

205 CMR 235.00: SPORTS WAGERING OCCUPATIONAL LICENSES

Section

- 235.01: Sports Wagering Employees Requiring Occupational Licenses
- 235.02: Forms; Fingerprinting
- 235.03: Submission by Applicants; Fee
- 235.04: Investigation, Determination, and Appeals for Occupational Licenses
- 235.05: Affirmative License Standards for Occupational Licenses
- 235.06: Temporary Occupational Licenses
- 235.07: Administrative Closure of Applications for Occupational Licenses
- 235.08: Term of Occupational License; Renewal
- 235.09: Duties of Licensees
- 235.10: Disciplinary Action
- 235.11: Application following Denial or Revocation

235.01: Sports Wagering Employees Requiring Occupational Licenses

(1) Requirement for Licensure.

(a) No Person shall perform duties directly related to the operation of Sports Wagering in a supervisory role on behalf of a Sports Wagering Operator unless the Person has obtained an Occupational License in accordance with 205 CMR 235.00.

(b) Notwithstanding 205 CMR 235.01(a), the following persons do not have to obtain Occupational Licenses:

1. Any Qualifier to a Sports Wagering Operator pursuant to 205 CMR 215;
2. Any person licensed, qualified, or registered as a Key Gaming Employee or in association with a Gaming Vendor pursuant to 205 CMR 134.00: *Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations*; or
3. Any person licensed, qualified or registered in association with a Sports Wagering Vendor pursuant to 205 CMR 234.00.

(2) Persons who perform duties directly related to the operation of Sports Wagering in a supervisory role on behalf of a Sports Wagering Operator shall include:

(a) An individual holding one of the following positions, and any person in a similar or equivalent position, regardless of job title, whose employment relates to Sports Wagering:

1. Assistant General Manager;
2. Gaming or Sports Wagering Manager;
3. Chief of Security;
4. General Manager;
5. Chief Surveillance Officer;
6. Chief Compliance Officer;
7. Principal executive officer;
8. Principal accounting officer;
9. Chief Information Officer;
10. Chief Technology Officer;

(b) An individual holding one of the following positions, and any person in a similar or equivalent position, regardless of job title, whose employment relates directly to Sports Wagering:

1. Electronic gaming device manager;
2. Information technology manager;
3. Software development manager;
4. Shift supervisor of an in-person Sports Wagering department, or a shift supervisor in surveillance, cage, or player development whose work relates directly to sports wagering;
5. Other managerial employees who are not identified in 205 CMR 235.01(2)(a) and (b), but who are empowered to make discretionary decisions which impact Sports Wagering operations.

235.02: Forms; Fingerprinting

(1) Occupational License Application Form. Every Person applying for an Occupational License shall be obligated to complete and submit an Occupational License Application Form to the Division of Licensing. Said forms shall be created by the Bureau, subject to the approval of the Commission. The Bureau may create different Occupational License Application Forms for different categories of applicants. The Division of Licensing may make non-material changes to the forms. The Occupational License Application shall require, at a minimum, the following information:

- (a) The name of the Applicant;
- (b) The address of the Applicant;
- (c) A detailed employment history of the Applicant, as prescribed by the Bureau;
- (d) The fingerprints of the Applicant;
- (e) The Applicant's criminal and arrest record; and
- (f) Any civil judgments obtained against the Applicant pertaining to antitrust or security regulation.

(2) The Bureau may require the Applicant to provide additional information, as set forth in the application forms, including, but not limited to:

- (a) information related to the financial integrity of the Applicant;
- (b) bank accounts and records of the Applicant;
- (c) bank references for the Applicant;
- (d) business and personal income and disbursement schedules of the Applicant;
- (e) tax returns and other reports filed by government agencies regarding the Applicant; and
- (f) business and personal accounting check records and ledgers of the Applicant.

(3) Fingerprinting. Each Applicant for an Occupational License shall be fingerprinted under the supervision of the Commission in accordance with the procedures in 205 CMR 134.13: *Fingerprinting*.

235.03: Submission by Applicants; Fee

(1) An application for the initial issuance of an Occupational License shall include:

- (a) an Occupational License Form, as set forth in 205 CMR 235.02(1) and (2);
- (b) Proof of an offer of employment from a Sports Wagering Operator in the manner prescribed by the Division of Licensing. Ongoing employment with an Operator is a prerequisite for an application for licensure to remain a valid application not subject to administrative closure in accordance with 205 CMR 235.07;

(2) Each Applicant shall file a complete application pursuant to 205 CMR 235.03(1) with the Division of Licensing in the manner prescribed by the Division of Licensing. The Division of Licensing shall not accept an incomplete application.

(3) Fee.

- (a) A non-refundable fee of \$100 for an initial application and \$100 for a renewal shall be paid at the time of application for occupational licensure.
- (b) The provisions of 205 CMR 134.15(5) concerning employer payment and payroll deductions shall apply to the fees described in 205 CMR 235.03(3)(a).

235.04: Investigation, Determination, and Appeals for Occupational Licenses

The investigation of, determination on, and any appeal resulting from an Occupational License Application shall follow the processes set forth in 205 CMR 234.04(1) through (3).

235.05: Affirmative License Standards for Occupational Licensees

(1) An Applicant for an Occupational License shall establish their suitability by clear and convincing evidence.

235.05: continued

(2) In determining whether an Applicant for an Occupational License is suitable for purposes of being issued an Occupational License, the Bureau shall evaluate and consider the overall reputation of the Applicant consistent with 205 CMR 234.05(2), deny an application for any of the reasons set out in 205 CMR 234.05(3), and consider rehabilitation and the Applicant's age consistent with 205 CMR 234.05(4).

235.06: Temporary Occupational Licenses

(1) Notwithstanding any other provision of 205 CMR 235.00, upon petition to the Commission by an Operator, the Commission may issue a temporary Occupational License to an Applicant for an Occupational License if:

- (a) the Applicant for an Occupational License has filed a completed application with the Commission and has submitted all of the disclosure forms as required by the Division of Licensing;
- (b) the Operator certifies, and the Bureau finds, that the issuance of a temporary Occupational License is necessary for the operation of Sports Wagering and is not designed to circumvent the normal licensing procedures; and
- (c) the Operator certifies that, to the best of its reasonable knowledge and belief, the proposed temporary Occupational Licensee meets the qualifications for licensure pursuant to 205 CMR 234.05 and that the Operator understands that it may be denied an Operator License if it has willfully, knowingly or intentionally provided false or misleading information regarding the proposed vendor.

(2) An Applicant for an Occupational License on or before August 31, 2023 shall demonstrate its suitability for temporary licensure upon certification by the Applicant under the pains and penalties of perjury that the Applicant:

- (a) is not disqualified under one or more of the criteria listed in 205 CMR 234.05(3);
- (b) is properly licensed or registered, and in good standing, to conduct the same operations in every other jurisdiction where they are employed in an equivalent position; and
- (c) has disclosed any other information not previously disclosed of which it is aware or reasonably should be aware which would negatively impact a determination on the Applicant's suitability for an Occupational License.

(3) On or after September 1, 2023, a temporary Occupational License shall issue, unless:

- (a) A preliminary review of the Applicant shows that the Applicant is disqualified under one or more of the criteria listed in 205 CMR 234.05(3); or
- (b) A preliminary review of the Applicant shows that the Applicant will be unable to establish his or her qualifications for licensure under the standards set forth in 205 CMR 234.05(1).

(4) If an Applicant for a temporary Occupational License is licensed or registered in another jurisdiction within the United States with comparable license and registration requirements, as determined by the Bureau, and is in good standing in all jurisdictions in which they hold such a license or registration, the Commission may issue the Applicant a temporary Occupational License; provided, however, that the Commission shall reserve its rights to investigate the qualifications of an Applicant at any time.

(5) Unless otherwise stated by the Commission, a temporary Occupational License issued under this 205 CMR 235.06 shall expire upon issuance of a full Occupational License or upon suspension or revocation of the temporary Occupational License, and in any event no later than the term of the license as set forth in 205 CMR 235.08(1).

235.07: Administrative Closure of Applications for Occupational Licenses

Applications for Occupational Licenses shall be subject to the provisions of 205 CMR 234.08.

235.08: Term of Occupational License; Renewal

(1) Term. Occupational Licenses shall expire on March 1st of the third calendar year following the issuance or renewal of the license.

(2) Renewal

(a) Not later than the expiration date of the Occupational License, an Occupational Licensee shall submit a renewal application on a form established by the Commission.

(b) If an Occupational Licensee has made timely and sufficient application for a renewal, the Applicant's existing license shall not expire and the Applicant shall remain in good standing until the Bureau has issued a decision on the application. If a renewal application is received after the expiration date and the license expires before the Commission issues a new license, the Person shall not conduct business with an Operator until a new license is issued.

(c) It shall be the responsibility of the Occupational Licensee to ensure that their license is current.

235.09: Duties of Licensees

All Occupational Licensees shall have the same duties and obligations required of gaming vendor Applicants, licensees, and registrants pursuant to 205 CMR 134.18.

235.10: Disciplinary Action

An Occupational Licensee may be disciplined in the same manner, for the same reasons, and through the same process set forth in 205 CMR 232.00: *Discipline of Sports Wagering Operators and Other Licensees, and Registrants*.

235.11: Application Following Denial or Revocation

No individual who has been denied a license or has had their license revoked pursuant to 205 CMR 235.10 may reapply for the same license prior to two years from the date of denial or revocation. If an individual has appealed the denial or revocation of their license, the two-year period shall begin to run from the date that the denial or revocation is affirmed pursuant to 205 CMR 101.00: *M.G.L. c. 23K Adjudicatory Proceedings* or otherwise pursuant to M.G.L. c. 30A.

REGULATORY AUTHORITY

205 CMR 235.00: M.G.L. c. 23N, §§ 4, 8(a) through (d).