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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** September 11, 2024, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 420 5901

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:**

Interim Chair Jordan Maynard  
Commissioner Eileen O'Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner

#### 1. [Call to Order](#) (00:02)

Interim Chair Maynard called to order the 530<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all four commissioners were present for the meeting.

#### 2. [Opening remarks and overview of discussion to follow](#) (00:37)

Interim Chair Maynard provided an overview of the meeting. He said that the Commission was notified through public comments that some individual patrons were limited by sports wagering operators without notification or other information concerning the possibility of their return to wagering. He explained that through public comments, some patrons asked the Commission to consider whether a sports wagering operator should be allowed to limit a wager amount of an individual patron.

Interim Chair Maynard acknowledged that the Commission held a roundtable on the matter on May 21, 2024. He stated for the record that all the operators initially indicated that they would participate in that roundtable, yet only Bally's Interactive, LLC ("Bally's") attended.

Interim Chair Maynard stated the Commission's goal of learning from the diverse opinions of the licensees, betting stakeholders, and the responsible gaming community. He stated that the Massachusetts Legislature legalized sports wagering with the purpose of striking a balance between providing a marketplace of sports wagering for Massachusetts residents who chose to sports wager and for the state to collect the associated tax dollars.

Interim Chair Maynard further clarified the lack of security provided by illegal operators and their lack of contribution to the Massachusetts tax base. He stated that the operators who were present in the meeting were the safest choice for sports wagering.

Interim Chair Maynard provided an overview of the structure for the discussion. He stated that the first part would involve a conversation with representatives of the sports wagering Category 1 and Category 3 Operators. He stated that the second half of the discussion would involve speaking with representatives of patrons, responsible gaming and alternative sportsbook models. Interim Chair Maynard established that the discussion was to be kind and respectful.

3. [Discussion with Sports Wagering Category 1 and Category 3 Operators regarding wager limitations](#) (05:24)

Representatives of the ten operators in attendance briefly introduced themselves and their teams. *A list of these attendees is found on pages 3-4 of the Commissioners' Packet.* Interim Chair Maynard asked the operators to provide details on the limitation of patrons on their platforms and how they may be limited on an individual basis.

Senior Director of Compliance at BetMGM, LLC d/b/a BetMGM ("BetMGM") Sarah Brennan stated that the decision to limit a patron is based on many factors that align with BetMGM's risk management framework. She stated that the limitation of a small minority of players allowed them to offer competitive lines for the rest of the population. BetMGM Deputy General Counsel Jeremy Kolman described some of the tools used to manage risk and liability that applied to all patrons within BetMGM's sportsbook. Additionally, he noted that the factors that contribute to the limitation of advantage players included identifiable betting patterns and were not exclusively result-driven. Mr. Kolman further discussed the specific patron limits which used the stake factors of individual patrons.

Commissioner O'Brien asked for clarification on which team determined factoring down an individual patron. Mr. Kolman replied that the trading team was the one making those decisions. Commissioner O'Brien further asked for clarification on which department would involve this team. Ms. Brennan replied that the trading team within the Operations Department would have had visibility on patron account activity. Commissioner O'Brien asked whether there was use of Artificial Intelligence in analytics. Mr. Kolman stated that he did not have enough information to answer the question, and no experts from the trading team were present on the call.

Commissioner Skinner asked for a definition of an advantage player. Mr. Kolman stated that there was no specific definition but rather involved a holistic analysis of a multitude of factors based on visible behaviors. Commissioner Skinner asked if there were situations where a recreational bettor was deemed an advantage player. Mr. Kolman stated that it was possible for a self-identifying casual bettor to be deemed an advantage player after a review of their betting behaviors.

VP of Product at Betfair Interactive US, LLC d/b/a FanDuel (“FanDuel”) Cory Fox stated that the risk management system at FanDuel was broadly similar to the one described by Mr. Kolman, but FanDuel’s wager limits allowed them to manage their liability exposure. He noted that the number of users that were limited was small. Interim Chair Maynard noted that there was a possibility that some people were misidentified as advantage players.

Sr. Director of Regulatory Operations at Crown MA Gaming, LLC d/b/a DraftKings (“DraftKings”) Jake List added that DraftKings’ limitations are tailored to the specific behaviors of a player and would not restrict their involvement in other aspects of the platform. VP of Regulatory Affairs at FBG Enterprises Opco, LLC d/b/a Fanatics Betting & Gaming (“Fanatics”) Alex Smith noted that while mistakes with customer accounts in risk management review were made regarding account restrictions, restricting a casual customer was not the goal of the program.

Mr. Fox commented that the operators’ ability to have flexible wagering limits allowed them to offer more markets at a higher wagering limit for a vast majority of customers, which positively contributed to the legal wagering market with higher taxable revenue.

Chief Operating Officer & Head of Sports at American Wagering, Inc. d/b/a Caesars Sportsbook (“Caesars”) Ken Fuchs described a variety of criteria, with examples, which would lead to limitations. Interim Chair Maynard asked if bots posed a problem that needed further attention. Mr. Fuchs described the computer program activity that was monitored, noting that the bots were often attached to legitimate players to place rapid bets. Mr. Fuchs added that their platform attempted to align risk management in a way that allowed as much flexibility as possible and protected the vast majority of customers.

Commissioner Skinner asked if winning factored into the determination to limit a patron and, if so, in what ways. Mr. Fox answered that FanDuel’s review was based on the types of markets that an individual wagered on, types of wagers and the outcomes of the wagers, all of which provided insight into decisions for future wagers. Mr. Smith added that an individual’s behavior was the driving factor behind the decisions made by Fanatics.

Commissioner Skinner asked if an individual who won a significant amount after a losing pattern constituted a concern to the risk management team. Mr. Fuchs stated that it did not constitute a scenario for concern at Caesars, and it was not a pattern signifying that the individual was an advantage player.

Commissioner O'Brien asked why shutting down a specific time when an individual could bet on a game, taking into account the lag time in a game feed, was not an implemented solution for courtsiding. Mr. Fox stated that due to technological difficulties, it was a challenge to calibrate the timing of the game feeds. Commissioner O'Brien noted that she would rather they fix the feeds on the technical end, rather than cut off a customer's experience and potentially push them into illegal markets.

Commissioner O'Brien asked if the operators sent any notifications to the customers regarding their limitations. Mr. Fox restated that very few users were limited on FanDuel and described how an individual may find out about their limitations. Commissioner O'Brien added that there could be a communication sent to the customer that alerted them to their limitations.

Commissioner O'Brien asked why removing the limitations and revising the lines using sharp bets was not a viable model. Mr. Fox stated that bets from individual users who were limited still went through, which allowed them to obtain information on their patterns. He also indicated that FanDuel applied limitations for individual bettors as well as across the board. Commissioner O'Brien asked whether there was potentially a middle ground involving a limitation on what operators could limit, for example, requiring a minimum win. Mr. Fox mentioned the limited examples where that was done in Australia and Spain. In those examples, revenue for operators plummeted. Mr. Fuchs added that a generic statement sent to the user could be misleading since it did not cover the real-time nature of the business.

Mr. Smith stated that when Fanatics sent notifications to customers, they received nasty responses, proving that the notification was unsatisfactory to the customer. Mr. Smith further noted that a non-limited customer would see a message if their maximum wager was over the limit for the market, comparing that situation to the limitations placed on a limited customer. Commissioner O'Brien pointed out the difference between knowing what the maximum wager for the market was and the individual's limited wager. Mr. List added that waiting to improve the technology dealing with game feed delays could provide a poor experience for the majority of customers. Mr. List also stated that increasing detail in disclosures to customers would help those customers evade the control.

Interim Chair Maynard asked if there could be a general notification sent to customers involving a general ratio or outline of their limits. He clarified that the Commission received complaints from limited customers and was concerned about casual bettors that were caught in the controls set for non-casual bettors. Mr. Fox stated that the majority of users who wrote to the Commission knew why they were limited, and FanDuel was willing to work with the Commission on improved transparency. Ms. Brennan added that casual bettors caught up in the analysis by BetMGM had their issues resolved, and she raised the consideration of improved clarity in terms of service or house rules about what behaviors could negatively impact customers.

Commissioner O'Brien asked about the perception in the online market in which a customer was enticed to place bets until they ran out of money or found themselves banned. Mr. Fox, Mr. Smith, and Ms. Brennan disagreed with the notion, citing their teams' programs which are designed to protect people from gaming harm. They further noted the small percentage of winning users that got limited. Commissioner O'Brien raised concern with the VIP programs. Mr. Fuchs reassured the commissioners that customers were not being banned for winning.

Commissioner Hill raised the need to get the facts and the need to do the right thing by their consumers and operators. Commissioner O'Brien followed up by stating the need for more clarity on the data in the problem areas. Commissioner Skinner also raised the need to see the data.

Interim Chair Maynard thanked the operators for their contributions.

*Transcriber's note: The Commission went on a break at [1:16:24](#) and returned at [1:28:33](#).*

4. [Discussion with representatives of patrons, responsible gaming and alternative sportsbook models regarding wager limitations](#) (1:28:33)

Interim Chair Maynard announced the return of the Commission. Roll call attendance was conducted, and all four commissioners were present for the meeting.

Patrons and responsible gaming representatives introduced themselves. *A list of these attendees is found on page 4 of the Commissioners' Packet.*

Interim Chair Maynard asked whether, since individual player limits were industry practice for those customers on a winning streak, there was an opportunity for the usage of the same logic for responsible gaming purposes.

Founder and Chief Executive Officer of Doura-Schawohl Consulting LLC Brianne Doura-Schawohl showed appreciation for the data-driven decision-making of the operators but noted that there was a statistic from the National Council on Problem Gambling indicating that around 5% of any active player base could be struggling with a problem. She highlighted a fear that sometimes responsible gaming had been used as a justification for limiting players for winning. Interim Chair Maynard noted that the previous panelists stated that going on a winning streak did not necessarily cause a limit to be imposed.

Chief Executive Officer of the Massachusetts Council on Gaming and Health Marlene Warner agreed with the operators that the conversation covered a small percentage of people. Ms. Warner pointed out that oftentimes, there was not a distinction between VIPs and people with gambling problems. Ms. Warner asked for further transparency from the operators regarding their terms and conditions.

Executive Chairman of Prime Sports Joe Brennan raised a concern that limiting could be exploited by operators, such as in cases where aspiring professional players were told they were limited due to an investigation for responsible gaming issues.

Chief Executive Officer of Bettors Voice Richard Scheutz emphasized the need for further data analysis and comparison to better understand the problem.

Podcast host, columnist, and writer David Hill reemphasized the question about whether VIP players were problem gamblers, while also being the highest profitable players for operators. He stated his concern that sportsbooks profiled bettors that could win over time and took measures against them.

Ms. Doura-Schawohl raised a concern that individuals were being punished for winning and high wager bettors were being rewarded for losing a lot. She stated that there was an issue in advertising where a customer was invited to play and win but might be cut off for winning a lot. She further noted the existing lack of transparency around communications to customers regarding the limitations. Mr. Hill noted that the main benefits of being a VIP to a sportsbook only brought benefits after losing.

Mr. Scheutz noted the change in the betting industry from risk management to risk avoidance. He followed up by saying that this shift produced growth for the illegal market.

Interim Chair Maynard asked if the illegal markets would limit the customer after witnessing the same types of behaviors. Mr. Brennan responded by stating that the illegal market was not more monolithic than the regulated market. Mr. Brennan stated that the sportsbook model based on limitations prioritized marketing and player acquisition and intended to limit players that showed tendencies of winning.

Interim Chair Maynard asked about situations when Prime Sports limited a player. Mr. Brennan stated that Prime Sports did not limit players, as it guaranteed any player the ability to bet the maximum amount for any given market. Interim Chair Maynard asked if those players were removed. Mr. Brennan responded by stating that the players who were deemed to be advantage players in recreation sportsbook were allowed to place their bets with Prime Sports, thus helping Prime Sports define their lines. Mr. Brennan stated that he leveraged the wagers of sharp bettors to adjust the markets.

Commissioner O'Brien clarified that one of the rationales for limiting could be anti-money laundering efforts; however, it appeared that a response to those efforts would be exclusion or banning. Mr. Brennan stated that if a player did not pass the Know Your Customer protocol processes or meet anti-money laundering standards, they never got a start with Prime Sports. Commissioner O'Brien asked if Prime Sports made their own lines, rather than receiving them from someone else. Mr. Brennan confirmed that Prime Sports makes their own lines.

Mr. Schuetz proposed a metaphor where an art auction banned buyers who knew anything about art, drawing a comparison with sportsbooks which limited knowledgeable players.

Freelance sports betting writer Jeff Edelstein cited his understanding of the reasons for limitations and expressed his frustration with those reasons.

Mr. Schuetz brought up the notion that if sportsbooks were not able to keep up with courtsiders because of technological difficulties related to the game feeds, they should not offer those markets.

Interim Chair Maynard asked Mr. Brennan to compare the size of Prime Sports offerings with the offerings in Massachusetts from licensed operators. Mr. Brennan stated that the companies in Massachusetts were large publicly traded companies, while Prime Sports was a brand-new company, thus having a smaller scale of operation. Mr. Brennan stated that the largest companies focused on providing parlay bets, giving the players more dependent picks and lowering the chance of winning the wager. Mr. Brennan said that by providing a large array of these prop markets, these companies overextended and offered too many products that they could monitor in real-time for changes. Mr. Brennan added that Prime Sports offers fewer parlay options as the type of players they attract are not interested in them.

Ms. Warner restated the necessity for transparency from the sportsbooks and the lack of communication with the players. She further noted an opportunity for sportsbooks to implement a customer review with the ability for customers to see what direction they were trending in and sharing that data with the regulatory body.

Interim Chair Maynard asked whether, under the assumption that bettor limitations were ongoing, notifications would be helpful and consumer friendly and what they would look like. Mr. Schuetz stated that the notification should include reference to the operator's terms and conditions but said that typical terms and conditions were unintelligible for the average bettor. Mr. Edelstein added that reaching out to customer service is never helpful.

Interim Chair Maynard asked whether, when an individual received a notification about a limitation, that notification would have led them to potentially manipulate the lines. Mr. Edelstein said that as a recreational bettor, he would have moved on to a different sportsbook. Mr. Hill said that posted limits were the fairest way of handling limits according to players. Mr. Brennan claimed that Prime Sports posted the limits in a bet slip, but the pricing was dynamic. Mr. Brennan clarified that when an advantage player placed a bet, the price might be adjusted after the bet was placed. Mr. Edelstein provided an example where FanDuel showed a market limit for a specific bet before logging into an individual's account and an individual's specific limit after login. Mr. Schuetz shared a suspicion among players about situations when a certain bet was rejected and then the line was adjusted.

Commissioner O'Brien asked these participants for questions that needed to be asked of the operators or the patrons. Mr. Brennan suggested asking the following of the operators as well as of the Commission itself: if the operators are limiting players in Massachusetts who are willingly attempting to enter a regulated market, what is the alternative for those players? Mr. Hill shared his experience with offshore markets in Costa Rica which witnessed a return of customers who were originally in the regulated markets but left due to limitations. Mr. Schuetz shared his opinion that the regulators needed to take charge in acquiring data from the operators and

showed admiration for the Commission’s curiosity. Interim Chair Maynard expressed pride in the Commission having the conversation and stated that the priority of the Commission was the people of Massachusetts.

Interim Chair Maynard asked for more questions that needed to be asked of operators and patrons. Ms. Doura-Schawohl raised the question of whether the risk mitigation efforts that the operators were taking were coming at the expense of the consumers, and how aware of this relationship were the consumers. Ms. Doura-Schawohl further raised concerns about advertising and limitations as related to anti-money laundering efforts. Ms. Warner noted the importance of the Commission in the process of player protection and data collection. Ms. Warner added that integrity and collusion were also a part of gambling problems. Ms. Doura-Schawohl noted the need for transparency on responsible gaming problems before they got linked to the corporate structure of an operator.

Commissioner O’Brien stated that anyone listening to this meeting can send information to the Commission on this topic.

Interim Chair Maynard summarized the importance of the discussions on this topic. He stated that the Commission would not sacrifice getting an issue right for the sake of expediency.

5. [Other Business](#) (2:39:21)

Hearing no other business, Interim Chair Maynard 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.*

*Interim Chair Maynard: Aye.*

*The motion passed unanimously, 4-0.*

**List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda](#) dated September 9, 2024
2. [Commissioners’ Packet](#) from the September 11, 2024 meeting (posted on [massgaming.com](#))