



Massachusetts Gaming Commission Meeting Minutes

Date/Time: March 9, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 378 6693

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 442nd Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five Commissioners were present for the meeting.

2. [Meeting Minutes for October 20, 2022](#) (02:17)

Commissioner Hill moved that the Commission approve the minutes from the October 20, 2022, public meeting that were included in the Commissioner's Packet subject to any necessary corrections for typographical errors or other non-material matters. 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.

3. [Testimony Regarding Written Comments on MGC Sports Wagering Regulations](#) (04:04)

First Assistant Attorney General Pat Moore expressed concern that while legal gaming had previously been confined to brick-and-mortar sites, it would now be available on all smartphones. He stated that there was a population of people negatively affected by mobile sports wagering and that the Attorney General's Office was dutybound to protect those individuals. He stated that operators needed to abide by consumer protection laws and operate in a way that mitigates addiction. He noted that those under the age of twenty-five were at particular risk. He stated that certain promotions, such as referral bonuses, were not permitted in other industries that posed public health risks. He expressed an interest in operators not using targeted digital advertising for marketing towards users, and that customers should have clear and conspicuous opportunities to opt out of marketing.

Acting Chief of Consumer Protections with the Attorney General's Office Mychii Snape stated that for decades the Attorney General's Office used their enforcement authority to investigate new industries and business practices. She expressed concerns that a businesses' attempts to secure market share could overshadow their drive to comply with the law. She stated that there should be clear rules on marketing and promotional activities to build on existing consumer protections.

Director of the Children's Justice Unit of the Attorney General's Office Liza Hirsch stated that youth were especially vulnerable to gambling. She stated that she had two main concerns about the regulations. She stated the first was ensuring the identity of the individual using the sports wagering platform, as it was only required upon account creation and not when wagers were placed. She noted that this left the possibility of an underage user using another's account. She expressed that there should be a minimum standard for accuracy and reliability of age verification.

Ms. Hirsch stated that many advertising platforms can exclude advertising to those under the age of twenty-one. She stated that it should be a requirement that the operators exclude all those under the age of twenty-one from advertising campaigns if that option was available.

Chief of Data Privacy and Security with the Attorney General's Office Jared Rinehimer expressed concern over the potential unfair or deceptive practices that can result from the use of consumer information. He stated that it was possible to alter how the applications behave based on user information to alert the user to reopen the application or take certain actions. He stated that the use of information gathered for advertising purposes from the operators should be

prohibited.

Commissioner O'Brien stated that the data from the operators would help develop responsible gaming practices for mobile applications. She expressed an interest in a discussion regarding the interplay of General Law Chapter 93A and the Commission's regulations. She noted that referral bonuses could be used to sidestep the Commission's regulations related to third-party marketing affiliates. She stated that she looked forward to collaborating with the Attorney General's Office.

Commissioner Skinner expressed that she would like to see the Commission explore options regarding consumer data, and suggested the Commission look towards New Jersey's decisions to help inform their understanding of problem sports wagering behavior. She stated that she looked forward to strengthening the advertising regulations to protect the Commonwealth's residents.

Commissioner Hill stated that he was optimistic about this partnership and that he wanted to ensure the protection of Massachusetts consumers and youth. Commissioner Maynard stated that engaging with the Attorney General's Office would provide information that would help the Commission adjust as needed.

Chair Judd-Stein stated that the Commission was focused on ensuring consumer protections, responsible gaming tools and integrity in gaming systems. She stated that the promulgation process for the advertising regulation ends on March 23, and that the language could be strengthened before that date.

Mr. Moore stated that the Attorney General's Office would share proposed language changes during the comment period. He stated that the two primary concerns were having the operators exclude advertising to those under twenty-one where available and the possibility of the Commission reviewing promotions' structure prior to the promotion advertisement airing in order to ensure that the promotions were compliant with responsible gaming and consumer focused. Ms. Snape stated that it would be helpful to acknowledge directly in the advertising regulations that the operators must comply with other laws in the Commonwealth. She stated similar language was in the daily fantasy sports regulations.

4. [Sports Wagering](#) (50:56)

Executive Director Karen Wells stated that as the house rules had not been voted on yet, the memorandum regarding the operators' operations certificates was still in draft form. She requested a break between agenda items 4(c) and 4(d) to finalize the memorandum and post it to the Commission website after the vote on house rules.

a. [Status Update on Report of Advertisement of Credit Card/Pre-Paid Card Use](#) (52:35)

Director of Sports Wagering Bruce Band introduced Chief Enforcement Counsel Heather Hall. Chief Enforcement Counsel Hall explained that issues were raised with three FanDuel

advertisements. She noted that one referenced iGaming and another referenced free bets. She stated that those two advertisements had been pulled, but a third advertisement referenced loading a sports wagering account with credit cards and prepaid cards. She stated that FanDuel indicated that it may take a day to get the third advertisement out of circulation. She requested Commission guidance on how to proceed with respect to these types of matters.

Commissioner O'Brien noted that she had reported these advertisements. She stated that FanDuel was responsive, but expressed concern that there was a myriad of alleged violations happening at the launch. She noted that the potential violations were not self-reported, and that she wanted to investigate further. Commissioner Skinner agreed and asked the Investigations and Enforcement Bureau ("IEB") to share the advertisements with the rest of the commissioners so that the Commission would have full context.

Chair Judd-Stein stated that the Commission should consider developing protocols for the IEB beginning an initial review of alleged violations. She noted that the previous non-compliance issues related to offering wagers on unauthorized events were self-reported, and the non-compliance was established by the report. She stated that a determination of non-compliance needed to be made here as it was not the operator who reported it.

Commissioner O'Brien stated that some of the instances were admitted non-compliance. Commissioner Skinner requested that the Commission be fully informed regarding the circumstances of these advertisements. Chair Judd-Stein agreed. Executive Director Wells stated that Commissioner O'Brien reported the advertisements, Director Band had approached the operator, and the operator pulled the advertisements. Chair Judd-Stein stated that as not all commissioners were apprised regarding this issue that the Commission should be careful about making conclusions on the information.

Commissioner O'Brien stated that the licensee was responsive but that the third advertisement was not pulled until a week later. She expressed an interest in fast-tracking advertising violations. Chair Judd-Stein stated that the discipline regulation was drafted to allow the Commission to act quickly. Deputy General Counsel Caitlin Monahan stated that it would be good for the Commission to have an internal policy as to how these different issues were addressed. Director of the IEB Loretta Lillios stated that the IEB should evaluate the nature of non-compliance even in self-reported matters.

Commissioner O'Brien stated that further clarity about how quickly various marketing mediums could be pulled would help inform her decision. Chair Judd-Stein stated that advertisement issues not addressed immediately could allow harm to continue, but that she needed more information about the specific instance of alleged non-compliance.

Commissioner Hill agreed and requested the IEB return to the Commission after an initial investigation. Commissioner Maynard stated that the Commission should take an active role in developing the process for disciplinary action. Commissioner Skinner requested that information

about these advertisements be circulated to the Commission. She noted that FanDuel also had advertisements detailing wager limits and account restrictions.

Commissioner O'Brien requested that a placeholder agenda item be added to public meetings for potential advertising violations. Chair Judd-Stein questioned whether this would impact the IEB investigation and stated that she would want to check in with the IEB about that process.

Commissioner Skinner stated that it would not likely be harmful to the investigation to have the IEB send the Commission the advertisements as the advertisements were available to the public. Director Lillios stated that she would work with the sports wagering division and the operator to send the Commission the advertisements in question.

b. [Update as to implementation of intercept review procedures for category 3 operators for past due child support and tax obligations in accordance with G.L. c. 23N, §24](#)

(1:24:04)

General Counsel Todd Grossman stated that General Law Chapter 23N, § 24 required the potential intercept of winnings for past due taxes or child support obligations. He stated that the operators were working alongside the Department of Revenue ("DOR") to integrate DOR's data directly into the operators' platforms with an API system. He stated that this system would be ready in a couple of months. He stated that until the API system was ready the operators would use e-services to manually check against DOR's information. He noted that e-services required that each operator have a memorandum of understanding ("MOU") with DOR and background checks of the operator's employees implementing the check. He noted that five of six operators planning to launch on March 10 had an employee undergo these background checks.

General Counsel Grossman stated that e-services might not be ready for the launch date. He presented two options to the Commission. The first option was that licensees withhold winning until an e-services program was available to query the DOR information. The second option was to allow the operators to pay winnings to patrons, but also be responsible for making the Commonwealth whole should the individual later be identified as owing taxes or child support obligations. He noted that the operators and DOR were working to get e-services operation for the launch on March 10.

Commissioner O'Brien asked if the operators would attempt to seek repayment if they pay a patron's obligations this way. General Counsel Grossman noted that the licensees had once paid the patron's obligations when the system checking DOR records was failing to communicate. He noted that in that instance they did not charge the patron. He stated that e-services would likely be available within the next couple of days.

Commissioner Skinner suggested that operators have the choice between option one and option two until e-services were available. General Counsel Grossman stated that API was expected to

be used in September and that e-services would only be used until then. He stated that the two options were the most practical options.

Commissioner Maynard stated that an operator paying tax liability or child support would likely trigger a taxable event. He expressed the importance of ensuring that wagers were checked for any obligations owed to DOR. He stated that he supported option one. Commissioner Hill stated that he preferred option one.

Commissioner Skinner stated that withholding winnings from patrons could potentially penalize a patron who does not have tax or child support obligations. She stated that she was less inclined to have an individual not implicated by DOR issues to be penalized and have their winnings withheld for any period of time. She stated that there were no definitive guarantees that the operators would have e-services in place within 72 hours. She stated that withholding funds from those who did not have outstanding obligations seemed inequitable. She stated she supported option two or not launching until e-services were in place.

Chair Judd-Stein questioned whether option two could be imposed on operators, or whether it would have to be a courtesy the operators agree to. Commissioner O'Brien stated that it could be done as a condition. Commissioner Skinner suggested having operators not allow wagers that would trigger a taxable event until e-services were in place. Chief Financial and Accounting Officer ("CFAO") Derek Lennon stated that prohibiting wagering until e-services were in place would have a huge impact on the available betting catalog and require an extensive amount of work.

Chair Judd-Stein requested clarification as to whether imposing the second option was within the Commission's authority. She noted that the previous instance where this option was used was suggested by the licensee rather than imposed by the Commission. Commissioner Skinner inquired as to what assurances had been made that the e-services would be in place within 72 hours. General Counsel Grossman stated that the timeline on e-services was approximate and that it was possible that an operator could want to renegotiate every term in their MOU. CFAO Lennon stated that it could take a week. General Counsel Grossman noted that the MOUs with the casinos allowed the licensee to decide if they would do option one or option two in the event the system goes down.

Commissioner O'Brien moved that in the absence of an electronic check that the operators agree that they were responsible for any back tax or child support that was owed, and that the operators can address that responsibility by either delaying payment until a manual check was performed or by making the payment in the event that it was subsequently determined that it was owed. 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.

General Counsel Grossman stated that casino MOUs were amended to incorporate sports wagering. He stated that the licensees agreed to cooperate with the process of getting API services running. He noted that some operator employees still needed to undergo background checks for the e-services process.

Commissioner O'Brien moved that the Commission authorize Executive Director Karen Wells to sign and execute the memorandums of understanding that were currently being finalized between the Department of Revenue and the various licensees absent any material change in the current drafts or anything that was inconsistent with today's conversation amongst the commissioners. 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. [Approval of House Rules for Category 3 Operators](#) (2:35:29)

Sports Wagering Operations Manager Sterl Carpenter stated that all licensees except for Encore Boston Harbor ("EBH") had provided the changes requested during the previous day's meeting. He asked that the Commission approve EBH's house rules with the caveat that they had not yet submitted the change regarding the requirement of Commission approval prior to voiding wagers for obvious error. Mr. Carpenter stated that EBH had indicated that they would submit the changes soon.

Chair Judd-Stein noted that the draft motions only addressed the house rules for category three operators. Commissioner Hill asked if a vote was required on the amendments to the category one licensee's house rules. Deputy General Counsel Monahan stated that a vote to amend was required by statute. She stated that a waiver was required for the provisions related to obvious error due to the discussion in the prior meeting.

Commissioner Hill moved in accordance with 205 CMR 202.02(3) that the Commission issue a waiver to all licensed sports wagering operators from the provisions of 205 CMR 247.07(10) and 205 CMR 238.35(1)(h) and (i) until such time as the waiver was lifted by the Commission or the regulations were amended as granting a waiver meets the requirements specified in 205 CMR 102.03(4) and was consistent with the purpose of General Law Chapter 23N and further that

while the waiver was in effect all licensed sports wagering operators shall not cancel or void a wager due to a material change in circumstances or an obvious error without prior approval from the Commission as outlined in 205 CMR 238.35. 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.

Executive Director Wells stated that EBH had sent over the amended house rules complying with the requested changes. Commissioner Skinner asked for a brief summary to be presented on the changes made by retail operators prior to voting on the amended house rules.

Commissioner Skinner moved that the Commission approve the house rules submitted by category three sports wagering operator Penn Sports Interactive as included in the Commissioner's 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.

Commissioner Hill moved that the Commission approve the house rules submitted by category three sports wagering operator BetMGM as included in the Commissioner's 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.

Commissioner Skinner moved that the Commission approve the house rules submitted by category three sports wagering operator American Wagering Inc. DBA Caesars Sportsbook as included in the Commissioner's 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.

Commissioner Maynard moved that the Commission approve the house rules submitted by category three sports wagering operator Crown MA Gaming LLC, DBA DraftKings as included in the Commissioner's 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.

Commissioner Skinner moved that the Commission approve the house rules submitted by category three sports wagering operator Betfair Interactive, DBA FanDuel Sportsbook as included in the Commissioner's 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.

Commissioner O'Brien moved that the Commission approve the house rules submitted by category three sports wagering operator WynnBET as included in the Commissioner's 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.

Chair Judd-Stein noted that some of the category three operators were not launching on March 10, 2023, and that those operators house rules would be approved at a later date.

Mr. Carpenter stated that EBH had updated the language related to how the Commission should be contacted regarding unresolved patron complaints. He noted that all licensees were provided this language from the Commission staff.

Mr. Carpenter stated that MGM Springfield had added a minimum and maximum wagers. He explained that they had deleted a line about payout ratio limits and deleted references regarding wagering on penalties such as yellow cards.

Mr. Carpenter stated that Plainridge Park Casino had added minimum and maximum wagers. He stated that they had cleaned up grammatical errors and changed the language related to parlay wagers to clarify the definition. He stated that language referencing wagering on penalties was removed. Mr. Carpenter noted that all of the category one licensees had addressed their obvious errors provisions as requested at the previous meeting.

Commissioner Hill moved that the Commission approve the amended house rules submitted by the category one sports wagering operator Penn National DBA Plainridge Park Casino as included in the Commissioner's 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.

Commissioner Skinner moved that the Commission approve the amended house rules submitted by the category one sports wagering operator Encore Boston Harbor as included in the Commissioner's 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.

Commissioner Hill moved that the Commission approve the amended house rules submitted by the category one sports wagering operator MGM Springfield as included in the Commissioner's 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.

d. [Operations Certificate for Launch of Category 3 Operators](#) (3:57:50)

Director Band explained that operations certificates were governed by 205 CMR 251. He stated that requests for operations certificates were received from Caesars, BetMGM, DraftKings, FanDuel, Penn Sports Interactive, and WynnBET. He stated that operators were required to comply with General Law Chapter 23N and the Commission's regulations. He stated that in order to receive an operations certificate the operators must have an approved system of internal controls, implement the required policies and procedures, provide the Commission with a list of sports wagering employees, sports wagering vendors, and other vendors. He stated that the operators must also comply with any other conditions imposed by the Commission. He noted that internal controls required the approval of house rules, implementation of the voluntary self-exclusion list and responsible gaming plan.

Director Band stated that Caesars Sportsbook was seeking a waiver in their request for an operations certificate. He explained that in testing Caesars did not initially pass the requirements related to 205 CMR 248.16. He stated that a fix was submitted to Gaming Laboratories International ("GLI") for testing, but that they were still awaiting GLI approval.

Vice President of Product Compliance with Caesars Sportsbook Floyd Barroga stated that Caesars had successfully remedied the issue and that the platform met the requirements of 205 CMR 248.16. Client Solutions Executive from GLI Gabe Benedik stated that Caesars' system was verified and that a letter of compliance would be issued by the end of day. Chair Judd-Stein asked if additional checks would have to be performed by Commission's IT staff. Manager of Gaming Technical Compliance Christian Taveras stated that once the letter was received there would be additional review and verification. Commissioner Skinner asked if there was any reason to believe that the Commission's internal check would not meet requirements. Mr. Taveras replied that there was no concern that the check would not meet requirements.

Mr. Benedik explained that none of the operators had any major or minor non-conformities. Commissioner O'Brien requested that the Commission review and compare the observations in section four of the report. Commissioner Skinner agreed.

CFAO Lennon stated that observations did not impact the internal controls or regulations as written. He noted that if the observations had an impact, they would be considered non-conformities. Commissioner O'Brien requested more information regarding the observation in Barstool Sports' report regarding 205 CMR 254.03(1). Executive Director Wells stated that the observations were not violations that would require the operators to not launch. She stated that the observations were areas the Commission could work with the operators on moving forward. She stated that discussing all observations may take time and would be better suited for a future meeting.

Chair Judd-Stein stated that if the observations were impactful, they would have been moved to non-compliance. She stated that the sports wagering division can look into the observation issues. Commissioner O'Brien requested to review and compare the GLI reports. Commissioner Skinner stated that she was in support of reviewing the reports from GLI but that she did not call into question GLI's judgement. Commissioner Maynard expressed his support for Commissioner O'Brien's request for more information.

Director of Client Solutions from GLI Joe Bunevith explained that some internal controls were not active as the sportsbooks were not currently active. He explained that there was additional auditing that would occur once the operators were live. Client Solutions Executive from GLI

Client Solutions Executive from GLI Thorsten Toms presented the summary of each GLI report from section four. Commissioner O'Brien asked what the difference between verification and auditing were in relation to the audit cycle. Mr. Toms stated that audits would occur at some point in the future and verification was within 90 days.

Executive Director Wells stated that FanDuel had no major or minor non-conformities.

Commissioner Skinner moved that the Commission finds that the requirements outlined in 205 CMR 251 have been satisfied and that an operations certificate be awarded to Betfair Interactive DBA FanDuel Sportsbook for the purposes of operating a category three sports wagering operation commencing March 10, 2023, conditional upon Betfair Interactive DBA FanDuel Sportsbook completing operational audits of wagering procedures and practices and technical security controls as required by the Commission's technical standards governing sports wagering at 205 CMR 243.01(1)(s) and 205 CMR 243.01(1)(x) within ninety days of the commencement of sports wagering operations. 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.

Executive Director Wells stated that Penn Sports Interactive had no minor or major non-conformities identified. Commission O'Brien requested that the Commission circle back at a later point regarding the observation noted for 205 CMR 254.03(1).

Commissioner Hill moved that the Commission finds that the requirements outlined in 205 CMR 251.00 have been satisfied and that an operations certificate be awarded to Penn Sports Interactive for the purposes of operating a category three sports wagering operation commencing March 10, 2023, conditional upon Penn Sports Interactive completing operational audits of wagering procedures and practices and technical security controls as required by the Commission's technical standards governing sports wagering at 205 CMR 243.01(1)(s) and 205 CMR 243.01(1)(x) within ninety days of the commencement of sports wagering operations. Commissioner Skinner seconded the motion.

Commissioner O'Brien offered an amendment to add "D.B.A. Barstool Sports" after Penn Sports Interactive. Commissioner Hill accepted the amendment.

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.

Executive Director Wells stated that DraftKings had no minor or major non-conformities. She stated that DraftKings was in compliance with all regulations.

Commissioner Maynard moved that the Commission finds that the requirements outlined in 205 CMR 251.00 have been satisfied and that an operations certificate be awarded to Crown MA Gaming, LLC, D.B.A. DraftKings, for the purposes of operating a category three sports wagering operation commencing March 10, 2023, conditional upon Crown MA Gaming, LLC, D.B.A DraftKings, completing operational audits of wagering procedures and practices and technical security controls as required by the Commission's technical standards governing sports wagering 205 CMR 243.01(1)(s) and 205 CMR 243.01(1)(x) within ninety days of the commencement of sports wagering operations. 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.

Executive Director Wells stated that WynnBET had no non-conformities identified in the review and no observations indicated in the report.

Commissioner O'Brien moved that the Commission finds that the requirements outlined in 205 CMR 251 have been satisfied and that an operations certificate be awarded to WynnBET for the purposes of operating a category three sports wagering operation commencing March 10, 2023, conditional upon WynnBET completing operational audits of wagering procedures and practices and technical security controls as required by the Commission's technical standards governing sports wagering 205 CMR 243.01(1)(s) and 205 CMR 243.01(1)(x) within ninety days of the commencement of sports wagering operations. 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.

Executive Director Wells stated that BetMGM had no non-conformities identified in review and no observations indicated in the report.

Commissioner Skinner moved that the Commission finds that the requirements outlined in 205 CMR 251 have been satisfied and that an operations certificate be awarded to BetMGM for the purposes of operating a category three sports wagering operation commencing March 10, 2023, conditional upon BetMGM completing operational audits of wagering procedures and practices and technical security controls as required by the Commission's technical standards governing sports wagering 205 CMR 243.01(1) (s) and 205 CMR 243.01(1) (x) within ninety days of the commencement of sports wagering operations. 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.

Executive Director Wells stated that Caesars Entertainment had no non-conformities identified during the review, but that Caesars needed to submit their data security plan to the Commission and fix an incorrect reference. Chair Judd-Stein noted that the Commission was still awaiting the GLI letter and final verification for Caesars. Mr. Bunevith stated that the GLI report was available and sent to the Commission. Commissioner O'Brien requested a follow-up regarding Caesars' data security plan.

Commissioner Skinner stated that Caesars would have to withdraw their request for a waiver once the GLI letter was verified. Mr. Taveras stated that GLI had certified Caesars' platform and that he had verified the signatures on Caesars' platform via screenshare. General Counsel Grossman stated that Caesars no longer needed a waiver as they were now in conformance. Mr. Barroga withdrew Caesars' request for conditional approval.

Commissioner Maynard moved that the Commission finds that the requirements outlined in 205 CMR 251 have been satisfied and that an operations certificate be awarded to American Wagering Inc. DBA Caesar's Sportsbook for the purposes of operating a category three sports wagering operation commencing March 10, 2023, conditional upon American Wagering Inc. DBA Caesar's Sportsbook completing operational audits of wagering procedures and practices and technical security controls as required by the Commission's technical standards governing sports wagering 205 CMR 243.01(1)(s) and 205 CMR 243.01(1)(x) within ninety days of the commencement of sports wagering operations. 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.

5. [Investigations and Enforcement Bureau](#) (5:56:34)

a. Report on Encore Boston Harbor's Non-Compliance with Approved Massachusetts Sports Wagering Catalog

Chief Enforcement Counsel Hall introduced Enforcement Counsel Zachary Mercer. Mr. Mercer stated that there were two incidents of non-compliance at EBH in February of 2023. He noted that this was the second incident of non-compliance from EBH with similar facts. He stated that on February 21, 2023, EBH Senior Vice President and General Counsel Jacqui Krum notified the sports wagering division that EBH inadvertently offered wagering on two unauthorized events. She stated that EBH became aware of the unauthorized events on February 15 and despite actions taken to disable the events, the events were active, and wagers were placed on an NCAA event featuring a team from the commonwealth. She noted that the unauthorized events were identified by a WynnBET trader.

Mr. Mercer stated that the first incident of non-compliance was on a Boston College women's basketball game on February 12. He stated that wagering was available for four hours and that three wagers were placed totaling \$163. He stated that there was one winner with a parlay wager who received \$12.37 from the unauthorized game. He stated that the second incident of non-compliance was regarding a Boston College women's basketball Game on February 19. He

stated that four wagers were placed totaling \$50 and that there was one winning wager redeemed for \$9.09. He stated that all seven bets were placed at a kiosk.

Mr. Mercer stated that IEB had reviewed reports from EBH and their vendor GAN. He stated that Gan reported that the submitted titles for the event did not match the titles on the exclusion list. He stated that GAN had excluded Boston College as a term, but that Boston College Eagles Women was not excluded.

Mr. Mercer stated that GAN had placed Boston College Eagles Women, BC, and BC Eagles to the list of excluded teams. He stated that EBH reported GAN was in the process of implementing additional access for WynnBET traders to have control over the posted offerings. He noted that this would increase the ability for WynnBET traders to suspend wagers quicker. He noted that EBH's twice daily audits were still in place.

Commissioner O'Brien questioned if there was a possible way to code the various teams more clearly. Director Lillios stated that the agenda item was only for a report on the matter, and that the party was not present. Chair Judd-Stein noted that for similar matters of non-compliance the Commission had decided to utilize an adjudicatory hearing. The Commission reached unanimous consensus to have an adjudicatory hearing on this matter. Chief Enforcement Counsel Hall stated that the hearing for the first EBH matter was scheduled for March 14. Deputy General Counsel Monahan stated that the second non-compliance matter from EBH would be heard sometime after March 14.

6. [Community Affairs](#) (6:08:04)

a. Request by City of Medford to Repurpose Community Mitigation Funds

Chief of the Community Affairs Division Joe Delaney presented a request from the City of Medford to transfer money between their transportation planning grants. He stated that Medford had two planning grants, one for the Route 28 Wellington underpass and the other being the South Medford Connector bike-path. He noted that the Massachusetts Department of Transportation ("MassDOT") had taken over the bike-path project, and that there was \$175,604 left in the grant. He stated that the City of Medford requested these funds to be transferred to the Route 28 Wellington underpass project.

Chief Delaney stated that the underpass project would be built by MassDOT once the design plans were developed. He stated that transferring the funds would get the design to 75% where MassDOT would take over. He recommended the transfer of \$175,604 from the South Medford Connector grant to the Route 28 Wellington underpass grant.

Chair Judd-Stein asked if the Commission was capping the contribution at the 75% design level. Chief Delaney clarified that the proposed transfer would get the design level to 75%, but that MassDOT indicated they would take over the project when it reached 75% rather than 100%.

Commissioner Hill moved that the Commission authorize a transfer of \$175,604 from the City of Medford's 2018 transportation planning grant to the City of Medford's 2019 Wellington Route 28 underpass project transportation planning grant for further design of the Route 28 Wellington underpass. 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.

7. [Research and Responsible Gaming](#) (6:16:05)

a. Proposed FY24 Research Agenda

Chair Judd-Stein stated that Director of the Research and Responsible Gaming Division Mark Vander Linden requested this item be moved to a future public meeting to allow for more discussion.

8. [Commissioner Updates](#) (6:16:31)

Commissioner O'Brien requested that the sports wagering division send the online promotions she reported to the other commissioners for review.

9. [Other Business](#) (6:17:56)

Executive Director Wells stated that a disclosure of the appearance of a conflict of interest was filed under General Law Chapter 268A, § 23 (b)(3) related to the sports wagering vendor GeoComply. She stated that GeoComply had provided the Commission with video technology equipment that shows maps of real-time bets being placed on mobile sports wagering. She stated that this technology would be displayed near the entrance of the Commission's office. She stated that the decision to accept this equipment would not influence the Commission's dealings with GeoComply. She stated that the legal department confirmed that the Commission had the authority to appropriately accept this equipment. She stated that the equipment was a television valued at \$596.99, a wall mount valued at \$99.99, and an Apple Mac Mini 2 base model valued at \$599 for a total value of \$1295.98. Chair Judd-Stein stated that it was her understanding that GeoComply worked closely with regulators.

10. [Executive Session](#) (6:20:38)

Chair Judd-Stein read into the record that the Commission anticipates that it would meet in executive session in accordance with G.L. c. 30A, § 21 (a)(3) to discuss strategy relative to potential litigation related to the employment status and associated circumstances pertaining to a former racing official.

Commissioner Skinner requested the discussion set for executive session be postponed due to time considerations. Commissioner O'Brien stated that it would be helpful to receive the procedural posture while outside counsel was on the call. Commissioner Skinner agreed and stated that she wanted to be respectful of the outside counsel's time.

Commissioner O'Brien moved that the Commission go into executive session in accordance with General Law Chapter 30A, § 21 (a)(3) to discuss strategy relative to potential litigation relating to the employment status and associated circumstances pertaining to a former racing official. 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 stated that the public session of the Commission meeting would not reconvene at the conclusion of the executive session.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated March 8, 2023
2. [Commissioner's Packet](#) from the March 9, 2023, meeting (posted on massgaming.com)