

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:

Tuesday | March 11, 2025 | 10:00 a.m. VIA REMOTE ACCESS: 1-646-741-5292 MEETING ID/ PARTICIPANT CODE: 111 826 5143 All meetings are streamed live at 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.

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 - #548

- 1. Call to Order Jordan Maynard, Chair
- 2. Meeting Minutes

a.	January 6, 2023	VOTE
b.	January 18, 2023	VOTE
c.	March 28, 2024	VOTE
d.	February 6, 2025	VOTE

- 3. Administrative Update Dean Serpa, Executive Director
- 4. Racing Division Dr. Alexandra Lightbown, Director of Racing
 - a. Plainridge Park Casino Request for Capital Improvement Fund Consideration (test barn renovations) Chad Bourque, Financial Analyst; Steve O'Toole,
 Director of Racing, Plainridge Park Casino

 VOTE

b. Report on 2022 Unpaid Winnings and possible subsequent authorization for CFAO to pay out funds approved by the Commission

I. Plainridge Racecourse

II. Suffolk Downs

VOTE

III. III. Wonderland Park

IV. Raynham Park

VOTE

5. Discussion regarding collective bargaining of the SEIU Local 888 Agreement – Dean Serpa, Executive Director; Caitlin Monahan, IEB Director; David Connelly, Esq., outside counsel to MGC

a. Executive Session

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.

- 6. Investigations and Enforcement Bureau Caitlin Monahan, Chief of Investigations and Enforcement Bureau
 - a. Briefing on noncompliance related to Category 3 Sports Wagering 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 G.L c. 23N § 3, 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog– Zac Mercer, Enforcement Counsel
 - b. Discussion of firearms security at MGM Springfield
 - I. Executive Session

 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.
- 7. Sports Wagering Division Carrie Torrisi, Division Chief, Sports Wagering
 - a. DraftKings request to use an alternate method of KYC identity authentication at the time of sports wagering account establishment pursuant to 205 CMR 248.04(4) Carrie Torrisi, Chief of Sports Wagering Division; Andrew Steffen, Sports Wagering Compliance and Operations Manager; Cristian Taveras, Gaming Technical Compliance Manager; Kevin Gauvreau, Information and Network Security Manager



- I. Executive Session VOTE
 - The Commission anticipates that it will convene in an Executive Session in conjunction with its review of DraftKing's methods of KYC in accordance with G.L. c. 30A, § 21(a)(7) and G. L. c. 4, § 7(26)(n) to review certain materials in connection with the sports wagering operator's processes and parameters during account creation related to customer verification and authentication, as these matters relate to cyber security within the Commonwealth, and the public discussion or disclosure of which is likely to jeopardize public safety or cyber security.
- b. Penn Sports Interactive request to use an alternate method of KYC identity authentication at the time of sports wagering account establishment pursuant to 205 CMR 248.04(4) Carrie Torrisi, Chief of Sports Wagering Division; Andrew Steffen, Sports Wagering Compliance and Operations Manager; Cristian Taveras, Gaming Technical Compliance Manager; Kevin Gauvreau, Information and Network Security Manager
 - I. Executive Session

 The Commission anticipates that it will convene in an Executive Session in conjunction with its review of Penn Sports Interactive's methods of KYC in accordance with G.L. c. 30A, § 21(a)(7) and G. L. c. 4, § 7(26)(n) to review certain materials in connection with the sports wagering operator's processes and parameters during account creation related to customer verification and authentication, as these matters relate to cyber security within the Commonwealth, and the public discussion or disclosure of which is likely to jeopardize public safety or cyber security.
- 8. Community Affairs Division Joe Delaney, Division Chief, Community Affairs
 - a. FY26 Community Mitigation Fund Application Summary
 - b. MGM Springfield Quarterly Report and ILEV Update
 - I. Executive Session

 The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(7) to comply with G.L. c.23K,§21(a)(7) for the specific purpose of reviewing the proposed multi-year capital expenditure plan [described in 205 CMR 139.09], and any corresponding materials, submitted relative to MGM Springfield, as discussion of this matter in public would frustrate the purpose of the statute and associated legal authorities where the capital expenditure plan at issue is covered by a nondisclosure agreement between the Massachusetts Gaming Commission and Blue Tarp ReDevelopment, d/b/a MGM Springfield.

9. Commissioner Updates

10. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that this Notice was posted as "Massachusetts Gaming Commission Meeting" at www.massgaming.com and emailed to regs@sec.state.ma.us, Posted to Website: March 7, 2025 | 10:00 a.m. EST

March 7, 2025

Jordan M. Maỳnard, Chai

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



Massachusetts Gaming Commission Meeting Minutes

Date/Time: January 6, 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 419th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. Opening Remarks (02:46)

Chair Judd-Stein stated that Massachusetts offered an exciting new opportunity for regulated sports wagering. She stated that licensees would be held to the highest standards of compliance and that compliance would be on a continuing basis.

Chair Judd-Stein noted that the Commission would review all applications for untethered category three sports wagering licenses, and that there would be a selective evaluation pursuant to 205 CMR 218.06(6)(a) on January 18, 2023 and January 19, 2023. She described the evaluation process the Commission would undergo for each applicant. She noted that while the

Commission may award up to seven licenses, the Commission need not award a license to each of the six applicants.

3. Legal Framework relative to the award of an untethered Category 3 operator license (14:43)

General Counsel Todd Grossman explained that G.L. c. 23N authorized the Commission to award no more than seven category three sports wagering licenses which were not connected to a category one or category two operator. He explained that category three sports wagering licenses authorized the licensee to operate a mobile sports wagering platform. He noted that the Commission may require an applicant to provide supplemental information.

General Counsel Grossman stated that all deliberations on the applications would occur in public. He noted that G.L. c. 23N, § 6(i) allowed the Commission to enter executive session to discuss trade secrets and competitively-sensitive information submitted as part of the application. He explained that the Commission's findings must be supported by substantial evidence. He stated that the factors the Commission was reviewing during the application process could be found in 205 CMR 218.06(5). He noted that category three untethered applications would also be compared as they relate to other applications in accordance with 205 CMR 218.06(6)(a).

General Counsel Grossman explained that the category three untethered applicants had not undergone a thorough probity investigation and were not eligible for durable suitability at this time. He stated that the applicants could be granted preliminary suitability while the suitability investigation is ongoing.

General Counsel Grossman stated that the Commission could impose conditions on the sports wagering license in accordance with 205 CMR 220. He stated that once granted a license, the licensee must receive an operations certificate pursuant to 205 CMR 251 before conducting operations.

4. Evaluation Process (54:15)

a. Presentation of application and demonstration of technology and user experience by each applicant for a Category 3 untethered sports wagering operator license in accordance with 205 CMR 218.06(3) (55:08)

Adi Dhandhania, COO from Bally's Interactive LLC ("Bally's"), explained that Bally's was a publicly traded company with twenty years of experience. He stated that Bally's had more than 10,000 employees, 17 casinos, and online sports wagering in 19 jurisdictions. He stated that Bally's had 500,000 monthly retail customers and 750,000 monthly online customers. He explained that Bally's had partnerships with several sports teams and an exclusive marketing relationship with the Sinclair Broadcast Group.

Mr. Dhandhania stated that 50% of the Bally's employee base identified as minorities and that Bally's was investing in elevating employee diversity numbers. He stated that the Bally's platform delivered a customer-first service experience.

Bally's Chief Technology Officer Donald Beatson provided an overview of Bally's Excite player account management system. Bally's Senior Vice President of Sports Technology Ravi Haldahali provided an overview of the Bally's Evolve sports wagering platform.

Bally's Senior Vice President of Data Mark Borg stated that he was responsible for the group data strategy which assisted with interoperability between divisions. He stated that the data assists with automated regulatory reporting, internal analytics, marketing capabilities, and predictive recommendations. Commissioner Hill asked if customer service was available with live persons on a 24/7 basis. Mr. Dhandhania explained that live chat and a phone number were available at all hours.

Bally's Head of Regulatory Product Jonathan Liska presented an overview of the Know Your Customer ("KYC") process for the Bally's platform. Commissioner O'Brien asked why a customer might have more than one account. Mr. Liska explained that it was possible for customers to forget they have an account or create a new account to claim a registration promotion. Chair Judd-Stein asked if other jurisdictions limited players to one account. Mr. Liska replied that some jurisdictions had account limits. Mr. Liska provided a product demonstration of their KYC process and responsible gaming tools.

Commissioner O'Brien noted that the platform asked about the customer's gender and asked if completing that question was mandatory. Mr. Liska stated that the question was for market research purposes, and that the question was being removed.

Chair Judd-Stein asked if Bally's would notify a customer when their cool-off period was ending. Mr. Liska stated that Bally's does not contact customers during their cool-off period as part of its responsible gaming policies. Chair Judd-Stein asked if screentime could be limited. Mr. Liska explained that Bally's offers session limits.

Bally's Product Owner Martin Popov provided a demonstration of signing into an existing account. Bally's Director of Product Ownership Chris Benstead provided a product demonstration of sports offerings. Commissioner Hill asked how Bally's addresses a change in lines when putting together a parlay bet. Mr. Benstead stated that any change of lines is highlighted to the customer, and that the customer could reject the new odds, accept all changes, or accept the better odds.

- b. <u>Presentations and Analysis Relevant to review and evaluation of Application for each Category 3 untethered sports wagering operator license:</u> (1:59:08)
 - i. Technical Components (1:59:19)

Joe Bunevith, Vice President of Government and Regulatory Affairs from Gaming Laboratories International ("GLI"), provided an overview of the certification process and end verification for mobile applications and other digital platforms once they are approved by the Commission. He stated that GLI would verify whether the platform meets all requirements specific to Massachusetts during the verification process.

ii. Report on suitability of the Applicant (2:04:45)

Senior Enforcement Counsel Kathleen Kramer discussed the IEB's report on the preliminary suitability of Bally's. She noted that the Licensing Division identified four entity qualifiers and six individual qualifiers. She stated that nothing significant was outstanding from the application.

Chair Judd-Stein inquired regarding two matters from Indiana and Arizona. Bally's Director of Licensing Rob Smith stated that Arizona had only provided the exclusion list to the physical property, and that there was a delay in the exclusion list being transmitted to the Bally's online platform. He stated that manual procedures were implemented as a remediation effort.

Chair Judd-Stein asked about what occurred in Indiana. Mr. Smith stated that their partner, the Sinclair Broadcast Group, had put out an advertisement before Bally's was authorized to go live. He stated that Bally's had another meeting with the Indiana regulators on January 20, 2023.

iii. Financial and Economic Impact Analysis (2:15:32)

Theresa Merlino, Finance Consultant from RSM US LLP ("RSM"), presented on the financial projection estimates provided by Bally's, including anticipated market size in Massachusetts, year-over-year growth trends, market share data from other jurisdictions, hold percentage over time, and liquidity of the applicant. She stated that the information provided by Bally's included competitively-sensitive data that would be better addressed in an executive session.

Commissioner O'Brien asked if the lack of information regarding projected handle was typical. Ms. Merlino stated that it was the information that was least provided by the applicant pool. She stated that handle could be projected based upon their projected market share, projected gross gaming revenue, and projected hold percentage. Mr. Dhandhania stated that the projected handle would be provided to the Commission.

Commissioner O'Brien noted that the ramp-up period affected revenue and asked why it was not included in the estimates. Ms. Merlino stated that the applicant did not believe Massachusetts would have sports wagering launched before March Madness.

c. Review and evaluation of each Application for a Category 3 untethered sports wagering operator license as submitted by Bally's Interactive, LLC in accordance with

205 CMR 218.00 including, but not limited to consideration of the following criteria: (2:35:38)

i. Experience and Expertise related to Sports Wagering (205 CMR 218.06(5)(a)) (3:15:13)

Commissioner Hill asked for exotic parlays and if-bets to be explained. Mr. Dhandhania stated that Bally's would have a team member join the call to explain those types of bets.

Commissioner O'Brien asked if time limits on the platform were available for sports wagering.

Mr. Dhandhania stated that they were available through the player account management system.

Chair Judd-Stein asked how data being used for deposit recommendations would work with responsible gaming practices. Mr. Dhandhania stated that deposit recommendations were predominantly used to ease the experience for customers to personalize the platform.

Bally's Senior Vice President of Risk and Trading Jay Rood explained the intricacies of if-bets and exotic parlays. He stated that these types of bets were more player-friendly.

Chair Judd-Stein expressed concern about the intensity and frequency of marketing. She asked how Bally's intended to address marketing-related concerns. Mr. Borg stated that machine learning models would use responsible gaming predictions to help identify problem gambling behavior. He stated that this information would also be applied to marketing.

Chair Judd-Stein asked what real-time marketing would look like. Mr. Borg stated that the player's activity would be analyzed and that rewards could be adjusted accordingly. He stated that events would be sent via multi-channel communication, including push notifications and email. Mr. Dhandhania stated that data was analyzed and that the campaign management tools were configured by the marketing team.

The Commission reached consensus that Bally's had met the Commission's expectations with regard to Section B of the application.

ii. Economic impact and other benefits to the Commonwealth if applicant is awarded a license (205 CMR 218.06(5)(b)) (3:53:44)

Commissioner O'Brien expressed concern that recruitment on college campuses would lead to recruitment of employees under the age of 21. Mr. Dhandhania stated that Bally's had a policy that required all interns to be of legal age to sports wager in their respective state.

Commissioner Skinner inquired about employment opportunities in Massachusetts. Mr. Dhandhania stated that while Bally's didn't have offices in Massachusetts, there were opportunities in Rhode Island and recruitment at Massachusetts universities. Commissioner

Skinner requested that supplemental information regarding employment opportunities in the Commonwealth be provided.

Commissioner Hill requested additional details regarding community engagement. Mr. Dhandhania stated that Bally's had a foundation that assisted local communities in providing benefits to local businesses, the food bank, toy drives, breast cancer awareness events, and the pride march. Chair Judd-Stein stated that the Commission expected online sports wagering operators to be involved in community engagement.

Commissioner Hill asked if Bally's had an in-house program for increasing diversity in management. Mr. Dhandhania stated that Bally's was updating its HR system to track development and representation throughout the organization. Commissioner Maynard inquired about their commitment to mitigate harm to the Massachusetts Lottery. Mr. Dhandhania stated that Bally's would work with the Massachusetts Treasurer regarding the lottery.

The Commission reached consensus that Bally's had met the Commission's expectations with regard to Section C of the application.

iii. Applicant's willingness to foster racial, ethnic, and gender diversity, equity, and inclusion (205 CMR 218.06(5)(d)) (4:09:40)

Commissioner Skinner requested that Bally's provide supplemental information further breaking down the categories of diversity in their employment diversity data. She requested that Bally's provide goals relative to employee diversity and supplier diversity spending. She requested that Bally's provide supplemental information regarding women and diverse employees in management roles. Mr. Dhandhania stated that Bally's would supplement this information.

The Commission reached consensus that Bally's had met the Commission's expectations with regard to Section D of the application, provided that Bally's provides a supplemental response outlining the information requested by Commissioner Skinner.

iv. <u>Proposed measures related to responsible gaming (205 CMR 218.06(5)(c))</u> (4:15:51)

Commissioner O'Brien expressed concern about the planned advertising on public transit as underage individuals utilize public transit. Mr. Dhandhania stated that it was part of its branding strategy, but that advertising would not be placed on public transit if the Commission does not allow it. He stated that advertising on public transit was similar to advertising on billboards. Commissioner O'Brien noted that billboards could be timed to not show advertisements during certain times.

Commissioner O'Brien inquired about the incentives that would be offered to customers who visited the Rhode Island property. Mr. Dhandhania noted that Bally's maintained a list of

Massachusetts residents who visited the Rhode Island property and had the ability to engage with those individuals.

Chair Judd-Stein noted that Bally's had a billboard in Massachusetts advertising its Rhode Island property. She noted that the billboards did not have responsible gaming language included. She asked that Bally's commit to putting responsible gaming language on all of its billboards in Massachusetts, even if the advertisement was for a property outside of Massachusetts. Mr. Dhandhania agreed to put responsible gaming language on future billboards.

Chair Judd-Stein asked how Bally's intended to repatriate funds going to the Rhode Island property. Mr. Dhandhania stated that Bally's had marketing solutions to get customers to engage with both physical properties and online products.

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

v. Technology that the applicant intends to use (205 CMR 218.06(5)(e)) (4:29:11)

Mr. Dhandhania noted that Bally's would have all required responsible gaming features operational before its launch in Massachusetts.

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

vi. Suitability of the applicant and its qualifiers (205 CMR 218.06(5)(f)) (4:34:48)

Chair Judd-Stein noted that RSM's presentation regarding financial projections for Bally's was to be discussed in executive session and asked if the other Commissioners had any other additional questions.

Commissioner O'Brien noted that the financial information was provided by the parent company of Bally's and not the applicant. Mr. Dhandhania stated that the financial information was reported at the parent company level because the parent company owns Bally's Interactive. Commissioner O'Brien noted that the parent company had the capacity to support operations but could terminate support if it chose to. She asked what assurances could be provided in connection with the Massachusetts applicant. Mr. Dhandhania stated that Bally's Interactive was committed to this business in Massachusetts, and that he could elaborate in executive session if required.

The Commission reached consensus that Bally's had met the Commission's expectations with regard to Section G of the application provided that RSM present on its finances in executive session.

d. Executive Sessions (4:40:41)

General Counsel Grossman stated that RSM's financial information regarding market share percentage, estimated revenue, and estimated hold percentage met the executive session requirement set forth in G.L. c. 23N, § 6(i).

Chair Judd-Stein stated that the Commission anticipated that it may meet in executive session in conjunction with its review of the Bally's Interactive, LLC application in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 23N, § 6(i) to consider information submitted by the applicant in the course of its application for an operator license that is a trade secret, competitively-sensitive, or proprietary and which if disclosed publicly would place the applicant at a competitive disadvantage.

Commissioner O'Brien moved that the Commission enter executive session for the reasons stated by the Chair and General Counsel Grossman. 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 public session of the meeting would reconvene after the executive session.

Transcriber's Note: The Commission entered executive session and returned to the public meeting at 5:16:47.

Chair Judd-Stein stated that the Commission had two topics to update the public on. Mr. Dhandhania explained that Bally's had provided anticipated hold percentage and handle percentage data in its application. He noted that this information was not included in the materials sent to RSM.

Ms. Merlino stated that based upon RSM's review, a 7% hold percentage was consistent with the industry and market. She noted that during RSM's presentation, a slide contained information from a third-party report which contained a typographical error. She noted that the slide in question was included to give an overall view of the broader sports wagering marketplace in the United States and was not related to the applicant's finances.

The Commission thanked the representatives from Bally's for their time.

5. Other Business (5:21:23)

Commissioner Maynard noted that he filed a notice of intent to attend a retirement gathering for Former Governor Charles Baker which was being hosted at Encore Boston Harbor. He explained that there was no cost to attend this event, and that he would follow all applicable laws and regulations. He stated that he had consulted General Counsel Grossman in deciding whether to attend.

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

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

Roll call vote:

Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Maynard: Aye.
Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated January 3, 2023



Massachusetts Gaming Commission Meeting Minutes

Date/Time: January 18, 2023, 2:00 p.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 425th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. Opening Remarks (01:07)

Chair Judd-Stein explained that the Commission would begin the evaluation of the category three sports wagering licenses during this meeting and continue the review during the meeting on January 19, 2023. She stated that the Commission may award up to seven licenses, but that the Commission was not required to award licenses to each of the six entities that applied.

Chair Judd-Stein noted that during the review of applications, the Commission had requested supplemental information, and that the supplemental information submitted will be reviewed to

confirm whether the information satisfied the request. She stated that for each applicant, the Commission would make a determination whether the applicant satisfied the regulatory factors under the substantial evidence standard.

3. <u>License application determinations by the Commission in accordance with 205 CMR 218.07</u> relative to the applications submitted by Bally's Interactive, LLC, Betfair Interactive US, LLC (d/b/a FanDuel), Betr Holdings, Inc., Crown MA Gaming, LLC (DraftKings), Digital Gaming Corporation USA, and PointsBet Massachusetts, LLC (04:13)

Chair Judd-Stein asked Chief Administrative Officer to the Chair Crystal Beauchemin to remind the Commission what supplemental information was requested from the applicants. Ms. Beauchemin noted that the Commission requested an update on jobs related to Massachusetts positions and employment opportunities from Bally's Interactive ("Bally's"). She stated that Bally's had provided the number of anticipated employees and various job descriptions.

Ms. Beauchemin stated that Bally's had provided a supplemental response regarding community engagement. The Commission reached a consensus that Bally's supplemental submissions satisfied the Commission's requests.

Ms. Beauchemin stated that the Commission had requested supplemental information related to Betr's current diversity spending, responsible gaming plan, veteran and LGBTQ+ data, and demographics regarding Betr's social media presence. She stated that Betr provided all of this supplemental information.

Commissioner O'Brien stated that she wanted a breakdown of Betr's social media engagement with individuals aged eighteen to twenty. The Commission discussed whether Betr had submitted goals related to supplier diversity. Commissioner Skinner stated that she wanted to know the applicant's overall spending so that she could put diversity spending in context. Ms. Beauchemin noted that Betr's supplier diversity goal was 30% of supplier spend tied to organizations identified as diverse. Commissioner Skinner noted that the total spending figure was required in order to put that 30% goal and current spending into context. Commissioner Skinner stated that she would also like to see women-owned business enterprises be broken out if they were included in the diversity spending percentage.

Chair Judd-Stein asked if Betr's responsible gaming plan was tailored to the Massachusetts market. Ms. Beauchemin stated that a responsible gaming plan tailored to Massachusetts was an ongoing request, but that supplemental responses had been received.

Commissioner O'Brien stated that the requested information regarding complaints was provided but noted that she had yet to review the submitted supplemental materials. She requested that Commission staff seek clarification as to whether demographic statistics from Twitter were available or not.

Ms. Beauchemin explained that the Commission had requested that FanDuel provide supplemental responses related to the diversity of employees within the Commonwealth and FanDuel's diversity goals. She stated that FanDuel had provided a response letter with the requested information. Commissioner Skinner noted that there was a plan to develop diversity goals, but that she was not prepared to comment as she had yet to review that plan. She noted that FanDuel had provided supplemental responses to all of the Commission's requests. Chair Judd-Stein asked if there was still an issue regarding daily fantasy sports taxation. Commissioner O'Brien stated that the daily fantasy sports issue had been rectified.

Ms. Beauchemin noted that DraftKings had submitted supplemental information regarding overall diverse vendor spending, an update on their Ohio launch, and an update on responsible gaming messaging in advertising. The Commission reached a consensus that the supplemental information provided by DraftKings satisfied the Commission's requests.

Ms. Beauchemin stated that Digital Gaming Corp. ("DGC") had submitted supplemental information regarding their go-live date and supplier diversity spend. Commissioner Skinner noted that overall spending numbers were not provided, and that diversity spending could not be put into context. She asked whether overall spend numbers were not readily available or were not something the applicants were willing to share in a public setting. Commissioner Maynard noted that DGC's goal number was progressive. The Commission reached a consensus that the supplemental information provided by DGC satisfied the Commission's requests.

Ms. Beauchemin noted that the only component pending within DGC's application was attestations regarding suitability. Chair Judd-Stein asked when those attestations would be completed. Ms. Beauchemin stated that the IEB was waiting on the qualifiers to submit those attestations. She stated that the Commission would continue to be updated on this matter.

Ms. Beauchemin stated that Pointsbet had submitted supplemental information regarding supplier diversity goals, DEI objectives, updated workforce numbers, and a workforce diversity goal. Commissioner Skinner noted that no information regarding discretionary spend was submitted.

Ms. Beauchemin noted that Pointsbet also submitted a transactional waiver, supplemental information regarding their university partnership, and information regarding the Indiana matter. The Commission reached a consensus that the supplemental information provided by Pointsbet satisfied the Commission's requests.

Chair Judd-Stein noted that representatives from RSM US LLP ("RSM") were on the call, and that the Commission could move forward to reviewing financial matters. She noted that some information in RSM's presentation was appropriate for executive session.

RSM's Director of Strategic Finance Connor Loughlin stated that RSM had reviewed the financial projections from the applications and conducted further independent market research to provide context. He noted that Pointsbet was not reviewed by RSM due to a preexisting conflict, and that Pointsbet was reviewed by Litman Gerson Associates LLP.

Mr. Loughlin stated that consumer protections in case of operator bankruptcy were important to minimize consumer exposure to loss. He stated that other jurisdictions had implemented effective safeguards and that many of these protections were adopted in 205 CMR 238.12. He noted that monitoring for continued compliance was essential to protecting customers. He stated that the other slides in RSM's presentation contained competitively sensitive financial information more suited for executive session.

4. Executive Session (1:16:25)

General Counsel Todd Grossman stated that RSM would discuss specific information regarding consolidated assessment of financial projections for the applicants. He stated that this information included revenue projections, market share projections, projected handle percentages and hold percentages, and liquidity positions of the applicants. He stated that this information was competitively sensitive and met the standard outlined in G.L. c. 23N, § 6(i) and would be appropriate to discuss in executive session.

Chair Judd-Stein stated that the Commission anticipated that it may meet in executive session in conjunction with its review of the each of the category 3 untethered applications in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 23N, § 6(i) to consider information submitted by the applicants in the course of the respective applications for an operator license, as examined by RSM US LLP in the context of any discussed financial metrics, ratios, or associated financial measures, that are a trade secret, competitively-sensitive or proprietary and which if disclosed publicly would place the applicant at a competitive disadvantage.

Commissioner O'Brien moved that the Commission enter executive session for the matters delineated by General Counsel Grossman and for the legal reasons stated by the chair just now. 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.

Chair Judd-Stein stated that the Commission would not return to the public session of this meeting.

Transcriber's Note: The Commission entered executive session at $\underline{1:23:04}$ and did not reconvene the public session of this meeting.

List of Documents and Other Items Used

1. Amended Notice of Meeting and Agenda dated January 13, 2023



Massachusetts Gaming Commission Meeting Minutes

Date/Time: March 28, 2024, 9:00 a.m.

Place: Massachusetts Gaming Commission

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

PARTICIPANT CODE: Revised Notice* 112 023 4112

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

Commissioners Present:

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

1. Call to Order (00:08)

Interim Chair Jordan Maynard called to order the 511th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all four commissioners were present for the meeting.

- 2. Meeting Minutes (00:42)
 - a. June 29, 2023
 - b. July 10, 2023

Interim Chair Maynard raised a concern regarding him continuing to serve as secretary while being newly appointed as interim chair. Counsel Grossman opined that while it would be okay for Interim Chair Maynard to serve as both interim chair and secretary so long as there are no incompatible functions between said roles, he suggested that the Commission could consider having another Commissioner become secretary. Commissioner Skinner noted that she believed that she would be the successor secretary.

Notwithstanding the comments above, the Commissioners agreed that they could move forward with voting on the public meeting minutes as noted on the agenda.

Interim Chair Maynard moved to approve the minutes from the June 29, 2023 and July 10, 2023, public meetings that are included in the Commissioners' packet subject to any necessary edits for typographical errors, or any non-material matters. Commissioner Skinner 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.

3. Administrative Update (06:01)

a. Federal Legislation Update

Mark Vander Linden, Director of Research and Responsible Gaming, provided an update on the Gambling Addiction Recovery Investment and Treatment Act (GRIT Act). He highlighted that no federal funding currently exists for problem gambling research and treatment. Director Vander Linden further explained that the GRIT Act proposes allocating 50% of a defined excise tax on sports wagers in the U.S. to support problem gambling research and treatment. Of that, 75% of the money would go to states for prevention and treatment programs via the existing SAMHSA block grant program, and 25% of the money would fund research grants through the National Institute on Drug Abuse. Director Vander Linden noted that while Massachusetts already sets aside money for these initiatives, many states do not, and the proposed federal funding could be crucial for them. However, there is no certainty that the GRIT Act will be passed.

4. <u>Legislative Update</u> (09:01)

a. Report on Planned Legislative Breakfast

Commissioner Hill stated that the invitations have gone out for the April 2, 2024 legislative breakfast. He further stated that he will be joined by Derek Lennon, Joseph Delaney, Mark Vander Linden, and Dr. Alexandra Lightbown, who will talk about the divisions they oversee at the Commission.

Commissioner Skinner inquired as to the nature of the breakfast, including whether it would be a public meeting and if any other Commissioners are expected to have a role. Commissioner Hill confirmed that it is not a public meeting, and the only role he may have as one Commissioner would be to introduce everyone. Interim Chair Maynard expressed gratitude to Commissioner Hill for his work putting this event together, and Commissioner Hill thanked others involved in planning the breakfast.

5. <u>Investigations and Enforcement Bureau</u> (11:11)

Interim Chair Maynard expressed congratulations to Eric Cantell for his promotion to Casino Regulatory Manager at PPC and thanked him for serving in this role. Mr. Cantell in turn expressed appreciation for being acknowledged.

a. Plainridge Park Casino's Request for an Amendment to the Beverage License (12:40)

David MacKay, Manager of the Licensing Division, explained Plainridge Park Casino's (PPC) request for an amendment to its gaming beverage license, specifically in the food court area where PPC is proposing to offer alcoholic beverage options. The Licensing Division reviewed the application submitted by PPC as outlined in the Commissioners' packet beginning on page 35. Mr. MacKay stated the Licensing Division recommends that the Commission approve this amendment request.

Commissioner O'Brien moved that the Commission approve the amendment to Plainridge Park Casino's beverage license 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.
Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

b. Encore Boston Harbor's Request for Service Registration Exemptions (15:24)

Mr. MacKay presented a request from Encore Boston Harbor ("Encore") for service registration exemptions for twelve new positions in preparation of the opening of a new leased restaurant outlet, Seamark's Seafood and Cocktails, which will occupy the space formerly used by the Sinatra restaurant. The Licensing Division reviewed the request, *as presented in the Commissioners' packet beginning on page 41*, and outlined the specific positions being requested for exemption.

Interim Chair Maynard stated that he reviewed all twelve (12) positions and the history of the positions the Commission has exempted in the past and is comfortable moving forward.

Commissioner Skinner moved to approve Encore Boston Harbor's request for service registration exemptions 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.

Interim Chair Maynard: Aye. The motion passed unanimously, 4-0.

6. Racing

a. Request to Escrow Race Horse Development Funds that are Designated for Thoroughbred Purses (18:37)

Dr. Alexandra Lightbown, Director of Racing, introduced the discussion on escrowing race horse development funds which would have been designated for thoroughbred purse money. She noted that there has been additional research on the issue since the discussion began last summer and turned the discussion over to the Legal Division.

Judith Young, Associate General Counsel, provided an overview of the request by the New England Horseman's Benevolent and Protective Association's ("NEHBPA") to escrow funds, which included a broader analysis on how the funds could be placed in escrow. She outlined the three categories of distribution within the Race Horse Development Fund as prescribed by G.L. c. 23K, § 60 and how these allocations were revised in 2021 by the Horse Racing Committee following the cessation of thoroughbred racing in Massachusetts in 2019. Despite these changes, a substantial amount of thoroughbred purse funds remains unallocated, which is the basis for NEHBPA's request.

Counsel Young further explained that placing funds in escrow is not explicitly covered within the statute or the Commission's enabling legislation. She noted that the NEHBPA does not necessarily fit the definition of an association as described in 205 CMR 149 or in the parallel definition under 205 CMR 3.00, which pertains to harness horse racing (standardbred).

Chief Financial and Administrative Officer (CFAO) Derek Lennon discussed the practical and technical requirements to create an escrow account. Counsel Young added that the Office of the Treasurer must authorize any new accounts for all state agencies in the Commonwealth, including the Commission. She also stated that G.L. c. 29, § 34 requires that a state agency must obtain the Treasurer's consent or approval to place funds in any banking institution, including an escrow account.

CFAO Lennon clarified for Commissioner O'Brien that the current funds would remain as they are but noted that it was initially assumed that the balances would be utilized in FY2025. He further confirmed, based on an additional inquiry from Commissioner O'Brien, that the interest goes into the general fund. Counsel Young added that though the money could be re-assigned or re-distributed by someone else, it still constitutes Commonwealth funds. Commissioner O'Brien opined that as the definition of association was not met by the NEHBPA, the Commission was not currently in a position to take action.

Paul Umbrello, Executive Director of the NEHBPA, shared his interpretation of 205 CMR 149, stating that the Commission has the authority to safeguard the funds for the next three years to

ensure they are available for future thoroughbred racing. He expressed his concerns that if the money is re-assigned or re-allocated, there would not be sufficient funding when a new racetrack is built.

Commissioner Hill asked CFAO Lennon whether arbitrage is applicable in this situation. CFAO Lennon stated that the concept of arbitrage deals with bonds. Commissioner Hill stated with everything explained, he is not ready to move to push these funds to an escrow account.

Commissioner Skinner expressed appreciation of Mr. Umbrello's comments but stated that she was satisfied with the representation that the Commission does not have sole authority to create an escrow account.

The Commissioners agreed that they had reached a consensus to not take any action on the request due to their lack of authority and the information obtained in conversations with the Office of the Treasurer.

b. <u>Plainridge Park Racecourse Request for Approval of Racing Officials and Key Operating Personnel (36:50)</u>

Dr. Lightbown brought forward Plainridge Park Racecourse's request for approval of their racing officials and key operating personnel. She noted that all individuals on the list provided by PPC have previously been licensed with the Commission and are not new applicants. She recommended that the Commission approve the request, contingent upon the satisfactory completion of licensure by the Division of Racing and satisfactory completion of their background investigations.

Steve O'Toole, Director of Racing at PPC, reiterated that everyone on the list by provided by PPC had previously worked at the casino. He noted that one individual on the list had left employment and returned. Mr. O'Toole expressed a desire to have all individuals on the list working at PPC.

Commissioner Hill moved that the Commission approve the racing officials and key operating personnel of Plainridge Park Casino as set out 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.
Interim Chair Maynard: Ave.

The motion passed unanimously, 4-0.

c. <u>Plainridge Park Racecourse Request for Waiver of 205 CMR 3.12(7) - Qualifying Race Requirement (39:04)</u>

Dr. Lightbown brought forward Plainridge Park Racecourse's request for a waiver from the requirements of 205 CMR 3.12(7), which states that horses that have not raced in 30 days are required to participate in a qualifying race, which does not involve purse money or betting. Dr. Lightbown stated that this process allows veterinarians to ensure that the horses are in good condition and provides them with practice. Since 2018, the Commission has approved this request to extend the time period to 45 days. Dr. Lightbown stated she has no objections to this change and recommends that the Commission approve the request once again.

Commissioner O'Brien inquired whether the regulation can be amended given the repeated requests and approvals for the waiver without issue. Justin Stempeck, Deputy General Counsel, confirmed that there are a number of proposed amendments to racing regulations coming up in the next meeting, including one which will address this request.

Commissioner Hill moved that the Commission approve the waiver of 205 CMR 3.12(7) for the 2024 racing season at the Plainridge Park Casino 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.
Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

7. Research and Responsible Gaming

a. FY25 Research Agenda (41:46)

Director Vander Linden introduced the FY25 gaming research agenda. He provided background on the Expanded Gaming Act, which established a role for research in understanding the social and economic impacts of gambling and mitigating its negative consequences in the Commonwealth. To support this effort, his division seeks the advice of the Gaming Policy Advisory Committee and the Commission to adopt the FY25 research agenda, which will comprehensively assess the impacts of gaming in the state.

Bonnie Andrews, Research Manager in the Research and Responsible Gaming Division ("Division"), provided an overview of ongoing and upcoming research efforts in the context of the FY25 research goals. She outlined several key initiatives. Additionally, Dr. Andrews mentioned that they are in the process of reviewing and funding some new research projects that are currently under consideration.

Commissioner Skinner inquired whether Dr. Andrews could elaborate on the studies under review. Dr. Andrews explained that the Division received a funding call for additional community engaged research-based projects. In turn, the Division posted a procurement request

seeking proposals for such types of research projects and received proposals which are currently under review.

Dr. Andrews continued by discussing the evaluation of the GameSense program, which involves a four-part assessment and is currently in its final stages. She additionally outlined two legislatively mandated studies related to sports wagering that are currently underway: a study on the feasibility and potential impact of allowing retail locations in the Commonwealth to operate sports wagering kiosks, and a study on diversity in the sports wagering industry. Dr. Andrews further stated that there will be a study on iGaming and public health, focusing on comparisons between participants in iGaming and those engaged in other forms of gaming. Additionally, she stated that the Division is collaborating with the Community Mitigation Fund to support research on gaming harm reduction.

Interim Chair Maynard inquired about the two legislatively required studies. Dr. Andrews confirmed that the kiosk study had been awarded to the Spectrum Gaming Group in collaboration with the Massachusetts Council on Gaming and Health and that a first draft of the report was expected to be under review in the spring. She stated the sports wagering diversity study was awarded to the Donahue Institute at UMASS. Dr. Andrews further stated that the Division is currently in the process of engaging in data collection related to that study with that report anticipated to be ready later in the summer or early fall.

Director Vander Linden further commented that the timing for these studies is on track with what the Division anticipated. Additionally, Director Vander Linden welcomed feedback on their proposed FY25 gaming research agenda and confirmed that the Division will continue to collaborate with the Finance Division to ensure sufficient funding for the research deliverables once there is an approved and final research agenda.

Director Vander Linden discussed the proposed FY25 gaming research agenda. He provided clarity on the agenda's objectives and their alignment with the legislative requirements in G.L. c. 23K and 23N. He stated that there is an opportunity for another an ad hoc study in the beginning of the FY25 fiscal year, which is an opportunity for the Commission to assess priorities and explore new research options. Director Vander Linden then presented some options to consider and emphasized the flexibility to explore additional priorities as they arise throughout the fiscal year.

Interim Chair Maynard inquired about the timing of feedback from the Commission. Director Vander Linden confirmed that they would be seeking Commissioner feedback in September on the options presented for the ad hoc study.

Director Vander Linden clarified for Commissioner Skinner that this is a proposed research agenda and that no action was requested of the Commission today.

Director Vander Linden further stated the Division brought this research agenda to the Gaming Research Advisory Committee, a non-statutory body, for feedback on ongoing research projects and advice on the upcoming research agenda. He indicated that another recommendation was for an evaluation of the Voluntary Self-Exclusion ("VSE") program, and although the Division did an evaluation of this program early on when PPC opened, it has not been revisited since sports wagering was added to the program.

Commissioner Skinner asked when the last evaluation of the VSE program was done. Director Vander Linden stated that he believes that the data was from 2015-2017 and reported in 2018. Commissioner Skinner expressed that it may be time to update. Director Vander Linden agreed.

Director Vander Linden concluded with stating that their research is really focused on mitigation of gambling related harms which is embedded in the Commission's mission as well as on informing the Commission's responsible gaming activities and other initiatives through the state in order to reduce gambling related harms.

b. Problem Gambling Awareness Month Update (1:18:15)

Long Bahn, Responsible Gaming Program Manager, provided a presentation on March's Problem Gambling Awareness Month (PGAM). He explained that this is a nationwide grassroots campaign that seeks to increase public awareness of gambling and the availability of prevention, treatment and recovery services and to encourage healthcare providers to screen clients for problem gambling. His presentation highlighted that the Commission contracted with Archipelago Strategies Group (ASG) to provide marketing strategies for GameSense to increase awareness and prevention, treatment, and recovery to sports fans.

Manager Bahn stated that on March 12, 2024, which is Gambling Disorder Screening Day, we partnered with Cambridge Health Alliance (CHA). He stated that GameSense advisors administered a Brief Biosocial Gambling Screen based upon the criteria for Gambling Disorder in the DSM-IV to the back of house staff at the three casino properties. He noted that 25% of the individuals who were screened tested positive, the majority of which were men between the ages of 26 and 40. He noted that this is a population that we need to actively target and make sure that they receive materials and information on problem gambling.

Commissioner Skinner inquired about follow up to people who screened positive. Manager Bahn replied that with the CHA partnership on the day of the screening, they were able to provide a list to connect those people with a recovery specialist or other provider. Director Vander Linden added that follow up connections, and support and resources for assistance were provided after the screening if participants wanted that help.

Interim Chair Maynard expressed gratitude to the Division for their work during Problem Gambling Awareness Month.

8. Legal

a. 205 CMR 15.00: Racing Meeting Licensing (1:39:35)

Judith Young, Associate General Counsel, presented the final draft of 205 CMR 15.00 for Commission review. Counsel Young stated that this came before the Commission once in October 2023 for initial review and discussion. She explained the regulation was filed by emergency in December 2023 and went through the requisite filing and promulgation process. Counsel Young further explained a public hearing was held on January 9, 2024, and no additional comments were provided to the Commission at that time. After the public hearing, the regulation was sent to the session clerk and filed for 60 days as required in G.L. c. 128A, § 9B. Counsel Young stated the regulation is now before the Commission for final review along with an Amended Small Business Impact Statement. She noted that there were no substantive changes to the regulation since its inception and original filing.

Mina S. Makarious, Outside Counsel from Anderson and Kreiger, explained that this regulation has gone through the full promulgation process, including the special steps required for racing. He stated that the non-substantive change that the Commissioners may notice is that it is now listed as 205 CMR 15, rather than 205 CMR 2, which was done based on a request from the Secretary of State's Office to comport with the organization of the Code of Massachusetts Regulations.

Attorney Makarious continued to outline the various sections of 205 CMR 15 pertaining to topics including application and fees, evaluation of application and decisions, and the Licensing Division's review of applications. He noted that 205 CMR 15.04, which covers suitability for licensure, was based upon the process in 205 CMR 215; however, given that the racing licensees apply every year for a license, the requirement for "preliminary suitability" was changed to an annual finding of temporary suitability. Attorney Makarious concluded by saying this should be the last step in the promulgation process.

Commissioner O'Brien commented that she would like confirmation that the timeline is workable for IEB regarding the date provided for applicants to submit materials for licensing.

Caitlin Monahan, Director of the Investigations and Enforcement Bureau (IEB), stated that the IEB and Legal Division worked closely together on this regulation and noted that the October 1st deadline for applications contained in the statute was included in the regulation. Director Monahan further noted that the IEB is more likely to complete their investigation by November 15th when applicants submit their materials by the stated deadline.

Commissioner O'Brien inquired whether there is any other way to incentivize people to submit early applications, so the Commission is not faced with a six (6) week window for IEB to complete suitability investigations and for the Commission to adjudicate. Director Monahan

stated that she thinks it is clear in the regulation that if the required materials are not filed, the investigations and review will not happen in that time period.

Counsel Young noted a previous Commission discussion on suitability materials for licensure during which it was stated that any applicant can request permission from the IEB and Licensing Divion to submit scoping surveys and other materials early.

Commission O'Brien responded by saying she is comfortable proceeding but that if this timeline was not "workable," she would be open to the idea of advancing the deadline on suitability documentation. She acknowledged that although the application and decision dates are set by statute, she would be open to having the Commission consider requiring that materials be submitted prior to October 1.

Interim Chair Maynard commented that Dr. Lightbown is on top of making sure that stakeholders are informed, and that the applicant has to be willing to engage with the Commission to ensure a timely decision. Dr. Lightbown confirmed that this regulation has been open for comment and before the Commission many times, and the organizations thought to be interested were all aware of the relevant deadlines. She stated that a letter was sent to the legislature about some possible statutory changes, including one regarding the deadlines of October 1 and November 15.

Commissioner Hill moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 15 as included in the Commissioners' packet and discussed here today, and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner O'Brien 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.

9. Legal and Sports Wagering Division

a. <u>Update from WynnBET on Cessation of Operations with respect to Settlement of Futures Wagers and Parlay Legs</u> (1:54:04)

Carrie Torrisi, Deputy General Counsel, provided an update on WynnBET's cessation of operations, which was previously approved on February 28, 2024. As part of the approved cessation plan, WynnBET identified any wagers or parlay legs that would not settle during their 30 day wind-down period, which was identified as the period of 30 days following the date they notified patrons that they were ceasing operations. At that time, the Commission also asked that

WynnBET return and provide an update on those settlements after the end of the 30 day wind-down period which concluded on March 12.

Jennifer Roberts, Vice President and General Counsel of WynnBET, provided an update. She stated that they have successfully settled 64 bets for 16 patrons, 5 of which were settled naturally as a loss because the selection did not meet the playoff contentions. The others were settled, and the checks are being distributed to the patrons.

Interim Chair Maynard asked if the settlement status is complete. Attorney Roberts said there are a few accounts that need to be reviewed with staff and that they did have to go through the unclaimed funds process but noted that as far as the futures wagers, those are complete.

Commissioner Skinner inquired as to the nature of the accounts that need to be reviewed by staff. Attorney Roberts confirmed that those are suspended accounts which have funds remaining. Commissioner Skinner inquired further whether outreach to these individuals had been conducted. Attorney Roberts responded those accounts were suspended for further investigations, which is not necessarily something they communicate to patrons because of certain activities related to the account suspension; however, the status of those accounts is being reviewed internally in order to be resolved.

Interim Chair Maynard expressed gratitude to the Legal Division and its partnership with WynnBET to make this process work. Attorney Roberts expressed similar sentiment about a pleasant experience working with Commission staff during this process.

10. Sports Wagering Division

a. Discussion on Sports Wagering Operator Wager Limitations (2:00:03)

Andrew Steffen, Sports Wagering Operations Manager, began the discussion of sports wagering operators placing wager limitations or wagering restrictions on their customers and whether operators are permitted to engage in this type of practice. He continued to state that the Sports Wagering Division conducted an extensive review of operators' house rules on this topic, including terms and conditions and internal controls, which was discussed with the Legal Division and lastly met with operators who provided further insight and additional information, providing a general overview of wager limitations.

Manager Steffen continued by defining a wager limit in sports betting as the maximum wager amount permitted for a particular event as determined by an operator and is determined on a per customer basis. Manager Steffen discussed two pertinent regulations, 205 CMR 247.02 and 205 CMR 247.08. He concluded by stating that operators are currently complying with Commission regulations after review of approved house rules, internal controls and terms and conditions.

Commissioner O'Brien stated that this seems like the beginning of the conversation because there appears to be a lot of discretion in the hands of the licensees and noted that there is a deeper issue in terms of the individual patrons, particularly in light of the public comments received where patrons are questioning the individual limits placed on them. She further stated she would like information on how the licensees determine who they limit. Lastly, she mentioned that she would be interested in seeing the responses from licensees to the query that went out from Senator Blumenthal this week regarding the topic.

Interim Chair Maynard stated that he thought this topic is ripe for a roundtable public discussion and also for a discussion in executive session to talk about what the operators do and their rationale. He further stated another concept he is interested in is fairness to the patron regarding their notification of wager limits.

Commissioner Skinner commented that she reviewed public comments received in July 2023 or before that on this topic, as well as the comments received over the past several days and opined this is about fundamental fairness and transparency to the consumer. She stated that notwithstanding the legitimate business decisions being made by sports wagering operators, there should be a way for patrons to really understand what actions might get them limited by an operator. She concluded by stating that perhaps there is a place that can be found in the middle where sports wagering operators are protected in terms of their business model and the consumer is protected.

Commissioner Hill expressed agreement with his fellow Commissioners and stated that he wants the public to understand that the Commission will take this matter seriously, and he agreed with the idea of a roundtable. He further stated he would like to have the operators present so that direct questions can be asked.

Interim Chair Maynard concluded with comments encouraging the scheduling of a roundtable discussion in the near future.

b. <u>Update on Status of Bally's Operational Plan</u> (2:16:32)

Crystal Beauchemin, Manager of the Sports Wagering Division, explained that the Sports Wagering Division as well as Commission staff met with Bally's' launch team at which they shared their project maps and timeline for the next couple months. She stated that a letter from the Commission which included a detailed list of what was needed for the certificate of operations was sent and noted that Bally's is in conversations with GLI as well. Manager Beauchemin confirmed a plan to meet with Bally's every two weeks to discuss any status updates and to identify any issues.

Commissioner O'Brien inquired whether there is a date or more concrete idea of when the operator will be up and running. Manager Beauchemin confirmed a timeline of in or around July.

Interim Chair Maynard, Commissioner Hill, and Commissioner Skinner each expressed that they would like Bally's representatives to appear before the Commission.

11. Commissioner Updates (2:20:54)

Interim Chair Maynard stated that Commissioner Hill will be representing the Commission at an event at TD Garden with the Attorney General, NCAA President Charlie Barker, Marlene Warner from the Massachusetts Council on Gaming and Health, and other stakeholders. He stated the event will address underage sports wagering.

12. Other Business (2:21:32)

Hearing no other business, Interim Chair Maynard requested a motion to adjourn. Commissioner O'Brien moved to adjourn. The motion was seconded by Commissioner Hill.

Roll call vote:

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

The motion passed unanimously, 4-0.

List of Documents and Other Items Used

- 1. Notice of Meeting and Agenda dated March 26, 2024
- 2. Commissioners' Packet from the March 28, 2024, meeting (posted on massgaming.com)



Massachusetts Gaming Commission Meeting Minutes

Date/Time: February 6, 2025, 9:30 a.m.

Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292 PARTICIPANT CODE: 111 832 4537

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 39th President of the United States, Jimmy Carter.

2. Meeting Minutes (00:35)

Commissioner Skinner moved that the Commission approve the minutes for the June 20, 2023, August 30, 2023, and June 17, 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.

Commissioner Skinner moved that the Commission approve the minutes for the November 21, 2024, December 5, 2024, and January 9, 2025, 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 noted one edit to the January 9, 2025, meeting minutes (on page 15) regarding the procedural posture taken in advance of the vote taken by Commissioners. Commissioner Skinner confirmed that the edit would be made to the meeting minutes prior to their finalization.

Commissioner O'Brien then 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.

3. Administrative Update (04:55)

a. Update on collaborative work underway with Department of Public Health

Executive Director Dean Serpa provided an update on collaborative projects underway between the Massachusetts Gaming Commission ("MGC") and the Department of Public Health ("DPH"), specifically the Commonwealth's Office of Problem Gambling Services. Executive Director Serpa stated that a Memorandum of Understanding ("MOU") between the MGC and the Executive Office of Health and Human Services, originally executed in July 2014 and renewed in August 2021, called for the two agencies to collaborate on initiatives of mutual interest in the area of problem gambling.

Executive Director Serpa reported that the Commission held meetings with DPH Executive Director Goldstein (June 5, 2024), DPH Assistant Commissioner Diop (June 7, 2024), and the Office of Problem Gambling Services Director Ortiz (October 2024) to discuss areas of mutual interest. Executive Director Serpa also provided a brief overview of some of the initiatives discussed by the Commission and DPH staff including, a study of existing disclaimer language in sports wagering advertising to ensure clarity, updating the problem gambling helpline website to provide clear instructions for enrolling in the voluntary self-exclusion program, providing a refresher training for Massachusetts Problem Gambling Helpline staff on the Voluntary Self-Exclusion ("VSE") program and enrollment processes, and creating a framework with the district

courts to deliver required problem gambling assessments to determine if individuals should be placed on the statewide mandatory exclusion list.

Executive Director Serpa noted that the biggest challenge was maintaining momentum on these initiatives due to competing priorities at both agencies. He emphasized the importance of the Commission communicating its top priorities for collaboration to the DPH.

Commissioner Skinner stated that she appreciated the transparency and the involvement of staff in these endeavors. Commissioner O'Brien stated that she appreciates the spirit of working together with DPH and other state agencies to move these issues forward.

Executive Director Serpa confirmed that the Commission would remain focused and steadfast in making progress.

b. Discussion Regarding Human Resources Department Staff Vacancy (15:18)

Executive Director Serpa stated that the Commission was preparing to post a hiring notice for Division Chief of the Human Resources Division. He explained that the position was a new job title, but it would be designated as a major policymaking position and subject to the MGC Hiring Policy 1.03.01. He outlined the policy to the Commissioners and also provided a list of positions within the Commission that were subject to the policy. He added that policy allowed for options such as the Chair designating one or two Commissioners to participate, the Commission's notification and review of the job posting, establishing notification requirements during the hiring process, or delegating the hiring process to staff with conditions.

A memorandum regarding the vacancy within the Human Resources Division, the full HR Policy regarding Hiring Authority, list of current Agency positions subject to the Policy, and the current job description for the Division Chief, Human Resources Division, was included in the meeting packet on pages 54 through 63.

Commissioner Brodeur stated he was comfortable with the job description within the meeting packet and noted his preference to delegate the hiring process to the Executive Director.

Commissioner Skinner noted that the positions title was being changed to Chief People and Diversity Officer to Chief Human Resources Officer. She expressed her comfort with that change, as it would be more consistent with the naming conventions of other Chief-level positions at the Commission. She noted for the record that revising the job title by removing the reference to diversity did not reflect a reduction in the Commission's expectations that that particular work be carried out. She noted that now more than ever the commitments made by the Commission to be intentional about DEI work and its operator's and licensee's DEI work remained strong – despite what is playing out at the federal level and across the country.

Commissioner Skinner also voiced her support in designating the Executive Director to develop the hiring process for the position, with the condition that at least one Commissioner serve on the hiring committee. She stated that she would be happy to serve on the Committee.

Commissioner O'Brien stated that she agreed with Commissioner Skinner on the condition of Commissioner participation and stated that Commissioner Skinner was an excellent choice. She also suggested that the education and experience requirement for the position be changed from 15 years of HR management experience to a lower range, such as 7 to 10 years. After a brief discussion, Commissioners reached consensus on this point and agreed to change the experience requirement to a range of 7 to 10 years.

Chair Maynard also noted his interest in joining the Hiring Committee with Commissioner Skinner and the Executive Director. Executive Director Serpa confirmed that he had the necessary information to post the job description and begin the candidate search.

4. <u>Legislative Update</u> (25:44)

Commissioner Brad Hill noted that he did not have a new legislative update to provide, as the previous update from the last public meeting was still current. Commissioner Hill sought feedback from his fellow Commissioners on whether they would consider directing staff to send another letter to the Massachusetts House of Representative leaders who were working on the upcoming budget. He stated that the letter would be similar to one sent a few months prior. He stated that the letter would aim to address four main issues:

- 1) Restoring funding for the Community Mitigation Fund, including an explanation of why this program is needed in the communities it serves;
- 2) Maintaining the current revenue stream for the Racehorse Development Fund, and requesting to utilize up to 10% of the fund for regulating the racing industry;
- 3) Maintaining funding for the Public Health Trust Fund; and
- 4) Amending Chapter 23N, the sports wagering statute, to allow the Commission to effectively regulate the industry by allowing operators to submit commercially sensitive and confidential documentation without it being open to the general public. This request would use the same language as in the previous letter.

Chair Maynard summated the presentation by Commissioner Hill and inquired whether the Commissioners were comfortable sending the letter to the Legislature. Commissioner O'Brien voiced her support for sending the letter. Chair Maynard noted his support for the letter but pointed out that there could be some pushback on taking money away from the purses to put funds towards the Commission's funding. He stated he would ultimately defer to the Legislature on how to deal with that issue and noted the Commission could provide them guidance as necessary. Commissioner Skinner voiced her agreement in support of the letter being drafted and sent.

Commissioner Hill thanked his fellow Commissioners, and stated he would work with Executive Director Serpa and staff to have the letter sent to the House leaders.

5. Discussion and Possible Adoption of Super Bowl Prop Wagers (28:58)

Commissioner Hill then transitioned into discussing the adoption of specific proposition wager ("Prop wagers"). He stated that this was an issue that had been taken up last year, and on a 3-2

vote, the Commission had decided to not allow Super Bowl prop wagers. A memorandum from the 2024 meeting regarding proposition wagers was included in the meeting packet on pages 64 through 65.

Commissioner Hill stated that after witnessing the previous year's coin toss, there did not appear to be any problems with betting integrity and that he had also looked into the issue in other jurisdictions. He then asked the Commissioners to discuss and consider offering wagers on the coin toss results, the coin toss winner, the coin toss winner wins game, and the coin toss call result, all of which had been voted on last year.

Commissioner O'Brien sought clarification whether the bets under consideration were not existing prop bets but were considered as an "other event" that would be added to the catalog. Chief of the Sports Wagering Division, Carrie Torrisi, confirmed that the wagers would be added under the "other event" category.

Commissioner O'Brien stated that she was a "nay" last year, and was still a nay this year, but thanked Commissioner Hill for bringing the issue forward so that they could have the conversation. She stated that she had spoken with Chief Torrisi in the weeks prior to the meeting and had learned that no operators had asked for the event to be added to the catalogue.

Commissioner Brodeur stated that he would support the motion if it came forward for a vote. He recognized that a certain segment of the betting market would be looking to make these kinds of wagers.

Commissioner Skinner expressed the sentiment that nothing had changed since the discussions that took place one year prior. She also noted that no operator had come forward to request or petition to authorize the event, despite being on the eve of the Super Bowl. Commissioner Skinner also inquired whether the proposal made in this way would qualify as an "other event", and noted there was no legal analysis or process to go through. She stated that she was reluctant to bypass the requirements placed on operators.

Deputy General Counsel, Justin Stempeck, responded that the decision last year was not based on a limitation within the authority of the Commission, rather that the Commission had the authority to add events to the catalog. He stated that legal counsel had recently reviewed existing regulations and statutes and concluded that the Commission had the authority to add events to the catalog if it chooses to do so.

Commissioner Skinner noted that last year, Commissioner Hill had acknowledged that the Commission previously decided that Commissioners could not independently bring a request for events to be added to the catalog. She asked for a legal interpretation on how to reconcile the previous year's outcome with the current discussion.

Deputy General Counsel Stempeck explained that the legal team had looked into the issue in the past few weeks and had discussions with the Commissioners. He confirmed that the legal team found a fundamental authority within the statute in the creation and modification of the catalog. Attorney Stempeck confirmed that legal counsel looked at prior discussions where this became a

question and determined that the Commission had not precluded itself from bringing forward these items to be considered for the catalog.

Commissioner O'Brien noted that the conundrum was that there was no regulation in place, and the lack of the regulation put the Commission in an unfortunate situation.

Chair Maynard stated his belief that a Commissioner should be able to add items to the catalog, and that the Commission had done this based on other jurisdictions' ability to amend their catalog without filling out formal forms.

Commissioner Skinner asked that the Sports Wagering team include statistics on the prop bets if the motion passed, as well as the tax revenue on the wagers if they were offered. Commissioner O'Brien agreed that it would be wise to review the revenue statistics.

Commissioner Hill moved that the Commission amend the official catalog of events and wagers to include the Super Bowl coin toss results, winner, winner wins game, and the coin toss call result. Commissioner Brodeur seconded the motion.

Commissioner O'Brien: Nay.
Commissioner Hill: Aye.
Commissioner Skinner: Nay.
Commissioner Brodeur: Aye.
Chair Maynard: Aye.
The motion passed 3-2.

6. Racing (53:55)

a. Plainridge Park Casino Request for Capital Improvement Fund Reimbursement (Paddock Renovations)

Director of Licensing and Chief Veterinarian, Dr. Alex Lightbown, introduced Racing Analyst Chad Bourque. Mr. Bourque introduced Steve O'Toole, General Manager of Plainridge Racing, and Bill Curry of Curry Construction Systems to provide more information on the paddock improvement project. A Memorandum and information regarding the Reimbursement Request was included in the meeting packet on pages 66 through 95.

Mr. Curry then gave a brief overview of the paddock renovation project. Mr. Curry stated that the project was exciting and that he was pleased with the results of the paddock upgrade.

Mr. Bourque stated that he had reviewed the request and all supporting documents, including invoices from the contractor, bank statements showing payments to the contractor, and a recommendation letter from Dixon Salo Architects. He noted that the request for consideration had been previously approved by the Commission on February 29, 2024. Mr. Bourque stated that he recommended the Commission approve the reimbursement request.

Commissioner Hill moved that the Commission approve the Plainridge Park Casino Capital Improvement Trust Fund request for reimbursement in the amount of \$906,362.94 for Paddock

Renovations, as included in the Commissioner's packet and discussed here 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.

Mr. O'Toole thanked the Commission and noted that they had received positive feedback on the renovations from horsemen and racing staff.

7. Sports Wagering Division (1:00:28)

 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 Torrisi, Chief of Sports Wagering Division, presented the waiver request. She stated that this item concerned a waiver request for four operators related to 205 CMR 248.04(4). The regulation requires operators to use identity authentication questions (also known as KBA) as part of their Know Your Customer ("KYC") process or to have alternative methods approved by the Commission. The Memorandum of Request for Temporary Waiver from 248.04(4) was included in the meeting packet on page 46.

Chief Torrisi reminded the commissioners that last month, they reviewed and approved FanDuel's alternative KYC methods after it was discovered that those methods had been previously approved by the Sports Wagering Division in error. She explained that the approval should have come to the Commission directly. Following that error, the Sports Wagering Division reviewed all operators, and discovered the same mistake was made with other operators. The Division had erroneously approved alternative KYC methods for Penn Sports Interactive (PSI), BetMGM, DraftKings, and Bally Bet, which should have been submitted to the Commission for approval.

Chief Torrisi requested a temporary waiver in order to bring these four operators into regulatory compliance while the Division worked to review their processes and schedule them for upcoming meetings with the Commission to formally approve their processes.

Torrisi noted that all of the alternative KYC processes currently in use are as strong, if not stronger, than KBA. She stated that she did not have concerns about issuing a temporary waiver to operators. She also highlighted that in the Division's memorandum, they requested a waiver until March 27, 2025 but it would be helpful if the waiver could be extended through April 30, 2025 to allow more time for review and scheduling.

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:

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

The motion passed unanimously, 5-0.

8. <u>Legal</u> (1:03:23)

 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 the Commission

Justin Stempeck, Deputy General Counsel, introduced the discussion regarding 205 CMR 238.12, which concerned the letter of credit regulation for sports wagering operators. Attorney Stempeck noted that the Commission had previously received informal operator feedback, and had a lengthy discussion on January 9, 2025 regarding the various options the Commissioners could take in regard to amending the regulation. Following that meeting, the Commission had requested an informal commentary from operators regarding the economic impact of securing a letter of credit to cover either liabilities or account balances. *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 54 through 47.*

Attorney Stempeck reported that most operators indicated that a letter of credit to cover account balances would be more costly than covering liabilities. He added that some operators noted that liabilities fluctuated significantly throughout the year and provided an example of liabilities being higher during the Super Bowl or March Madness. Attorney Stempeck reported that many operators raised concerns about the inflexibility of letters of credit, although they acknowledged that letters of credit offered the best protection in the event of bankruptcy. Attorney Stempeck mentioned that after discussions with CFAO Lennon, setting the letter of credit at 110% of the preceding year's account balances seemed reasonable. He noted that a definition of "sports wagering liability" was added to 205 CMR 238.01 for more clarity.

Attorney Stempeck outlined two options for the Commission. The Commission could maintain the existing regulation, which covers only the liabilities with a letter of credit and add the definition of "sports wagering liability" to 205 CMR 238.01. This means that patron wagers would be protected by a letter of credit and money in patron accounts 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.

The second option would require a revision to 205 CMR 238.12 to require letters of credit for sports wagering accounts (instead of liabilities), while still adding the "sports wagering liability" definition in 205 CMR 238.01. This would mean that the Commission would not require a letter of credit as backup for wagered funds, but only for funds not currently being wagered.

Commissioner Skinner stated that she was looking for more solid numbers from the operators in terms of the difference in cost between covering account balances versus liabilities, as she only got a general sentiment from comments that covering account balances would cost more.

Commissioner Skinner sought clarification if there were waivers currently in effect and where operators stood on their compliance with the existing regulation. Chief of the Sports Wagering Division, Carrie Torrisi, confirmed that there were waivers in effect for operators until June 1, 2025.

Commissioner Skinner expressed that she was not in favor of removing any of the requirements that were currently in place for operators including a letter of credit for liabilities. She noted however that as the Commission did not have enough information from operators regarding their firm preference for and fiscal significance of a letter of credit for liabilities over account balances. Commissioner Skinner stated that she was still in favor of requiring a letter of credit to cover the balances of accounts, not liabilities. Commissioner Skinner explained that funds that were wagered were already at risk of being lost based on the understanding that those funds could be lost on a losing wager, whereas the funds within a player account were expected to be safeguarded.

Commissioner O'Brien asked Attorney Stempeck to confirm that option two was the option that would require letters of credit only for Sports Wagering Accounts. Attorney Stempeck confirmed and reminded the Commission that the current discussion was only to start the promulgation process, which included a public comment period on the drafted regulation. Commissioner O'Brien stated she agreed with Commissioner Skinner's position.

Commissioner Hill stated his preference for the first option presented by Attorney Stempeck. Commissioner Brodeur stated that he understood the theoretical concern being addressed by option two, but was not convinced that the Commission should add that requirement at present.

Attorney Stempeck clarified that the motion he drafted also accounted for adding the definition of "sports wagering liability" to 205 CMR 238.01.

Commissioner O'Brien noted that she could support the first option presented along with the definition, and suggested separate regulations or warnings language to patrons regarding their account deposits not being secured in the same way as a bank account would be. Attorney Stempeck stated that he could work on Commissioner O'Brien's suggestion in a parallel path to the current regulation.

Commissioner Hill noted that it appeared that the Commission may not be ready to proceed with the regulation as proposed and may need more time to consider the options before it. Attorney Stempeck noted that a consensus for option one appeared to be developing and stated that a separate, and parallel track could be considered regarding warnings or language about account deposits not being secured like a bank or financial institution, as proposed by Commissioner O'Brien. Chair Maynard noted that this had been in discussion for quite some time and noted that it could be beneficial if the Commission could get started on something.

With that, Commissioner Hill moved that the Commission approve the relevant portion of the small business impact statement and the draft of 205 CMR 238.01 as included in the Commissioner's Packet and discussed here today, and further that staff be authorized to take the steps necessary to file the required documentation to begin the regulation promulgation process. The motion was seconded by Commissioner O'Brien.

Roll call vote:

Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Brodeur Aye.
Chair Mavnard: Ave.

The motion passed unanimously, 5-0.

<u>Recess</u> (1:23:23) Transcriber's note: The Commission took a short break, and resumed the meeting at 11:00a.m. EST. All five Commissioners were present after the break.

b. 2024 Administrative Appeals Summary (1:29:10)

Staff Attorney, Autumn Birarelli, presented a summary of the administrative appeals submitted to the Commission in calendar year 2024. *The presentation was included in the meeting packet on pages 106 through 114*. Attorney Birarelli stated that the regulation governing appeals was 205 CMR 101. She noted that 2024 was a record number of appeals, totaling 25, which was the highest number the Commission had ever received. All 25 appeals came in during the first ten months of the year, with no submissions in November or December of 2024. She highlighted that there were more horse racing appeals in 2024 than in the previous 5 years. Attorney Birarelli stated that after appeals were decided by a hearing officer, there were 7 appeals to the full Commission in 2024 - all related to IEB cases and not horse racing or Voluntary Self Exclusion ("VSE") matters. Of those 7 appeals, the IEB appealed 3 decisions, and the appellants appealed 4 of the hearing officer's decisions.

Commissioner Skinner asked if the appeals were responded to by email, and if so, what happened when an email was returned as undeliverable. Attorney Birarelli responded that the Clerk's office mostly corresponds by email and that she had not experienced receiving an undeliverable email, but if it were to happen, she would try to reach out by another means provided on their forms.

Commissioner Brodeur asked if the 7 appeals to the Commission were part of the 25 appeals she mentioned previously. Attorney Birarelli clarified that the 25 appeals were initial appeals to the hearing officers, and the 7 appeals to the Commission were a subsequent step for those who disagreed with a hearing officer's decision. She also clarified that the 7 appeals to the Commission were not all from the 25 appeals of 2024, as some decisions were continued into the following year based on timing.

Commissioner O'Brien and Chair Maynard both noted their appreciation for the overview and the perspective it gave on the work of Attorney Birarelli and Commission staff who served as clerks for these kinds of appeals.

Commissioner O'Brien asked if there was any known reason for the uptick in horse racing appeals. Attorney Birarelli deferred to the Director of Racing, Dr. Lightbown, who clarified that there was no particular reason, but that there were fewer active races in previous years due to COVID and the shutdown of thoroughbred racing in 2019, which accounted for fewer appeals in those years. She also added that of the horse racing appeals in 2024, only two resulted in a full hearing, with the others being dismissed or dropped by the appellant.

Attorney Birarelli thanked the Commissioners for their time and attention.

- 9. Investigations and Enforcement Bureau (1:44:05)
 - a. 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.

IEB Director Monahan introduced Zac Mercer, IEB Enforcement Counsel, to discuss the first two of the three noncompliance matters the IEB had brought forward for Commission review. Attorney Mercer presented the details of a noncompliance matter involving Penn Sports Interactive, a Temporary Category 3 Sports Wagering Operator. ("PSI"). A summary of the Noncompliance matter was included in the Commissioner's packet on page 115.

Attorney Mercer stated that PSI had 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. Attorney Mercer stated that PSI reported that the issue was due to a human error in which the marketing team failed to check the appropriate boxes to filter communications to patrons. PSI self-reported this to the Sports Wagering Division on April 5, 2024.

Commissioner O'Brien asked about measures taken by the Operator to prevent future errors. Attorney Mercer explained that PSI has implemented additional backend selections to target groups to act as a fail-safe should manual processes fail, a two-employee sign-off to confirm that

appropriate steps were taken to ensure appropriate filters were reset, and additional quality assurance checks.

Commissioner O'Brien asked if the Commission had heard from any of the 36 individuals who were erroneously contacted. Attorney Mercer stated that it was his understanding that PSI became aware of this due to a consumer complaint received from another jurisdiction, which led to an internal review and learning how this occurred, and who had received erroneous communications. Commissioner O'Brien stated that she would support sending this matter to the IEB for a recommendation to the Commission on a later date.

Commissioners reached consensus to send the matter back to the IEB for a recommendation.

b. 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 (1:48:51)

Attorney Mercer then presented an update on a noncompliance matter involving American Wagering Inc., d/b/a Caesars Sportsbook, a Category 3 Sports Wagering licensee. Attorney Mercer noted that discussion was a continuation from an initial presentation on April 30, 2024, regarding 205 CMR 248.04(4), which involves the use of identity authentication questions (KBA) in the KYC (Know Your Customer) process for sports wagering operators. The MGC requested that the IEB review the matter for potential non-compliance.

The IEB conducted a preliminary review, which was presented to the Commission on July 11th, 2024. The IEB presented a timeline of communications, summarized in the memo submitted to the Commission. Attorney Mercer explained that the IEB reviewed correspondence between the Sports Wagering Division and Caesars, and discerned the failure was the result of several concurrent issues. First, Caesar's partially relied upon its prior GLI certification which indicated it was compliant with the earlier wording of 205 CMR 248.04(4). Second, Caesar's interpreted the lack of a reply from the Sports Wagering Division to its June 8, 2023 email stating that it did not use KBA questions as confirmation that its reported process was compliant. Third, Caesar's belief that it was compliant was further reinforced by its internal position that the process that it had in place, which was explained to the Sports Wagering Division in its June 8th 2023 email, was superior to the standard KBA processes that were required. No representations were made by the Sports Wagering Division that Caesars' alternative process was compliant prior to the discovery of the non-compliance in January of 2024. Ceasars also communicated to the IEB that there was no attempt to disregard their requirements.

Commissioner O'Brien expressed her support for sending the matter back to the IEB for a recommendation. Commissioner Skinner noted that the Sports Wagering Division communicated the amendments to the regulation and included a link to the public meeting packet where the change was discussed in an email that went unresponded to by Caesars. She recognized that both sides bore some culpability in the error and agreed with Commissioner O'Brien's recommendation to send the matter back to the IEB for a recommendation.

Commissioners reached consensus to send the matter back to the IEB for review. Attorney Mercer thanked Commissioners and concluded this portion of the IEB's presentation.

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) (1:54:35)

Nate Kennedy, Enforcement Counsel for the IEB presented a briefing on a noncompliance matter involving American Wagering, Inc. d/b/a Caesars Sportsbook, a Category 3 Sports Wagering Operator. A summary of the Noncompliance matter was included in the Commissioner's packet on page 116.

Attorney Kennedy stated that Caesars offered wagers on "Tournament Total Red Cards" during the Union of European Football Association's Euro 2024 Tournament. Caesars accepted six wagers between June 27, 2024 and July 9, 2024, for a total stake of \$8,270. This was a violation of M.G.L. c.23N, § 3 and 205 CMR 247.01(2)(e) that states that operators cannot offer wagers on injuries, penalties, discipline, or replay review in the Commonwealth. Attorney Kennedy stated that the core reason for Caesars offering these wagers was not identified in their initial report, nor after a second request for clarification.

Caesars stated that they followed up with training for their head of training and offered further training and guidance to the trading team on following Massachusetts restrictions. Prior to opening up discussion, Attorney Kenney noted that a similar violation by BetMGM for wagers on penalty cards during soccer matches had been set for an adjudicatory hearing by the Commission in the past.

Commissioner O'Brien asked if the violation was self-reported or found out some other way. Attorney Kennedy stated that the Sports Wagering Division discovered the violation and reported it to Caesars. This was the same circumstance for the BetMGM violation. Commissioner O'Brien asked if, despite two inquiries, they could succinctly explain what caused the error. Attorney Kennedy stated that their email hadn't provided additional information. He clarified that their email stated the new market was mistakenly added on June 10th, but Caesars did not say how.

Commissioner O'Brien stated she was troubled by the fact that the Commission found the violation. She stated she was in favor of pursuing an adjudicatory hearing with BetMGM, as they had not received clarification from the operator on the cause of the error. Commissioner Skinner supported moving to an adjudicatory hearing as well.

The Chair and Commissioners reached consensus to pursue an adjudicatory hearing for this matter. Attorney Kennedy thanked Commissioners for their thoughts on the matter.

10. Commissioner Updates (1:59:31)

After inquiry from Chair Maynard, no Commissioner updates were noted.

11. Other Business (01:59:51)

Hearing no business, Chair Maynard requested a motion to adjourn.

Commissioner O'Brien moved to adjourn. 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. Meeting Adjourned.

List of Documents and Other Items Used

- 1. Notice of Meeting and Agenda dated February 4, 2025
- 2. Meeting Materials from the February 6, 2024 Meeting (posted on massgaming.com)



MEMORANDUM

To: Massachusetts Gaming Commission FROM: Chad Bourque, Financial Analyst

SUBJECT: Request for Consideration | Harness Horse Capital Improvement Trust Fund

DATE: March 05, 2025

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: 2025-01

Test Barn Paving

\$16,250.00

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_2025_01

Cdb





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

1. Date: 3/4/2025

2. Association: Plainville Gaming & Redevelopment, LLC

3. Project #: Plainridge HHCITF 2025-1

4. Project Description: Test Barn Paving

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: RF6

• Estimate / RFC \$16,250.00 - Currie Building Systems

Actual / RFR

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: Paving of the state test barn will bring the test barn flooring in conformation with the flooring throughout the entire paddock building that was completed last year. This request is related to the previous capitol trust fund project to renovate the existing Race Paddock Barn. A detailed description of the work to be performed by Currie Building Systems, Inc., is 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: 3/4/2025

By CFO: Date: 3/4/2025

12. Trustee Approval and Date:

March 3, 2025

Steve O'Toole Plainridge Park Casino 301 Washington Street Plainville, MA 02762

RE: Horse Paddock Pavement State Testing Area

Dear Steve,

We are pleased to submit our proposal in the amount of **SIXTEEN THOUSAND TWO HUNDRED FIFTY DOLLAORS (\$16,250.00)** to provide all labor, equipment and materials to complete bituminous asphalt pavement work in the State Testing Area of the existing horse paddock. The following is an outline of the proposed scope of work:

- Work area to include from the exterior overhead door to the interior double doors between the paddock and test area, between the stalls and office/wash bays
- Owner to remove existing rubber mats in work area prior to work commencement
- Remove 3" existing stone dust and gravel, create swale in center for water to drain towards exterior overhead door. Stockpile existing material on site at designated area
- Grade and compact existing gravel in preparation for new asphalt
- Install 3" bituminous asphalt to be flush with existing rubber mats at stalls and wash bays and flush with pavement on paddock side of double doors, extend asphalt through exterior overhead door opening
- Work to be performed no later than 4/1/25 before commencement of 2025 Racing Season

We assume all work to be performed during normal working hours Monday-Friday and we expect the work to be completed in 2 days. We are prepared to commence with the work as soon as authorized to proceed.

We greatly appreciate the opportunity to submit our proposal for this project and we look forward to working with you. Please advise if there are any questions.

Respectfully Submitted,

William T. Currie, Jr

President



Jesse G. Hilgenberg, Principal

March 4, 2025

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

RE: PLAINVILLE GAMING & REDEVELOPMENT, LLC., d/b/a PLAINRIDGE RACECOURSE

PROJECT PLAINRIDGE HHCITF 2025-1

TEST BARN PAVING - REQUEST FOR CONSIDERATION

Dear Mr. Bourque:

Attached, please find a copy of a Request for Consideration for Plainville Gaming & Redevelopment, LLC. to the Massachusetts Gaming Commission/Racing Division in the amount of \$16,250.00 for the Test Barn Paving project.

The proposed project consists of paving the state test barn to bring the test barn flooring in conformance with the flooring throughout the entire paddock building, completed last year. This request is related to the previous capital trust fund project to renovate the existing Race Paddock Barn.

Currie Building Systems, Inc., who are a Massachusetts Gaming Commission/Racing Division approved contractor, have been selected to assist Plainridge Racecourse in preparing supporting data for this Request. Currie Building Systems, Inc. have satisfactorily in the past completed numerous projects at Plainridge Racecourse.

Attached, please find the following supporting data for this request:

- 1. Plainridge Racecourse Project HHCITF 2025-1 Request for Consideration (1-page)
- 2. Currie Building Systems, Inc. outline of services and proposal in the amount of \$16,250.00 (1-page)

It is the opinion of this office that this project is an appropriate Capital Improvement Trust Fund Project, and the project fits the intent of the Harness Horse Capital Improvement Fund. We recommend that this Request for Consideration be approved by the Massachusetts Gaming Commission/Racing Division in the amount of \$16,250.00.

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

Very truly yours:

Tesse G Hilgenberg

Jesse Hilgenberg, President

AIA | NCARB

DIXON SALO ARCHITECTS, INC.



TO: Jordan Maynard, Chair

Eileen O'Brien, Commissioner Bradford Hill, Commissioner Nakisha Skinner, Commissioner Paul Brodeur, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Dean Serpa, Executive Director

Todd Grossman, General Counsel

DATE: March 11, 2025

RE: Distribution of 2023 Unclaimed Winnings from

Plainridge Racecourse, Sterling Suffolk Racecourse,

Raynham/Taunton/Massasoit Greyhound Association and Wonderland Greyhound Park

Dear Commissioners:

In Accordance with M.G.L. 128A (live racing) Section 5A and M.G.L. 128C (simulcasting) Section 3A, amounts from unclaimed tickets by a racing meeting licensee shall be distributed to the purse account of the licensee that generated those unclaimed tickets.

Plainridge Racecourse \$119,889.78 Sterling Suffolk Racecourse \$114,379.51

In accordance with Chapter 86 of the Acts of 2010, Section 14, subsection 18, amounts from unclaimed tickets by a greyhound meeting licensee shall be distributed to the Racing Stabilization Fund.

Raynham/Taunton/Massasoit Greyhound Association \$105,723.77

There were no unclaimed winnings for Wonderland Greyhound Park. Procedurally, we are requesting that once these funds have been submitted by the licensees and cleared MGC bank accounts, with your authorization, the Massachusetts Gaming Commission finance office will distribute these amounts to the appropriate licensees or Fund.





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: March 4, 2025

RE: Sports Wagering Noncompliance Matter

At the March 11, 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 Licensee, 2025-SWN-009: This matter relates to an unauthorized event being made available for wagering in contravention of G.L c. 23N § 3, 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog. The Operator offered an unapproved golf event for wagering, resulting in the placement of 15 wagers with a total stake of \$1,103.29.



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

Andrew Steffen, Sports Wagering Compliance and Operations Manager

Cristian Taveras, Gaming Technical Compliance Manager Kevin Gauvreau, Information and Network Security Manager

Date: March 5, 2025

Re: DraftKings and Penn Sports Interactive Request to Approve Alternate Methods of KYC

Pursuant to 205 CMR 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."

DraftKings uses a tiered approach to its KYC process which includes ID verification, ID upload with selfie verification, and the use of identity authentication questions in some, but not all, instances. Penn Sports Interactive (PSI) does not use identity authentication questions as part of its KYC process and instead uses an ID upload identify verification process which includes selfie verification. Both DraftKings and PSI will explain their processes to the Commission in further detail in executive session.

As neither DraftKings nor PSI use identity authentication questions in every KYC instance, their alternate methods of KYC must be approved by the Commission pursuant to 205 CMR 248.04(4).

PSI and DraftKings currently have waivers from 205 CMR 248.04(4) in place through April 30, 2025. The Sports Wagering and Gaming Technical Compliance Divisions recommend that the Commission approve both DraftKings and Penn Sports Interactive alternate methods of KYC pursuant to 205 CMR 248.04(4).

¹ These types of questions are commonly referred to as knowledge-based authentication (KBA) questions.



TO: Chair Jordan Maynard and Commissioners Eileen O'Brien,

Bradford Hill, Nakisha Skinner and Paul Brodeur

FROM: Community Affairs Division

CC: Dean Serpa, Executive Director

DATE: March 4, 2025

RE: FY 2026 Community Mitigation Fund Application Summary

As of January 31, 2025, the Community Affairs Division received 35 applications for the FY 2026 round of Community Mitigation Fund (CMF) Grants. Attached to this memo is a spreadsheet that shows the breakdown of applications received.

The total request for FY 2026 is \$24.4 million with approximately \$21.3 million from municipalities and \$3.1 million from regional agencies. Waiver requests totaled just over \$5 million. 26 of the 28 eligible communities submitted applications with Saugus and Ludlow not submitting applications.

The City of Melrose's application was received by staff late, at 3:00 AM on February 1, 2025. The Guidelines dictate that all applications be received by 11:59 on January 31. Subsequent conversations with Melrose indicated that they were having difficulty uploading their application. Staff recommends that the Commission accept this application for review.

In FY 2025, the Commission awarded approximately \$18.3 million in grants to communities and regional agencies.

Future CMF Budget

The Community Mitigation Fund has not received any funding from Casino revenues for FY 2025. All funds currently in the account were rolled over from prior years. As of today, the proposed FY 2026 state budget does not propose additional funding for the CMF.

While there will not be certainty regarding the state budget for several months, we ran a few scenarios if the current budget proposal were to pass. According to an analysis done by the Finance Department, there is currently \$27.8 million available in the CMF. If the entire \$24.4 million request were awarded, there would be \$3.4 million available for FY 2027. If waivers were not granted and \$19.4 million was awarded, there would be \$8.4 million available for FY 2027.

Once we have a better understanding regarding the State Budget proposals, the Commission may need to make some decisions to guide staff review of the applications. Because of this uncertainty, Community Affairs staff is proposing to delay any final grant decisions until after all grants have been reviewed by staff and brought before the Commission. Over the past few years, we have brought grants to the Commission for approval over several meetings. Given the current uncertainties, we may need to compress all the approvals into a couple of meetings towards the end of the review cycle. The Commission may want to consider having specific meetings for CMF approvals.

FY 2026 COMMUNITY MITIGATION FUND APPLICATION SUMMARY

Request by Type	
Municipal Grant Applications	\$21,286,314
Regional Grant Applications	\$3,127,438
Total Request	\$24,413,752

	FY25 Approved Spending	
Total Award		\$18,300,000

Request by Region			
Region A	\$14,391,333		
Category 2	\$2,559,196		
Region B	\$7,463,224		
Total Request	\$24,413,752		

FY26 CMF Municipal Application Summary							
	Applicant	Applicant FY26 Total Requests MGC Proposed Grant Amount					
	Everett	\$3,098,478	\$2,862,000	\$236,478			
	Boston	\$2,607,000	\$2,607,000	\$0			
	Cambridge	\$1,346,300	\$700,000	\$646,300			
	Chelsea	\$1,027,000	\$1,027,700	-\$700			
	Lynn	\$200,000	\$200,000	\$0			
Region A	Malden	\$882,335	\$882,800	-\$465			
	Medford	\$1,648,400	\$1,048,400	\$600,000			
	Melrose	\$200,000	\$200,000	\$0			
	Revere	\$862,000	\$662,100	\$199,900			
	Somerville	\$1,110,000	\$1,110,000	\$0			
	Saugus (No Application)		\$200,000	-\$200,000			
	Region A Totals	\$12,981,513	\$11,300,000	\$1,481,513			
	Applicant	FY26 Total Requests	MGC Proposed Grant Amount	Change from MGC Proposed Amount			
	Attelboro	\$49,866	\$60,700	-\$10,834			
	Foxborough	\$161,300	\$64,500	\$96,800			
	Mansfield	\$147,680	\$63,000	\$84,680			
Category 2	North Attleborough	\$1,572,350	\$81,700	\$1,490,650			
	Plainville	\$153,300	\$153,300	\$0			
	Wrentham	\$239,700	\$76,800	\$162,900			
	Category 2 Totals	\$2,324,196	\$500,000	\$1,824,196			
	Applicant	FY26 Total Requests	MGC Proposed Grant Amount	Change from MGC Proposed Amount			
	Springfield	\$2,903,700	\$1,403,700	\$1,500,000			
	Agawam	\$785,465	\$357,400	\$428,065			
	Chicopee	\$341,100	\$341,100	\$0			
	Holyoke	\$294,000	\$294,000	\$0			
	East Longmeadow	\$350,240	\$352,000	-\$1,760			
Region B	Hampden	\$75,000	\$75,000	\$0			
	Longmeadow	\$324,000	\$324,800	-\$800			
	Ludlow (No Application)		\$244,900	-\$244,900			
	Northhampton	\$75,000	\$75,000	\$0			
	West Springfield	\$518,300	\$518,300	\$0 \$0			
	Wilbraham	\$313,800	\$313,800	\$0 \$0			
	Region B Totals	\$5,980,605	\$4,300,000	\$1,680,605			

	FY26 CMF Regional Application Summary				
	Applicant	FY26 Total Requests	Target Award Amount	Change from Target Award Amount	
Region A	Attorney General	\$259,824	N/A	\$259,824	
	MassHire Metro North Workforce Board	\$750,000	\$750,000	\$0	
	Metropolitan Area Planning Council	\$300,000	\$250,000	\$50,000	
	Suffolk County District Attorney	\$99,995	\$100,000	-\$5	
	Region A Total	\$1,409,819		\$309,819	
Category 2	Southeastern Regional Planning & Economic Development	\$235,000	\$250,000	-\$15,000	
	Category 2 Total	\$235,000		-\$15,000	
Region B	Hampden County Sheriff's Department	\$400,000	N/A	\$400,000	
	Hampden District Attorney	\$75,000	\$100,000	-\$25,000	
	Holyoke Community College	\$807,619	\$750,000	\$57,619	
	PVPC	\$200,000	\$250,000	-\$50,000	
	Region B Total	\$1,482,619	N/A	\$382,619	

Q4 2024 Report Massachusetts Gaming Commission

March 11, 2025



Revenue, Taxes, Lottery & Spend Update

MGM Springfield Q4 2024

Q4 2024 Gaming Revenue & Taxes

Month	Gaming Revenue	MA Taxes
October	\$22,113,186	\$5,528,296
November	\$23,106,716	\$5,776,679
December	\$22,691,993	\$5,672,998
Total	\$67,911,894	\$16,977,973

2024 YOY Gaming Revenue & Taxes

Year	Quarter	Table Games Revenue	Slots Gaming Revenue	Total Gaming Revenue	MA Taxes
	Q1	\$14,087,437	\$56,103,441	\$70,190,878	\$17,547,719
	Q2	\$14,999,105	\$54,294,938	\$69,294,043	\$17,323,511
2023	Q3	\$14,363,678	\$53,539,764	\$67,903,443	\$16,975,861
	Q4	\$13,237,327	\$53,403,080	\$66,640,406	\$16,660,102
	Total	\$56,687,547	\$217,341,223	\$274,028,770	\$68,507,192
	Q1	\$13,966,721	\$54,936,465	\$68,933,186	\$17,233,296
	Q2	\$12,978,593	\$54,139,847	\$67,118,440	\$16,779,610
2024	Q3	\$14,226,647	\$53,918,082	\$68,184,729	\$17,046,182
	Q4	\$12,788,884	\$55,123,010	\$67,911,894	\$16,977,973
	Total	\$54,030,844	\$218,117,404	\$272,148,248	\$68,037,062

Q4 2024 Sports Wagering Revenue





Month	Taxable Revenue	Taxes
October	\$5,286	\$793
November	\$208	\$31
December	(\$30,448)	\$0
Total	(\$24,955)	\$824

Month	Taxable Revenue	Taxes
October	\$3,581,255	\$716,251
November	\$5,007,584	\$1,001,516
December	\$4,042,288	\$808,457
Total	\$12,631,127	\$2,526,224

Q4 2024 Lottery

Month	Lottery Sales	% Change from Previous Year
October	\$120,158	16%
November	\$201,177	88%
December	\$140,598	(4%)
Total	\$461,933	29%

2024 YOY Lottery Sales

Year	Quarter	Lottery Sales	% Change from Previous Year
	Q1	\$356,136	-
	Q2	\$394,262	-
2023	Q3	\$372,821	-
	Q4	\$357,359	-
	Total	\$1,480,577	-
	Q1	\$414,543	16%
	Q2	\$347,063	(12%)
2024	Q3	\$410,768	10%
	Q4	\$461,933	29%
	Total	\$1,634,307	10%

Q4 2024 Diversity Spend

Diversity Category	Annual Goal	Q4%	Q4 Spend
MBE Vendor Spend	10%	9%	\$590,437
VBE Vendor Spend	2%	4%	\$241,003
WBE Vendor Spend	15%	13%	\$882,494
Total	27%	25%	\$1,713,934

2024 Local Spend

Diversity Category	Q4%	Q4 \$		
Local* Vendor Spend	44%	\$2,926,195		
MA Vendor Spend	54%	\$3,603,570		

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

^{*}Local Vendor Spend includes Springfield, Surrounding Communities and Western Massachusetts.

Compliance

MGM Springfield Q4 2024

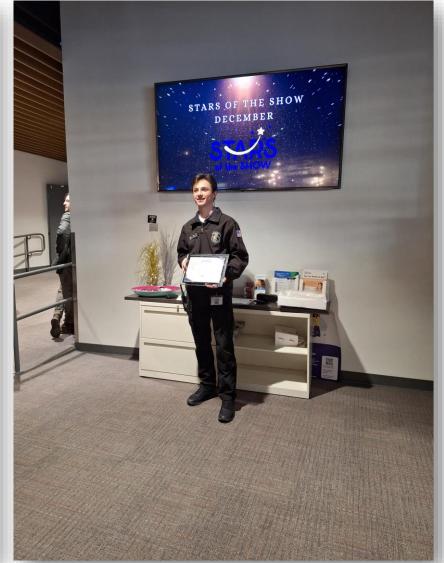
Q4 2024 Compliance

Month	Minors intercepted in Gaming Area and prevented from Gaming	Compared to 2023	# Change	Minors intercepted gaming	Compared to 2023	# Change	Minors intercepted consuming alcohol	Compared to 2023	# Change
Oct	6	18	-12	1	2	-1	0	1	-1
Nov	12	17	-5	2	3	-1	0	0	0
Dec	12	24	-12	2	6	-4	1	1	0

- Longest time in Gaming Area 1 hour 35 minutes
- Shortest time in Gaming area 32 seconds
- 5 underage were under 18 years old, the remaining 25 across the quarter, were between the ages of 18 20.

Q4 2024 Compliance





Employment

MGM Springfield Q4 2024

2024 Employment Numbers

2024	Goals	Q1 2024 %	Q1 2024 Total # of Employees	Q2 2024 %	Q2 2024 Total # of Employees	Q3 2024 %	Q3 2024 Total # of Employees	Q4 2024 %	Q4 2024 Total # of Employees
Minority	50%	50%	758	52%	803	53%	810	53%	824
Veteran	2%	4%	65	4%	64	5%	69	4%	67
Women	50%	41%	613	41%	630	42%	638	41%	641
Springfield Residents	35%	38%	567	38%	592	39%	594	38%	588
Western MA Residents	-	76%	1,149	76%	1,170	76%	1,166	75%	1,168
MA Residents	-	78%	1,168	78%	1,195	77%	1,190	77%	1,196
Total # Of Gaming Establishment Employees*	-		1,505		1,541		1,539		1,562
Full Time	-		979		1,006		999		988
Part Time	-		287		306		309		328
On Call	-		239		234		231		246

[•] MGM Springfield Sportsbook currently employs 13 team members.

Q4 2024 Workforce & Hiring Initiatives

- Property Tours & Career Presentations:
 - Holyoke Community College -Culinary Arts
 Programs
- Career Fairs
 - Creative Initiatives
 - Springfield Technical Comm College Veterans
 - MassHire Job Expo
- Workforce Development
 - Hampden County Sheriff's Department
 Culinary Program
 - Delta Sigma Pi
 - UMass Amherst Casino Management class
 - Wayfinders









Community Outreach & Special Events

MGM Springfield Q4 2024

Q4 2024 Community Outreach & Special Events



Gray House Winter Essentials Donation



Food Bank of Western Mass





"Give Back" Award



Loaves & Fishes



Rays of Hope Walk to Cure Cancer

Q4 2024 Community Outreach & Special Events



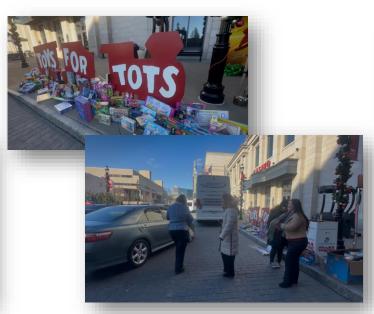
O720

Veterans Day Volunteer Event

Mayflower Marathon



YMCA Holiday Event & Donation



Toys For Tots



Tree Lighting & Ice Rink

Q4 2024 Special Events with a Twist







MGM Springfield back open after fire in ductwork

Part of MGM Springfield was closed on Saturday because of a fire. According to Fire Commissioner BJ Calvi, the fire began on the casino's roof in its...

Nov 10, 2024



Fire at MGM restaurant forces evacuation

At approximately 5:39...

Nov 9, 2024

Casino.org

MGM Springfield Casino Evacuated Following Weekend Blaze

Massachusetts' MGM Springfield casino was evacuated after a fire broke out Saturday that was linked to a restaurant at the gaming property.

Nov 10, 2024



Duct fire forces evacuation of MGM casino

Springfield firefighters evacuated the MGM casino Saturday evening after a fire in ductwork set off alarms and filled the upper floors of the building with...

Nov 9, 2024

Western Mass News

MGM Springfield announces re-opening of Chandler Steakhouse following weekend fire

Chandler Steakhouse..

Nov 14, 2024















Entertainment

MGM Springfield Q4 2024

Q4 Entertainment at MassMutual Center













Upcoming Entertainment at MassMutual Center













Q4 Entertainment at MGM Springfield & Symphony Hall













Upcoming Entertainment at MGM Springfield











Q4 2024 Special Events

