



Massachusetts Gaming Commission Meeting Minutes

Date/Time: February 7, 2024, 11:30 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 626 3366

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](#) (00:09)

Chair Judd-Stein called to order the 499th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Sports Wagering Division](#) (00:48)

a. [General Market Request for Clarification regarding Super Bowl Prop Wagers](#) (01:23)

Operations Manager Andrew Steffen brought forward a request for clarification regarding Super Bowl Prop Wagers which was previously discussed during the meeting on February 1, 2024. Deputy General Counsel Carrie Torrisi stated that a request for clarification was received from FanDuel as to whether the bet types outlined in the Commission's memo, *found on page 3 of the Commissioners' Packet*, were authorized under the Commission's existing event catalog. She noted that bets are related to the NFL event, which is authorized, but are not direct wagers on the game itself. She stated that the question for the Commission was whether these wagers are prop bets and therefore, are already authorized pursuant to the event catalog, or whether they are not

prop bets and require separate authorization by the Commission through the petition process outlined by regulation.

Commissioner O'Brien stated that she did not think the bets outlined in the Commission's memo are already authorized as they go far afield of the game itself. Considering the possibility of a coin toss wager, she stated that it was not connected closely enough to the sporting event that it would be automatically approved.

Commissioner Hill stated that he was leaning towards permitting just a coin toss wager and limiting it to the Super Bowl. Rather than limiting the wager to a specific event, Deputy General Counsel Torrisi clarified that there were two avenues available to the Commission with regard to allowing a coin toss wager. One avenue would be to clarify that it was already authorized under the existing catalog as the wager is already considered part of the event which is authorized. The second avenue would be to indicate that such a wager is not already authorized and that it would need to come before the Commission for review of a petition to add the wager to the catalog which would allow for review based on the criteria outlined in the regulation.

Commissioner Maynard noted that Commissioner Hill was raising the possible addition of these wagers sua sponte. Commissioner Skinner stated that she was leaning towards not authorizing these wagers as there is no petition for review before the Commission. She stated that she is satisfied that the Commission has the authority to approve this kind of event as a new or other event but that she is not willing to support Commissioner Hill's sua sponte request.

Commissioner Maynard stated that he does believe that any commissioner can sua sponte add an event to the catalog and, with that in mind, would approve the coin toss related wagers listed in the Commission's memo in connection with the Super Bowl. Commissioner O'Brien commented that if we accept the premise that a commissioner can propose new events for the catalog, there should still be a process for such a proposal so that the criteria necessary for a decision can be reviewed which ensures the integrity of these events.

Chair Judd-Stein asked whether it was possible to continue this discussion during the next day's scheduled meeting to allow the operator requesting this clarification to bring a petition forward. General Counsel Grossman stated that if brought forward tomorrow, it would need to be on an emergency basis and that the Commission would need to determine whether it would fit the definition of an emergency meeting.

Chair Judd-Stein agreed with Commissioners O'Brien and Skinner that there is a process in place for operator petitions but stated that it did not mean that the Commissioners were not able to bring forward new events for the catalog.

Operations Manager Steffen informed the Commission that the operator requesting the clarification did state that they would not be submitting a petition and would revisit the possibility prior to next year's Super Bowl.

Commissioner Skinner requested clarification on the notion of a commissioner sua sponte requesting that an event be added to the catalog. She recalled that the Commission did previously

discuss allowing any person to submit a petition but ultimately limited the ability to any operator and would like to understand that in the context of allowing a single commissioner to request that events be added to the catalog. Chair Judd-Stein confirmed Commissioner Skinner's recollection. Commissioner Hill specifically recalled that the Commission had previously discussed commissioners adding events to the catalog in connection with requests that he had made and noted that the Commission decided at that time that only operators would be able to do so. It was noted that there should be further discussion on the topic of commissioners adding events to the catalog.

Deputy General Counsel Torrisi clarified that the question before the Commission was a policy, not a legal, question as to where they want to draw the line on what is or is not considered part of the event or game.

Operations Manager Steffen provided additional information to the Commission regarding the jurisdictions where coin toss wagers are allowed. He indicated that about 22 states allow the wager while about 9 or 10 other states do not. Commissioner Hill noted that New Hampshire does allow coin toss wagers and that he has concerns that Massachusetts residents will go there to make these bets. Commissioner O'Brien acknowledged Commissioner Hill's financial concern but felt that to ignore the Commission's process or broadly define this wager as part of the NFL event would constitute bad law and be contrary to the interpretation that the wager is actually a new event.

Commissioner Hill moved that the Commission not confirm that the following prop bets are authorized for wagering under the Commission's existing event catalog: the coin toss result of the Super Bowl, the coin toss winner of the Super Bowl, team to receive opening kickoff of the Super Bowl, the coin toss winner wins game of the Super Bowl, the coin toss to be retaken at the Super Bowl, the coin toss call result at the Super Bowl, the Gatorade color over the coach at the end of the Super Bowl, and how long the National Anthem will be at the Super Bowl. Commissioner O'Brien offered a friendly amendment to substitute "not confirm" with "the following are not included," which was accepted by Commissioner Hill. 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.

Commissioner Hill moved that the Commission amend the official catalog of events and wagers to include the following Super Bowl prop wagers as included in the Commissioners' packet and discussed here today: the coin toss result, the coin toss winner, and the coin toss winner wins game. Commissioner Maynard seconded the motion, noting that the risk to the public is relatively low by adding these wagers at this time to the catalog and further, that many patrons would appreciate this option and would be kept wagering within the jurisdiction. Chair Judd-

Stein and Commissioners O'Brien and Skinner expressed their desire that the Commission should uphold the process currently in place and follow the rules outlined in the Commission's regulation to add events to the catalog.

Roll call vote:

Commissioner O'Brien: *Nay.*

Commissioner Hill: *Aye.*

Commissioner Skinner: *Nay.*

Commissioner Maynard: *Aye.*

Chair Judd-Stein: *Nay.*

The motion failed to pass, 2-3.

Chair Judd-Stein noted that this topic should be revisited in the future.

b. [Sports Wagering Online Operators' Reports regarding Strategies and Tactics Utilized to Further Guard Against KYC Breaches and Proxy Wagering](#) (56:07)

Chair Judd-Stein introduced the next topic for discussion regarding strategies and tactics utilized by the operators to guard against KYC breaches at account creation and proxy wagering or account takeover. She thanked the operators for providing information on their successful strategies to handle suspicious behavior and for offering to discuss their tactics in an executive session.

Business Manager Crystal Beauchemin added that the operators will discuss their prevention and mitigation procedures, relevant themes like degrees of confidence and certainty, establishing risk categories, and leveraging tools like GeoComply and their own proprietary models.

A. Executive Session

Chair Judd-Stein stated that the Commission anticipated that it would meet in Executive Session in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 4, § 7(26)(n) to review certain materials in connection with the sports wagering operators' processes and parameters to prevent account creation by underage individuals and to detect account takeovers or proxy wagering as these matters relate to cyber security in the Commonwealth, and the public disclosure of which is likely to jeopardize public safety or cyber security.

Commissioner O'Brien moved to 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.*

Commissioner Maynard: *Aye.*

Chair Judd-Stein: *Aye.*

The motion passed unanimously, 5-0.

Chair Judd-Stein noted that the Commission would not be returning to the public meeting.

Transcriber's note: The Commission entered Executive Session and did not reconvene the public meeting of the Commission.

List of Documents and Other Items Used

1. [Amended Notice of Meeting and Agenda](#) dated February 5, 2024
2. [Commissioner's Packet](#) from the February 7, 2024 meeting (posted on massgaming.com)