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## Massachusetts Gaming Commission

### Meeting Minutes

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**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 508<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.

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 1<sup>st</sup>, June 15<sup>th</sup>, and June 21<sup>st</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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 1<sup>st</sup>. 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 31<sup>st</sup> 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)