



## NOTICE OF MEETING AND AGENDA

Pursuant to the Massachusetts Open Meeting Law (G.L. c. 30A, §§ 18-25), St. 2022, c. 107, and St. 2023, c. 2, notice is hereby given of a public meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

**Thursday | December 5, 2024 | 9:00 a.m.**  
**VIA REMOTE ACCESS: 1-646-741-5292**  
**MEETING ID/ PARTICIPANT CODE: 112 114 9506**  
**All meetings are streamed live at [www.massgaming.com](http://www.massgaming.com).**

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](http://www.massgaming.com).

All documents and presentations related to this agenda will be available for your review on the morning of the meeting date by visiting our website and clicking on the News header, under the Meeting Archives drop-down.

### **PUBLIC MEETING - #541**

1. Call to Order – Jordan Maynard, Chair
  
2. Meeting Minutes
  - a. January 11, 2023 **VOTE**
  - b. January 12, 2023 **VOTE**
  - c. August 1, 2023 **VOTE**
  
3. Legislative Update – Commissioner Brad Hill
  
4. Investigations and Enforcement Bureau – Caitlin Monahan, Director, Investigations and Enforcement Bureau
  - a. Review of the IEB's Recommendation of Assessment of a Civil Administrative Penalty Pursuant to 205 CMR 232.02(2) regarding noncompliance with permissible sports wagering offerings by Betfair Interactive LLC, d/b/a FanDuel. – Zachary Mercer, Enforcement Counsel; Kathleen Kramer, Chief Enforcement Counsel; Caitlin Monahan, IEB Director **VOTE**



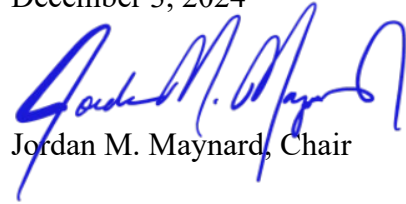
Massachusetts Gaming Commission

5. Racing – Dr. Alexandra Lightbown, Director of Racing
  - a. Amendment of 2024 Plainridge Racing Meeting License (no. of race days) **VOTE**
  - b. Race Horse Development Fund benefits for drivers and jockeys **VOTE**
  
6. Sports Wagering Division – Carrie Torrissi, Chief of Sports Wagering Division
  - a. Update to House Rules
    - I. DraftKings **VOTE**
    - II. Penn Sports Interactive **VOTE**
  - b. DraftKings’ Request to Void Wagers **VOTE**
  
7. Community Affairs Division – Joe Delaney, Chief of Community Affairs
  - a. Quarterly Reports
    - I. Plainridge Park Casino
    - II. MGM Springfield
    - III. Encore Boston Harbor
  
8. Executive Session Minutes
  - a. Executive Session **VOTE**  
 The Commission anticipates that it will meet in executive session to review minutes from previous executive session, as their discussion at an open meeting may frustrate the intended purpose for which the executive session was convened pursuant to: G.L. c. 30A, §21(a)(4), c. 30A, §21(a)(7), and G.L. c. 4, §7(26)(f):
    - I. November 21, 2024 **VOTE**
  
9. Commissioner Updates
  
10. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.



I certify that this Notice was posted as “Massachusetts Gaming Commission Meeting” at [www.massgaming.com](http://www.massgaming.com) and emailed to [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us). Posted to Website: December 3, 2024 | 9:00 a.m. EST

December 3, 2024



Jordan M. Maynard, Chair

*If there are any questions pertaining to accessibility and/or further assistance is needed,  
please email [Grace.Robinson@massgaming.gov](mailto:Grace.Robinson@massgaming.gov).*



Massachusetts Gaming Commission

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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** January 11, 2023, 8:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 692 3016

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 422nd Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

#### 2. [Opening Remarks](#) (00:48)

Chair Judd-Stein noted that early meetings were scheduled on January 12 and January 13 to continue the evaluation of FBG Enterprises Opco, LLC d/b/a Fanatics ("Fanatics") category three untethered sports wagering application. She stated that the Commission had previously entered an executive session to address the applicant's new technology, and that the Commission had also reviewed Fanatics' application publicly. She stated that there were several outstanding issues, and that some of the topics required the Commission to enter an executive session.

#### 3. [Continuation of Review of Category 3 Sports Wagering Application Submitted by FBG Enterprises Opco, LLC \(Fanatics\) commenced at the January 5, 2023 Public Meeting](#) (02:11)

Chair Judd-Stein asked General Counsel Grossman to outline which topics were outstanding and which topics the Commission anticipated it wanted to discuss in executive session. General Counsel Grossman noted that many of the items supplemented coincided with the topics for the executive session.

General Counsel Grossman explained that the Commission had received the suitability certification from Michael Ruben that was requested. He stated that Fanatics had submitted additional information related to workforce and supplier diversity goals. Chair Judd-Stein asked if the additional information provided satisfied the Commission's request for goals. Commissioner Skinner and Commissioner Maynard expressed that they were satisfied with the information provided.

General Counsel Grossman stated that another outstanding topic was that the Commission had requested information as to how Fanatics' responsible gaming plan was to be amended or supplemented to incorporate how Fanatics intended to implement GameSense and other Massachusetts requirements. Chair Judd-Stein stated that Fanatics' responsible gaming plan was scheduled for formal adoption at the January 25, 2023 committee meeting. Commissioner O'Brien requested that the Commission receive an overview of the changes that were made.

Alex Smith, Fanatics' Vice President of Regulatory Affairs, explained that Fanatics did a read-through of the GameSense logic model and the intended outputs and outcome of the responsible gaming framework Massachusetts had adopted. He stated that the responsible gaming plan was changed to more clearly include 205 CMR 233 and requirements around self-exclusion. He stated that points were added regarding responsible gaming training that all Fanatics employees would be required to take. He stated that Fanatics was committed to working with its training vendor to ensure that training was on point with each of Massachusetts requirements. He stated that the tools and resources available would be aligned with the GameSense model. He noted that once advertising regulations were published Fanatics would incorporate those requirements as well.

Commissioner O'Brien sought clarification as to whether the vote to formally adopt the responsible gaming plan had been officially advanced to January. Mr. Smith stated that the responsible gaming committee called a meeting for January 25, 2023 and that the plan would be reviewed at that meeting. General Counsel Grossman noted that Fanatics had also submitted information regarding its training program.

General Counsel Grossman stated that those were all of the topics the Commission had requested supplemental information from the applicant. He stated that the first topic for the executive session was the Commission's request that the applicant provide information relative to the posture of its technology platform. Chair Judd-Stein asked if this topic was considered for the executive session under G.L. c. 23N § 6(i), or the technology exemption. General Counsel Grossman stated that this topic fell under both the cybersecurity exemption and G.L. c. 23N, § 6(i).

General Counsel Grossman stated that the second topic for the executive session was the request for information related to an October 2021 matter in New York where Fanatics Inc. and its affiliates agreed to pay \$1.5 million for knowingly under-collecting tax for online sales.

He stated that the third topic for executive session was 2019 litigation in Florida captioned *EEOC v. Fanatics Retail Group Fulfillment LLC*, and the corresponding consent decree. He stated that outstanding questions related to these matters may fall under G.L. c. 23N, § 6(i) or the privacy exemption.

Commissioner O'Brien asked what systematic changes were implemented as a result of that settlement beyond the warehouses in Florida. Adam Berger, outside counsel for Fanatics from the law firm Duane Morris, LLP, stated that Fanatics would prefer to discuss anything beyond the public complaint and EEOC settlement regarding the Florida matter and the New York matter in executive session. He explained that the information was proprietary.

General Counsel Grossman stated that the fourth topic for executive session was the information the Commission requested related to a 2022 class action lawsuit in the federal court in New York alleging violations of the Sherman Anti-Trust Act. He stated that any changes made to controls and any defenses would be appropriate topics for the executive session.

General Counsel Grossman stated that the fifth topic for executive session was information relative to the corporate governance structure, and where Fanatics fits into that framework.

He stated that the sixth topic for discussion in the executive session would be Fanatics and RSM's information related to financial projections, trends, and associated methodology. He noted that Fanatics was a privately held company, and the topic was appropriate for the executive session as the information was not publicly available.

General Counsel Grossman stated that the seventh topic for the executive session was information related to the liquidity, leverage, and profitability ratios of the applicant. He stated that this would include any associated information related to the applicant's financial standing and suitability.

General Counsel Grossman stated that the eighth topic for the executive session was the applicant's use of its customer database for marketing and associated purposes. He stated that questions that arose relative to this topic were whether there were opt-in or opt-out options for the database, and whether there was technology that could screen underage individuals from marketing. He explained that this topic also encompassed the relationship between the commerce company and Fanatics for marketing purposes. He noted that this topic was appropriate for an executive session because it was competitively sensitive information. He stated that the Commission had also requested specific information as to how the e-commerce database reflected potential betting patrons.

General Counsel Grossman stated that the ninth topic for the executive session was related to information regarding ownership interests. Commissioner O'Brien noted that she wanted more details regarding fundraising and ownership interest in some professional sports leagues. She stated that the ownership interests did not trigger qualifier status, but that she wanted to understand whether there was influence and control, as the sports betting platform could offer bets on those leagues. General Counsel Grossman stated that this topic, and all of the other topics qualified for discussion in executive session under G.L. c. 23N § 6(i).

6. [Executive Session](#) (15:47)

Chair Judd-Stein stated that the Commission anticipated that it would meet in executive session in conjunction with its review of the FBG Enterprises Opco, LLC d/b/a Fanatics application in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 23N, § 6(i) to consider information submitted by the applicant in the course of its application for an operator license that was a trade secret, competitively-sensitive or proprietary and which if disclosed publicly would place the applicant at a competitive disadvantage, and/or G. L. c. 4, § 7(26)(c), the privacy exemption, to consider information submitted in the application materials related to named individuals, the disclosure of which may constitute an unwarranted invasion of personal privacy, and/or G. L. c. 4, § 7(26)(n), certain records for which public disclosure is likely to jeopardize public safety or cybersecurity, to consider information submitted in the application materials related to the security or safety of persons or buildings, structures, facilities, utilities, transportation, cybersecurity or other infrastructure located within the Commonwealth, the disclosure of which is likely to jeopardize public safety or cybersecurity.

Commissioner O'Brien moved that the Commission move into executive session on the nine matters delineated by General Counsel Grossman and for the reasons stated by the Chair on the record. 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.*

*Transcriber's Note: The Commission entered executive session. Commissioner O'Brien did not rejoin the public session of the meeting. Chair Judd-Stein, Commissioner Hill, Commissioner Skinner, and Commissioner Maynard rejoined the public session of the meeting after the executive session.*

8. [Other Business](#) (1:51:21)

Chair Judd-Stein informed meeting participants that this meeting would be reconvened the following day at 8:00 a.m. She stated that the meeting would briefly meet in public, then return to the executive session to conclude discussion on the topics identified earlier in this meeting.

Hearing no other business, Chair Judd-Stein requested a motion to adjourn.

Commissioner Hill moved to adjourn. The motion was seconded by Commissioner Maynard.

*Roll call vote:*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

### **List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda dated January 6, 2023](#)





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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** January 12, 2023, 8:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 692 3016

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 423rd Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted and all five commissioners were present for the meeting.

#### 2. [Executive Session](#) (00:35)

Chair Judd-Stein explained that the Commission was resuming its review of the category three sports wagering application submitted by FBG Enterprises Opco, LLC, d/b/a Fanatics ("Fanatics"). She stated that this meeting was resuming the public meeting convened on January 11, 2023 and that while the Commission went through many of the executive session items, there were still some topics to review in executive session. She stated that General Counsel Todd Grossman had advised that the Commission could enter directly into executive session based upon the prior vote to enter executive session that took place at the January 11, 2023 public meeting.

Commissioner O'Brien noted that there was also a matter raised in the previous meeting which could be discussed in the public session of the meeting. She inquired if this topic should be raised before or after the executive session. Chair Judd-Stein stated that the public session of the Commission meeting would reconvene at the conclusion of the executive session.

Commissioner O'Brien stated that an open-source check had surfaced articles regarding Mr. Ruben's divestiture of ownership shares in professional teams, and another matter related to the signing of James Harden by the NBA team, the Philadelphia 76ers. Commissioner O'Brien asked if anyone from Fanatics could speak to the publicly available information on those topics.

Attorney Adam Berger, counsel for Fanatics from the law firm Duane Morris, LLP, stated that the company viewed those articles as unfounded and untrue media speculation. He stated that there was nothing to substantiate those articles. He stated that the company and its principles would be happy to speak to any further questions raised by the Investigations and Enforcement Bureau ("IEB"). He reiterated that the articles were completely unsubstantiated. Commissioner O'Brien thanked Mr. Berger for addressing the topic publicly.

*Transcriber's Note: The Commission entered executive session. The Commission reconvened the public session of the meeting at [56:20](#). A roll call was taken and all five Commissioners were present.*

Reconvening the public meeting, Chair Judd-Stein announced that all topics intended for the executive session had been addressed by the Commission. She stated that there was a brief clarification for the public record from a representative from Fanatics. Mr. Berger stated that all pleadings related to Fanatics' three open legal proceedings were publicly available. He invited the Commission to review all of the documents available in those matters. He noted that in each of the three cases, an intent to file a motion to dismiss had been filed, and that the motions to dismiss would speak for themselves. Commissioner O'Brien requested that a copy of the complaint and the motions be forwarded to the Commission. Mr. Berger confirmed that Fanatics would forward those documents to General Counsel Grossman.

The Commission reached a consensus that Fanatics met the Commission's expectations with regard to Sections B, C, E and G of its application. Commissioner O'Brien stated that the only caveat she had was a proposed condition that Fanatics adopt its responsible gaming plan by a board vote at their anticipated January 25, 2023 meeting.

Mr. Berger stated that Fanatics would be amenable to the condition and requested that there be some flexibility in the date should a scheduling conflict arise for the January 25, 2023 meeting. Commissioner O'Brien requested that the Commission receive notice prior to the date if the vote on the responsible gaming plan was not going to happen at the January 25, 2023 meeting. She reiterated that she wanted the responsible gaming plan to be approved at the board level before Fanatics launched in Massachusetts. Mr. Berger stated that approving the responsible gaming plan before launch was Fanatics' intent.

Chair Judd-Stein noted that the application process only requested a draft of the responsible gaming plan. Commissioner O'Brien noted that each other applicant had approved responsible gaming plans, whereas Fanatics did not have a responsible gaming plan approved at the corporate level whatsoever.

4. [FBG Enterprises Opco, LLC's \(Fanatics\) license application determination by the Commission in accordance with 205 CMR 218.07](#) (1:03:55)

General Counsel Grossman stated that 205 CMR 218.06(5) was the standard for the Commission to evaluate a sports wagering application. He reiterated that the factors the Commission would evaluate would be the applicant's experience and expertise related to sports wagering, the economic impact and benefits to the Commonwealth, the applicant's proposed measures related to responsible gaming, the description of the applicant's willingness to foster racial, ethnic, and gender DEI, the technology the applicant intends to use in operation, the suitability of the applicant and qualifiers, and any other appropriate factor in the Commission's discretion.

General Counsel Grossman stated that according to 205 CMR 215, the Commission must find substantial evidence in the record to support a finding of preliminary suitability. He stated that the Commission should also consider what conditions it wanted to attach to the applicant. He noted that Commissioner O'Brien had requested that the Fanatics Board of Directors vote to adopt the responsible gaming plan prior to the commencement of operations in the Commonwealth. He noted that the applicant had supplemented all information the Commission requested, and that there would likely not be a condition associated with those requests.

General Counsel Grossman added that a series of automatic conditions were attached to licensure in accordance with 205 CMR 220. He stated that whether pre-registration could occur may be better addressed by regulation. He stated that the automatic conditions that attached to the license were that the operator obtain an operations certificate before conducting sports wagering, the operator comply with all terms and conditions of the license and operations certificate, the operator comply with G.L. Chapter 23N, and all rules and regulations of the Commission, the operator make all required payments to the Commission in a timely manner, the operator maintain its suitability to hold a sports wagering license, and the operator conduct sports wagering within its approved system of internal controls and in accordance with its approved house rules and G.L. c. 23N, § 10(a).

Chair Judd-Stein stated that the condition proposed regarding the responsible gaming plan should give latitude to the applicant that the plan be approved prior to launching. Commissioner O'Brien proposed the language should be that if Fanatics was a licensee, they are required to have a board approved responsible gaming plan prior to any launch in the Commonwealth of Massachusetts, and that the approved responsible gaming plan be provided to the IEB and Commission.

Chair Judd-Stein noted that the other applicants were not asked to have their draft responsible gaming plans adopted. She noted that while the other applicants had responsible gaming plans in place, the Commission did not fully review them. She stated that the Commission was treating this applicant differently. Commissioner O'Brien stated that each other applicant had an official responsible gaming plan or policy approved at the corporate level, and that the responsible gaming plan was absent in this application. She expressed that she just wanted to ensure that Fanatics had a responsible gaming plan at the corporate level before launching. Chair Judd-Stein stated that Commissioner O'Brien's request was fair and noted that the Commission had received Fanatics' draft responsible gaming plan and information regarding responsible gaming training.

Mr. Berger noted that due to Fanatics' governance structure, it would be the Compliance Committee approving the responsible gaming plan through its delegated authority. He stated that it would not be per se Board approval, but the Compliance Committee providing the approval. Commissioner O'Brien stated that the Commission was looking for what was consistent with Fanatics' internal operating procedures.

Commissioner Maynard asked if Fanatics had a responsible gaming plan adopted related to sports wagering in any jurisdiction. Mr. Berger stated that Fanatics was in the process of approving all plans in preparation for launching its platform. Commissioner Maynard stated that he shared Chair Judd-Stein's discomfort in treating the applicant differently, but that he would join Commissioner O'Brien on requiring the responsible gaming plan approval as a condition.

Commissioner Maynard suggested that the Commission review its prior decisions regarding draft responsible gaming plans. Commissioner O'Brien noted that the condition had nothing to do with Fanatics' plans, ability, intention, or past track record. She reiterated that she simply wanted to see the plans to be formalized before Fanatics launched sports wagering in the Commonwealth.

Moving onto the next topic, General Counsel Grossman stated that a preliminary finding of suitability would make the applicant eligible to apply for a temporary license. He stated that the remaining question was whether the Commission believed there was substantial evidence on the record to conclude that awarding a license to this applicant would benefit the Commonwealth, and that each factor previously outlined was also supported by substantial evidence.

Commissioner Maynard moved that the Commission find based on the application and what was discussed before it today, yesterday January 11, as well as last week, that the applicant FBG Enterprises Opco, LLC, d/b/a Fanatics has shown by substantial evidence that they have satisfied the criteria set forth in G.L. c. 23N, as well as 205 CMR 218.06(5); that the license award would benefit the Commonwealth, and further that they have established by substantial evidence their qualification for preliminary suitability in accordance with 205 CMR 215.01(2) and 205 CMR 218.07(1)(a) and that this approval be subject to the requirements of G.L. c. 23N and the requirements set forth in 205 CMR 220.01 with the additional condition, by Commissioner

O'Brien, that Fanatics have a board approved responsible gaming plan in accordance with their corporate policies and procedures prior to launch in the Commonwealth. 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.*

The Commission congratulated the representatives from Fanatics. The representatives from Fanatics thanked the Commission for its time.

5. [Other Business](#) (1:25:28)

Hearing no other business, Chair Judd-Stein requested a motion to adjourn.

Commissioner Hill moved to adjourn. The motion was seconded by Commissioner O'Brien.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

**List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda dated January 5, 2023](#)



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** August 1, 2023, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 725 9952

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 469<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

#### 2. [Legal Framework Relative to The Award of a Sports Wagering License](#) (02:39)

Interim Executive Director and General Counsel Todd Grossman explained that the Commission was continuing its evaluation of a category two sports wagering license application submitted by Massasoit Greyhound Association Inc. d/b/a Raynham Park ("Raynham"). He stated that should the Commission grant Raynham a license, it would permit Raynham to operate an in-person sports wagering on the premises where Raynham was authorized to offer simulcast wagering on horse or greyhound racing, and not more than one individually branded mobile application.

General Counsel Grossman reported that the Commission had commenced the evaluation of Raynham's application on June 12, 2023 and June 20, 2023. He stated that the Commission had reached consensus regarding several sections of the application, and that the Commission had requested supplemental information regarding Raynham's willingness to foster racial, ethnic, and

gender diversity, equity, and inclusion (“DEI”). He noted that the Commission had not reached a consensus regarding preliminary suitability.

General Counsel Grossman stated that on July 27, 2023 Raynham had submitted written requests for the withdrawal of two qualifiers: Christopher J. Carney as an individual qualifier and the Christopher J. Carney Subchapter S Trust as an entity qualifier. General Counsel Grossman stated that both requests for withdrawal were submitted to the Commission, and that the Commission must decide the order of which it would like to address the requests for withdrawal.

General Counsel Grossman stated that 205 CMR 218 set out the application requirements, standards, and procedures. He stated that the regulation set forth factors and considerations for the Commission to analyze in the evaluation process, but that the regulations did not set out a particular order to review factors or assign particular weight to the factors. He stated that the Commission may also consider the supplemental information and documents provided by the applicant to the Commission.

General Counsel Grossman added that the evaluation of this application was being conducted in public, and that all deliberations made by the Commission must take place in public. He stated that G.L. Chapter 30A, § 21(a)(7) allowed the Commission to move into executive session to comply with or act under the authority of any general law, such as G.L. Chapter 23N, § 6(i) regarding competitively sensitive information in the course of the application process. He stated that if the Commission requested competitively sensitive information, the applicant could request to move the meeting to an executive session.

Chair Judd-Stein stated that hearing from Raynham’s representatives and the Commission’s legal team would benefit the Commission’s decision-making. Counsel for Raynham, Attorney Jed Nosal from Womble Bond Dickinson (US) LLP, stated that he would be happy to provide the rationale behind the withdrawal request. Chair Judd-Stein stated that the substance of the request could be considered after continuing on to the Investigation and Enforcement Bureau’s (“IEB”) preliminary suitability report.

Attorney Nosal stated that the request for withdrawal was based upon good cause. He stated that the Commission’s determination regarding Raynham’s request for withdrawal would determine the scope of the review for preliminary suitability. Attorney Nosal stated that at this stage of the application process, Raynham’s requests to withdraw its qualifiers require the Commission’s review.

Director of the IEB, Loretta Lillios, stated that the applicant should have a chance to present its requests to withdraw, and agreed with Attorney Nosal that the requests for withdrawal were a matter for Commission review. She stated that the Commission should also have time to prepare. She noted that the IEB had received the requests to withdraw after business hours on Thursday July 27, 2023. She stated that the requests to withdraw were not submitted to the Commission

until Friday, July 28, 2023. She noted that the IEB had received additional documents in support of the requests to withdraw as recently as the morning of this meeting.

Director Lillios stated that the Commission must decide if there was good cause to allow these qualifiers to withdraw at this stage of the application process. She stated that the requests to withdraw were deserving of substantive written input from the IEB and requested that the IEB be given a reasonable period of time to draft a response. She stated that the withdrawal should not be considered in a vacuum.

Chair Judd-Stein stated that this discussion was meant for the order in which the Commission would hear the requests, and not the substantive matter. General Counsel Grossman stated that there may be a little overlap in describing the substance of the request while setting forth the process in which the requests would be heard.

Director Lillios stated that Raynham had submitted written requests to withdraw two qualifiers. She stated that the withdrawal request was separate from the applicant's preliminary suitability. She stated that the request asked the Commission to cut out those two qualifiers and review the applicant's future suitability moving forward without those qualifiers. She stated that the withdrawal of qualifiers should not be considered in a vacuum as those qualifiers were relevant to the suitability of the applicant and other qualifiers. She stated that Christopher J. Carney's ties to Raynham were not limited to the trust.

Director Lillios explained that Raynham was a closely held family company which Christopher Carney was closely tied to. She noted that while Christopher Carney did not hold a title, he was still integrally involved with Raynham for years. She stated that Christopher Carney held himself out to represent Raynham at the highest level, and that Christopher Carney was involved in Raynham's construction through his construction and trucking businesses.

Attorney Nosal stated that Director Lillios' statements addressed the heart of Raynham's request, which had yet to be presented. He stated that her statements went beyond the scope of the initial sequencing of the requests. Chair Judd-Stein stated that the discussion should be tailored to the sequencing and not the substantive points.

General Counsel Grossman stated that Director Lillios had made her point as to why the requests to withdraw were not ripe for a decision at this meeting and stated that further discussion should focus on the process.

Chair Judd-Stein asked if the Commission should hear Raynham's requests for withdrawal in advance of the IEB report or after it. Director Lillios stated that there was an overlap of facts between the IEB report and the requests for withdrawal. She stated that issues identified in the IEB's review, which were reflective of Christopher Carney, also reflected on the applicant and its other qualifiers.



Director Lillios stated that IEB's preliminary suitability report was completed and distributed to the Commission prior to the requests for withdrawal being submitted by the applicant. She stated that moving forward with the withdrawal as a process separate from the suitability review would change the report. She stated that the issues raised in the applicant's requests for withdrawal were integrally tied to the suitability review conducted by the IEB. She stated that both the withdrawal and the suitability should be decided in one comprehensive decision. She noted that there were three instances in the past where the Commission decided on requests for withdrawal.

Attorney Nosal stated that the withdrawal of the two identified qualifiers would not insulate Raynham or its remaining qualifiers from questions raised in connection with the IEB report. He stated that Raynham had discussed the removal of Christopher Carney with the IEB in May, but that the impetus for the removal changed following the issuance of the July 17, 2023 IEB report. He stated that it took a while to effectuate the changes and draft the basis for withdrawal. He reiterated that the request to withdraw Christopher Carney was not a new issue.

Director Lillios explained that the applicant was correct, that the applicant had requested to withdraw Christopher Carney as a qualifier in May. She reiterated, however, that the withdrawal was for an entirely different basis than the current request for withdrawal that was before the Commission at this meeting. She stated that the basis for the request in May was because Christopher Carney would not be involved in any future management role, and that Christopher Carney played a role in a matter that was better reserved for executive session. Director Lillios stated that the IEB declined to disturb Christopher Carney's designation as a qualifier in May, as it was a statutory requirement that he remain a qualifier. She emphasized that the basis for the request for withdrawal submitted on July 27, 2023 was not the basis for withdrawal in Raynham's initial request in May.

Chair Judd-Stein inquired as to when the IEB learned of the new basis for withdrawal. Director Lillios noted that the IEB had previously asked Raynham if there would be a withdrawal for the basis now stated in the July 27, 2023 request and that Raynham had previously stated that a withdrawal for such reason was not being considered.

Attorney Nosal stated that Raynham was not comfortable submitting the request at the time the IEB inquired. He noted that with the benefit of the IEB report, Raynham was now comfortable submitting the request for withdrawal. He stated that he called to notify the IEB of Raynham's intent to submit a request for withdrawal on Monday, July 24, 2023.

Commissioner O'Brien expressed an interest in having the IEB present its report in order to keep the process moving. Commissioner Skinner stated that while the two matters seemed to overlap, she agreed with Commissioner O'Brien's suggestion to have the IEB report presented.

Commissioner Skinner stated that a decision on suitability should not be made in a vacuum, and that giving the IEB an opportunity to respond to the applicant's requests for withdrawal would be beneficial to the Commission. She requested that additional information and briefing be provided

before the Commission evaluate the applicant's requests to withdraw. Commissioner Hill stated that he agreed with his fellow Commissioners, and that he wanted further information from the IEB regarding the request for withdrawal.

Commissioner Maynard stated that he did not want to make a decision in a vacuum and then later had that decision disturbed. He stated that he wanted all available information before making the decision. Chair Judd-Stein noted that much of what was in the IEB report could be incorporated into the deliberation on the withdrawals. She agreed with Attorney Nosal that the withdrawals would not insulate Raynham during the assessment of suitability.

Chair Judd-Stein noted that previous requests for withdrawal before the Commission were related to G.L. c. 23K and not G.L. c. 23N. She asked if Raynham was willing to move forward with the IEB's report at this meeting. She suggested that discussion of the IEB's report and Raynham's requests for withdrawal could also be postponed until a later date.

Commissioner Skinner stated that while a pause may be the most efficient way to address these issues, there had already been two days of deliberation on Raynham's application. She raised concern that there could be information overload and that it could be difficult to keep up with the numerous facts and documents. She stated that she would support the Chair's recommendation to postpone these proceedings if the applicant was amenable and the Commission would have more time to fully review the issues. She said that she did not expect any decisions regarding preliminary suitability to be made at this meeting.

Commissioner O'Brien stated that she had two concerns regarding delaying the topics further. She noted that the IEB was procedurally in a position to move forward with presenting its report as it was included on the agenda. She also stated that if the request for withdrawal was prioritized, Raynham would be subject to continued cooperation with the Commission, but Christopher Carney would not be. She stated that Christopher Carney and Raynham were integrally intertwined and expressed hesitation at moving forward on the motion to withdraw before a substantive hearing on suitability.

Commissioner O'Brien stated that her other concern was that Director Lillios was departing the Commission within a few weeks. She stated that there could be internal issues in delaying this matter further. Commissioner O'Brien anticipated that the matter could be fully addressed before Director Lillios' date of departure, but that she wanted to be realistic regarding Commission business.

The Commission reached a consensus to host a public meeting on Friday, August 18, 2023 to discuss Raynham's category two sports wagering application.

Director Lillios stated that the significant body of work within the report had already been completed. She expressed that the IEB's preference was to move forward with what was possible

in this meeting. She stated that the prior decisions of the Commission might be helpful in providing further rationale for moving forward with preliminary suitability at the meeting.

Counsel for Christopher Carney, Attorney Michael Morizio, noted that even if Mr. Carney and his trust were allowed to withdraw, the trustees and Mr. Carney would make themselves available whenever the IEB or Commission requested. He stated that the legal standard of withdrawal was a narrow issue. He stated that the applicant demonstrated in its requests that Mr. Carney and the trust had no financial interest in the category two sports wagering license, and that Mr. Carney exercised no control over the applicant.

Attorney Nosal stated that the request to withdraw these qualifiers was integral to Raynham's response to the IEB's report. He explained that the due process of the applicant was paramount, and that Raynham should have the opportunity to present on the issue of withdrawal first. He stated that Raynham did not oppose giving the IEB an opportunity to draft a response to the requests for withdrawal. He stated that the applicant's due process rights were at stake and that Raynham believed this was the proper pathway forward.

Commissioner Skinner asked what factors the Commission should consider when determining good cause for the withdrawal requests. Attorney Nosal replied that good cause required a non-arbitrary reason. He stated that substantial changes had been made to the structure of the application to eliminate the trust and the beneficiary interest of Christopher Carney. He stated that Raynham could demonstrate reasonable grounds as the basis for the request to withdraw.

Attorney Morizio stated that the factual question of withdrawal was resolved by having the trust no longer connected to Raynham. He stated that as a matter of law, the trust cannot enjoy the financial benefits should the Commission issue a license, as George Carney was the only shareholder. He stated that there was no legal connection between Raynham and the trust, and no financial connection between Raynham and Christopher Carney. He noted that Christopher Carney was never an officer, director, or employee of Raynham.

Director Lillios stated that many factors show significant entanglement between Christopher Carney and Raynham. She added that the changes to the trust also required additional review, such as how the changes to the trust affected the financial suitability of George Carney. She explained that the IEB only received these documents the afternoon before the meeting, and that the documents may have a significant impact on the rest of the application.

Chair Judd-Stein stated that if the Commission proceeded with the preliminary suitability review without first addressing the withdrawals, the Commission could have to develop two decisions dependent on whether the qualifiers were included. Commissioner O'Brien stated that the two issues were inextricably intertwined, and that it was hard to envision a path forward without first hearing the IEB's report. She expressed appreciation that Christopher Carney would make himself available to the Commission but noted that the statutory obligation would evaporate once he was no longer a qualifier. She reiterated that the Commission was prepared to hear the IEB's

report at this meeting, before Raynham requested the two qualifiers to be withdrawn. She reasoned that it would be most efficient to move forward as the Commission scheduled on the agenda.

Commissioner Skinner asked if General Counsel Grossman could weigh in on how to determine good cause. Chair Judd-Stein also asked if General Counsel Grossman could clarify whether the request for withdrawal had to be heard in an adjudicatory hearing rather than a public meeting.

General Counsel Grossman stated that the applicant made a number of assertions and advanced proposals to move forward but noted that the applicant's statements had not yet been vetted to ensure the Commission had a complete understanding of the impact of these qualifiers withdrawing. He added that there was discretion in the Commission's regulations to designate those with business associations with the applicant as qualifiers. He noted that a factual understanding was critical to making a good cause determination.

General Counsel Grossman stated that the regulations did not specify whether withdrawals must be conducted in adjudicatory proceedings. He explained that requests for withdrawal had historically been addressed in public. He stated that the first question to answer would be whether the Commission was inclined to move forward on the withdrawal requests at this meeting.

Chair Judd-Stein asked if prior withdrawal requests occurred within adjudicatory hearings. Director Lillios confirmed that was correct. She stated that in one previous matter, even though an individual resigned and requested to withdraw, the Commission determined that his conduct was still integrally tied to the applicant's business practices.

Director Lillios stated that the incidents involving Christopher Carney took place over a lengthy period of time and were reflective of Raynham's business practices. She noted that the business practices of the applicant were statutory defined criteria for determining suitability. She noted that the Commission had previously considered overall suitability and withdrawal motions as part of the same decision. She stated that in previous requests for withdrawals, the Commission had considered whether the party withdrawing still had association with the applicant. She summated that Christopher Carney's actions provided context to the business practices of Raynham, and that the withdrawal matter should not be decided before the overall preliminary suitability discussion.

Attorney Nosal noted that all previous withdrawals were made in different circumstances under G.L. c. 23K, not G.L. c. 23N. He stated that there was nothing in the IEB's report challenging specific business practices of Raynham. He stated that all of the concerns were related to Christopher Carney and other unrelated businesses. He noted that the Commission had previously determined suitability separately from withdrawals, and that the Commission did not have to discuss suitability first. He stated that nothing in the Commission's regulations allowed for an adjudicatory hearing regarding requests to withdraw.

Attorney Nosal stated that Raynham would be amenable to providing the IEB with additional time to review the withdrawal documentation; and to the IEB providing a response. He reasoned that moving forward with the IEB report without hearing the motion to withdraw would put Raynham at an “incredible” disadvantage in presenting its full application.

Commissioner Hill stated that he had not changed his opinion from earlier. He requested that the IEB provide a written response to the requests to withdraw, and that the Commission be provided time to review the request from Raynham. He stated that he was comfortable moving forward with other parts of the application, such as the supplemental information regarding diversity.

Commissioner Maynard stated that the withdrawal and the suitability report were hard to separate. He expressed his opinion that the IEB should be granted the time to submit a response to Raynham’s requests for withdrawal. He noted that the applicant would not be at a disadvantage, as they had the right to question any analysis within the IEB’s report. He reiterated that the IEB’s report was intertwined with the withdrawal request.

Commissioner O’Brien moved that the Commission move forward with the presentation from the IEB on the suitability question on the applicant as noticed in the agenda.

Chair Judd-Stein offered an amendment to clarify that there would not be a vote upon conclusion of the Commission’s review at this time.

Commissioner O’Brien moved that the Commission move forward with the presentation from the IEB on the suitability of the applicant as noticed in the agenda for today, reserving any supplementation by the IEB or adjudication by voting on the question of suitability and on the question of the motion to withdraw by a qualifier. Commissioner Hill seconded the motion.

Commissioner Maynard suggested that the presentation of the IEB’s report be moved to a future date. He noted that this would give the IEB time to respond to Raynham’s withdrawal requests, and it would keep the discussion of the intertwined topics of withdrawal and suitability on the same date.

Commissioner Skinner asked Attorney Nosal if the disadvantage to Raynham by moving forward would be based on the presentation of the IEB’s report, or the Commission’s vote on suitability. Attorney Nosal replied that Raynham would prefer to hear the withdrawal requests before the suitability discussion, but that it was clear the Commission did not support that sequence of events. He agreed with Commissioner Maynard that the two topics should be heard on the same date. Commissioner O’Brien expressed confidence that the Commission could continue with the discussion of the IEB’s report without prejudicing future discussions regarding withdrawals.

Attorney Nosal clarified that it would not prejudice the Commission to discuss both the IEB report and the withdrawals at the August 18, 2023 meeting. Commissioner O’Brien asked if

Raynham was willing to move forward with the preliminary suitability report and supplemental information on that date. Attorney Nosal replied that Raynham’s procedural posture had changed because the Commission desired to discuss the two issues together. He stated that the IEB’s response would be beneficial for that discussion. He noted that the applicant had additional documents it could provide. He stated that this suggestion was more realistic, as the Commission was not accepting Raynham’s proposals to hear the withdrawal requests first.

Chair Judd-Stein expressed that she would prefer to review the withdrawal requests first, due to efficiency. She stated that holding the discussion at the August 18, 2023 meeting would provide the IEB the opportunity to respond to Raynham’s submissions. She stated that the Commission would benefit from the IEB’s response.

Commissioner Maynard inquired if the IEB would be willing to return to this topic at the August 18, 2023 meeting. Director Lillios stated that the IEB was prepared to present the IEB’s report at this meeting, but that she could understand the different interests being weighed. She stated that an opportunity to respond to the applicant’s requests was important, and that the IEB would review the documents submitted in relation to the withdrawal requests.

Commissioner O’Brien stated that given the Commission’s consensus to continue the IEB’s presentation on August 18, 2023, she would consider amending her motion. Commissioner Hill stated that he was still comfortable moving on the initial motion.

Commissioner O’Brien moved to amend the motion that the Commission move forward on the presentation by the IEB on the preliminary suitability report that is drafted and presented, and at that same time after, the Commission take up the issue of the motions to withdraw by the qualifier, Chris Carney, and the trust that were presented, and that those matters be continued for no longer than August 18, 2023. 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.*

The Commissioners reached consensus that they would also review the applicant’s diversity plans at the public meeting on August 18, 2023.

### 3. [Other Business](#) (2:18:22)

Hearing no other business, Chair Judd-Stein requested a motion to adjourn.

Commissioner O’Brien moved to adjourn. The motion was seconded by Commissioner Hill.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

### **List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda dated July 28, 2023](#)



## MASSACHUSETTS GAMING COMMISSION

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**To:** Chair Jordan Maynard  
Commissioner Paul Brodeur  
Commissioner Brad Hill  
Commissioner Eileen O'Brien  
Commissioner Nakisha Skinner

**From:** Dean Serpa, Executive Director  
Derek Lennon, Chief Finance and Accounting Officer

**Date:** December 5, 2024

**Re:** Fiscal Year 2026 (FY26) Discussions with ANF

### **Overview:**

On October 22, 2024, the Executive Office for Administration and Finance (ANF) held a meeting with all independent agency CFOs to discuss the upcoming budget cycle. We were informed that for the FY26 budget building exercises, expansion is a really tough topic as tax revenues have cooled and ANF is looking at contractions in many areas. Therefore, expansion will be limited. ANF is open to discussions with agencies regarding any needs they have.

### **Recommendation:**

Staff recommends in preparation for the Administration's FY26 budget building cycle we request a budget priorities meeting with staff at ANF. The topics we would like to discuss are the following:

- A. Restoration of gaming tax revenue to the **Community Mitigation Fund (CMF)**. Section 59 of c. 23K was suspended in the FY25 budget (chapter 140 of the Acts of 2024) through outside section 194. Section 194 redistributed taxes from Category 1 casinos and eliminated any of the tax dollars going into that fund. Prior to FY25, the



fund received 6.5% of taxes on Category 1 facilities. Without restoring these funds, the CMF will not be able to do a full grant funding in after this current fiscal year.

- B. Maintain funding for the **Public Health Trust Fund (PHTF)**. During the FY25 budget cycle, both the Administration and the Legislature looked at decreasing funding for the Public Health Trust Fund. Section 194 maintained of the FY25 budget kept funding consistent with section 59 of c. 23K, however, the funding in that trust fund is vital to both the MGC's Research and Responsible Gaming Division as well as the Department of Public Health's Bureau of Substance Addiction Services. We currently operate on a MOU where DPH receives 75% of the fund and MGC receives 25% of the fund.
  
- C. Maintain funding for the **Race Horse Development Fund (RHDF)**, and seek language to allow us to use up to 10% of the fund for regulating racing. The RHDF receives 2.5% of the casino taxes on the Category 1 licensees and 9% of the gross gaming revenue of the Category 2 licensee. By statute, 80% of the fund goes to purses, 16% to breeders and 4% to health and welfare of the horsemen. The Commission's operations for regulating racing are funded by commissions (fractions of percents of live or simulcast wagers), a daily fee for being open, an assessment capped at \$750K, fines, penalties and occupational licenses. In FY13 these sources provided \$2.68M for regulatory oversight of racing; in 2024, the sources provided \$2.01M. We propose using up to 10% of the RHDF for administration of regulating the industry.
  
- D. Propose language to the **Sports Wagering Legislation, c. 23N**, that would allow the Commission to effectively regulate the industry by allowing operators to submit commercially sensitive, confidential information and documentation without it being open to the general public.

Staff are seeking the Commission's approval to engage ANF in the four topics outlined above and any others the Commission may deem appropriate.

END



*Division of Racing*

TO: Jordan Maynard, Chairman  
Eileen O'Brien, Commissioner  
Bradford Hill, Commissioner  
Nakisha Skinner, Commissioner  
Paul Brodeur, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Dean Serpa, Executive Director  
Todd Grossman, General Counsel

DATE: December 5, 2024

RE: Plainridge Park Casino Request to Amend 2024  
Plainridge Racing Meeting License

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Dear Commissioners:

Steve O'Toole, Director of Racing, Plainridge Park Casino, is requesting approval to amend the 2024 Plainridge Racing Meeting License from 110 days of racing to 108 to reflect the cancellation of June 20, 2024 due to excessive heat forecast and after three races due to severe rain and multiple storms coming through on August 15, 2024. These changes were originally approved through the Massachusetts Gaming Commission's Authorization For Director Of Racing with the best interests of the human and equine participants in mind. That Authority specifies that the Director of Racing may:

- 3) approve cancellation of a race day requested by a licensee upon a showing of good cause, or upon their own initiative based on health, safety, or integrity related concerns (e.g.- in both cases this could include weather related concerns, personnel or participant related matters, and/or track or facility related concerns);
- 4) approve the rescheduling of a cancelled or postponed race day; provided, however, that any permanent change in the length of the racing meeting schedule (i.e. adding to or subtracting from the total number of race days) will be considered an amendment to the racing meeting license and must be presented to the Commission for approval;

With the two cancellations in 2024, Plainridge will still race over the 100 days required to simulcast.



Massachusetts Gaming Commission

GL.c. 128C includes the following definitions:

- "Racing day", a day on which 1 or more racing performances are conducted.
- "Racing performance", the conduct of at least seven live races during one day.

G.L. c. 128C § 2 states "provided, however, that no racing meeting licensee shall simulcast live races in any racing season unless the racing meeting licensee is licensed to and actually conducts at least 900 live races over the course of not less than 100 calendar days during that racing season with no fewer than 7 races completed on any of those 100 calendar days.

**Recommendation: That the Commission approve the request of Plainridge Park Casino to amend their 2024 racing schedule from 110 days to 108 days.**



Massachusetts Gaming Commission



PLAINRIDGE PARK  
CASINO

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November 26, 2024

Alexandra Lightbown  
Director of Racing  
Massachusetts Gaming Commission  
101 Federal St.  
Boston, MA 02110

Dear Director Lightbown,

Plainridge Park Casino respectfully requests amending the 2024 racing schedule to reflect 108 racing days from the approved 110 racing days. This request to amend reflects the unfortunate cancellation of the Thursday, June 20<sup>th</sup>, card that was cancelled due to extreme heat and the cancellation of the Thursday, August 15<sup>th</sup>, card that was cancelled after the running of the 3rd Race due to severe rain storms and the forecasted continued rain, wind, thunder & lightning predicted for the remainder of the day which would have caused unsafe racing conditions.

Sincerely,

Steve O'Toole  
Director of Racing  
Plainridge Park Casino  
Plainville Gaming and Redevelopment, LLC



Division of Racing

## MEMORANDUM

TO: Jordan Maynard, Chairman  
Eileen O'Brien, Commissioner  
Bradford Hill, Commissioner  
Nakisha Skinner, Commissioner  
Paul Brodeur, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Dean Serpa, Executive Director  
Todd Grossman, General Counsel

DATE: December 5, 2024

RE: Race Horse Development Fund Benefits for Jockeys and Drivers

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Regarding benefits from the Race Horse Development Fund for jockeys and drivers, G.L. c.23K, §60(c)iii states the following (emphasis added):

*“4 per cent shall be used to fund health and pension benefits for the members of the horsemen's organizations representing the owners and trainers at a horse racing facility for the benefit of the organization's members, their families, employees and others under the rule and eligibility requirements of the organization, as approved by the commission; provided, however, that this amount shall be deposited within 5 business days of the end of each month into a separate account to be established by each respective horsemen's organization at a banking institution of its choice; and provided further, that of this amount, the commission shall determine how much shall be paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred drivers organization at the horse racing facility for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers under the rules and eligibility requirements of that organization”.*

Today the items before the Commission are: (1) how much shall be paid this year by the Thoroughbred horsemen's organization to the thoroughbred jockeys organization, and (2) how much shall be paid this year by the Standardbred horsemen's organization to the Standardbred drivers organization at the horse racing facility for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers under the rules and eligibility requirements of that organization. Alice Tisbert, Managing Director of the Harness Horseman's Association of Massachusetts, Inc.; Paul Umbrello, Executive Director of the New England Horsemen's Benevolent and Protective Association, Inc.; and Mindy Coleman, Counsel,



Massachusetts Gaming Commission

Jockeys' Guild, Inc. are at today's meeting to answer any questions you may have. The MGC posted a request for public comments this fall. Those comments can be found in the Meeting Materials.

In 2023, the Massachusetts Gaming Commission posted a request for public comments and discussed this issue at two MGC meetings. This is the link to the September 7, 2023 meeting: [MGC Open Meeting – September 7, 2023 - Massachusetts Gaming Commission](#). This is the link to the November 2, 2023 meeting: [MGC Open Meeting – November 2, 2023 - Massachusetts Gaming Commission](#). The Commissioners voted for the reasons discussed during the meetings and outlined in the documentation in the Commissioner's packets in accordance with Chapter 23K, § 60(c)(iii), that the Commission direct that the NEHBPA pay \$1,000 for each disabled jockey to the Jockeys Guild for 2022 and 2023 for a total of \$8,000, and that the HHANE be directed to pay \$0 those years for such purposes. The NEHBPA did pay the money to the Jockeys' Guild, and they dispersed the money to the four disabled jockeys. These were the same amounts the MGC decided on in 2021 as well.

Here are some points that may be helpful:

- It is an unfortunate fact that money given to one group means less money for another group, and that the need for funds is larger than the funds available.
- The Harness Horseman's Association of New England, Inc. (HHANE) provides a Retirement Savings Plan (RSP), vision benefits, third party liability insurance, etc. to all members, which includes drivers.
- There is no separate standardbred drivers' organization for the commission to "determine how much shall be paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred drivers organization at the horse racing facility for health insurance...".
- The New England Horsemen's Benevolent and Protective Association, Inc. (NEHBPA) is an organization of Thoroughbred trainers and owners that provides benefits such as old age assistance, life insurance, benevolence, and eyeglasses to its members. Jockeys are not members of this Association.
- Jockeys benefit from G.L. c. 128A §5(h)(4). The MGC has approved \$65,000 annually to be dispersed to disabled and retired jockeys. There isn't a similar fund for standardbred drivers.



Massachusetts Gaming Commission

A few options have been discussed. The Commission could determine a dollar amount to go to the Guild to disperse to the 5 jockeys who would qualify as a disabled jockey. (Recall that the language in section 60 does not include retired jockeys, only disabled and active). Another option is to have this issue discussed at the Race Horse Committee meetings, and perhaps a slight increase in the amount of money the NEHBPA receives could be targeted towards the jockeys. This decision on the split would of course be a decision made by the Horse Racing Committee, not the Gaming Commission.



Massachusetts Gaming Commission

**From:** Denise Tetrault [REDACTED]  
**Sent:** Monday, November 25, 2024 3:32 PM  
**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>  
**Subject:** RHDF Jockey and Driver Benefits

To the Commissioners of the Massachusetts Gaming Commission:

I am writing to you regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund (RHDF) should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits.

I believe that the 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen and run by the Massachusetts Gaming Commission (MGC), for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers.

Meanwhile, the Commission should recommend to the legislature that the other 96% of the gambling revenue, now going to purses and breeding, be directed instead to a program such as the Massachusetts Healthy Incentives Program (HIP). This program not only provides fresh local produce to needy residents, but helps to preserve open space by assisting actual farmers and would be much more beneficial to the Commonwealth and its citizens.

The RHDF money that has been sitting in limbo since the closure of the failed Suffolk Downs track, as well as all new funds generated from those same gaming taxes, must be redirected and allocated to the true needs of citizens of this Commonwealth.

The Commission should not release any more of these funds until it conducts a thorough evaluation and study and recommends to the legislature to end all racing subsidies.

The Plainville harness track is funded with simulcasting and slot machines, and has recently been gifted sports betting. There is no longer a thoroughbred track and no further public money should be expended on that dying and obsolete industry.

The Massachusetts Gaming Commission should be the voice of reason to recommend to the legislature that the RHDF, and all other racing subsidies, be terminated immediately.

Sincerely,

Denise Tetrault

Belchertown, MA



From: b vegan [REDACTED]

Sent: Monday, November 25, 2024 3:54 PM

To: MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>

Subject: Race Horse Development Fund - Jockey and Driver Benefits

Dear Commissioners of the Massachusetts Gaming Commission:

With regard to the 4% health and pension distribution from the Race Horse Development Fund (RHDF), I believe that the 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen and run by the Massachusetts Gaming Commission (MGC), for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers.

With regard to the remaining 96% of the gambling revenue, the Commission should recommend to the legislature that the other 96% of the gambling revenue, now going to purses and breeding, be directed instead to a program such as the Massachusetts Healthy Incentives Program (HIP).

The HIP program not only provides fresh local produce to needy residents, but also helps to preserve open space by assisting actual farmers. Such a fiscally responsible use of resources would be much more beneficial to the Commonwealth and its citizens.

The RHDF money that has been sitting in limbo since the closure of the failed Suffolk Downs track, as well as all new funds generated from those same gaming taxes, must be redirected and allocated to the true needs of citizens of this Commonwealth.

The Commission should not release any more of these funds until it conducts a thorough evaluation and study and recommends to the legislature to end all special interest subsidies to racing.

I have learned that the Plainville harness track is funded with simulcasting and slot machines, and has recently been gifted sports betting. It is not dependent upon RHDF money.

In Massachusetts, since there is no longer a thoroughbred track, no public money should be expended any further on that dying and obsolete industry.

The Massachusetts Gaming Commission should be the voice of reason to recommend to the legislature that the RHDF, and all other racing subsidies, be terminated immediately.

Thank you for making prudent decisions for the sake of the Commonwealth.

Sincerely,

Steve Baer

[REDACTED]

[REDACTED]

[REDACTED]

**From:** Patricia Butterfield [REDACTED]  
**Sent:** Monday, November 25, 2024 7:39 PM  
**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>  
**Subject:** RHDF Jockey and Driver Benefits  
**Importance:** High

To the Commissioners of the Massachusetts Gaming Commission:

I am writing to you regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund (RHDF) should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits.

I believe that the 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen and run by the Massachusetts Gaming Commission (MGC), for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers.

Meanwhile, the Commission should recommend to the legislature that the other 96% of the gambling revenue, now going to purses and breeding, be directed instead to a program such as the Massachusetts Healthy Incentives Program (HIP). This program not only provides fresh local produce to needy residents, but helps to preserve open space by assisting actual farmers and would be much more beneficial to the Commonwealth and its citizens.

The RHDF money that has been sitting in limbo since the closure of the failed Suffolk Downs track, as well as all new funds generated from those same gaming taxes, must be redirected and allocated to the true needs of citizens of this Commonwealth.

The Commission should not release any more of these funds until it conducts a thorough evaluation and study and recommends to the legislature to end all racing subsidies.

The Plainville harness track is funded with simulcasting and slot machines, and has recently been gifted sports betting. There is no longer a thoroughbred track and no further public money should be extended on that dying and obsolete industry.

The Massachusetts Gaming Commission should be the voice of reason to recommend to the legislature that the RHDF, and all other racing subsidies, be terminated immediately.

Sincerely,

Patricia Butterfield

Charlemont, MA 01339

**From:** Tracy Doherty [REDACTED]  
**Sent:** Monday, November 25, 2024 7:47 PM  
**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>  
**Subject:** RHDF Jockey and driver benefits

Please redistribute subsidies for the Massachusetts racing industry to more beneficial sources such as food banks or environmental preservation.

Sincerely,

Dr. Tracy Doherty

Malden, MA

[Yahoo Mail: Search, Organize, Conquer](#)

**From:** Wendy Hollis [REDACTED]  
**Sent:** Monday, November 25, 2024 9:20 PM  
**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>  
**Subject:** RHDF Jockey and Driver Benefits

To the Commissioners of the Massachusetts Gaming Commission:

I am writing to you regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund (RHDF) should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits.

I believe that the 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen and run by the Massachusetts Gaming Commission (MGC), for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers.

Meanwhile, the Commission should recommend to the legislature that the other 96% of the gambling revenue, now going to purses and breeding, be directed instead to a program such as the Massachusetts Healthy Incentives Program (HIP). This program not only provides fresh local produce to needy residents, but helps to preserve open space by assisting actual farmers and would be much more beneficial to the Commonwealth and its citizens.

The RHDF money that has been sitting in limbo since the closure of the failed Suffolk Downs track, as well as all new funds generated from those same gaming taxes, must be redirected and allocated to the true needs of citizens of this Commonwealth.

The Commission should not release any more of these funds until it conducts a thorough evaluation and study and recommends to the legislature to end all racing subsidies.

The Plainville harness track is funded with simulcasting and slot machines, and has recently been gifted sports betting. There is no longer a thoroughbred track and no further public money should be expended on that dying and obsolete industry.

The Massachusetts Gaming Commission should be the voice of reason to recommend to the legislature that the RHDF, and all other racing subsidies, be terminated immediately.

Sincerely,

Wendy Hollis

Agawam, Ma

**From:** Ann-Elizabeth Barnes [REDACTED]  
**Sent:** Monday, November 25, 2024 9:36 PM  
**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>  
**Subject:** RHDF Jockey and Driver Benefits

To the Commissioners of the Massachusetts Gaming Commission:

I am writing to you regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund (RHDF) should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits.

I believe that the 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen by the MGC, for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers. As of last year, there were 11 retired or disabled jockeys, and an unknown number of retired or disabled drivers. This discrete group can be identified and eventually the fund will be able to be reduced, and then eventually discontinued.

There is no longer thoroughbred racing in the state, thus the jockey numbers are diminishing, not growing. The standardbred track in Plainville has sufficient income from simulcasting, slot machines, and sports betting to take care of the current drivers and all other workers for their health insurance, pensions, and disability, now and in retirement. To the extent that there are other deserving "horsemen" already retired or disabled in Massachusetts, their needs can be investigated and perhaps be added to the jockey/driver fund.

As thoughtful agents of the Commonwealth as a whole, your Commission should recommend to the legislature that the other 96% of the gambling revenue, now going to purses and breeding, be directed instead to a program such as the Massachusetts Healthy Incentives Program (HIP). Not only does the HIP incentive program provide fresh food for those most in need in our state - the elderly, young families, health compromised individuals, and the disabled - it truly accomplishes what horse racing subsidies have not. This program helps to preserve open space by assisting current farmers, increasing carbon sequestration by doing so, and by encouraging emerging young farmers to invest in the Commonwealth. By providing incentives to grow food through business development in CSA's and Farmer's Markets, this program serves a vital community need. The HIP program was recently cut for Fiscal Year 2025 by \$10 million, reducing the ability of food insecure citizens to obtain fresh foods to a mere \$20 per month, no matter household size. This shortfall can easily be replaced with the gaming revenue currently inuring to a small number of individuals and hobby farmers.

Proponents of the Race Horse Development Fund, primarily developers and a horsemen's organization, claim that horse racing is beneficial to the Commonwealth's economy, but provide no supporting data or information. They claim it protects open space. However, as an example, the majority of the few TB "breeding" farms are less than 10 acres each. Additionally, already there is not enough hay for the horses in the Commonwealth (the vast majority of which are recreational), so hay must be imported from other states and from Canada. A new racetrack may in fact result in less open space, as less individuals will be able to afford the resulting increasing cost of importing hay.

The RHDF money currently in place, that has been sitting in limbo since the closure of the last thoroughbred race track, as well as all new funds generated from these gaming taxes, need to be redirected and allocated to the true needs of citizens in the Commonwealth. We, the actual stakeholders in Massachusetts, need to be at the table regarding where public money is spent. Continuing to prop up an industry that is non-existent on the thoroughbred side, and already primarily self-funded on the standardbred side, with state subsidies is an outdated concept that needs to finally end.

Rather than being the cheerleaders for this dying industry, the MGC should be the voice of reason by not releasing any more of these funds until it recommends to the legislature that the RHDF, and all other racing subsidies, be terminated.

Thank you for considering my comment.

Sincerely,

Ann-Elizabeth Barnes

Great Barrington, MA 01230

**From:** Karen Bacon [REDACTED]  
**Sent:** Monday, November 25, 2024 11:24 PM  
**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>  
**Subject:** RHDF Jockey and Driver Benefits

To the Commissioners of the Massachusetts Gaming Commission:

I am writing to you regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund (RHDF) should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits.

I believe that the 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen and run by the Massachusetts Gaming Commission (MGC), for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers.

As to the other 96% of gambling revenues, I think the Commission should recommend to the legislature a redirection of these funds, away from pursing and breeding. The horse racing industry, fortunately, is a dwindling phenomenon in our state, and for some very good reasons. There is too much unnecessary and tragic animal suffering that comes from the horse race industry, with the fate of most racing horses being severe injuries, stress, and ultimately, death because they are no longer useful.

I hope the Commission will consider the possibility of redirecting the existing revenues to a more progressive program in our state. How about more healthy eating programs, assistance to our growing population of elders in need of support and services, or after-school programs for disadvantaged children? How about better educational assistance for struggling students in lower income communities? Lots of good could be done with these funds, and steering away from an old industry which encourages gambling and causes harm to animals would be ideal. I don't believe subsidies for the racing industry are a progressive or good use of these funds.

Games and gambling, which is what the Commission is for, can bring in revenue for very positive educational, social, and medical programs in our state. Gaming and gambling should also not be at the expense of the environment or animals. So, perhaps we should start using the revenue from horse racing / simulcasting that still exists, but is diminishing over time, for better purposes in our great state, than perpetuating a questionable industry with subsidies. I am, and always will be, sad to see the cost to animals continue, and pleased alternatively, to see officials and Boards like the Gaming Commission, make new and progressive choices. Massachusetts is a beautiful state.

Regards,

Karen Bacon, Esq.

Clinton, MA

From: Michelle Contois [REDACTED]

Sent: Tuesday, November 26, 2024 5:59 AM

To: MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>

Subject: RHDF Jockey and Driver Benefits

To the Commissioners of the Massachusetts Gaming Commission:

I am writing to you regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund (RHDF) should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits.

I believe that the 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen and run by the Massachusetts Gaming Commission (MGC), for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers.

Meanwhile, the Commission should recommend to the legislature that the other 96% of the gambling revenue, now going to purses and breeding, be directed instead to a program such as the Massachusetts Healthy Incentives Program (HIP). This program not only provides fresh local produce to needy residents, but helps to preserve open space by assisting actual farmers and would be much more beneficial to the Commonwealth and its citizens.

The RHDF money that has been sitting in limbo since the closure of the failed Suffolk Downs track, as well as all new funds generated from those same gaming taxes, must be redirected and allocated to the true needs of citizens of this Commonwealth.

The Commission should not release any more of these funds until it conducts a thorough evaluation and study and recommends to the legislature to end all racing subsidies.

The Plainville harness track is funded with simulcasting and slot machines, and has recently been gifted sports betting. There is no longer a thoroughbred track and no further public money should be expended on that dying and obsolete industry.

The Massachusetts Gaming Commission should be the voice of reason to recommend to the legislature that the RHDF, and all other racing subsidies, be terminated immediately.

Sincerely,

Michelle Contois

[REDACTED]

[REDACTED]



**From:** Barbara Page [REDACTED]  
**Sent:** Tuesday, November 26, 2024 8:31 AM  
**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>  
**Subject:** RHDF Jockey and Driver Benefits

To the Commissioners of the Massachusetts Gaming Commission:

I am writing to you regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund (RHDF) should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits.

I believe that the 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen by the MGC, for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers. As of last year, there were 11 retired or disabled jockeys, and an unknown number of retired or disabled drivers. This discrete group can be identified and eventually the fund will be able to be reduced, and then eventually discontinued.

There is no longer thoroughbred racing in the state, thus the jockey numbers are diminishing, not growing. The standardbred track in Plainville has sufficient income from simulcasting, slot machines, and sports betting to take care of the current drivers and all other workers for their health insurance, pensions, and disability, now and in retirement. To the extent that there are other deserving "horsemen" already retired or disabled in Massachusetts, their needs can be investigated and perhaps be added to the jockey/driver fund.

As thoughtful agents of the Commonwealth as a whole, your Commission should recommend to the legislature that the other 96% of the gambling revenue, now going to purses and breeding, be directed instead to a program such as the Massachusetts Healthy Incentives Program (HIP). Not only does the HIP incentive program provide fresh food for those most in need in our state - the elderly, young families, health compromised individuals, and the disabled - it truly accomplishes what horse racing subsidies have not. As a regular volunteer at our local food pantry, I have witnessed first hand how thrilled our patrons are when they have access and money for fresh local foods. This program helps to preserve open space by assisting current farmers, increasing carbon sequestration by doing so, and by encouraging emerging young farmers to invest in the Commonwealth. By providing incentives to grow food through business development in CSA's and Farmer's Markets, this program serves a vital community need. The HIP program was recently cut for Fiscal Year 2025 by \$10 million, reducing the ability of food insecure citizens to obtain fresh foods to a mere \$20 per month, no matter household size. This shortfall can easily be replaced with the gaming revenue currently inuring to a small number of individuals and hobby farmers.

Proponents of the Race Horse Development Fund, primarily developers and an archaic "horsemen's" organization, claim that horse racing is beneficial to the Commonwealth's economy, but provide no supporting data or information. They claim it protects open space. However, as an example, the majority of the few TB "breeding" farms are less than 10 acres each. Additionally, there already is not enough hay for the horses in the Commonwealth (the vast majority of which are recreational), so hay must be imported from other states and from Canada. A new racetrack may in fact result in less open space, as less individuals will be able to afford the resulting increasing cost of importing hay.

The RHDF money currently in place, that has been sitting in limbo since the closure of the last thoroughbred race track, as well as all new funds generated from these gaming taxes, need to be redirected and allocated to the true needs of citizens in the Commonwealth. We, the actual stakeholders in Massachusetts, need to be at the table regarding where public money is spent. Continuing to prop up an industry that is non-existent on the thoroughbred side, and already primarily self-funded on the standardbred side, with state subsidies is an outdated concept that needs to finally end

Rather than being the cheerleaders for this dying industry, the MGC should be the voice of reason to recommend the RHDF, and all other racing subsidies, be terminated.

The Commission should not release any more of these funds until it recommends to the legislature to end all racing subsidies.

Sincerely,

Barbara Page

Hardwick, MA.

**From:** James Lagomarsino [REDACTED]  
**Sent:** Tuesday, November 26, 2024 9:59 AM  
**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>  
**Subject:** RHDF Jockey and Driver Benefits

To the Commissioners of the Massachusetts Gaming Commission,

I am writing to you regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund (RHDF) should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits.

I believe that the 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen by the MGC, for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers. As of last year, there were 11 retired or disabled jockeys, and an unknown number of retired or disabled drivers. This discrete group can be identified and eventually the fund will be able to be reduced, and then eventually discontinued.

There is no longer thoroughbred racing in the state, thus the jockey numbers are diminishing, not growing. The standardbred track in Plainville has sufficient income from simulcasting, slot machines, and sports betting to take care of the current drivers and all other workers for their health insurance, pensions, and disability, now and in retirement. To the extent that there are other deserving "horsemen" already retired or disabled in Massachusetts, their needs can be investigated and perhaps be added to the jockey/driver fund.

As thoughtful agents of the Commonwealth as a whole, your Commission should recommend to the legislature that the other 96% of the gambling revenue, now going to purses and breeding, be directed instead to a program such as the Massachusetts Healthy Incentives Program (HIP). Not only does the HIP incentive program provide fresh food for those most in need in our state - the elderly, young families, health compromised individuals, and the disabled - it truly accomplishes what horse racing subsidies have not. This program helps to preserve open space by assisting current farmers, increasing carbon sequestration by doing so, and by encouraging emerging young farmers to invest in the Commonwealth. By providing incentives to grow food through business development in CSA's and Farmer's Markets, this program serves a vital community need. The HIP program was recently cut for Fiscal Year 2025 by \$10 million, reducing the ability of food insecure citizens to obtain fresh foods to a mere \$20 per month, no matter household size. This shortfall can easily be replaced with the gaming revenue currently inuring to a small number of individuals and hobby farmers.

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Rather than being the cheerleaders for this dying industry, the MGC should be the voice of reason to recommend the RHDF, and all other racing subsidies, be terminated.

The Commission should not release any more of these funds until it recommends to the legislature to end all racing subsidies. This is so obviously unfair and misuse of the funds that should be directed to injured Jockey and Drivers and to the citizens of Massachusetts. Period!

Sincerely,

James Lagomarsino

[REDACTED]

[REDACTED] 01037

**From:** Pam Youngquist [REDACTED]  
**Sent:** Tuesday, November 26, 2024 1:33 PM  
**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>  
**Subject:** RHDF Jockey and Driver Benefits

To the Commissioners of the Massachusetts Gaming Commission:

I am writing to you regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund (RHDF) should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits.

I believe that 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen by the MGC, for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers. As of last year, there were 11 retired or disabled jockeys, and an unknown number of retired or disabled drivers. This discrete group can be identified and eventually the fund will be able to be reduced, and then eventually discontinued.

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As thoughtful agents of the Commonwealth as a whole, your Commission should recommend to the legislature that the other 96% of the gambling revenue, now going to purses and breeding, be directed instead to a program such as the Massachusetts Healthy Incentives Program (HIP). Not only does the HIP incentive program provide fresh food for those most in need in our state - the elderly, young families, health compromised individuals, and the disabled - it truly accomplishes what horse racing subsidies have not. This program helps to preserve open space by assisting current farmers, increasing carbon sequestration by doing so, and by encouraging emerging young farmers to invest in the Commonwealth. By providing incentives to grow food through business development in CSA's and Farmer's Markets, this program serves a vital community need. The HIP program was recently cut for Fiscal Year 2025 by \$10 million, reducing the ability of food insecure citizens to obtain fresh foods to a mere \$20 per month, no matter household size. This shortfall can easily be replaced with the gaming revenue currently inuring to a small number of individuals and hobby farmers.

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The RHDF money currently in place, that has been sitting in limbo since the closure of the last thoroughbred race track, as well as all new funds generated from these gaming taxes, need to be redirected and allocated to the true needs of citizens in the Commonwealth. We, the actual stakeholders in Massachusetts, need to be at the table regarding where public money is spent. Continuing to prop up an industry that is non-existent on the thoroughbred side, and already primarily self-funded on the standardbred side, with state subsidies is an outdated concept that needs to finally end.

Rather than being the cheerleaders for this dying industry, the MGC should be the voice of reason by not releasing any more of these funds until it recommends to the legislature that the RHDF, and all other racing subsidies, be terminated.

Thank you for considering my comment.

Pam Youngquist

Great Barrington, MA

**From:** Matt Kelly [REDACTED]

**Sent:** Tuesday, November 26, 2024 1:43 PM

**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>

**Subject:** The 4% health and pension distribution from the Race Horse Development Fund

From: Matt Kelly <[veganpeace2@gmail.com](mailto:veganpeace2@gmail.com)>

Sent: Tuesday, November 26, 2024 1:43 PM

To: MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>

Subject: The 4% health and pension distribution from the Race Horse Development Fund

To the Commissioners of the Massachusetts Gaming Commission:

I am writing to you regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund (RHDF) should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits.

I believe that the 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen and run by the Massachusetts Gaming Commission (MGC), for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers.

Meanwhile, the Commission should recommend to the legislature that the other 96% of the gambling revenue, now going to purses and breeding, be directed instead to a program such as the Massachusetts Healthy Incentives Program (HIP). This program not only provides fresh local produce to needy residents, but helps to preserve open space by assisting actual farmers and would be much more beneficial to the Commonwealth and its citizens.

The RHDF money that has been sitting in limbo since the closure of the failed Suffolk Downs track, as well as all new funds generated from those same gaming taxes, must be redirected and allocated to the true needs of citizens of this Commonwealth.

The Commission should not release any more of these funds until it conducts a thorough evaluation and study and recommends to the legislature to end all racing subsidies.

The Plainville harness track is funded with simulcasting and slot machines, and has recently been gifted sports betting. There is no longer a thoroughbred track and no further public money should be expended on that dying and obsolete industry.

The Massachusetts Gaming Commission should be the voice of reason to recommend to the legislature that the RHDF, and all other racing subsidies, be terminated immediately.

Sincerely,

Matt Kelly

New Ashford, MA

**From:** Sheila Heglin [REDACTED]  
**Sent:** Tuesday, November 26, 2024 3:33 PM  
**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>  
**Subject:** RHDF Jockey and Driver Benefits

To the Commissioners of the Massachusetts Gaming Commission:

I am writing to you regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits.

I believe that the 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen by the MGC for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers. As of last year there were 11 retired or disabled jockeys, and an unknown number of retired or disabled drivers. This group can be identified and eventually the fund will be able to be reduced and then eventually discontinued.

As thoughtful agents of the Commonwealth as a whole, your Commission should recommend to the legislature that the other 96% of the gambling revenue, now going to purses and breeding be directed instead to a program such as the Massachusetts Healthy Incentives Program (HIP). Not only does the HIP incentive program provide fresh food for those most in need in our state - it truly accomplishes what horse racing subsidies have not. This program helps to preserve open space by assisting current farmers to invest in the Commonwealth. The HIP program was recently cut for fiscal year 2025 by \$10 million, reducing the ability of food insecure families. This shortfall can easily be replaced with the gaming revenue currently inuring to a small number of individuals and hobby farmers.

Proponents of the RHDF, primarily developers and an archaic "horsemen's" organization, claim that horse racing is beneficial to the Commonwealth's economy, but provide no supporting data. The city of Gardner, where I reside, just prevented Bay State Racing from bringing horse racing to our town. It was clear to the town that the only ones to benefit from the venture would be Bay State Racing and not the city or citizens of Gardner.

The Commission should not release any more of these funds until it recommends to the legislature to end all racing subsidies.

Sincerely,

Sheila Heglin

Gardner, Massachusetts



From: Terry Carlo [REDACTED]

Sent: Tuesday, November 26, 2024 6:57 PM

To: MGCcomments <MGCcomments@massgaming.gov>

Subject: Must Read RHDF Jockey and Driver Benefits

To the Commissioners of the Massachusetts Gaming Commission:

I'm writing regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund (RHDF) should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits.

The 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen and run by the Massachusetts Gaming Commission (MGC), for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers.

Meanwhile, the Commission should recommend to the legislature that the other 96% of the gambling revenue, now going to purses and breeding, be directed instead to a program such as the Massachusetts Healthy Incentives Program (HIP). This program not only provides fresh local produce to needy residents, but helps to preserve open space by assisting actual farmers and would be much more beneficial to the Commonwealth and its citizens.

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The Plainville harness track is funded with simulcasting and slot machines, and has recently been gifted sports betting. There is no longer a thoroughbred track and no further public money should be expended on that dying and obsolete industry.

The Massachusetts Gaming Commission should be the voice of reason to recommend to the legislature that the RHDF, and all other racing subsidies, be terminated immediately.

Sincerely,

Terry Carlo

[REDACTED]

Pittsfield, MA 01201

**From:** Cindy Gingrich [REDACTED]  
**Sent:** Tuesday, November 26, 2024 6:27 PM  
**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>  
**Subject:** RHDF Jockey and Driver Benefits

To the Commissioners of the Massachusetts Gaming Commission:

I am writing to you regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund (RHDF) should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits.

I believe that the 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen and run by the Massachusetts Gaming Commission (MGC), for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers.

Meanwhile, the Commission should recommend to the legislature that the other 96% of the gambling revenue, now going to purses and breeding, be directed instead to a program such as the Massachusetts Healthy Incentives Program (HIP). This program not only provides fresh local produce to needy residents, but helps to preserve open space by assisting actual farmers and would be much more beneficial to the Commonwealth and its citizens.

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The Plainville harness track is funded with simulcasting and slot machines, and has recently been gifted sports betting. There is no longer a thoroughbred track and no further public money should be expended on that dying and obsolete industry.

The Massachusetts Gaming Commission should be the voice of reason to recommend to the legislature that the RHDF, and all other racing subsidies, be terminated immediately.

Sincerely, with thanks,

Cindy Gingrich

Boylston, MA

**From:** [REDACTED]

**To:** [mgccomments@massgaming.gov](mailto:mgccomments@massgaming.gov) <[mgccomments@massgaming.gov](mailto:mgccomments@massgaming.gov)>

**Sent:** Tuesday, November 26, 2024 at 04:43:41 PM EST

**Subject:** RHDF Jockey and Driver Benefits

To the Commissioners of the Massachusetts Gaming Commission:

I am writing to the Commission regarding the Race Horse Development Fund and my experience in the past 4 years dealing with the hardball tactics

used by the horse-racing and gambling proponents who have relentlessly caused painful community division in the small towns across Massachusetts

in their strategy to gain sports betting licenses under the guise of racetracks and horse breeding businesses.

The racing industry has sought to buy into eight small towns and cities and failed each time to sway residents to vote against their interests and those of surrounding communities. Citizens have been forced to oppose and protest the proposals while spending their hard-earned dollars to protect their town and its well-being.

Integrity matters. Horse racing and the issues that accompany it, are an ill wind for any community that invites them in. This is underscored by FBI fingerprinting, zealous State Police oversight, random inspections, and regular drug testing of the animals.

Thinly disguised gambling industry plans that will generate large profits for very few individuals need to stop being foisted onto our cities and towns.

I am writing to you specifically regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund (RHDF) should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits. I believe that the 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen by the MGC, for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers. As of last year, there were 11 retired or disabled jockeys, and an unknown number of retired or disabled drivers. This discrete group can be identified and eventually the fund will be able to be reduced, and then eventually discontinued.

There is no longer thoroughbred racing in the state, thus the jockey numbers are diminishing, not growing. The standardbred track in Plainville has sufficient income from simulcasting, slot machines, and sports betting to take care of the current drivers and all other workers for their health insurance, pensions, and disability, now and in retirement. To the extent that there are other deserving "horsemen" already retired or disabled in Massachusetts, their needs can be investigated and perhaps be added to the jockey/driver fund.

For the greater good of the Commonwealth, your Commission should recommend to the legislature that the other 96% of the gambling revenue, now going to purses and breeding, be directed instead to a program such as the Massachusetts Healthy Incentives Program (HIP). Not only does the HIP

incentive program provide fresh food for those most in need in our state - the elderly, young families, health compromised individuals, and the disabled - it truly accomplishes what horse racing subsidies have not. This program helps to preserve open space by assisting current farmers, increasing carbon sequestration by doing so, and by encouraging emerging young farmers to invest in the Commonwealth. By providing incentives to grow food through business development in CSA's and Farmer's Markets, this program serves a vital community need. The HIP program was recently cut for Fiscal Year 2025 by \$10 million, reducing the ability of food insecure citizens to obtain fresh foods to a mere \$20 per month, no matter household size. This shortfall can easily be replaced with the gaming revenue currently inuring to a small number of individuals and hobby farmers.

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The RHDF money currently in place, that has been sitting in limbo since the closure of the last thoroughbred race track, as well as all new funds generated from these gaming taxes, need to be redirected and allocated to the true needs of citizens in the Commonwealth. We, the actual stakeholders in Massachusetts, need to be at the table regarding where public money is spent. Continuing to prop up an industry that is non-existent on the thoroughbred side, and already primarily self-funded on the standardbred side, with state subsidies is an outdated concept that needs to finally end.

Rather than being the cheerleaders for this dying industry, the MGC should be the voice of reason to recommend the RHDF, and all other racing subsidies, be terminated.

The Commission should not release any more of these funds until it recommends to the legislature to end all racing subsidies.

Sincerely,

Robin L. Prouty

[REDACTED]

Gilbertville (Hardwick) MA 01031

[REDACTED]

**From:** Barbara Search [REDACTED]  
**Sent:** Tuesday, November 26, 2024 9:15 PM  
**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>  
**Subject:** RHDF Jockey and Driver Benefits

To the Commissioners of the Massachusetts Gaming Commission:

I am writing to you regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund (RHDF) should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits.

I believe that the 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen by the MGC, for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers. As of last year, there were 11 retired or disabled jockeys, and an unknown number of retired or disabled drivers. This discrete group can be identified and eventually the fund will be able to be reduced, and then eventually discontinued.

There is no longer thoroughbred racing in the state, thus the jockey numbers are diminishing, not growing. The standardbred track in Plainville has sufficient income from simulcasting, slot machines, and sports betting to take care of the current drivers and all other workers for their health insurance, pensions, and disability, now and in retirement. To the extent that there are other deserving "horsemen" already retired or disabled in Massachusetts, their needs can be investigated and perhaps be added to the jockey/driver fund.

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The Commission should not release any more of these funds until it recommends to the legislature to end all racing subsidies.

Sincerely,

Barbara A. Search

Sturbridge, MA

**From:** Heather Coon [REDACTED]  
**Sent:** Wednesday, November 27, 2024 11:37 AM  
**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>  
**Subject:** RHDF jockey and driver benefits

Sent from my iPhone **The subject line must be:** RHDF Jockey and Driver Benefits

To the Commissioners of the Massachusetts Gaming Commission:

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less open space, as less individuals will be able to afford the resulting increasing cost of importing hay.

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Rather than being the cheerleaders for this dying industry, the MGC should be the voice of reason by not releasing any more of these funds until it recommends to the legislature that the RHDF, and all other racing subsidies, be terminated.

Thank you for considering my comment.



From: **Leslie Chalmers** [REDACTED]

Date: Wed, Nov 27, 2024 at 1:13 PM

Subject: RHDF Jockey and Driver Benefits

To: <[mgcomments@massgaming.gov](mailto:mgcomments@massgaming.gov)>

To the Commissioners of the Massachusetts Gaming Commission:

I am writing to you regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund (RHDF) should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits.

I believe that the 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen by the MGC, for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers. As of last year, there were 11 retired or disabled jockeys, and an unknown number of retired or disabled drivers. This discrete group can be identified and eventually the fund will be able to be reduced, and then eventually discontinued.

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Rather than being the cheerleaders for this dying industry, the MGC should be the voice of reason by not releasing any more of these funds until it recommends to the legislature that the RHDF, and all other racing subsidies, be terminated.

Thank you for considering my comment.

Sincerely,

Leslie Chalmers Gravel

Leeds, MA

**From:** [REDACTED]

**Sent:** Wednesday, November 27, 2024 2:22 PM

**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>

**Subject:** RHDF Jockey and Driver Benefits

To the Commissioners of the Massachusetts Gaming Commission:

I am writing to the Commission regarding the Race Horse Development Fund and my and my colleague's experience in the past 4 years dealing with the hardball tactics used by the horse-racing and gambling proponents who have, relentlessly caused painful community division in the small towns across Massachusetts in their strategy to gain sports betting licenses under the guise of racetracks and horse breeding businesses.

The racing industry has sought to buy into eight small towns and cities and failed each time to sway residents to vote against their interests and those of surrounding communities. Citizens have been forced to oppose and protest the proposals while spending their hard-earned dollars to protect their town and its well-being.

Integrity matters. Horse racing and the issues that accompany it, are an ill wind for any community that invites them in. This is underscored by FBI fingerprinting, zealous State Police oversight, random inspections, and regular drug testing of the animals.

Thinly disguised gambling industry plans that will generate large profits for very few individuals need to stop being foisted onto our cities and towns.

I am writing to you specifically regarding what portion of the 4% health and pension distribution from the Race Horse Development Fund (RHDF) should be paid to retired and disabled thoroughbred jockeys or standardbred drivers for health insurance and other benefits. I believe that the 4% of the gaming revenues that are paid into the RHDF should be placed into a fund, overseen by the MGC, for health insurance and pensions for previously retired and/or disabled Massachusetts jockeys and drivers.

As of last year, there were 11 retired or disabled jockeys, and an unknown number of retired or disabled drivers. This discrete group can be identified and eventually the fund will be able to be reduced, and, eventually, discontinued.

There is no longer thoroughbred racing in the state, thus the jockey numbers are diminishing, not growing. The standardbred track in Plainville has sufficient income from simulcasting, slot machines, and sports betting to take care of the current drivers and all other workers for their health insurance, pensions, and disability, now and in retirement.

To the extent that there are other deserving "horsemen" already retired or disabled in Massachusetts, their needs can be investigated and perhaps be added to the jockey/driver fund.

Please, for the greater good of the Commonwealth, your Commission should recommend to the legislature that the other 96% of the gambling revenue, now going to purses and breeding, be directed instead to a program such as the Massachusetts Healthy Incentives Program (HIP).

Not only does the HIP incentive program provide fresh food for those most in need in our state - the elderly, young families, health compromised individuals, and the disabled - it truly accomplishes what horse racing subsidies have not. This program helps to preserve open space by assisting current farmers, increasing carbon sequestration by doing so, and by encouraging emerging young farmers to invest in the Commonwealth.

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Additionally, there already is not enough hay for the horses in the Commonwealth (the vast majority of which are recreational), so hay must be imported from other states and from Canada.

A new racetrack may in fact result in less open space, as less individuals will be able to afford the resulting increasing cost of importing hay. We can state this with some degree of expertise as my colleague's family's full-time 300 acre farm is in hay production, corn, soybeans and other small grains.

The RHDF money currently in place and that has been sitting in limbo since the closure of the last thoroughbred race track, as well as all new funds generated from these gaming taxes, need to be redirected and allocated to the true needs of citizens in the Commonwealth.

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The Commission should not release any more of these funds until it recommends to the legislature to end all racing subsidies.

Sincerely,

Donna Soodalter-Toman

[REDACTED]

Gloucester, MA 01930

[REDACTED]

**From:** HRStates [REDACTED] >  
**Sent:** Wednesday, November 27, 2024 3:40 PM  
**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>  
**Cc:** HRStates <[hrstates@me.com](mailto:hrstates@me.com)>  
**Subject:** RHDF Jockey and Driver Benefits

To the Commissioners of the Massachusetts Gaming Commission:

I believe that pension and disability payments should be paid to jockeys and drivers who retired or were disabled in Massachusetts, but not out of the Race Horse Development Fund.

As you know, there is no thoroughbred race track facility any longer. Thus, under to Chapter 23N, no money from the RHDF can legally be directed to health and pension benefits for thoroughbred "horsemen" or jockeys.

#### MGC Should Make Rational Recommendations To The Legislature

It is well past time for the Massachusetts Gaming Commission to make rational recommendations to the Massachusetts legislature for common sense legislative changes to the horse racing statutes.

#### Redirect the RHDF Funds

Step one would be to redirect ALL of the funds under Chapter 23K section, section 60(c) that are currently in trust funds or otherwise being paid into the RHDF. The Commission should immediately propose this legislative change.

The MGC should recommend that 95% of the section 60(c) funds be redirected to the Massachusetts Healthy Incentives Program (HIP) to replace the funds recently cut so that the Program can continue to provide necessary benefits to needy consumers, while aiding and assisting farmers across the Commonwealth and protecting valuable open space.

The remaining 5% of the section 60(c) money should be set aside for disability and pension benefits for previously retired or disabled jockeys and drivers and track workers. That 5% should be placed into a fund overseen by this Commission. The Commission would have to decide requirements for what retired or previously disabled track workers would be eligible for such benefits based on financial need. My understanding is that the jockeys and drivers are already identified. Any future retirements/disability must be covered by an ongoing racing facility as a cost of doing business. No longer from public funds.

#### The MGC Should Regulate, Not Cheerlead

Other than lobbyists for race horse or race track owners and employees, there is no one advocating for true oversight and transparent governance. The MGC should be that advocate as that role is sorely lacking.

Instead, the Commission is a textbook example of regulatory capture. As a recent example, in looking to craft regulations for simulcast facilities, you must have had at least a vague notion that

such a venture would require at least a minimum of community involvement and a traffic study. But because Suffolk Downs commented that no such thing was needed for "simulcasting", the Commission went along with that bogus argument and eliminated any sort of traffic or other study. You require virtually no notice to communities that will be impacted (much less require their approval or input!).

This decision was while full well knowing that a simulcast facility will necessarily be a sports gambling facility. A full retail establishment - not a mom and pop off track betting parlor. You obviously have a perfect example in the Raynham project currently being built. Stadium seating. Hundreds of video screens. Large parking area. Plans for traffic control and traffic mitigation.

Although the legislature saw fit to include required community approval and Host Community Agreements for other gaming facilities, no such protections were included in the sports wagering legislation. The MGC should be requesting that such controls and protections be added to any retail sports wagering facilities that don't otherwise come under the gaming laws. So far, instead of such requests, the MGC itself fails to provide such protections in its racing and sports wagering regulations.

#### Other Recommendations You Should Be Making To The Legislature

Other recommendations to the legislature would be to adopt all current HISA requirements for the health and safety of race tracks, race horses, and jockeys. The national HBPA (Horsemen's Benevolent Protective Association), of which the New England HBPA is a founding member, is suing to have all of those rules and regulations found unconstitutional. If the Commonwealth is going to allow horses to be used in such an industry, their health and safety must be paramount. So far, the horses themselves are never considered in any of the equations. The MGC should be their advocate. Further, the MGC should advocate for the legislature to legislature enact serious penalties for the illegal drugging of horses and for the sale of horses to auction or slaughter.

#### No Need for Studies and Reports

The Commission recently released the more than six-month-old study that determined that retail sports wagering kiosks are not a good idea from either an economic or a public health standpoint. It is common knowledge that if the same study were done of horse racing, the results would be similar. Horse racing is not economically beneficial for the Commonwealth - especially where tax revenues subsidize it that otherwise could go to programs that actually benefit communities.

#### Youth Gambling Addictions

With all the studies and issues about increased gambling, especially among our youth, where is the Commission concern that the age to gamble on horse racing is 18? It is 21 for all other online legal gambling in the commonwealth. When the lottery sales go online, the minimum age will be 21, not 18. The Commission should be recommending that gambling on horse races also be limited to adults 21 and over.

At every turn, and for no rational reason, horse racing is given a leg up. Under 21 can gamble. Highly subsidized. No research. No concerns about location or adverse impacts. No required Host

Community Agreement. Payments to defunct businesses and organizations. Mitigation for non-existent tracks.

It would be helpful if the horse racing division was handled more like gaming. Where you do often actually regulate Rather than just promote or advocate.

#### Necessary Mitigation

The Gaming Commission is in the best position to recognize the need for mitigating the adverse effects of gambling establishments without need for expensive studies. Luckily, by statute, gaming facilities must negotiate host community agreements. Over the years you have approved numerous grants to host and surrounding communities to mitigate the adverse effects of these facilities. Yet not only do you not acknowledge that many of the same adverse effects result from horse racing tracks, your agency actually advocates to retain millions of dollars in limbo in hopes that the dying horse racing industry in one last gasp can convince an unsuspecting community in Massachusetts to allow them to clear cut hundreds of acres to build an obsolete facility with no local control.

#### Horse Racing is Unprofitable

There is certainly no need for the Gaming Commission to conduct a study into the economics of horse racing. Spectrum Gaming has already provided the hopeful Massachusetts track developers with multiple studies showing that racing is not profitable. The plans you have seen in the past couple of years for a race track include gambling 365 days a year. Racing 3 to 6 days. That is because racing loses money every single day. Clearly the only reason any investor would put a penny into horse racing is because they believe that they will make money from sports wagering. Spectrum has clearly told them there is no other way they will make a profit. Why not look into suggesting a few wagering locations without any requisite track. Why burden communities and their precious natural resources - not to mention the drugging and deaths of the horses themselves - when the real aim is merely to have gambling. It is an archaic and senseless requirement.

#### Going Forward

Rather than being the cheerleaders for the dying racing industry, the MGC should be the voice of reason to recommend the RHDF, and all other racing subsidies, be terminated. The Commission must begin to actually police the industries it oversees.

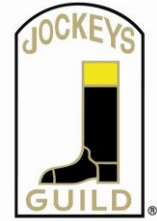
Thank you for your time

Barbara Kellogg

Massachusetts land owner and horse owner

November 27, 2024

Massachusetts Gaming Commission  
101 Federal Street 12<sup>th</sup> Floor  
Boston, MA 02110



*Sent via email* [mgcccomments@massgaming.gov](mailto:mgcccomments@massgaming.gov)

RE: Public Comment Regarding RHDF Jockey and Driver Benefits

Dear Commissioners,

On behalf of the Jockeys' Guild ("the Guild"), and our members who regularly rode in Massachusetts, we are submitting this letter as public regarding Race Horse Development Fund ("RHDF") Jockey and Driver benefits. On behalf of the qualifying jockeys, we respectfully requested the Massachusetts Gaming Commission's consideration for distribution of the funds pursuant to G.L. c.23K, §60(c)(iii) which states that the Commission must determine what portion, if any, of the 4% health and pension distribution from the Race Horse Development Fund shall be paid by the respective horsemen's organizations which receive the funds to active and disabled thoroughbred jockeys or standardbred drivers for health insurance, life insurance or other benefits.

The Guild has been, and continues to be, recognized as the organization representing the majority of the Massachusetts jockeys for decades, with the exception of the years of reorganization, which began in October of 2007. In 2012, we regained the majority of the membership in Massachusetts and were once again recognized by the Commission as the representative of the jockeys. Although there is currently no live Thoroughbred racing in Massachusetts the Commission has continued to recognize the Guild in that capacity.

According to the G.L. c.23K §60(c)(iii), distribution of funds is applicable to the active and permanently disabled jockeys for "health insurance, life insurance, and other benefits." Unfortunately, due to the fact no live racing has been conducted since 2019, nor any scheduled to be conducted, there is currently not a qualification standard for active jockeys. Additionally, unlike MLGA 128A §5(h)(4), the language of §60(c)(iii), does not include retired jockeys. Therefore, the potential benefits would only be available to disabled jockeys.


Based on the qualifications previously presented to Commission for qualifying members who, after 2008, are disabled as a result of an on-track accident in Massachusetts OR achieved the "retired Massachusetts jockey" qualification and became disabled as result of an on-track accident in another jurisdiction, there would be five (5) individuals who would qualify for funds in the event that the Commission deems distribution appropriate. Please note, any funds received by the Guild under the RHDF would be provided to qualifying individuals to be used in addition to the funds that have been distributed under MLGA 128A §5(h)(4). While the distribution by the Commission for fiscal year 2023 was most appreciated, there are always additional needs for those qualifying permanently disabled Massachusetts jockeys.



In light of the current circumstances with no live thoroughbred racing being conducted since 2019, the Guild recognizes that there are many factors that must be considered by the Commission pertaining to the amount of funds, if any, New England HBPA should contribute for the benefits of the Thoroughbred jockeys in Massachusetts. While we have respectfully requested that the Commission consider designating an amount from the RHDF to be used for the disabled jockeys based on the need and under the premise of the possibility for additional benefits for those individuals, the Guild recognizes that there has been a substantial decrease in the funds going to the New England HBPA due to no live Thoroughbred racing in Massachusetts, with the majority being distributed to the Standardbred organizations. The Guild continues to appreciate the needs of those who have committed their lives and careers to racing in Massachusetts, including those trainers who receive benefits from the New England HBPA. Please note, our request for the consideration of funds for the qualifying permanently disabled jockeys is not with the intent of being at a detriment to the horsemen. Furthermore, we would like to express our appreciation for the New England HBPA and the commitment they have had to the Massachusetts' jockeys over the past several decades.

The Guild sincerely appreciates the Commission's consideration of our request. If you have any additional questions or concerns, I will be available for during the agenda item pertaining to the RHDF to be discussed at the Commission meeting scheduled for December 5, 2024. In the event you have a question or concern that needs to be addressed prior to the Commission meeting, please feel free to contact me in the office at (859) 523-5625 or via email at mcoleman@jockeysguild.com.

Sincerely,



Mindy L. Coleman  
Counsel

CC: Dr. Alex Lightbown, MGC, Director of Racing  
Terence Meyocks, Jockeys' Guild, President & CEO

# **New England Horsemen's Benevolent and Protective Association, Inc**

A National Organization



P.O. Box 550247 Waltham, MA. 02455 617-744-3603

[www.newenglandhbpa.com](http://www.newenglandhbpa.com)

President – Anthony Spadea

Executive Director – Paul Umbrello

Directors Owners- Shirley Dullea, Chris Trakas Joseph DiRico and Al Tassone

Directors Trainers – Matthew Clarke, Kevin McCarthy, Leona McKanas George Saccardo and Robert Manning

November 27<sup>th</sup>, 2024

Dear Commissioners,

## **Discussion regarding the 4% distribution to Jockeys from the RHDF**

Thank you for the opportunity to provide our thoughts on the MGC's decision to discuss and evaluate benevolence funding for injured and permanently disable jockeys that were members of the jockey colony.

First a little background

The NEHBPA was the first and only Horsemen's Organization to offer Jockey Insurance for New England Jockeys since the early 1990's right up to the last year of racing at Suffolk Downs.

The NEHBPA thru its agreements with Suffolk Downs paid over \$5 million dollars in premiums to provide insurance for those Jockey's that raced in New England. Over those years the policy paid out over \$18 million dollars in payments to those Jockeys

Some Jockeys, including those currently under the Guild, have received more than \$100,000 dollars in benefit payments, far more than any of our Trainers have or will receive. Reminder since the creation of the NEHBPA over 85 years ago the NEHBPA only represents Owners and Trainers

Also, as I am sure you are aware that under 128A Section 5 (h)(4) and 128C Section 2 the Guild already receives a \$65,000 yearly payment.

In closing the NEHBPA supports any decisions that the MGC may have to make and are available if you have any questions. The only request we make is that if any funding is awarded, we would request that it stays within the same prior years payments as any increase in payments could impact funding of our programs for our Trainers

NEHBPA

	Amount	Help
<b>RDHF Income thru November 2024</b>	\$ 404,879.00	MGC Site Avg is \$36,807 per month however the funding is not consistent week to week
Estimate for Dec	\$ 35,000.00	
<b>Total</b>	<b>\$ 439,879.00</b>	We transfer in more than what comes in from Reserves
<b>Health and Welfare Expenses thru Nov</b>		
Old Age Assistance	\$ 412,500.00	87 Trainers - Avg \$37,500 per month Up from 2023
Benevolence	\$ 30,371.00	30 Trainers
Eyeglasses	\$ 800.00	4 Trainers
Life Ins Coverage	\$ 19,904.00	98 Trainers (up from 92) plus 32 spouses - 130 total individuals for an Avg premium of \$1,658 Benefits paid by Boston Mutual
Bank Fees	\$ 200.00	
<b>Estimates for December 2024</b>		
Life Insurance Premiumm	\$ 1,700.00	
Benevolence	\$ 3,000.00	
Old Age Assistance	\$ 37,500.00	
Jockey Guild	TBD	
<b>Total</b>	<b>\$ 505,975.00</b>	
<b>Loss for 2024</b>	<b>\$ (101,096.00)</b>	
<b>Avg Loss per month</b>	<b>(\$8,425)</b>	We dip into reserve
<b>RDHF Income for 2023</b>	<b>\$ 417,093.00</b>	
<b>Health and Welfare Expenses 2023</b>		
Old Age Assistance/Benevolence	\$ 432,605.00	



P.O. Box 1811, Plainville, MA 02762

Website: [www.hhane.com](http://www.hhane.com)

Email: [president@hhane.com](mailto:president@hhane.com)

508.316.3364

A Request for Public Comment:  
Health and Pension Distribution from the Race Horse Development Fund  
[mgccomments@massgaming.gov](mailto:mgccomments@massgaming.gov)

Subject: RHDF Jockey and Driver Benefits

This is in response to the Massachusetts Gaming Commission's (MGC) request for comment from any interested party or stakeholder relative to how much funding, if any, it should direct of the four percent of the health and pension distribution from the Race Horse Development Fund (RHDF) to be paid by the respective horsemen's organization which receive the funds for active and disabled thoroughbred jockey or standardbred drivers for health insurance, life insurance or other benefits. Information regarding how the four percent is currently being distributed by the horsemen's organizations, what funds are received by those organizations for the jockeys/drivers from other sources, how many jockey/drivers would benefit from such funding, and any other relevant information that would be helpful to the Commission in making its determination.

***Response of the Harness Horseman's Association of New England, Inc.:***

November 26, 2024

The Harness Horseman's Association of New England, Inc. (HHANE) represents the Standardbred Industry racing at Plainridge Park Racecourse (PRC) and its members, including the Standardbred drivers.

The Board of the HHANE had many meetings and ideas on how the money from the RHDF, as outlined by the legislation, could best be used to benefit our members. After reviewing programs offered at several other racetracks, we concluded one benefit that would be invaluable to trainers and drivers would be a Retirement Savings Plan (RSP). There were few, if any, trainers or drivers racing at PRC with any money saved for retirement. A participant in the RSP who has met the requirements for five consecutive years and/or is 65 years or older is automatically vested. Should a permanent disability occur, the funds in their account are paid out immediately regardless of age or vesting years.

The HHANE has received many compliments regarding the RSP, as it has exceeded our expectations. The RSP was presented to and approved by the MGC.

While most of the funds from the RHDF have been used for the RSP, other benefits are available for all our members. The vision benefit affords owners, trainers, grooms, and drivers the ability to have annual eye exams and purchase eye-wear or contact lenses with little or no out-of-pocket costs. This is especially important for drivers as a yearly vision exam is a licensing requirement.

In 2022, a dental benefit was added. The dental benefit affords owners, trainers, grooms, and drivers the ability to have routine cleanings and dental work done with little or no out-of-pocket costs.

Another paid benefit offered to all members, including drivers, is third-party liability insurance. This insurance pays for any damage caused by a horse on or off the racetrack. It is part of a group policy that provides insurance for Standardbred horse organizations across the country, and it would be difficult for an individual to obtain this type of policy on their own.

Also offered to all members is a charitable giving policy available to any member experiencing financial distress.

As for other source contributions, through our contract agreement with our host track, the track provides accident and disability insurance at its expense for trainers and drivers who are injured or suffer loss of life while participating in training or live racing at Plainridge.

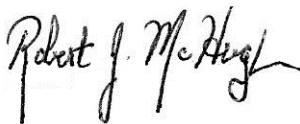
HHANE also offers a self-funded program where member drivers can obtain race bike insurance up to \$1,000 at no cost.

The four percent of the RHDF currently received by the HHANE benefits all our members. As stewards of the money received, HHANE is proud of the benefits designed and offered to our members, including our 88 Standardbred drivers.

We welcome any questions you may have.

Sincerely,

HARNESS HORSEMAN'S ASSOCIATION OF NEW ENGLAND, INC.

A handwritten signature in black ink that reads "Robert J. McHugh". The signature is written in a cursive style with a large, stylized initial "R".

Robert J. McHugh  
President



# Soccer

## Pre-live Same Game Parlays

- Settlement of these bets will be based on the following criteria:
  - in the event a pre-live Same Game Parlay contains a selection applicable to a player who did not participate in the match (“Soccer Non-Participating Player”), the selection containing the Soccer Non-Participating Player will be voided and the pre-live Same Game Parlay will be repriced based on the last odds available to DraftKings prior to the start of the match. In the event all selections in a pre-live Same Game Parlay are Soccer Non-Participating Players, then the whole bet will be settled as void:
  - in the event a pre-live Same Game Parlay contains at least one (1) selection, other than a selection containing a Soccer Non-Participating Player, which is settled as void or push, then the whole pre-live Same Game Parlay will be settled as void, irrespective of whether the pre-live Same Game Parlay contains other winning or losing selections, unless the match associated with the pre-live Same Game Parlay is abandoned:
  - in the event the match associated with the pre-live Same Game Parlay is abandoned, and the pre-live Same Game Parlay contains an already losing selection at the time of abandonment, the pre-live Same Game Parlay will be settled as lost, otherwise the pre-live Same Game Parlay will be settled as void.
  - in the event a selection is a tie, and no tie outcome is offered for that selection (for example “Race to X Goals” where neither team reaches the number of goals), then the pre-live Same Game Parlay will be settled as lost.
- A match is abandoned in the event:
  - the match does not start within forty eight (48) hours of the original start time.
  - the match starts but is then abandoned or postponed and is not rescheduled and played within forty eight (48) hours of the original start time.
- In the event a match venue is changed, all bets will be void.
- For all player markets, selected players must take part in the match during or before the relevant period or before settlement has been determined for bets to have action (e.g. bets are not automatically voided in the event a selected player does not start the match), otherwise the player is a Soccer Non-Participating Player.
- All markets incorporating shot, assist, pass and tackle related statistics are settled based on results provided by StatsBomb (<https://statsbomb.com>) irrespective of any other references to settlement sources in these house rules.

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● In the event a pre-live Same Game Parlay contains a selection which is settled as void or push, the pre-live Same Game Parlay will be repriced based on the odds available on the DraftKings website at the time of bet placement. In the event all selections in a pre-live Same Game Parlay are settled as void or push, then the whole bet will be settled as void.

4. ● All Soccer specific rules also apply to pre-live Same Game Parlays. In the event of a conflict between any other Soccer specific rules and the Soccer pre-live Same Game Parlay rules, solely as they relate to a Soccer pre-live Same Game Parlay, the pre-live Same Game Parlay rules prevail.

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*Sports Wagering Division*

judges decisions.

**CONCLUDING STATEMENT:**

The Sports Wagering Division confirms all requirements have been met under 205 CMR 247.02 and recommends approving these changes.

## Basketball

BB.6.9	The "Total Points Range" market excludes Overtime.
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## Football

FO.3.1	<del>Wagers will be deemed action once 55 minutes of game play has been completed. If 55 minutes of play is not completed for any reason such as an agreed upon change in event timing/duration, serious injury, or "Force Majeure", wagers will be deemed no action unless the market outcome is already unconditionally determined. Wagers on full game markets, including money line, spread line and totals, will be considered as action should there be less than 5 minutes of scheduled play remaining in the 4th quarter.</del>
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FO.7.11	Player Prop Markets:
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"Player Next ~~Catch~~Carry" - If the player does not make another rushing attempt after the specified drive/play then wagers will be deemed no action and voided. A penalty that negates a rushing attempt will see the market continue.

"Player Next ~~Carry~~Catch" - If the player does not make another reception after the specified drive/play then wagers will be deemed no action and voided. A penalty that negates a reception will see the market continue.

## Soccer

SO.6.6	<del>For "Goalscorer" markets (Last, Anytime, 2+, 3+, To Score A Header, To Score Outside Of The Penalty Box) any player who participates within the event will be considered as having action, as they had the opportunity to score that goal. Wagers made on players who did not participate in the match will be deemed no action and voided. For "Last Goalscorer" and "Anytime Goalscorer" markets, any player who participates within the event will be considered as having action, as they had had the opportunity to score that goal. Wagers made on players who did not participate in the match will be deemed no action and voided.</del>
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## Tennis

TE.6.6

If an official shot/serve type is not available for a point at the conclusion of the game, all wagers on those market will be deemed void. Official shot/serve types come from the ATP/WTA/ITF website. Shot/serve types listed on a television broadcast are not considered official.

## Boxing

### Incomplete events

#### BX.3.3

~~If the scheduled number of rounds in a fight is changed then all wagers on Total Rounds or Round betting markets will be deemed as no action and voided and all other markets stand. If the scheduled number of rounds in a fight is changed then all wagers on Fight Winner and/or Fight Result markets will stand and all other markets will be deemed as no action and voided.~~

### General market rules

#### BX.5.1

~~Wagers are considered as action regardless of any changes in weight class or championship sanction, unless otherwise specified. Wagers are considered as action regardless of any changes in weight class, scheduled length of the fight, or championship sanction, unless otherwise specified.~~

#### BX.5.4

~~If a fighter is counted out or the fight is stopped prior to the conclusion of a round, the round is not considered as a full round for grading.~~

#### BX.5.6

~~KO includes knockout, technical knockout, disqualifications, or any other stoppage initiated by the fighter, fighters' corner, or referee.~~

### Specific market rules

#### BX.6.8

#### Method of Victory markets:

**Knockout (KO) is when the boxer fails to stand up after a 10 count.**

~~**Technical Knockout (TKO) is the 3 knockdown rule or if the referee steps in. Any corner retirement will be considered a technical knockout (TKO), unless the fight is subsequently decided by the judges' scorecards, or is a declared a No Contest. Technical Knockout (TKO) is the 3 knockdown rule or if the referee steps in. TKO is declared when the referee decides, during a round, that a fighter cannot safely continue the match for any reason.**~~

**By Decision is on the scorecard points between the judges.**

**Draw is a scorecard draw.**

**Technical Decision – Decision is on scorecard points between the judges. Technical Decision is settled by the judges’ scorecards at any time other than at the end of the scheduled rounds.**

**Majority Decision – Decision is on scorecard points between the judges. Majority Decision is defined as the same fighter scoring more points than the other, on two of the judges’ scorecards, but the third judge scoring equally for both fighters (a draw).**

**Split Decision – Decision is on scorecard points between the judges. This is defined as the same fighter scoring more points than the other on two of the judges’ scorecards, but the third judge scoring the other fighter as the winner.**

**Unanimous Decision – Decision is on scorecard points between the judges. Unanimous Decision is defined as the same fighter scoring more points than the other on all three of the judges’ scorecards.**

**Disqualified Opponent – Defined as when a bout is stopped short of a KO, TKO or judges’ decision because, intentionally, one or both contestants have repeatedly fouled or violated other rules, and the referee declares a disqualified boxer who as a result automatically loses the bout to the opponent.**

**Draw or Technical Draw - Draw is scorecard draw. Technical Draw is if the referee stops the fight before the start of the 5th round, for any reason other than Knockout, Technical Knockout or disqualification. In the event of a fight being declared a No Contest all bets will be void and stakes returned.**

#### **BX.6.9**

**Knockdown Betting - For settlement purposes a knockdown is defined as a fighter being KO'd or receiving a mandatory 8 count (anything deemed a slip by the referee will not count).**

#### **BX.6.10**

**Bets will be settled on the result declared at the end of the fight by the official announcer. Subsequent appeals/amendments do not affect settlement (unless the amendment was**

**made due to human error when announcing the result). If the official announcer does not declare a result at the end of a fight, markets will be settled on the result displayed on the applicable organisation's official site**





## **DISCUSSION:**

On November 14, two WNCAA Volleyball events were created by the DraftKings Trading team with a scheduled start time of 7:30 PM ET. These events, however, were not scheduled to take place and did not occur. The affected events were:

- Kansas State vs. Baylor – scheduled start: 7:30 PM ET, 11/14/2024
- Kansas vs. TCU – scheduled start: 7:30 PM ET, 11/14/2024

The creation of these events resulted in wagers being placed on non-existent markets, which had no outcomes. A total of 19 wagers were placed on the markets with a total handle of \$1,269.34. Once made aware of the incident, DraftKings immediately removed the markets to prevent additional wagering.

DraftKings has identified the root cause of the incident as a manual error during event creation. DraftKings stated a trading team member relied on a stale webpage displaying outdated volleyball matchups, leading to the incorrect creation of the events with future start times. These incorrect events were created using matchups from 11/13, which were offered correctly for wagering and settled based on the actual outcomes before the erroneous events were created.

DraftKings is requesting the void, pursuant to the regulations, to refund all 19 wagers back to their customers, providing prompt notification.

## **CONCLUDING STATEMENT:**

The Sports Wagering Division confirms all requirements have been met under 205 CMR 238.35(2) and recommends these requested wagers be void and funds returned to the customers.





## Void Requests

Consistent with 238.35(2), for any transaction where a Sports Wagering Operator may cancel or void a Wager with prior authorization of the Commission, the Sports Wagering Operator shall submit a system of Internal Controls in accordance with 205 CMR 238.02 for voiding wagers and subsequent allocation of patron funds.

Operator:

Title:

Date:

Name:

In keeping with statutory and regulatory provisions, please provide information below:

Incident Date:

Date Reported:

A report documenting the incident must include summary/background, summary of wagers, root cause, mitigation, and resolution.

A wager report must include all wagers placed on the market, highlighting/indicating the wagers requesting to be voided.

- Total Stake \$:
- Total Liability \$:
- Total Patrons Impacted #:

An explanation per 205 CMR 238.35(2)(c); why cancelling or voiding the wagers is in the best interests of the Commonwealth or ensures the integrity of the industry.

Voiding the requested wagers is in the best interests of the Commonwealth and the sports wagering industry generally because it reaffirms the expectations of both operators and customers that wagering within the Commonwealth will be administered consistent with operators' established rules that are required by regulation. As required pursuant to 205 CMR 247.02, DraftKings has adopted House Rules, which include DraftKings' process for cancelling or voiding Sports Wagers. In relevant part, DraftKings' House Rules for Volleyball state that "If a match is not completed, all full time bets will be void, unless otherwise stated." In this instance, the match did not occur, and therefore was not completed. All accepted bets were full time bets.

An explanation of the resolution for patrons (which would include, at a minimum, the amount wagered returned to the patron).

The intended resolution for patrons is to void selections placed on either impacted market, inform patrons of the voided selections, and return their stake amount

Excerpt of current house rules that addresses this void

Per the Volleyball General Rules, "Volleyball General Rules If a match is not completed, all full time bets will be void, unless otherwise stated."

**FOR MGC USE ONLY**

Pursuant to 205 CMR 238.35(4), the Commission shall issue a written order granting or denying the request to void wagers.

Void Approved

Void Denied

Void Conditionally Approved      Conditions:

Commission Meeting Date:

Signed by:

Date Signed:



## DraftKings Incident Report

Bets placed on two WNCAA volleyball events that did not occur

**INCIDENT DATE**

11/14/2024

**POPULATION**

19 bets, \$1,269.34 handle

**REPORT SUBMISSION DATE**

11/27/2024

**REPORT PREPARED BY**

Joe McCann  
Jake List  
Pete Harrington

**PRIMARY CONTACT**

Joe McCann

**CONTACT EMAIL**

[jmccann@draftkings.com](mailto:jmccann@draftkings.com)

### Summary and Root Cause of Incident

The DraftKings Trading team created two WNCAA Volleyball events on 11/14/24 with a start date/time of 11/14/24 at 7:30pm ET, which were not scheduled to, and did not occur.

As a result, all wagers placed on the markets had no outcomes. The events which did not occur are listed below:

- Kansas State vs. Baylor - scheduled start 7:30pm 10/14/2024
- Kansas vs. TCU - scheduled start 7:30pm 10/14/2024

The root cause of the events being created was a manual creation error by the DraftKings Trading team. While creating events for 11/14/2024, the Trader was reviewing a stale webpage that was showing the previous dates of volleyball matchups and created the new events with an upcoming start time. The matchups on 11/13/24 were offered for wagering on 11/13/24 and the markets were settled upon completion prior to the creation of the 11/14/24 events.

### Resolution and Remediation

- Upon discovery, the DraftKings Trading team removed both markets
- DraftKings intends to void the impacted selections pending Commission approval
- Upon voiding the wagers, DraftKings to contact impacted patrons, inform them of the voided selections, and return their stake



- The Trading team responsible for the error has indicated they intend to send volleyball events to the Event Creation team instead of creating the games themselves. This is intended to have multiple teams reviewing the schedule and confirming the date of the event.

CustomerId	SportLevel	MerchCust	Site	BetId	PurchaseDate	BetTime	BetType
70564632	1	44746065	DKUSMA	'63867206'	11/14/2024	18:46	Combo-FiveFold (5)
70564632	1	44746065	DKUSMA	'63867206'	11/14/2024	18:49	Combo-FiveFold (5)
70564632	1	44746065	DKUSMA	'63867209'	11/14/2024	19:29	Combo-Trebles (3)
54819066	1	29127073	DKUSMA	'63867210'	11/14/2024	19:44	Combo-FourFold (4)
54819066	1	29127073	DKUSMA	'63867210'	11/14/2024	19:45	Combo-FiveFold (5)
54819066	1	29127073	DKUSMA	'63867210'	11/14/2024	19:45	Combo-Trebles (3)
54836539	1	29144324	DKUSMA	'63867210'	11/14/2024	19:48	Combo-FiveFold (5)
54836539	1	29144324	DKUSMA	'63867210'	11/14/2024	19:49	Combo-FourFold (4)
54836539	1	29144324	DKUSMA	'63867210'	11/14/2024	19:51	Combo-Trebles (3)
54836539	1	29144324	DKUSMA	'63867210'	11/14/2024	19:51	Combo-Trebles (3)
35473063	15	11057504	DKUSMA	'63867211'	11/14/2024	19:56	Single
35473063	15	11057504	DKUSMA	'63867211'	11/14/2024	20:07	Combo-Doubles (2)
35473063	15	11057504	DKUSMA	'63867211'	11/14/2024	20:07	Combo-Doubles (2)
35473063	15	11057504	DKUSMA	'63867211'	11/14/2024	20:07	Combo-Doubles (2)
35473063	15	11057504	DKUSMA	'63867211'	11/14/2024	20:07	Combo-Doubles (2)
35473063	15	11057504	DKUSMA	'63867211'	11/14/2024	20:08	Combo-Doubles (2)
54918669	1	29225153	DKUSMA	'63867213'	11/14/2024	20:31	Combo-Doubles (2)
25218504	1	12706936	DKUSMA	'63867215'	11/14/2024	21:07	Combo-Doubles (2)
25218504	1	12706936	DKUSMA	'63867215'	11/14/2024	21:17	Combo-Doubles (2)

IsLive	Sport	League	Event	MasterEvent	EventDate	Market	EventId	Selection
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Winner	77554420	Baylor [W]	
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Winner	77554420	Baylor [W]	
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Winner	77554420	Baylor [W]	
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Winner	77554420	Baylor [W]	
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Winner	77554420	Baylor [W]	
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Winner	77554420	Baylor [W]	
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Winner	77554420	Baylor [W]	
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Winner	77554420	Baylor [W]	
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Winner	77554420	Baylor [W]	
FALSE	Volleyball	WNCAA Vo Kansas [W]	31372378	11/15/2024 0:30	FT - Set	77554421	Kansas [W]	
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Set	77554420	Baylor [W]	
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Set	77554420	Baylor [W]	
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Set	77554420	Baylor [W]	
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Set	77554420	Baylor [W]	
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Set	77554420	Baylor [W]	
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Set	77554420	Baylor [W]	
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Winner	77554420	Baylor [W]	
FALSE	Volleyball	WNCAA Vo Kansas Stat	31372377	11/15/2024 0:30	FT - Winner	77554420	Baylor [W]	

SelectionId	Odds	Stake	Status	ProfitLoss
1.24E+09	1.41	45	Opened	-43.76
1.24E+09	1.41	5	Opened	-3.44
1.24E+09	1.41	250	Opened	-130.04
1.24E+09	1.41	10	Opened	-5.87
1.24E+09	1.41	5	Opened	-3.44
1.24E+09	1.41	5	Opened	-2.6
1.24E+09	1.41	30	Opened	-20.66
1.24E+09	1.41	10	Opened	-5.76
1.24E+09	1.41	20	Opened	-9.92
1.24E+09	1.41	30	Opened	-15.44
1.24E+09	1.6	261.44	Opened	-157.49
1.24E+09	1.57	57.58	Opened	-42.55
1.24E+09	1.57	57.58	Opened	-42.55
1.24E+09	1.57	57.58	Opened	-42.55
1.24E+09	1.57	57.58	Opened	-42.55
1.24E+09	1.57	57.58	Opened	-42.55
1.24E+09	1.57	50	Opened	-34.29
1.24E+09	1.35	100	Opened	-42.87
1.24E+09	1.35	160	Opened	-68.59



# PLAINRIDGE PARK

Q3 2024 REPORT





# RETAIL SPORTS WAGERING REVENUE AND TAXES

Year	Quarter	Net Sports Wagering Revenue	Sports Wagering Taxes
2023	Q1	\$972,663	\$145,899
	Q2	\$630,385	\$94,558
	Q3	\$575,136	\$86,270
	Q4	\$902,732	\$135,410
	<b>Total</b>	<b>\$3,080,916</b>	<b>\$462,137</b>
2024	Q1	\$1,026,537	\$153,981
	Q2	\$84,399	\$40,705
	Q3	\$938,110	\$140,717
	Q4		
	<b>Total</b>	<b>\$2,049,046</b>	<b>\$335,402</b>

In addition to the Retail Sportsbook, Plainridge Park has 20 sports wagering kiosks.



# GAMING REVENUE AND TAXES

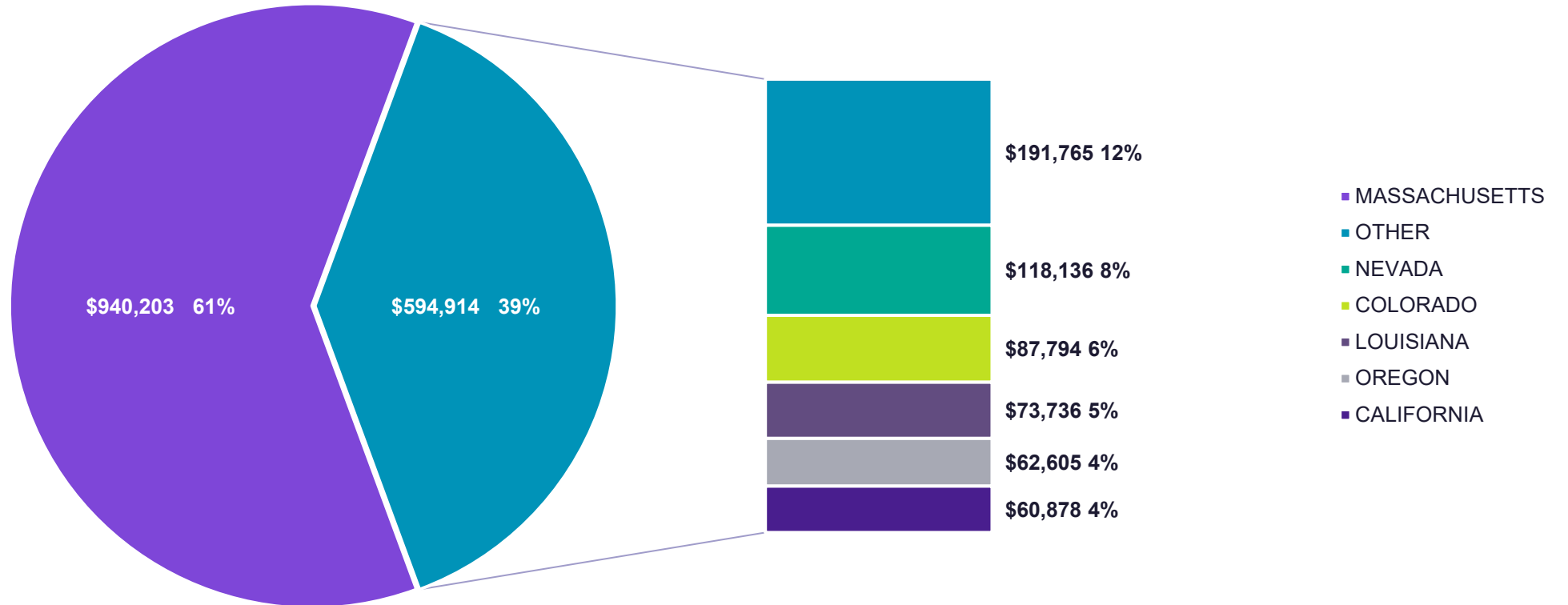
Year	Quarter	Net Slot Revenue	State Taxes	Race Horse Taxes	Total Taxes
2023	Q1	\$38,463,638	\$15,385,455	\$3,461,727	\$18,847,183
	Q2	\$39,147,502	\$15,659,001	\$3,523,275	\$19,182,276
	Q3	\$40,057,478	\$16,022,991	\$3,605,173	\$19,628,164
	Q4	\$37,967,705	\$15,187,082	\$3,417,093	\$18,604,176
	<b>Total</b>	<b>\$155,636,323</b>	<b>\$62,254,529</b>	<b>\$14,007,269</b>	<b>\$76,261,798</b>
2024	Q1	\$40,478,391	\$16,191,357	\$3,643,055	\$19,834,412
	Q2	\$42,015,386	\$16,806,154	\$3,781,385	\$20,587,539
	Q3	\$42,539,918	\$17,015,967	\$3,828,593	\$20,844,560
	Q4				
	<b>Total</b>	<b>\$125,033,695</b>	<b>\$50,013,478</b>	<b>\$11,253,033</b>	<b>\$61,266,511</b>

# LOTTERY SALES

Quarter	2024	2023	\$ Difference	% Difference
Q1	\$618,943	\$588,793	\$30,150	5.12%
Q2	\$628,352	\$645,963	(\$17,612)	(2.73%)
Q3	\$611,190	\$656,103	(\$44,913)	(6.85%)
Q4		\$594,279		
Total		<b>\$2,485,138</b>		

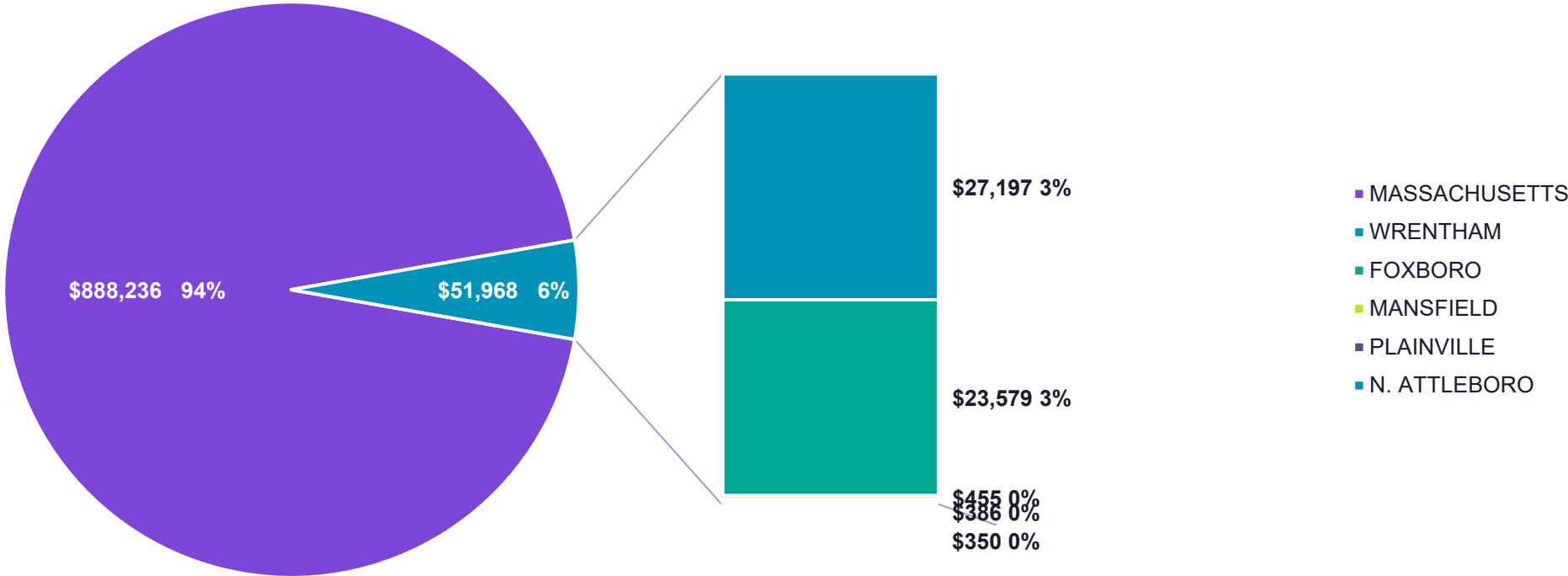
# SPEND BY STATE

## Q3 2024 Total Qualified Spend By State



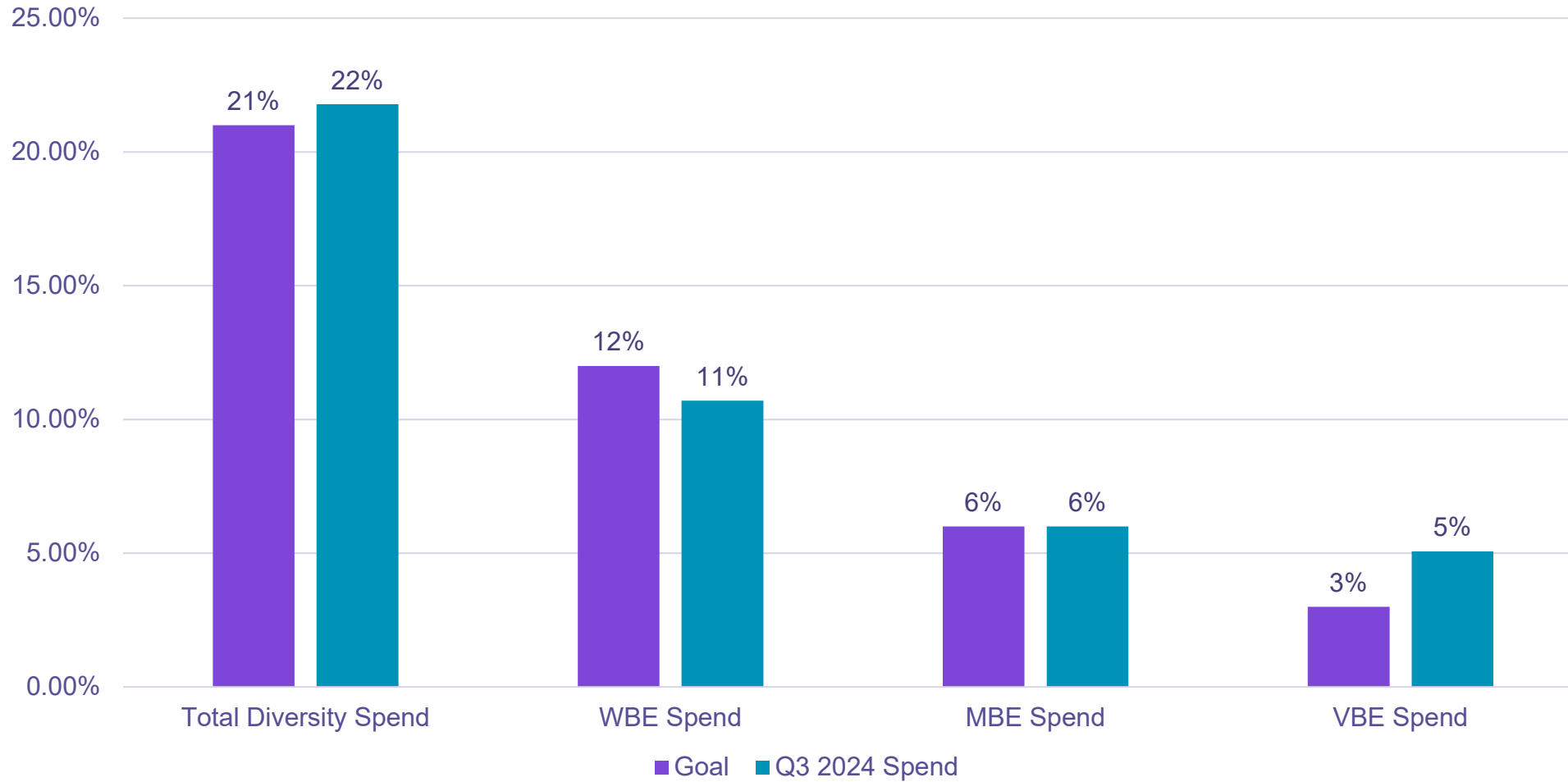
# LOCAL SPEND

## Q3 2024 Massachusetts vs Host & Surrounding Community Qualified Spend



# VENDOR DIVERSITY

## Q3 2024 vs Goal



# DIVERSE SPEND

Category <sup>1</sup>	Q3 2024	Q2 2024	\$ Difference	% Difference
<b>WBE</b>	\$164,331	\$205,079	(\$40,748)	(19.87%)
<b>MBE</b>	\$92,170	\$90,213	\$1,957	2.17%
<b>VBE</b>	\$77,853	\$73,108	\$4,745	6.494%
<b>Total Diverse Spend</b>	<b>\$334,354</b>	<b>\$368,400</b>	<b>(\$34,046)</b>	<b>(9.24%)</b>
<b>Qualified Spend</b>	<b>\$1,535,116</b>	<b>\$1,350,505</b>	<b>\$184,611</b>	<b>13.67%</b>

<sup>1</sup> Includes vendors that are certified in multiple diversity categories. Spend is reported in all qualified categories.

# COMPLIANCE

Month	Prevented from Entering Gaming Establishment			Expired, Invalid, No ID	Fake ID	Minors and Underage Escorted from the Gaming Area	Minors and Underage found Gaming at Slot Machines	Minors and Underage Escorted from the Sports Wagering	Minors and Underage found Sports Wagering	Minors and Underage Consuming Alcoholic Beverages
	Total	Minors <sup>1</sup>	Underage <sup>2</sup>							
July	40	7	14	19	0	1	0	0	0	0
August	68	8	26	34	0	0	0	0	0	0
September	52	3	11	37	1	0	0	0	0	0
<b>Total</b>	<b>160</b>	<b>18</b>	<b>51</b>	<b>90</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<sup>1</sup> Person under 18 years of age

<sup>2</sup> Person 18-21 years of age





# EMPLOYMENT<sup>1</sup>: ALL EMPLOYEES<sup>2</sup>

Employee Category	Percentage Goal	Total # of Employees in Category	Q3-24 Actual Percentage of Total Employees	Q2-24 Actual Percentage of Total Employees
Diversity	15%	132	30%	29%
Veterans	2%	16	4%	4%
Women	50%	201	46%	46%
Local <sup>3</sup>	35%	142	33%	33%
<b>MA Employees</b>		266	<b>61%</b>	<b>63%</b>

<sup>1</sup> All employees referenced in this slide were current as of Q3 2024

<sup>2</sup> Total number of employees Q3 2024: 434

<sup>3</sup> Local includes Attleboro, Foxboro, Mansfield, North Attleboro, Plainville & Wrentham

	Employees	Full-Time	Part-Time	Seasonal
<b>Total</b>	434	275	159	0
<b>% of Total</b>	<b>100%</b>	<b>63%</b>	<b>37%</b>	<b>0%</b>



# EMPLOYMENT<sup>1</sup>: SPORTSBOOK<sup>2</sup>

Employee Category	Total # of Employees in Category	Actual Percentage of Total Employees
Diversity	2	13%
Veterans	0	0%
Women	5	33%
Local <sup>3</sup>	4	27%
Full-Time	8	53%

<sup>1</sup> All employees referenced in this slide were current as of Q3 2024

<sup>2</sup> Total number of **Sportsbook employees (does not include Sports restaurant employees)** Q3 2024: 15

<sup>3</sup> Local includes Attleboro, Foxboro, Mansfield, North Attleboro, Plainville & Wrentham

# EMPLOYMENT<sup>1</sup>: SUPERVISOR AND ABOVE<sup>2</sup>

Employee Category	Total # of Employees in Category	Actual Percentage of Total Employees
Diversity	15	19%
Veterans	2	3%
Women	26	33%

<sup>1</sup> All employees referenced in this slide were current as of Q3 2024

<sup>2</sup> Total number of Supervisor and Above Q3 2024: 80

# PPC CARES: OUR DEVELOPMENT

*Creating Outstanding Leaders*



Training through Town Hall



ESL Graduates



Q3 Aces of Penn Awardees



Responsible Education Gaming Month



Serving on the Rotary Club Board – Plainville



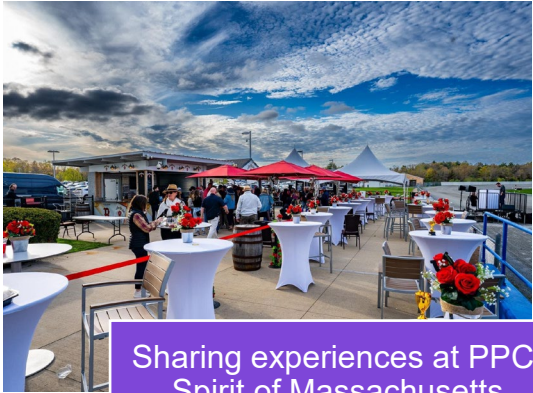
Serving on the Habitat for Humanity Board



Serving on the Tri-Town Chamber Board

# PPC CARES: OUR TEAM

## *Engaged Team Members*



Sharing experiences at PPC:  
Spirit of Massachusetts



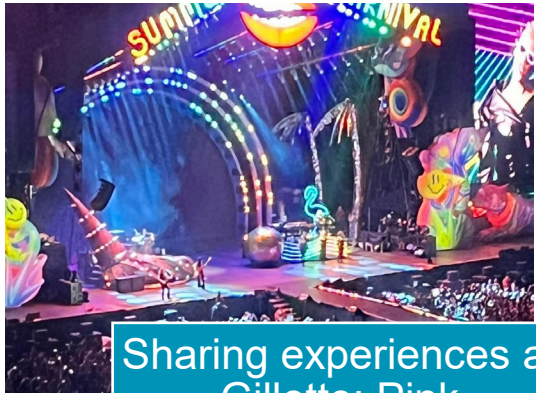
Hispanic & Latino  
Heritage Month



Sharing experiences  
at PPC: Patio Parties



Supporting Habitat for  
Humanity



Sharing experiences at  
Gillette: Pink



Delivering Plainville a  
repaired flag



Sharing experiences at  
Gillette:

# PPC CARES: OUR COMMUNITY

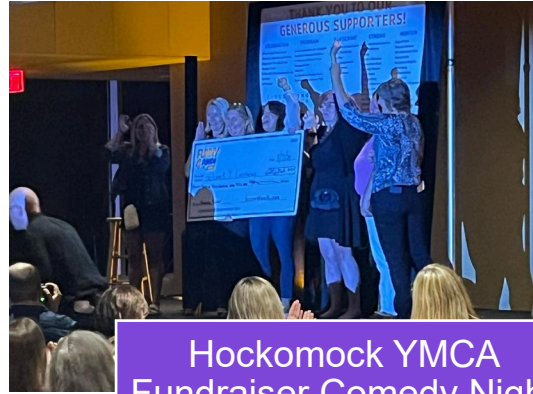
*Partnering Success*



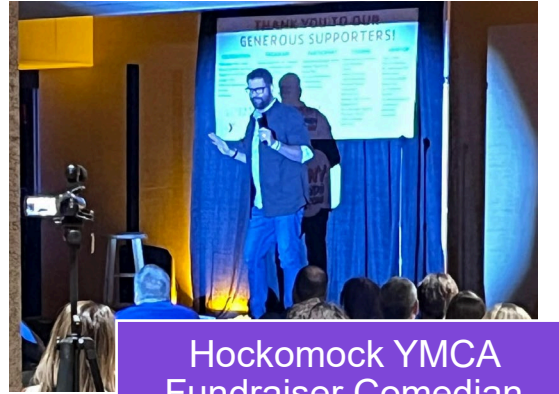
Back to School Supply Drive - Plainville



Back to School Supply Drive Packing



Hockomock YMCA Fundraiser Comedy Night



Hockomock YMCA Fundraiser Comedian



Attleboro YMCA Rooftop Fundraiser



Old Colony Habitat for National Non-Profit Day



American Cancer Society Making Strides



# Q3 2024 Report Massachusetts Gaming Commission

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December 5, 2024

# Revenue, Taxes, Lottery & Spend Update

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MGM Springfield Q3 2024



# Q3 2024 Gaming Revenue & Taxes

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Month	Gaming Revenue	MA Taxes
July	\$23,578,251	\$5,894,563
August	\$23,670,443	\$5,917,611
September	\$20,936,035	\$5,234,009
<b>Total</b>	<b>\$68,184,729</b>	<b>\$17,046,182</b>

# 2024 YOY Gaming Revenue & Taxes

Year	Quarter	Table Games Revenue	Slots Gaming Revenue	Total Gaming Revenue	MA Taxes
2023	Q1	\$14,087,437	\$56,103,441	\$70,190,878	\$17,547,719
	Q2	\$14,999,105	\$54,294,938	\$69,294,043	\$17,323,511
	Q3	\$14,363,678	\$53,539,764	\$67,903,443	\$16,975,861
	Q4	\$13,237,327	\$53,403,080	\$66,640,406	\$16,660,102
	<b>Total</b>	\$56,687,547	\$217,341,223	\$274,028,770	\$68,507,192
2024	Q1	\$13,966,721	\$54,936,465	\$68,933,186	\$17,233,296
	Q2	\$12,978,593	\$54,139,847	\$67,118,440	\$16,779,610
	Q3	\$14,226,647	\$53,918,082	\$68,184,729	\$17,046,182
	Q4	-	-	-	-
	<b>Total</b>	\$26,975,314	\$109,076,311	\$136,051,626	\$34,012,906

# Q3 2024 Sports Wagering Revenue



Month	Taxable Revenue	Taxes
July	(\$505,362)	\$0
August	(\$439,021)	\$0
September	(\$210,031)	\$0
<b>Total</b>	<b>(\$1,154,414)</b>	<b>\$0</b>

Month	Taxable Revenue	Taxes
July	\$2,760,116	\$552,023
August	\$2,274,818	\$454,964
September	\$5,458,571	\$1,091,714
<b>Total</b>	<b>\$10,493,506</b>	<b>\$2,098,701</b>

# Q3 2024 Lottery

---

Month	Lottery Sales	% Change from Previous Year
July	\$129,131	17%
August	\$166,619	34%
September	\$115,018	(17%)
<b>Total</b>	<b>\$410,768</b>	<b>10%</b>

# 2024 YOY Lottery Sales

---

Year	Quarter	Lottery Sales	% Change from Previous Year
2023	Q1	\$356,136	-
	Q2	\$394,262	-
	Q3	\$372,821	-
	Q4	\$357,359	-
	<b>Total</b>	<b>\$1,480,577</b>	<b>-</b>
2024	Q1	\$414,543	16%
	Q2	\$347,063	(12%)
	Q3	\$410,768	10%
	Q4	-	-
	<b>Total</b>	<b>\$1,172,374</b>	<b>4%</b>

# Q3 2024 Diversity Spend

---

Diversity Category	Annual Goal	Q3%	Q3 Spend
MBE Vendor Spend	10%	7%	\$409,228
VBE Vendor Spend	2%	3%	\$202,457
WBE Vendor Spend	15%	8%	\$500,784
<b>Total</b>	<b>27%</b>	<b>18%</b>	<b>\$1,112,470</b>

# 2024 Local Spend

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Diversity Category	Q3%	Q3 \$
Local* Vendor Spend	43%	\$2,859,801
MA Vendor Spend	47%	\$3,490,895

**Note:** Total Biddable Spend excludes gaming vendors, utilities, insurance, banking fees/services, and other expenses outlined within the American Gaming Association Diversity Spending Exclusion List (MGM Springfield Diversity and Affirmative Junketing Program - Appendix D).

\*Local Vendor Spend includes Springfield, Surrounding Communities and Western Massachusetts.

# Q3 Diversity Procurement Efforts

## Q3 Diversity Procurement Events:

- 9/5/2024 – NEPM Show in Sturbridge, MA
- 9/19/2024 – Andrews Matchmaker in Enfield, CT
- 9/25/2024 – GNEMSDC Business Opportunity Conference, Worcester, Ma
- 9/26/2024 – Park Cleaners visit, Springfield. Ma



The Pathway to Success: People, Purpose and Passion



The 2024 GNEMSDC Business Opportunity Conference will bring together existing and prospective corporate members, certified MBEs, business leaders, owners, community leaders, supplier diversity teams, and purchasing professionals to re-energize their collective efforts to Certify > Develop > Connect > and Advocate for minority firms in the global corporate supply chain. Our goal is to continue to deliver impactful sessions and networking opportunities that prepare, position, and propel you to the next level.



# Compliance

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MGM Springfield Q3 2024

# Q3 2024 Compliance

Month	Minors intercepted in Gaming Area and prevented from Gaming	Compared to 2023	# Change	Minors intercepted gaming	Compared to 2023	# Change	Minors intercepted consuming alcohol	Compared to 2023	# Change
Jul	17	43	-26	6	1	5	1	0	1
Aug	14	49	-35	2	0	2	0	0	0
Sep	18	13	5	1	1	0	0	0	0

- Longest time in Gaming Area – 3 hour 44 minutes
- Shortest time in Gaming area – 17 seconds
- 10 underage were under 18 years old, the remaining 39 across the quarter, were between the ages of 18 – 20.

# Employment

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MGM Springfield Q3 2024

# 2024 Employment Numbers

2024	Goals	Q1 2024 %	Q1 2024 Total # of Employees	Q2 2024 %	Q2 2024 Total # of Employees	Q3 2024 %	Q3 2024 Total # of Employees	Q4 2024 %	Q4 2024 Total # of Employees
Minority	50%	50%	758	52%	803	53%	810		
Veteran	2%	4%	65	4%	64	5%	69		
Women	50%	41%	613	41%	630	42%	638		
Springfield Residents	35%	38%	567	38%	592	39%	594		
Western MA Residents	-	76%	1,149	76%	1,170	76%	1,166		
MA Residents	-	78%	1,168	78%	1,195	77%	1,190		
Total # Of Gaming Establishment Employees*	-		1,505		1,541		1,539		
Full Time	-		979		1,006		999		
Part Time	-		287		306		309		
On Call	-		239		234		231		

- MGM Springfield Sportsbook currently employs 13 team members.

# Q3 2024 Workforce & Hiring Initiatives

- Property Tours & Career Presentations:
  - Holyoke Community College - Culinary Arts Programs
- Targeted Property Hiring Events
- Workforce Development
  - Holyoke Community College
  - UMass Amherst Hospitality Leadership
  - Dress For Success Graduation & Luncheon
  - Employee Networking Group Resume Review Workshop
  - Western MA Employment Collaborative



# Community Outreach & Special Events

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MGM Springfield Q3 2024

# Q3 2024 Community Outreach & Special Events



500 Filled Backpacks Donated



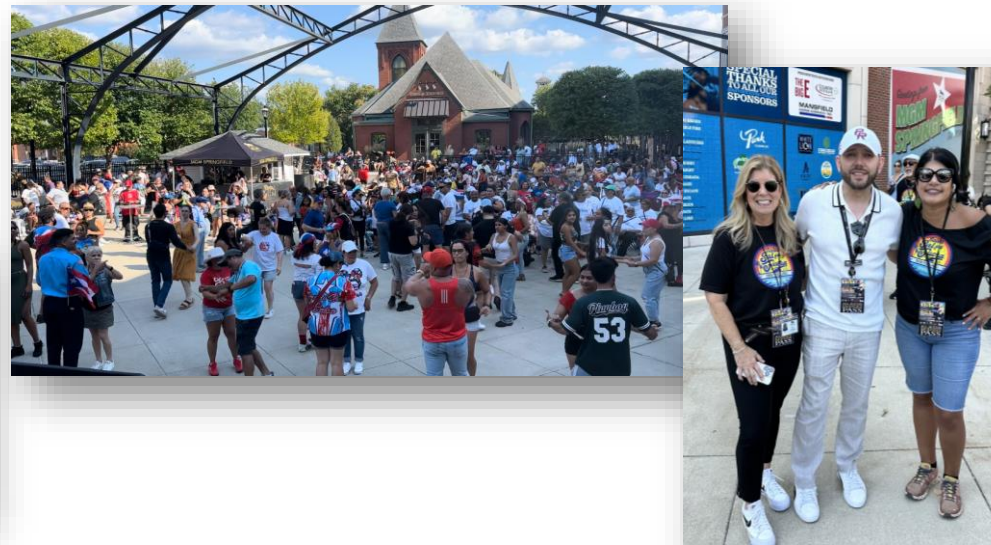
Water Donation: Square One & Boys & Girls Club



1,800 Meals Served



Springfield Puerto Rican Parade



Salsa Sal Pa' Fuera at MGM



Habitat for Humanity

# Q3 2024 Community Outreach & Special Events



Springfield Park Cleanup



School Supply Donation



Equipment Donation: Putnam Vocational HS



MGM Springfield 6th Anniversary



Springfield Thunderbirds Sponsorship



K9 Essie Retirement



# Q3 2024 Community Outreach & Special Events

- **Volunteer Support:** 170 Unique Volunteers
- **2024 Volunteer Hours:** 2,013 volunteer hours \*The year isn't over yet!
- **MGM Springfield:** has hosted 80 community events YTD
- **Q3 Community Impact:**
  - Packed 500 backpacks
  - Donated pallets of water to Square One and Springfield's Boys and Girls Club
  - Served 1800+ meals to local homeless
  - Puerto Rican Parade
  - Hosted Salsa Sal Pa' Fuera
  - Habitat for Humanity
  - Transformed Springfield Park
  - Donated school supplies
  - Donated culinary equipment: Putnam Vocational

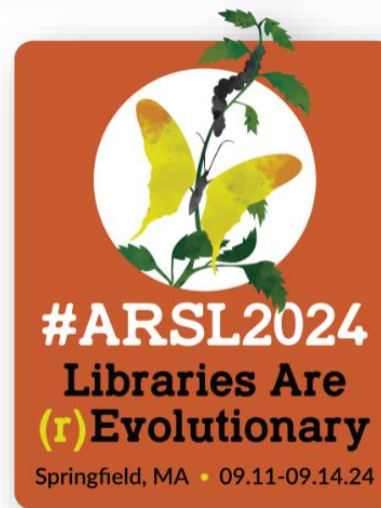


# Entertainment

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MGM Springfield Q3 2024

# Q3 Entertainment at MassMutual Center



# Upcoming Entertainment at MassMutual Center

**SPRINGFIELD BOYS & GIRLS CLUB**

**Festival of Trees**

FREE parking at MGM Casino garage and FREE shuttle on the weekends between MGM and Festival of Trees

*Free Admission!*  
Opening Day Nov 29th  
12 PM - 8 PM

*Experience pure holiday magic!*

**Nov 29 - Dec 15**

Location:  
... MassMutual Center

Mon - Wed closed  
Thurs - Sat 10 am - 8 pm  
Sun 10 am - 5 pm

Title Sponsor  
**BerkshireBank**

For More Information Visit  
[treeraffle.com](http://treeraffle.com)

**REYES**

**DIRTY XIII**

**SATURDAY, DECEMBER 14TH**  
**MASSMUTUAL CENTER**

GET YOUR TICKETS AT  
[MASSMUTUALCENTER.COM](http://MASSMUTUALCENTER.COM)  
BOUITS SUBJECT TO CHANGE

Sponsored by **Senor Sabor** **SPRINGFIELD COLLEGE**

**SAT. DECEMBER 21ST 2024** ★ **MASSMUTUAL CENTER**

**CLASSIC**  
SPRINGFIELD, MASSACHUSETTS

**BIRTH PLACE**

**TEMPLE** VS **RHODE ISLAND**

**ARIZONA STATE** VS **UMASS**

**HARLEM GLOBETROTTERS**

**2025 WORLD TOUR**

MASSMUTUAL CENTER | SPRINGFIELD, MA | JAN 4

**nickelodeon**

**PAW PATROL LIVE!**  
**A MIGHTY ADVENTURE**

**APR. 22 & 23 · MASSMUTUAL CENTER**

**TOM SEGURA**

**COME TOGETHER**  
**MAY 22**  
**MASSMUTUAL CENTER**

TICKETS AT [MASSMUTUALCENTER.COM](http://MASSMUTUALCENTER.COM)  
[TOMSEGURA.COM/TOUR](http://TOMSEGURA.COM/TOUR)

**MGM**

# Q3 Entertainment at MGM Springfield & Symphony Hall



# Upcoming Entertainment at MGM Springfield



**GIRLS' NIGHT OUTBACK**

AUSTRALIA'S  
**THUNDER FROM DOWN UNDER**  
**UNTAMED**  
2024 TOUR

SATURDAY, DEC. 14 · MGM Springfield · ARIA Ballroom



**CARBONARO LIES ON STAGE**

SATURDAY, NOVEMBER 23  
MGM SPRINGFIELD · ARIA BALLROOM

ALL AGES



**CHRISTMAS**  
*In the Air*  
**TOUR 2024**

WRITTEN & DIRECTED BY: JEB K. RAND  
CHOREOGRAPHY BY: ANN COOLEY

SATURDAY, DEC. 21 · MGM Springfield · ARIA Ballroom



**THE AMERICAN PATRIOT TOUR 2024**

- DECEMBER 22 -  
**SYMPHONY HALL**  
SPRINGFIELD, MA

**Aaron Lewis**



CLASSICAL ARTS ENTERTAINMENT PRESENTS  
**SWAN LAKE**

**S**  
SYMPHONY HALL  
DEC. 4



CASINO

**The ICE RINK**  
AT MGM SPRINGFIELD



Thank you

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# Quarterly Report Q3 2024

December 5, 2024  
Massachusetts Gaming Commission

*Encore*<sup>®</sup>  
BOSTON HARBOR  
A WYNN RESORT



# Gaming Revenue, Taxes & Lottery Sales

*Encore*<sup>®</sup>  
BOSTON HARBOR  
A WYNN RESORT



# Gaming Revenue & Taxes: Q3 2024

Month	Table Games GGR	Slots GGR	Total GGR	State Taxes Collected
July	\$25,787,553.29	\$35,698,825.10	\$61,486,378.39	\$15,371,594.60
August	\$28,988,479.19	\$35,928,468.87	\$64,916,948.06	\$16,229,237.02
September	\$25,070,269.05	\$32,620,264.48	\$57,690,533.53	\$14,422,633.38
<b>Total</b>	<b>\$79,846,301.53</b>	<b>\$104,247,558.45</b>	<b>\$184,093,859.98</b>	<b>\$46,023,465.00</b>

# Gaming Revenue & Taxes: Year-Over-Year

Year	Quarter	Table Games GGR	Slots GGR	Total GGR	State Taxes Collected
2023	Q1	\$87,548,447.43	\$103,225,625.66	\$190,774,073.09	\$47,693,518.27
	Q2	\$86,482,473.05	\$105,539,308.38	\$192,021,781.43	\$48,005,445.37
	Q3	\$78,245,849.05	\$104,171,489.84	\$182,417,338.89	\$45,604,334.73
	Q4	\$85,668,257.66	\$103,956,403.95	\$189,624,661.61	\$47,406,165.41
	<b>Total</b>		<b>\$337,945,027.19</b>	<b>\$416,892,827.83</b>	<b>\$754,837,855.02</b>
2024	Q1	\$91,803,193.22	\$103,968,890.63	\$195,772,084.05	\$48,943,021.01
	Q2	\$77,777,880.96	\$104,660,310.64	\$182,438,191.60	\$45,609,547.91
	Q3	\$79,846,301.53	\$104,247,558.45	\$184,093,859.98	\$46,023,465.00
	Q4				
	<b>Total (to date)</b>		<b>\$249,427,375.71</b>	<b>\$312,876,759.72</b>	<b>\$562,304,135.63</b>

# Sports Wagering Revenue & Taxes: Q3 2024

Month	Monthly Win	State Retail Taxes Collected
July	\$125,228.00	\$17,477.00
August	\$194,438.00	\$27,623.00
September	\$756,925.00	\$111,499.00
<b>Total</b>	<b>\$1,076,591.00</b>	<b>\$156,599.00</b>

# Lottery Sales: Q3 2024\*

Month	Lottery Sales	% Change from 2023
July	\$359,625.00	-32.3%
August	\$325,050.75	-16.1%
September	\$264,981.75	-55.6%
<b>Total</b>	<b>\$949,657.50</b>	<b>-37.3%</b>

\*The periods for which relevant sales are reported are based upon week-end totals, and may not correspond precisely to calendar month periods.

# Lottery Sales: Year-Over-Year

Year	Quarter	Lottery Sales	% Change from Previous Year
2023	Q1	\$3,637,973.25	20.2%
	Q2	\$1,076,576.75	31.5%
	Q3	\$1,467,402.50	77.0%
	Q4	\$1,515,403.00	72.4%
	<b>Total</b>	<b>\$1,461,016.50</b>	<b>31.4%</b>
2024	Q1	\$1,585,745.25	47.3%
	Q2	\$1,465,303.00	-0.1%
	Q3	\$949,657.50	-37.3%
	Q4		
	<b>Total (to date)</b>	<b>\$4,000,705.75</b>	

# Workforce

*Encore*<sup>®</sup>  
BOSTON HARBOR  
A WYNN RESORT



# Workforce Composition

Sector	Goal	Q1 % <sup>1</sup>	Q1 Total # of Employees	Q2 % <sup>2</sup>	Q2 Total # of Employees	Q3 % <sup>3</sup>	Q3 Total # of Employees	
Minority	40%	73%	2,128	73%	2,137	73%	2,128	
Veteran	3%	2%	73	2%	70	2%	69	
Women	50%	45%	1,569	45%	1,553	45%	1,546	
Local/Host/Surrounding Community Resident <sup>4</sup>	75%	88%	3,089	89%	3,086	89%	3,072	
MA Residents	-	92%	3,193	92%	3,192	92%	3,177	
Total Number of Employees <sup>5</sup>			3,482		3,478		3,458	
Full-time			2,424		2,413		2,403	
Part-time			1,058		1,065		1,055	
On-call			0		0		0	

1 All Q1 figures are as of April 1, 2024. The total number of employees that did not specify their minority status during Q2 was 569.

2 All Q2 figures are as of July 25, 2024. The total number of employees that did not specify their minority status during Q2 was 563.

3 All Q3 figures are as of October 1, 2024. The total number of employees that did not specify their minority status during Q3 was 559.

4 Local/Host/Surrounding Community Residents" include residents from communities within thirty (30) miles of Encore Boston Harbor.

5 Please note that an employee may fall into more than one sector (e.g.: minority and local) and, as such, totals may not be reflective of the sum of previous columns.



# Workforce Composition: Employees Supervisory & Above

	Minority	Women	Veteran	Total Head Count (including non-minority employees)
<b>ALL EMPLOYEES</b>				
Number of Employees	2,128	1,546	69	3,458
% Actual	73%	45%	2%	
<b>MANAGER AND ABOVE</b>				
Number of Employees	74	79	10	193
% Actual	40%	41%	5%	
<b>SUPERVISORS AND ABOVE</b>				
Number of Employees	284	223	19	544
% Actual	58%	41%	3%	

# Operating Spend

*Encore*<sup>®</sup>  
BOSTON HARBOR  
A WYNN RESORT



# Operating Spend<sup>1</sup>: Diversity

Diversity Category	Annual Goal	Q1 %	Q1 Spend	Q2 %	Q2 Spend	Q3 %	Q3 Spend
MBE Vendor Spend	8%	12%	\$2,554,774.66	10%	\$2,480,673.78	15%	\$2,636,555.06
VBE Vendor Spend	3%	1%	\$113,290.99	0%	\$51,485.47	1%	\$126,707.12
WBE Vendor Spend	14%	17%	\$3,572,192.25	10%	\$2,375,361.37	13%	\$2,291,965.99
<b>Total Diverse Spend</b>	<b>25%</b>	<b>30%</b>	<b>\$6,240,257.90</b>	<b>20%</b>	<b>\$4,907,520.62</b>	<b>29%</b>	<b>\$5,055,228.17</b>

<sup>1</sup> All spend figures referenced herein are based upon Encore Boston Harbor's Q2 discretionary spend amount of **\$17,834,312.49**.

# Operating Spend: Local

Local Vendor Spend	Goal	Q1 %	Q1 \$	Q2 %	Q2 \$	Q3 %	Q3 \$
Boston	\$20,000,000.00	14%	\$3,133,796.96	13%	\$3,124,094.64	12%	\$2,226,263.70
Chelsea	\$2,500,000.00	2%	\$395,440.67	2%	\$430,428.46	2%	\$402,176.47
Everett	\$10,000,000.00	12%	\$2,563,582.16	9%	\$2,160,085.73	13%	\$2,276,350.36
Malden	\$10,000,000.00	1%	\$140,221.59	1%	\$169,259.70	1%	\$135,034.21
Medford	\$10,000,000.00	1%	\$197,129.81	1%	\$251,223.36	2%	\$288,875.82
Somerville	\$10,000,000.00	5%	\$1,019,712.19	4%	\$957,098.96	5%	\$864,248.45
MA Vendor Spend	N/A	59%	\$12,357,812.76	46%	\$10,950,982.50	56%	\$9,899,870.85

# Compliance

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# Compliance: Minors<sup>1</sup> Prevented from Gaming<sup>2</sup>

Month	Minors Intercepted on Gaming Floor and Prevented from Gaming	Minors Intercepted Gaming	Minors Intercepted at Slot Machines	Minors Intercepted at Table Games	Minors Intercepted Consuming Alcohol	Number of IDs NOT Checked that Resulted in Minor on Gaming Floor	Number of Fake IDs Provided by Minors that Resulted in Minor on Gaming Floor	Numbers of Minors on Gaming Floor Under 18 Years of Age
July	6	0	0	0	0	1	0	5
August	8	2	1	1	1	1	1	1
September	2	1	0	1	0	1	2	0
<b>Total</b>	<b>16</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>6</b>

<sup>1</sup> A “minor” is defined as a person under 21 years of age, provided however, that the last column of the above specifically refers to persons under 18 years of age.

<sup>2</sup> Please note that no minors were intercepted or found to be engaged in any sports wagering during Q3.

- The average length of time spent by a minor on the casino floor was 59 minutes.
- The longest length of time spent by a minor on the casino floor was 5 hours, 35 minutes.
- The shortest length of time spent by a minor on the casino floor was 1 minute.

# People & Culture Initiatives

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# Human Resources Evolves into "People & Culture"

In an ongoing effort to enhance the accessibility and resources for our employees, a significant overhaul of our "back-of-house" areas was unveiled in late summer. Color-coded, focused "Moments Walls" are themed with topics such as, "Diversity & Inclusion", "Careers", "Compliance" and "Stars". New digital screens and interactive informational kiosks were also added. In addition to the back-of-house transformation, The Wire, our intranet platform for employees, is also being upgraded.







# Foundations of Leadership

In July and September, the Foundations of Leadership training experience was facilitated to more than 40 department leaders.

This two-day training takes learners on the journey of understand how to be a leader and how to begin or continue their leadership development.



# Managing in a Union Environment

In conjunction with our Employee Relations team, during July and August, we hosted several offerings of the Managing in a Union Environment training to more than 75 leaders.

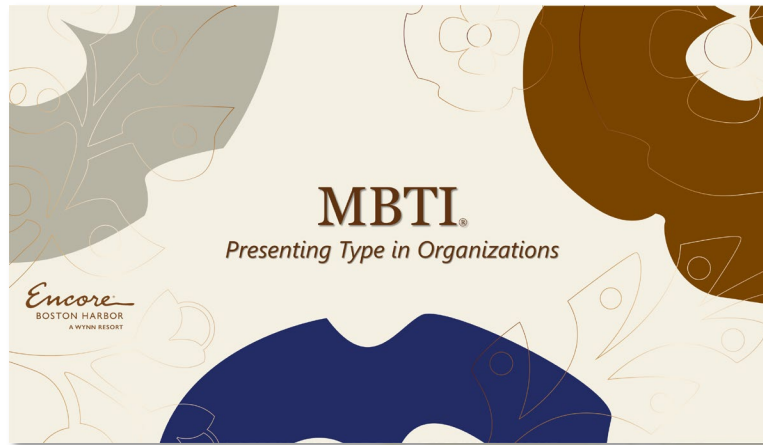
This four-hour course is designed to help prepare leaders to better coach, train, and manage our team members in a Union department, while staying within the guidelines of their contracts and by-laws.





## Emotional Intelligence - EQ

On July 11th, our L&D team facilitated the EQ – Emotional Intelligence training to 12 of our leaders.



## Myers Briggs Type Indicator

On July 31st, our L&D team facilitated the MBTI Personality Type Leadership training to 11 of our leaders.



## Implicit Bias

On July 2nd, leaders in our Security department were taken through a training on Implicit Bias.

# Diversity & Inclusion Trainings

Wynn Resorts is committed to creating a diverse and inclusive culture and environment where all people are valued and welcomed. This commitment is embodied in our Core Behavior to Care About Everyone and Everything.

To support this culture, during each month of Q3, the Learning & Development department continued to facilitate Diversity & Inclusion training to leaders.

During Q3 we also facilitated the first of our departmental D&I trainings aimed at bringing greater awareness of the importance of diversity and inclusion is to building a caring and cohesive team.



# ESOL Graduation – 08.09.2024

On August 9<sup>th</sup>, in partnership with JVS, Jewish Vocational Services, we celebrated the culmination of the latest offering of our ESOL program (English for Speakers of Other Languages), where 27 of our team members were honored for their hard work and dedication in completing the course.



## Lower Mystic Transportation Management Association Collaboration

LMTMA offered free bike tune-ups for employees during each month this quarter. On August 22, the LMTMA held a Bike to Work Day featuring a "bike to work" pledge and raffles for bike equipment prizes.



# Compliance Pop-Up

On Thursday, August 8, we held a compliance pop-up question session in the heart of house.

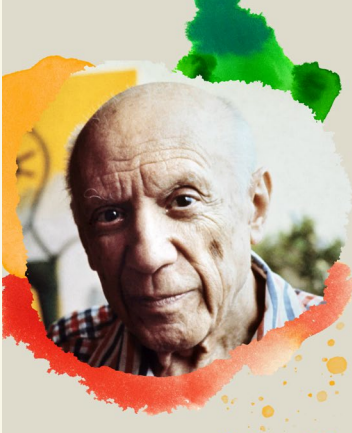
Every employee who answered a compliance question correctly received a \$5 Dunkin card.





## Hispanic Heritage Month

From September 15 to October 15, Encore Boston Harbor proudly commemorates Hispanic Heritage Month by honoring impactful individuals of Hispanic descent. We aim to create a deeper understanding of the contributions made by this vibrant community through our Diversity and Inclusion Wall.



*Wynn*  
CELEBRATES

*Hispanic Heritage Month*

**Pablo Picasso**

Pablo was a Spanish painter, sculptor, printmaker, ceramicist, and theatre designer who spent most of his adult life in France.

He was one of the most influential artists of the 20th century and is known for co-founding the Cubist movement, the invention of constructed sculpture, the co-invention of collage, and for the wide variety of styles that he helped develop and explore.



*Wynn*  
CELEBRATES

*Hispanic Heritage Month*

**Sonia Sotomayor**

Sonia is an American lawyer and jurist who serves as an associate justice of the Supreme Court of the United States. She was nominated by President Barack Obama on May 26, 2009, and has served since August 8, 2009.

She is the first Hispanic and Latina to serve on the Supreme Court. In 2013, Sotomayor won the Woodrow Wilson Award at her alma mater Princeton University. In June 2010, the Bronxdale Houses development, where Sotomayor grew up, was renamed after her.

# In the Moment Pop-Up & Golden Ticket Raffle



As part of our ongoing "In the Moment" campaign, leaders were asked to hand out "Golden Tickets" in conjunction with an "In the Moment" card from September 3-19. The Golden Tickets had to be dropped in a special drop box located at the Employee Concierge window. On Friday, September 20, we drew 20 names to win prizes such as gas cards, Target gift cards and Market Basket gift cards.

Also on Thursday, September 19, we held an "In the Moment" pop-up event. If an employee dropped an ITM card into the box during the event times, they were able to spin a wheel to earn 1, 3 or 5 additional cards.



# Encore Pick 'Em Football Contest Kick-Off Event

On Thursday, September 5th, we held a kick-off event for the 6th Annual Encore Pick 'Em Football Contest.

Employees who stopped by during the tailgating hours could scan their badge to be entered into a raffle. They could also enjoy playing mini cornhole, music, a photobooth and complimentary Red Bull.



# 20/20 Onsite EyeMed

Team members can conveniently get their eyes checked and pick out new glasses without ever leaving the resort. This partnership with 20/20 Onsite brings optometry services directly to the resort on a bus, making it more convenient than ever to get your eyes examined and purchase new eyewear.



# GameSense – Responsible Gaming Education Month

The GameSense team held informational sessions on September 6, 14, 19, and 22 in the HOH. Employees could ask questions and participate in a raffle.

We also had a quiz on The Wire where employees who answered the questions correctly would be entered into a raffle to win a prize.

September is  
**RESPONSIBLE GAMING  
EDUCATION MONTH.**

**Educate yourself and others  
about healthy gaming habits.**

GameSense is hosting pop-up events in the HOH to promote responsible gaming and offer a chance to win great prizes. Below are the dates and times for the events:

**9/6 1 a.m. - 3 a.m.**

**9/14 5 a.m. - 7 a.m.**

**9/19 10 a.m. - 12 p.m.**

**9/22 5 p.m. - 7 p.m.**

**GameSense**

# Promotions, Marketing, Special Events & Volunteerism

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# TRU Contributions: Q3 2024

Charitable Organization	Dollar Amount	Number of Tickets
Animal Rescue League of Boston	\$14,251.27	63,075
Big Sister Association of Greater Boston	\$6,476.93	44,441
New England Center and Home for Veterans	\$11,201.92	55,679
South Cove Manor at Quincy Point Rehab Center	\$5,749.62	42,039
<b>Total</b>	<b>\$37,679.74</b>	<b>205,234</b>

# Community Relations Highlights



- During Q3, Employees volunteered 2,589 hours of their personal time serving organizations such as The Pack Shack with Feed the Funnel, the Greater Boston Food Bank, Mystic River Watershed Association, and New England Center and Home for Veterans.
- We began our Kitchen Takeovers in September at the Ronald McDonald House in Charlestown. Our chefs showcased their food and cooking skills while offering amazing meals to families being helped by the Ronald McDonald Charities in the biggest time of need.
- EBH collected more than 700 school supplies for students in the Everett Public school system.
- We packed 527,788 meals over the course of three days in August, with the help of over 1,100 employees and community volunteers combined. All meals went to local food bank organizations such as The Red Cross Food Pantry, Food for Free, Eliot Family Resource Center, Winthrop Food Pantry, Roslindale Food Pantry and The Greater Boston Food Bank.





The background features a repeating pattern of stylized floral elements. There are large yellow flowers with a grid-like internal pattern, smaller yellow flowers with five petals, and various grey and white leaves and stems. The overall style is flat and graphic.

Questions?