



## **REVISED - 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 | February 6, 2025 | 9:30 a.m.**  
**VIA REMOTE ACCESS: 1-646-741-5292**  
**MEETING ID/ PARTICIPANT CODE: 111 832 4537**  
**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 - #546**

1. Call to Order – Jordan Maynard, Chair
  
2. Meeting Minutes
  - a. June 20, 2023 **VOTE**
  - b. August 30, 2023 **VOTE**
  - c. June 17, 2024 **VOTE**
  - d. November 21, 2024 **VOTE**
  - e. December 5, 2024 **VOTE**
  - f. January 9, 2025 **VOTE**
  
3. Administrative Update – Dean Serpa, Executive Director
  - a. Update on collaborative work underway with Department of Public Health
  - b. Discussion regarding Human Resources department staff vacancy
  
4. Legislative Update – Commissioner Brad Hill



Massachusetts Gaming Commission

5. Discussion and Possible Adoption of Super Bowl Prop Wagers – Commissioner Brad Hill  
**VOTE**
6. Racing – Dr. Alexandra Lightbown, Director of Racing
  - a. Plainridge Park Casino request for Capital Improvement Fund Reimbursement (paddock renovations) – Chad Bourque, Financial Analyst; Steve O’Toole, Director of Racing, Plainridge Park Casino  
**VOTE**
7. Sports Wagering Division – Carrie Torrissi, Chief of Sports Wagering Division
  - a. Request for Temporary Waiver from identity authentication questions requirement in 205 CMR 248.04(4) for Penn Sports Interactive (PSI), BetMGM, DraftKings, and Bally Bet – Carrie Torrissi, Chief of Sports Wagering Division  
**VOTE**
8. Legal – Todd Grossman, General Counsel
  - a. 205 CMR 238.12: Additional Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering- Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to begin the promulgation process by Commission – Justin Stempeck, Deputy General Counsel  
**VOTE**
  - b. 2024 Administrative Appeals Summary – Autumn Birarelli, Staff Attorney
9. Investigations and Enforcement Bureau – Caitlin Monahan, Chief of Investigations and Enforcement Bureau
  - a. Update on IEB review of potential noncompliance with 205 CMR 248.04(4) by American Wagering Inc., d/b/a Caesars Sportsbook, a Category 3 sports wagering licensee, as requested by the Commission – Zachary Mercer, Enforcement Counsel
  - b. Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee Penn Sports Interactive, and discussion regarding next steps. Alleged noncompliance relates to communications sent to members of the Massachusetts Voluntary Self- Exclusion List in violation of 205 CMR 256.07(1), 205 CMR 233.06, and 205 CMR 133.06. - Zac Mercer, Enforcement Counsel
  - c. Briefing on noncompliance matter related to Category 3 Sports Wagering Licensee American Wagering, Inc. d/b/a Caesars Sportsbook and discussion regarding next steps. Alleged noncompliance relates to wagers on an unauthorized event in violation of M.G.L. c. 23N § 3 and 205 CMR 247.01(2)(e) – Nate Kennedy, Enforcement Counsel

10. Commissioner Updates

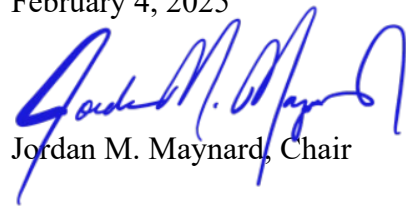


Massachusetts Gaming Commission

11. 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: February 4, 2025 | 9:30 a.m. EST | REVISED AND POSTED 10:30 AM

February 4, 2025



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



---

## Massachusetts Gaming Commission Meeting Minutes

---

**Date/Time:** June 20, 2023, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 1431 1966

The Commission conducted this public meeting remotely utilizing collaboration technology. 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 460<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. [Review and evaluation of Application for Category 2 sports wagering operator license submitted by MGA in accordance with 205 CMR 218.00 including, but not limited to consideration of the following criteria:](#) (00:36)

Chair Judd-Stein noted that the Commission had met on June 12, 2023 to discuss Massasoit Greyhound Association, Inc. d/b/a Raynham Park's ("Raynham") category two sports wagering application. She stated that the Commission had begun its review of Raynham's application and left off at Section C2 of the application.

a. [Economic impact and other benefits to the Commonwealth if applicant is awarded a license \(205 CMR 218.06\(5\)\(b\)\)](#) (3:12)

Raynham's outside counsel Jed Nosal introduced Raynham's President and CEO George Carney, Raynham's VP of Operations Robert Brooks, Raynham's VP of Operations Sue Roderick, Caesar Digital's Chief Development Officer Dan Shapiro, and Caesars Entertainment's Regulatory and Compliance Senior Vice President Jeff Hendricks.

Mr. Nosal noted that Raynham had updated the jobs compendium to list the number of new jobs as 160. He stated that the change in numbers was due to the separation of security and surveillance. He stated that Raynham had provided additional information requested by RSM.

Commissioner Hill asked what methodology was used in calculating projected revenue. Mr. Shapiro stated that projected revenue was calculated using average spend per adult, market size, and an anticipated market capture of 10%.

Chair Judd-Stein asked if Caesars was using a more tailored approach to promotional spending. Mr. Shapiro stated that Raynham's marketing would be focused on building awareness of the location while utilizing database marketing and traditional media marketing. He stated that the focus of the marketing would be to get customers to the physical venue and not to provide excessive bonus bets.

Commissioner O'Brien expressed concern regarding the saturation of sports wagering marketing. She noted that the citizens of the Commonwealth provided feedback that they did not want to be blanketed with advertisements. Mr. Shapiro stated that the marketing campaign would focus on the radius around Raynham, and that talk radio advertising would be utilized. Mr. Nosal stated that advertising would be focused on Raynham as a venue to watch sports and leverage Raynham's existing business.

Chair Judd-Stein asked if there were opportunities to market simulcasting in novel ways. Mr. Shapiro stated that simulcasting provided crossover opportunity with an existing loyal audience. He stated that Raynham hoped to maintain its existing simulcasting revenue. Mr. Nosal noted that Raynham had not put concerted focus on advertising in the past decade, and that the marketing campaign would be beneficial.

Commissioner O'Brien noted that the construction plans listed a smoking area, and asked how that area would be secured to prevent underage individuals from accessing the sports wagering area. Mr. Brooks stated that the smoking area would be fenced in with an alarmed egress point, and the only entrance would require screening.

Commissioner Skinner inquired if there were plans to incorporate GameSense into the temporary sports wagering venue. Mr. Nosal stated that due to the size and temporary nature of the venue, there was not space dedicated to GameSense. He stated that GameSense materials would be

made available. Chair Judd-Stein asked if GameSense employees could be deployed in that location. Mr. Nosal stated that staffing was still being figured out for that location, but that GameSense involvement would be welcome.

Commissioner O'Brien asked about Raynham's community engagement with Campanella Stadium in Brockton. Mr. Brooks stated that Raynham had ticket giveaways to games at the stadium. Commissioner O'Brien expressed concern that there was high youth attendance at Campanella Stadium games. Mr. Brooks explained that there was no cross-promotion, and that Raynham was not advertised at the stadium.

Commissioner Hill asked about Raynham's engagement with non-profits. Ms. Roderick stated that Raynham had previously been a silent philanthropist, but that she looked forward to being more involved with the community. Mr. Hendricks stated that Caesars would continue its philosophy regarding community engagement in Massachusetts. He stated that initial discussions had begun with veterans' organizations to determine how Caesars could best assist.

Commissioner Maynard asked how Caesars intended to engage with the Massachusetts State Lottery ("Lottery"). Mr. Hendricks stated that Caesars had reached out to the Lottery. Mr. Nosal stated that Raynham's existing partnership with the Lottery was an opportunity to enhance the Lottery's retail sales. Commissioner Skinner sought clarification regarding Raynham's employees dedicated to Lottery sales. Ms. Roderick stated that customers prefer to buy Lottery tickets in-person rather than from machines, and that Raynham had employees for that role.

The Commission reached a consensus that Raynham had met the Commission's expectations with regard to Section C of the application. Mr. Carney highlighted Raynham's history of community engagement.

b. [Applicant's willingness to foster racial, ethnic, and gender diversity, equity, and inclusion \(205 CMR 218.06\(5\)\(d\)\)](#) (55:26)

Commissioner Skinner noted that Section D of the application left a lot to be desired. She stated that she wanted regular updates as Raynham moved forward in hiring its diversity consultant. Mr. Nosal stated that Raynham had hired a diversity consultant to develop an action plan for construction, including developing diversity workforce goals and vendor spending goals. He stated that the consultant would assist with the hiring of Raynham's 160 new employees.

Commissioner Skinner asked if Raynham had engaged a consultant. Mr. Nosal stated that a contract had been signed. Commissioner Skinner noted that construction and designing was well underway, and that would have been an opportunity to impact supplier diversity. She asked what impact Raynham hoped to achieve if the consultant was not engaged before the license was granted. Mr. Nosal stated that the consultant was engaged, but specific plans were contingent upon Raynham being licensed. He stated that there was still time to develop and implement a plan as hiring had not begun.

Commissioner Skinner noted that the Commission had previously placed a condition on licensure requiring operators to develop workforce and supplier diversity goals. Chair Judd-Stein stated that she did not recall a condition relative to workforce diversity goals. Commissioner O'Brien stated that conditions on licensure were previously focused on supplier diversity because other applicants had a more robust answer regarding workplace diversity. She noted that there was a deficiency in this application that was not found in previous applications. Commissioner Maynard stated that it was important to establish goals, and that he wanted to see a goal developed.

Commissioner Skinner reiterated that there was a lost opportunity by not focusing on diverse suppliers during the construction phase that was already underway. Mr. Nosal stated that Raynham was playing catchup on construction and that Raynham was committed to diversity going forward. He expressed that he was confident Raynham would meet the goals set out in the Commission's regulations, and that Raynham would provide updates to the Commission in accordance with 205 CMR 239.

Commissioner Skinner requested that the legal division research and inform the Commission about what conditions were placed on other operators' licenses relative to diversity goals. She also requested information regarding whether construction vendors should be treated differently than vendors providing normal business services. The Commission's outside counsel from the law firm Anderson and Krieger, Attorney David Mackey stated he would get that information to the Commission before the next meeting regarding Raynham's application.

The Commission agreed to wait on determining whether Raynham had met its expectations with regard to Section D of the application until the Commission received information related to license conditions for diversity goals.

c. [Proposed measures related to responsible gaming \(205 CMR 218.06\(5\)\(c\)\)](#) (1:23:17)

The Commission moved on to discuss Section E of the application regarding responsible gaming as well as corporate social responsibility. Commissioner O'Brien asked for details regarding technology used for environmental mitigation. Mr. Brooks stated that most construction materials were recyclable, the facility had converted to being almost all electric based, that lighting was selected to limit light pollution to the neighbors, that Raynham had applied to MassDOT to have a traffic signal installed, and that there were mitigation efforts for environmental water issues. He noted that Raynham's neighbors were commercial, and that Raynham was making efforts to ensure that the community would not be impacted. Commissioner O'Brien noted that the application referenced abutting residential areas. Mr. Brooks stated that the neighbors across the street were residential, but that the main impact for those neighbors would be the traffic.

Commissioner O'Brien sought more details regarding the use of electric power. Mr. Brooks stated that Raynham had put solar on the shelf, but that the roof was cleared of equipment should Raynham want to move toward use of solar power.

Commissioner O'Brien sought details regarding a 2011 incident referenced in the application. She noted that an article was linked, but that the link was dead. Mr. Nosal stated that Raynham had leased space to a company that conducted charitable poker events. He stated that the company conducting the events took an aggressive interpretation of the Attorney General's charity poker laws, and that the events were shut down when the Attorney General raised concerns. Commissioner O'Brien requested a copy of the news article related to this event.

Commissioner Hill asked Caesars for any highlights they could share in regard to helping those in need of responsible or problem gaming help. Mr. Hendricks stated that Caesars was pleased with the implementation of its responsible gaming program in a digital space. He explained that the customer service team was trained to identify problem gambling behavior and that there was an uptick in patrons using responsible gaming tools on the mobile platform.

Commissioner Hill asked how employees would be trained to identify problem gambling concerns. Mr. Hendricks stated that Caesars was developing a method for customer support to send patrons directly to GameSense while in the mobile platform. He noted that all customer service employees were trained to identify problem gambling behaviors.

Commissioner Hill asked how Raynham planned to train their employees on responsible gaming in the retail space. Ms. Roderick stated that Raynham had its employees train with GameSense on responsible gaming.

The Commission reached a consensus that Raynham had met the Commission's expectations with regard to Section E of the application.

d. [Technology that the applicant intends to use \(205 CMR 218.06\(5\)\(e\)\)](#) (1:44:40)

The Commission discussed Section F of the application on technology. Chair Judd-Stein asked if Caesars was partnered with US Integrity for monitoring. Mr. Hendricks confirmed that was correct. Commissioner Maynard asked if Raynham was ready to integrate Caesars' platform. Mr. Nosal stated that Raynham was taking advantage of Caesars' platform and sports wagering expertise and was prepared to use the platform in both the temporary and permanent space. Mr. Shapiro stated that kiosks would allow patrons to toggle between sports wagering and parimutuel bets. He noted that sports bets would go through the Liberty platform.

The Commission reached a consensus that Raynham had met the Commission's expectations with regard to Section F of the application.

e. [Preliminary Financial Suitability of the applicant \(205 CMR 218.06\(5\)\(f\)\)](#) (1:52:03)



Chair Judd-Stein stated that the Commission received notice from the IEB that there was still outstanding work relative to Section G of Raynham's application. She stated that a date would be identified to continue this meeting. Mr. Nosal stated that Raynham was willing to answer any questions the Commission had, and that he would like to see the process move forward as soon as possible.

8. [Other Business](#) (1:57:07)

Chair Judd-Stein stated that this meeting was being continued not adjourned, and that Raynham would be notified of the time and date of the next meeting.

**List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda dated June 15, 2023](#)



---

## Massachusetts Gaming Commission Meeting Minutes

---

**Date/Time:** August 30, 2023, 11:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 132 8870

The Commission conducted this public meeting remotely utilizing collaboration technology. 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 475<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. [Meeting Minutes](#) (01:01)

##### a. February 2, 2023

*The February 2, 2023 public meeting minutes were included in the Commissioners' Packet on pages 3 through 9.*

Commissioner Maynard moved that the Commission approve the minutes from the February 2, 2023 public meeting that are included in the Commissioner's Packet subject to any necessary

corrections for typographical errors or other non-material matters. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

### 3. [Administrative Update](#) (02:05)

Interim Executive Director and General Counsel Todd Grossman updated the Commission on Baystate Racing's proposal for a new horseracing track in Gardner, Massachusetts. He noted that regulations related to the racing licensing process would be available for Commission review shortly.

### 4. [Racing](#) (5:05)

#### a. Review of Racing License Application for Opening a New Racetrack

Director of Racing and Chief Veterinarian Alexandra Lightbown and Deputy General Counsel Caitlin Monahan presented the public comments received regarding proposed changes to the racing license application for opening a new racetrack. *A memorandum from the Racing Division and public comments were included in the Commissioners' Packet on pages 10 through 24.*

The Commission discussed issues raised in the public comments, including the number of days required for simulcasting, the timeframe for citizens to submit a petition to overturn the Board of Selectmen decision, the composition of the track, and information relative to the experience of the entity installing the track.

[Associate General Counsel Young presented the application to conduct a new racing meeting \(29:56\).](#) *The Application for License to Hold or Conduct a New Racing Meeting form was included in the Commissioners' Packet on pages 25 through 45.*

The Commission discussed at length as to whether they were comfortable with voting on the application as written without first having the relevant regulations in place. The Commission's legal division explained that the regulations would provide more structure than what was set out in G.L. c. 128A. The Commission discussed the process in which an applicant could request the withdrawal of a qualifier.

The Commission recommended that sports wagering be listed more prominently in the application process. Associate General Counsel Young agreed and stated that questions related to sports wagering would be separated out as Section 8.1 of the application.

Commissioner Hill moved that the Commission approve the Application for License to Hold or Conduct a New Racing Meeting as included in the Commissioners' Packet and discussed here today. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

#### 5. [Investigations and Enforcement Bureau](#) (1:26:24)

- a. Review of Letter to MGM Resorts International re MGM Springfield Safety and Security

Chair Judd-Stein stated that the Commission anticipated that it would meet in executive session in accordance with G.L. c.30A, §21(a)(4), to discuss the use and deployment of security personnel or devices, or strategies with respect thereto at gaming establishments.

Commissioner O'Brien moved that the Commission go into executive session for the reasons and on the matter just stated by the Chair. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

Chair Judd-Stein noted that the Commission would not reconvene the public session of the meeting following the executive session on agenda items five and six.

#### 6. [Legal](#) (1:28:31)

- a. Gattineri v. Wynn MA, LLC, et al.

Chair Judd-Stein noted that the Commission anticipated that it would meet in executive session in accordance with G.L. c.30A, §21(a)(3) to discuss strategy with respect to Gattineri v. Wynn MA, LLC, as discussion at an open meeting may have a detrimental effect on the litigating position of the Commission.

Commissioner O'Brien moved that the Commission go into executive session on the matter and for the reasons just stated by the Chair. 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 and did not reconvene the public session of this meeting.*

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

1. [Notice of Meeting and Agenda dated August 28, 2023](#)
2. [Commissioner's Packet from the August 30, 2023 meeting](#) (posted on massgaming.com)



---

## Massachusetts Gaming Commission Meeting Minutes

---

**Date/Time:** June 17, 2024, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 940 7037

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

### **Commissioners Present:**

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

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

Interim Chair Maynard called to order the 521<sup>st</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all four commissioners were present for the meeting.

#### 2. [Discussion regarding collective bargaining of the SEIU Local 888 Agreement](#) (01:09)

##### a. Executive Session

Interim Chair Maynard stated that the Commission anticipated that it would meet in executive session in accordance with G.L. c.30A, §21(a)(3) to discuss strategy with respect to collective bargaining of the SEIU Local 888 Agreement, as discussion at an open meeting may have a detrimental effect on the bargaining position of the Commission. He stated that the Commission did not anticipate returning to the public session of the meeting.

Commissioner Skinner moved to enter an executive session for the reasons just stated by the Interim Chair on the record. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Interim Chair Maynard: Aye.*

*The motion passed unanimously, 4-0.*

*Transcriber's Note: The Commission entered executive session and did not reconvene the public meeting of the Commission.*

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

1. [Notice of Meeting and Agenda dated June 13, 2024](#)



---

## Massachusetts Gaming Commission Meeting Minutes

---

**Date/Time:** November 21, 2024, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 047 3795

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 Jordan Maynard  
Commissioner Eileen O'Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Paul Brodeur

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

Chair Maynard called to order the 540<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission") at 10:03 a.m. Roll call attendance was conducted, and all five commissioners were present for the meeting.

#### 2. [Meeting Minutes](#) (00:41)

Commissioner Skinner moved that the Commission approve the minutes for the January 5, 2023, October 25, 2023, and October 26, 2023 meetings that are included in the Commissioners' Packet, subject to any necessary corrections for typographical errors or other non-material matters. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*  
*Commissioner Hill: Aye.*  
*Commissioner Skinner: Aye.*  
*Commissioner Brodeur: Abstain.*



Chair Maynard: Aye.  
The motion passed, 4-0. One abstention.

3. [Administrative Update](#) (1:34)

Executive Director Dean Serpa began the Administrative Update by explaining to the Commissioners that this update would involve a discussion regarding sports wagering limitations. Executive Director Serpa reminded the Commissioners that, in the previous meeting, the Commission had asked the staff to develop some initial options to consider regarding how to manage the wager limitation issue, and then introduced Carrie Torrasi, Director of the Sports Wagering Division.

a. Next Steps Regarding Commission's Discussion of Wager Limitations

Director Torrasi explained that the Sports Wagering, Legal, and Communications Divisions would provide recommendations regarding the next steps in the wager limitations for discussion and review by the Commission. *A memorandum on Next Steps Regarding the Commission's Discussion of Wager Limitations was included on page 25 of the meeting packet.*

Director Torrasi reminded the Commission that this topic had been discussed since the previous spring, and that the Commission had received information from both operators and industry experts. She recommended that the first step in the process should be to circulate a data request to the sports wagering operators. She explained that the purpose of the data request would be to identify the volume of patrons being limited, and any correlation between patrons whose limits have been decreased with winning behavior, or patrons whose limits have been increased with losing behavior. Director Torrasi stated that the request would be sent out in the coming weeks and, once the submissions have been received, they will be reviewed by the Division. If any additional data was needed, the Division would identify and request it from the operator.

Director Torrasi went on to explain that, once the data review was complete, they would return to the Commission with an update and possibly propose new regulations regarding wager limitations. She then offered some examples of what could be included in such regulations, including requiring notifications to patrons who have been limited, implementing reporting or audit requirements regarding patron limits, and requiring clear and defined protocols and parameters around patron limits.

Commissioner Hill stated his belief that circulating the data request was the appropriate way to move forward. Commissioner O'Brien agreed and stated that she found the briefing from the Division helpful. Chair Maynard stated that he was looking forward to what the Commission would learn from the data.

4. [Research and Responsible Gaming](#) (05:22)

a. Presentation of Report, "Feasibility Study: Prospective Sports Wagering Kiosks in Massachusetts"

Mark Vander Linden, Director of Research and Responsible Gaming began the presentation by explaining that, as part of the legalization of sports wagering in the state, the Legislature required the Massachusetts Gaming Commission to conduct a study regarding the feasibility of sports wagering kiosks in retail locations. Director Vander Linden explained that the Commission contracted with Spectrum Gaming Group, in collaboration with the Massachusetts Council on Gaming and Health (“MACGH”), to conduct the study. The purpose of the study was to provide the Commission with information to give to the Legislature for their consideration of implementing retail sports wagering kiosks. The study was conducted from a commercial feasibility perspective, meaning that the goal was to determine whether retail sports wagering kiosks would be financially beneficial for both the kiosk hosts and for the state. *A memorandum regarding the Feasibility Study, a Research Executive Summary (“Snapshot”), and the full Feasibility Study were included on pages 26 through 168 of the meeting packet.*

Director Vander Linden introduced Joe Weinert, Executive Vice President from Spectrum Gaming Group and Matthew Para, Senior Sports Betting and iGaming Adviser, from Spectrum Gaming Group to present the study’s approach, and the findings. Mr. Weinert went on to explain that the team used a multi-pronged approach for the study, consisting of 123 interviews, data analysis, and site visits. He explained that Spectrum also gathered data from a variety of sources, including publicly available revenue figures from other states that have already implemented sports wagering kiosks. Mr. Weinert then turned the presentation over to Matthew Para.

Mr. Para stated that, in their review of revenue data from other states, Spectrum was able to identify some limitations of the kiosks including low wager limits, hardware and software malfunctions, limited betting options and susceptibility to money laundering and underage gambling. Mr. Para added that sports wagering was trending heavily toward mobile platforms, with nearly all wagers being placed using mobile phones. He noted that data from Ohio revealed that 99 percent of sports wagering were placed using mobile devices, with only one percent placed using kiosks. Mr. Para concluded by stating that due to these factors and findings, the team concluded that sports wagering kiosks were not a feasible option at this time.

Marlene Warner, CEO of MACGH, presented the findings from the public health and social impact perspective. Ms. Warner explained that the team conducted interviews with individuals in Massachusetts and in other states that had implemented sports wagering kiosks, including Montana, Ohio, and Washington, DC. Ms. Warner stated that the prevailing opinion was that expanding sports wagering to kiosks would negatively impact public health, and that vulnerable individuals would likely bear the burden. Ms. Warner also stated that there was a general lack of enthusiasm for kiosk expansion, and that most people had very low expectations. She noted that a sole exception was seen within a group of minority-owned businesses in the state who stated that they would be interested in exploring the social equity opportunities the kiosks could provide.

After the presentation concluded, Commissioner Hill stated that it was a very good report, and that he was not surprised by Spectrum’s findings. Commissioner Hill agreed with the presenters that the majority of wagers were being placed using mobile devices, which would likely make the kiosks an unattractive option for most businesses. Commissioner Hill also stated that this

information would be helpful as the Legislature began to consider the feasibility of allowing veteran's halls to host sports wagering kiosks. Commissioner Hill also shared an observation he had at a gaming establishment: there were many kiosks available, but the majority of attendees were still placing bets using their mobile devices. He concluded his comments by stating that he appreciated the report, and that he believed it would be a very helpful tool moving forward.

Commissioner O'Brien echoed Commissioner Hill's statements, stating that the report was consistent with her expectations. Commissioner O'Brien then pointed out that, in addition to staffing costs, there were also high technological costs associated with monitoring the kiosks, which would add to the weight against implementing them.

Ms. Warner noted one interesting finding that came from her conversations with representatives in charge of responsible and problem gambling in Ohio. She noted that they had growing concerns about the kiosks because they did not have the money to connect the kiosk to the Ohio voluntary self-exclusion programs. She noted that to Commissioner O'Brien's point, the kiosks were cost prohibitive, as they were not generating enough revenue for proper maintenance. Commissioners thanked Ms. Warner for sharing this anecdote.

Chair Maynard then expressed his gratitude to the Legislature and the Governor for directing the Commission to conduct the study, before moving forward with implementing sports wagering kiosks. He also thanked Spectrum Gaming Group for the numerous studies and work they have done with the Commission over the years.

b. [Update on Section 97, Casino Player Data Project](#) (44:27)

Mark Vander Linden, Director of Research and Responsible Gaming, provided an update to the Commission on the casino player data project. Section 97 of Chapter 194 of the Acts of 2011 required gaming licensees to supply the Commission with data collected from casino player loyalty programs. The Commission was then required to contract with a research entity to anonymize that data, and make it available for qualified researchers.

Director Vander Linden reminded the Commissioners that at the meeting on September 26, 2024, the Commission anticipated selecting a partner to work on the player data project by December 1, 2024. He announced that the Research and Responsible Gaming Division intends to enter into an interdepartmental service agreement ("ISA") with the University of Massachusetts Donahue Institute to work with idPair, Inc. ("idPair") and the UMass Data Science and Software Engineering Corp. on this project. Final data security evaluations were still being performed by Commission staff.

Director Vander Linden highlighted the reasons why UMass Donahue Institute was selected, including their position as a research institution within the Commonwealth with experience conducting gaming related research in the Commonwealth. He added that idPair had extensive experience anonymizing gaming data and working with stakeholders in the gaming industry, and the UMass Data Science and Software Engineering Corp. had experience using data science to facilitate research.

Commissioner O'Brien thanked Director Vander Linden and his team for their perseverance in getting this project done. She acknowledged that the project had been years in the making and had experienced setbacks. She also expressed her belief that waiting until all the casinos were up and running before beginning this project was a wise decision.

Director Vander Linden thanked Commissioner O'Brien for the acknowledgment, stating that it had been a challenging project. He concluded by expressing enthusiasm for the project finally coming to fruition.

5. [Finance Division](#) (48:20)

a. FY2025 Cost of Living Adjustment

Chief Financial and Accounting Officer ("CFAO") Derek Lennon, accompanied by Executive Director Dean Serpa and Finance and Budget Manager John Scully, presented options for the Commission's Fiscal Year 2025 ("FY25") Cost of Living Adjustments ("COLAs"). CFAO Lennon reminded the Commissioners that in FY24, the Commission approved COLAs for its employees consistent with those given to non-union employees in the Executive Branch. *A memorandum on the Fiscal Year 2025 (FY25) Cost of Living Adjustment (COLA) was included in the meeting packet on pages 170 through 172.*

Lennon explained that the Commission's approved FY25 budget contains funding for a 3% COLA, but that the Commonwealth's Human Resources Division ("HRD") proposed a different plan for FY25 COLAs for non-union employees that would only utilize about half of the Commission's budgeted funds. He reported that the HRD proposed a 3% COLA increase effective January 12, 2025, with eligibility based on the employee holding a non-union position as of December 31, 2024. The HRD's plan would not grant the COLA increase retroactively to the beginning of the fiscal year, and it would exclude certain employees including employees hired into non-union positions after January 1, 2025, employees promoted from union positions into non-union positions who already received a collective bargaining increase in the current fiscal year, employees in a 'terminated' or 'terminated with pay status' as of January 12, 2025, and post retirees.

CFAO Lennon then presented three options for the Commissioners to consider and discuss. He noted that Option A would follow the HRD's recommendation for FY25 and use half of the COLA budget. Option B would implement the 3% COLA increase, but make it retroactive to the first full pay period in July 2024, thus utilizing the entire budget. Option C would implement the 3% COLA as of January 12, 2025, and allow the Executive Director to determine how to use the balance of the COLA budget for merit increases.

Commissioner O'Brien stated that she was inclined to support Option C, but with the caveat that the Commission's traditional 90-day probationary period be applied, meaning that employees hired less than 90 days before the COLA increase would not be eligible. She also expressed that she would like for the Executive Director and Division Directors to have funds available for merit-based salary increases. Commissioner Hill stated that he agreed with Commissioner O'Brien regarding the 90-day probationary period.

Commissioner Skinner stated that she was leaning towards Option B, with the caveat that employees within the probationary period would not be eligible for the retroactive increase. She explained that she was comfortable using the funds as budgeted for a retroactive increase because the funding was available.

Commissioner Brodeur stated that he supports Option B, but that he was not overly concerned about the 90-day probationary period. He explained that if the COLA was not applied to those in their probationary period, they would essentially lose out on a compounding increase over time. He stated that he was very impressed by the workforce thus far and supported the raises. He echoed Commissioner Skinner's sentiment about using all of the allocated funds.

Chair Maynard stated that he would prefer Option B as presented in the Finance Division's memorandum. He explained that merit programs were difficult to implement fairly, and that there are often complications. He noted that the Commission is still in a competitive job market, and that the employees were worth the investment. Chair Maynard echoed Commissioner Brodeur's argument about the value of the compounded increase over time. He agreed that if the funding was available, the Commission should utilize it.

Commissioner Skinner expressed her sentiment for using the funding that was available as a means of appreciating the work done by Commission staff. She highlighted a recent example of members of the Legal Division dedicating hours of time preparing for an adjudicatory proceeding.

Chair Maynard stated that he heard consensus for Option B and inquired where Commissioner Skinner was on the subject of a 90-day probationary period. Commissioner Skinner noted that a good compromise could be to exclude those who have not completed their probationary period. Chair Maynard inquired how many employees would be affected by the 90-day probationary period decision. CFAO Lennon replied that he estimated approximately five or six employees would be affected and noted that the Commission's workforce now has 140 full-time employees.

CFAO Lennon then asked the Commissioners to consider extending the COLA increase to the seven to eight post-retiree employees who work for the Commission. He explained that these employees often work longer hours than they get paid for, and that extending the COLA to these employees would only be a small amount.

Chair Maynard asked the Commissioners their thoughts on extending the COLA increase to post-retiree employees. Commissioners reached consensus on including post-retiree employees in the COLA increase.

Commissioner Skinner moved that the Commission adopt the cost-of-living adjustments for non-union employees and post retirees that the Commonwealth Human Resources Division has recommended, with the effective date of the first COLA retroactive to July 2024 and authorize the Executive Director to implement such as included in the commissioner's packet and discussed here today.

Commissioner O'Brien offered a friendly amendment that the adjustments be subject to the 90-day probationary period restriction. Commissioner Skinner accepted the friendly amendment. Commissioner O'Brien then seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

*Transcriber's Note: Commissioners took a short break, and the meeting resumed at 11:14 a.m. EST. Roll call was conducted, and all Commissioners were present.*

6. [Sports Wagering Division](#) (1:10:29)

a. Seal of Approval Update

Chief of the Sports Wagering Division, Carrie Torrasi, provided an update on the rollout of the Commission's seal of approval program. Director Torrasi explained that on October 10, 2024 the Sports Wagering Division notified all operators that they would be required to place the seal of approval on their platforms by November 8, 2024. The seal must also include a link to the Commission's licensing page on the Commission's website.

Torrasi reported that all sports wagering operators met the November 8th deadline, and all currently had the seal live on their platforms, including the required link to the Commission's website. Following the successful rollout of the seal, Director Torrasi explained that the Communications Division had implemented their plan to promote the seal publicly. She turned the presentation over to Tom Mills, Chief of the Communications Division, to elaborate on the plan.

Chief Mills explained that the Communications plan included issuing a press release to over 200 media outlets, publishing a blog post on MassGaming.com, promoting the blog post on the Commission's social media platforms, and updating the sports wagering section of the Commission's website to include information about the seal. Chief Mills added that several industry trade publications picked up the press release.

Commissioner O'Brien thanked Director Torrasi, Chief Mills, and the teams involved for getting the seal of approval off the ground. She expressed her hope that a national seal would be implemented in the future, and that this seal would help consumers identify legal sports wagering operators. She also thanked the operators for their timely cooperation.

Chair Maynard extended his appreciation to Commissioner O'Brien for pushing the Commission to adopt the seal of approval. He also thanked the staff involved for their work.

b. [Event Catalog Request: Tomorrow's Golf League](#) (1:12:47)

Andrew Steffen, Compliance and Operations Manager for the Sports Wagering Division, presented BetMGM's request to add Tomorrow's Golf League ("TGL") to the Massachusetts Event Catalog. This request had been presented to the Commission at public meetings twice before. Once on May 9, 2024, and again on June 20, 2024. During the June 20<sup>th</sup> meeting, Commissioners raised questions regarding data security, potential data manipulation, and the processes for manually changing data. Compliance Manager Steffen noted that BetMGM and TGL provided responses to those questions, and they were also included in the meeting packet for Commissioners' review. *A memorandum on the Request to Add Tomorrow's Golf League (TGL) to MGC Event Catalog, the Petition submitted by BetMGM, and additional supporting documentation was included on pages 173 through 209 of the meeting packet.*

Compliance Manager Steffen explained that in response to the Commission's questions about technology verification and data security, The TGL system employed reliable golf technologies that have been validated through thousands of global implementations and golf test shots. He reported that the accuracy of the technologies was calibrated weekly and before each match. Additionally, a dedicated TGL cybersecurity team conducted third-party security assessments of vendors to ensure compliance with security standards. The data was securely stored in a custom-built repository called "Score Site," which operates using Amazon Web Services. Compliance Manager Steffen stated access to the data and underlying code is tightly controlled through secure privileges and any changes to the data or code went through an approval process and were subject to segregation of duties ensuring no single individual can manipulate the data independently.

Mr. Steffen reminded the Commissioners that BetMGM stated that it had informed TGL of its intention to submit a petition to add the league for wagering, and TGL was in favor of its events being approved for wagering. He noted that while TGL does not have a player's association or union, all TGL players were members in good standing with the PGA Tour, which is an approved golf league in the Massachusetts Event Catalog.

Compliance Manager Steffen concluded his presentation by stating that the Sports Wagering Division had confirmed that all requirements under 205 CMR 247.03 have been met, and it recommends that the TGL be added to the Massachusetts Event Catalog as a golf event. Chair Maynard thanked the TGL representatives for joining the meeting.

Commissioner Hill stated that he did not have any questions and commended the TGL team for getting the Commission the information they asked for at prior meetings. He acknowledged that TGL had made themselves available to answer additional questions, and he appreciated the responses they provided. He added that he was now satisfied with the submission. Commissioner O'Brien echoed Commissioner Hill's sentiments and stated that she agreed with Commissioner Hill's assessment.

Commissioner Brodeur noted that he was new to the Commission but confirmed that he had met with staff and reviewed the materials and voiced his appreciation for the amount of information and clarification provided by BetMGM and TGL.

Commissioner Hill moved to amend the Commission’s Official Catalog of Events and Wagers to add TGL as a golf league as included in the Commissioner’s packet and discussed here today. Commissioner Brodeur seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

c. [Update to House Rules: BetMGM](#) (1:19:27)

Compliance Manager Steffen then turned to BetMGM’s request for approval of their House Rules. He noted that the request was for a single change to its online rules. Mr. Steffen explained that the Sports Wagering Division requested the change to better align BetMGM’s house rules with GLI-33, the industry standard for event wagering. He stated that the revision allowed BetMGM patrons to change settings within their accounts to control the automatic acceptance of more favorable wagers. *A memorandum from the Division explaining the update was included in the meeting packet on pages 210 through 211.*

Compliance Manager Steffen noted that currently BetMGM’s system automatically accepts all wager changes that are more favorable to the patron. Under the revised house rules, patrons would have the option to opt out of the automatic acceptance of more favorable odds changes and would be required to manually accept those changes. Steffen emphasized that this does not affect odds changes that were less favorable to the patron. All such changes must still be manually accepted, as has always been the case.

Compliance Manager Steffen stated that the Division was in favor of the change. He also noted that the Division was working with BetMGM to identify any additional system changes that might be necessary to comply with GLI-33. He noted that Mr. Krause from Bet MGM was available for any questions from Commissioners.

With that, Commissioner Hill moved that the Commission approve the updates to BetMGM’s house rules as included in the meeting packet and discussed today. Commissioner Brodeur seconded the motion.

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

7. [Legal Division](#) (01:22:08)



a. Introduction of Bally's Proposed Transaction and Review of Proposed Trust Agreement

General Counsel Todd Grossman introduced Bally's proposed transaction and the subsequent review of the proposed trust agreement. He explained that Bally's had notified the Commission of a transaction it had classified as a transfer of interest involving Bally's Interactive, a Category 3 sports wagering operator. He explained that the purpose of the presentation was to introduce the transaction to the Commissioners, who would not be voting on the transaction itself during this meeting. General Counsel Grossman noted, however, that there was one narrow exception: the Commission would be voting on the trust instrument, an important part of the transfer process. *Submissions from Bally's representatives, and a draft of the trust instrument were included in the meeting packet on pages 212 through 240.*

General Counsel Grossman stated that reviewing and potentially approving the trust instrument at this stage would allow for any needed adjustments to be made in advance of a future hearing on the proposed transaction. General Counsel Grossman noted that Bally's was represented by Attorney Bob Ross of Greenberg Traurig. He then turned the presentation over to Deputy General Counsel Jenna Hentoff, who would provide a review of the transfer of interest process.

Attorney Hentoff explained that while the statutes governing transfers of interest for sports wagering (Chapter 23N, Section 6H) and gaming (Chapter 23K) differed, the Commission had adopted regulations that mirror the casino transfer process. She stated that the regulations were designed to ensure the Commission has the opportunity to determine if a transfer will result in any new qualifiers. If it did create new qualifiers, then they must submit to a suitability review process. Additionally, the regulations were established to determine if the transfer will result in a change of control over the sports wagering license, which could affect the quality of the operation or any license conditions.

Attorney Hentoff noted that both the law and regulations require majority approval from the Commission for any transfer of a license or a direct or indirect interest in the license. She explained that any entity or individual with an interest in a sports wagering license must be qualified for licensure and found suitable under the criteria outlined in Chapter 23N and 205 CMR.

Attorney Hentoff then turned to the proposed Bally's transaction. She explained that the transaction would result in a company obtaining greater than 50% ownership in the parent company of the licensee, Bally's Corporation, Inc. She stated that in this case, because a new qualifier must be found suitable, the transaction's closing or settlement date cannot be earlier than 121 days after the application was completed. This period allows the Commission to hold a hearing and issue a decision on interim authorization of the proposed transferee. Attorney Hentoff noted that a hearing would likely be scheduled three to four months after the application was completed, which would allow the IEB and the Commission time to investigate and make a preliminary ruling on the suitability of the transferee.

Attorney Hentoff described the purpose of the trust, stating that it was a vehicle designed to separate a potentially unsuitable transferee from its interest in the license. The interest would remain in the trust until the Commission made a final suitability determination. She noted that if a prospective

transferee does not transfer its interest to the trust when directed by the Commission, they would be issued a negative suitability determination.

Attorney Hentoff stated that the Commissioners had a copy of Bally's proposed trust agreement in their meeting packets, but noted the Commission had since requested an updated version, which she displayed on-screen.

Commissioner O'Brien asked Attorney Hentoff to clarify the changes that were made to the updated version. Attorney Hentoff explained that the Commission requested a minor change to Section 2(II) for clarification purposes. The change, she explained, clarifies that everything in the paragraph must occur within 120 days of the Commission's suitability determination.

General Counsel Grossman emphasized the importance of Section 2(II), which dictates what will happen if the Commission finds the transferee unsuitable and the interest was already held in the trust. He explained that in this case, the trust would be triggered, the property would be sent back to the company, and the transferee would be removed from the process. He noted that this would essentially return Bally's to the status quo, and he clarified that the transferee was already a part of Bally's.

General Counsel Grossman introduced Attorney Bob Ross, who represents Bally's. Attorney Ross then introduced several members of the Bally's team including, Marcus Glover, Chief Financial Officer, Craig Eaton, President of Rhode Island Operations and Corporate Secretary, and Don Wescott, Global Chief Compliance Officer. Attorney Ross explained that Bally's was here to familiarize the Commissioners with the transaction, which he acknowledged was unusual. He emphasized that the transaction does not affect Bally's Interactive LLC. Ross then turned the presentation over to Marcus Glover. *Mr. Glover's presentation was included in the meeting packet on pages 231 through 236.*

At the conclusion of the presentation, Commissioners had no additional questions for Mr. Glover or Attorney Ross. Attorney Ross then stated Bally's was working closely with the Licensing Division and noted that Bally's had a time constraint: if the transaction does not close by January 21, 2025, a daily fee will be imposed. He emphasized that Bally's top priority was to satisfy the Commission and ensure that the Commissioners were comfortable with the transaction closing before January 21.

General Counsel Grossman thanked Attorney Ross and explained that once the application was completed, the IEB has 90 days to produce an interim suitability report, and the Commission then has 30 days to conduct a hearing regarding interim authorization. He stated that they wanted to make sure the Commission was comfortable with the trust agreement so that it would be finalized by the time of the interim authorization hearing. Grossman explained that the trustee, Craig Eaton, must also pass a background check.

General Counsel Grossman concluded by stating that the trust instrument includes all the provisions required by the regulations, including provisions related to the transfer of interest in the event of a negative suitability determination. He asked for questions, and then requested a vote from Commissioners regarding whether the trust agreement was satisfactory.

Chair Maynard stated that he understands that the suitability process should not be rushed but highlighted that the sooner the IEB receives the information they need, the sooner they can make a decision. He encouraged all applicants to work closely with the Commission's teams.

Commissioner Hill moved that the Commission find that the trust agreement submitted by Bally's and discussed here today meets the requirements of 205 CMR 229.36. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

8. [Gaming Establishment Security Measures](#) (1:49:10)

a. Executive Session

Chair Maynard read the following statement into the record: "The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(4), G.L. c.30A, §21(a)(7) and G.L. c. 23K, §21(a)(7), and 205 CMR 139.02 to discuss the use and deployment of security personnel or devices, or strategies with respect thereto, specifically with regard to firearms security at MGM Springfield, and to discuss the response to the Commission's internal control related directive submitted by MGM Springfield, related to the same subject matter. The public session of the Commission meeting will not reconvene at the conclusion of the executive session."

Commissioner Skinner moved to go into Executive Session for the reasons stated by the Chair. The motion was seconded by Commissioner Hill.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

9. [Executive Session Minutes](#) (1:51:13)

a. Executive Session

Chair Maynard read the following statement into the record: "The Commission anticipates that it will meet in an executive session to review minutes from previous executive sessions, as their

discussion at an open meeting may frustrate the intended purpose for which the executive sessions were convened pursuant to G.L. c. 30A, §21(a)(4), c. 30A, §21(a)(7), and G.L. c. 4, §7(26)(f).” The Chair noted that the dates for the minutes were July 24, 2024, August 1, 2024, August 29, 2024, September 12, 2024, and October 2, 2024.

Commissioner Skinner moved to go into Executive Session for the reasons stated by the Chair. The motion was seconded by Commissioner Brodeur.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

10. [Commissioner Updates](#) (1:49:37)

Prior to entering the executive session, Chair Maynard inquired if there were any Commissioner updates. No updates were noted.

11. [Other Business](#) (1:49:40)

Chair Maynard inquired if there was any other business. No other business was noted.

*The Commission entered an Executive Session and did not reconvene the public meeting at the conclusion of the Executive Session.*

**List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda dated November 19, 2024](#)
2. [Commissioner’s Packet from the November 16, 2024 Meeting](#) (posted on massgaming.com)



---

## Massachusetts Gaming Commission Meeting Minutes

---

**Date/Time:** December 5, 2024, 9:00 a.m.

**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292

PARTICIPANT CODE: 112 114 9506

The Commission conducted this public meeting remotely utilizing collaboration technology. 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 Jordan Maynard

Commissioner Eileen O'Brien

Commissioner Bradford Hill

Commissioner Nakisha Skinner

Commissioner Paul Brodeur

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

Chair Maynard called to order the 541<sup>st</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted. Four of the Commissioners were present for the beginning of the meeting. Chair Maynard noted Commissioner Brodeur would be joining shortly.

### 2. [Meeting Minutes](#) (00:33)

a. January 11, 2023

b. January 12, 2023

c. August 1, 2023

*The public meeting minutes for the abovementioned dates were included in the Commissioners' Packet on pages 4 through 23.*

Commissioner Skinner moved that the Commission approve the minutes from the January 11, 2023, January 12, 2023, and August 1, 2023 meetings that are included in the Commissioners' Packet, subject to any necessary corrections for typographical errors or other non-material matters. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Absent.*

*Chair Maynard: Aye.*

*The motion passed, 4-0.*

### 3. [Legislative Update](#) (01:27)

Commissioner Hill informed the Commission that he has been working on a memo to send to the Executive Office for Administration and Finance (ANF) regarding the upcoming budget cycle. Commissioner Hill then turned it over to Chief Financial and Accounting Officer Derek Lennon to discuss the contents of the memo. Chief Lennon presented on the four topics in the memo, which included restoration of gaming tax revenue to the Community Mitigation Fund, maintenance of funds for the Public Health Trust Fund, maintenance of funds for the Race Development Fund, and proposed language to add to the Sports Wagering Legislation, G.L. c. 23N. Commissioner Hill then explained the next steps in the process, including sending a letter to the Governor and Lieutenant Governor, which he explained would be circulated to the Commissioners in advance.

Commissioner O'Brien expressed that she liked the idea of the memo and mentioned that there may be additional discrepancies between G.L. c. 23K and G.L. c. 23N, which should be addressed either through the memo or another format. Commissioner Skinner confirmed she is okay with sending out the memo but requested that the other Commissioners see the letter to the Governor and Lieutenant Governor before it is sent out.

*Chair Maynard announced that Commissioner Brodeur has now joined the public meeting.*

Commissioner Hill stated that there is a consensus to send the memo out.

*The abovementioned memo was included in the Commissioners' Packet on pages 24 through 25.*

### 4. [Investigations and Enforcement Bureau](#) (9:17)

- 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](#) (9:30)

Director of the Investigations and Enforcement Bureau Caitlin Monahan turned it over to Enforcement Counsel Zachary Mercer, who presented the IEB's recommendation to assess a civil administrative penalty on BetFair Interactive LLC d/b/a FanDuel due to their noncompliance with permissible sports wagering offerings. He described the details surrounding the violation and provided a brief procedural history before the Commission. He summarized that based off the IEB's review, communications with the operator, previous guidance from the Commission, and past decisions, the IEB recommends that the Commission assess a \$10,000 civil assessment upon FanDuel. He asked the Commission at this stage to vote for one of the two available options pursuant to 205 CMR 232.02(3)(a) and (b), which are to either adopt the IEB's recommendation as its final decision or reject the IEB's recommendation and issue a notice of intent to adopt a separate recommendation following an adjudicatory hearing.

Commissioner O'Brien asked for clarification on who or what made the error. Enforcement Counsel Mercer confirmed this occurred due to human error. Commissioner Skinner asked whether the Commission has set \$10,000 as the floor for penalties and caveated that penalties should be proportionate to the actual circumstances of the non-compliance incident. Commissioner Brodeur emphasized Commissioner Skinner's comment about scale and proportionality of the consequences for any noncompliance incident.

Commissioner Hill moved that the Commission adopt the recommendation of the IEB with respect to imposing a civil administrative penalty of BetFair Interactive LLC d/b/a FanDuel for \$10,000 as discussed here today. Commissioner Brodeur seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

Commissioner Hill asked that the Legal Division and Sports Wagering Division review the regulation relevant to this matter, 205 CMR 247.01(2)(a)2, again and ensure it is saying what was intended. Chair Maynard confirmed that he is also interested in having a policy discussion about where the line is drawn for college tournaments given the regulation's current language.

## 5. [Racing](#) (21:25)

### a. [Amendment of 2024 Plainridge Racing Meeting License \(no. of race days\)](#) (21:31)

Director of the Racing Division and Chief Veterinarian Dr. Alexandra Lightbown explained that Plainridge Park Casino is requesting approval to amend the 2024 Plainridge Racing Meeting License from 110 days of racing to 108 days to reflect the cancellation of racing on June 20,

2024 due to an excessive heat forecast, and after three races due to severe rain and multiple storms coming through on August 15, 2024.

Commissioner Brodeur asked if this is something that happens in the ordinary course. Director Lightbown explained it comes down to safety and “acts of God.”

Commissioner O’Brien moved that the Commission approve the request of Plainridge Park Casino to amend their 2024 racing schedule from 110 days to 108 days for the reasons set forth in the Commissioners’ packet and as discussed here today. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

b. [Race Horse Development Fund Benefits for Drivers and Jockeys](#) (25:01)

Director Lightbown provided background and context on the benefits from the Race Horse Development Fund for jockeys and drivers under G.L. c.23K, § 60(c)iii. She explained that the two 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.

The Commissioners heard comments from the Executive Director of the New England Horsemen’s Benevolent and Protective Association, Inc., Paul Umbrello. Commissioner Skinner asked whether there have been any COLA increases for the old age assistance disbursements. Executive Director Umbrello provided greater context about eligibility and process and stated that the payments have remained consistent.

The Commissioners then heard comments from Counsel for the Jockeys’ Guild, Mindy Coleman. Commissioner Skinner asked whether the five permanently disabled jockeys receive disbursements under G.L. c. 128A. Counsel Coleman confirmed that they did and provided additional background on the process for disbursing the reimbursements.

A discussion ensued about the exact amounts to be paid to the Standardbred and Thoroughbred horsemen’s organizations. Commissioner Hill stated that he is okay with leaving it at \$1,000 per



jockey in Massachusetts for thoroughbreds. Commissioner Skinner noted that the \$1,000 amount didn't seem to be tied to any identified formula or methodology and stated that she had come to the meeting prepared to advocate to increase the \$1,000 amount this year. However, given the answers she received from Executive Director Umbrello and Counsel Coleman, she concluded that the \$1,000 amount was acceptable. Commissioner Skinner requested a clearly identified basis for the amount for future years. Commissioner Hill then expressed agreement with Commissioner Skinner on that point but reiterated that he is still comfortable with \$1,000. Commissioner O'Brien stated that every year this is tricky, and she is in alignment with Commissioner Hill and Commissioner Skinner. Commissioner Brodeur pointed out that they received extensive comments about the matter at hand and that he is inclined to support his fellow Commissioners' motion.

Commissioner Hill moved that under G.L. c. 23K, § 60(c)(iii), \$5,000 dollars shall be paid by the thoroughbred horsemen's organization to the thoroughbred jockey's organization for the reasons discussed here today and as included in the Commissioners' packet. Commissioner Brodeur seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

Commissioner Skinner moved that under G.L. c. 23k, § 60(c)(iii), zero dollars shall be paid 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 for the reasons discussed here today and as included in the Commissioners' packet. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

## 6. [Sports Wagering Division](#) (52:02)

- a. Update to House Rules

I. [DraftKings](#) (52:20)

Chief of the Sports Wagering Division Carrie Torrisi turned it over to Compliance and Operations Manager Andrew Steffen, who presented on a requested change from DraftKings Sportsbook about their Massachusetts house rules for pre-live Same Game Parlays. *Information about the specific requested updates are found in the Commissioners' Packet at pages 70 through 72.* He stated that after a thorough review, the Sports Wagering Division would recommend this change.

Commissioner Skinner asked about specific scenarios. Senior Director of Regulatory Affairs at DraftKings Jake List explained how this change in language has previously impacted other sporting events. Commissioner Skinner then asked Manager Steffen about whether the operator must still come before the Commission for any voids. Manager Steffen distinguished between which voids need to come before the Commission and which do not. Commissioner Brodeur asked about what it means for a player not to participate. Manager Steffen explained that a wager on that specific player would be void as they did not participate.

Commissioner Skinner requested more time to review the soccer specific rules as it would add helpful additional context to consideration of DraftKings' proposed change. Commissioner O'Brien asked to postpone this discussion and vote until the next public meeting. Commissioner Brodeur asked if there is any time sensitivity for this request. Senior Director List stated there is no time sensitivity. Chair Maynard confirmed that this item would be given more time to consider.

II. [Penn Sports Interactive](#) (1:02:48)

Manager Steffen then presented on requested changes from Penn Sports Interactive ("PSI") to their Massachusetts house rules focused on settlement clarification for basketball, football, soccer, tennis, and boxing. *Information about the specific requested updates are found in the Commissioners' Packet at pages 73 through 78.* He stated that after a thorough review, the Sports Wagering Division would recommend this change.

Commissioner Skinner asked about the impetus for the changes pertaining to football. PSI Senior Compliance Manager Mike Gamble responded that this was to ensure the markets are settled correctly with no issue for customers.

Commissioner Skinner moved that the Commission approve the amendments to the house rules submitted by the Category 3 Sports Wagering Operator Penn Sports Interactive as included in the Commissioners' packet and discussed here today. Commissioner Brodeur seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*  
*Commissioner Brodeur: Aye.*  
*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

b. [DraftKings' Request to Void Wagers](#) (1:07:14)

Manager Steffen then presented DraftKings' request to void wagers after they learned of markets created and wagers placed on non-existent events and which would therefore have no outcome. He provided background on the incident. He summarized that after reviewing the incident, the wager breakdown, the void request form, and meeting with DraftKings, the Sports Wagering Division confirmed that all requirements were met pursuant to 205 CMR 238.35(2) and recommended that these wagers be voided and the funds returned to the customers.

Commissioner Skinner asked about the communication to patrons regarding this incident. Manager Steffen explained that the wagers are frozen and unsettled and that they have not received any direct inquiries from customers. Senior Director List elaborated that when they void the bets, they will send out a uniform communication. Commissioner Skinner then asked about remedial measures to avoid a repeat occurrence of this issue. Senior Director List explained that in some of the smaller sports, there hasn't always been a clear separation of responsibilities between the trading and event creation teams. Commissioner Skinner recommended that DraftKings complete a review of their existing processes.

Commissioner Hill moved that the Commission approve the DraftKings request to void wagers as included in the Commissioners' Packet and discussed here today and authorize staff to issue a written order pursuant to 205 CMR 238.35(4). Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*  
*Commissioner Hill: Aye.*  
*Commissioner Skinner: Aye.*  
*Commissioner Brodeur: Aye.*  
*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

Chair Maynard requested a break. After a brief break, Chair Maynard reconvened the public meeting and conducted another roll call with all Commissioners present.

7. [Community Affairs Division](#) (1:27:32)

a. Quarterly Reports

I. [Plainridge Park Casino](#) (1:27:43)

Chief of the Community Affairs Division Joe Delaney turned it over to the General Manager at Plainridge Park Casino, Northscott Grounsell, who introduced his team members: Vice President of Finance, Heidi Yates-Akbaba, and Vice President of Human Resources, Kathy Lucas. *A copy of Plainridge Park Casino's presentation can be found in the Commissioners' Packet at pages 88 through 102.* Vice President Yates-Akbaba discussed the 2024 Q3 financial data. Then she turned it over to General Manager Grounsell to discuss compliance. General Manager Grounsell then turned it over to Vice President Lucas to discuss employment and community relations efforts. Commissioner Brodeur asked whether Plainridge Park Casino has any data about employee retention and how many vendors are retained on the supplier side. General Manager Grounsell confirmed that his team will get the Commissioners that data on both the team and vendor sides.

## II. [MGM Springfield](#) (1:43:21)

Chief Delaney introduced the presenters from the MGM Springfield team. *A copy of MGM Springfield's presentation can be found in the Commissioners' Packet at pages 103 through 127.* Vice President and Legal Counsel at MGM Resorts International Augustine Kim turned it over to the Vice President of Finance at MGM Springfield, Arlen Carballo, to present the financial report. Then the Director of Compliance at MGM Springfield, Daniel Miller, presented on compliance. Vice President Carballo shifted to providing an update about MGM Springfield's employment and workforce matters. Director of Community Affairs, Beth Ward, presented MGM Springfield's community engagement initiatives and entertainment at the MassMutual Center.

Commissioner Skinner commended the community engagement initiatives and noted the initiatives are a personal highlight for her during quarterly reports. Commissioner Brodeur thanked the licensees for their initiatives in the education field.

## III. [Encore Boston Harbor](#) (2:04:31)

Chief Delaney then introduced the presenters from Encore Boston Harbor. *A copy of Encore Boston Harbor's presentation can be found in the Commissioners' Packet at pages 128 through 161.* Executive Director of Legal at Encore Boston Harbor, Juliana Catanzariti, presented the financial report. Executive Director of Security and Investigations at Encore Boston Harbor, Tom Coffey, then presented on compliance matters. Vice President of People and Culture at Encore Boston Harbor, Lori Yeager, discussed their rebrand from "Human Resources" to "People and Culture" and other initiatives to increase accessibility and inclusivity for Encore's employees. She presented on Encore Boston Harbor's leadership and diversity and inclusion trainings.

Commissioner Brodeur commended Encore Boston Harbor on their diversity, equity, and inclusion work and asked Vice President Yeager to comment on their future initiatives in this space. Vice President Yeager emphasized their ongoing commitment in this space.

Executive Director Cantanzariti then finished the presentation with a few other community relations highlights.

Chair Maynard thanked all of the operators for their updates.

8. [Executive Session Minutes](#) (2:35:25)

Commissioner Skinner asked to postpone this agenda item until the next meeting as a matter of process in light of Commissioner O'Brien's early absence from the meeting.

*Transcriber's Note: The Commission did not enter into an executive session.*

9. [Commissioner Updates](#) (2:36:07)

Chair Maynard confirmed that there were no Commissioner updates.

10. [Other Business](#) (2:36:12)

Chair Maynard confirmed that there was no other business to discuss.

Commissioner Brodeur moved to adjourn. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Absent.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed, 4-0.*

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

1. [Notice of Meeting and Agenda dated December 3, 2024](#)
2. [Commissioner's Packet from the December 5, 2024 meeting](#) (posted on massgaming.com)



---

## Massachusetts Gaming Commission Meeting Minutes

---

**Date/Time:** January 9, 2025, 9:30 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 705 1241

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 Jordan Maynard  
Commissioner Eileen O’Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Paul Brodeur

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

Chair Maynard called to order the 543rd Public Meeting of the Massachusetts Gaming Commission (“Commission”) at 9:33 a.m. Roll call attendance was conducted, and all five Commissioners were present for the meeting. Prior to the start of the meeting, Chair Maynard noted that the Commission would observe a moment of silence to honor the passing of the 39<sup>th</sup> President of the United States, Jimmy Carter.

#### 2. [Meeting Minutes](#) (01:30)

Commissioner Skinner moved that the Commission approve the minutes for the August 18, 2023, December 14, 2023, and July 11, 2024 meetings that are included in the Commissioners’ Packet, subject to any necessary corrections for typographical errors or any other non-material matters. Commissioner O’Brien seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*  
*Commissioner Brodeur: Abstain.*  
*Chair Maynard: Aye.*  
*The motion passed, 4-0. One abstention.*

3. [Administrative Update](#) (02:20)

Executive Director Dean Serpa began the Administrative Update by welcoming staff back after the new year. Executive Director Serpa offered his gratitude to the Legal Division for the annual ethics training they held for the MGC Staff. He noted that the year was off to a great start and that he was looking forward to the year ahead. Chair Maynard thanked him for his update.

4. [Legal](#) (03:46)

- a. Classification review of Bally's Interactive, LLC Transaction Including Possible Consideration of Request for Waiver from Transfer of Interest Provisions Described in 205 CMR 229

General Counsel Todd Grossman introduced Counsel for Bally's Attorney Bob Ross from the law firm Greenberg Traurig. Attorney Ross introduced Craig Eaton, Senior Vice President for Bally's Corporation.

At the start of the presentation, General Counsel Grossman noted that the Commission had been introduced to the Bally's transaction a few weeks prior. The transaction involved Bally's acquisition of Queen Casino. Bally's proposed an updated structure in which Queen Casino would become a wholly owned subsidiary. Mr. Grossman explained that Bally's advanced two arguments for consideration: (1) the transaction does not require prior approval because it only involves a temporary license; or (2) the Commission should grant a waiver from the transfer of interest regulations.

Attorney Ross, representing Bally's, thanked the Commission for the opportunity to present. He invited Craig Eaton, Senior Vice President of Bally's Corporation and Trustee of the Trust Agreement, to speak about Bally's request.

Mr. Eaton stated that Bally's was requesting confirmation that their proposed transaction did not require prior approval. He explained that the transaction involved merging two entities: Bally's Corporation, which would be the surviving entity, and Queen Casino, which would then become a wholly owned subsidiary of Bally's. Mr. Eaton offered his opinion that prior approval was not needed because the Sports Wagering Act only applied to the transfer of an operator's license, while Bally's only held a temporary license at the time. Mr. Eaton emphasized that Bally's was merely adding new qualifiers and that all information regarding these qualifiers had already been submitted to the Commission staff. He affirmed that the Commission had still retained the authority to grant or deny Bally's temporary license renewal and an operator's license.

Mr. Eaton added that Bally's was working with all applicable states to close this transaction as soon as possible and thanked the Commission for their consideration. The terms of the loan agreement, which underpinned the merger, included a deadline to close the deal.

General Counsel Grossman noted that there were other options that the Commission could consider in addition to what Bally's had requested. Chair Maynard asked if the Commissioners could hear about other options the Commission could consider in achieving the desired result. Attorney Ross then proposed granting Bally's a waiver from the transfer of interest regulations. He explained that the waiver request would allow the review of the transaction to occur during the application process for Bally's operator's license and the renewal of their temporary license. This approach would provide the Commission the opportunity to review the new qualifiers and decide whether to grant or deny the license.

General Counsel Grossman then reviewed the legal standards for a transfer of interest process within G.L. Chapter 23N, section 6(h) and 205 CMR 229. He noted that granting a waiver request, however, would be applied to the requirements within the regulation, and not the statute, however. He then detailed the requirements necessary pursuant to 205 CMR 202.03(2) and 205 CMR 102.03(4). He stated that the waiver request from Bally's met all applicable criteria, in that granting the waiver would be consistent with the Sports Wagering Act; granting the waiver would not interfere with the Commission's ability to fulfill its duties; granting the waiver would not adversely affect public interest; and not granting the waiver would cause a substantial hardship to Bally's due to the financial terms of the loan agreement.

General Counsel Grossman stated that Bally's was requesting that the new qualifiers be evaluated through the pending application processes. He summarized three options for the Commission to consider:

Option 1: The Commission finds that the proposed transaction is a transfer of interest, but the Commission grants a waiver from the regulatory provisions with 205 CMR 229.

Option 2: The Commission considers the transaction a transfer of interest and requires Bally's to follow all associated processes.

Option 3: The Commission accepts Bally's interpretation of the statute and treats the new entities as qualifiers for review, under new qualifier processes and protocols within relevant regulations.

Caitlin Monahan, Director of the Investigations and Enforcement Bureau ("IEB"), then provided the IEB's perspective on the three options presented by General Counsel Grossman. In regard to Option 1, Director Monahan stated that the IEB would be comfortable with requiring that Bally's follow the normal transfer of interest process as it would give the IEB and Commission the opportunity to review the transaction and the entities involved before closing. In regard to Option 2, Director Monahan explained that the IEB would also be comfortable with granting a waiver because the individual becoming the majority shareholder, Mr. Kim, had already undergone preliminary suitability review by the IEB. Regarding Option 3, Director Monahan explained that the IEB would also be comfortable with treating the new individuals and entities as qualifiers



and reviewing them as part of the durable suitability process because of the preliminary work already performed on Mr. Kim.

Commissioner Brodeur then raised a concern about the justification for moving forward with the transaction based on financial consequences to Bally's. Commissioner Brodeur noted that Bally's had structured the transaction which in turn created the need for a waiver. Attorney Ross clarified that the January 21 deadline was a condition set by Bally's lender and was not something that Bally's had established arbitrarily. He explained that Bally's had informed the Commission of the transaction when it was first announced on July 25, 2024.

Mr. Eaton then added that the January 21<sup>st</sup> deadline was a standard loan term and that exceeding it would trigger financial penalties for Bally's. He stated that Bally's needed approval from 17 states, including the UK, to close the deal. Mr. Eaton also emphasized that the transaction was unique because it was essentially a transfer to the same person, as Mr. Kim and Standard General already had significant ownership of Bally's.

Commissioner O'Brien expressed concern about the precedent that would be set by allowing Bally's to use its deadline as leverage to force the Commission to grant a waiver. She asked whether there were any other avenues for restructuring the transaction to avoid this issue. Attorney Ross thanked her for her comment and replied that Bally's had explored other options, but unfortunately, there were no reasonable avenues to restructure the transaction.

Commissioner Skinner raised concerns about the legal implications of distinguishing between temporary and permanent (operator) licenses. She expressed her preference for granting a limited waiver with conditions for the current matter before the Commission.

Commissioner Hill stated that he was also leaning towards the option of granting a waiver. Chairman Maynard then asked IEB Director Monahan and Chief Enforcement Counsel ("CEC") Kathleen Kramer if they had any hesitation about Bally's temporary license, given the circumstances of the transaction. Director Monahan and CEC Kramer both stated that they did not have any hesitations at present.

The Commissioners then discussed potential conditions for the waiver. Commissioner Hill suggested the following conditions: The licensee certifies that they know of no reason why any qualifier would be deemed unsuitable, and the previously executed trust agreement remains in effect and utilized as contemplated.

Commissioner O'Brien proposed adding a condition requiring Bally's to notify the IEB of any material change to the transaction within 24 hours. She also suggested that the waiver should expire on February 23, 2025, when Bally's temporary license was due to expire.

Commissioner Skinner proposed a condition that the IEB continue with its interim review process and provide a preliminary suitability report on the new entity qualifiers to the Commission before the durable suitability investigation. CEC Kramer stated that the IEB could continue with the investigation and provide the Commission with a preliminary suitability report

for the new entity qualifiers but requested flexibility on the 90-day timeframe stipulated within the regulation.

The Commissioners reached consensus on the four proposed conditions. Commissioner Hill stated that he was prepared to make a motion based on the notes he had taken during the discussion. Attorney Stempeck offered to review the language for the motion to grant the waiver to ensure it captured all the desired conditions. Chair Maynard suggested that the Commission take a short break, so that Attorney Stempeck and Commissioner Hill could discuss the drafted motion.

*Recess (48:04) Transcriber's note: The Commission took a short break, and resumed the meeting at 10:29 a.m. EST. All five Commissioners were present after the break.*

Commissioner Hill then read the proposed motion language to his fellow Commissioners. Commissioner O'Brien proposed that Bally's notify the IEB by or before April 10th if they required more time. Commissioner Skinner inquired where the date of April 10th originated. Commissioner Hill offered clarification that it was exactly 90 days from today's public meeting. Commissioner Skinner asked IEB Director Monahan if this timing was sufficient for the Bureau to conduct its work. IEB Director Monahan confirmed that this timeline was sufficient.

Commissioner Hill moved, based on the facts and circumstances presented today, to grant a waiver to Bally's Interactive LLC from the provisions of 205 CMR 229 as consistent with 205 CMR 202.03(2) and 205 CMR 102.03(4) as: granting the waiver or variance is consistent with the purposes of G.L. c. 23N; granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties; granting the waiver or variance will not adversely affect the public interest; and not granting the waiver or variance would cause a substantial hardship to the entity requesting the waiver or variance.

Commissioner Hill further moved that the waiver be subject to the following conditions: The licensee certifies that they know of no reason why any qualifier would be deemed unsuitable; the previously executed trust agreement remains in effect and is utilized as contemplated; the waiver remains in place through February 23, 2025; Bally's must notify the IEB within 24 hours of any material changes to the transaction; and the IEB must provide an update on the preliminary suitability of Bally's by April 10, 2025. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

- b. [205 CMR 238.12: Additional Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering - Discussion and Review of Regulation Amendments and Small Business Impact Statement for](#)

[Authorization to Begin the Promulgation Process by Commission](#) (01:02:48)

Justin Stempeck, Deputy General Counsel, noted that this regulation was first discussed on November 7, 2024 at a public meeting. After a substantive discussion in November, the Commission requested that the Legal Division present the options for public comment and comments from operators. He noted that the legal team also spoke with the Attorney General's Office and received feedback. He provided a brief summary of the public comment, which indicated that the funds being protected should include liabilities in play, and also liabilities in funds. He noted that sports wagering operators also provided comments that were included in the meeting packet. *A memorandum, draft of the regulation, Small Business Impact Statement, and all comments submitted to the Commission were included in the meeting packet on pages 44 through 66.*

Attorney Stempeck also noted that Attorney Mina Makarious, outside counsel from the law firm Anderson & Kreiger, was present and available to answer questions as well. Mr. Stempeck then presented the Commission with five different options for addressing the regulation. He stated that the Commission could maintain the current language of 205 CMR 238.12 but add a definition of "outstanding sports wagering liability" to include funds held in sports wagering accounts. The Commission could require operators to obtain a letter of credit that included both the outstanding wagering liabilities, and the funds in patron accounts. The Commission could require operators to obtain a letter of credit that covers the outstanding sports wagering liabilities but allows operators to meet the requirement of protecting patron funds by maintaining a segregated account or cash reserves. The Commission could allow operators to satisfy 205 CMR 238.12 by using a surety bond instead of requiring a letter of credit. Lastly, he noted that the Commission could draft a hybrid regulation that combines elements of the options above.

Commissioner Brodeur stated his preference for maintaining the status quo. He expressed concern about layering on additional protections when it wasn't clear that there was a heightened risk, and worried about imposing costs that might affect different operators disproportionately, particularly smaller operators.

Commissioner Hill stated his preference to leave things "as is" and return to the issue in the future after receiving further information on definitions and concerns raised.

Commissioner Skinner stated that she was not ready to vote on the regulation, and that she wanted to review additional language prior to moving forward. She noted that she also recognized the priority to safeguard funds within player accounts, with the reasoning that the accounts were funds technically owned by players. She noted in alternative, that funds wagered by players were funds that players had ventured or were willing to risk wagering. She noted that while the wagered funds were still worthy of protection, she noted that her preference was for option number three. She stated that the legal team had already deemed what was in existence was adequate and noted that her preference was for seeing that the Commission require a letter of credit for player accounts, and not liabilities wagered.

Commissioner O'Brien requested that the Legal Division provide an overview of the different definitions for "outstanding sports wagering liability" in the future to ensure nothing was missed and that the language addressed the concerns raised by Commissioners. She stated that she

wanted to make sure the language addressed the concerns that both she and Commissioner Skinner had.

Chair Maynard concluded the discussion by stating that it appeared a consensus was reached that the Commissioners wanted further information on the issue. He directed the Legal Division to return at a future meeting with the information requested.

*Transcriber's Note: After the conclusion of this item, the Commission voted to enter the executive session listed within Agenda Item 9a at 11:28 a.m. The Commission reconvened in the public meeting at 12:54 p.m. EST. Roll call attendance was taken, and all Commissioners were present. Commissioners then began discussing Agenda Item 5.*

5. [Sports Wagering Division](#) (03:19:50)

- a. Request for Extension of Temporary Waiver for all Sports Wagering Operators from 205 CMR 238.12 (Reserve Requirement)

Carrie Torrissi, Director of Sports Wagering Division, stated that the Division would be presenting on three discrete topics before the Commission. She stated that the first would be a discussion on the extension of a waiver granted to all sports wagering operators. She stated that a temporary waiver was initially approved by the Commission on October 10, 2024, and was set to expire on March 1, 2025. Director Torrissi reminded the Commissioners that this waiver was granted with the expectation that the Commission would make updates to 205 CMR 238.12 within that timeframe. She noted that given that the regulation updates would not go into effect before March 1, 2025, the Sports Wagering Division was requesting an extension of the waiver. The Sports Wagering Division initially requested an extension until April 1, 2025, but recommended extending it until June 1, 2025, to allow for potential delays with the regulation. *A memorandum detailing the Request for Extension of Temporary Waiver was included in the meeting packet on page 67.*

Commissioner Skinner sought clarification on the date of the waiver. Director Torrissi explained that the request was originally drafted for April 1, 2025, but the Sports Wagering Division was now seeking an extension until June 1, 2025.

With that, Commissioner Skinner moved that in accordance with 205 CMR 202.03(2), the Commission extend the existing waiver to all licensed sports wagering operators from the requirements outlined in 205 CMR 238.12 until June 1, 2025, as granting the extension to the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. c. 23N. Commissioner Brodeur seconded the motion.

*Roll call vote:*

<i>Commissioner O'Brien:</i>	<i>Aye.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner Skinner:</i>	<i>Aye.</i>
<i>Commissioner Brodeur:</i>	<i>Aye.</i>
<i>Chair Maynard:</i>	<i>Aye.</i>

*The motion passed unanimously, 5-0.*

b. [Request for Temporary Waiver for BetMGM from 205 CMR 255.02\(1\)\(b\)](#) (03:22:36)

Director Torrasi then moved to the next item on the agenda, a request for a temporary waiver from the requirements of 205 CMR 255.02(1)(b) from the sports wagering operator, BetMGM. This regulation concerned Play Management limitations and required that individuals who have set limitations on their sports wagering be able to set a specific limit on wager placement once they've reached a predetermined cumulative dollar amount within a day, week, or month. *A memorandum regarding the Waiver Request from BetMGM, and the waiver form were included in the meeting packet on pages 68 through 72.* Director Torrasi noted that BetMGM submitted two waiver requests related to this regulation. The first was submitted on July 15, 2024, and the second was submitted on December 17, 2024. Director Torrasi acknowledged that upon receiving the December 17 request, the Sports Wagering Division realized the initial waiver request should have been brought before the Commission for approval.

The Sports Wagering Division is now seeking the Commission's approval for both BetMGM's July 15 and December 17 waiver requests to ensure proper adherence to regulatory procedures. This temporary waiver grants BetMGM more time to fully develop and test the necessary technology to integrate the wager limit feature into their platform. Director Torrasi noted that the Division had no concerns with the temporary waiver request and was recommending that the Commission grant the request through January 31, 2025.

Commissioner Hill moved that in accordance with 205 CMR 202.03(2), the Commission issue a waiver to BetMGM from the requirements outlined in 205 CMR 255.02(1)(b) through January 31, 2025, as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. c. 23N. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

c. [Update to House Rules](#) (03:26:13)

i. Fan Duel

Andrew Steffen, Compliance and Operations Manager, presented the next item on the agenda, a request to update FanDuel's House Rules, to Commissioners. *A memorandum regarding the Update to FanDuel's House Rules and a copy of the changes was included in the meeting packet on pages 73 through 86.* Mr. Steffen presented the proposed changes and concluded by stating that the Division found no issues with the requests. He noted that the Division felt that the changes offered clarity around settlement procedures and provided more transparency to

customers. Mr. Steffen noted that Mr. Chris Black, Fan Duel’s Trading Compliance Manager, was present to answer any questions from Commissioners.

Commissioner Hill moved that the Commission approve the updates to FanDuel’s House Rules as included in the Commissioners’ Packet and discussed here today. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

ii. [BetMGM](#) (03:31:24)

Compliance and Operations Manager Steffen then moved to discuss the house rule change submissions from BetMGM. He noted that a representative from BetMGM, Zackary Krouse, was present on the call and offered clarification that the Sports Wagering Division had requested this change from BetMGM, so that their rules aligned with GLI-33: Standards for Event Wagering. *A memorandum regarding the Update to BetMGM’s House Rules was included in the meeting packet on pages 87 through 88.*

Commissioner Skinner moved that the Commission approve the updates to BetMGM’s House Rules as included in the Commissioners’ Packet and discussed here today. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

Chair Maynard thanked the Sports Wagering Division for their work.

6. [Information Technology](#) (03:33:32)

- a. Review of Compliance by Bally Bet with 205 CMR 243.01(x) Relative to Technical Security Control Audit

Cristian Taveras, Gaming Technical Compliance Manager, presented the IT Division’s findings on their Technical Security Control Audit for the sports wagering operator, Bally’s. He stated the audit was conducted in accordance with 205 CMR 234.01(x) and was performed to ensure that

the operators' platforms were secure and that they maintained up to date security processes. A memorandum regarding the Technical Security Control Audit was included in the meeting packet on pages 89 through 91.

Mr. Taveras, along with Chief Information Officer, Katrina Jagroop-Gomes, and Information and Network Security Manager, Kevin Gauvreau, reviewed the security audit reports and remediation plans from the independent technical experts for Bally's. Mr. Taveras noted that no immediate remediation was required. He concluded by stating that Bally's was in compliance with the regulation. He also offered clarification that the IT Division was not seeking a vote on this topic, and the report was being presented as an update.

Commissioner Skinner sought confirmation that the IT Division would continue to follow up with the operator to ensure that any medium or low-risk items were addressed. Mr. Taveras confirmed that they would do so. Commissioner Skinner thanked the Division for providing the actual documents for the Commissioners to review as a part of the audit process.

## 7. [Research and Responsible Gaming](#) (03:36:00)

### a. Update to the MGC Responsible Gaming Framework

Mark Vander Linden, Director of the Research and Responsible Gaming Division, provided an update to the Commissioners regarding the Research and Responsible Gaming Division's Responsible Gaming Framework. Director Vander Linden noted that a third change to the Framework may be required, given the changing technological and gaming landscape. *A Memorandum and Power Point Presentation from the Division was included on pages 91 through 101.*

Director Vander Linden stated that the third version of the Framework proposed a shift from "Responsible Gaming Framework" to "Player Health Framework". He explained that the change was to move away from the idea that individuals are solely responsible for their gambling behavior. He noted that the term "responsible gaming" placed the burden on the individual and could stigmatize those who struggle with gambling addiction. The new term emphasized that player health was a shared responsibility between the Commission, its licensees, and customers.

Commissioner Skinner expressed her support for the shift in terminology, stating that the term "responsible gaming" could infer that individuals were irresponsible if they had a gambling problem. She recalled a Department of Public Health ("DPH") conference and the "Ambassador Project," expressing the importance of engaging with the DPH, as well as the Mass Council's lived experience group. She also stated that she hoped the Commission would incorporate successful strategies from other stakeholders into its Framework as well. Commissioner Skinner concluded by noting that while she thought the current strategies were working, there was always room for improvement.

Commissioner O'Brien agreed with Commissioner Skinner's assessment and added her appreciation that Massachusetts did not simply pay lip service to player health. She highlighted that Director Vander Linden had been at the forefront of this issue for quite some time.

Commissioner O'Brien expressed her appreciation that every Commissioner and Executive Director, from the inception of the MGC to the current day, had put a lot of thought into this issue. She shared that in her estimation that it was what set Massachusetts apart from other jurisdictions.

Director Vander Linden thanked the Commissioners and stated that the Division welcomed any guidance from them on the Framework's update.

b. [Update on Bet Blocking Software](#) (03:51:58)

Director Vander Linden presented an update on the Division's progress on procuring Bet Blocking software for Massachusetts residents who want to refrain from accessing digital/online gambling applications. *A memorandum regarding Bet Blocking was included in the meeting packet on pages 102 through 103.*

Director Vander Linden stated that the software will block both legal and illegal sports wagering and iGaming sites. It will also block gambling-related pop-ups and advertisements. He added that the Commission planned to promote the software through various avenues, including the GameSense program, the Statewide Gambling helpline, and community stakeholders. He added that the Division has begun drafting a Request for Responses ("RFR") to identify suitable providers. The Division anticipates releasing the RFR by the end of the month and hopes to have the tool available in the Spring of 2025.

c. [AI Working Group Update](#) (03:58:51)

Next, Director Vander Linden provided an update on the Massachusetts Gaming Commission's work regarding the use of Artificial Intelligence ("AI") in the gambling industry. He explained that the Commission's AI working group was exploring AI to identify and respond to risky gambling behaviors. The presentation included the objectives of the AI working group, potential solutions for player risk identification, and a review of possible paths forward. *A memorandum and PowerPoint presentation regarding the AI Working Group's progress was included in the meeting packet on pages 104 through 121.*

Commissioner O'Brien noted that everyone's definition of AI was different and reasoned there was a need to be broad when communicating the Commission's interests. She also highlighted that the interplay between the use of AI for responsible gaming and its use for marketing, advertising, and player retention needs to be considered. She noted that there was an important tension to consider between restricting AI for responsible gaming while allowing it for marketing purposes.

Commissioner Skinner agreed and expanded on Commissioner O'Brien's statement. She stated that it was important to determine what to do with the information gathered by AI to benefit individuals exhibiting risk factors. She suggested that this phase should be embedded within the process of identifying risk factors and not treated as a separate issue.



Commissioner Brodeur expressed his appreciation for the AI working group's efforts. He asked whether the Commission was considering using information from agencies like TransUnion, which could identify potential predictors or risk elements outside of betting conduct. He noted that this could expand the sense of what player health means but may also create confidentiality concerns. Director Vander Linden noted that TransUnion does have a product that looks at financial data, and that it was the only one that he was currently aware of.

8. [Investigations and Enforcement Bureau](#) (04:27:45)

- 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 Penn Sports Interactive

Nathaniel Kennedy, IEB Enforcement Counsel, and Kathleen Kramer, Chief Enforcement Counsel, presented the IEB's recommendation to the Commission to assess a civil administrative penalty of \$10,000 upon Penn Sports Interactive ("PSI") for a non-compliance event that occurred beginning November 6, 2023 through November 9, 2023.

Enforcement Counsel Kennedy reported that the non-compliance incident involved 27 college basketball games where one team did not belong to the NCAA Division 1. These games took place between November 6 and November 9, 2023. A total of 249 wagers were placed, with a total handle of \$2,752 being wagered by customers. The IEB previously briefed the Commission on this non-compliance matter in June of 2024, and the Commission assigned the matter to the IEB for investigation and review.

Enforcement Counsel Kennedy noted that the IEB investigated the matter, reviewed the remedial measures taken by PSI, and found no additional concerns. He noted that PSI was communicative and responsive throughout the process and indicated they would accept the IEB's recommendation. Enforcement Counsel Kennedy stated that the IEB determined that PSI had functionally treated all impacted wagers as if they were voided. Patrons with losing wagers received a cash credit for the amount of the wager. Customers who placed winning wagers were permitted to keep their winnings. He concluded by stating that the IEB was recommending a \$10,000 penalty be assessed to PSI.

Commissioner Skinner asked if the monthly audits that PSI implemented in response to the incident had continued since December 2023. Enforcement Counsel Kennedy responded that PSI had been checking to ensure that this type of incident does not occur again.

Commissioner Skinner stated that she was inclined to accept the IEB's recommendation, and commended PSI's response to the non-compliance. She noted that PSI acted as a model for how non-compliance incidents should be handled but recognized that the incident did occur and therefore, she would not go against the IEB's recommendation.

Commissioner O'Brien questioned the statement made that PSI treated all wagers as if they were voided, given that that was not how it was presented in the summary provided to the

Commissioners. Commissioner Hill agreed and asked for clarification regarding whether the winnings should be treated differently than the stakes, and presented a hypothetical situation where a patron bets \$1 and wins \$10, if the \$1 should be voided as well.

Enforcement Counsel Nate Kennedy clarified that he had specifically asked PSI to clarify what was done with the bets, and PSI had responded that they had "functionally treated all impacted wagers as if they were voided". He also clarified that the focus of the investigation was on the lost bets to ensure that the money was returned in cash.

Chief Enforcement Counsel Kathleen Kramer noted that the Commission needs to be clearer with operators about how to handle non-compliant wagers. She noted that sometimes there was confusion even within their own team regarding the language that was used when reporting back to the Commission on how the situation was handled by the operator. She noted that she had spoken to the Sports Wagering Division about the ways this could be remedied and was hopeful that the situation would be remedied going forward.

Commissioner Brodeur moved that the Commission adopt the recommendation of the IEB with respect to imposing a civil administrative penalty on Penn Sports Interactive as discussed here today. Commissioner Skinner seconded the motion.

Discussion occurred as to whether the motion could be amended based on how or whether the IEB could provide the Commission with clarification on how the accompanying wagers were treated. Commissioner Hill suggested that Commissioner Brodeur could either withdraw the motion or accept a friendly amendment with the language Commissioner O'Brien suggested. Commissioner Brodeur noted that he was comfortable with the existing motion language as the IEB could provide the requested update in the course of their normal work on the matter.

*Roll call vote:*

*Commissioner O'Brien: Nay.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed, 4-1.*

- b. [Briefing on Noncompliance Matter Related To Temporary Category 3 Sports Wagering Licensee FBG Enterprises Opco, LLC, D/B/A Fanatics Betting and Gaming and Discussion Regarding Next Steps. Alleged Noncompliance Relates to offering Wagering in Unauthorized Event in Violation Of G.L. c. 23N, § 3, 205 CMR 247.01\(2\)\(A\)\(2\), and the Massachusetts Sports Wagering Catalog \(04:44:16\)](#)

Diandra Franks, Enforcement Counsel with the IEB, presented the details of a noncompliance matter involving FBG Enterprises Opco, doing business as Fanatics Betting and Gaming ("Fanatics"). *A summary of the Noncompliance matter was included in the Commissioner's packet on page 122.* Enforcement Counsel Franks reported that between September 15<sup>th</sup> and

20th 2024, Fanatics accepted 83 wagers totaling \$3,325.88 on a Boston College versus Michigan State NCAA football game.

These wagers violated G.L. c. 23N, § 3, 205 CMR 247.01(2)(a)(2), and the Massachusetts Sports Wagering Catalog, as the event was unapproved for wagering. She explained that the error was caused by a manual override of offering limits by a member of the trading team. Enforcement Counsel Franks explained that Fanatics voided the impacted wagers, including already settled losing parlay wagers, but did not void wagers that were previously cashed out by customers. She reminded Commissioners of their three options of how to proceed: refer it back to the IEB for further investigation, conduct an adjudicatory hearing, or issue a civil administrative penalty pursuant to G.L. c. 23N, §6.

Commissioner O'Brien stated her inclination was to treat this case like a previous noncompliance matter involving Penn Sports Interactive and send it back to the IEB. She added that the analysis should include confirmation of the fact that all wagers should have been voided. Commissioner Brodeur also agreed with sending the matter back to the IEB. Commissioners reached consensus to refer the matter back to the IEB for investigation.

Enforcement Counsel Franks thanked Commissioners for their decision on the matter.

- c. [IEB Request for a waiver from 205 CMR 234.02, which requires Sports Wagering Vendor Applicants to Submit Three Years of Independent Audited Financial Statements](#) (04:47:32)

Caitlin Monahan, IEB Director, then introduced Monica Chang, Chief of the Financial Investigation Division, to discuss their request for a waiver from the provisions of 205 CMR 243.02. As it is written, the regulation requires that sports wagering vendor applicants must submit three years of independent audited financial statements as part of their initial licensing applications. *A memorandum regarding the Request and the IEB's proposal was included on pages 123 through 124 of the meeting packet.*

Chief Chang explained that the waiver was intended to help smaller companies enter the market and compete with other vendors, and to avoid creating unreasonable barriers to entry. She clarified that the waiver would still allow the commission to meet its investigatory goals and overall responsibilities. Chief Chang added that the IEB's approach was similar to the one used in gaming, where only two years of audited financial statements were needed instead of five years for smaller companies.

Commissioner Hill moved that in accordance with 205 CMR 202.03(2), the Commission issue a variance to new sports wagering vendors from the requirements outlined in 205 CMR 234.02(1)(f), as granting the variance meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. c. 23N. Commissioner Brodeur seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

Commissioner Skinner: Aye.  
Commissioner Brodeur Aye.  
Chair Maynard: Aye.

*The motion passed unanimously, 5-0.*

9. [Discussion regarding Collective Bargaining of the SEIU Local 888 Agreement](#) (01:49:50)

*Transcriber's Note: This item was reviewed earlier in the meeting's agenda to accommodate the schedule of Attorney Connelly, outside counsel from Morgan Brown & Joy LLP. It has been included here in the original position on the meeting's agenda, however.*

a. Executive Session

Chair Maynard stated that the Commission would now discuss the collective bargaining agreement under review between the Commission and the SEIU Local 888. He stated that the discussion and review of the agreement would occur in an executive session.

With that, Chair Maynard read the following language into the record, "the Commission anticipates that it will meet in executive session in accordance with G.L. c. 30A, § 21(a)(3) to discuss strategy with respect to collective bargaining of the SEIU Local 888 Agreement, as discussion at an open meeting may have a detrimental effect on the bargaining position of the Commission".

Commissioner Brodeur moved to go into Executive Session on the matters and for the reasons stated by the Chair. The motion was seconded by Commissioner Hill.

*Roll call vote:*

Commissioner O'Brien: Aye.  
Commissioner Hill: Aye.  
Commissioner Skinner: Aye.  
Commissioner Brodeur Aye.  
Chair Maynard: Aye.

*The motion passed unanimously, 5-0.*

Chair Maynard noted for the record that the Commission would return to the public session after the meeting. *Commissioners entered the executive session at 11:28 a.m., and returned to the public session at 12:54 p.m. EST. Commissioners then began discussing Agenda Item 5.*

10. [Executive Session Minutes](#) (4:52:15)

a. Executive Session

Chair Maynard noted that in addition to the discussion and review of the collective bargaining agreement the Commission would also review three sets of executive session minutes in an executive session. He read the following language into the record, " 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): May 30, 2023; G.L. c. 30A, §21(a)(3), and G.L. c. 30A, §21(a)(6): September 21, 2023; and G.L. c. 30A, § 21(a)(7), G.L. c. 23N, § 6(i) and G. L.c. 4, § 7(26)(n): December 16, 2024.

Commissioner Skinner moved to go into Executive Session on the matters and for the reasons stated by the Chair. The motion was seconded by Commissioner Brodeur.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

#### 11. Commissioner Updates

After inquiry from Chair Maynard, no Commissioner updates were noted prior to entering the executive session.

#### 12. Other Business

After inquiry from Chair Maynard, no other business was noted prior to the Commission entering the executive session.

*The Commission entered an Executive Session at 2:29 p.m. The Commission did not reconvene at the conclusion of the Executive Session.*

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

1. [Notice of Meeting and Agenda dated January 7, 2024](#)
2. [Commissioner's Packet from the January 9, 2024 Meeting](#) (posted on massgaming.com)



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

**FROM:** Dean Serpa, Executive Director

**DATE:** February 6, 2025

**RE:** Vacancy, Division Chief, Human Resources Division

---

## **BACKGROUND**

The Agency is currently working to fill the Division Chief, Human Resources Division.

Historically at the Massachusetts Gaming Commission, management of the Human Resources department has included one or both the position of Chief People and Diversity Officer and Human Resources Manager. In re-examining the structure of the department, it is the intent that the Agency recruit, as a first step, a practiced senior level HR manager who is experienced in the organizational, transactional and management needs of a mid-sized agency, preferably with experience with Commonwealth systems and practices. Additional needs of the department would be evaluated following the recruitment of the new Division Chief.

While the Division Chief, Human Resources Division is a new “job title” for the MGC, the position when filled would be designated as a major policymaking position for the purposes of filing the Commonwealth's annual Statement of Financial Interest (SFI), and thus subject to the MGC Hiring Policy 1.03.01. The position title is Division Chief, Human Resources Division, which would be a Grade 7 position within the MGC Position Chart.

### **HUMAN RESOURCES POLICY 1.03.01 Background:**

Agency HR policy 1.03.01 – Hiring Authority was adopted by the Commission on January 22, 2022.

The policy states “if there is a vacancy in a position that has been designated as a major policymaking position, or other reason why a need arises to fill such a position, the Commission shall determine its level of involvement in the hiring process.



Massachusetts Gaming Commission

**HUMAN RESOURCES POLICY 1.03.01 Background, Continued:**

Such involvement may include, but not be limited to:

- a) the Chair's designation of one or two commissioners to participate in the hiring process;
- b) notification and/or review of the job posting;
- c) implementation of notification requirements at key points of the hiring process;
- d) and/or delegation of the hiring process to the executive director under any conditions set by the Commission;"

Today's discussion is to determine to what extent the Commission chooses to "determine its level of involvement" as allowed by policy for the Division Chief, Human Resources Division position.

Attached please find the full HR Policy 1.03.01- Hiring Authority, a full list of current Agency positions subject to HR 1.03.01, and the current job description for the Division Chief, Human Resources Division.

END



Massachusetts Gaming Commission



## 1.03.01 Hiring Authority

### Introduction

This policy relative to hiring authority is intended to be read in conjunction with section 1.03: *Hiring* of the Commission's Human Resources Policy Manual and intended to clarify the authority of the Executive Director to make certain hiring decisions. This policy shall also be read in harmony with the statutory hiring provisions contained in G.L. c. 23K, and not interpreted so as to create a conflict therewith. To the extent any conflict does arise, the relevant statutory provision shall govern.

### Statutory authority

The hiring authority granted the Commission, and the executive director is described in G.L. c. 23K, § 3 and § 4. The following provisions relate to hiring authority:

- “The commission shall have all powers necessary or convenient to carry out and effectuate its purposes, including but not limited to, the power to appoint officers and hire employees.” G.L. c. 23K, § 4(1)
- “The commission shall appoint an executive director. The executive director shall serve at the pleasure of the commission ... .” G.L. c. 23K, § 3(i).
- “The executive director shall appoint and employ a chief financial and accounting officer and may, *subject to the approval of the commission*, employ other employees, consultants, agents and advisors, including legal counsel, ... .” G.L. c. 23K, § 3(i) (emphasis added).
- “The executive director may, from time to time and *subject to the approval of the commission*, establish within the commission such administrative units as may be necessary for the efficient and economical administration of the commission and, when necessary for such purpose, may abolish any such administrative unit or may merge any 2 or more units.” G.L. c. 23K, § 3(j) (emphasis added).
- “The executive director may appoint such persons as the executive director shall consider necessary to perform the functions of the commission; ... .” G.L. c. 23K, § 3(k).



Massachusetts Gaming Commission



## Human Resources HR Policy 1.03.01 Continued:

### Policy Statement

The Commission recognizes its authority to appoint officers and hire employees under Section 4 of Chapter 23K to carry out and effectuate its purposes. However, the Commission seeks to achieve efficiencies and grant the executive director proper authority to best advance the interests and operations of the Massachusetts Gaming Commission (the “MGC”).

### Process

According to Section 3, the Commission has exclusive authority to appoint the executive director. Similarly, according to Section 3, the executive director has the exclusive authority to appoint the chief financial and accounting officer (“CFAO”). The employment of every other employee, consultant, agent, and advisor of the Commission is subject to the approval of the Commission. To create operational efficiencies, the Commission grants the executive director, subject to the conditions herein, the authority to appoint all MGC employees without such Commission approval, except those employees designated as holding a “*major policymaking position.*”

The term ‘major policymaking position’ is defined in G.L. c. 268B, § 1 as: the executive or administrative head of a governmental body, all members of the judiciary, any person whose salary equals or exceeds that of a state employee classified in step 1 of job group XXV of the general salary schedule contained in section 46 of chapter 30 and who reports directly to said executive or administrative head, the head of each division, bureau or other major administrative unit within such governmental body and persons exercising similar authority.

If there is a vacancy in a position that has been designated as a major policymaking position, or other reason why a need arises to fill such a position, the Commission shall determine its level of involvement in the hiring process. Such involvement may include, but not be limited to, the Chair’s designation of one or two commissioners to participate in the hiring process, notification and/or review of the job posting, implementation of notification requirements at key points of the hiring process, and/or delegation of the hiring process to the executive director under any conditions set by the Commission.

All employees, consultants, agents, and advisors of the Commission, other than the executive director and CFAO, who are not designated as holding a major policymaking position may be appointed at the sole discretion of the executive director that is consistent with MGC policies and regulations and all applicable law and the approved number of available positions determined by the Commission through the annual budget process or a supplemental public meeting.

Nothing in this policy waives the Commission’s authority to be involved in any particular hiring process, should it so choose.



Massachusetts Gaming Commission



## Massachusetts Gaming Commission

**Positions identified as holding a “major policymaking position” subject to HR Policy 01.03.01:**  
[As of 02-01-2025]

Executive Director  
Director, Investigations and Enforcement Bureau  
Chief Information Officer  
Chief Legal Counsel  
Director, Research and Responsible Gaming  
Director of Racing  
Chief Enforcement Counsel  
Chief of the Gaming Agents Division  
Chief People and Diversity Officer  
Division Chief, Communications  
Division Chief, Community Affairs  
**Division Chief, Human Resources**  
Division Chief, IEB Financial Investigations  
Division Chief, Licensing Division  
Division Chief, Sports Wagering Division

---

MGC Position that file Statement of Financial Interest (SFI) [holding a major policymaking position] not subject to HR 01.03.01 due to statutory exemption:

Chief Finance and Accounting Officer



Massachusetts Gaming Commission



---

## Massachusetts Gaming Commission

**Job Title: Division Chief, Human Resources Division**

**MGC Position Level: Grade 7**

**Posting Salary Range: \$xxx,xxx to \$xxx,xxx.**

### Human Resources Division Chief

The Massachusetts Gaming Commission (MGC) seeks to hire a Human Resources Division Chief. Under the direction of the Executive Director, the Human Resources Division Chief, is responsible for promoting a positive and inclusive work culture within the agency. The position is responsible for providing executive-level leadership and guidance to the organization's Human Resources department and implementing and managing legally compliant human resource policies, procedures, and best practices. The position is also responsible for providing executive-level leadership on the Commission's initiatives related to diversity, equity, and inclusion (DEI) for agency staff. The position is responsible for supervision of the Human Resources Department team.

### Duties and responsibilities include, but are not limited to, the following:

- Provide leadership in the development and execution of human resource strategies that align with and support the overall strategic direction of the organization.
- Identify and support growth and change initiatives to promote a positive work environment and healthy agency culture.
- Ensure compliance with employment, benefits, insurance, safety, and other laws, regulations, and requirements.
- Maintain knowledge of laws, regulations, and best practices in employment law, human resources, and talent management.



Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)

## Duties and responsibilities continued,

- Work with Executive Director and agency Senior Diversity Equity and Inclusion Program Manager to implement the Commission's Equity and Inclusion Statement of Purpose and action items.
- Work with the DEI Program Manager and MGC senior staff to advance and facilitate the development, implementation, and evolution of DEI initiatives across the organization including partnering with senior staff regarding diversity hiring.
- Provide leadership and counsel to the Commission's Diversity Equity and Inclusion working group.
- Develop and implement hiring strategies to attract top talent.
- Oversee the recruitment process, including job postings, interviews and onboarding.
- Collaborate with department heads to understand staffing needs.
- Address employee concerns, conflicts, and grievances in a fair and timely manner and coordinate with the legal team as necessary.
- Conduct workplace investigations and enforce disciplinary actions when necessary.
- Maintain accurate HR records and employee documentation.
- Benchmark compensation to maintain competitive salaries.
- Draft and implement the budget for the Human Resources Department.
- Identify key performance indicators for the organization's human resource and talent management functions.
- Identify and organize robust training programs and professional development opportunities for all staff levels.
- Research, develop, and implement compensation, benefits, performance appraisal, and employee recognition and incentive programs.
- Conduct exit interviews and analyze trends to improve retention.
- Provide guidance and leadership to the human resource team; assist with resolution of human resources, compensation, and benefits questions, concerns, and issues.



## Duties and responsibilities continued,

- Ensure the Human Resources department is an accessible resource for all levels of the organization. Understand and solicit employee opinions and anticipate their needs and concerns.
- Participate in professional development and networking conferences and events.
- Provide expert advice and coaching to management on Human Resources matters.
- Work with senior leadership to implement and comply with the Commission's Collective Bargaining Agreement (CBA).
- Serve as the Commission's primary point of contact for labor relations.
- Perform other duties as assigned.



**Required Skills/Abilities:**

- Excellent verbal and written communication skills.
- Excellent interpersonal and conflict resolution skills.
- Excellent organizational skills and attention to detail.
- Strong analytical and problem-solving skills.
- Prior experience with state, municipal or county collective bargaining agreements.
- Strong supervisory and leadership skills.
- Capacity to advance agency commitment to equity and inclusion and the ability to foster and work effectively with a diverse community.
- Thorough knowledge of Commonwealth and Federal employment-related laws and regulations.
- Proficient with Microsoft Office Suite or related software.

**Preferred Skills/Abilities:**

- Prior experience with Commonwealth of Massachusetts state Human Resource enterprise systems and processes.
- Experience working/managing in Massachusetts state government.
- SHRM-SCP / SHRM-CP Certification.
- Previous work experience in or exposure to diversity initiatives.

**Education and Experience:**

- High School diploma required. Bachelor's degree preferred.
- At least fifteen years of human resource management experience required, with strategic talent management and/or workplace cultural development experience highly preferred.



Massachusetts Gaming Commission

**Our Benefits:**

Hybrid work environment; MA State Retirement Plan (pension); a 9000 sq. foot on-site fitness center; tuition Remission for yourself and your spouse to MA Community Colleges and State Universities; medical, dental, vision, life, and disability insurance; deferred compensation 457(b) plan; flexible spending for healthcare, daycare, and transportation; 15 vacation days to start, 12 paid holidays, three personal days and 15 sick days per year.

The MGC offers a hybrid work environment and requires staff to work at least two days in the Boston Office. Based on business needs, additional in-office days may be required.

Salary is commensurate with experience.

The successful candidate must pass an extensive background check conducted by the Massachusetts State Police. It includes a full credit check, CORI (Criminal Offender Record Information), fingerprinting, drug test, reference checks, review of IRS Income Tax Transcripts for the last four years, and a Certificate of Good Standing from the Massachusetts Dept. of Revenue (DOR).

The Massachusetts Gaming Commission is responsible for the implementation of the expanded gaming law (Chapter 194 of the Acts of 2011) and regulatory oversight of G.L. chapter 23K (casino gaming), chapter 23N (sports wagering), and chapter 128A (horse racing). Under these laws, the Commission is tasked with establishing a regulatory framework for the solicitation, licensing, taxation, and oversight of a maximum of three casino licenses and one slots parlor only license, the provision of in-person and digital sports wagering, and the live and simulcasting of horse racing in Massachusetts.

It is the policy of the Massachusetts Gaming Commission and the Commonwealth of Massachusetts to afford equal employment opportunities to all qualified individuals, without regard to their race, color, ancestry, religion, sex, sexual orientation, national origin, age, physical or mental disability, citizenship status, veteran status, gender identity or expression, or any other characteristic or status that is protected by federal, state, or local law.



Massachusetts Gaming Commission



TO: Chair Cathy Judd-Stein  
Commissioner Bradford R. Hill  
Commissioner Jordan Maynard  
Commissioner Eileen M. O'Brien  
Commissioner Nakisha L. Skinner

FROM: Andrew Steffen – Sports Wagering Operations Manager

CC: Todd Grossman – Interim Executive Director  
Bruce Band – Sports Wagering Division Director

DATE: February 6, 2024

RE: Request for Clarification – Super Bowl Proposition Wagers

---

Pursuant to G.L. c. 23N, § 4 and 205 CMR 247, the Commission has broad authority to establish rules governing the acceptance of wagers on a sports event, other event or a series of sports events. The Commission has authorized wagering of the NFL, which is included in the Commission's approved Catalog of Events. In addition, G.L. c. 23N, § 3 authorizes proposition bets by including such bets in its definition of "sports wagering." In advance of the NFL Super Bowl, FanDuel has sought clarification as to whether it may offer certain pre-game Super Bowl proposition wagers.

Market	Selections
<b>Coin Toss Result</b>	Heads/Tails
<b>Coin Toss Winner</b>	Team A/Team B
<b>Team to Receive Opening Kickoff</b>	Team A/Team B
<b>Coin Toss Winner Wins Game</b>	Yes/No
<b>To Win Coin Toss and Win Game</b>	Team A/Team B
<b>Coin Toss to be Re-Taken</b>	Yes/No
<b>Coin Toss Call Result</b>	Correct/Incorrect
<b>Gatorade Color Over Coach</b>	Various Color Options
<b>National Anthem Length</b>	Over/Under

*\*All coin toss props are specified for opening coin toss and do not include overtime coin toss.*

Where wagering of the NFL and on proposition bets generally is authorized by G.L. c. 23N and 205 CMR 247, the question before the Commission is whether the above proposition bets in the NFL Super Bowl fall within the definition of Sports Wager, Sports Wagering, and Sports Event





*Sports Wagering Division*

or Sporting Event under G.L. c. 23N such that they are permissible wagers under the existing Event Catalog.

The relevant statutory definitions from G.L. c. 23N, § 3 include:

“Sports wager”, a wager on a sporting event or a portion of a sporting event.

“Sports wagering”, the business of accepting wagers on sporting events or portions of sporting events, other events, the individual performance statistics of athletes in a sporting event or other events or a combination of any of the same by any system or method of wagering approved by the commission including, but not limited to, mobile applications and other digital platforms; provided, that sports wagering shall not include the acceptance of any wager: (i) with an outcome dependent on the performance of an individual athlete in any collegiate sport or athletic event, including, but not limited, to in-game or in-play wagers; (ii) on a high school or youth sporting event; (iii) on injuries, penalties, player discipline or replay review; and provided further, that sports wagering shall not include fantasy contests as defined in section 11M½ of chapter 12. Sports wagering shall include, but shall not be limited to, single-game bets, teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets, **proposition bets** and straight bets. [emphasis added]

“Sports event” or “sporting event”, a professional sport or athletic event, collegiate sport or athletic event, a collegiate tournament, motor race event, electronic sports event or other event authorized by the commission under this chapter; provided, however, that “sporting event” shall not include: (i) high school and youth sports or athletic events; or (ii) a collegiate sport or athletic event involving 1 or more collegiate teams from the commonwealth unless they are involved in a collegiate tournament.

Accordingly, the question is whether a coin toss, for example, is a proposition bet on an NFL game that falls within the statutory definitions above such that it is a permissible wager authorized by the existing Event Catalog, or under the definition of “sporting event” it is not a “professional sport of athletic event” and must be approved by the Commission as an “other event authorized by the Commission under [Chapter 23N],” in which case it would not be a permissible wager authorized by the existing Event Catalog.

#### **CONCLUDING STATEMENT:**

The Sports Wagering Division is seeking clarification to inform the Operators which proposition wagers may be included for wagering prior to the NFL Super Bowl.



Division of Racing

## MEMORANDUM

<b>TO:</b>	Massachusetts Gaming Commission
<b>FROM:</b>	Chad Bourque, Financial Analyst
<b>SUBJECT:</b>	Request for Reimbursement   Harness Horse Capital Improvement Trust Fund
<b>DATE:</b>	January 27, 2025

In accordance with the General laws of Massachusetts, Chapter 128A, Section 5g. The trustees may expend without appropriation all or any part of the capital improvement trust funds to the appropriate track licensee in proportion to the amount deposited in each said fund by the track licensee for use as all or part of a capital expenditure for alterations, additions, replacements, changes, improvements or major repairs to or upon the property owned or leased by the licensee and used by it for the conduct of racing, but not for the cost of maintenance or of other ordinary operations. The trustees shall hire the services of architectural/engineering consultants as they deem appropriate to advise them and to evaluate proposed capital improvements. The following capital fund requests have been reviewed and approved by the architectural/engineering consultant.

HHCITF Request for Reimbursement: 2024-01

- Paddock renovations \$906,362.94

All financial statements shall be accompanied by a statement signed under the pains and penalties of perjury by the chief financial officer of the licensee setting forth the capital improvements completed with funds obtained under this section.

The request for consideration was approved by the Commission on 02/29/2024. After review and confirmation of the request for reimbursement, with your authorization, we will make payment to the licensee.

Encl. plainridge\_rfr\_hhcitf\_2024\_01

Cdb



Massachusetts Gaming Commission



Massachusetts Gaming Commission
Harness Horse Capital Improvement Trust Fund
Harness Horse Promotional Trust Fund

- 1. Date: 11/26/2024
2. Association: Plainville Gaming & Redevelopment, LLC
3. Project #: Plainridge HHCITF 2024-1
4. Project Description: Paddock Renovations
5. Type of Request: RFR - HHCITF
6. Total Project Amount: RFR
7. RFC - Provide a detailed description of the promotional or capital improvement project...
8. For Capital Improvement Projects only, RFC's and RFR's must be submitted...
9. All funds being requested for capital projects will be treated as capital expenditures...
10. Signed under the pains and penalties of perjury.
11. By Track Official: Steve O'Toole Title: Director of Racing Date: 11/26/2024
By CFO: Heidi Yates-Akbaba Date: 11/26/2024
12. Trustee Approval and Date:



Jesse G. Hilgenberg, Principal

January 27, 2025

Mr. Chad Bourque, Senior Financial Analyst  
Massachusetts Gaming Commission/Racing Division  
101 Federal Street  
Boston, MA 02110

RE: PLAINVILLE GAMING & REDEVELOPMENT LLC  
PROJECT PLAINRIDGE HHCITF 2024-1  
PADDOCK RENOVATIONS  
REQUEST FOR REIMBURSEMENT

Dear Mr. Bourque:

Attached, please find one copy of a Request for Reimbursement from Plainville Gaming & Redevelopment, LLC. to the Massachusetts Gaming Commission/Racing Division in the amount of \$906,362.94 for renovations completed to the existing Race Paddock Barn

This project involved renovation throughout the existing Racing Paddock.

The work has been completed by Currie Building Systems, Inc., a General Contractor who is approved by the Massachusetts Gaming Commission.

Enclosed, please find the following:

Supporting documents from Plainville Gaming & Redevelopment, LLC.

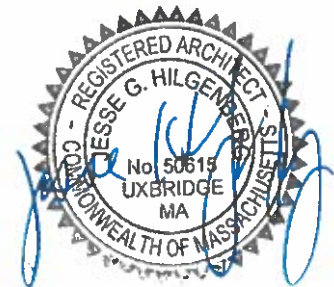
Based on the supporting documents, meetings with stakeholders, and several site visits, it is the opinion of this office that this project is an appropriate Capital Improvement Trust Fund Project, and we recommend that this Request for Reimbursement be approved by the Massachusetts Gaming Commission/Racing Division in the amount of \$906,362.94.

If you have any questions, please do not hesitate to contact this office.

Very truly yours:

*Jesse G. Hilgenberg*

Jesse Hilgenberg, President  
AIA | NCARB  
DIXON SALO ARCHITECTS, INC.



Request for Consideration



Division of Racing

Approved on 2/29/2024

**MEMORANDUM**

**TO:** Massachusetts Gaming Commission  
**FROM:** Chad Bourque, Financial Analyst  
**SUBJECT:** Request for Consideration | Harness Horse Capital Improvement Trust Fund  
**DATE:** February 22, 2024

In accordance with General Laws of Massachusetts, Chapter 128A, Section 5g.

The trustees may expend without appropriation all or any part of the capital trust fund to the appropriate track licensee in proportion to the amount deposited in each fund for use of a capital expenditure for alterations, additions, replacements, changes, improvements, or major repairs to or upon the property owned or leased by the licensee and used by it for the conduct of racing, but not for the cost of maintenance or of other ordinary operations. The trustees shall hire the services of the architectural/engineering consultants as they deem appropriate to advise them and to evaluate proposed capital improvements. The following capital fund request was reviewed.

HHCITF Request for Consideration: 2024-01

- Phase 2 – paddock renovations

\$1,066,505

All financial statements required under section 6 shall be accompanied by a statement signed under the pains and penalties of perjury by the chief financial officer of the licensee setting forth the capital improvements completed with funds obtained under this section. All documentation has been submitted and reviewed.

After review and confirmation of the request, with your authorization, we will approve the scope of work to be completed at the licensee facility.

Encl. plainridge\_rfc\_hhcitf\_2024\_01

Cdb



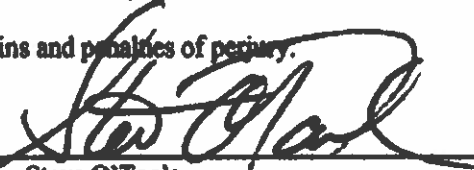

Massachusetts Gaming Commission



Approval

2-29-2024

Massachusetts Gaming Commission  
Harness Horse Capital Improvement Trust Fund  
Harness Horse Promotional Trust Fund

1. Date: 2/9/2024
2. Association: Plainville Gaming & Redevelopment, LLC
3. Project #: Plainridge HHCITF 2024-1
4. Project Description: Paddock Renovations – Phase 2
5. Type of Request: RFC - HHCITF
  - Request for Consideration / RFC
  - Request for Reimbursement / RFR
  - Harness Horse Capital Improvement Fund / HHCIF
  - Harness Horse Promotional Trust Fund / HHPTF
6. Total Project Amount: RFC
  - Estimate / RFC
  - Actual / RFR \$1,066,505.00 – Currie Building Systems
7. RFC – Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack:  
The 25 year old Race Paddock at Plainridge is in need of some updating. This request is related to a previous request for design to renovate the existing Race Paddock Barn. Detail from Currie Building Systems, Inc., attached.  
  
RFR – Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. A copy of the invoice and cancelled check must support each expenditure.
8. For Capital Improvement Projects only, RFC's and RFR's must be submitted to the Commission's architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project.
9. All funds being requested for capital projects will be treated as capital expenditures for accounting and tax purposes.
10. Signed under the pains and penalties of perjury.
11. By Track Official:  Title: Director of Racing Date: 2/9/2024  
Steve O'Toole
- By CFO:  Date: 2/9/2024  
Heidi Yates-Akbaba
12. Trustee Approval and Date:

Approval 2.29.2024

**CONTRACTOR:**  
 CURRIE BUILDING SYSTEMS, INC  
 765 ATTUCKS LANE  
 HYANNIS, MA

**PROJECT:**  
 PLAINRIDGE PARK CASINO  
 PADDOCK RENOVATION  
 PHASE 2 COST BREAKDOWN  
 12/29/23

Item #	Description of Work	Schedule of Values	Work Completed		Total Completed to Date	Balance To Finish
			From Previous Application	This Period		
	Building Permit	13,000.00				
	General Conditions	134,250.00				
	Selective Demolition	24,000.00				
	Earthwork/Concrete Demo	15,000.00				
	Concrete Flatwork	5,000.00				
	Rough Carpentry/Dywell/Insulation	111,000.00				
	Finish Carpentry	1,300.00				
	FRP	6,000.00				
	H/M Doors/Hardware	32,000.00				
	Overhead Doors	14,000.00				
	Windows	18,500.00				
	Suspended Ceiling	13,000.00				
	Resilient/Epoxy Flooring	29,000.00				
	Painting	42,000.00				
	Lockers	31,500.00				
	Toilet Accessories/Partitions	15,000.00				
	Fire Sprinkler	29,000.00				
	Plumbing	120,000.00				
	HVAC	38,000.00				
	Electrical/Tel Data	15,000.00				
	Contingency	20,000.00				
	CM Fee	72,655.00				
	<b>TOTAL COST</b>	<b>799,205.00</b>				
	Alt 1: ADD Paddock Ceiling Fans	57,500.00				
	Alt 2: ADD Relained Asphalt Walkways	25,000.00				
	Alt 3: ADD Race/Test Office HVAC	16,500.00				
	Alt 4: ADD Paddock Lights	148,500.00				
	Alt 5: ADD Paddock Exhaust Fans	19,800.00				
	<b>TOTAL COST WITH ALTS #1-5</b>	<b>1,086,505.00</b>				

①

**Invoices Paid**

Supplier	Check Number	Paid Amount	Payment Document	Invoice Business Unit	Invoice Number	Invoice Date	Invoice Type	Due Date	Invoice Amount	Invoice Currency	Paid Status
Currie Building Systems Inc		24,842.50	PNG WF ACH Format	USD BU	2023-27 PPPV	10/31/23	Standard	10/31/23	24,842.50	USD	Fully paid
<b>Grand Total</b>		<b>24,842.50</b>							<b>24,842.50</b>		

②



Currie Building Systems, Inc.

765 Attucks Lane  
Hyannis, MA 02601

①  
**Invoice**

Date	Invoice #
10/31/2023	2023-27

<b>Bill To</b>
Plainridge Park Casino 301 Washington Street Plainville, MA 02762



P.O. No.	Terms	Project
	Due Upon Receipt	PPC - Paddock/Barn_Desig...

Quantity	Description	Rate	Amount
	Final Invoice for Phase 1 Pre-Construction design services for the Horse Paddock and Barn Renovation project as outlined on Currie Building Systems proposals dated 12/28/22 and 6/30/23	24,842.50	24,842.50
PPC - Horse Paddock/Barn Design #2204D		<b>Total</b>	<b>\$24,842.50</b>



Bank Wells Fargo  
Bank Account [Redacted]  
Payment Currency USD

Bank Branch [Redacted]  
Bank Account Currency USD

Payment Document	Check Number	Payee	Payee Site	Payee Address	Payment Amount	Payment Date	Payment Cleared Date	Payment Cleared Amount	Status	Document Sequence	Voucher Number
PNG WF ACH Format	[Redacted]	Cuma Building Systems Inc	MAN	[Redacted]	412,712.70	5/3/24	5/3/24	412,712.70	Cleared		
	[Redacted]	Cuma Building Systems Inc	MAN	[Redacted]	196,018.28	8/10/24	8/11/24	196,018.28	Cleared		
	[Redacted]	Cuma Building Systems Inc	MAN	[Redacted]	25,000.00	8/24/24	8/25/24	25,000.00	Cleared		
	[Redacted]	Cuma Building Systems Inc	MAN	[Redacted]	15,705.06	7/18/24	7/19/24	15,705.06	Cleared		
	[Redacted]	Cuma Building Systems Inc	MAN	[Redacted]	21,588.00	8/12/24	8/13/24	21,588.00	Cleared		
	[Redacted]	Cuma Building Systems Inc	MAN	[Redacted]	28,847.50	9/25/24	9/27/24	28,847.50	Cleared		
	[Redacted]	Cuma Building Systems Inc	MAN	[Redacted]	51,250.00	10/15/24	10/17/24	51,250.00	Cleared		
<b>PNG WF ACH Format Total</b>					<b>741,894.32</b>			<b>741,894.32</b>			
PNG WF Check Format	[Redacted]	Cuma Building Systems Inc	MAN	[Redacted]	28,857.50	2/22/23	2/28/23	28,857.50	Cleared		
<b>PNG WF Check Format Total</b>					<b>28,857.50</b>			<b>28,857.50</b>			
PNG WF Outsource Format	[Redacted]	Cuma Building Systems Inc	MAN	[Redacted]	934.53	8/26/23	10/5/23	934.53	Cleared		
	[Redacted]	Cuma Building Systems Inc	MAN	[Redacted]	54,000.00	1/10/23	10/13/23	54,000.00	Cleared		
	[Redacted]	Cuma Building Systems Inc	MAN	[Redacted]	46,871.54	2/15/24	2/26/24	46,871.54	Cleared		
	[Redacted]	Cuma Building Systems Inc	MAN	[Redacted]	332,701.55	2/25/24	3/8/24	332,701.55	Cleared		
	[Redacted]	Cuma Building Systems Inc	MAN	[Redacted]	95,375.92	5/25/24	4/8/24	95,375.92	Cleared		
	[Redacted]	Cuma Building Systems Inc	MAN	[Redacted]	473,882.48	4/11/24	4/17/24	473,882.48	Cleared		
<b>PNG WF Outsource Format Total</b>					<b>1,896,586.03</b>			<b>1,896,586.03</b>			

#1

28,847.50

28,847.50



**Invoices Paid**

Supplier	Check Number	Paid Amount	Payment Document	Invoice Business Unit	Invoice Number	Invoice Date	Invoice Type	Due Date	Invoice Amount	Invoice Currency	Paid Status
Currie Building Systems Inc		99,375.92	PNG WF Outsource Format	USD BU	PAY APP 1 PPPV	1/31/24	Standard	1/31/24	99,375.92	USD	Fully paid
<b>Grand Total</b>		<b>99,375.92</b>							<b>99,375.92</b>		



# APPLICATION AND CERTIFICATE FOR PAYMENT

**TO OWNER:**  
 Plainville Gaming and Redevelopment, LLC  
 825 Berkshire Boulevard  
 Wyomissing, PA 19610  
**FROM CONTRACTOR:**  
 Currie Building Systems, Inc  
 765 Attucks Lane  
 Hyannis, MA 02601  
**CONTRACT FOR:**  
 PROJECT: Plainridge Park Casino - Paddock Renovations  
 APPLICATION #: 1  
 PERIOD TO: 01/31/24  
 PROJECT NOS:  
 CONTRACT DATE: 01/08/24  
 DISTRIBUTION TO:  
 Owner  
 Const. Mgr  
 Architect  
 Contractor

## CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

1. ORIGINAL CONTRACT SUM	\$ 799,205.00
2. Net change by Change Orders	\$
3. CONTRACT SUM TO DATE (Line 1 +/- 2)	\$ 799,205.00
4. TOTAL COMPLETED & STORED TO DATE-\$ (Column G on Continuation Sheet)	\$ 109,018.02
5. RETAINAGE:	
a. 10.0% of Completed Work (Columns D+E on Continuation Sheet)	\$
b. 10.0% of Stored Material (Column F on Continuation Sheet)	\$
Total Retainage (Line 5a + 5b or Total in Column I of Continuation Sheet)	\$ 9,642.10
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)	\$ 99,375.92
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$
8. CURRENT PAYMENT DUE	\$ 99,375.92
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$ 699,829.08

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown therein is now due.

### CONTRACTOR:

By: [Signature] Date: 1/31/24

State of: Massachusetts  
 County of: Barnstable  
 Subscribed and sworn to before  
 me this 31 day of January, 2024  
 Notary Public: [Signature]  
 My Commission expires: 8-26-2027

Christopher P. Hérthly  
 NOTARY PUBLIC  
 Commonwealth of  
 Massachusetts  
 My Commission Expires  
 8/26/2027

### CERTIFICATE FOR PAYMENT

In accordance with Contract Documents, based on on-site observations and the data comprising application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \_\_\_\_\_  
 (Attach explanation if amount certified differs from the amount applied for. Initial all figures on this application and on the Continuation Sheet that are changed to conform to the amount certified.)

### ARCHITECT:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner of Contractor under this Contract.

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month		
<b>TOTALS</b>		
NET CHANGES by Change Order		

2

CA



Commercial Electronic Office - Transaction Search  
Date Printed: 10/23/2024 06:56 AM PT

(2)

Check - 99,375.92 USD

THIS CHECK CONTAINS MULTIPLE FRAUD DETERRENT SECURITY FEATURES

Plainridge Gaming and Redevelopment, LLC  
925 Northside Blvd.  
Myrtlebeach, PA 19510

**PENN**  
ENTERTAINMENT

Date: 03/29/2024  
Check #: [REDACTED]

Pay Exactly \*\*Ninety-Nine Thousand Three Hundred Seventy-Five and 92/100 -US Dollars \*\*

Amount  
\$\*\*99,375.92

TO THE ORDER OF CURRIE BUILDING SYSTEMS INC  
765 ATTUCKS LN  
HYANNIS VA 02601

VOID AFTER 90 DAYS

*Ferran R. Henry*  
Authorized Signer  
*Michael Rivera*  
Authorized Signer  
No Check is OK. Signed  
2 Signatures on All Checks

CONFIDENTIAL - LEGAL  
4381725688  
For Deposit Only - COMMERCIAL PAYEE

CURRIE BUILDING SYSTEMS INC.

DO NOT WRITE BELOW THIS LINE OR IN THE LINE  
RESERVED FOR FINANCIAL INSTITUTION USE.

Item Details

Account Number	[REDACTED]	Item Sequence Number	[REDACTED]
Account Name	Plainridge AP PPPV	Bank Id	[REDACTED]
Check	[REDACTED]	As Of Date	04/08/2024
Amount	99,375.92 USD Debt		
Status	Check Paid		
Posting Date	04/08/2024		

© Copyright 2024 Wells Fargo. All rights reserved.

(3)

3

Invoices Paid

Supplier	Check Number	Paid Amount	Payment Document	Invoice Business Unit	Invoice Number	Invoice Date	Invoice Type	Due Date	Invoice Amount	Invoice Currency	Paid Status
Currie Building Systems Inc		297,215.59	PNG WF Outsource Format	USD BU	PAY APP 2 PPPV	2/29/24	Standard	2/29/24	297,215.59	USD	Fully paid
		PAY APP 4 PPPV0039			2/29/24	Standard	2/29/24	176,666.90	USD	Fully paid	
<b>Grand Total</b>		<b>473,882.49</b>							<b>473,882.49</b>		

DP

GROSS AMT. \$ 330,239.55  
 RETAINAGE AMT. \$ 33,023.96  
 NET PAYMENT \$ 297,215.59

Previous Retainage Term: \$ 9,142.10  
 New Retainage Term: \$ 42,666.06

**APPLICATION AND CERTIFICATE FOR PAYMENT**

**TO OWNER:**  
 Plainville Gaming and Redevelopment, LLC  
 825 Berkshire Boulevard  
 Wyomissing, PA 19610

**FROM CONTRACTOR:**  
 Currie Building Systems, Inc  
 785 Attucks Lane  
 Hyannis, MA 02601

**CONTRACT FOR:**  
 Plainridge Park Casino - Paddock Renovations

**VIA ARCHITECT:**  
 Stephen Fleshman Architect, LLC  
 99 Apple Road  
 Brimfield, MA 01010

**APPLICATION #:** 2  
**PERIOD TO:** 02/29/24  
**PROJECT NOS:**

**Distribution to:**

<input checked="" type="checkbox"/>	Owner
<input type="checkbox"/>	Const. Mgr
<input type="checkbox"/>	Architect
<input checked="" type="checkbox"/>	Contractor

**CONTRACT DATE:** 01/08/24


**PAGE ONE OF** \_\_\_\_\_ **PAGES** \_\_\_\_\_

**CONTRACTOR'S APPLICATION FOR PAYMENT**


Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

- ORIGINAL CONTRACT SUM** \$ 799,205.00
- Net change by Change Orders** \$
- CONTRACT SUM TO DATE (Line 1 +/- 2)** \$ 799,205.00
- TOTAL COMPLETED & STORED TO DATE** \$ 439,257.57  
(Column G on Continuation Sheet)
- RETAINAGE:**
  - 10.0% of Completed Work (Columns D+E on Continuation Sheet) \$
  - 10.0% of Stored Material (Column F on Continuation Sheet) \$
- TOTAL EARNED LESS RETAINAGE** \$ 42,666.06  
(Line 4 less Line 5 Total)
- LESS PREVIOUS CERTIFICATES FOR PAYMENT** \$ 396,591.51  
(Line 6 from prior Certificate)
- CURRENT PAYMENT DUE** \$ 99,375.92  
(Line 6 from prior Certificate)
- BALANCE TO FINISH, INCLUDING RETAINAGE** \$ 297,215.59  
(Line 3 less Line 6)

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown therein is now due.

**CONTRACTOR:**  
 By:  Date: 2/29/24

State of: Massachusetts  
 County of: Barnstable  
 Subscribed and sworn to before me this 29 day of February, 2024

Notary Public:   
 My Commission expires: 8-26-2027

Christopher P. Herlihy  
 NOTARY PUBLIC  
 Commonwealth of Massachusetts  
 My Commission Expires 8/26/2027

**CERTIFICATE FOR PAYMENT**  
 In accordance with Contract Documents, based on on-site observations and the data comprising application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

**AMOUNT CERTIFIED** \$ 297,215.59  
 (Attach explanation if amount certified differs from the amount applied for. Initial all figures on this application and on the Continuation Sheet that are changed to conform to the amount certified.)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month		
<b>TOTALS</b>		
<b>NET CHANGES by Change Order</b>		

**ARCHITECT:** \_\_\_\_\_  
 By: \_\_\_\_\_ Date: \_\_\_\_\_  
 This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner of Contractor under this Contract.



Commercial Electronic Office - Transaction Search  
Date Printed: 10/23/2024 06:57 AM PT

\* only requesting  
\$ 297,215.59 out of

Check [redacted] - 473,882.49 USD

\$473,882.49

THIS CHECK CONTAINS MULTIPLE FRAUD DETERRENT SECURITY FEATURES

Piedmont Gaming and Redevelopment, LLC  
825 Berkshire Blvd.  
Spokane, WA 99210

**PENN**  
ENTERTAINMENT

96-382/032 Date: 04/11/2024  
Check #: [redacted]

Pay Exactly \*\*Four Hundred Seventy-Three Thousand Eight Hundred Eighty-Two and 49/100 -US Dollars\*\* Amount  
\$473,882.49

TO THE ORDER OF CURRIE BUILDING SYSTEMS INC  
765 ATTUCKS LN  
HYANNIS MA 02601

VOID AFTER 60 DAYS

*Fenou A. Hantz*  
Authorized Signer  
*Nicholas Hantz*  
Authorized Signer  
2 Signatures on All Checks

Currie Building Systems  
FOR DEPOSIT ONLY  
FOR THE ORDER OF  
CURRIE BUILDING SYSTEMS INC  
765 ATTUCKS LN  
HYANNIS MA 02601

DO NOT WRITE BELOW OR STAMP BELOW THIS LINE  
RESERVED FOR FINANCIAL INSTITUTION USE

Item Details

Account Number	[redacted]	Item Sequence Number	[redacted]
Account Name	Plainridge AP PPPV	Bank Id	[redacted]
Check	[redacted]	As Of Date	04/17/2024
Amount	* 473,882.49 USD Debit		
Status	Check Paid		
Posting Date	04/17/2024		

(CB)



4

**Invoices Paid**

Supplier	Check Number	Paid Amount	Payment Document	Invoice Business Unit	Invoice Number	Invoice Date	Invoice Type	Due Date	Invoice Amount	Invoice Currency	Paid Status
Currie Building Systems Inc		311,054.50	PNG WF ACH Format	USD BU	PAY APP 3 PPPV	4/6/24	Standard	4/6/24	311,054.50	USD	Fully paid
		101,658.20			PAY APP 5 PPPV0039	3/31/24	Standard	3/31/24	101,658.20	USD	Fully paid
<b>Grand Total</b>		<b>412,712.70</b>							<b>412,712.70</b>		

CB

Gross Payment \$ 345,616.11  
 Retainage \$ 34,561.61  
 NET PAYMENT \$ 311,054.50

Previous Retainage Total \$ 42,666.06  
 New Retainage Total \$ 77,227.67

**APPLICATION AND CERTIFICATE FOR PAYMENT**

TO OWNER:  
 Plainville Gaming and Redevelopment, LLC  
 825 Berkshire Boulevard  
 Wyomissing, PA 19810

FROM CONTRACTOR:  
 Currie Building Systems, Inc  
 765 Attucks Lane  
 Hyannis, MA 02601

CONTRACT FOR:  
 Plainville Park Casino - Paddock Renovations

VIA ARCHITECT:  
 Stephen Fleishman Architect, LLC  
 99 Apple Road  
 Birmingfield, MA 01010

PROJECT: Plainville Park Casino - Paddock Renovations

APPLICATION #: 3  
 PERIOD TO: 04/08/24  
 PROJECT NOS:

Distribution to:  
 Owner   
 Const. Mgr   
 Architect   
 Contractor

CONTRACT DATE: 01/08/24

PAGE ONE OF PAGES

**CONTRACTOR'S APPLICATION FOR PAYMENT**

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

1. ORIGINAL CONTRACT SUM \$ 799,205.00
2. Net change by Change Orders \$
3. CONTRACT SUM TO DATE (Line 1 + (-) 2) \$ 799,205.00
4. TOTAL COMPLETED & STORED TO DATE \$ 784,873.68

5. RETAINAGE:
  - a. 10.0% of Completed Work (Column 5a on Continuation Sheet) \$
  - b. 10.0% of Stored Material (Column 5b on Continuation Sheet) \$

Total in Column 1 of Continuation Sheet  
 TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total) \$ 77,227.67  
 \$ 707,648.01

**7. LESS PREVIOUS CERTIFICATES FOR PAYMENT**

(Line 8 from prior Certificate) \$ 396,591.51  
 \$ 311,054.50

**8. CURRENT PAYMENT DUE**

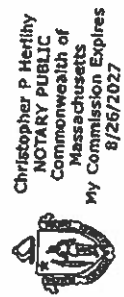
(Line 3 less Line 6) \$ 91,558.99

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month		
<b>TOTALS</b>		
<b>NET CHANGES by Change Order</b>		

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown therein is now due.

CONTRACTOR:  
 By: *[Signature]* Date: 4/6/24

State of: Massachusetts  
 County of: Barnstable  
 Subscribed and sworn to before me this 6 day of April, 2024



Notary Public: *[Signature]*  
 My Commission expires: 8-26-2027

**CERTIFICATE FOR PAYMENT**

In accordance with Contract Documents, based on on-site observations and the data comprising application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$  
 (Attach explanation if amount certified differs from the amount applied for. Initial all figures on this application and on the Continuation Sheet that are changed to conform to the amount certified.)

**ARCHITECT:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner of Contractor under this Contract.

44

Bank Wells Fargo  
 Bank Account [Redacted]  
 Payment Currency USD

Bank Branch [Redacted]  
 Bank Account Currency USD

Payment Document	Check Number	Payee	Payee Site	Payee Address	Payment Amount	Payment Date	Payment Cleared Date	Payment Cleared Amount	Status	Document Sequence	Voucher Number
PNG WF ACH Format	#4	Cume Building Systems Inc	MAN	[Redacted]	412,712.70	5/2/24	5/2/24	412,712.70	Cleared		
		Cume Building Systems Inc	MAN	[Redacted]	190,010.26	6/10/24	6/11/24	190,010.26	Cleared		
		Cume Building Systems Inc	MAN	[Redacted]	25,000.00	6/24/24	6/25/24	25,000.00	Cleared		
		Cume Building Systems Inc	MAN	[Redacted]	15,700.08	1/18/24	2/19/24	15,700.08	Cleared		
		Cume Building Systems Inc	MAN	[Redacted]	21,566.05	6/12/24	6/12/24	21,566.05	Cleared		
		Cume Building Systems Inc	MAN	[Redacted]	24,847.90	5/26/24	6/27/24	24,847.90	Cleared		
		Cume Building Systems Inc	MAN	[Redacted]	51,250.00	10/10/24	10/11/24	51,250.00	Cleared		
<b>PNG WF ACH Format Total</b>					<b>741,084.92</b>			<b>741,084.92</b>			
PNG WF Check Format		Cume Building Systems Inc	MAN	[Redacted]	28,687.88	2/29/23	2/29/23	28,687.88	Cleared		
<b>PNG WF Check Format Total</b>					<b>28,687.88</b>			<b>28,687.88</b>			
PNG WF Outsource Format		Cume Building Systems Inc	MAN	[Redacted]	834.53	9/29/23	10/3/23	834.53	Cleared		
		Cume Building Systems Inc	MAN	[Redacted]	54,000.00	11/30/23	12/12/23	54,000.00	Cleared		
		Cume Building Systems Inc	MAN	[Redacted]	46,671.94	2/15/24	2/26/24	46,671.94	Cleared		
		Cume Building Systems Inc	MAN	[Redacted]	132,761.55	2/29/24	3/6/24	132,761.55	Cleared		
		Cume Building Systems Inc	MAN	[Redacted]	99,375.92	3/26/24	4/9/24	99,375.92	Cleared		
		Cume Building Systems Inc	MAN	[Redacted]	473,847.45	4/11/24	4/17/24	473,847.45	Cleared		
<b>PNG WF Outsource Format Total</b>					<b>1,089,586.63</b>			<b>1,089,586.63</b>			

only requesting 311054.50 out of 412712.70

CB

5

**Invoices Paid**

Supplier	Check Number	Paid Amount	Payment Document	Invoice Business Unit	Invoice Number	Invoice Date	Invoice Type	Due Date	Invoice Amount	Invoice Currency	Paid Status
Currie Building Systems Inc		82,717.50	PNG WF ACH Format	USD BU	PAY APP 4RET PPPV	5/4/24	Standard	5/4/24	82,717.50	USD	Fully paid
		107,300.76			PAY APP 6RET PPPV0039	5/4/24	Standard	5/4/24	107,300.76	USD	Fully paid
<b>Grand Total</b>		<b>190,018.26</b>							<b>190,018.26</b>		

CB

Gross Pymt. \$ 82,717.50  
 NO RETAINAGE  
 Net Pymt. \$ 82,717.50

Total Project Retainage: 77,777.42  
 New Total Retainage: 8.0 -

**APPLICATION AND CERTIFICATE FOR PAYMENT**

TO OWNER:  
 Plainville Gaming and Redevelopment, LLC  
 825 Berkshire Boulevard  
 Wyomissing, PA 19610  
 FROM CONTRACTOR:  
 Currie Building Systems, Inc  
 765-Attucks-Lane  
 Hyannis, MA 02601

PROJECT:  
 Plainridge Park Casino - Paddock Renovations  
 VIA ARCHITECT:  
 Stephen Flehman Architect, LLC  
 99-Apple Road  
 Brimfield, MA 01010

PAGE ONE OF PAGES  
 APPLICATION #: 4  
 PERIOD TO: 05/04/24  
 PROJECT NOS:  
 DISTRIBUTION TO:  
 Owner  
 Const. Mgr  
 Architect  
 Contractor  
 CONTRACT DATE: 01/08/24

**CONTRACTOR'S APPLICATION FOR PAYMENT**

Application is made for payment, as shown below, in connection with the Contract.  
 Continuation Sheet is attached

1. ORIGINAL CONTRACT SUM \$ 799,205.00
2. Net change by Change Orders \$
3. CONTRACT SUM TO DATE (Line 1 +/- 2) \$ 799,205.00
4. TOTAL COMPLETED & STORED TO DATE \$ 790,363.51  
(Column G on Continuation Sheet)
5. RETAINAGE:
  - a.  of Completed Work \$
  - b.  of Stored Material \$
 Total Retainage (Line 5a + 5b or Total in Column I of Continuation Sheet) \$ 790,363.51
6. TOTAL EARNED LESS RETAINAGE \$ 707,646.01  
(Line 4 less Line 5 Total)
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT \$ 82,717.50  
(Line 6 from prior Certificate)
8. CURRENT PAYMENT DUE \$ 8,841.49  
(Line 3 less Line 6)
9. BALANCE TO FINISH, INCLUDING RETAINAGE \$

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown therein is now due.

**CONTRACTOR:**

By: [Signature] Date: 5/4/24  
 Christopher P Herlihy  
 NOTARY PUBLIC  
 Commonwealth of  
 Massachusetts  
 My Commission Expires  
 8/26/2027



State of: Massachusetts  
 County of: Barnstable  
 Subscribed and sworn to before me this 4th day of May, 2024  
 Notary Public: [Signature]  
 My Commission expires: 8-26-2027

**CERTIFICATE FOR PAYMENT**

In accordance with Contract Documents, based on on-site observations and the data comprising application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$  
*(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this application and on the Continuation Sheet that are changed to conform to the amount certified.)*

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month		
<b>TOTALS</b>		
<b>NET CHANGES by Change Order</b>		

ARCHITECT:  
 By: \_\_\_\_\_ Date: \_\_\_\_\_  
 This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner of Contractor under this Contract.

Bank Wells Fargo  
Bank Account [REDACTED]  
Payment Currency USD

Bank Branch [REDACTED]  
Bank Account Currency USD

Payment Document	Check Number	Payee	Payee Site	Payee Address	Payment Amount	Payment Date	Payment Cleared Date	Payment Cleared Amount	Status	Document Sequence	Voucher Number
PHG WF ACH Format	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	412,712.7	5/2/24	5/3/24	412,712.70	Cleared		
	#5	Cume Building Systems Inc	MAN	[REDACTED]	190,018.26	6/10/24	6/11/24	190,018.26	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	25,000	6/24/24	6/25/24	25,000.00	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	15,705.08	7/16/24	7/19/24	15,705.08	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	21,566	9/12/24	9/19/24	21,566.00	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	24,842.5	9/26/24	9/27/24	24,842.50	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	51,250	10/16/24	10/11/24	51,250.00	Cleared		
<b>PHG WF ACH Format Total</b>					<b>744,094.82</b>			<b>744,094.52</b>			
PHG WF Check Format	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	28,657.5	2/29/23	2/29/23	28,657.50	Cleared		
<b>PHG WF Check Format Total</b>					<b>28,657.5</b>			<b>28,657.50</b>			
PHG WF Outsource Format	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	34.53	9/26/23	10/5/23	34.53	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	54,000	11/06/23	12/12/23	54,000.00	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	48,671.54	2/15/24	2/26/24	48,671.54	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	332,701.95	2/25/24	3/6/24	332,701.95	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	98,375.02	3/25/24	4/9/24	98,375.02	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	473,662.49	6/11/24	6/17/24	473,662.49	Cleared		
<b>PHG WF Outsource Format Total</b>					<b>1,095,968.82</b>			<b>1,095,968.83</b>			

ONLY requesting 82717.50 out of 190018.26

[Handwritten mark]



### Invoices Paid

Supplier	Check Number	Paid Amount	Payment Document	Invoice Business Unit	Invoice Number	Invoice Date	Invoice Type	Due Date	Invoice Amount	Invoice Currency	Paid Status
Currie Building Systems Inc		7,205.63	PNG WF ACH Format	USD BU	PAY APP 14 PPPV0004	6/30/24	Standard	6/30/24	7,205.63	USD	Fully paid
		8,499.43			PAY APP 5 PPPV	6/30/24	Standard	6/30/24	8,499.43	USD	Fully paid
<b>Grand Total</b>		<b>15,705.06</b>							<b>15,705.06</b>		



Gross Payment: \$  
Retainage: \$  
Net Payment: \$

APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER: Plainville Gaming and Redevelopment, LLC  
825 Berkshire Boulevard  
Wyomissing, PA 19610  
FROM CONTRACTOR: Currie Building Systems, Inc  
765 Altucks Lane  
Hyannis, MA 02601  
CONTRACT FOR: ...  
PROJECT: Plainridge Park Casino - Paddock Renovations  
VIA ARCHITECT: Stephen Fleishman Architect, LLC  
99 Apple Road  
Brimfield, MA 01010  
APPLICATION #: 5  
PERIOD TO: 06/30/24  
PROJECT NOS:  
CONTRACT DATE: 01/08/24  
Distribution to:  
X Owner  
Const. Mgr  
Architect  
X Contractor

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached

- 1. ORIGINAL CONTRACT SUM \$ 799,205.00
2. Not change by Change Orders \$
3. CONTRACT SUM TO DATE (Line 1 +/- 2) \$ 799,205.00
4. TOTAL COMPLETED & STORED TO DATE \$ 798,862.94
5. RETAINAGE: (Column G on Continuation Sheet)

- a. of Completed Work \$
b. of Stored Material \$
Total Retainage (Line 5a + 5b or Total in Column I of Continuation Sheet) \$ 798,862.94

- 6. TOTAL EARNED LESS RETAINAGE \$ 790,363.51
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT \$ 8,499.43
8. CURRENT PAYMENT DUE \$ 342.06
9. BALANCE TO FINISH, INCLUDING RETAINAGE \$

Table with columns: CHANGE ORDER SUMMARY, ADDITIONS, DEDUCTIONS, TOTALS. Rows include Total changes approved in previous months by Owner, Total approved this Month, and NET CHANGES by Change Order.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown therein is now due.

CONTRACTOR: [Signature] Date: 6/30/24
State of: Massachusetts
County of: Barnstable
Subscribed and sworn to before me this 30th day of June, 2024
Notary Public: Christopher P. Herlihy
My Commission expires: 8/26/2027

CERTIFICATE FOR PAYMENT
In accordance with Contract Documents, based on on-site observations and the data comprising application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$
(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT:
By:
Date:
This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner of Contractor under this Contract.



Bank Wells Fargo Bank Branch [REDACTED]  
 Bank Account [REDACTED] Bank Account Currency USD  
 Payment Currency USD

Payment Document	Check Number	Payee	Payee Site	Payee Address	Payment Amount	Payment Date	Payment Cleared Date	Payment Cleared Amount	Status	Document Sequence	Voucher Number
PNG WF ACH Format	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	412,712.39	5/3/24	5/3/24	412,712.39	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	180,018.28	5/16/24	5/11/24	180,018.28	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	25,000.00	6/14/24	6/25/24	25,000.00	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	15,705.06	7/18/24	7/18/24	15,705.06	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	21,588.00	5/10/24	5/13/24	21,588.00	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	28,842.50	5/22/24	5/27/24	28,842.50	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	51,250.00	10/10/24	10/11/24	51,250.00	Cleared		
<b>PNG WF ACH Format Total</b>					<b>741,094.52</b>			<b>741,094.52</b>			
PNG WF Check Format	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	26,657.50	2/22/23	2/28/23	26,657.50	Cleared		
<b>PNG WF Check Format Total</b>					<b>26,657.50</b>			<b>26,657.50</b>			
PNG WF Outsource Format	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	934.53	5/26/23	10/5/23	934.53	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	54,000.00	11/30/23	12/13/23	54,000.00	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	46,671.54	2/15/24	2/29/24	46,671.54	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	332,761.55	2/29/24	3/8/24	332,761.55	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	99,375.92	3/29/24	4/9/24	99,375.92	Cleared		
	[REDACTED]	Cume Building Systems Inc	MAN	[REDACTED]	473,882.49	4/11/24	4/17/24	473,882.49	Cleared		
<b>PNG WF Outsource Format Total</b>					<b>1,698,588.03</b>			<b>1,698,588.03</b>			

#6

only requesting 8499.43 out of 15705.06

17

**Invoices Paid**

Supplier	Check Number	Paid Amount	Payment Document	Invoice Business Unit	Invoice Number	Invoice Date	Invoice Type	Due Date	Invoice Amount	Invoice Currency	Paid Status
Currie Building Systems Inc		54,000.00	PNG WF Outsource Format	USD BU	2023-25	9/27/23	Standard	9/27/23	54,000.00	USD	Fully paid
<b>Grand Total</b>		<b>54,000.00</b>							<b>54,000.00</b>		

UR



# Invoice

Currie Building Systems, Inc.

765 Attucks Lane  
Hyannis, MA 02601

Date	Invoice #
9/27/2023	2023-25

Bill To
Plainridge Park Casino 301 Washington Street Plainville, MA 02762

P.O. No.	Terms	Project
	Due Upon Receipt	PPC - Paddock/Barn_Desig...

Quantity	Description	Rate	Amount
	Provide Phase 1 Pre-Construction design services for the Horse Paddock and Barn Renovation project as outlined on Currie Building Systems proposals dated 12/28/22 and 6/30/23. Design services completed for this invoice include the following:  1. Architectural permit drawings  2. Structural concrete and framing permit drawings  3. Plumbing permit drawings	54,000.00	54,000.00
PPC - Horse Paddock/Barn Design #2204D		<b>Total</b>	<b>\$54,000.00</b>

CB

7



Commercial Electronic Office - Transaction Search  
Date Printed: 10/23/2024 06:58 AM PT

Check [REDACTED] - 54,000.00 USD

THIS CHECK CONTAINS MULTIPLE FRAUD DETERRENT SECURITY FEATURES

Plasville Group and Redevelopment, LLC  
825 Berkshire Blvd  
Hummelstown, PA 17038

**PENN**  
ENTERTAINMENT

44-100/433 Date: 11/30/2023  
Check #: [REDACTED]

Pay Exactly "Fifty-Four Thousand and 00/100 -US Dollars" Amount  
\$54,000.00

TO THE ORDER OF CURRIE BUILDING SYSTEMS INC  
765 ATTUCKS LN  
HYANNIS MA 02601

VOID AFTER 90 DAYS

WELLS FARGO BANK, N.A.

*Fiona B. Hunt*  
Authorized Signer  
*Michael Hunt*  
Authorized Signer  
2 Signatures on All Checks

[REDACTED]

DO NOT WRITE BELOW THIS LINE  
REPRINTED FOR FINANCIAL INSTITUTIONS USE

Customer's signature  
4761726466  
For Deposit Only  
NEW TO THE BANK OF  
COMMERCIAL BANK  
FOR DEPOSIT ONLY  
CURRIE BUILDING SYSTEMS INC.

Item Details

Account Number	[REDACTED]	Item Sequence Number	[REDACTED]
Account Name	Plainridge AP PPPV	Bank Id	[REDACTED]
Check	[REDACTED]	As Of Date	12/12/2023
Amount	54,000.00 USD Debit		
Status	Check Paid		
Posting Date	12/12/2023		

CA

8

**Invoices Paid**

Supplier	Check Number	Paid Amount	Payment Document	Invoice Business Unit	Invoice Number	Invoice Date	Invoice Type	Due Date	Invoice Amount	Invoice Currency	Paid Status
Currie Building Systems Inc		28,657.50	PNG WF Check Format	USD BU	2022_14	12/28/22	Standard	12/28/22	28,657.50	USD	Fully paid
<b>Grand Total</b>		<b>28,657.50</b>							<b>28,657.50</b>		

113



Currie Building Systems, Inc.

# Invoice

765 Attucks Lane  
Hyannis, MA 02601

Date	Invoice #
12/28/2022	2022_14

<b>Bill To</b>
Plainridge Park Casino Main Receiving 301 Washington Street Plainville, MA 02762

P.O. No.	Terms	Project
	Due Upon Receipt	PPC - #2204D_Paddock/Ba...

Quantity	Description	Rate	Amount
	Perform surveying, engineering, and drafting services to complete existing conditions plans of horse paddock and barn for future renovations of building structures as outlined on Tilton and Associates Dwg NO1 Sheet 1-2 dated 11/3/22	28,657.50	28,657.50
PPC - Horse Paddock/Barn Design #2204D		<b>Total</b>	<b>\$28,657.50</b>



8



Commercial Electronic Office - Transaction Search  
Date Printed: 10/23/2024 11:44 AM PT

Check [redacted] - 28,657.50 USD

Plainville Gaming and Redevelopment, LLC 3980 Howard Hughes Pkwy Las Vegas, NV 89169		DATE 02/22/2023 [redacted]
PAY TO THE ORDER OF Currie Building Systems Inc 765 Aducks Ln Hyannis, MA 02601	TELLER 9763	\$*****28,657.50
Twenty-Eight Thousand Six Hundred Fifty-Seven Dollars And Fifty Cents****		
WELLS FARGO BANK, N.A.		VOID AFTER 90 DAYS
<i>Franco [signature]</i> <i>Richard [signature]</i>		
DOCUMENT CONTAINS BLUE PANTOGRAPH & W/ CROPPING. BACK HAS THERMOCHROMIC INK & WATERMARK. HOLD AT AN ANGLE TO VIEW. VOID IF NOT PRESENT.		

<p>ENDORSE HERE PAY TO THE ORDER OF CURRIE BUILDING SYSTEMS INC [redacted]</p> <p>FOR DEPOSIT ONLY CURRIE BUILDING SYSTEMS INC [redacted]</p> <p>DO NOT WRITE. STAMP OR SIGN BELOW THIS LINE. RESERVED FOR FINANCIAL INSTITUTION USE.</p>	<p><b>Security Features</b></p> <p><b>Obverse Features:</b></p> <ul style="list-style-type: none"> <li>Color Back Ground</li> <li>Microprint</li> <li>Color Barcode</li> <li>Color Ink</li> <li>Color Security Features</li> <li>Color Security Features</li> </ul> <p><b>Reverse Features:</b></p> <ul style="list-style-type: none"> <li>Color Back Ground</li> <li>Color Barcode</li> <li>Color Ink</li> <li>Color Security Features</li> <li>Color Security Features</li> </ul> <p><b>Other features:</b></p> <ul style="list-style-type: none"> <li>Color Back Ground</li> <li>Color Barcode</li> <li>Color Ink</li> <li>Color Security Features</li> <li>Color Security Features</li> </ul>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Item Details

Account Number	[redacted]	Item Sequence Number	[redacted]
Account Name	Plainridge AP PPPV	Bank Id	[redacted]
Check	[redacted]	As Of Date	02/28/2023
Amount	28,657.50 USD Debit		
Status	Check Pald		
Posting Date	02/28/2023		

© Copyright 2024 Wells Fargo. All rights reserved.

CA



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

From: Carrie Torrisi, Chief of Sports Wagering Division

Date: February 6, 2025

Re: Request for Temporary Waiver from 248.04(4)

---

The Commission's regulation 205 CMR 248.04(4) requires that "[t]he Sports Wagering Operator shall at the time of account establishment, utilize identity authentication questions that require a patron to provide information known only to the patron through security questions, unless an alternate method of authentication is approved by the Commission."

BetMGM, Ballys, and DraftKings use a tiered approach for their KYC processes, which include the use of identity authentication questions as a second step that may be, but is not always, reached by the patron. As such, these four operators do not meet the current regulatory requirement.

In August 2023, these operators' KYC processes were erroneously approved by the Sports Wagering Division based on the misunderstanding that approval by the Commission of alternate methods was not required because the operators *did* use identity authentication questions.

In addition, Penn Sports Interactive (PSI) does not use KBA as part of its KYC process but instead uses an ID scan and selfie process. In August 2023, this process was erroneously approved by the Sports Wagering Division and should have come to the Commission for approval.

Given the Sports Wagering Division's error, we would request that the Commission issue a temporary waiver to PSI, BetMGM, Ballys, and DraftKings through March 27, 2025, from the requirement to use identity authentication questions outlined in 205 CMR 248.04(4) so that they are brought into regulatory compliance. The Sports Wagering Division will bring each operator's alternate method to the Commission for approval at a future meeting.





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

**FROM:** Justin Stempeck, Deputy General Counsel

**DATE:** January 31, 2025

**RE:** Potential Revisions to 205 CMR 238.12

---

During the January 9, 2025, public meeting the Commission heard a presentation regarding the feedback received from the public, sports wagering operators and the attorney general's office on the proposed changes to 205 CMR 238.12. This presentation included several additional proposed changes to the regulation to reflect alternative language suggested by sports wagering operators. After that discussion the Commission noted a desire to respond to the suggestion by the Attorney General's office to update the regulation to include a definition of "Sports Wagering Liability."

That attached redlined version of 205 CMR 238.01 adds a definition of "Sports Wagering Liability" as: "Sports Wagering Liability means the amounts accepted by the Sport Wagering Operator on Sports Wagers whose outcomes have not been determined and amounts owed but unpaid on winning Sports Wagering tickets or vouchers." "Sports Wagering Account" is defined at G.L. c. 23N, §3 as:

a financial record established by an operator for a patron in which the patron may deposit by any method approved by the commission and withdraw funds for sports wagering and other authorized purchases and to which the operator may credit winnings or other amounts due to or authorized by that patron; provided, however, that such account may be established and funded by the patron electronically through an approved mobile application or digital platform; and provided further, that a deposit into a sports wagering account shall not be made using a credit card.

In addition to providing a definition for "Sports Wagering Liability," the Commission discussed whether the letter of credit requirement should apply to balances in sports wagering accounts instead of sports wagering liabilities (under the current regulation the letter of credit solely protects sports wagering liabilities). In an effort to better understand the economic impact of this change we requested comments from our sports wagering operators.

## **Operator Comments**

### **Caesars**

Caesars indicated that letter of credit coverage for player account funds would be significantly more expensive than similar coverage of only liabilities.

### **BetMGM**

BetMGM reiterated their position that cash or surety bonds be used instead of letters of credit as they provide more flexibility and less cost. They explained that using a letter of credit to cover account balances would be more costly than covering account liabilities as generally account balances are larger than account liabilities.

### **Penn Entertainment**

Penn indicated that the cost for a letter of credit covering account balances for online accounts would be significantly more than that for account liabilities. On the retail side, there would only be a cost associated with liabilities as there are no account funds for retail sports wagering. Penn further indicated that obtaining a letter of credit may impact their ability to take out debt.

### **FanDuel**

FanDuel noted their position on the lack of flexibility inherent in letters of credit as a financial vehicle. They also stated that the cost of payments associated with coverage of annual sports wagering liabilities via a letter of credit would range from \$50,000 to \$90,000 while that same cost range would increase to \$315,000 to \$400,000 for coverage of player account balances.

### **Fanatics**

Fanatics confirmed that the cost for letter of credit account coverage for account balances generally would be greater than that for liabilities; however, they also explained there could be significant changes in liabilities before large sporting events which could alter this difference. Fanatics further noted that letters of credit are relatively static and cannot be updated quickly or easily to reflect changed situations.

### **Ballys**

Ballys indicated that the letter of credit cost whether for liabilities or account balances would be the same.

## **Options for Consideration**

After receiving the above comments, and in light of the discussion by the Commission on January 9, 2025, we present the following options:

1. **Maintaining the current regulation (while adding the Sports Wagering Liability definition mentioned above):** In this scenario, patron wagers would be protected by a letter of credit. Money in patron accounts and which is not currently being wagered would, at the operator's option, be protected by placement in a segregated account or by backup through a letter of credit or cash reserves.
2. **Revising 205 CMR 238.12 to require Letters of Credit *only* for Sports Wagering Accounts (while adding the Sports Wagering Liability definition mentioned above):** Under this option, the Commission would not require a letter of credit as backup for wagered funds, but only for funds not currently being wagered. It would be based on the rationale that patrons engaging in wagers are already risking the money placed on the wager but have a higher expectation of security in their account funds. This regulation was also amended to clarify that the amount of the letter of credit would be based on 110% of the highest balance of player account funds for the preceding 12 months (as opposed to quarterly). This change would protect balances while also not requiring operators to constantly update letters of credit throughout the year.

Code of Massachusetts Regulations

Title 205: Massachusetts Gaming Commission

Chapter 238.00: Additional Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering (Refs & Annos)

205 CMR 238.01

238.01: Definitions

Currentness

As used in 205 CMR 238.00, the following words and phrases shall have the following meanings, unless the context clearly indicates otherwise:

Cash means currency or coin.

Cash Equivalent means a certified check, cashier's check, treasurer's check, personal check, travelers' check, money order, or other instrument as specified by the Commission.

Check means as defined in M.G.L. c. 106, §§ 3 through 104.

Chief Sports Wagering Executive means the individual responsible for the daily conduct of a Sports Wagering Operator's business. Unless the Chief Sports Wagering Executive also serves as the Chief Executive Officer of the Sports Wagering Operator, the Chief Sports Wagering Executive shall report directly to the Chief Executive Officer of the Sports Wagering Operator.

Confidential Information means information related to a Sports Wagering Account, the placing of any Wager or any other sensitive information related to the operation of Sports Wagering including the amount credited to, debited from, withdrawn from, or present in any particular Sports Wagering Account; the amount of money Wagered by a particular patron on any event or series of events; the unique patron ID or username and authentication credentials that identify the patron; the identities of particular Sporting Events on which the patron is Wagering or has Wagered; or the location from which the patron is Wagering, has Wagered, or has accessed their Sports Wagering Account. Confidential Information may also include Personally Identifiable Information.

Personally Identifiable Information means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular patron, individual or household. Personally Identifiable Information includes, but is not limited to, Personal Information as that phrase is defined in M.G.L. c. 93H and 201 CMR 17.00: *Standards for the Protection of Personal Information of Residents of the Commonwealth*. Personally Identifiable Information may also include Confidential Information.

Segregated Account means a financial account that segregates funds owned by patrons and that is restricted to funds owned by patrons in the United States, and not comingled with the Sports Wagering Operator's operational funds.

Sports Wagering Counter means any a window in a structure approved by the Commission within a Gaming Establishment or Sports Wagering Facility from which a Ticket Writer conducts Sports Wagering transactions.

Sports Wagering Liability means the amounts accepted by the Sport Wagering Operator on Sports Wagers whose outcomes have not been determined and amounts owed but unpaid on winning Sports Wagering tickets or vouchers.

Ticket Writer means a person assigned the responsibility for the operation of a Ticket Writer Station.

Ticket Writer Station means a point of sale used by a Ticket Writer for the execution or formalization of Sports Wagers placed on behalf of a patron.

### Credits

History: [1486 Mass. Reg. 141](#), (emergency) eff. Dec. 21, 2022; [1492 Mass. Reg. 49](#), amended (emergency) eff. Mar. 9, 2023; [1494 Mass. Reg. 69](#), adopted as permanent by Notice of Compliance eff. Mar. 9, 2023; [1498 Mass. Reg. 41](#), amended (emergency) eff. Jun. 7, 2023; [1503 Mass. Reg. 57](#), adopted as permanent by Notice of Compliance eff. Jun. 7, 2023.

The Massachusetts Administrative Code titles are current through Register No. 1537, dated December 20, 2024. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 205, § 238.01, 205 MA ADC 238.01

---

End of Document

© 2025 Thomson Reuters. No claim to original U.S. Government Works.

**205 CMR 238.00: ADDITIONAL UNIFORM STANDARDS OF ACCOUNTING PROCEDURES AND INTERNAL CONTROLS FOR SPORTS WAGERING**

Section

238.12 Reserve Requirement

238.12: Reserve Requirement

(1) A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall include a plan to maintain and protect sufficient cash and other supplies to conduct Sports Wagering at all times through a ~~reserve-an irrevocable letter of credit~~ in the amount necessary to ensure the security of funds held in Sports Wagering Accounts and an amount of reserves adequate the ability to cover the outstanding Sports Wagering liability consisting of , including the amounts accepted by the Sports Wagering Operator on Sports Wagers whose outcomes have not been determined and amounts owed but unpaid on winning Sports Wagering tickets or vouchers. ~~The Sports Wagering Operator's reserve to cover the costs of its operations generally~~ The reserve may be in the form of Cash, Cash Equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond, or a combination thereof; provided that the amount of the reserve intended to ensure the security of funds in Sports Wagering Accounts cover the Sports Wagering liability must be in the form of, or backed up by, an irrevocable letter of credit approved by the Commission and which may be drawn by the Commission in the event of cessation of Sports Wagering Operations in accordance with 205 CMR 258.00.

(2) A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall ensure funds in Sports Wagering Accounts, including pending withdrawals, are ~~either:~~

(a) Held in trust for the patron in a Segregated Account managed in accordance with 205 CMR 248.00; and

~~(b) Held in the form of cash reserves;~~

~~(e)(b)~~ Backed up by an irrevocable letter of credit approved by the Commission; pursuant to 205 CMR 238.12(1). or

~~(d)(c) A combination of the forms described in 205 CMR 238.12(2)(a) - (e).~~

The amount held pursuant to this section 205 CMR 238.12 shall be an amount equal to 110% of the highest balance of total funds held in Sports Wagering Accounts, for the preceding twelve (12) months, as estimated and reported the most recent quarter of the Fiscal Year. In the event that the balance of funds exceeds this amount after an irrevocable letter of credit is obtained a Sports Wagering Operator shall notify the Commission, which may, at its, discretion, require an updated irrevocable letter of credit.

(3) A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall implement procedures that are reasonably designed to:

(a) Ensure that the funds in ~~the a~~ Segregated Account or cash held in reserve do not belong to the Sports Wagering Operator and are not available to creditors other than the patron whose funds are being held; and

(b) Prevent commingling of funds in the Segregated Account or cash held in reserve with other funds including, without limitation, funds of the Sports Wagering Operator.

Commented [MM1]: Note: SoS accidentally put one m in its version.

- (c) Ensure that letters of credit approved by the Commission pursuant to 205 CMR 238.12(2)(c) are not available to creditors of the Sports Wagering Operator, except than as set forth in such letters of credit.
- (4) A Sports Wagering Operator must have access to all Sports Wagering Accounts and Sports Wager data to ensure the amount of its reserve is sufficient. Unless otherwise directed by the Commission, a Sports Wagering Operator must file a monthly attestation with the Commission, in the form and manner prescribed by the Commission, that funds have been safeguarded in accordance with 205 CMR 238.12.
- (5) The Commission may audit a Sports Wagering Operator's reserve at any time and may direct a Sports Wagering Operator to take any action necessary to ensure the purposes of 205 CMR 238.12 are achieved, including but not limited to, requiring the Sports Wagering Operator to modify the form of its reserve or increase the amount of its reserve.



## **SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2, relative to the proposed amendments to **205 CMR 238 ADDITIONAL UNIFORM STANDARDS OF ACCOUNTING PROCEDURES AND INTERNAL CONTROLS FOR SPORTS WAGERING**, specifically 205 CMR 238.12: Reserve Requirement and 205 CMR 238.01: Definitions.

These regulations were promulgated as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and are authorized by G.L. c. 23N, §4. These regulations governs the internal standards to which sports wagering operators must adhere to in the provision of sports wagering in the Commonwealth, and 205 CMR 238.12 specifically details the reserve accounts required of Operators.

These regulations are unlikely to have an impact on small businesses as they govern the behavior of Sports Wagering Operators who are not small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

These regulations are unlikely to have an impact on small businesses.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with these regulations.

3. State the appropriateness of performance standards versus design standards:

No standards applicable to small businesses are set forth. Provided standards are performance standards.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.



Massachusetts Gaming Commission



5. State whether the proposed regulations are likely to deter or encourage the formation of new businesses in the Commonwealth:

These amendments are unlikely to have any impact on the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission

By:

/s/ Justin Stempeck  
Justin Stempeck, Deputy General Counsel

Dated: February 5, 2025



Massachusetts Gaming Commission



# Administrative Appeals 2024



# Number of Administrative Appeals Filed with the MGC in 2024

Year	Gaming Appeals	Racing Appeals	Total Appeals
2015	9	5	14
2016	5	7	12
2017	6	7	13
2018	19	4	23
2019	11	3	14
2020	2	1	3
2021	7	1	8
2022	6	0	6
2023	22	1	23
2024	18	7	25



# Matters Being Appealed

## Appeals of IEB Decisions

Revoked Gaming Employee License	2
Revoked Service Employee Registration	5
Placement on the Exclusion List	4
Revoked Vendor Registration	1
Appeal of a non-compliance penalty	1

## Horseracing Appeals

Pharmaceuticals	4
Equipment improperly attached	1
Denied or revoked License	2

## Responsible Gaming Appeals

VSE Forfeiture	5



# Legal Representation

Pro Se	16
Represented by an Attorney	7
Counsel assisted in drafting the request for hearing but did not represent the Appellant	2



# Preferred Language

English	22
Mandarin	3





# Untimely Appeal Requests

The Commission received  
**6** requests for appeals  
outside of the appeal  
deadlines set forth in 205  
CMR 101.02(2)

# Partial Filings

3 Documents are required to schedule a Hearing

- The Request for Hearing form
- A statement explaining the basis for the request
- The Letter, Order, or Ruling being appealed

Any appellant who files a partial appeal is asked to submit the required documentation before a Hearing can be scheduled, if they do not submit the three required forms the matter is administratively closed.

**4 partial appeals were closed administratively**





# Trespasses

- The Commission cannot overturn a 'No trespassing' order that was privately issued by the casino. We refer individuals to request an appeal of the trespass order directly from the casino.
- 15 Trespass Appeal Requests were sent to the MGC Clerk in 2024



# Appeals of the Hearing Officer's Decision to the Commission

- Under 205 CMR 101.03, Parties in an appeal can request a Commission review of the Hearing Officer's decision
- There were 7 appeals to the Commission in 2024





## **MEMORANDUM**

**TO:** Chair Jordan Maynard  
Commissioner Eileen O'Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Paul Brodeur

**FROM:** Zachary Mercer, Enforcement Counsel, IEB

**CC:** Caitlin Monahan, Director, IEB  
Kathleen Kramer, Chief Enforcement Counsel/Asst. Director, IEB  
Justin Stempeck, Deputy General Counsel

**DATE:** January 29, 2025

**RE:** Sports Wagering Noncompliance Matter

---

At the February 6, 2025, Public Meeting, the IEB will be presenting the following Sports Wagering Noncompliance matter to the Commission:

1. Penn Sports Interactive, Temporary Category 3 Sports Wagering Operator, 2024-SWN-043: This matter relates to promotional materials transmitted to individuals on the Voluntary Self-Exclusion List in contravention of 205 CMR 233.06, 205 CMR 133.06 (3), and 205 CMR 256.07(1). The Operator erroneously sent marketing materials to eight (8) individuals on the Massachusetts Voluntary Self-Exclusion List, and thirty-six (36) individuals who had self-excluded with PENN Entertainment and have at one point had activity in Massachusetts.



Massachusetts Gaming Commission



## **MEMORANDUM**

**TO:** Chair Jordan Maynard  
Commissioner Eileen O'Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Paul Brodeur

**FROM:** Nathaniel Kennedy, Enforcement Counsel, IEB

**CC:** Caitlin Monahan, Director, IEB  
Kathleen Kramer, Chief Enforcement Counsel/ Ass. Director, IEB  
Justin Stempeck, Deputy General Counsel

**DATE:** January 30, 2025

**RE:** Sports Wagering Noncompliance Matter

---

At the February 6, 2025 Public Meeting, the IEB will be presenting the following Sports Wagering Noncompliance matter to the Commission:

1. American Wagering, Inc. d/b/a Caesars Sportsbook, Category 3 Sports Wagering Operator, 2024-SWN-057: This matter relates to Caesars offering wagers on "Tournament Total Red Cards" during the UEFA (Union of European Football Associations) Euro 2024 Tournament in contravention of M.G.L. c.23N § 3 and 205 CMR 247.01(2)(e). Caesars accepted wagers between June 27, 2024 and July 9, 2024. During this timeframe, Caesars accepted 6 wagers for a total stake of \$8,270.00



Massachusetts Gaming Commission