, 2025. Chief Buckley stated that she was excited to be at the Commission.

a. Responsible Gaming Education Month Update (04:10)

Director of Research and Responsible Gaming Mark Vander Linden explained that September was Responsible Gaming Education Month. He stated that this was an initiative launched by the American Gaming Association ("AGA") and carried out by a range of stakeholders. He explained that the initiative pushed the PlayMyWay program, sent out targeted emails, had giveaways, and promoted gambling literacy. He stated that the Commission's robust research program had goals regarding informed strategies, practices, and policies for responsible gaming and problem gambling prevention. He stated that there were a number of studies underway including the possible use of artificial intelligence ("AI") in the gambling industry and an updated evaluation of the Voluntary Self-Exclusion ("VSE") program.

Director Vander Linden thanked the GameSense advisors for their commitment to responsible gaming. He thanked the operators who assisted with the Responsible Gaming Education Month initiative. Chair Maynard stated that it was important to highlight issues and make the public aware of what resources were available.

4. Research and Responsible Gaming (10:15)

a. Presentation of report, "Sports Betting Among Young Adults in Massachusetts: Preliminary Findings" (10:32)

Deputy Director of the Research and Responsible Gaming Division Dr. Bonnie Andrews explained that the Commission was charged with carrying out a research agenda to assess the impacts of casino gambling in Massachusetts pursuant to G.L. c. 23K, § 71. She introduced Senior Research Scientist with NORC at the University of Chicago Petry Ubri and Data Scientist with NORC at the University of Chicago Jared Sawyer. Ms. Ubri and Mr. Sawyer presented the “Sports Betting Among Young Adults in Massachusetts: Preliminary Findings” report with topics including the following: study approach, preliminary findings, perspectives and views on sports wagering, young adult engagement with sports wagering, advertisements, impacts, recommendations, and next steps. *The research report and accompanying presentation were included in the Commissioners’ Packet on pages 33 through 77.*

Commissioner O’Brien sought clarification regarding the definition of targeted advertisements. Ms. Ubri explained that they were advertisements targeting young adults and males based upon colors, phrasing, influencers involved, and promotions. She stated that these advertisements focused on specific targeted populations. She stated that the research team wanted to delve further into this topic and study how targeted advertisements contribute to sports wagering.

Commissioner O’Brien noted that some responses referenced athletes that went to events sponsored by betting companies and asked for more details. Ms. Ubri stated that the participants noted that sports wagering was not present on campus but that sponsors might be seen tabling at sports events. She stated that she would request additional information on this topic in the coming year.

Commissioner O’Brien asked if virtual private networks (“VPNs”) could get around geolocation services. Ms. Ubri stated that VPNs could mask the user’s physical location so that they would not appear in Massachusetts and be able to place wagers in other jurisdictions. Commissioner O’Brien asked if the participants were successful in placing bets while using a VPN. Ms. Ubri replied that the participants were able to place bets while using a VPN.

Commissioner Hill sought further detail regarding underage individuals accessing sports wagering operator websites using their parents’ names and fake IDs. Ms. Ubri stated that underage individuals would send their parent’s information and ID to operators when signing up for accounts. She stated that some used VPNs to change their geographic location to another jurisdiction with a lower age requirement to wager, bypassing the Massachusetts age restrictions. She stated that some underage individuals utilized the illegal sports wagering market.

Commissioner Hill asked what percentage of underage individuals used these methods to access sports wagering websites. Ms. Ubri stated that of the 39 participants in the 18 to 20 age range, 68% noted that they had bet on sports previously. She noted that the study focused on qualitative data and that the sample size was small as a result.

Commissioner Brodeur noted that the focus of the study was on college community activities and activities around campuses. He asked if the study would also reach young adults that were not college students. Mr. Sawyer stated that the study did not explicitly ask the participants if they were in college and only noted it if the participants disclosed that information. Ms. Ubri stated that the research would look at specific underage populations in its upcoming focus groups,

including underage bettors, college students, and student athletes. Commissioner Brodeur stated that it might be challenging to target individuals who are not in the university setting.

Commissioner Brodeur asked if gaming research had been affected by the shifting of federal research funding. Ms. Ubri stated that there was not much federal funding related to gambling research. Director Vander Linden stated that the federal government did not fund gambling-related research. He stated that there was a gap in gambling-related impact knowledge because funding research was largely left to the states.

Chair Maynard asked if there was a key takeaway in the research for developing policy. Ms. Ubri stated that accessibility to sports wagering was contributing to the prevalence of sports wagering and the risk of problem gambling. Mr. Sawyer noted that there was also the issue of the prevalence of people advising on what to bet on, including both media and friends.

b. Social and Economic Research Deliverables for the FY26 Research Agenda (47:21)

Director Vander Linden stated that the Fiscal Year 2026 (“FY26”) research agenda was approved by the Commission on June 17, 2025. He stated that the Research Division engaged in re-procurement for social and economic research services, and those were not finalized at the time of the Commission’s approval. He explained that a competitive procurement process was conducted. He stated that the Boston University School of Public Health (“BU”) was identified as the successful bidder and that negotiations have begun with BU.

Director Vander Linden presented three specific social research topics and three economic research topics. *A memorandum regarding these FY26 research topics was included in Commissioners’ Packet on pages 78 through 81.*

Commissioner O’Brien moved that the Commission approve the proposed Social and Economic Research Deliverables as part of the FY26 Research Agenda as included in the Commissioners’ Packet and discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 4-0.

5. Community Affairs Division (58:33)

a. Plainridge Park Casino Quarterly Report (59:04)

Plainridge Park Casino’s (“PPC”) General Manager North Grounsell, PPC’s Vice President of HR Kathy Lucas, and PPC’s Director of Security Bob Charette presented PPC’s quarterly report, with topics including the following: revenue and taxes, lottery sales, local spend, vendor

diversity, compliance, employee diversity, and community engagement. *PPC's Q2 quarterly report presentation was included in the Commissioners' Packet on pages 84 through 98.*

Chair Maynard asked if there was an uptick of underage access to the gaming floor at the start of the racing season. Mr. Charette stated that the data was accumulated prior to his employment with PPC. Mr. Grounsell stated that the uptick was likely due to the Kentucky Derby. He stated that during the Kentucky Derby, there were many people who were at PPC for the first time, some of whom may not have known that they could not enter the gaming floor if they were under the age of 21.

6. Discussion regarding collective bargaining of the SEIU Local 888 Agreement (1:12:31)

a. Executive Session (1:12:40)

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

Chair Maynard noted that the Commission would return to the public meeting session following the executive session.

Commissioner Brodeur moved that the Commission enter executive session on the matter and for the reason just stated by the Chair. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 4-0.

Transcriber's Note: The Commission entered executive session and returned to the public meeting session at 1:26:49.

7. Investigations and Enforcement Bureau (1:27:05)

a. Briefing on noncompliance matter related to Category 3 Sports Wagering Licensee FBG Enterprises Opco, LLC, d/b/a Fanatics Betting and Gaming and discussion regarding next steps. Alleged noncompliance relates to offering wagering on unauthorized event in violation of 205 CMR 247.01, 205 CMR 247.01(2)(i), 205 CMR 247.03(11) and the Massachusetts Sports Wagering Catalog (1:27:35)

Enforcement Counsel Nathaniel Kennedy presented an alleged noncompliance event by FBG Enterprises Opco, LLC, d/b/a Fanatics Betting and Gaming ("Fanatics"). He explained that wagers were prohibited on individuals known to represent or promote Russia. He stated that

wagers were offered by Fanatics on a UFC fight between Petr Yan and Marcus McGhee. He stated that 154 wagers were placed for a total amount of \$1,806.76 between July 4, 2025, and July 24, 2025. He noted that in previous matters where an operator had offered wagering on this fighter, the Commission referred the issue back to the Investigations and Enforcement Bureau (“IEB”) for review and recommendation.

The Commission reached a consensus to refer this matter back to the IEB for a recommendation.

b. Briefing on noncompliance matter related to Category 3 Sports Wagering Operator Caesars Sportsbook and discussion regarding next steps. Alleged noncompliance relates to offering wagering on an unapproved event in violation of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog. (1:29:28)

Enforcement Counsel Diandra Franks presented an alleged noncompliance incident by Caesars Sportsbook (“Caesars”). She explained that Caesars had offered wagering on the Maharlika Pilipinas Basketball League (“MPBL”) which was not approved in the Massachusetts Sports Wagering Catalog. She explained that 1,897 wagers for a total handle of \$307,359 were placed between March 2, 2023 and March 21, 2025. She stated that this matter was discovered by the Sports Wagering Division when it came to their attention that the MPBL was not a Fédération Internationale de Basketball (“FIBA”) sanctioned league or otherwise permitted by the Massachusetts catalog. She noted that similar incidents were referred back to the IEB for recommendation.

Commissioner O’Brien requested that if anything in the IEB’s review merited returning to the Commission, the IEB return to the Commission before a final recommendation was made. The Commission reached a consensus to refer this matter to the IEB for a recommendation.

c. Discussion regarding RSM waiver request in connection with Statement of Work (1:31:51)

Director of the IEB Caitlin Monahan explained that RSM had approached the Commission for a waiver to permit RSM to engage in a contract with an operator. She explained that the contract would be to implement a software system and ensure integration with the operator’s existing system. She stated that it was a technical engagement and that the IEB was not opposed to RSM’s waiver request.

Greg Naviloff, a Partner from RSM, explained that RSM had an established process and robust framework to screen for conflicts. He stated that any issues would be escalated to the IEB and the Commission should they arise. Chair Maynard noted that there was a situation in 2024 where there were issues with RSM’s conflict screening. Mr. Naviloff stated that the past error was regrettable and that there had since been changes in the process and the level of detail reported to the Commission.

Commissioner Brodeur inquired about the length of engagement for this project. Mr. Naviloff stated that the project could take anywhere from three to ten weeks, and additional time may be needed if there were technical difficulties with configuration.

Commissioner O'Brien moved that the Commission approve RSM's request for a waiver pursuant to the terms of the existing Statement of Work between RSM and the Commission as the work for which the waiver is requested will not create an actual or appearance of a conflict and will not call into question the integrity of services provided by RSM to the Commission as discussed here today, and further, that staff be authorized to issue a written determination memorializing this approval, including any conditions as required by the Statement of Work or as discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 4-0.

8. Sports Wagering Division (1:39:36)

a. House Rules Update

I. Caesars

Compliance and Operations Manager Tom Lam presented proposed changes to Caesars' house rules. *The proposed changes to Caesars' house rules were included in the Commissioners' Packet on pages 101 through 104.*

Commissioner O'Brien asked if close call wagers were offered by any other operators. Manager Lam stated that BetMGM offered something similar as a promotion but not as a separate market. Commissioner O'Brien stated that there was nothing unlawful about the bet type but that she wanted to know more about whether this bet type was offered in other markets. She expressed that at a certain point, it gets to be absurd as to what is offered as a bet.

Commissioner Brodeur expressed that he shared Commissioner O'Brien's reaction. He stated that he would like to hear the business strategy perspective regarding offering this type of wager.

Vice President of Trading from Caesars Craig Mucklow explained that Caesars constantly reevaluated its product offerings. He stated that close call wagers allowed the players the option to get money back at lower odds if their wager was close to the actual results. He explained that if a patron bet that a certain player would score first, and that player scored second, the patron would be able to receive funds back.

Commissioner O'Brien asked if the patron would have to wager more money to receive the backup win. Mr. Mucklow explained that the amount wagered would remain the same, but the payout odds would be slightly different.

Chair Maynard asked if the changes to special teams total tackles were unique to Caesars. Manager Lam stated that the change to Caesars' house rules was in alignment with what other operators were offering.

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

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 4-0.

II. [Fanatics](#) (1:47:50)

Compliance and Operations Manager Andrew Steffen presented proposed changes to Fanatics' house rules. *The proposed changes to Fanatics' house rules were included in the Commissioners' Packet on pages 105 through 115.* Chair Maynard thanked Manager Steffen for his knowledge in explaining cricket.

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

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 4-0.

III. [Penn Sports Interactive](#) (1:52:05)

Manager Steffen presented proposed changes to PSI's house rules. *The proposed changes to PSI's house rules were included in the Commissioners' Packet on pages 116 through 123.*

Commissioner Hill moved that the Commission approve the updates to Penn Sports Interactive's House Rules as included in the Commissioners' Packet and discussed here today. Commissioner Brodeur seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.
The motion passed unanimously, 4-0.

b. Proposed updates to Approved Event Catalog to clarify scope of permissible wagering on NCAA events (1:55:06)

Manager Steffen presented the proposed updates to the approved event catalog. *The proposed updates to the approved event catalog were included in the Commissioners' packet on pages 124 through 126.*

Manager Steffen explained that the Sports Wagering Division had received inquiries regarding post-season tournaments involving Division I NCAA teams but were not governed by the NCAA. He explained that these events were not approved by the events catalog as they were not governed by the NCAA, despite what the Commission's intent may have been when approving the NCAA as a governing body. He stated that the approved event catalog was being amended to cover these types of events and ensure clarity for the operators.

Commissioner Hill asked if the Sports Wagering Division had reached out to the NCAA regarding this change. Manager Steffen stated that the Sports Wagering Division had worked with the NCAA and that representatives from the NCAA had helped craft the updated language. Chair Maynard stated that this change encompassed what he intended when he voted to approve NCAA events for the catalog.

Commissioner Hill moved that the Commission approve the update to Section 1 of the Approved Event Catalog guidelines to clarify that wagering may be permitted on NCAA events involving Division I NCAA-member institutions, even when those events are not directly governed by the NCAA, as included in the Commissioners' Packet and discussed here today. Commissioner Brodeur seconded the motion.

Roll call vote:
Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Brodeur: Aye.
Chair Maynard: Aye.
The motion passed unanimously, 4-0.

9. Legal (1:59:49)

a. Discussion regarding enforcement or litigation concerning the illegal sports wagering market (2:00:09)

Chair Maynard stated that the Commission anticipated that it would meet in executive session in accordance with G.L. c. 30A, § 21(a)(3) to discuss with the Attorney General Office's strategy with respect to enforcement or litigation concerning the illegal sports wagering market.

Commissioner Brodeur moved that the Commission enter executive session on the matter and for the reasons just stated by the Chair. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 4-0.

Transcriber's Note: The Commission entered executive session and returned to the public meeting session at [2:18:37](#).

b. [Litigation Update](#) (2:18:53)

I. Executive Session

Chair Maynard stated that the Commission anticipated that it would convene in an Executive Session pursuant to G.L. c. 30A, § 21(a)(3) in conjunction with its review of litigation strategy with respect to a MCAD complaint, as discussion at an open meeting may have a detrimental effect on the litigation position of the Commission.

Commissioner Brodeur moved that the Commission enter executive session on the matter and for the reasons just stated by the Chair. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 4-0.

Chair Maynard stated that the Commission would return to the public meeting session following the executive session.

Transcriber's Note: The Commission entered executive session and returned to the public meeting session at [2:25:03](#).

c. [205 CMR 238.48\(3\): Expiration of Sports Wagering Tickets and Vouchers; Payment to the Sports Wagering Control Fund – Discussion and Review of Regulation Amendment and Small Business Impact Statement for authorization to begin the promulgation process by Commission](#) (2:25:08)

Staff Attorney Autumn Birarelli presented a proposed amendment to 205 CMR 238.48. *The Small Business Impact Statement, memorandum, and redline changes to 205 CMR 238.48 were included in the Commissioners' Packet on pages 127 through 130.* The proposed amendments

would allow for money from unclaimed tickets or vouchers to be transferred to the Sports Wagering Control Fund by wire transfer in addition to check.

Attorney Birarelli noted that there was a citation error in the memorandum included in the Commissioners' Packet and that the correct citation should read "G.L. c. 23N, § 13(h)".

Commissioner Hill moved that the Commission approve the Small Business Impact Statement and the draft of 205 CMR 238.48(3) included in the Commissioners' Packet and discussed here today, and further, that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to begin the regulation promulgation process. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 4-0.

d. 205 CMR 146.13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections – Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to begin the promulgation process by Commission (2:27:25)

Associate General Counsel Judith Young presented proposed amendments to 205 CMR 146.13 regarding blackjack layouts. *The Small Business Impact Statement, memorandum, and redline changes to 205 CMR 146.13 were included in the Commissioners' Packet on pages 133 through 138.*

Commissioner Hill moved that the Commission approve the Small Business Impact Statement and the draft of 205 CMR 146.13 included in the Commissioners' Packet and discussed here today, and further, that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to begin the regulation promulgation process. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

10. Discussion regarding responsible gaming program agreement with British Columbia Lottery Corporation ("BCLC") (2:32:08)

I. Executive Session

Chair Maynard stated that the Commission anticipated that it would meet in executive session in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 4, § 7(26)(d) to discuss policy positions being developed by an agency in connection with a responsible gaming program agreement between the Commission and the BCLC.

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

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

Chair Maynard noted that the Commission would return to the public meeting session following the executive session.

Transcriber's Note: The Commission entered executive session and returned to the public meeting session at [3:13:29](#).

11. [Racing](#) (3:14:32)

- a. Discussion regarding requirements under G.L. c. 128A, § 5C and G.L. c. 128C, § 2 as they pertain to Simulcasting and Advance Deposit Wagering

Director of Racing and Chief Veterinarian Dr. Alex Lightbown explained that the Commission had two extensive discussions regarding Massasoit Greyhound Association, LLC d/b/a Raynham Park's ("Raynham") request to use Churchill Downs as an advanced deposit wagering ("ADW") service provider and whether restrictions applied to simulcasting and ADW. Interim General Counsel Justin Stempeck explained that outside counsel from the law firm Anderson and Krieger Nina Pickering-Cook had been briefed on the legal issues and conducted an assessment on this matter. *Materials related to this discussion as submitted by the relevant stakeholders, including Attorney Pickering-Cook's assessment were included in the Commissioners' Packet on pages 165 through 281.*

Attorney Michael Morizio, counsel for Raynham, stated that he had received the letter drafted by Attorney Pickering-Cook and did not believe that Raynham's position was accurately conveyed. He stated that the legal advice presented ignored the administrative law that Raynham had outlined in its memorandum.

Attorney Morizio explained that the Massachusetts Supreme Judicial Court had held that it is the Legislature that determines what "public interest" is and that agencies only implement the Legislature's policy. He stated that any interpretation of the regulation that was not consistent with the Administrative Procedures Act was not valid. He stated that only courts can interpret

statutes and that the Commission could not use their statutory interpretation to ignore regulations. He stated that the Commission's ADW regulations gave the Commission full authority to approve ADW service providers. He noted that Churchill Downs was already an approved ADW service provider for another operator and that the Commission had approved ADW service providers for Raynham in the past.

Attorney Morizio stated that simulcasting had a different regulatory scheme than ADW. He stated that there was no provision which would restrict the number of signals or hours of simulcasting that his client engaged in. He stated that the Commission had the authority to grant permissions beyond the minimum outlined by statute and that the approval should not be limited by restrictions.

Commissioner Brodeur moved that the Commission adopt the recommendations of the Commission's General Counsel and external counsel, including the understanding that the provisions of G.L. c. 128C, § 2 that speak to simulcasting rights and limitations are applicable to current simulcasting operations of our racing licensees and that those same rights and limitations be applied to advance deposit wagering operations by our racing licensees and their partners pursuant to the language discussed in G.L. c. 128A, § 5C. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

b. Massasoit Greyhound Association, Inc. request to approve Churchill Downs Technology Initiatives Company platforms Twin Spires and DK Horse as Advance Deposit Wagering Providers in accordance with 205 CMR 6.20 (3:27:10)

Interim General Counsel Stempeck stated that the Commission could now vote on Raynham's request to approve Churchill Downs as an ADW provider. Chair Maynard stated that he agreed with Attorney Morizio that ADW service providers had been approved in the past and that they would continue to be approved.

Commissioner O'Brien moved that the Commission approve Massasoit Greyhound Association's request for approval of Churchill Downs Technology Initiatives Company, and its platforms known as Twin Spires and DK Horse, as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

12. [Executive Session Minutes](#) (3:29:10)

Chair Maynard stated that the agenda would be taken out of order, so that the Commission could address Commissioner updates and other business before entering the executive session.

a. [Executive Session](#) (3:29:31)

Chair Maynard stated that the Commission anticipated that it would meet in executive session to review minutes from previous executive sessions as their discussion at an open meeting may frustrate the intended purpose for which the executive session was convened, pursuant to G.L. c. 30A, s. 21(a)(3): July 16, 2024 and August 15, 2024 at 12:55 PM; and G.L. c. 30A, s. 21(a)(4) and (7) and c. 4, s. 7(26)(f): August 15, 2024 at 2:11 PM.

Commissioner Brodeur moved that the Commission enter executive session on the matter and for the reasons just stated by the Chair. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 4-0.

Chair Maynard stated that the Commission would not reconvene the public meeting session following the executive session.

13. [Commissioner Updates](#) (3:29:20)

No Commissioner updates were provided.

14. [Other Business](#) (3:29:25)

Hearing no other business, the Commission entered executive session and did not return to the public meeting session.

List of Documents and Other Items Used

1. [Revised Notice of Meeting and Agenda dated September 2, 2025](#)
2. [Commissioners' Packet from the September 4, 2025, meeting](#) (posted on massgaming.com)

Financial Gaming Obligations FY 2025

Topic	Encore Boston Harbor	MGM Springfield	Plainridge Park Casino	Massachusetts Total for FY2025
DOR Intercepts	\$2,221,210.43	\$663,881.27	\$1,030,608.59	\$3,915,700.29
Expired Vouchers	\$450,802.86	\$254,428.58	\$282,488.05	\$987,719.49
Expired Lost & Found	\$171,710.02	\$19,818.11	\$54,465.94	\$245,994.07
Expired Unclaimed Jackpots	\$125,470.40	\$21,833.00	\$26,335.00	\$173,638.40
Underage Forfeited	\$1,265.00	\$611.83	\$0.00	\$1,876.83
Charitable Contributions	\$194,179.27	\$71,259.95	\$59,122.63	\$324,561.85



Financial Gaming Obligations FY2024 / FY2025 Comparison

Topic	FY2024	FY2025	Difference FY2024 to FY2025	Percentage (+/-)
DOR Intercepts	\$3,874,427	\$3,915,700	+\$41,273	1.07%
Expired Vouchers	\$957,718	\$987,719	+\$30,001	3.13%
Expired Lost & Found	\$265,362	\$245,994	-\$19,368	-7.30%
Expired Unclaimed Jackpots	\$241,908	\$173,638	-\$68,270	-28.22%
Underage Forfeited	\$9,137	\$1,877	-\$7,260	-79.46%
Charitable Contributions	\$196,626	\$324,561	\$127,935	65.07%

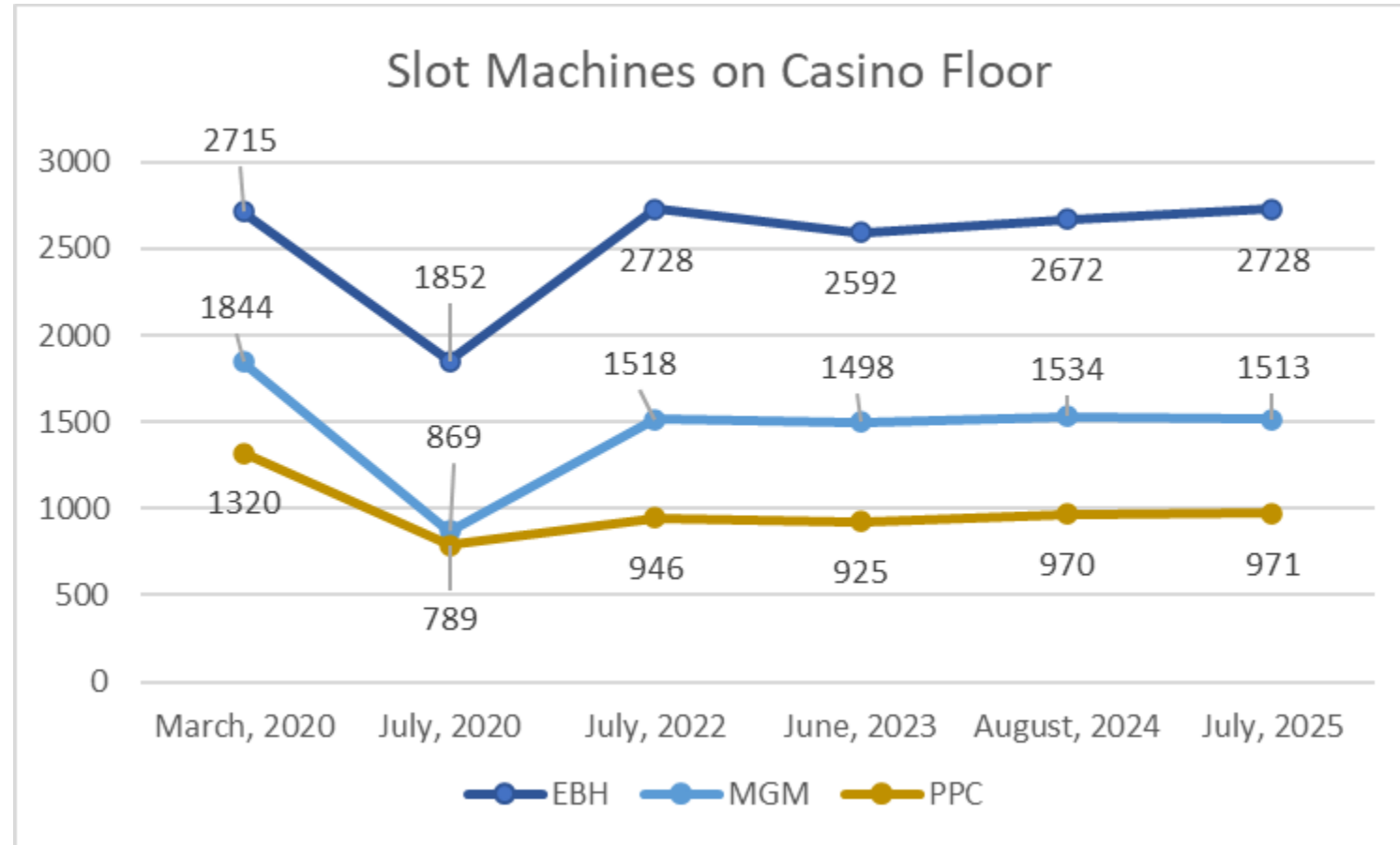


Number of Games – July 2025

	Encore Boston Harbor	MGM Springfield	Plainridge Park Casino	Massachusetts Total
Slot Machines	2,672	1,513	971	5,212
Table Games	172	48	N/A	220
Poker Games	24	15	N/A	39
Stadium Games	62	16	0	78
Sports Wagering Kiosks	27	18	20	65



Slot Machine Change 2020 - 2025





Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Dean Serpa, Executive Director
Justin Stempeck, Interim General Counsel

DATE: September 25, 2025

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 2025.

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 2025.



Massachusetts Gaming Commission

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

September 19, 2025

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 Breeders Stake races in accordance with Massachusetts General Law Chapter 128, sec. 2(j) for the upcoming 2025 season.

SOM, Inc. is a non-profit Massachusetts Corporation in good standing and has continuously administered the Massachusetts Breeding and Breeders Stakes program since 1992.

Sincerely,

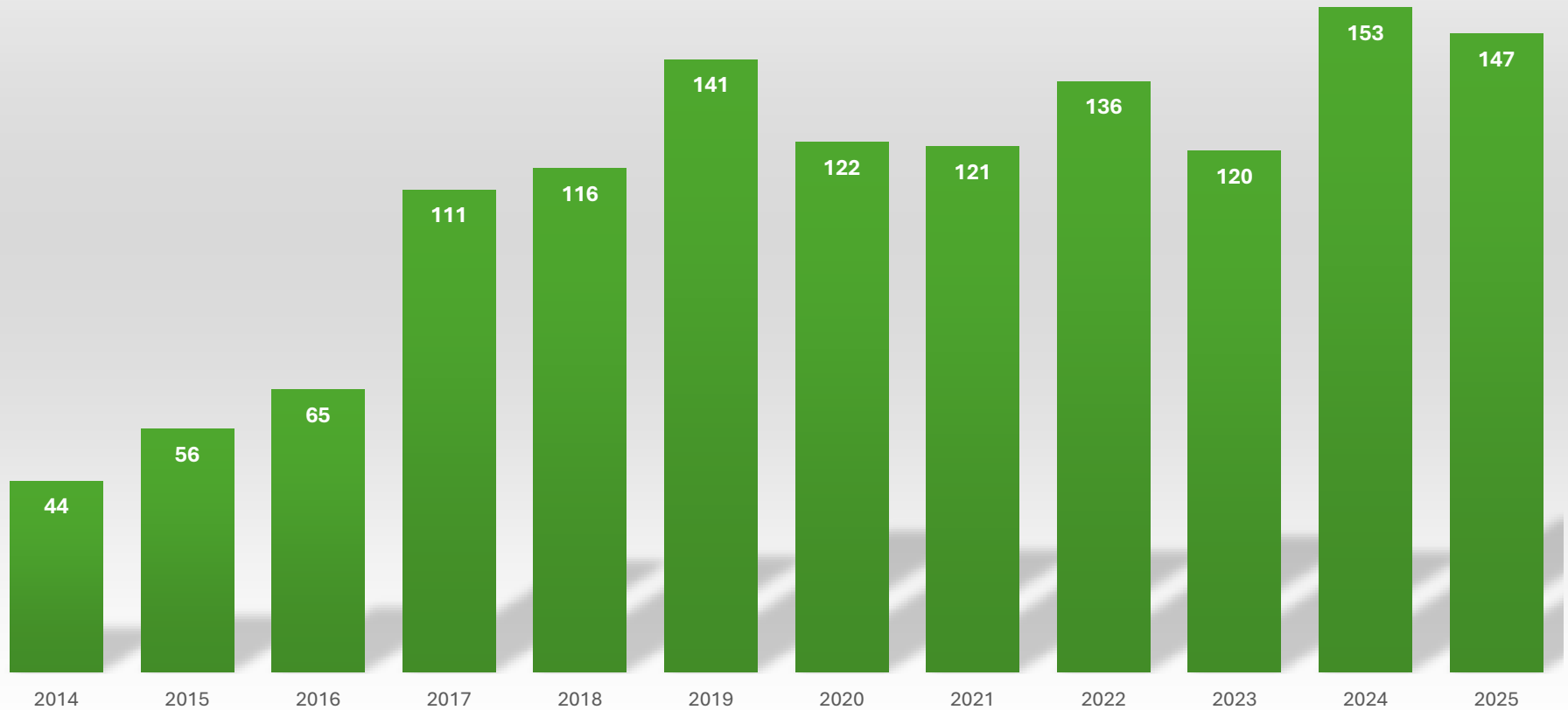
Nancy Longobardi

Nancy Longobardi
Secretary / Treasurer

enclosures: Resident Broodmare Chart
USTA Newsroom Article

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Standardbred Owners of Massachusetts, Inc. RESIDENT BROODMARES



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Record-breaking Massachusetts Breeders Stakes program

Posted on October 24, 2024 by Tim Bojarski, for the Standardbred Owners of Massachusetts

Plainville, MA — The \$1.28 million finals of the Massachusetts Breeders Stakes were held on Thursday (Oct. 24) at Plainridge Park, and records of all sorts were rewritten throughout the program. Four stakes and two track records — as well as four lifetime marks — were either tied or broken during the stakes divisions that were contested for \$160,000 each.

Quick notes from the afternoon show that Yannick Gingras was the leading driver with three stakes wins, seven different trainers each won one stakes apiece, and Lindy Farms of Connecticut bred five of the seven 2024 Massachusetts Breeders Stakes champions.



Driver Yannick Gingras took top honors on Thursday's Massachusetts Breeders Stakes program at Plainridge Park with wins in three \$160,000 championship events. Tom Melanson photos.

In the non-betting 3-year-old filly pace, Every Mans Dream (Always B Miki-Lindy's Nightmare) became a two-time Massachusetts champion after she destroyed the field in a record mile.

Yannick Gingras eased Every Mans Dream to the front and cut quarters of :27, :55.2 and 1:23.2 while Beantown Ace (Nick Graffam) followed in the pocket. As they entered the last turn, Every Mans Dream and Beantown Ace had separated themselves from the rest of the field. But Every Mans Dream pulled away from Beantown Ace and flew home in a swift :27 final panel to win by 11-3/4 lengths in 1:50.2.

The time tied the lifetime mark of Every Mans Dream, tied the track record, and set a new stakes record for 3-year-old pacing fillies, breaking what she just set earlier this month.

Every Mans Dream is owned by Thomas and Scott Dillon and trained by Ron Burke. Lindy Farms of Connecticut bred Every Mans Dream.

The 2-year-old colt and gelding trot went to current track record holder Belmondo (Walner-Love Lockdown), who brushed late to a convincing victory.

Moni Man (Brett Beckwith) took the lead and was followed by Castel Lindy (Yannick Gingras), Belmondo (Marcus Miller) and the remainder of the field through consistent quarters of :27.1, :56.2 and 1:26.4, with nobody pulling the right line. But as Moni Man headed into the turn, Gingras engaged Castel Lindy and Miller tipped Belmondo three-deep, and that top trio entered the stretch in a line across the track. But it became quickly evident that Belmondo was full of trot and pulled away from the field before holding off a late closing My Degenerate (Andy Miller) to win by three-quarters of a length in 1:55.3.

It was the third straight MBS win for Belmondo (\$2.60) and owners Andy Miller Stable, One Legend Stable and Jean Goehlen. Julie Miller trains the winner, who was bred by Lindy Farms of Connecticut.

There was a major upset in the 3-year-old trot for colts and geldings when Pepper Wow (Crazy Wow-Tori Hall) tripped out to victory at 22-1.

The favored Keep Asking (Scott Zeron) took the lead as Pepper Wow (Yannick Gingras) tracked intently from second as Keep Asking set fractions of :27.2, :56 and 1:24.4 with only a mild bid from International Law (Marcus Miller) at three-quarters to contend with. Keep Asking rounded the last turn looking strong, but at the top of the lane, Gingras popped the pocket with Pepper Wow and powered by Keep Asking to win by three-quarters of a length in 1:53.3.

The time was a new lifetime mark for Pepper Wow and equaled the stakes record for 3-year-old trotting colts, as well.

It was the sixth win of the year but first MBS victory of 2024 for Pepper Wow (\$46.00), who is owned by breeders Earl and Kathy Beaman in partnership with co-owner Shirley Michaud. Ivan Davies was the winning trainer.

The 2-year-old trotting fillies saw more records fall when R Lady W (~~Walner~~-Born Lindy) put in a dominating front-end performance.

Scott Zeron sent R Lady W for the lead and never looked back once crossing over. With Riviera Princess (Yannick Gingras) sitting the trip, R Lady W stepped off quarters of :27.3, :57 and 1:26.3 completely unchallenged. From there, R Lady W really turned it on and trotted her last quarter in :27.4 while pulling away by 5-1/2 lengths in a 1:54.2 performance.

The time was a career best for R Lady W and also set new track and stakes records for 2-year-old trotting fillies.

R Lady W (\$2.20) is leased by M&L of Delaware and trained by Linda Toscano. Lindy Farms of Connecticut bred R Lady W.

The second upset of the day came in the 3-year-old colt and gelding pace, where O'er The Ramparts (American Ideal-See To Believe) got up in the shadow of the wire at 17-1.

The favored Rocknroll Lou (Yannick Gingras) methodically made his way to the front while O'er The Ramparts (Brett Beckwith) was happy to take the trip. Rocknroll Lou glided to the half in :55 and three-quarters in 1:23.1 with only a mild bid from Bang Ah Uey (Jimmy Hardy) at that last station. Rocknroll Lou took his short lead into the stretch, where Beckwith tipped O'er The Ramparts and took dead aim on the leader. These two pacers were all-out in the lane, but O'er The Ramparts had a little more in the tank and got up at the last moment to win by a neck in a lifetime best, 1:52.

It was the sixth win of the year and first in the MBS for O'er The Ramparts (\$36.20), who is owned by Glenn Goller and Stephen Demeter and trained by Mark Beckwith. O'er The Ramparts was bred by Lindy Farms of Connecticut.

The 3-year-old trotting filly final went to the current MBS record holder Treatyofversaille (International Moni-Birthright), who captured her third consecutive stakes victory on Thursday.

Treatyofversaille (Bruce Ranger) got away third as Sassy Zaza (Brett Beckwith) cut the quarter in :28.2. But Ranger was out and rolling early and put Treatyofversaille on the point before the :58.1 half. From there, Treatyofversaille fought off Dawn Of Lindy (Yannick Gingras) at three-quarters, turned for home and then held the tripping Sassy Zaza at bay late to win by 1-1/4 lengths in 1:55.4.

It was the sixth win of the year for Treatyofversaille (\$3.60), who is owned by breeder Lindy Farms of Connecticut and trained by Domenico Cecere.

Another stakes record fell in the 2-year-old colt and gelding pace, where Jon I Love Dat (Downbytheseaside-Franney Love Dat) was never headed as he claimed the crown.

Yannick Gingras took control easily from post one with Jon I Love Dat and had Digging For Gold (Nick Graffam) shadow him from the garden spot. Jon I Love Dat paced smartly on the lead through quarters of :26.4, :55.4 and 1:24.3 with Digging For Gold breathing down his back. When they turned for home, Digging For Gold pulled to advance, but Jon I Love Dat just paced away from him and to a 2-1/2-length victory in 1:52.3, setting a new stakes record for 2-year-old pacing colts.

Jon I Love Dat (\$6.20) is owned and was bred by Robert Lovett and trained by Chuck Connor Jr.

The 2-year-old pacing filly final was declared a "no contest" after It's Crunch Time made a misstep and fell in the first turn, causing interference to trailing horses. All wagers on the race were refunded.

The horses and drivers involved were checked out and okay after the race, and purse money will be distributed according to USTA Rule 13.05 (e) 1, concerning No Contest races.

Racing at Plainridge Park resumes on Friday (Oct. 25) at 2 p.m.; there will be a \$10,598 carryover in the Wicked Hi-5 in race six. Friday is also the Men Wear Pink Sully Social, held to raise funds for breast cancer research.

Tags: [Plainridge Park](#), [Yannick Gingras](#), [Massachusetts Breeders Stakes](#), [Lindy Farms of Connecticut](#)

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

FROM: Carrie Torrisi, Chief of Sports Wagering Division

DATE: September 25, 2025

RE: Quarterly Reports Schedule – Possible Updates

Commissioner Hill asked the Sports Wagering Division to provide a possible amended schedule for the sports wagering operators' presentation of their quarterly reports. Please see on page two one possible outline of topics to be included in each quarter's presentation if the Commission decides to continue with a quarterly cadence. Please note that an asterisk indicates a new item that is not currently included in quarterly presentations.

Other options include adjusting the presentations to a biannual or annual cadence and having all items listed below discussed at each presentation (with the "comparison of year-end revenue against application target/goals" included in only the year-end presentation), or adjusting the presentations to a biannual cadence and dividing the items below among those two meetings.

These are just a few options, and the Sports Wagering Division will, of course, adjust the schedule and any aspects of the operators' presentations in whatever way the Commission might request.



Massachusetts Gaming Commission

Q1 Topics	Q2 Topics	Q3 Topics	Q4 Topics
Monthly Revenue	Monthly Revenue	Monthly Revenue	Monthly Revenue
*Monthly Unique Players and Monthly Amount Wagered		*Monthly Unique Players and Monthly Amount Wagered	
Underage Compliance	Underage Compliance	Underage Compliance	Underage Compliance
Responsible Gaming – VSE Usage		Responsible Gaming – VSE Usage	
Responsible Gaming – Play Management Tool Usage		Responsible Gaming – Play Management Tool Usage	
*Newly Implemented Technologies, Partnerships, Integrations, or Significant Platform Changes			
	Workforce Diversity – US and MA		Workforce Diversity – US and MA
	Vendor/Supplier Diversity		Vendor/Supplier Diversity
	Charity and Community Outreach		Charity and Community Outreach
			*Comparison of Year-End Revenue Against Application Targets/Goals
			MA Lottery Sales



Massachusetts Gaming Commission



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

FROM: Justin Stempeck, Deputy General Counsel
Derek Lennon, Chief Financial and Accounting Officer
Carrie Torrisi, Chief of Sports Wagering Division

DATE: September 18, 2025

RE: Revisions to 205 CMR 239.07

Enclosed for the Commission's review is the proposed final draft of 205 CMR 239.00: Continuing disclosure and reporting obligations of sports wagering licensees, specifically 205 CMR 239.07: Audit of Operator Operations by Commission. The amendment gave the Commission discretion in the audit of sports wagering operators due to practical limitations in conducting in-depth audits of all seven sports wagering operators each year. The amendment proposes a risk-based approach to our sports wagering auditing requirement that would allow for targeted audits each year based on current industry trends.

This regulation amendment came before the Commission for initial review at a public meeting on July 31, 2025. After initial discussion and review the Commission voted to promulgate the regulation by the normal process. A public hearing was held on September 9, 2025. No comments pertaining to this regulation were provided and no edits have been made to the regulation since its presentation to the Commission on July 31, 2025.

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

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 239.00: CONTINUING DISCLOSURE AND REPORTING OBLIGATIONS OF SPORTS WAGERING LICENSEES

Section

- 239.01: Access to and Maintenance and Production of Operator Records
- 239.02: Fiscal Year
- 239.03: Reports and Information to Be Filed with the Commission
- 239.04: Reports and Information to Be Compiled and Maintained by the Operator
- 239.05: Quarterly Reports
- 239.06: Annual Audit and Other Reports
- 239.07: Audit of Operator Operations by Commission

239.01 : Access to and Maintenance and Production of Operator Records

- (1) The Commission shall have access to, and may inspect, the premises of a Category 1 Sports Wagering License or Category 2 Sports Wagering License Operator.
- (2) An Operator shall maintain complete, accurate, and legible records of all transactions pertaining to the revenues and costs associated with its Sports Wagering operation, including those required in accordance with 205 CMR. General accounting records shall be maintained on a double entry system of accounting with transactions recorded on the accrual basis. Detailed, supporting, subsidiary records sufficient to meet the requirements of 205 CMR shall also be maintained.
- (3) The Commission may request the production of records of an Operator in accordance with the provisions of 205 CMR 142.00: *Regulatory Monitoring and Inspections* and 205 CMR 241.00: *Surveillance and Monitoring*.

239.02 : Fiscal Year

The Operator shall establish a fiscal year for accounting purposes and shall advise the Commission of such.

239.03 : Reports and Information to be Filed with the Commission

- (1) The following reports and information shall be filed with the Commission, or its designee, in the manner and time provided:
 - (a) A detailed annual, and at other times as directed by the Commission, statistical report on the number, job titles, benefits, race, gender, veteran status, and salaries of employees hired and retained in employment in the Commonwealth by the Operator;
 - (b) A detailed annual, and at other times as directed by the Commission, statistical report on the total dollar amounts contracted with and actually paid to minority business enterprises, women business enterprises and veteran business enterprises by the Operator. The annual statistical report shall also identify the amounts so contracted as a percentage of the total dollar amounts contracted with and actually paid to all firms;
 - (c) On an annual basis, and at other times as directed by the Commission, a report explicitly stating the Operator's progress on meeting each of the stated goals and stipulations put forth in its application for a Sports Wagering Operator License;
 - (d) Any reports prescribed by the Commission relative to Occupational Licenses;
 - (e) Quarterly reports in accordance with 205 CMR 239.05;
 - (f) Documents and other materials required to be submitted in accordance with the terms of the Sports Wagering Operator License;
 - (g) An Operator's House Rules, system of internal controls, amendments thereto, and any documents or information required to be submitted in accordance with the approved system of internal controls;
 - (h) Any declared event of default related to any debt obligation maintained by the Operator, affiliate, holding company or intermediary company thereof shall be immediately reported to the Commission, in writing, along with any plans to address or cure such default;
 - (i) A bi-monthly (twice per month) disbursement report relative to vendors licensed or registered in accordance with 205 CMR 234.00: *Continuing Disclosure and Reporting Obligations of Sports Wagering Licensees*, which shall contain the same information as is required in a disbursement report filed pursuant to 205 CMR 138.06(2);
 - (j) An annual problem gaming plan in accordance with M.G.L. c. 23N, § 4(2)(vii);

239.03: continued

(k) Daily, monthly, and annual Adjusted Gross Sports Wagering Receipts and Adjusted Gross Fantasy Sports Receipts remittance and reconciliation reports as required in accordance with 205 CMR 240.00: *Adjusted Sports Wagering Receipts and Adjusted Gross Fantasy Sports Receipts Tax Remittance and Reporting*;

(l) An underage person report containing the information required in accordance with 205 CMR 250.04; and

(m) A quarterly report, covering all complimentary services offered or engaged in by the Operator during the immediately preceding quarter. The reports shall identify regulated complimentary services or items including, but not limited to, food and beverage, hotel and travel accommodations, and promotional Sports Wagering credits. The reports shall be aggregated by, at a minimum, the costs of the complimentary services or items, and the number of people who received each service or item for the quarter. The report shall also document any services or items valued in excess of \$2,000 that were provided to patrons, including detailed reasons as to why they were provided. Valuation shall be performed in accordance with M.G.L. c. 23K, § 28(c).

(2) Promptly upon discovery, the Operator shall notify the Commission or its designees assigned to the Operator of any violation, or suspected violation, of M.G.L. c. 23N, 205 CMR, or any Sports Wagering related law and file any requested written report. In accordance with M.G.L. c. 23N, § 12(a)(i), "suspected violations" shall include irregularities in volume or changes in odds that could signal suspicious activities.

(3) An Operator shall promptly notify the Commission or its designees assigned to the Operator if an individual on the voluntary self-exclusion list established in accordance with 205 CMR 233.00: *Sports Wagering Voluntary Self-exclusion* is found to have engaged in Sports Wagering.

239.04: Reports and Information to Be Compiled and Maintained by the Operator

The following reports and information shall be compiled and maintained by the Operator, or where applicable the Operator's holding company, intermediary company, qualifying subsidiary, or entity qualifier thereof, in the manner provided as follows or as required by the governing body responsible for the oversight of the subject information, and shall be made available and provided upon request by the Commission, or its designee:

(1) Up to date records regarding the business structure, capital structure, and controlling interest of the Operator, where applicable, and the Operator's holding company, intermediary company, qualifying subsidiary, or entity qualifier thereof including, at a minimum:

- (a) Certified copies of incorporation and formation documents and any amendments thereto;
- (b) By-laws, shareholders agreements, governing and/or operating agreements or documents, partnership agreement, intercompany transactions, joint venture agreements, merger and acquisition agreements, and other relevant corporate documents;
- (c) Current listing of officers, directors, members, partners;
- (d) Minutes of all meetings of shareholders;
- (e) Detailed records regarding all record and beneficial owners of any class of non-publicly traded securities, including both equity and debt securities, issued by the Operator, its holding company, intermediary company, qualifying subsidiary or entity qualifier thereof, including the names and addresses of record and beneficial owners of such equity or debt securities, date(s) acquired and the number of equity securities held or face amount of debt securities held, as applicable;
- (f) Detailed records regarding all record and beneficial owners of 5% or more of any class of publicly traded securities, including both equity and debt securities, issued by the Operator, its holding company, intermediary company, qualifying subsidiary or entity qualifier thereof, including the names and addresses of record and beneficial owners of such equity or debt securities held in street name or other name, date(s) acquired and the number of equity securities held or face amount of debt securities held, as applicable;
- (g) Detailed records regarding distributions to equity holders holding 5% or more of the entity;
- (h) Detailed records regarding all remuneration paid to officers, directors, partners and members;
- (i) (for the Operator only) Detailed records regarding all capital contributions;
- (j) (for the Operator only) Detailed records regarding any equity transfers;

239.04 : continued

- (k) Essential details of any debt obligations including loans, covenants, borrowings, installment contracts, guarantees, leases, or any other debt; and
 - (l) Any other records as the Commission deems appropriate.
- (2) Copies of any securities filings submitted to federal, state, or other domestic or foreign securities regulatory authorities, regarding any of the securities, either in existence or proposed, including, but not limited to, United States Securities and Exchange Commission forms S-1,8-K, 10-Q and 10-K, proxy or information statements and all registration statements filed by the Operator, or holding company, intermediary company, qualifying subsidiary and entity qualifier thereof.
 - (3) Copies of any United States Securities and Exchange Commission Schedules 13D or 13G served upon the Operator, or holding company, intermediary company, qualifying subsidiary and entity qualifier thereof.
 - (4) Copies of the federal and state tax returns and any related forms filed by the Operator, and its holding company, intermediary company, qualifying subsidiary or entity qualifier thereof.
 - (5) The system of financial accounting, in accordance with generally accepted accounting principles, to be utilized by the Operator designed to ensure the accurate recording and reporting its assets, liabilities, equity, revenue and expenses. The Operator's system of financial accounting shall provide a level of detail so as to allow it to accurately compute Adjusted Gross Sports Wagering Receipts, and to report the Operator's drop, win, and hold percentage for each form of Sports Wagering activity, the value of complimentary goods or services and promotional credits issued during the accounting period, and any other information necessary to allow the Commission to understand the Operator's results of operations. The Operator shall maintain detailed information and documentation to support all amounts reported to the Commission as being the Operator's assets, liabilities, equity, revenue and expenses.
 - (6) Data derived from the Operator's player card/rewards card/loyalty program, player tracking software, sports wagering equipment or other similar information systems including:
 - (a) The amount of money spent and lost on Sports Wagering (excluding the value of promotional credits wagered, but including any amounts that were subject to discretionary discounting for marketing or other similar purposes) by patrons who have been issued a player card or rewards card or sports wagering account, aggregated by, at a minimum, the patron's age, gender and home zip code provided by the patron and compiled on an annual basis or as otherwise directed by the Commission; and
 - (b) Information, compiled by year, on player characteristics for patrons of the Operator including, but not limited to, gender, age and region of residence, player behavior including, but not limited to, frequency of wagering, amounts wagered and characteristics of sporting events and wager categories wagered on.
 - (7) An annual business plan for the Operator, which will include financial projections in format as prescribed by the Commission no later than 30 days prior to the commencement of the fiscal year.
 - (8) A compliance plan and any amendments thereto, for the Operator and its holding company or intermediary company outlining the practices and protocols implemented, or to be implemented, designed to ensure compliance with all applicable federal or state laws.
 - (9) Copies of the minutes of all board of directors or equivalent governing authority meetings and committee meetings, for the Operator or holding company or intermediary company thereof.

239.05 : Quarterly Reports

- (1) On a quarterly basis, the Operator shall create and file with the Commission a report that provides a continuing view of the Operator's financial position including key performance measures, and narrative commentary on operating results. The quarterly report shall be attested to by any two of the following: the Chief Executive Officer, Chief Financial Officer, Treasurer, Financial Director, Controller, or their functional equivalent.

239.05: continued

(2) The quarterly report required in accordance with 205 CMR 239.05(1) shall be accompanied by a statement attested to by the Operator's Chief Financial Officer, or their functional equivalent, that the Operator satisfies the following:

- (a) It has maintained for the previous quarter, and has the ability to maintain for the upcoming quarter, a gaming bankroll or equivalent provisions adequate to pay winning wagers to Sports Wagering patrons when due.
- (b) It has paid in the previous quarter and has the ability to pay when due all local, state and federal taxes, including the tax on Adjusted Sports Wagering Receipts imposed and any fees imposed under M.G.L. c. 23N or 205 CMR.
- (c) It has the ability to pay, exchange, refinance or extend debts, including long-term and short-term principal and interest and capital lease obligations, which will mature or otherwise come due and payable during the license term, or to otherwise manage such debts and any default with respect to such debts.

239.06: Annual Audit and Other Reports

(1) On an annual basis an Operator shall, at its own expense, cause an audit to be prepared by an independent certified public accountant of its financial statements relevant to the operation of its Massachusetts Sports Wagering Operations. The Operator may satisfy this requirement by submission of the audit of the consolidated financial statement, including applicable notes, of the Operator's holding company or intermediary company provided that such audit is accompanied by a supplemental information, appendix, or other financial information section specific to the Operator which includes an audited financial statement containing, at a minimum, a balance sheet, income statement, and a statement of cash flows for the Operator. In either event, the independent certified public accountant shall attest to the financial condition of the Operator, disclose whether the accounts, records and control procedures examined are maintained by the Operator as required by M.G.L. c. 23N and 205 CMR, and opine as to whether there are material weaknesses in the Operator's system of internal controls.

(2) In the event that the audit makes recommendations to improve the system of internal controls, or to increase the Operator's level of compliance, the Operator's Chief Financial Officer shall respond, in writing, to the recommendations of the independent certified public accountant and provide the Commission with a copy of its response.

(3) To ensure the independence of the annual audit, at least every five years an Operator, whose holding company or intermediary company is not publicly traded, shall rotate the lead (or coordinating) audit partner having primary responsibility for the audit, and the audit partner responsible for reviewing the audit. For an Operator, whose holding company or intermediary company is publicly traded, lead (or coordinating) audit partner rotation shall comply with the requirements of federal law, including the requirements of the United States Securities and Exchange Commission and/or the Public Company Accounting Oversight Board.

(3) In the event the annual audited financial statements differ from financial statements maintained by the Operator throughout the year, the Operator shall provide a summary of these differences as part of the annual audit.

(4) The annual audit and associated statements required in accordance with 205 CMR 239.06(1) shall be filed with the Commission within three months following the end of the quarter following the end of the Operator's fiscal year.

(5) In cases where an Operator's parent or holding company is not publicly traded, in the event the Operator's independent certified public accountant shall resign or be removed as the Operator's principal accountant or auditor, the Operator shall submit a written report to the Commission within 20 days of such resignation or removal, signed by its Chief Financial Officer and Chair of its Audit Committee, outlining the cause or nature of the resignation or removal, stating whether the resignation or removal was related to material differences between the parties as to financial statement presentation issues, disclosures, or the adequacy of the Operator's system of internal accounting control and, if so, a complete and detailed description of the differences for consideration by the Commission. The Operator shall submit as an exhibit to this report a letter from the former independent certified public accountant stating whether they agree with the statements made by the Operator in the report submitted to the Commission.

239.06 : continued

(6) In cases where an Operator's parent or holding company is publicly traded, the Operator shall file with the Commission copies of such information and documents as are required to be filed with the United States Securities and Exchange Commission and/or the Public Company Accounting Oversight Board upon the resignation or removal of the publicly traded holding company's independent certified public accountant.

(7) To the extent possible, any adjustments resulting from the annual audit required in accordance with 205 CMR 239.06 shall be recorded in the accounting records of the year to which the adjustment relates. In the event the adjustments were not reflected in the Operator's quarterly report for the fourth quarter and the Commission concludes the adjustments are significant, a revised quarterly report for the fourth quarter may be required from the Operator. The revised filing shall be due within 30 calendar days after notification to the Operator, unless an extension is granted by the Commission.

239.07 : Audit of Operator Operations by Commission

The Commission shall have the discretion to audit on an annual basis, and at other times the Commission, ~~or~~ the Bureau, ~~or the Sports Wagering Division~~ determines necessary the accounts, programs, activities, and functions of an Operator or any aspect of Sports Wagering Operation and compliance with any provision of the Operator's system of internal controls. To conduct the audit, authorized officers and employees of the Commission shall be given access by the Operator to such accounts at reasonable times and may require the production of books, documents, vouchers and other records relating to any matter within the scope of the audit; provided however, that an Operator's tax returns will not be audited by the Commission. All audits shall be conducted in accordance with generally accepted auditing standards established by the American Institute of Certified Public Accountants and the standards established by the Public Company Accounting Oversight Board. In any audit report of the accounts, funds, programs, activities and functions of an Operator issued by the Commission containing adverse or critical audit results, the Commission may require a response, in writing, to the audit results. Such a response shall be forwarded to the Commission within 15 days of notification by the Commission. Where possible, efforts will be made not to audit areas that were the subject of, and satisfactorily addressed by, the annual audit required in accordance with 205 CMR 239.06.

REGULATORY AUTHORITY

205 CMR 239.00: M.G.L. c. 23N, § 4.



AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Amended Small Business Impact Statement in accordance with G.L. c. 30A, § 5 relative to the proposed amendments to 205 CMR 239.00: Continuing Disclosure and Reporting Obligations of Sports Wagering Licensees, specifically 205 CMR 239.07: Audit of Operator Operations by Commission, for which a public hearing was held on September 9, 2025, at 9:30 AM EST.

This regulation was initially developed as part of the regulatory framework governing sports wagering in the Commonwealth, and is authorized by G.L. c. 23N, § 4. It is now being amended, to provide additional discretion to the Commission regarding the audit of sports wagering operators.

205 CMR 239.07 governs the process of auditing sports wagering operators licensed pursuant to 205 CMR 218 and G.L. c. 23N § 5. Accordingly, this proposed regulation is unlikely to have a negative impact on small businesses.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

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

As a general matter, no small businesses will be negatively impacted by this amendment as it governs licensed Sports Wagering Operators and the Commission.

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

There are no schedules or deadlines for compliance or reporting requirements within 205 CMR 239.07 that would pertain to small businesses.

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

This regulation does not impose any consolidating or simplifying compliance or reporting requirements for small businesses.

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

The amended regulation establishes performance standards which gives discretion in the audit of sports wagering licensees and allows for targeted audits each year based on current industry trends. The audits of entities licensed under 205 CMR 218 will not create standards that affect small businesses.

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

This regulation is unlikely to deter or encourage the formation of new businesses in the Commonwealth at this time.

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

This regulation is not likely to adversely impact small businesses.

Massachusetts Gaming Commission

By:

/s/ Justin Stempeck

Interim General Counsel
Legal Division

Dated: September 18, 2025



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

FROM: Judith A. Young, Associate General Counsel
Dr. Alexandra Lightbown, Director of the Division of Racing

CC: Justin Stempeck, Interim General Counsel

DATE: September 25, 2025

RE: Promulgation of Amendments to 205 CMR 3.11 and 3.14

Overview:

Code of Massachusetts Regulations ("CMR") Chapter 3.00 sets forth the rules, conditions and procedures under which all Harness Horse Racing shall be conducted in the Commonwealth.

Amendments to 205 CMR 3.11: *General Rules*, and 205 CMR 3.14: *Licenses, Registrations and Fees for Participants in Racing* were presented and approved for promulgation by the Commission on July 31, 2025. The regulations were promulgated in the regular course and posted for public comment on the Commission's website on August 19, 2025. The Commission held a public hearing on September 9, 2025. No public comments were received.

In accordance with the procedures enumerated within G.L. c. 128A, § 9B, horse racing regulations must be filed with the Senate and House Clerks for a 60-day period prior to their finalization with the Secretary of State. The Legal Division, in conjunction with the Division of Racing, are seeking authorization from the Commission to file the proposed final drafts of the regulations with the Legislature for 60 days; and a vote of finalization for the regulations to be filed with the Secretary's office thereafter.

The proposed final drafts of the regulations, as well as an Amended Small Business Impact Statement, are enclosed for the Commissioners' review. We note that no additional changes have been made to the regulations since their initial presentation at the July 31, 2025 meeting.

Proposed Amendments:

The Legal Division is recommending removal of the term "obnoxious" from 205 CMR 3.11(8) and 205 CMR 3.14 (5)(8) and (9). As a descriptor of conduct, the term does not have broad use or application in many other horse racing jurisdictions. The term "unbecoming" has been



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recommended as a replacement, as it more broadly encompasses the kind of conduct that may reflect poorly on a licensee or racing participant; and mirrors similar standards used within other U.S. racing jurisdictions.

The proposed changes to 205 CMR 3.11(8) and 205 CMR 3.14 (5), (8), and (9) are depicted below:

205 CMR 3.11:

(8) No person shall in any manner, or at any time, disturb the peace, or engage in conduct that is unbecoming ~~or make himself or herself obnoxious~~ on the grounds of the Association.

205 CMR 3.14:

(5) Before recommending any application for a license it shall be the duty of the Judges, individually and collectively, to ascertain if the applicant is qualified as to ability, integrity and right to the license applied for. And further, no application for a license shall be recommended by the Judges if the applicant's previous conduct in Massachusetts or elsewhere is considered to have been objectionable, ~~obnoxious~~ unbecoming or detrimental to the best interest of racing.

(8) The Commission may refuse to license any applicant whose previous conduct in Massachusetts or elsewhere in connection with horse racing is considered by the Commission to have been objectionable, ~~obnoxious-unbecoming~~ or detrimental to the best interest of racing.

(9) The Commission may also revoke any license if the holder of the same has violated any rule or regulation of the Commission governing his or her conduct in connection with horse racing, or where such conduct is objectionable, ~~obnoxious~~ unbecoming or detrimental to the best interest of racing.

Finalization and Timing:

If approved, 205 CMR 3.11 and 3.14 will be filed with the Senate and House Clerk's office on September 26, 2025 for 60 days. It is anticipated that staff will file the Amended Small Business Impact Statement with the Secretary of State on December 4, 2025. The final regulations will be filed on December 5, 2025, and will be published in the Massachusetts Register on December 19, 2025.

The regulations will be in effect before the start of the 2026 Harness Horse Racing Season.

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3.11: General Rules

- (1) The definitions and interpretations of racing terms, heretofore set forth as well as 205 CMR 3.01, are to be considered in connection with 205 CMR 3.00 and as part of 205 CMR 3.00.
- (2) All owners and trainers of horses and their stable employees are subject to M.G.L. c. 128A and 205 CMR 3.00 immediately upon acceptance and occupancy of stabling accommodations from or approved by an Association or upon making entry to run on its track.
- (3) Owners, trainers and stable employees shall abide by M.G.L. c. 128A and 205 CMR 3.00 and accept the decision of the Judges on any and all questions to which their authority extends, subject to their right of appeal to the Commission.
- (4) Every person participating in and every patron of a licensed Race Meeting shall abide by M.G.L. c. 128A and 205 CMR 3.00, and accept the Judges' decisions on any and all questions to which their authority extends, subject to the right of appeal to the Commission.
- (5) Every person who drives a horse on a track licensed by the Commission, whether exercising, warming up or driving in a race shall wear a protective helmet that meets the Safety Standards of *The Association of Racing Commissioners International Model Rules of Racing* version 6.1, July, 2015.
- (6) For the period of two hours before post time of the first race of the day and until the racing program of the day has been completed, every person who drives a horse on a track licensed by the Commission, whether warming up for a race or driving in a race shall wear his or her registered colors, which must be distinguishable at all times.
- (7) No person shall use improper, profane or indecent language to a racing official.
- (8) No person shall in any manner, or at any time, disturb the peace or engage in conduct that is unbecoming or make himself or herself obnoxious on the grounds of the Association.
- (9) Any person, who participates in an unrecognized meeting anywhere, either as a racing official or as an owner, trainer or driver, may be adjudged guilty of conduct detrimental to racing.
- (10) No person or horse ruled off, or under full suspension by the United States Trotting Association shall be admitted to the grounds of any Association.
- (11) No person, other than an official of the Commission, shall be allowed in the Judges' Stand; the space occupied by the Clerk of Course; the Timers Stand; and the space occupied by the Program Director and his or her assistants for the period from ½ hour before post time of the first race of the day until the last race has been declared "official" unless permission is obtained from the Judges for each entry. Associations shall take such steps as are necessary to assist the Judges in carrying out the provisions of 205 CMR 3.11(11).
- (12) Any person who has been convicted by any court anywhere for illegal possession, sale or giving away of narcotics may be ruled off.
- (13) If any owner, trainer, driver, stable employee, or other person solicit bets from the public by correspondence or other methods, to be made on any horse which is to run on a track in Massachusetts, such person or persons shall be ruled off.
- (14) When a person is ruled off a course or suspended, every horse owned in whole or part by him or her shall be ineligible to be entered or to start in any race until said horse has been reinstated either by the rescinding of his or her owner's penalty or his or her transfer through *bona fide* sale to an ownership acceptable to the Judges.
- (15) When a person is suspended by the Judges of the meeting "from driving only" the ruling of the Judges shall state whether or not the person suspended shall have the privilege of the paddock during the period of his or her suspension.
- (16) When a person is ruled off a course or suspended, any horse which is under his or her care, management, training or superintendence shall not be qualified to be entered or to start in any race until said horse has been reinstated by the rescinding of said person's penalty or by the placement of the horse in the hand of a licensed trainer and the approval of the transfer by the Judges.

3.14: Licenses, Registrations and Fees for Participants in Racing

- (1) The following persons shall be required to take out a license from the Commission, and pay the current applicable annual fee: Driver, Trainer, Owner, Authorized Agent, Stable Employees, Veterinarian, Blacksmith, Vendors and Racing Officials.
- (2) The fee shall accompany each application for license or registration. They expire December 31st of the year of issue, except stable employees whose license expire on March 31st.
- (3) All applications for license and registrations to participate in racing shall be made to the Commission on forms supplied by the Commission. Any person making any false or misleading statements on an application for license or registration may be denied such a license or registration or may be assessed a fine, suspension or both. If already in possession of a license, said license may be revoked.
- (4) Such application shall be submitted first to the Judges. In considering each application for a license the Judges may require the applicant, as well as his or her endorsers, to appear before them and show that said applicant is qualified in every respect to receive the license requested. Ability as well as integrity must be clearly shown by the applicant in order to receive the Judges' recommendation for the granting of the license.
- (5) Before recommending any application for a license it shall be the duty of the Judges, individually and collectively, to ascertain if the applicant is qualified as to ability, integrity and right to the license applied for. And further, no application for a license shall be recommended by the Judges if the applicant's previous conduct in Massachusetts or elsewhere is considered to have been objectionable, ~~obnoxious~~-unbecoming or detrimental to the best interest of racing.
- (6) No application for a license or registration shall be recommended by the Judges and no license or registration will be issued by the Commission unless satisfactory evidence first is presented to the Judges that the person so applying will participate in the meeting over which the Judges have supervision.
- (7) The Commission may refuse to license any applicant who has been refused a license by any other State Gaming or Racing Commission, the United States Trotting Association or turf governing body.
- (8) The Commission may refuse to license any applicant whose previous conduct in Massachusetts or elsewhere in connection with horse racing is considered by the Commission to have been objectionable, ~~obnoxious~~-unbecoming or detrimental to the best interest of racing.
- (9) The Commission may also revoke any license if the holder of the same has violated any rule or regulation of the Commission governing his or her conduct in connection with horse racing, or where such conduct is objectionable, ~~obnoxious~~-unbecoming or detrimental to the best interest of racing.
- (10) All licenses granted shall be subject to the conditions set forth in the application therefor and the Commission shall have full discretion to suspend or revoke the same for any infraction of the conditions of the application of license and 205 CMR 3.00.
- (11) No owner, trainer or agent shall start a horse unless all licenses and registrations required by 205 CMR 3.14(1) have been filed. Violators of 205 CMR 3.14(11) may be subject to suspension or a forfeiture.
- (12) No application, except a license for ownership, will be considered for or granted to a person under 16 years of age. If younger than 18 years of age, an applicant for an owner's license shall submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual and other obligations relating to the applicant's participation in racing within the Commonwealth of Massachusetts.
- (13) When an ownership is in the name of both husband and wife, both shall be licensed.
- (14) Temporary Owner Licenses may be issued to Trainers acting as agents for their owners or to authorized agents representing their owners. Temporary licenses will be valid for a period of 30 days from date of approval. Every Temporary Owner's License must be followed by an application from the owner received by the Commission prior to the expiration of the 30-day Temporary Owner's License. Failure to do so will result in an imposition by the Judges of a fine against the trainer or

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authorized agent. No horse will be allowed to race after the expiration of the Temporary Owner's License until a permanent owner's license is granted.

REGULATORY AUTHORITY

205 CMR 3.00: M.G.L. c. 128A, § 9.



Legal Division

AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this amended Small Business Impact Statement in accordance with G.L. c. 30A, § 5 relative to the proposed promulgation of **205 CMR 3.00: Harness Horse Racing**, specifically, **205 CMR 3.11: General Rules**, and **205 CMR 3.14: Licenses, Registrations and Fees for Participants in Racing**. A public hearing discussing these proposed regulations was held on September 9, 2025

The amendments to these sections apply directly to harness horse licensees and individuals conducting or participating in horse racing in the Commonwealth. Accordingly, these proposed regulations are not likely to have a negative impact on small businesses. These regulations are authorized by G.L. c. 128A, §§ 9 and 9B.

In accordance with G.L. c. 30A, §5, the Commission offers the below responses as to whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

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

Presently, there are no less stringent compliance or reporting requirements for small businesses, as the Commission does not anticipate these amendments will impact small businesses within the Commonwealth.

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

The proposed amendments do not impose any reporting requirements for small businesses.

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

These amendments do not consolidate nor simplify compliance or reporting requirements for small businesses.

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

The amendments in the regulation are performance-based standards that have been further clarified regarding the responsibilities of racing licensees and participants and prohibited conduct. The standards incorporate choice by allowing individuals to



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determine the best way to comply with the regulation without, rather than specifying the behavior or manner of compliance that individuals must adopt.

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

These amendments are unlikely to deter or encourage the formation of new businesses in the Commonwealth.

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

Alternative regulatory methods have not been utilized, as these regulations are not likely to adversely impact small businesses.

Massachusetts Gaming Commission
By:

/s/
Judith A. Young
Associate General Counsel
Legal Division

Dated: September 25, 2025



Massachusetts Gaming Commission

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Memorandum

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

From: Autumn Birarelli, Staff Attorney

Cc: Justin Stempeck, Interim General Counsel

Re: Finalizing proposed amendment to 205 CMR 248.12

Date: September 18, 2025

Enclosed for the Commission's review is the proposed final draft of 205 CMR 248.00: Sports wagering account management, specifically 205 CMR 248.12: Account withdrawals. The amendment establishes that sports wagering operators must freeze funds that a patron had requested withdrawn until the withdrawal is fully processed.

This regulation amendment was before the Commission for initial review at a public meeting on July 31, 2025. After initial discussion and review the Commission voted to promulgate the regulation by the normal process. A public hearing was held on September 9, 2025. No comments pertaining to this regulation were received and no edits have been made to the regulation since its presentation to the Commission on July 31, 2025.

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



Massachusetts Gaming Commission

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 248.00: SPORTS WAGERING ACCOUNT MANAGEMENT

Section

- 248.01: General Account Wagering
- 248.02: Account Refusals
- 248.03: Account Registration
- 248.04: Age and Identity Verification
- 248.05: Limitation to One Account per Patron
- 248.06: Terms and Conditions and Privacy Policies
- 248.07: Account Access
- 248.08: Sufficient Account Balance
- 248.09: Financial Transactions
- 248.10 : Account Deposits
- 248.11 : Failed Electronic Funds Transfers (EFTs)
- 248.12 : Account Withdrawals
- 248.13 : Account Adjustments
- 248.14 : Account Credits
- 248.15 : Account Records and Statements
- 248.16 : Responsible Gaming Limits
- 248.17 : Account Suspension and Restoration
- 248.18 : Account Closure
- 248.19 : Abandoned Funds and Dormant Accounts

248.01 : General Account Wagering

- (1) A Sports Wagering Operator may offer a system of account wagering to its patrons whereby Wagers are debited from and pay outs credited to a sum of money, deposited in a Sports Wagering Account by the patron held by the Sports Wagering Operator.
- (2) A Sports Wagering Account may only be established in the name of a patron and is not transferable.
- (3) A Person may only place a Wager through a mobile application or other digital platform using funds from a Sports Wagering Account.
- (4) No Sports Wagering Operator may charge any fee to maintain or administer any Sports Wagering Account.

248.02 : Account Refusals

A Sports Wagering Operator may reserve the right to, at any time, refuse to open a Sports Wagering Account, accept a wager, or accept a deposit. The Sports Wagering Operator shall not establish or maintain an account for any Person who has self-excluded or otherwise been excluded from Sports Wagering pursuant to M.G.L. c. 23N, § 13(e) or 205 CMR.

248.03 : Account Registration

- (1) Any Person registering for a Sports Wagering Account shall provide Personally Identifiable Information to the Sports Wagering Operator. That information shall include, at a minimum, the following:
 - (a) Full legal name;
 - (b) Date of birth;
 - (c) Physical address of the Person's principal residence, which address shall not be a post office box;
 - (d) Social Security Number, or the last four digits of the Social Security Number, or an equivalent Federal Identification Number for a noncitizen patron, such as a passport or taxpayer identification number;
 - (e) A telephone number for the patron; and
 - (f) Any other information sufficient to verify the registrant's identity and to prove the registrant is at least 21 years old.

248.03: continued

- (2) During the registration process, the registrant shall:
 - (a) Not be permitted to register for a Sports Wagering Account if they submit a birth date which indicates that they are younger than 21 years old;
 - (b) Be informed on the account application which information fields are "required," which are not, and the consequences of not filling in the "required" fields;
 - (c) Be required to agree to the terms and conditions and privacy policies of the Sports Wagering Operator;
 - (d) Be required to acknowledge that they are prohibited from allowing any other person to access or use their Sports Wagering Account;
 - (e) Be required to consent to the monitoring and recording of the use of their Sports Wagering Account by the Sports Wagering Operator and the Commission; and
 - (f) Be required to affirm that the Personally Identifiable Information provided in accordance with 205 CMR 248.03(1) is accurate.
- (3) For each Sports Wagering Account, the Sports Wagering Operator must establish and maintain an electronic patron file, which must, at a minimum, include the following for each patron:
 - (a) Unique patron ID and, if different from the patron ID, the patron's username;
 - (b) The information provided in accordance with 205 CMR 248.03(1) to register the patron and create the Sports Wagering Account;
 - (c) The date and method of identity verification, including, where applicable, the document number of the government issued identification credential examined and its date of expiration, if applicable, or, if a government issued identification credential is not required for registration, the electronic record documenting the process used to confirm the patron's identity;
 - (d) The date of the patron's agreements to the terms and conditions and privacy policies, including those in 205 CMR 248.06, and the date of the patron's agreement, acknowledgment, consent, and affirmation in accordance with 205 CMR 248.03(2)(c) through (f);
 - (e) Account details and current balance, including any incentive credits, provided, that all restricted wagering credits and unrestricted funds that may expire shall be maintained separately;
 - (f) The date on, and method by which, the Sports Wagering Account was registered;
 - (g) Every date on, time at which, and IP address from which the Sports Wagering Account is accessed;
 - (h) If the account is active, the debit instrument used to fund the account, the accountholder's name, and whether the debit instrument accountholder's name matches that of the patron, unless impossible; and
 - (i) The current status of the Sports Wagering Account (*e.g.*, active, dormant, closed, suspended, excluded, *etc.*).
- (4) The following information maintained as part of the electronic patron file shall be stored in encrypted form and protected in accordance with all provisions of 205 CMR regarding data privacy and security:
 - (a) The patron's social security number, taxpayer identification number, passport number, other government identification number(s), or portion(s) thereof;
 - (b) The patron's password(s), PIN(s), or other authentication credential(s); and
 - (c) The patron's debit instrument number(s), debit card number(s), bank account number(s) or other personal financial information.

248.04: Age and Identity Verification

- (1) No Sports Wagering Operator shall allow any individual who is either younger than 21 years old, or is a prohibited person, as defined in 205 CMR 238.33(1), to create a Sports Wagering Account. 205 CMR 248.04 shall not be construed to prevent a restricted patron, as defined in 205 CMR 238.32, from creating a Sports Wagering Account and depositing funds to such an account.

248.04 : continued

(2) The Sports Wagering Operator shall employ electronic verification at the time of account establishment with respect to each patron's name, date of birth and Social Security number, or the last four digits of the Social Security number, or other Federal Identification Number, by a Commission-approved national independent reference company or another independent technology approved by the Commission which meets or exceeds the reliability, security, accuracy, privacy and timeliness provided by individual reference service companies.

(3) The Sports Wagering Operator shall refuse to establish an account if it finds that any of the information supplied is untrue or incomplete.

(4) The Sports Wagering Operator shall at the time of account establishment, utilize identity authentication questions that require a patron to provide information known only to the patron through security questions, unless an alternate method of authentication is approved by the Commission.

(5) A Sports Wagering Operator must document and use commercially reasonable standards to confirm that an individual attempting to create a Sports Wagering Account is not a prohibited Person.

(6) Upon developing reasonable suspicion that the patron's identification has been compromised, a Sports Wagering Operator must re-verify the patron's identification immediately.

248.05 : Limitation to One Account per Patron

(1) No Sports Wagering Operator shall allow a patron to establish more than one username or more than one Sports Wagering Account with the Operator.

(2) The system of internal controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.00: *Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering* shall implement procedures to terminate all accounts of any patron that establishes or seeks to establish more than one account, whether directly or by use of another Person as proxy. Such procedures may allow a patron that establishes or seeks to establish more than one username or more than one account to retain one account provided that the Sports Wagering Operator investigates and makes a good-faith determination that the patron's conduct was not intended to obtain a competitive advantage.

248.06 : Terms and Conditions and Privacy Policies

(1) All terms and conditions and privacy policies for Sports Wagering Accounts shall be readily accessible to the patron before and after registration. Sports Wagering Operators shall inform patrons of any material changes or updates to said terms and conditions or privacy policies.

(2) All terms and conditions for Sports Wagering Accounts must address all aspects of the Sports Wagering operation including, but not limited to, all of the following:

- (a) A statement that only individuals over the age of 21 and located in the authorized geographic boundaries within the Commonwealth may participate in Sports Wagering;
- (b) Advice to the patron to keep their authentication credentials secure;
- (c) All processes for dealing with lost authentication credentials, forced password changes, password strength and other related items as required by the Commission;
- (d) Full explanation of all rules applicable to dormant Sports Wagering Accounts, including the conditions under which an account may be declared dormant and what actions will be undertaken on the account once this declaration is made;
- (e) Actions that will be taken on the patron's pending wagers placed prior to any exclusion or suspension, including the return of all wagers, or settling all wagers, as appropriate;
- (f) Information about timeframes and limits regarding deposits to, or withdrawals from, the Sports Wagering Account, including a clear and concise explanation of all fees, if applicable; and
- (g) Statements indicating that the Sports Wagering Operator has the right to:
 1. Refuse to establish a Sports Wagering Account for what it deems good and sufficient reason;

248.06: continued

2. Refuse deposits to, or withdrawals from, Sports Wagering Accounts for what it deems good and sufficient reason; and
 3. Unless there is a pending investigation or patron dispute, suspend or close any Sports Wagering Account at any time, provided such suspension or closure is in accordance with the terms and conditions between the Sports Wagering Operator and the patron, M.G.L. c. 23N, and 205 CMR.
- (3) All privacy policies for Sports Wagering Accounts must address all aspects of Confidential Information and Personally Identifiable Information protection, including, at a minimum any measures required by 205 CMR, M.G.L. c. 93H, M.G.L. c. 93I, 201 CMR 17.00: *Standards for the Protection of Personal Information of Residents of the Commonwealth*, and any other applicable law, regulation or order of a governmental body.
- (a) The Confidential Information and Personally Identifiable Information required to be collected;
 - (b) The purpose and legal basis for Confidential Information and Personally Identifiable Information collection and of every processing activity for which consent is being sought;
 - (c) The period in which the Confidential Information and Personally Identifiable Information is stored, or, if no period can be possibly set, the criteria used to set this. It is not sufficient for the Sports Wagering Operator to state that the Confidential Information and Personally Identifiable Information will be kept for as long as necessary for the legitimate purposes of the processing;
 - (d) The conditions under which the Confidential Information and Personally Identifiable Information may be disclosed;
 - (e) An affirmation that measures are in place to prevent the unauthorized or unnecessary disclosure of the Confidential Information and Personally Identifiable Information; and
 - (f) The identity and contact details on the Sports Wagering Operator who is seeking the consent, including any Sports Wagering Vendor(s) which may access and or use this Confidential Information and Personally Identifiable Information;
 - (g) That the patron has certain rights with respect to their Confidential Information and Personally Identifiable Information pursuant to 205 CMR, M.G.L. chs. 93H and 93I and 201 CMR 17.00: *Standards for the Protection of Personal Information of Residents of the Commonwealth*.
 - (h) The rights of a patron to file a complaint concerning the use or storage of the patron's Confidential Information and Personally Identifiable Information to the Commission, the Office of Consumer Affairs and Business Regulation, the Office of the Attorney General, or any other law enforcement entity regarding the use of the patron's Confidential Information and Personally Identifiable Information;
 - (i) For Confidential Information and Personally Identifiable Information collected directly from the patron, whether there is a legal or contractual obligation to provide the Confidential Information and Personally Identifiable Information and the consequences of not providing that information;
 - (j) Where applicable, information on the Sports Wagering Operator's use of automated decision-making, including profiling, and at least in those cases, without hindering compliance with other legal obligations:
 1. Sufficient insight into the logic of the automated decision-making;
 2. The significance and the envisaged consequences of such processing for the patron; and
 3. Safeguards in place around solely automated decision-making, including information for a patron on how to contest the decision and to require direct human review or intervention.

248.07: Account Access

- (1) Upon opening a Sports Wagering Account, the Sports Wagering Operator shall allow each patron to establish a password to be used in conjunction with a username, or an alternative secure authentication credential, for use by the patron to assure that only the patron has access to the Sports Wagering Account. The Operator may make more than one permitted method of authentication available for a patron to access their account.

248.07 : continued

- (2) If the system does not recognize the authentication credentials when entered, an explanatory message shall be displayed to the patron which prompts the patron to try again. The error message shall be the same regardless of which authentication credential is incorrect.
- (3) Patrons must be given the option to use a multi-factor authentication process when accessing their account. In addition, a multi-authentication process shall be employed for the retrieval or reset of a patron's forgotten or lost authentication credentials.
- (4) Current account balance information, including any restricted wagering credits and unrestricted funds, and transaction options shall be available to the patron once the patron has been authenticated. All restricted wagering credits and unrestricted funds that may expire shall be identified separately.
- (5) The Operator shall employ a mechanism allowing for an account to be locked in the event that suspicious authentication activity is detected including, but not limited to, three consecutive failed access attempts in a 30-minute period. A multi-factor authentication process shall be employed for the account to be unlocked.

248.08 : Sufficient Account Balance

Wagers and withdrawals will not be accepted which would cause the available balance of a Sports Wagering Account to fall below \$0. Any account not updated when a transaction is completed shall be inoperable until the transaction is posted and the account balance updated.

248.09 : Financial Transactions

Operators shall provide a patron written confirmation or denial of every financial transaction initiated using the patron's Sports Wagering Account, including:

- (a) The type of transaction (deposit/withdrawal);
- (b) The transaction value; and
- (c) For denied transactions, a descriptive message as to why the transaction did not complete as initiated.

248.10: Account Deposits

- (1) A Sports Wagering Account may be funded using approved methods which shall produce a sufficient audit trail for verification of the source of the wagers.
- (2) Approved methods for funding Sports Wagering Accounts include:
 - (a) Cash or cash equivalents;
 - (b) Foreign currency and coin converted to U.S. currency;
 - (c) Digital, crypto and virtual currencies converted to cash;
 - (d) Electronic funds transfers (EFTs), including online and mobile payment systems;
 - (e) Debit instruments, including debit cards and prepaid access instruments;
 - (f) Promotional Gaming Credits;
 - (g) Sports Wager Payouts;
 - (h) Adjustments made by the Sports Wagering Operator with documented notification to the patron; and
 - (i) Any other means approved by the Commission or its designee.
- (3) No deposits may be made by credit card, either directly or indirectly, including without limitation through an account funded by credit card, and no Wagering on credit is allowed.
- (4) The Sports Wagering Account shall be credited for any deposit in accordance with the system of internal controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.00.
- (5) The proceeds of a check may first need banker's clearance. Holding periods will be determined by the Sports Wagering Operator and communicated to the patron.

248.10 : continued

(6) For debit cards and EFTs, the patron may be liable for any charges imposed by the transmitting or receiving Sports Wagering Operator. Such charges may be deducted from the patron's Sports Wagering Account.

248.11 : Failed Electronic Funds Transfers (EFTs)

(1) The Sports Wagering Operator shall have security measures and controls to prevent EFT fraud where financial transactions are conducted through EFT. A failed EFT attempt is not considered fraudulent if the patron has successfully performed an EFT on a previous occasion and has no outstanding chargebacks. Otherwise, the Sports Wagering Operator shall:

- (a) Temporarily block the patron's Sports Wagering Account for investigation of fraud after five consecutive failed EFT attempts within a ten-minute period. If there is no evidence of fraud, the block may be vacated; and
- (b) Suspend the patron's Sports Wagering Account after five additional consecutive failed EFT attempts within any subsequent ten-minute period.

248.12 : Account Withdrawals

(1) The Sports Wagering Operator shall implement procedures that:

- (a) Prevent unauthorized withdrawals from Sports Wagering Accounts by the Sports Wagering Operator or others;
- (b) Establish a protocol by which patrons can withdraw funds maintained in their Sports Wagering Accounts, whether such accounts are open or closed, except as otherwise provided in 205 CMR, or any other applicable state, local or federal law.

(2) Pursuant to M.G.L. c. 23N, § 4(d)(2)(vi), a patron must be allowed to withdraw the funds maintained in his or her Sports Wagering Account, without further solicitation or promotion in the manner in which the funds were deposited.

(a) Upon a request from a patron to withdraw funds from their Sports Wagering Account, the Sports Wagering Operator shall immediately freeze the amount requested and ensure the funds cannot be used for any other purpose until the withdrawal is complete.

(3) A Sports Wagering Operator must employ a mechanism that can detect and prevent any withdrawal activity initiated by a patron that would result in a negative balance of the Sports Wagering Account.

(4) A Sports Wagering Operator shall not allow a Sports Wagering Account to be overdrawn unless caused by payment processing issues outside the control of the Sports Wagering Operator.

(5) Except as otherwise provided in 205 CMR 248.12(5)(a), requests for withdrawals must be honored by the later of five business days of the request or ten business days of submission of any tax reporting paperwork required by law.

(a) If the Sports Wagering Operator believes in good faith that the patron engaged in either fraudulent conduct or other conduct that violate or would put the Sports Wagering Operator in violation of 205 CMR, the Sports Wagering Operator may decline to honor the request for withdrawal for a reasonable investigatory period until its investigation is resolved if it provides notice of the nature of the investigation to the patron.

(b) For purposes of the timing requirements of 205 CMR 248.12(5), a request for withdrawal will be considered honored if it is processed by the Sports Wagering Operator but delayed by a payment processor, debit card issuer or by the custodian of a financial account.

(6) The Sports Wagering Operator shall not be liable for any unauthorized withdrawal of funds from a Sports Wagering Account where such unauthorized withdrawal is not caused by the negligence or misconduct of the Sports Wagering Operator. It is the patron's responsibility to protect deposits in the account by keeping their authentication credentials strictly confidential.

248.13 : Account Adjustments

The Sports Wagering Operator shall perform periodic reviews of all adjustments to Sports Wagering Accounts for amounts of five hundred dollars or less by supervisory personnel. All adjustments of more than five hundred dollars must be authorized by supervisory personnel

248.13: continued

before being entered.

248.14 : Account Credits

When a Sports Wagering Account is entitled to a payout or refund, said monies will be credited to the respective account, thus increasing the credit balance. It is the responsibility of the patron to verify their balance and notify the Sports Wagering Operator of any discrepancy or dispute within the time frame specified in the terms and conditions. Unresolved disputes may be forwarded to the Commission by the Sports Wagering Operator or the patron. The Commission will consider no such claim unless submitted in writing and accompanied by supporting evidence.

248.15 : Account Records and Statements

The Sports Wagering Operator must maintain complete records of every deposit, withdrawal, wager, and payout for each Sports Wagering Account. In accordance with M.G.L. c. 23N, § 4(d)(2)(iv), upon request of the patron, the Sports Wagering Operator shall offer patrons access to a statement detailing their account history and account details for the past year.

248.16 : Responsible Gaming Limits

(1) In accordance with M.G.L. c. 23N, § 13(e)(3), a Category 3 Sports Wagering Operator shall allow the patron to set self-imposed limitations on sports wagering at any time, including when the patron signs up for a Sports Wagering Account. Such limitations must include the following and must be clearly and conspicuously displayed prior to allowing registration of a new account, the first time a patron makes a deposit into an account, and the first time the patron places a wager from an account:

- (a) The Operator must offer daily, weekly and monthly deposit limits, which shall specify the maximum amount of money a patron may deposit into their Sports Wagering Account during a particular period of time.
- (b) The Operator must offer daily, weekly and monthly wager limits, which shall specify the maximum amount of patron funds that may be put at risk during a particular period of time.

(2) A change to make these limits more restrictive shall be effective immediately. A change to make these limits less restrictive shall become effective the next business day after the time period of the previous limit has expired, and the patron reaffirms the requested increase.

248.17 : Account Suspension and Restoration

(1) A Sports Wagering Account shall be suspended under the following conditions:

- (a) When requested by the patron for a specified period of time, which must not be less than 72 hours;
- (b) When required by the Commission;
- (c) When a Sports Wagering Operator determines that the patron is a prohibited Person; or
- (d) When a Sports Wagering Operator has evidence that indicates any of the following:
 - 1. That the account has been used for illegal activity;
 - 2. That the account has a negative balance; or
 - 3. That the patron has violated the account's terms and conditions.

(2) When a Sports Wagering Account is suspended, the Sports Wagering Operator must do all of the following:

- (a) Prevent the patron from placing Sports Wagers;
- (b) Prevent the patron from depositing funds unless the account is suspended due to having a negative Sports Wagering Account balance, but only to the extent the account balance is brought back to zero dollars;
- (c) Prevent the patron from withdrawing funds from a Sports Wagering Account, unless the Sports Wagering Operator determines that the funds have cleared, and that the reason(s) for suspension would not prohibit a withdrawal;
- (d) Prevent the patron from making changes to his or her Sports Wagering Account;
- (e) Prevent the patron from permanently closing their Sports Wagering Account; and

248.18 : Account Credits

When a Sports Wagering Account is entitled to a payout or refund, said monies will be credited to the respective account, thus increasing the credit balance. It is the responsibility of the patron to verify their balance and notify the Sports Wagering Operator of any discrepancy or dispute within the time frame specified in the terms and conditions. Unresolved disputes may be forwarded to the Commission by the Sports Wagering Operator or the patron. The Commission will consider no such claim unless submitted in writing and accompanied by supporting evidence.

248.19 : Account Records and Statements

The Sports Wagering Operator must maintain complete records of every deposit, withdrawal, wager, and payout for each Sports Wagering Account. In accordance with M.G.L. c. 23N, § 4(d)(2)(iv), upon request of the patron, the Sports Wagering Operator shall offer patrons access to a statement detailing their account history and account details for the past year.

248.20 : Responsible Gaming Limits

(1) In accordance with M.G.L. c. 23N, § 13(e)(3), a Category 3 Sports Wagering Operator shall allow the patron to set self-imposed limitations on sports wagering at any time, including when the patron signs up for a Sports Wagering Account. Such limitations must include the following and must be clearly and conspicuously displayed prior to allowing registration of a new account, the first time a patron makes a deposit into an account, and the first time the patron places a wager from an account:

- (a) The Operator must offer daily, weekly and monthly deposit limits, which shall specify the maximum amount of money a patron may deposit into their Sports Wagering Account during a particular period of time.
- (b) The Operator must offer daily, weekly and monthly wager limits, which shall specify the maximum amount of patron funds that may be put at risk during a particular period of time.

(2) A change to make these limits more restrictive shall be effective immediately. A change to make these limits less restrictive shall become effective the next business day after the time period of the previous limit has expired, and the patron reaffirms the requested increase.

248.21 : Account Suspension and Restoration

(1) A Sports Wagering Account shall be suspended under the following conditions:

- (a) When requested by the patron for a specified period of time, which must not be less than 72 hours;
- (b) When required by the Commission;
- (c) When a Sports Wagering Operator determines that the patron is a prohibited Person; or
- (d) When a Sports Wagering Operator has evidence that indicates any of the following:
 - 1. That the account has been used for illegal activity;
 - 2. That the account has a negative balance; or
 - 3. That the patron has violated the account's terms and conditions.

(2) When a Sports Wagering Account is suspended, the Sports Wagering Operator must do all of the following:

- (a) Prevent the patron from placing Sports Wagers;
- (b) Prevent the patron from depositing funds unless the account is suspended due to having a negative Sports Wagering Account balance, but only to the extent the account balance is brought back to zero dollars;
- (c) Prevent the patron from withdrawing funds from a Sports Wagering Account, unless the Sports Wagering Operator determines that the funds have cleared, and that the reason(s) for suspension would not prohibit a withdrawal;
- (d) Prevent the patron from making changes to his or her Sports Wagering Account;
- (e) Prevent the patron from permanently closing their Sports Wagering Account; and

248.17 : continued

(f) Prominently display to the patron that the Sports Wagering Account is suspended, the restrictions placed on the Sports Wagering Account, any further course of action needed to lift the suspension, a notification of the Patron's rights under the Operator's House Rules and Internal Controls to submit a complaint, and directions on how to file such a complaint.

(3) A suspension may be lifted for any of the following reasons:

- (a) Upon expiration of the time period established by the patron;
- (b) If authorized by the Commission;
- (c) When the patron is no longer a prohibited Person; or
- (d) When the Sports Wagering Operator has investigated the evidence of illegal activity, a negative account balance, or a violation of the account's terms and conditions, and determined that the suspension should be lifted.

(4) Each Sports Wagering Operator shall, on a monthly basis, provide the Commission with a list of suspended accounts, including the reasons why the account is in suspended mode, and an explanation of the lifting of any suspension under 205 CMR 248.17(3)(d).

248.18 : Account Closure

The Sports Wagering Operator shall permit a patron to permanently close a Sports Wagering Account registered to the patron on any or all platforms owned or operated by the Sports Wagering Operator at any time and for any reason unless the account is in suspended mode pursuant to 205 CMR 248.17. The Sports Wagering Operator may also close a Sports Wagering Account when the patron makes repeated attempts to operate with an insufficient balance. Upon closing an account, the Sports Wagering Operator shall refund the remaining balance to the patron within five business days, provided that the Sports Wagering Operator acknowledges that the funds have cleared.

248.19 : Abandoned Funds and Dormant Accounts

(1) Subject to the provisions of M.G.L. c. 200A, §§ 7 and 8A, and 960 CMR 4.00: *Procedures for the Administration of Abandoned Property*, the Sports Wagering Operator shall presume that the funds in any account without any activity for a period of three years after the balance in that account became payable or deliverable to the patron to have been abandoned. For purposes of this 205 CMR 248.19(1), the term "activity" means Sports Wagers, customer-generated deposits, or customer-generated withdrawals.

(2) The Sports Wagering Operator shall report and deliver all Sports Wagering Accounts presumed abandoned to the Treasurer of the Commonwealth as provided for by M.G.L. c. 200A, §§ 7 and 8A, and 960 CMR 4.03: *Reporting Abandoned Property*.

(3) Subject to M.G.L. c. 200A, 7A and 960 CMR 4.03: *Reporting Abandoned Property*, at least 60 days prior to reporting any Sports Wagering Accounts to the Treasurer, the Sports Wagering Operator shall provide notice to the patron's last known address and conduct reasonable due diligence to locate the patron. During this time period the account shall be deemed dormant. In addition, the Operator shall:

- (a) Allow access to a dormant account only after performing additional identity verifications; and
- (b) Protect dormant accounts that contain funds from unauthorized access, changes or removal.

REGULATORY AUTHORITY

205 CMR 248.00: M.G.L. 23N, §§ 4, 11 and 13; M.G.L. c. 200A, §§ 7 and 8A.



AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Amended Small Business Impact Statement in accordance with G.L. c. 30A, § 5 relative to the proposed amendments to 205 CMR 248.00: Sports wagering account management, specifically 248.12: Account Withdrawals; for which a public hearing was held on September 9, 2025, at 9:30 AM EST.

This regulation was initially developed as part of the regulatory framework governing sports wagering in the Commonwealth, and is authorized by G.L. c. 23N, §§ 4, 11, and 13. It is now being amended to ensure additional consumer protections when withdrawing funds from a sports wagering account.

205 CMR 248.12 governs the process by which funds can be withdrawn from a patron’s sports wagering account pursuant to G.L. c. 23N, § (4)(d)(2)(vi). Accordingly, this proposed regulation is unlikely to have a negative impact on small businesses.

In accordance with G.L. c. 30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

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

It is not readily apparent that this regulation would affect small businesses, as it applies to entities licensed under 205 CMR 218.00. Accordingly, there are no less stringent compliance or reporting requirements for small businesses.

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

This regulation establishes the process for withdrawing funds from a sports wagering account. As such, this proposed regulation does not impose any schedules or deadlines for compliance or reporting requirements for small businesses.

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

This regulation does not consolidate or simplify compliance or reporting requirements for small businesses.

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

The proposed regulation prescribes design standards which are important as they encourage uniformity and ensure consumer protections when withdrawing funds from a sports wagering account.

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

This regulation is unlikely to deter or encourage the formation of new businesses in the Commonwealth at this time.

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

This regulation is not likely to adversely impact small businesses.

Massachusetts Gaming Commission
By:

/s/ Autumn Birarelli
Staff Attorney
Legal Division

Dated: September 18, 2025



TO: Chair Maynard, Commissioners O'Brien, Hill, Skinner, Brodeur

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

DATE: September 25, 2025

RE: Voluntary Self-Exclusion program update

Chapter 194 Section 45(f) and Chapter 173 Section 13(e)(2) mandate the MGC to establish statewide program managed by the MGC that allows people to voluntarily exclude themselves from casino gambling, sports wagering or both for a predetermined amount of time. The Voluntary Self-Exclusion Program (VSE) rules are defined in regulations 205 CMR 133 and 205 CMR 233.

The presentation will provide an overview of the VSE program, highlighting the following elements: enrollment and reinstatement processes, designated agent training, number of enrollments over time, violations, and evaluation.



Massachusetts Gaming Commission



MGC Voluntary Self-Exclusion Program

Mark Vander Linden, Director of Research & Responsible Gaming, Massachusetts Gaming Commission

Long Banh, Program Manager, Massachusetts Gaming Commission

September 25, 2025



What is the voluntary self-exclusion program



- The Voluntary Self-Exclusion program (VSE) is a statewide program that allows an individual to be excluded from casino gambling, sports wagering, or both for a predetermined amount of time.
- The participant will forfeit all rewards points and be removed from marketing lists
 - Prohibited from entering the gaming area.
 - Prohibited from placing a sports wager, including retail and sports wagering platforms.

What is the voluntary self-exclusion program



- The program exists to help people control their gambling for any number of reasons
- Intended to assist persons who recognize that they have experienced a loss of control over their gambling and wish to invoke external controls
- An agreement between the individual, the MGC, and all licensed operators
- Ways to enroll
 - Remote enrollment is initiated via LiveChat on GameSenseMA.com or the Gamline (800-426-1234)
 - In person at any of GameSense Information Center in the Massachusetts casinos

Statutory and regulatory requirement



- 205 CMR 133: In accordance with M.G.L. c. 23K, § 45(f), the commission shall establish a list of self-excluded persons from gaming establishments.
- 205 CMR 233: In accordance with M.G.L. c. 23N, § 13(e)(2), the Commission shall establish a list of self-excluded Persons from Sports Wagering.

MGC approach



The self-exclusion process utilizes an engaged approach, ensuring that the patron obtains the assistance needed, is responded to in a respectful, timely, and discreet manner, and feels supported.

GameSense Advisor training



- As required by regulation*, GSAs are designated VSE agents
 - specific training on conducting and completing a VSE, with an additional 2 hours of observation before conducting an independent VSE session
- GSAs receive 10 days of overall training with a curriculum that includes topics of:
 - responsible gambling, positive play, player health, trauma-informed care, introduction to gambling, and responding to crisis situations
- These trainings are followed by another 10 days of shadowing colleagues at the information centers
- Additional training in Motivational Interviewing and Mental Health First Aid

*205 CMR 133.02(3)

The enrollment process



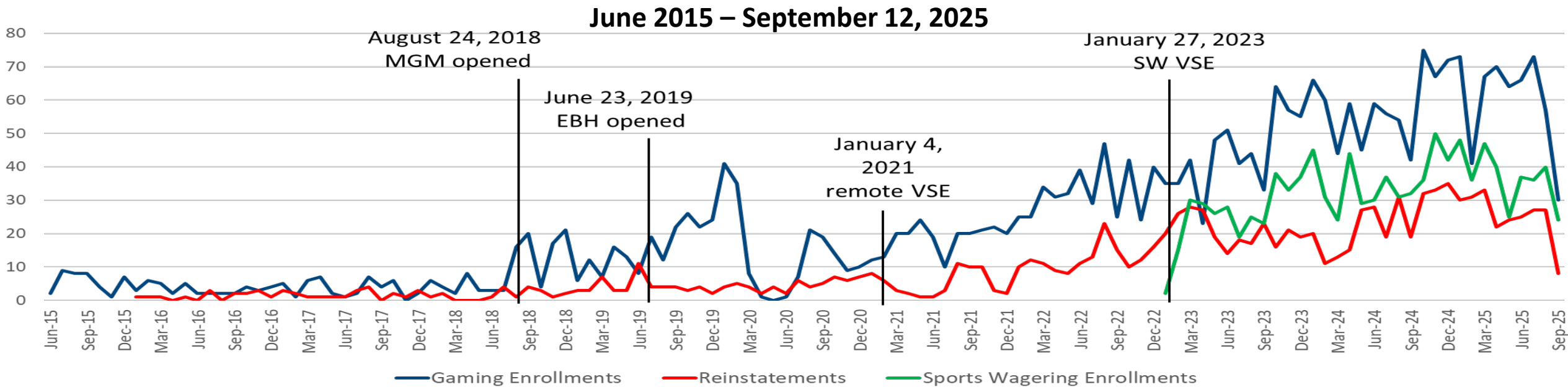
- User experience
- Forms available in Arabic, Portuguese, Spanish, Simplified Chinese, Traditional Chinese, Vietnamese,
- Telephone Recovery Support and other resources
- Length of time to complete the enrollment
 - In-Person: average of 23 minutes (range 10-50 minutes)
 - Remote: average of 28 minutes (range 10-82 minutes)

The reinstatement session



- A brief educational session at the end of the selected exclusion duration
- A dialogue
- May be done in person at a GameSense Info Ctr or remotely
- While it doesn't follow a script, several topics may be covered, including safer gambling tips, risks of gambling, and referrals to additional help
- Length of time to complete a reinstatement session
 - In-person average of 13 minutes (range 5-34 minutes)
 - Remote an average of 17 minutes (range 6-40 minutes)

Enrollment and reinstatement: by the numbers



As of September 12, 2025

- Reinstatement: 937
- Active VSE enrollments: 2,472

Type of VSE enrollment:

- Gaming only enrollment: 1,547
- Gaming & Sports Wagering enrollment: 757
- Sports Wagering only enrollment: 168

Location of VSE enrollment:

- EBH: 545
- MGM: 262
- PPC: 213
- Remote: 803
- Community Based: 19
- Unknown: 630

Voluntary Self-Exclusion violations



Number of <u>Active VSE enrollees</u> found on the gaming floor				
	2023*	2024*	2025**	TOTAL
EBH	77	117	82	276
MGM	38	41	49	128
PPC	34	25	21	80
TOTAL	149	183	152	484

Number of <u>Eligible for Reinstatement</u> found on the gaming floor				
	2023*	2024*	2025**	TOTAL
EBH	11	9	13	33
MGM	8	11	13	32
PPC	9	6	11	26
TOTAL	28	26	37	91

*Based on calendar year

** Calendar year through 9/12/25

Evaluation: 2018 findings



- Conducted in 2018 and examined the program's effectiveness from June 24, 2015, to November 30, 2017
- While results should be interpreted with caution given sample limitations, researchers found:
 - Among enrollees who had previously participated in other VSE programs, more than 80% rated their enrollment experiences with MA-VSEP as superior
 - Enrollees who completed a follow-up interview significantly reduced the frequency and amount they gambled. Though more than 70% continued to gamble, 80% reported that they were gambling less at follow-up than prior to MA-VSEP enrollment
 - This same group also reported statistically significant improvements in gambling problems, mental health, and relationship quality.
- Suggestions from enrollees to improve the program, including incorporating more follow-up and check-ins, better advertising the program, and setting up the program so that an individual does not have to enter the casino or be near the gaming floor to sign up

Evaluation 2025 plan



- MGC awarded a contract to **Greo Evidence Insights**, who will be working with the **Division on Addiction, Cambridge Health Alliance** on this project
- The aims of the study are as follows:
 - Assess the current state of the VSE program, including program processes, changes implemented over time, and geographical and demographic characteristics of enrollees over time, using program documents, existing literature, and interviews with key informants;
 - Examine the perspectives and experiences of past and present VSE enrollees, including their resource usage, program satisfaction, and changes in behavior associated with VSE enrollment, along with moderators of these outcomes (e.g., enrollment duration, location, and type), using surveys and interviews with enrollees;
 - Explore potential barriers to VSE program participation, opportunities for program improvement, as well as broader system utilization, using surveys and interviews with VSE enrolling agents and other Massachusetts-based gambling prevention and treatment organizations in the broader support system.