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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** February 8, 2024, 11:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 313 5131

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 500<sup>th</sup> 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](#) (02:22)

- a. Betr Notice of Intent to Cease Operations pursuant to 205 CMR 258, including Request for Approval of Cessation Plan and Request for Waiver from 205 CMR 258.01(1)

Deputy General Counsel Carrie Torrisi stated that staff has worked closely with both Betr and WynnBET to make amendments to their cessation plans to ensure that they were compliant with all regulatory requirements and also were to the satisfaction of the sports wagering, finance, IT, and legal divisions. She noted that all four divisions had reviewed the final plans, were satisfied with all components of the submissions, and recommended approval by the Commission.

Deputy General Counsel Torrissi reminded the Commission that the regulations required operators to submit their notice of intent to cease operations no fewer than 90 days before the proposed cessation date, and that in this case, the notices of intent from both Betr and WynnBET were received with fewer than 90 days' notice. Deputy General Counsel Torrissi noted that if the Commission was inclined to approve the cessation plan, they would also need to issue a waiver from that 90-day notice requirement.

Deputy General Counsel Torrissi outlined the process for addressing the cessations moving forward, noting that the Commission could approve the cessation plans today, that WynnBET would report on the progress of their cessation plans in ten days, and that both operators would submit reports on the completion of their cessation plans on their approved cessation dates. Deputy General Counsel Torrissi noted that Betr would not submit a ten-day progress report because their ultimate cessation date would fall within that ten-day period.

Chair Judd-Stein asked if the Commission needed to address the waiver first. Deputy General Counsel Torrissi stated that the Commission should vote on the waiver before voting on the cessation plan, but that the Commission could hold both votes until the end of the discussion.

Deputy General Counsel Torrissi stated that Betr's anticipated closure date was February 16, 2024, and outlined the components of Betr's cessation plan as included in the Commissioners' Packet. Commissioner Skinner asked if Deputy General Counsel Torrissi could provide any additional information on the license surrender process for occupational licensees and vendors. Deputy General Counsel Torrissi stated that staff asked Betr and WynnBET to insert language into their cessation plans stating that they would notify all licensees of the requirement that such licenses be surrendered so that those individuals were on notice. She noted, as well, that while the regulation uses the word "surrender," the practical reality was that the licenses would become inactive. Commissioner Skinner asked if staff could explain the unclaimed property process. Chief Financial and Accounting Officer Derek Lennon stated that a check is active for six months and after three years the funds revert to the unclaimed property fund. Commissioner Skinner asked if the Commission had any affirmative obligation to notify the Treasurer of funds potentially being sent to the unclaimed property fund. CFAO Lennon stated that the Commission had no such obligation. Chair Judd-Stein noted that there was a discrepancy between the cessation process in the attached FAQs, and the submitted cessation plan with respect to this process. Alex Ursa, Head of Gaming at Betr, noted that there was a mistake in the FAQs and that it would be corrected.

Deputy General Counsel Torrissi walked through the regulatory requirements for the Commission to issue a waiver.

Commission Maynard moved that in accordance with 205 CMR 202.03(2), the Commission issue a waiver to Betr from the requirements outlined in 205 CMR 258.01(1) 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.*

Commissioner Maynard moved that the Commission approve the cessation plan submitted by Betr pursuant to 205 CMR 258.03(1) as required by 205 CMR 258.03(2) 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.*

Chair Judd-Stein thanked Betr for entering the Massachusetts market. Chair Judd-Stein asked Deputy General Counsel Torrissi to walk through the next steps. Deputy General Counsel Torrissi stated that Betr would submit their final report on February 16<sup>th</sup> and that the Commission would review the report for potential final approval of the cessation the following week.

- b. WynnBET Notice of Intent to Cease Operations pursuant to 205 CMR 258, including Request for Approval of Cessation Plan and Request for Waiver from 205 CMR 258.01(1). [\(23:39\)](#)

Deputy General Counsel Torrissi stated that WynnBET's anticipated cessation date was February 23, 2024, and outlined the components of WynnBET's cessation plan as included in the Commissioners' Packet. Commissioner O'Brien asked for more information regarding the process for the settlement of wagers that would remain unsettled 30 days after completion of cessation. Jennifer Roberts, Vice President and General Counsel of WynnBET, explained that WynnBET would reach out to patrons to discuss how to resolve the settlement of such wagers and would give patrons the opportunity to receive a fair value payout of their wager that they could place with another operator or at the retail location, with a minimum settlement amount being a return of their stake.

Commission Skinner moved that in accordance with 205 CMR 202.03(2), the Commission issue a waiver to WynnBET from the requirements outlined in 205 CMR 258.01(1) 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 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.*

Commissioner Skinner moved that the Commission approve the cessation plan submitted by WynnBET pursuant to 205 CMR 258.03(1) as required by 205 CMR 258.03(2) 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.*

Deputy General Counsel Torrissi stated that WynnBET would submit their 10-day report by February 18, 2024, and that staff would return to the Commission in the days following to review that report. She further stated that WynnBET would then submit their final report on February 23, 2024, and that staff would return to the Commission in the days following for the Commission to review and approve the ultimate cessation.

c. [Update from Encore Boston Harbor on Plans for Operation of Retail Sportsbook](#) (34:01)

Deputy General Counsel Torrissi stated that with WynnBET ceasing operations in the Commonwealth, the question remained as to what Encore Boston Harbor would do with their retail sportsbook. Jacqui Krum, Senior Vice President and General Counsel of Encore Boston Harbor, stated that moving forward, WynnBET would no longer provide sportsbook support services to Encore Boston Harbor and Encore Boston Harbor's team would fully operate the sportsbook. Ms. Krum stated that they believed that it would be a seamless transition. Chair Judd-Stein asked Deputy General Counsel Torrissi if she was satisfied with this plan from a legal perspective. Deputy General Counsel Torrissi stated that she had discussed the plan with IEB Director Caitlin Monahan and Licensing Division Chief Kara O'Brien and that all were satisfied. Commissioner Hill asked if the team had also consulted the IT division. Deputy General Counsel Torrissi stated that the team would ensure that the IT, sports wagering, and finance divisions were all comfortable with the plan.

Chair Judd-Stein asked how logos would be transitioned. Ms. Krum stated that they had not yet reached a decision on what the sportsbook would be called, but that they would keep the Commission informed. Commissioner Maynard asked what the retail sportsbook was called when it opened during the period when Encore Boston Harbor was operating a retail sportsbook, but WynnBET was not yet operating an online sportsbook. Ms. Krum stated that it opened as WynnBet. Ms. Krum further stated that a lot of the functions would be handled in-house by the Encore Boston Harbor team members who were already licensed. She noted that there was one

gap with respect to the trading team, but that they were currently working with Commission staff to resolve that matter. Commissioner Maynard asked if this was a material change to the license. Director Monahan stated that she did not believe so, particularly where Encore Boston Harbor would be taking all of the functions in-house and where WynnBET was essentially operating as a vendor to Encore Boston Harbor for its retail sportsbook. Commissioners Skinner and O'Brien stated that they were comfortable with legal and IEB's assessment, with Commissioner O'Brien raising requesting that if staff encountered any concerns in the process of changing vendors managing the platform, a deeper dive be performed. Chair Judd-Stein asked if the kiosks are labeled "WynnBET." Ms. Krum stated that they do have the WynnBET logo. Chair Judd-Stein asked if the name posed any legal or consumer protection issues. General Counsel Todd Grossman stated that the legal team was satisfied that there were no outstanding legal issues and that he was not concerned about the name from a consumer protection standpoint. Director Monahan also stated that she did not have any concerns from a consumer protection standpoint, particularly given that the retail sportsbook was called the WynnBET sports bar before WynnBET held a category 3 license.

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 8, 2024
2. [Commissioner's Packet](#) from the February 8, 2024, meeting (posted on massgaming.com)