



Massachusetts Gaming Commission Meeting Minutes

Date/Time: January 11, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 1431 1966

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

Commissioners Present:

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

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

Chair Judd-Stein called to order the 422nd Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Opening Remarks](#) (00:42)

Chair Judd-Stein stated that during this meeting the Commission would be evaluating the application for a category three untethered sports wagering license submitted by Crown MA Gaming LLC d/b/a DraftKings ("DraftKings"). She stated that the session would begin with DraftKings' presentation and demonstration.

3. [Evaluation Process](#) (01:53)

- a. Presentation of application and demonstration of technology and user experience by each applicant for a Category 3 untethered sports wagering operator license in accordance with 205 CMR 218.06 (3)

Senior Director of Government Affairs for DraftKings Chris Cipolla introduced Co-Founder, CEO, and Chairman of the Board for DraftKings Jason Robins. Mr. Robins explained that DraftKings was founded and headquartered in Massachusetts. He stated that DraftKings had grown from a Massachusetts startup to a global multi-vertical gaming and entertainment company.

Mr. Robins stated that DraftKings went public in 2020 and now had more than 5,000 global employees. He stated that DraftKings offered online sports wagering in 20 states and Ontario, Canada. He stated that DraftKings remained headquartered in Boston and that all of DraftKings' founders lived in Massachusetts. He stated that DraftKings had more Massachusetts employees than employees in any other location.

Mr. Robins stated that Massachusetts had an incredible sports traditions and passionate sports fans. He stated that DraftKings' culture and values reflect Massachusetts. He stated that innovation comes from diverse perspectives, thoughts, beliefs, ideas, and experiences. He stated that DraftKings consistently pushed boundaries to ensure its culture and products reflect its employees and customers.

Mr. Robins stated that he believed promoting diversity was the key to DraftKings' competitive advantage. He stated that a workplace that fosters inclusion is an ever-evolving process. He explained that DraftKings had committed \$1 million annually to accelerate the inclusion, equity, and belonging philosophy. He stated that DraftKings sought out diverse talent through partnerships.

Mr. Robins explained that DraftKings recognized the importance of operating responsibly, and that DraftKings' systems-based approach to responsible gaming leveraged technology, employee training, evidence-based research, collaboration with third-parties, and comprehensive education to promote safer play. He explained that DraftKings offered \$1.5 million in funding to all state problem gambling councils regardless of whether DraftKings offers products in those states. He noted that DraftKings began a relationship with the Cambridge Health Alliance, Division on Addiction, before launching sports wagering.

Mr. Robins introduced Co-Founder and President of Global Technology and Product for DraftKings Paul Liberman, Chief Financial Officer for DraftKings Jason Park, Chief People Officer for DraftKings, Graham Walters, Chief Marketing Officer for DraftKings Stephanie Sherman, Senior Director of Responsible Gaming Christine Thurmond, and Director of Product Jeremy McAuley.

Mr. Cipolla stated that he wanted to note two items before DraftKings presentation. He stated the first item was that several items in DraftKings' application were noted as confidential. He asked that any materials designated confidential be discussed in executive session. He explained that the second item was that the presentation contained forward-looking statements that were subject

to risk and uncertainties. He stated that actual results may differ materially from historical results and the forecast. He noted that the presenters would discuss non-GAAP financial measures that would be useful in evaluating DraftKings' operating performance.

Mr. Liberman explained that DraftKings launched in 2012 as a daily fantasy sports operator and had been headquartered in Massachusetts since. He stated that in 2018 the Supreme Court of the United States overturned the ban on sports wagering, and that DraftKings was the first company to launch an online sports wagering application in the United States outside of Nevada on August 1, 2018. He stated that DraftKings had leveraged technology, expertise, marketing, and analytics to be the first live online sports wagering operator. He explained that DraftKings had launched in twenty jurisdictions over the next four years and received twenty-three sports wagering licenses. He stated that DraftKings had over 4,000 employees, 2.7 million monthly players, and 22 million total registered users.

Mr. Liberman explained that DraftKings had eleven offices globally, and that DraftKings provided 24/7 coverage for technology and customer support. He stated that Boston was DraftKings' global headquarters, and that DraftKings operated sports wagering in twenty states with twelve retail sportsbooks and eighteen properties. He stated that DraftKings was the only operator operating in twenty states at this time.

Mr. Liberman explained that DraftKings was a vertically integrated online sportsbook. He stated that DraftKings ran all of the technology involved in the platform. He noted that DraftKings developed cutting edge retail sportsbook technology in-house. He stated that DraftKings operated daily fantasy sports in forty-six states. He noted that DraftKings had developed proprietary technology for sports wagering and iGaming and stated that DraftKings had a leading market presence. He explained that DraftKings had invested in product innovation, data-driven marketing, and creating a leading customer experience.

Mr. Lieberman stated that DraftKings had more than 1,000 customer service associates and provided customer service 24/7/365. He noted that DraftKings tracked customer satisfaction with service, service levels, and time to resolution, to ensure customers have a great experience.

Mr. Park explained that DraftKings had grown more than 100% between 2020 and 2021. He noted that DraftKings had not announced its fiscal year 2022 results, but that Wall Street Consensus Estimates anticipated that DraftKings had grown another 68% between 2021 to 2022.

Mr. Park explained that DraftKings was not yet profitable because it was still in investment mode in an expanding industry. He stated that the Wall Street Consensus Estimates anticipated 2022 to be DraftKings' deepest loss year, with a strong inflection in profitability starting in 2023 and achieving profitability shortly thereafter.

Mr. Park stated that DraftKings was well capitalized with over \$1.2 billion in cash reserves. He noted that DraftKings had more than 1,300 Massachusetts employees. He stated that DraftKings

would contribute to the Massachusetts economy through employment, income tax, benefits to local businesses, parking and transportation to DraftKings' Back Bay offices, sales tax, and taxes on DraftKings' daily fantasy sports product.

Mr. Park noted that DraftKings was a publicly traded company and stated that any estimates regarding economic projections may constitute material non-public information. He requested that these estimates be discussed in the executive session. He explained that DraftKings had a strong ability to develop estimates and projections based upon states where it has existing operations and trends seen across the country.

Mr. Walters explained that DraftKings' approach to diversity, equity, and inclusion ("DEI") was to ensure that everyone felt safe, empowered, engaged, and championed. He stated that DraftKings' overall DEI philosophy was to maintain parity and opportunity throughout the employee lifecycle. He stated that DraftKings was data driven and aspired to measure and approve all parts of the employee lifecycle.

Mr. Walters stated that DEI was systemic and that DraftKings viewed the entire system, not just demographics. He stated there was a four-point framework that focused on building relationships for hiring, leveraging DraftKings' platform to align with DEI values, investing in systems and processes, and enhancing infrastructure and data systems to track progress and improve.

Mr. Walter's presented DraftKings' employee diversity statistics. He explained that DraftKings had gone from having 15.3% employees who identified as Black, Indigenous, or people of color ("BIPOC") in 2018 to 31.5% BIPOC employees in 2023. He explained that DraftKings had also increased its number of women employees from 19.8% in 2018 to 26.6% in 2023. He noted that overall diversity numbers including LGBTQ and veteran employees had increased from 40.4% in 2018 to 57.8% in 2023.

Mr. Walter's stated that DraftKings had more than doubled BIPOC representation and increased women representation by 34% since 2018. He stated that DraftKings did not only measure demographics, but also representation and progress made. He stated that DraftKings will continue to make progress and focus on DEI representation.

Mr. Walters stated that of the 1,317 DraftKings employees residing in Massachusetts were 27% women and 18% BIPOC. He noted that DraftKings anticipated adding between 75 and 85 new employees in Massachusetts in 2023. He explained that DraftKings took a data and partnership-oriented approach to expand diversity. He stated that DraftKings focused on local and national colleges. He stated that DraftKings also aligned with diverse networking groups. He stated that DraftKings had an executive recruiting team that sourced talent to increase representation in leadership.

Mr. Walters explained that DraftKings utilized a company-wide survey regarding engagement scores. He stated that DraftKings provided expanded benefits coverage including gender affirming benefits, family planning, enhanced office accommodations, and pay equity.

Mr. Walters explained that DraftKings had three business resource groups. He stated that DraftKings also had a program called Tech for Heros that provides training in tech skills to veterans. He stated that Tech for Heroes had more than 600 participants and that 63% of those participants identified as non-white.

Mr. Walters explained that DraftKings was developing a systematic approach to better understand supplier demographics. He stated that DraftKings hoped to get a better idea of overall supplier diversity in 2023 and set realistic goals.

Mr. Walters stated that DraftKings goals were to have 35% women employees and 40% BIPOC employees by 2025. He stated that internal information had to be better analyzed in order to set realistic long-term goals regarding supplier diversity.

Ms. Thurmond explained that DraftKings was continuing to expand its responsible gaming program. She stated that DraftKings had assembled a team of responsible gaming experts with extensive experience. She stated that DraftKings' approach utilized training, intervention, external engagement, marketing, and platform tools. She stated that DraftKings had launched dksaferplay.com, a website dedicated to promoting safe play.

Ms. Thurmond stated that protocols and procedures were designed to mitigate harm among players, and that there was a dedicated player protection team. She noted that DraftKings was partnered with the American Gaming Association ("AGA"), BetBlocker, the Cambridge Health Alliance, the National Council on Problem Gambling, and the International Center for Responsible Gaming.

Ms. Sherman stated that DraftKings had a culture of compliance. She stated that there was monthly dedicated responsible gaming marketing, and that DraftKings adhered to the AGA marketing code. She noted that DraftKings had launched a Practice Safe Bets campaign.

Mr. McAuley explained DraftKings' platform features and provided a platform demonstration. Chair Judd-Stein asked where the responsible gaming language was located on the homepage. Mr. McAuley explained that the home page could be configured to include responsible gaming disclaimers and other state-specific requirements.

Commissioner O'Brien asked how the product demonstration worked in DraftKings' Boston offices. Mr. McAuley stated that he was using an internal test account using a local VPN set up with GeoComply for the purposes of testing the platform.

Commissioner Hill requested clarification regarding same game parlay bets. DraftKings' Senior Vice President of Product, Greg Karaolis, explained that same game parlays had been in the American market for eighteen months. He stated that they involved selections from the same event which were related. Commissioner Hill asked if the odds would be the same across different operators. Mr. Cipolla stated that the answer was competitively sensitive information, which was more suitable for an executive session.

Chair Judd-Stein inquired about whether DraftKings used official league data in other jurisdictions, as was required for certain types of wagers. Vice President of Government and Regulatory Affairs from Gaming Laboratories International ("GLI") Joe Bunevith stated that 205 CMR 247.05 allowed sports wagering operators to use any licensed data source to determine the results of all tier one and tier two sports wagers. DraftKings' Senior Director of Regulatory Compliance Jake List stated that DraftKings used official league data in jurisdictions which require it. He stated that it would not be a problem if Massachusetts implemented a similar requirement.

b. [Presentations and Analysis Relevant to review and evaluation of Application for each Category 3 untethered sports wagering operator license:](#) (1:34:17)

i. [Technical Components](#) (1:34:17)

GLI's Client Solution Executive Gabe Benedik provided an overview of the certification process and end verification for mobile applications and other digital platforms once they are approved by the Commission. He stated that GLI would verify whether the platform meets all requirements specific to Massachusetts during the verification process.

ii. [Report on suitability of the Applicant](#) (1:41:38)

Senior Enforcement Counsel Kathleen Kramer discussed the IEB's report on the preliminary suitability of category three sports wagering applicant DraftKings. The Commission agreed to hold questions related to suitability until their review of Section G of the application.

iii. [Financial and Economic Impact Analysis](#) (1:44:59)

Connor Loughlin, Finance Consultant from RSM US LLP ("RSM"), presented on the financial and economic impact sports wagering would have in Massachusetts, with topics including anticipated market size in Massachusetts, year-over-year growth trends, market share data from other jurisdictions, and hold percentage over time. He stated that the information provided by DraftKings included competitively sensitive data that would be better addressed in an executive session.

c. [Review and evaluation of each Application for a Category 3 untethered sports wagering operator license as submitted by Bally's Interactive, LLC, Betfair Interactive](#)

[US, LLC \(d/b/a FanDuel\), Betr Holdings, Inc., Crown MA Gaming, LLC \(d/b/a DraftKings\), Digital Gaming Corporation USA, and PointsBet Massachusetts, LLC in accordance with 205 CMR 218.00 including, but not limited to consideration of the following criteria](#) (1:52:52)

Before the Commission's review of DraftKings' application, Chair Judd-Stein asked what topics had already been identified for executive session. General Counsel Todd Grossman stated that two topics for the executive session were whether odds for in-game wagers were consistent between operators, and the competitively sensitive financial information identified by RSM.

i. [Experience and Expertise related to Sports Wagering \(205 CMR 218.06\(5\)\(a\)\)](#)
(2:32:24)

Commissioner O'Brien expressed concern about DraftKings' continued use of promotions using the phrase "free bets." Ms. Sherman stated that DraftKings consistently evaluated the language it used and would comply with all Commission regulations. Commissioner O'Brien asked if DraftKings' planned to move away from that language absent a regulatory mandate. Ms. Sherman stated that she would provide specifics as to how the language is addressed in other jurisdictions.

The Commission requested details regarding DraftKings' relationships with the UFC and individual athletes, and what guardrails were in place. Ms. Sherman stated that deals were formed in partnership with the sports governing bodies, and that she would be able to share more details regarding the terms of the deals in the executive session. Mr. Cipolla stated that DraftKings worked with integrity monitors, sports governing bodies, and regulators. Ms. Sherman noted that DraftKings had a vetting process for partnerships.

Commissioner Maynard asked how DraftKings acquired information regarding users in Massachusetts. Mr. Cipolla stated that any questions regarding DraftKings' customer base in Massachusetts should be reserved for the executive session. He stated that some of the users had enrolled in other jurisdictions or signed up for daily fantasy sports.

Commissioner O'Brien asked what changes had been made to address the lower metrics in the data from the customer satisfaction survey in 2020. Mr. McAuley stated that features had been developed and implemented in the platform to address those particular issues.

Chair Judd-Stein expressed concern regarding the millions of free-to-play offerings provided since 2018. She stated she had concerns about the frequency and intensity of advertising and asked if DraftKings' business model still depended upon that approach. Mr. Cipolla stated that any questions regarding DraftKings' approach to marketing were competitively sensitive and more appropriate for executive session. Ms. Sherman stated that strategy conversations were conducted regarding sustainability in the industry.

Commissioner O'Brien asked how customer support would be available if a customer was locked out of their account. Mr. Liberman stated that DraftKings' support page was available whether a customer was logged in or not. He stated that there was also self-service password recovery. Commissioner O'Brien noted that there were protections in place for withdrawing money, and asked how those protections could be reconciled with the recent data breach. Mr. Cipolla stated that this question was appropriate for executive session due to cybersecurity implications.

The Commission reached consensus that DraftKings had met the Commission's expectations with respect to Section B of the application.

ii. [Economic impact and other benefits to the Commonwealth if applicant is awarded a license \(205 CMR 218.06\(5\)\(b\)\)](#) (3:04:11)

The Commission discussed DraftKings' anticipated cooperation with the Massachusetts State Lottery. Ms. Sherman stated that DraftKings was open to a conversation with the Lottery. Commissioner Maynard sought clarification regarding the number of new employees in Massachusetts. Mr. Walters stated that twenty-five of the anticipated Massachusetts employees were associated with the Commission approving DraftKings for licensure. He stated that DraftKings would have seventy-five new employees overall in Massachusetts, which was inclusive of the twenty-five tied to this license.

Commissioner O'Brien asked for specific examples of DraftKings promoting local businesses. Mr. Walters stated that DraftKings was partnered with Boston While Black. Mr. Cipolla noted that DraftKings worked with local businesses to create partnerships in each jurisdiction it was licensed in. He stated that future plans for partnerships were competitively sensitive information and requested to discuss them in executive session.

Chair Judd-Stein inquired about how DraftKings anticipated sports wagering would affect the daily fantasy sports market. Mr. Cipolla stated that DraftKings would prefer to discuss that topic in the executive session.

The Commission reached consensus that DraftKings had met the Commission's expectations with respect to Section C of the application.

iii. [Applicant's willingness to foster racial, ethnic, and gender diversity, equity, and inclusion \(205 CMR 218.06\(5\)\(d\)\)](#) (3:15:10)

Commissioner O'Brien asked for details regarding the low percentage of women employees. Mr. Walters noted that DraftKings had made progress, but that the tech market was a male-dominated field. He stated that retail companies have a better chance at increasing gender diversity than mobile companies. Commissioner O'Brien stated that Massachusetts' universities could provide a good recruitment opportunity for women. She stated that she wanted to see the

gender diversity number increase. Commissioner Maynard stated that the STEM Council was very active in Massachusetts.

Commissioner O'Brien inquired about the breakdown of female and minority representation across various levels within the organization, including the parent company's board of directors. Mr. Walters provided the requested data.

The Commission expressed a desire for DraftKings to establish specific goals for supplier diversity spending, as other applicants had done. DraftKings agreed to work towards setting realistic and aggressive long-term goals in this area.

The Commission reached consensus that DraftKings had met the Commission's expectations with respect to Section D of the application.

iv. [Proposed measures related to responsible gaming \(205 CMR 218.06\(5\)\(c\)\)](#)
(3:33:26)

Commissioner O'Brien asked whether there was a feature to limit a user's screentime. Mr. McAuley confirmed the feature existed and that it was offered in all jurisdictions. Commissioner O'Brien sought clarification regarding the portability of large deposits. Mr. McAuley stated that each time a customer's deposit limit increased, confirmation was required in the form of a bank statement or paystub. He stated that this policy ensured that the customer could support the play they were intending. Mr. Cipolla stated that this feature was proprietary and requested that any further discussion occur in the executive session.

Chair Judd-Stein asked whether all funds were able to be withdrawn from accounts, even amounts as small as a quarter. Mr. McAuley stated that some payment providers placed restrictions on small amounts, but all customers could receive a full refund by contacting customer support.

Commissioner O'Brien sought details regarding the launch in Ohio. Mr. Cipolla requested to discuss the specific details in the executive session. Commissioner Skinner asked if the applicant could speak to items regarding its ultimate parent company. Mr. Cipolla stated that all of DraftKings' answers spoke to the operation of the ultimate parent company.

Mr. Cipolla stated that DraftKings' representatives were prepared to discuss public details regarding certain incidents in the public session but requested that any details regarding processes and policies changed as a remediation effort be discussed in executive session.

Mr. Cipolla explained that DraftKings received notice from the New Jersey regulator that DraftKings had mistakenly sent push notifications to users who were excluded or cooling off in October and November of 2020. He noted that DraftKings was also fined \$10,000 in New Jersey

in March of 2021 for sending direct mail to those on the exclusion list. He asked to discuss DraftKings' remediation efforts in executive session.

Mr. Cipolla explained that DraftKings was fined \$6,000 in Indiana for sending direct mail to excluded persons, failing to timely submit licensing paperwork for new members to the board of directors, and failing to disclose certain information regarding licensed employees. He asked to discuss DraftKings' remediation efforts in executive session.

Commissioner Skinner asked about a fine issued by the Illinois Gaming Board. Mr. List stated that DraftKings was fined \$15,000 for failure to timely disclose a binding letter of intent with an entity affiliated with the Chicago Cubs. Commissioner Skinner asked if protocols were put in place to prevent similar issues. Mr. List stated that DraftKings implemented internal policies related to these types of agreements.

DraftKings' Chief Compliance Officer Jennifer Aguiar detailed administrative issues related to the late submissions of notifications and licensing applications. Commissioner Skinner asked if protocols were put in place to ensure timely filing of notice of agreements. Mr. Cipolla stated that any business decisions and modifications of protocols were more appropriate for executive session.

Commissioner Skinner inquired about a civil penalty from New Jersey. Mr. Cipolla stated that there was a \$150,000 civil penalty for proxy wagering by a customer. He noted that the stipulation settlement was not public knowledge despite some facts of the matter being discussed publicly and asked to discuss the incident further in executive session.

Commissioner O'Brien inquired about a fine from Ontario on June 30, 2022. Mr. Cipolla stated that there was a \$65,000 fine in connection with a television and social media advertisement that was classified as an inducement. He stated that Ontario was a new market that was launching, and that DraftKings had relied upon a third-party associated with the regulator to approve the promotion, but that the regulator ultimately decided that the promotion was not permitted. He stated that DraftKings would provide a more detailed description in the executive session.

Commissioner O'Brien inquired about settlements in New York and Massachusetts in 2017. DraftKings' Chief Legal Officer Stanton Dodge stated that he was not with DraftKings at the time of this litigation, but that he commended DraftKings' culture of compliance. He noted that DraftKings cooperated with Massachusetts to help develop the framework that regulated the daily fantasy sports industry.

The Commission agreed to wait until after the executive session to decide whether there was a consensus as to whether DraftKings met the Commission's expectations with regard to this section of the application.

v. [Technology that the applicant intends to use \(205 CMR 218.06\(5\)\(e\)\)](#) (4:13:34)

Commissioner O'Brien noted that she had questions related to data breaches that would be more appropriate for the executive session. The Commission reached consensus that DraftKings had met the Commission's expectations with respect to Section F of the application.

vi. [Suitability of the applicant and its qualifiers \(205 CMR 218.06\(5\)\(f\)\)](#) (4:14:46)

Commissioner O'Brien inquired about litigation listed in the June 30, 2022 Securities and Exchange Commission ("SEC") filings. Mr. Dodge explained that there was multidistrict litigation related to daily fantasy sports that ultimately ended up in Massachusetts.

Commissioner O'Brien sought details regarding the shareholder derivative lawsuit related to the SBTech acquisition. Mr. Dodge explained that DraftKings acquired SBTech in 2020. He stated that the SEC report was based on the practices of SBTech prior to the time DraftKings acquired the entity. He stated that DraftKings was cooperating with the SEC as they investigated the report. He noted that DraftKings' motion to dismiss the securities class action was granted in New York the day before this meeting. He explained that several derivative cases had been compiled, and that DraftKings was looking into its next steps now that the motion to dismiss was granted in the New York matter.

Commissioner O'Brien asked about sales and use tax audits in Wisconsin and New York. Mr. Cipolla asked that the Commission continue its questioning while DraftKings looked into the audit. Commissioner O'Brien asked about the term "less formal business models" in connection with SBTech. Mr. Cipolla stated that he would prefer to discuss that topic in the executive session. Mr. Park explained that the audits in Wisconsin and New York were related to the taxation of daily fantasy sports activities in those states.

Commissioner O'Brien asked about the 2022 patent infringement case and asked whether DraftKings wished to comment on a follow-up letter submitted to the IEB. Mr. Cipolla noted that this topic was related to cybersecurity and asked that it be discussed in the executive session. Mr. Dodge noted that the patent infringement case was related to various patents regarding cash-out methods. He stated that DraftKings had filed Inter Partes Reviews at the United States Patent and Trademark Office to determine the validity of those patents. He noted that DraftKings had filed a motion to dismiss that was granted in part and denied in part.

Mr. Park noted that the IEB's report had a blank row in the adjusted EBITDA chart. He stated that DraftKings would supplement that information as it appeared due to mathematical error. He stated that DraftKings would also request that player liability not be included in the debt-to-equity ratio. Mr. Loughlin stated that RSM was prepared to discuss these topics in the executive session.

Commissioner O'Brien asked if the issue related to website references was appropriate for the executive session. Mr. Cipolla stated that he had no knowledge of the matter cited, and that he did not believe that the matter was in connection with DraftKings. Senior Enforcement Counsel

Kramer stated that the matter was discovered while searching an independent database, and that the IEB had yet to perform an independent verification at this stage.

Chair Judd-Stein inquired about the recent data breach. Mr. Cipolla stated that the topic would be more suited for the executive session.

d. [Executive Session](#) (4:54:21)

General Counsel Grossman reiterated the twelve topics that the Commission identified for discussion in executive session during the meeting.

Chair Judd-Stein stated that the Commission anticipated that it may meet in executive session in conjunction with its review of the Crown MA Gaming, LLC (DraftKings), application in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 23N, § 6(i) to consider information submitted by the applicant in the course of its application for an operator license that is a trade secret, competitively-sensitive or proprietary and which if disclosed publicly would place the applicant at a competitive disadvantage and G. L. c. 4, § 7(26)(n) (certain records for which the public disclosure is likely to jeopardize public safety or cyber security) to consider information submitted in the application materials related to the security or safety of persons or buildings, structures, facilities, utilities, transportation, cyber security or other infrastructure located within the commonwealth, the disclosure of which is likely to jeopardize public safety or cyber security.

Commissioner O'Brien moved that the Commission go into an Executive Session on the matters discussed by General Counsel Grossman and for the reasons articulated by the Chair. The motion was seconded by Commissioner Hill.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Chair Judd Stein stated that the public session of the Commission meeting would reconvene at the conclusion of the executive session.

Transcriber's Note: The Commission entered the executive session and returned to the public session of the meeting at [6:10:20](#).

Chair Judd-Stein asked if there were any topics that were not addressed in the executive session. General Counsel Grossman noted that DraftKings was asked to establish workforce diversity goals, supplier diversity goals, and provide the Commission with an overall vendor spending. He

stated that DraftKings had also agreed to provide updates to the Commission regarding material changes in the proceeding relative to DraftKings' launch in Ohio.

The Commission reached consensus that DraftKings had met the Commission's expectations with respect to Section E of the application. The Commission reached consensus that DraftKings had met the Commission's expectations with respect to Section G of the application.

5. [License application determinations by the Commission in accordance with 205 CMR 218.07 relative to the applications submitted by Bally's Interactive, LLC, Betfair Interactive US, LLC \(d/b/a FanDuel\), Betr Holdings, Inc., Crown MA Gaming, LLC \(DraftKings\), Digital Gaming Corporation USA, and PointsBet Massachusetts, LLC.](#) (6:14:56)

Chair Judd-Stein explained that license determinations for category three untethered sports wagering applications would be held on January 18, 2023 and January 19, 2023. The Commission thanked the DraftKings' representatives for their time.

6. [Other Business](#) (6:19:10)

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

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

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda dated January 3, 2023](#)