



Massachusetts Gaming Commission Meeting Minutes

Date/Time: February 28, 2024, 12:00 p.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 197 2524

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 505th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

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

- a. WynnBET Report on Completion of Cessation Plan and Request to Approve Cessation of Operations pursuant to 205 CMR 258.05

Deputy General Counsel Carrie Torrissi provided background on WynnBET's cessation plan progress, noting that WynnBET submitted its notice of intent to cease operations on January 24th, the Commission approved WynnBET's cessation plan in accordance with 205 CR 258.03 on February 8th, and the Commission reviewed WynnBET's cessation progress report on February 21st. Deputy General Counsel Torrissi explained that 205 CMR 258.05(1) requires that when a sports wagering operator has completed all actions called for in its cessation plan or on the approved cessation date, whichever is earlier, the operator submit a written report to the

Commission notifying the Commission that it has completed all actions necessary for cessation and requesting that cessation become effective. Deputy General Counsel Torrisi stated that WynnBET submitted its report pursuant to this section on February 23rd. She explained that following receipt of the written report, 205 CMR 258.05(1) requires the Commission or its designee to issue a written decision approving or denying the cessation request, and that pursuant to 205 CMR 258.05(2), the cessation is not effective until the Commission issues a written decision approving the operator's cessation request.

Deputy General Counsel Torrisi outlined the key elements of WynnBET's report. With respect to futures wagers and parlay legs that would remain unsettled after the 30-day wind-down period elapsed, Deputy General Counsel Torrisi stated that WynnBET had reached out to all relevant patrons regarding settlement and that as of February 27th, they had resolved 92% of those wagers. Deputy General Counsel Torrisi stated that the Sports Wagering, IT and Legal divisions had all reviewed the report and were satisfied that WynnBET had complied with its cessation plan and completed all actions necessary for cessation.

Deputy General Counsel Torrisi stated that staff recommended imposing a condition on WynnBET's approval given that there were outstanding futures wagers and parlay legs that WynnBET had not yet settled. She recommended that the Commission approve WynnBET's cessation request subject to the condition that patrons with futures wagers and parlay legs that would remain unsettled after the 30-day wind down period has elapsed continue to be offered a settlement amount based upon a fair market valuation of the same bet in the Massachusetts market which includes, at a minimum, the amount wagered returned to the patron. She noted that this is the process that WynnBET has been following and that this was contemplated in the cessation plan.

Chair Judd-Stein asked for clarification on the timeframe of the 30-day wind-down period. Deputy General Counsel Torrisi stated that it was 30 days from the date on which notice was provided to patrons. Jennifer Roberts, Vice President General Counsel of WynnBET, confirmed that the conclusion of the 30-day wind down period was March 14th.

Commissioner Hill stated that he was apprehensive about voting to approve the final cessation while there were still unsettled wagers, but that he was comfortable moving forward if the Commission imposed the condition recommended by staff. Commissioner Maynard asked if the Commission could receive an update regarding the settlement of wagers after March 14th. Deputy General Counsel confirmed that they would return with an update.

Chair Judd-Stein asked what would happen if WynnBET was unable to resolve 100% of the unsettled wagers. Deputy General Counsel Torrisi stated that if WynnBET and a patron were unable to come to a mutually agreed upon settlement amount, WynnBET would send to the patron the amount that WynnBET had offered, which would be based on the fair market valuation previously discussed. Jennifer Roberts confirmed that this is how WynnBET would handle such a situation.

Commissioner Hill moved that the Commission approve WynnBET's cessation request pursuant to 205 CMR 258.05 subject to the condition that patrons with futures wagers and parlay legs that

will remain unsettled after the 30-day wind-down period has elapsed continue to be offered a settlement amount that is based upon a fair market valuation of the same bet in the Massachusetts market, which includes, at a minimum, the original amount wagered returned to the patron, and further moved that staff be authorized to issue the written Decision Approving WSI US, LLC d/b/a WynnBET's Request to Cease Operations in the Commonwealth as included in the Commissioner's Packet and discussed here today. 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.

2. Sports Wagering Division ([13:01](#))

a. Sports Wagering 2023 Q4 Reports

i. DraftKings

Sports Wagering Business Manager Crystal Beauchemin introduced Jake List, Senior Director of Regulatory Operations at DraftKings, to present DraftKings' 2023 Q4 quarterly report. Mr. List was joined by Christina Ackins, Vice President of Inclusion, Equity, & Belonging; Jared Hess, Director of Communications; and Julie Hynes, Senior Manager of Responsible Gaming. The report is included in the Commissioners' Packet on page 81.

With respect to voluntary self-exclusion, Chair Judd-Stein noted that DraftKings' number was higher than that from other operators. Mr. List explained that the number included all patrons on the VSE list who have an account with DraftKings. Business Manager Beauchemin clarified that the number provided in the DraftKings report was cumulative since launch, while some operators included a total number for the existing quarter only.

With respect to under 25 player onboarding, Commissioner O'Brien asked if the popups regarding responsible gaming appeared only when someone was already engaged with the platform or if such popups appeared outside of the platform and could prompt someone to reengage. Ms. Hynes confirmed that the popups only appear when a player is engaged with the platform.

Commissioner O'Brien asked if DraftKings had contemplated default limits for players under the age of 25 such that players would have to actively remove the limits should they not want to use them. Mr. List stated that DraftKings would review this issue and provide additional information at a future meeting.

The Commission thanked DraftKings for their report.

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

Commissioner Skinner 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 February 28, 2024
2. [Commissioner's Packet](#) from the February 28, 2024, meeting (posted on massgaming.com)