



NOTICE OF MEETING AND AGENDA

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, and Chapter 107 of the Session Acts of 2022, notice is hereby given of a meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

Wednesday | November 13, 2024 | 10:00 a.m.
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 112 245 2618

Please note that the Commission will conduct this public meeting remotely utilizing collaboration technology. Use of this technology is intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public. If there is any technical problem with the Commission's remote connection, an alternative conference line will be noticed immediately on www.massgaming.com.

PUBLIC MEETING #181

1. Call to Order – Jordan Maynard, Chair
2. Minutes from Commission Agenda Setting Meetings
 - a. October 31, 2024 **VOTE**
3. Agenda Planning for Upcoming Public Commission Meetings. (See following pages.)
4. Commissioner Updates
5. Other Business – Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to: regs@sec.state.ma.us. Date Posted to Website: November 8, 2024 | 10:00 a.m. EST

November 8, 2024

Jordan M. Maynard, Chair

If there are any questions pertaining to accessibility and/or further assistance is needed, please contact Grace Robinson at Grace.Robinson@massgaming.gov



Massachusetts Gaming Commission

MASSACHUSETTS GAMING COMMISSION
AGENDA PLANNING

UPCOMING MEETING SCHEDULE

Date	Type	Topic/Note
14-Nov	CMF Grantee Visit	Holyoke Community College
20-Nov	Adjudicatory Hearing	DraftKings
21-Nov	Public Meeting	
26-Nov	Agenda Setting	Thanksgiving Week
5-Dec	Public Meeting	
11-Dec	Agenda Setting	
16-Dec	Public Meeting	Monday meeting
18 Dec - 19 Dec	Adjudicatory Hearing	DraftKings Suitability
9-Jan	Public Meeting	
15-Jan	Agenda Setting	
23-Jan	Public Meeting	
29-Jan	Agenda Setting	
30-Jan	Adjudicatory Hearing	PSI Suitability

MEETING DATE
Thursday, November 21, 2024

#	Agenda Item Topic	MGC Representative	Time (minutes)
1	Administrative Update	Serpa, D.	
2	Meeting Minutes	Skinner, N.; Young, J.	
3	Regulations	Grossman, T.	
4	Sports Wagering: Tomorrow's Golf League Fanatics House Rules	Torrisi, C.	15
5	Seal of Approval Roll Out Update	Mills, T.; Torrisi, C.	
6	Sports Wagering Kiosk Study	Vander Linden, M.	30
7	Follow Up on Wager Limitations Public Meeting	All Commissioners; Serpa, D.	30
8	Quarterly Reports	Delaney, J.	60
9	Request for reconsideration related to MGM Springfield Garage directive	Grossman, T.; Monahan, C.	60
10	Matter related to Penn/HG Vora Board of Directors	Grossman, T.	45
11	Potential Transfer of Interest related to Bally's	Grossman, T.	60
Total Time			300

MEETING DATE
Thursday, December 5, 2024

#	Agenda Item Topic	MGC Representative	Time (minutes)
1	Administrative Update	Serpa, D.	
2	Meeting Minutes	Skinner, N.; Young, J.	
3	Legislative Update	Hill, B.	
4	Regulations: 205 CMR 15.05	Grossman, T.	30
5	Sports Wagering:	Torrisi, C.	
6	Race Horse Development Fund benefits for drivers and jockeys	Lightbown, A.	
7	Amendment of 2024 Plainridge Racing Meeting License (no. of race days)	Lightbown, A.	
Total Time			30

MEETING DATE
Thursday, December 16, 2024

#	Agenda Item Topic	MGC Representative	Time (minutes)
1	Administrative Update	Serpa, D.	
2	Meeting Minutes	Skinner, N.; Young, J.	
3	Legislative Update	Hill, B.	
4	Regulations: 205 CMR 15.05 - vote of authorization	Grossman, T.	15
5	Sports Wagering:	Torrisi, C.	
6	Approval of Plainridge, Suffolk, Raynham Simulcast Locations, Premium Free Periods, and Account Wagering Providers	Lightbown, A.	
Total Time			15

UNDER REVIEW

#	Agenda Item Topic	MGC Representative
1	Compliance Committee	O'Brien, E.
2	HCA compliance update (All Properties)	Skinner, N.; Delaney, J.
3	DPH Report - Equity Pillars & Problem Gambling	O'Brien, E.; Hill, B.
4	Discussion of Illegal Markets	Skinner, N.; O'Brien, E.; Grossman, T.
5	Possible Adoption of Blocking Software	Vander Linden, M.
6	Bally's 90 Day Audit	Taveras, C.
7	Update of Responsible Gaming Framework	Vander Linden, M.
8	Early Economic Impact of Sports Betting in the Commonwealth	Vander Linden, M.; Andrews, B.
9	Compliance Update Reports	Torrisi, C.
10	Staff Evaluations	All Commissioners

Assigned meeting dates are subject to change.



Massachusetts Gaming Commission Agenda Setting Meeting Minutes

Date/Time: October 31, 2024 – 10:00 a.m. EST

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 111 085 0810

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure adequate, alternative means of public access to the Commission’s deliberations for any interested member of the public.

1. Call to Order

Chair Jordan Maynard called Agenda Setting Meeting #180 of the Massachusetts Gaming Commission (“Commission”) to order at 10:01 A.M.

Quorum was confirmed for the meeting by roll call. The following Commissioners were present for the meeting:

*Chair Jordan Maynard
Commissioner Eileen O’Brien
Commissioner Bradford R. Hill
Commissioner Nakisha Skinner*

2. Approval of Meeting Minutes

- a. October 16, 2024

Commissioner Skinner moved to approve the minutes from the October 16, 2024 agenda setting meeting, subject to necessary edits for typographical errors or non-material matters. Commissioner Hill seconded.

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>Chair Maynard</i>	<i>Abstain.</i>

The motion passed 3-0.

3. Agenda Planning for Upcoming Commission Meetings

The Commission discussed the anticipated agendas for the upcoming meetings scheduled and additional agenda items for subsequent meetings described in the attached agenda planning notice, as follows:

Items For Public Meeting – November 7, 2024 – 10:00 AM EST

Item #1 – Administrative Update – This item was confirmed by Executive Director Serpa. He confirmed that the Division of Research and Responsible Gaming would provide an overview and discussion of the Safe Bet Act.

Item #2 – Meeting Minutes – Commissioner Skinner confirmed that the minutes for August 17, 2023, September 13, 2023, September 18, 2023, September 21, 2023, and October 19, 2023, would come forward.

Item #3 – Legislative Update – Commissioner Hill noted that this agenda item would not go forward.

Item #4 – Regulations – Deputy General Counsel Stempeck noted that 205 CMR 238.12 would come forward. CFAO Lennon and outside counsel Mina from A&K would attend the meeting to discuss options. In addition, regulation 205 CMR 257 would come forward regarding data privacy protection clarifications. Staff Attorney Birarelli stated that 205 CMR 107 would come forward at the next meeting as well.

Item #5 – Sports Wagering – Director Torrisi stated that the Division would have a brief update on compliance with the data privacy regulation, in conjunction with the legal division regarding 205 CMR 257. *The Fanatics House Rules update was moved to the November 21 meeting.*

Add-on Item – Final Vote of Community Mitigation Fund Guidelines – Chief Delaney confirmed an agenda item for the Commission’s review and finalization of the 2025 Community Mitigation Fund Guidelines.

Item #6 – Gaming Licensee Quarterly Reports – Chief Delaney noted that the Licensees’ Quarterly Reports would be presented at the November 21 meeting.

Add-on Item – Procurement Threshold Discussion – CFAO Lennon confirmed that this item, which was previously under review, could go forward on November 7, 2024.

Add-on Item – Executive Session – Collective Bargaining Agreement – Executive Director Serpa confirmed this is coming forward.

Add-on Item – Racing Division – 2023 Annual Report – Director Lightbown requested addition of the 2023 Annual Report for the Racing Division.

Items For Public Meeting – November 21, 2024 – 10:00 AM EST

Item #1 – Administrative Update – This item was confirmed by Executive Director Serpa.

Item #2 – Meeting Minutes – Commissioner Skinner confirmed that minutes would come forward at this meeting.

Item #3 – Legislative Update – Commissioner Hill noted that this agenda item would not be necessary.

Item #4 – Regulations – General Counsel Grossman noted that no regulations were anticipated on this date.

Add-on Item – Legal Division – Public Discussion and Executive Sessions - General Counsel Grossman requested executive sessions to discuss three issues.

The first issue pertained to the MGM garage and the previous Commission issued directive to the company relative to the garage. MGM submitted a request for reconsideration, essentially asserting a lack of opportunity to explain their position to the Commission. Counsel Grossman requested for feedback of how the Commission would like to respond to their request, which included options: allowing MGM to present their position at a public meeting or a scheduled adjudicatory hearing on the matter, or the Commission could mandate compliance with the directive as it presently exists. Counsel Grossman suggested that this item may be ready to bring forward on November 7 or November 21. Caitlin Monahan, Director of the IEB said the IEB could be ready next week. *Commissioner's consensus is to present this item on November 21.* Additionally, the Commissioner's discussed providing a stay on the directive until the matter is heard, in consideration of the deadline for compliance.

The second issue Counsel Grossman noted regarded a company called HG Vora which was an institutional investor for Penn Entertainment. That designation of institutional investor status was removed by the IEB based on some interactions with Penn. Once that occurred, HG Vora was advised that, pursuant to 23K section 14C, it may not take any actions to influence Penn until HG is determined suitable by the commission. Materials have been submitted and the IEB is presently investigating. The arising issue is that HG Vora would like to nominate new members to Penn's board of directors and the likely time frame for nominations must be submitted by HG Vora in early 2025. The question is whether such an act is permitted under the statute. Counsel Grossman suggested this be added on the agenda for the November 21 public meeting to allow time to review materials. *Consensus by the commissioners to add this item to November 21 public meeting.*

The final issue for discussion is Bally's Interactive which has been awarded the temporary category 3 sports wagering license. At the time of the application a company named Standard General held and still holds approximately 26% interest in Bally's Corp (the parent company of Bally's Interactive). An individual, Mr. Kim, through his company would like to secure a bigger piece of Bally's. The staff has advised Bally's this is a transfer of interest. Bally's has advanced an argument that this transaction should not be considered a transfer of interest and should

instead be processed as an amendment to the initial license application. Bally's also raised a corresponding issue related to the trust requirement under the transfer of interest regulations. Counsel Grossman stated as we continue to discuss with Bally's a manageable resolution of some of these legal issues, perhaps we mark it for review at the November 21 meeting. He further noted, as has been done with each other transfer of interest that the Commission has reviewed, the Legal Division has asked the petitioners to appear before the Commission to introduce the transaction, provide an overview and provide copies of the trustee agreement so the Commissioner's may review the pertinent documents before the interim authorization hearing that would subsequently be conducted. Counsel Grossman proposed the petitioner provide an introduction to the transaction or discuss some of the legal issues, if unable to be resolved, at the November 21 meeting. Director Monahan noted that if the Commission decides to have Bally's come in to provide an overview of the transaction the IEB would like a chance to respond if they felt anything needed to be said to the Commission to give the full picture. *Consensus was reached by the Commissioner's to move forward on November 21* (and if necessary, the matter could be marked up for adjudication later).

Item #5 – Sports Wagering – Director Torrisi confirmed that the Seal of Approval Rollout Update would come forward. She also requested an agenda item for discussion of Tomorrow's Gold League and Fanatics House Rules.

Item #6 – Sports Wagering Kiosk Study – Dr. Bonnie Andrews confirmed this item would come forward.

Item #7 – Follow up on Wager Limitations – Executive Director Serpa confirmed this item would come forward and noted that staff was working to prepare for this discussion.

Add-on Item – Quarterly Reports – *This item was moved from the November 7, 2024, public meeting agenda. Due to time concerns, this item could be moved to December 5.*

Items For Public Meeting – December 5, 2024 – 10:00 AM EST

Item #1 – Administrative Update – *This item was tentatively confirmed.*

Item #2 – Meeting Minutes – *This item was tentatively confirmed.*

Item #3 – Legislative Update – *This item was tentatively confirmed.*

Item #4 – Regulations – Associate General Counsel Young requested an agenda item to discuss promulgation of 205 CMR 15.05 on advanced deposit wagering.

Item #5 – Sports Wagering – *This item was tentatively confirmed.*

Add-on Item – Quarterly Reports – Chief Delaney tentatively confirmed this item and noted that he would confirm with the licensees if their quarterly reports could be moved from November 21 to the December 5 public meeting.

Add-on-Item – Racing Division – Approval of Jockey’s Guild – Dr. Lightbown requested an agenda item for discussion of a disbursement from Racehorse Development Fund for the Jockey’s Guild which should be addressed before the new year. Dr. Lightbown referenced last year’s document for public comment with the Commission, which she noted could be adjusted with information for this year and posted for public comment. Commissioner Skinner requested that the Commission have the opportunity to review what was posted last year prior to its publication this year for public comment. *This item was ultimately not assigned a public meeting date, however Commissioners reached consensus that it would ultimately come forward for discussion prior to the end of 2024.*

Add-on-Item – Racing Division – Amending PGR Racing License – Dr. Lightbown also requested an agenda item and accompanying vote to amend PPC’s 2024 Racing Meeting License regarding their number of race days, as a couple of racing days that needed to be cancelled due to weather.

Items For Public Meeting – December 16, 2024 – 10:00 AM EST

Item #1 – Administrative Update – *This item was tentatively confirmed.*

Item #2 – Meeting Minutes – *This item was tentatively confirmed.*

Item #3 – Legislative Update – *This item was tentatively confirmed.*

Item #4 – Regulations – Associate General Counsel Young requested a second agenda item for 205 CMR 15.05, requesting a vote of authorization and review of the small business impact statement and proposed version of the regulation.

Item #5 – Sports Wagering – *This item was tentatively confirmed.*

Add-on Item- Racing Division – Dr. Lightbown requested an agenda item for the discussion of Simulcasting import and export, premium free periods, and account wager providers. She noted that this request will need to have approval before January 1, 2025.

Items Under Review for Future Meetings:

Item #1 – Compliance Committee – Commissioner O’Brien confirmed that this agenda item would remain under review.

Item #2 – HCA Compliance Update (All Properties) – Commissioner Skinner and Chief Delaney confirmed that this item would remain under review. He anticipated an update would occur before the end of the year.

Item #3 – DPH Report – Equity Pillars & Problem Gambling – Commissioner O’Brien stated that a meeting would occur on October 30, 2024. She anticipated that a discussion would be held at a public meeting before the end of the year. Commissioner Skinner sought clarity around this topic and reiterated her intent to remain involved in current discussions with DPH.

Item # 4 – Discussion of Illegal Markets – *The status of this item was not discussed and tentatively remains under review.*

Item #5 – Possible Adoption of Blocking Software – Research Manager Andrews requested that this item remain under review.

Item #6 – Bally’s 90 Day Audit – IT Division – Compliance Manager Tavares requested that this item remain under review, as the IT Division was still reviewing the audit.

Item #7 – Responsible Gaming Framework Update Discussion – Research Manager Andrews requested that this item remain under review.

Item #8 – MGM Springfield – Multi-year Cap-ex Plan – Chief Delaney stated this item could be removed from Under Review, as MGM was no longer pursuing the plan.

Item #9 – Early Economic Impacts of Sports Betting in the Commonwealth – Research Manager Andrews requested that this item remain under review.

Item #10 – Sports Wagering – Compliance Update Reports – Director Torrisi requested that this item remain under review.

4. Commissioner Updates

Commissioner O’Brien raised the discussion regarding staff evaluations and the new program being implemented to provide feedback, specifically she mentioned staff member Todd Grossman as one member still pending this evaluation. She noted that it may also be time to consider a 6-month evaluation of the Executive Director. Commissioner O’Brien noted that there could be potential for the addition of a Deputy Director or Chief of Staff role after the evaluation occurred. Commissioners reached consensus on this issue. Chair Maynard also noted that Paul Brodeur will be joining us at the Commission as our new Commissioner.

5. Other Business

Having no further business, Commissioner O’Brien moved to adjourn. Commissioner Skinner 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>Chair Maynard</i>	<i>Aye.</i>

The motion passed unanimously 4-0. Meeting adjourned at 10:55 A.M.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#), dated October 31, 2024
2. October 16, 2024, Agenda Setting Minutes

FUTURE SCHEDULED MEETING DATES:

November 7 (Adjudicatory Hearing – Plainville Gaming & Racing)
November 7 (Public)
November 13 – Agenda Setting
November 14 (Community Site Visit – Holyoke Community College)
November 20 – (Public)
November 20 (Adjudicatory Hearing – Draft Kings Non – Compliance)
November 26 (Agenda Setting)
December 5 (Public)
December 11 (Agenda Setting)
December 16 (Public) (Monday meeting)
December 18 and December 19 (Adjudicatory Hearing – Draft Kings Durable Suitability)
December 30 (Agenda Setting)
January 9 (Public)
January 15 (Agenda Setting)
January 23 (Public)
January 29 (Agenda Setting)