

NOTICE OF MEETING AND AGENDA

Pursuant to the Massachusetts Open Meeting Law (G.L. c. 30A, §§ 18-25), and St. 2025, c. 2, notice is hereby given of a public meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

Thursday | April 24, 2025 | 10:00 a.m. VIA REMOTE ACCESS: 1-646-741-5292 MEETING ID/ PARTICIPANT CODE: 111 367 6497 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 - #552

1. Call to Order - Jordan Maynard, Chair

2. Meeting Minutes

a.	January 10, 2023	VOTE
b.	July 16, 2024	VOTE
c.	October 3, 2024	VOTE
d.	March 27, 2025	VOTE

- 3. Legislative Update Commissioner Brad Hill
 - a. Overview of House Ways and Means FY26 Budget
- 4. Administrative Update Dean Serpa, Executive Director
- 5. Discussion of Process for Annual Review of Executive Director All Commissioners

Massachusetts Gaming Commission 101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com

- 6. Investigations and Enforcement Bureau Caitlin Monahan, Director of Investigations and Enforcement Bureau
 - a. Encore Boston Harbor's Request for Service Registration Exemptions David MacKay, Licensing Manager **VOTE**
- 7. Research and Responsible Gaming Mark Vander Linden, Director of Research and Responsible Gaming
 - a. Voluntary Self Exclusion Program Update
 - b. GameSense Quarterly Report
- 8. Commissioner Updates
- 9. 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 <u>www.massgaming.com</u> and emailed to <u>regs@sec.state.ma.us</u>. <u>Posted to Website</u>: April 22, 2025 | 10:00 a.m. EST

April 22, 2025

Jordan M. Maynard, Chain

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



Massachusetts Gaming Commission 101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



Massachusetts Gaming Commission Meeting Minutes

Date/Time:January 10, 2023, 10:00 a.m.Place:Massachusetts Gaming CommissionVIA 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. <u>Call to Order</u> (00:00)

Chair Judd-Stein called to order the 421st Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. Evaluation Process (01:15)

Chair Judd-Stein stated that the Commission would evaluate the category three sports wagering license application submitted by Betr Holdings, Inc. d/b/a Betr ("Betr") in this meeting.

a. <u>Presentation of application and demonstration of technology and user experience by</u> <u>each applicant for a Category 3 untethered sports wagering operator license in accordance</u> <u>with 205 CMR 218.06(3)</u> (01:53) Betr's Head of Legal and Business Affairs, Ashwin Krishnan, introduced Betr's Founder and CEO, Joey Levy, Betr's Founder and President, Jake Paul, Betr's Head of Gaming, Alex Ursa, Betr's Head of Media, Mike Denevi, Betr's Head of Finance, Adrian Figueroa, Betr's Brand Strategy and Partnership Lead, Elizabeth Lodge, Betr's Compliance Manager, Robert Warren, and Betr's Business Operations Lead, Victor Pires. Mr. Krishnan noted there were some portions of the presentation that were confidential and requested that those topics be discussed in executive session.

Mr. Levy presented details regarding Betr's founding and history with sports wagering. Mr. Paul provided an overview of Betr's sports media branch, Betr Media, and discussed the experience of Betr's staff. Mr. Levy stated that Betr offered wagering on football, basketball, and baseball. He stated that Betr focused on live betting and the user experience. Mr. Ursa provided an overview of Betr's technical standards and features.

Mr. Levy stated that Betr was interested in long-term growth, and that problem gambling was unsustainable. He explained that Betr proactively banned credit card deposits and placed automatic limits on wagers and deposits for users under the age of 25.

Mr. Denevi explained that Betr included responsible gaming messaging on every advertisement and included responsible gaming language on all social media bios. Mr. Ursa explained that Betr offered responsible gaming features including deposit limits, wager limits, time limits, 15-minute reality checks, cool-off periods, and self-exclusion.

Mr. Warren stated that all Betr platforms required users to be 21 years of age or older. He stated that Betr was working with responsible gaming advisors and consultants. He noted that Betr had met with the Massachusetts Council on Gaming and Health to discuss incorporating the GameSense framework into Betr's platform. He stated that all of Betr's employees received responsible gaming training and annual refresher trainings. Mr. Krishnan stated that Betr formed a compliance committee for independent oversight.

Mr. Denevi explained that Betr offered an intuitive interface and user experience. He stated that Betr wanted to develop long-term community engagement in Massachusetts. He stated that Massachusetts was a strong candidate for a satellite office. Mr. Paul expressed an interest in having his Boxing Bullies Foundation partner with a Boston gym.

Ms. Lodge stated that Betr would partner with local venues and businesses to provide events. Mr. Krishnan stated Betr would partner with local colleges to offer internships and professional development opportunities. Mr. Denevi stated that Betr planned to collaborate with the Massachusetts Lottery to provide unique offerings and cross-promotional opportunities.

Mr. Krishnan stated that across their organization, more than 55% of Betr's full-time employees were racial, ethnic, or gender minorities. He stated that 41% of the full-time employees were racial and ethnic minorities and that 19% of the full-time employees were gender minorities. He

explained that Betr planned to partner with diversity, equity, and inclusion ("DEI") organizations. He explained that Betr was identifying its diverse vendors and was committed to 30% diverse spend by end-of-year 2024.

Mr. Denevi explained that Betr intended to use its internal media company to create sports and sports wagering focused content. He noted that Betr would include responsible gaming language in all marketing.

Mr. Ursa provided a product demonstration of Betr's platform. Commissioner Skinner asked if individuals under the age of twenty-one could create an account before age verification. Mr. Ursa stated that accounts could be made, but that the user would have to pass age verification in order to deposit or wager. He noted that this was in-line with common industry practices. Commissioner Skinner asked if Betr would be willing to adjust practices in order to be licensed in Massachusetts. Mr. Ursa stated that age verification could be changed to flow continuously during the account creation process.

Commissioner Hill asked if the in-play bet odds changed in real time. Mr. Ursa stated that there were a lot of factors in the pricing and that odds changed every play. Commissioner Skinner asked if Betr used traditional trading services. Mr. Ursa explained that Betr utilized SimpleBet as its trading partner.

b. <u>Presentations and Analysis Relevant to review and evaluation of Application for each</u> <u>Category 3 untethered sports wagering operator license:</u> (1:31:04)

i. <u>Technical Components</u> (1:31:58)

Gabe Benedik, Client Solutions Executive 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.

Chair Judd-Stein asked if GLI was familiar with SimpleBet. Joe Bunevith, Vice President of Government Relations and Regulatory Affairs from GLI, explained that both Betr and SimpleBet had been tested based on the GLI-33 standard.

ii. Report on suitability of the Applicant (1:39:07)

Senior Enforcement Counsel Kathleen Kramer discussed the Investigation and Enforcement Bureau's ("IEB") report on the preliminary suitability of Betr. She noted that the Licensing Division identified one entity qualifier and two individual qualifiers. She stated that there were no deficiencies in Betr's submissions. The Commission agreed to hold questions related to suitability until the discussion of Section G of the application.

iii. Financial and Economic Impact Analysis (1:43:10)

Connor Loughlin, Finance Consultant from RSM US LLP ("RSM"), presented on the financial projection estimates provided by Betr, 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.

Mr. Loughlin noted that Betr did not have active sportsbooks at the time of its application. He explained that the scope of operations and data provided by Betr were extremely limited. He stated that the information provided by Betr included competitively sensitive data that would be better addressed in an executive session.

Chair Judd-Stein asked if RSM analyzed Betr's free-to-play platform launched in 48 states. Mr. Loughlin stated that RSM limited its analysis to what was included in Betr's application, and that RSM did not look into the free-to-play platform.

Commissioner Hill sought clarification regarding in-game betting and how it could affect revenue. Mr. Loughlin explained that odds around in-game betting were wild, and that it was hard to ascertain how that type of bet would perform. He noted that all major sports wagering operators were providing similar bets, and that in-game betting seemed popular.

c. <u>Review and evaluation of each Application for a Category 3 untethered sports</u> wagering operator license as submitted by Betr Holdings, Inc. in accordance with 205 <u>CMR 218.00 including</u>, but not limited to consideration of the following <u>criteria:</u>(2:31:31)

Chair Judd-Stein noted that the Commission would review Betr's application at this meeting, and that there would be a holistic review of each category three application during the meetings on January 18, 2023 and January 19, 2023.

i. Experience and Expertise related to Sports Wagering (205 CMR 218.06(5)(a)) (2:34:31)

Commissioner Skinner noted that there was overlap in ownership interest between SimpleBet and Betr. She inquired as to what assurances were in place to maintain the integrity of both entities. Mr. Levy noted that while he was a shareholder for SimpleBet, he was only a fiduciary for Betr.

Commissioner Skinner asked if individuals on Betr's board of directors served on SimpleBet's board. Mr. Levy stated that there were mutual board members. Commissioner Skinner asked if

there was a structure to identify conflicts. Mr. Krishnan stated that Betr's board of directors charter established that any negotiations between the companies would be handled by independent board members.

Chair Judd-Stein asked what set Betr's micro-betting apart from other operators offering in-play betting. Mr. Levy stated that micro-betting allowed players to bet on discrete moments such as plays and drives. He stated that Betr's goal was to enhance to consumption of sports.

Commissioner Maynard asked if there were challenges related to broadcast latency. Mr. Levy stated that users were presented with enough match data without latency. He stated that there was a future opportunity to offer live sports media in the Betr platform.

Commissioner O'Brien asked how the launch of Betr's platform went in Ohio. Mr. Ursa stated that Betr had a soft launch in Ohio to address any issues before turning on payments. He stated that Betr planned to launch its application in Ohio by end of day.

Chair Judd-Stein asked if Betr planned to use the data from its free-to-play platform in Massachusetts. Mr. Levy stated that the free-to-play platform had 120,000 downloads. He stated that the product was used to register and onboard users as Betr's sports wagering application expanded into more jurisdictions. He explained that the platform was not used for business analysis.

Commissioner Hill inquired about customer service availability. Mr. Ursa stated that customer service was available 24/7. He stated that customer service was by email during the soft launch and would transition to being live chats once the platform was live. Commissioner O'Brien asked if there was a phone number to call if a player lost control of an account. Mr. Ursa stated that engaging with customer service would result in a callback. Commissioner O'Brien asked if customer service would be offered in other languages. Mr. Ursa stated that other languages were not planned and noted that multiple customer service agents were fluent in Spanish.

Commissioner Skinner inquired about the size of Betr's workforce and customer service department. Mr. Krishnan explained that Betr had 27 full-time employees and 6 customer service employees. Commissioner Hill expressed concern about customers not being able to access a live customer service representative. Mr. Ursa stated that Betr planned to expand its customer service team.

The Commission reached a consensus that Betr 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)) (3:03:49)

Commissioner Maynard commended Betr's response regarding collaborating with the Massachusetts Lottery. Commissioner O'Brien noted that responses regarding projected revenue were vague, and that she expected to receive more details in executive session.

Commissioner O'Brien noted that Betr had a letter of intent planning to partner with Massachusetts universities. She stated that she also hoped to see more targeted partnerships with underprivileged communities. Mr. Krishnan stated that the letter of intent was to show Betr's commitment to Massachusetts, and that Betr would continue to partner with additional groups. Commissioner Skinner echoed Commissioner O'Brien's sentiments and stated that she was looking forward to developments in this area.

Commissioner Hill noted that employment opportunities in Massachusetts seemed to be for Betr Media more than Betr Gaming. Ms. Lodge stated that near-term events were focused on launch activation and media opportunities. She stated that Betr looked to partner with subject matter experts in Massachusetts.

Commissioner Maynard sought further details regarding the Boxing Bullies Foundation. Mr. Paul stated that the Boxing Bullies Foundation had three full-time employees. He stated that the foundation identified gyms in lower income areas with a boxing interest and renovated those gyms. He stated that boxing gloves were provided, and that an outreach program allowed kids to come to the gym for free. He stated that the Foundation hosted in-person events and sponsored kids entering amateur boxing tournaments.

The Commission expressed concerns about Mr. Paul being an athlete in a league that wagers may be approved on and being partnered with the Professional Fighters League ("PFL"). Mr. Ursa stated that Betr did not plan to offer wagering on combat sports or any other event promoted by Mr. Paul. Commissioner O'Brien asked if there were guidelines from the MMA leagues and players associations regarding conflicts of interest. Mr. Krishnan stated that the leagues had conflicts of interest guidelines and reiterated that Betr would not offer wagering on those leagues.

Commissioner Hill asked if Mr. Paul was partnered with PFL when Betr was granted its Ohio license. Mr. Paul stated that the partnership existed but was not publicly announced. He stated that other fighters promote sports wagering operators and that it is a frequent practice in the league. The Commission briefly discussed the ability the Commission will have to regulate the sports and/or wagering categories available for wagering and ensure that only approved sports or categories will be permitted.

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

iii. <u>Applicant's willingness to foster racial, ethnic, and gender diversity, equity,</u> and inclusion (205 CMR 218.06(5)(d)) (3:44:40) Commissioner Maynard commended Betr for its diversity spending goal. Commissioner Skinner agreed and requested that Betr provide its current total spending to put the goals in context. Commissioner Skinner stated that she was satisfied with Betr's diversity numbers. She requested that Betr provide narrowed down statistics regarding LGBTQ+ employees, disabled employees, and veteran employees. Mr. Krishnan stated that Betr would supply that information.

Chair Judd-Stein noted that 75% of Betr's partners were small businesses and stated that there was an opportunity for partnership with Massachusetts small businesses.

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

iv. <u>Proposed measures related to responsible gaming (205 CMR 218.06(5)(c))</u> (3:50:26)

Commissioner O'Brien expressed concerns regarding Betr's sports wagering branch and media branch being intertwined. She stated that Mr. Paul's large social media following raised concerns about audience and demographics. She requested a demographic breakdown of Mr. Paul's and Betr's social media followings. Mr. Krishnan stated that this was internal proprietary data suitable for executive session. Mr. Denevi stated that the majority of Betr's and Mr. Paul's followers were over the age of 21.

Commissioner O'Brien asked if there was a team that would conduct a responsible gaming review of Betr's social media posts. Mr. Denevi stated that all media content contained responsible gaming messaging. He stated that the media team had guidelines it followed, and that all posts were reviewed. Mr. Warren stated that the compliance team also conducted checks to ensure all media posts met responsible gaming standards.

Chair Judd-Stein expressed the expectation that all operators would have a close audit of their social media posts. She inquired about Betr's compliance structure. Mr. Warren stated that the compliance department collaborated with the social team for media guidelines. He stated that the social team follows these guidelines and completes responsible gaming training. He stated that the compliance team then conducts independent reviews.

Commissioner O'Brien asked if Betr's responsible gaming plan was approved by the board. Mr. Krishnan stated that Betr's responsible gaming plan was submitted in Ohio, and that Betr was ensuring that the plan met any additional Massachusetts expectations before submitting the responsible gaming plan to the Commission.

Commissioner Skinner asked if marketing could create gateways to expand wagering practices beyond micro-betting. Mr. Ursa stated that Betr was focused on in-game play. He stated that Betr encouraged responsible play.

Commissioner Skinner stated that individuals under the age of 21 creating accounts seemed to be an area of vulnerability. Mr. Ursa stated that Betr would remove that feature if the Commission felt strongly on the subject. Mr. Warren noted that the accounts could not deposit or withdraw money without undergoing age verification.

The Commission agreed to withhold consensus as to whether Betr had met the Commission's expectations for this section of the application until after the executive session.

v. Technology that the applicant intends to use (205 CMR 218.06(5)(e)) (4:11:55)

Chair Judd-Stein inquired about Betr's technology partners. Mr. Ursa explained that Betr utilized SimpleBet, GeoComply, and U.S. Integrity.

The Commission reached a consensus that Betr 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)) (4:14:33)

The Commission inquired about litigation matters discussed in the IEB's report. Mr. Krishnan stated that Betr would prefer to discuss those matters in executive session as they pertained to privacy concerns and pending legal matters. General Counsel Todd Grossman explained that these matters would have to be discussed in public to the extent they involved public information. He stated that most matters in litigation and pleadings were in the public record. Commissioner O'Brien noted that some of the matters were in the public domain as news articles.

Mr. Paul stated that as a public figure, he was a target for frivolous complaints. He stated that there were many false and exaggerated headlines. He stated that he was never convicted of a crime.

Mr. Paul explained that the first incident he was involved in was videoing the George Floyd civil rights demonstration in Phoenix, Arizona. He stated that he did not take part in vandalism or looting, and that the matter was resolved as misdemeanor trespassing. He stated that the next item on the list was an FBI warrant served at his house related to his presence at the Phoenix, Arizona demonstration. He explained that no charges were filed as a result of the search.

Mr. Paul stated that the sexual assault allegation filed by Justine Paradise was unfounded and false. He stated that he denied all allegations.

Commissioner O'Brien inquired about the allegation that a non-disclosure agreement was required prior to entering Mr. Paul's home and studio. Betr's Outside Counsel Michael Abramson stated that he was not familiar with the document referenced. Mr. Paul stated that he

was not sure what the non-disclosure agreement allegation was referring to. Mr. Abramson stated that the next incident on the IEB's report was also a false allegation.

Mr. Abramson explained that the next item was related to pending litigation that was being vigorously fought. He stated that he would provide a copy of the complaint to the Commission, but that an answer was not yet filed.

Mr. Paul stated that there was another incident regarding a rental home in California in 2018. He stated that his name was used in headlines to garner attention. He stated that the matter was settled and amicably resolved.

Mr. Abramson explained that the matter involving Mr. Paul's promotion of a cryptocurrency was pending litigation. He stated that a copy of the complaint would be provided to the Commission. Commissioner O'Brien stated that she was satisfied on this topic if copies of both complaints were provided as noted.

Commissioner O'Brien stated that when familiarizing herself with the applicant, she came across an article published in The Verge on September 4, 2018. She stated that the article alleged that Mr. Paul used a predatory advertising technique in which overly repetitive references were utilized. Mr. Denevi stated that he was unfamiliar with the article and that Betr did not conduct advertising in that manner. Mr. Paul stated that he was focused on his career and did not put out as much social media content as he did in 2018. Commissioner O'Brien asked the representatives from Betr to review that article and provide a supplemental response regarding that topic as it related to suitability.

The Commission agreed to withhold consensus as to whether Betr had met the Commission's expectations for this section of the application until after the executive session.

d. Executive Sessions (4:54:07)

General Counsel Grossman reiterated the topics identified for discussion in executive session. He stated that the topics were appropriate for executive session in accordance with G.L. c. 23N, $\S6(i)$.

Chair Judd-Stein stated that the Commission anticipated that it would 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 go into executive session for the matters delineated by General Counsel Grossman and as stated by the Chair. Commissioner Skinner seconded the motion.

Roll call vote:		
Commissioner O'Brien:	Aye.	
Commissioner Hill:	Aye.	
Commissioner Skinner:	Aye.	
Commissioner Maynard:	Aye.	
Chair Judd-Stein:	Aye.	
<i>The motion passed unanimously, 5-0.</i>		

Chair Judd-Stein stated that the public session of the Commission meeting will reconvene at the conclusion of the executive session.

Transcriber's Note: The Commission entered executive session and returned to the public session of the meeting at 5:38:49.

The Commission reached a consensus that Betr had met the Commission's expectations with regard to Section E of the application. Chair Judd-Stein, Commissioner Hill, and Commissioner Maynard agreed that Betr had met the Commission's expectations with regard to Section G of the application. Commissioner O'Brien and Commissioner Skinner stated that they would hold their opinions on Section G of the application until they received the requested supplemental information. The Commission thanked Betr's representatives for their time.

6. <u>Other Business</u> (5:46:51)

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

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

Roll call vote:		
Commissioner O'Brien:	Aye.	
Commissioner Hill:	Aye.	
Commissioner Skinner:	Aye.	
Commissioner Maynard:	Aye.	
Chair Judd-Stein:	Aye.	
The motion passed unanimously, 5-0.		

List of Documents and Other Items Used

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



Massachusetts Gaming Commission Meeting Minutes

Date/Time:July 16, 2024, 2:00 p.m.Place:Massachusetts Gaming CommissionVIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 491 2896

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

Commissioners Present:

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

1. <u>Call to Order</u> (00:07)

Interim Chair Maynard called to order the 525th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all four commissioners were present for the meeting.

2. Discussion regarding collective bargaining of the SEIU Local 888 Agreement (00:39)

a. Executive Session

Executive Director Dean Serpa introduced the discussion regarding articles related to collective bargaining of the SEIU Local 888 Agreement to be led by Dave Connelly, outside counsel from Morgan, Brown and Joy.

Interim Chair Maynard stated that the Commission anticipated that it would meet in executive session in accordance with G.L. c.30A, §21(a)(3) to discuss strategy with respect to collective bargaining of the SEIU Local 888 Agreement, as discussion at an open meeting may have a

detrimental effect on the bargaining position of the Commission. He stated that the Commission did not anticipate returning to the public session of the meeting.

Commissioner Skinner moved to enter executive session for the reasons stated by the Interim Chair on the record. 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.

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

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated July 12, 2024



Massachusetts Gaming Commission Meeting Minutes

Date/Time:October 3, 2024, 11:00 a.m.Place:International Institute of New England, 2 Boylston Street, 3rd Floor
Conference Room, Boston, MA 02116

The Commission participated in a tour of two program sites of the Metro Boston Regional Hospitality Consortium and participated in a discussion highlighting the Commission's Community Mitigation Fund. To comply with the Massachusetts Open Meeting Law, the discussion portion of the visit was noticed as a public meeting. This meeting was held in person and was not livestreamed. However, a recording of the meeting was uploaded to MassGaming.com and the Commission's YouTube channel.

Commissioners Present:

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

1. <u>Call to Order</u> (00:00)

Interim Chair Maynard called to order the 535th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was not conducted because the meeting was held in person. All four commissioners were present for the meeting.

- 2. <u>Metro Boston Regional Hospitality Consortium Showcase</u> (01:35)
 - a. <u>Overview of MassHire Metro North Workforce Board</u> (01:39)

Interim Chair Maynard introduced Chris Albrizio-Lee, who serves as President and Chief Executive Officer of the MassHire Metro North Workforce Board ("MassHire"). President and CEO Albrizio-Lee thanked their partners and provided background on the Consortium. He noted that the ultimate goal is to invest in local communities which were most impacted by the casino, particularly around workforce development, and to create a pipeline to hospitality jobs. President and CEO Albrizio-Lee then turned it over to Penny Hasseli, who serves as the Chief Operating Officer for MassHire. She highlighted the critical role that the Community Mitigation Fund ("CMF") has had in helping the labor market recover from the COVID-19 pandemic and how the CMF has been a lifeline for their partner organizations over the past seven years. COO Hasseli summarized some high-level outcomes as a result of funding received from the CMF, including 518 job placements. She noted that a potential fallout of not continuing to invest in the CMF is a disruption in the recovery of the hospitality industry and asked the Commission to continue to advocate for continued investment in the CMF.

COO Hasseli turned it over to Rashad Cope, who serves as the Deputy Chief of the City of Boston's Worker Empowerment Cabinet and the Office of Youth Employment and Opportunity. He expressed his agency's continued strong support for sustained investment in the CMF. Deputy Chief Cope emphasized that all residents in Boston have access to quality job training and opportunities across all sectors, including hospitality. He noted that the City of Boston has been able to leverage the funding received by directly supporting organizations.

b. <u>Presentation by BEST Hospitality</u> (10:24)

Lori Sylvia, Apprenticeship Director at BEST Hospitality ("BEST"), summarized the impact that the CMF has had on their community members and the hotel industry. She explained that BEST has two sides of the house: they provide training services to community members who need new skills to enter the hotel industry through their job seeker programs, and they're also the education provider for Unite Here Local 26, which is the union for hospitality workers in Greater Boston.

Director Sylvia highlighted that since 2018, the CMF has enabled them to support 284 diverse community members mainly through their job seeker program and that during the COVID-19 pandemic, the CMF allowed them to offer courses in English to displaced workers for hospitality, technology, and COVID safety in the workplace as well as career readiness workshops to prepare them to re-enter the industry when hotels reopened. Director Sylvia highlighted that the CMF supported two of their job seeker programs this year: the Introduction to Hospitality Pre-Apprenticeship Program and their new Culinary Training Program.

She noted that in FY24, 472 people applied for the Introduction to Hospitality Pre-Apprenticeship Program with public and private funding, including with funding from the CMF. Director Sylvia mentioned that 74% of those who came to BEST were unemployed and 83 of them relied on public assistance. She noted that 89% of those who attended BEST programs graduated and 81% of them secured a union hotel job with an average wage of \$28.20 per hour, which was met with applause from the audience. Director Sylvia noted that this has been lifechanging for these 68 individuals and their families.

Director Sylvia then introduced one of BEST's graduates. The graduate told her immigration story from Haiti and how BEST Hospitality's Introduction to Hospitality Apprenticeship Program changed her life.

c. <u>Presentation by Action for Equity</u> (21:16)

Tarshia Green-Williams, Deputy Director of Action for Equity, explained that the organization is a coalition based in the Boston area. She thanked the Commission and the CMF for their continued support. Deputy Director Green-Williams noted that gaming was always intended to create an economic benefit for the residents of the Commonwealth and not just pull money from people to give to the casino companies. She explained their community advocacy work, including the first pilot of their Community Pipeline to Quality Jobs, which reached over 2,000 residents of color across Greater Boston and resulted in 800 residents being hired in jobs. Deputy Director Green-Williams affirmed that she believed that the CMF was part of the funding infrastructure of the gaming industry that allows the industry to meet the economic goals built into the law to achieve value-based purposes as it was intended.

d. Presentation by Boston Chinatown Neighborhood Center (25:31)

Stephen Hunter, Director of Adult Education at Boston Chinatown Neighborhood Center ("BCNC"), provided a history of his organization. He noted that BCNC has proudly served the Greater Boston Asian and immigrant communities since 1969, and they continue to empower over 13,000 individuals each year through education, family support, arts, and stronger communities by offering opportunities that help their participants achieve economic self-sufficiency.

Director Hunter spoke about one of their key programs called CustomerFIRST, which is a free training program for intermediate-advanced English language learners seeking full-time entry-level employment in the customer service industry. He noted that CustomerFIRST is funded in part by the CMF and that graduates have gone on to secure positions in hospitals, retail, hospitality, and other service industries across the region. Director Hunter described how the CMF has played a critical role in providing vulnerable populations with the tools that they need to thrive. He explained that through this support, 31 immigrants have enrolled in their training program, 30 have graduated resulting in a 97% completion rate, and 74% have secured jobs with seven of their current students working towards placement in full-time living wage jobs.

e. <u>Presentation by Community Work Services</u> (30:04)

Christina Polcari, Employment Specialist at Community Work Services, presented on behalf of her organization. She explained that Community Work Services was founded in 1877 and has a long history of successfully supporting vulnerable groups with barriers to employment, including formerly incarcerated individuals, those experiencing homelessness and/or substance abuse, veterans, immigrants, and people with disabilities. Ms. Polcari described how all their programs are provided free of charge and serves an estimated 800 individuals per year. She explained that their skills-based training includes their hotel, hospitality, and culinary arts program.

f. <u>Presentation by International Institute of New England</u> (32:16)

Alexis Kubana, Associate Director of Workforce Development at the International Institute of New England, provided background on his organization and how they have had to adjust their model during the COVID-19 pandemic. He described their various certification programs. Associate Director Kubana also noted that over 50 individuals have been trained through their programs with attendance around 98% and a job placement rate of 75%. He described the CMF as a gamechanger for their organization.

g. Presentation by La Colaborativa (37:10)

Carlos Galvez, Director of Economic Sustainability and Mobility at La Colaborativa, described his previous student experience at the International Institute of New England. He described how La Colaborativa serves the residents of Chelsea, Everett, Revere, and East Boston. Director Galvez noted how the CMF is a great opportunity to build long-term synergy between high impact business projects, impacted underserved communities, and non-profit organizations in those communities. He described how in the last few years, they have provided services to 3,648 residents of the Boston Metro North area for job readiness, economic development, and familial sustainability. Director Galvez went on to note that La Colaborativa has served 311 residents in finding jobs in 2024 through coaching workshops and job fairs.

h. Presentation by New England Culinary Arts Training (44:23)

Barbara Platt Johnson, Director of Development at New England Culinary Arts Training ("NECAT"), introduced her organization. She stated that NECAT offers a tuition free 14-week culinary arts job training program at three locations and provides professional culinary training and a wellness curriculum which includes self-care and mindfulness. Director Johnson described NECAT's Behind the Walls program, which trains adults incarcerated at the Suffolk County House of Correction and provides job counseling and placement services upon release from incarceration. She also explained that NECAT offers their 12-week culinary training program at the East Boston YMCA, which is taught in Spanish and English.

Director Johnson noted that they recently received requests to support new arrivals from Haiti and were previously not able to accommodate them because of the language barrier. She stated that they applied for a second year of a CMF grant to provide two cohorts of training and start a Haitian Creole culinary program. Director Johnson noted that it was incredibly successful for the people who participated in April 2024. She reported that 20 people enrolled in the pilot program with 17 of them graduating. She noted that 70% of them are now working at documented jobs which allowed them to secure permanent housing given the verifiable income requirement. Director Johnson explained that NECAT is hosting their annual fundraiser next week, which will feature a food menu of Caribbean fusion to highlight the talents of their chefs in East Boston and in the Haitian Creole programs. She emphasized that none of these programs would be possible without CMF funds. Director Johnson described how out of the 180 adults a year who benefit from their program, most have major barriers to employment, almost half were formerly incarcerated, and a quarter of them experience homelessness or are in recovery.

i. <u>Presentation by Somerville Community Corporation</u> (50:53)

Renee Taylor, Director of Community Programs at Somerville Community Corporation ("SCC"), spoke about the history of SCC. She mentioned that SCC has been around for over 50 years with their main office in Somerville's Union Square. Director Taylor described SCC's First Source jobs program, which provides tools and resources to ensure all participants have the skills to obtain employment and become great employees. Director Taylor noted that they teach digital tools like Outlook, Excel, and PowerPoint. She also spoke about their coaching staff who speak a diverse range of languages to meet the needs of their clients. Director Taylor spoke about how the CMF has enabled them to provide specialized programing.

j. Presentation by YMCA (55:55)

Jon Sproul, Executive Director of the YMCA of Greater Boston ("YMCA"), spoke about how the CMF transforms the way they work at the YMCA. He described how the YMCA has an education and training center that provides English as a second language in Boston and Woburn. The representative stated that these funds have allowed the YMCA to start a contextualized culinary arts training program in the East Boston YMCA in partnership with NECAT and that they have launched a similar program in Woburn. He described how the CMF has allowed them to sustain and grow these programs.

3. Discussion and Questions (01:01:26)

Interim Chair Maynard spoke about the Commission's focus on making sure that people get the best use of the CMF. Commissioner Skinner expressed her appreciation for each organization and stated that it was valuable to hear personal stories. Commissioner O'Brien thanked the organizations as well and stated that this really humanizes the CMF applications for her. Commissioner Hill described how the funding provided by the CMF are competitive grants and how he's very proud of the work they did in the Legislature to approve the CMF and the work that each of these organizations are doing in the community.

Interim Chair Maynard asked the audience what the Commission can do to continue to help. He encouraged the organizations to let their voice be heard with elected officials if they believe this funding is valuable. Director Galvez at La Colaborativa emphasized the importance of bringing visibility to the work that they do.

The Commission then presented a certificate of appreciation to President and CEO Albrizio-Lee of MassHire and was joined at the front of the room by each of the organization representatives and took a photograph.

4. Commissioner Updates

Transcriber's Note: This topic was not discussed.

5. <u>Other Business</u> (01:13:53)

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

Commissioner Skinner moved to adjourn. The motion was seconded by Commissioner O'Brien. The motion passed unanimously, and the meeting was adjourned.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda, dated October 1, 2024



Massachusetts Gaming Commission Meeting Minutes

Date/Time:March 27, 2025, 10:00 a.m.Place:Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292 PARTICIPANT CODE: 111 999 7630

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. <u>Call to Order</u> (00:04)

Chair Maynard called to order the 549th Public Meeting of the Massachusetts Gaming Commission ("Commission") at 10:01am. Roll call attendance was conducted, and all five Commissioners were present for the meeting.

2. <u>Meeting Minutes</u> (1:04)

The January 17, 2023, October 10, 2024, November 7, 2024, and February 24, 2025 public meeting minutes were included in the Commissioners' Packet on pages 5 through 40.

Commissioner Skinner moved that the Commission approve the minutes for the January 17, 2023 and October 10, 2024 meetings that are included in the Commissioners' Packet, subject to any necessary corrections for typographical errors or any other non-material matters. Commissioner Hill seconded the motion.

Roll call vote:	
Commissioner O'Brien:	Aye.
Commissioner Hill:	Aye.

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

Commissioner Skinner moved that the Commission approve the minutes for the November 7, 2024 and February 24, 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 requested one edit to the November 7, 2024 meeting minutes on page 6 in regard to a comment she made. Commissioner Skinner confirmed that the Legal Division would make the edit 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. <u>Administrative Update</u> (04:55)

Executive Director Dean Serpa provided an administrative update regarding the fiscal year budget. He stated that his assessment concerned a review of spending across various line items within the current fiscal year's budget. He stated that the annual Commissioner industry travel line item had been identified as needing an adjustment. He observed that the planned schedule of one individual would exceed the 20% allocation for this line item, creating a shortage of approximately \$1,000. Executive Director Serpa stated that a review of additional travel plans before the end of the fiscal year on June 30, 2025 was also conducted. He stated that with the \$1,000 adjustment, the overall travel line item was projected to end the fiscal year with a surplus of about \$10,000.

Executive Director Serpa shared his intention to make the necessary adjustment for the current fiscal year, emphasizing that the line item had a positive balance and only the apportionment needed to be corrected. Executive Director Serpa noted that during the current budget building process for fiscal year 2026, he had directed the team to revise the overall travel line item. He explained that this was because the line item hadn't been updated in several previous fiscal years, and there had been a general increase in average travel costs. He stated that the goal of this future adjustment was to avoid similar apportionment needs in the next fiscal year.

Executive Director Serpa also shared that the Commission was awaiting the Governor's action on the recently approved house bill (H.B. 62) that would extend the law to permit meetings to be

held remotely. He stated that they would continue to keep the Commission updated regarding progress on the legislation.

Chair Maynard thanked Executive Director Serpa for the updates.

4. <u>Legal Division</u> (8:10)

a. Litigation Updates - FBT Everett Realty, LLC v. Massachusetts Gaming Commission and Massachusetts Gaming Commission v. Landmark American Insurance Company

General Counsel Todd Grossman stated that the Legal Division had updates on existing litigation to provide to Commissioners and noted that they would be best received in an executive session. Chair Maynard then read the following statement into the record: "The Commission anticipates it will meet in executive session in accordance with G.L. c. 30A, § 21(a)(3) to discuss strategy with respect to FBT Everett Realty, LLC v. Massachusetts Gaming Commission and Massachusetts Gaming Commission v. Landmark American Insurance Company, as discussion at an open meeting may have a detrimental effect on the litigating position of the Commission. The public session of the meeting will reconvene at the conclusion of the executive session."

Commissioner Brodeur moved that the Commission go into an Executive Session for the reasons articulated by the Chair. The motion was seconded by Commissioner Skinner.

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.

Commissioners entered the executive session at 10:11 AM EST.

Transcriber's Note: The Commissioners entered executive session at 10:11 AM EST and <u>returned to the Public Session at 10:35AM EST</u>. Attendance was taken by roll call. All five Commissioners were present.

5. Investigations and Enforcement Bureau (34:24)

Caitlin Monahan, Director of the IEB, shared that the Bureau had a number of matters for the Commission's review today, and that the first matter would be presented by Chief Enforcement Counsel and Assistant Director Kathleen Kramer after she provided a brief introduction and explanation on the first topic.

a. Discussion Regarding Handling of Wagers Related to Sports Wagering Noncompliance Events pursuant to 205 CMR 247.03(11)

Director Monahan stated that the current discussion stemmed from a prior request from Commissioners on January 9, 2025 for the IEB to provide more information on how wagers associated with unauthorized events were handled after a noncompliance matter was identified. According to the IEB's findings, when a sports wagering operator allowed wagering on an unauthorized or prohibited event/category, the operators typically cancelled and refunded losing wagers but allowed settled winning wagers to stand. If the unauthorized wager was part of a parlay, only the unauthorized portion of the parlay was canceled according to the operators' house rules.

CEC and Assistant Director Kramer stated that the IEB and the Sports Wagering Division learned through inquiries with sports wagering operators and their review of noncompliance matters that instances of unauthorized or prohibited wagers were sometimes discovered during audits or retroactive reviews, often months after the wagers were placed and settled. Based on their review and discussions, the IEB, the Sports Wagering Division, and the Legal Division agreed that the operators' interpretation and application of 205 CMR 247.03(11) was reasonable. *A Memorandum regarding the Cancellation of Wagers Associated with Sports Wagering Noncompliance Matters was included in the Commissioners' Packet on pages 41 through 42.*

Commissioner O'Brien noted that she raised this issue in a 2x2 before the meeting and wanted to raise the issue within the public meeting. She noted that allowing settled winning wagers on prohibited events to stand might violate the statutory definitions of acceptable wagers and sports wagering events within Chapter 23N.

Commissioner O'Brien explained that she wanted to be sure that the interpretation provided within the memorandum did not run afoul of the statutory prohibitions on what was permitted within Chapter 23N and asked if staff had any feedback to provide or had been able to review this matter further.

CEC and Assistant Director Kramer introduced CFAO Derek Lennon to provide more clarity on the matter. CFAO Lennon explained that the guidance the Commission provided to operators on noncompliance matters was that if the accounting period was still open, an adjustment should be made to return the bet to the patron, as the bet should never have occurred. However, if the accounting period had closed and winnings could not be taken back, the adjustment must be noted as a footnote in an operator's next report to the Finance Division. He added that this prevented the adjustment from being incorrectly counted as a write-off. Commissioner O'Brien thanked CFAO Lennon for this explanation.

Chair Maynard thanked the Director Monahan, CFAO Lennon, and CEC and Assistant Director Kramer for resolving this issue.

b. Briefing on noncompliance matter related to Category 3 Sports Wagering Licensee Penn Sports Interactive d/b/a ESPN BET and discussion regarding next steps. Alleged noncompliance relates to offering wagering on a prohibited event in violation of 205

CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog (42:04)

Director Monahan then introduced Diandra Franks, IEB Enforcement Counsel, to present the next five segments of the meeting's agenda regarding five noncompliance matters. *A Memorandum regarding the Five Noncompliance Matters was included in the Commissioners' Packet on pages 43 and 44.* Enforcement Counsel Franks provided an overview of the five noncompliance matters before the Commission. She explained that each of the five sports wagering operators had mistakenly offered wagering on the Adriatic Basketball Association ("ABA Liga"), which was an unapproved catalog event.

Chair Maynard inquired how so many operators had offered the wagering on the same event and whether there was some kind of communication breakdown. Counselor Franks explained that this issue was detected after one sports wagering operator inquired on January 6, 2025 about the permissibility of offering wagers on this league, as they had seen that other operators were offering wagers. The Sports Wagering Division then clarified with the International Basketball Federation ("FIBA") that the ABA Liga was not recognized, sanctioned, or governed by FIBA.

Enforcement Counsel Franks noted that the fact patterns for all five operators were the same but that the number of wagers and total stake was different for each operator. She explained that she would provide an update for each operator and then provide an opportunity for discussion and questions at the end of the presentation.

Starting first with Penn Sports Interactive d/b/a ESPN BET, Counselor Franks reported that ESPN BET accepted wagers on the ABA Liga from September 18, 2023 through January 6, 2025, totaling approximately 4,795 wagers were accepted for a total stake of \$311,908.43.

c. Briefing on noncompliance matter related to Category 3 Sports Wagering Licensee <u>American Wagering Inc., d/b/a Caesars Sportsbook and discussion regarding next</u> <u>steps. Alleged noncompliance relates to offering wagering on a prohibited event in</u> <u>violation of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts</u> <u>Sports Wagering Catalog (46:10)</u>

Counselor Franks reported that American Wagering Inc., d/b/a Caesars Sportsbook ("Caesars") accepted wagers on the ABA Liga from March 11, 2023 through January 22, 2025. During this timeframe, 4,104 wagers were accepted for a total stake of \$373,046.39.

d. Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee BetMGM, LLC and discussion regarding next steps. Alleged noncompliance relates to offering wagering on a prohibited event in violation of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog (46:37)

Counselor Franks reported that BetMGM, LLC, ("BetMGM") accepted wagers on the ABA Liga from March 10, 2023 through January 24, 2025. She noted that 12,477 wagers were accepted for a total stake of \$477,703.16.

e. Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee FBG Enterprises Opco, LLC, d/b/a Fanatics Betting and Gaming and discussion regarding next steps. Alleged noncompliance relates to offering wagering on a prohibited event in violation of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog (47:02)

Counselor Franks reported that FBG Enterprises Opco, LLC, d/b/a Fanatics Betting and Gaming ("Fanatics") accepted wagers on the ABA Liga from October 12, 2023 through January 22, 2025. During this timeframe, 9,680 wagers were accepted for a total stake of \$641,000. She noted to Commissioners that these figures were a slight change from what was reported within the memorandum.

f. Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee Betfair Interactive LLC, d/b/a FanDuel and discussion regarding next steps. Alleged noncompliance relates to offering wagering on a prohibited event in violation of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog (47:35)

Lastly, Counselor Franks reported that Betfair Interactive LLC, d/b/a FanDuel ("FanDuel") accepted wagers on the ABA Liga from March 3, 2023 through January 6, 2025. She added that 657,850 wagers were accepted for a total stake of \$4,397,957.96.

Following the presentation of facts, Chair Maynard inquired whether the funds from these wagers had been returned to the patrons or not recollected from patrons. Counselor Franks confirmed the funds had been returned or recollected. Counselor Franks then sought guidance from the Commission on the next steps for these noncompliance matters, reminding them that they could refer the matter back to the IEB, set up an adjudicatory hearing, or issue a civil administrative penalty.

Commissioner Skinner inquired whether the Commission had the ability to ratify whatever penalty the IEB came up with. CEC and Assistant Director Kramer confirmed that the IEB's recommendation would come back before the Commission, and the Commission could choose whether or not to approve it.

Commissioner Skinner acknowledged that while there were large sums of money and the duration of the noncompliance matters spanned a long period of time, she was comfortable with sending the matters back to the IEB to make a recommendation to the Commission. Commissioner Brodeur agreed with Commissioner Skinner and suggested these matters would be a great opportunity to empower the IEB to negotiate settlements with the sports wagering operators, which would then come back to the Commission for ratification. He believed this would be a "very healthy way to approach some of these cases" where the facts were well-developed.

Commissioner O'Brien noted that returning the matters to the IEB was the most appropriate, considering that the operators seemed to have made the same error and had already returned the unlawful bets. She also noted that the review or the recommendation by the IEB could also

include some kind of audit component to prevent such widespread errors by operators. Chair Maynard agreed and noted that the Commission had many tools before it to avoid these kinds of incidents from recurring.

The Commissioners reached consensus to send the noncompliance matters back to the IEB for a recommendation.

g. <u>Temporary Category 3 Sports Wagering Operator Requests for a Temporary License</u> (54:35)

Director Monahan then introduced Karalyn O'Brien, Chief of the Licensing Division to discuss the requests for a temporary license received from Bally's Interactive, LLC d/b/a BallyBet, Betfair Interactive, LLC d/b/a FanDuel, BetMGM, LLC d/b/a BetMGM, Crown MA Gaming, LLC d/b/a DraftKings, and FBG Enterprises Opco, LLC d/b/a Fanatics. *A Memorandum regarding the Applications for Temporary Licensure was included on pages 45 and 46 of the Commissioners' Packet*.

Chief O'Brien explained that this was the second step in the renewal process, following the Commission granting leave to allow the operators to request the temporary licenses on February 24, 2025. She confirmed that each licensee had submitted the necessary form and the one million dollar fee. Chief O'Brien concluded her presentation by stating that all requirements had been met under 205 CMR 219 and that the Licensing Division recommended that the Commission grant the renewed temporary licenses.

Commissioner Hill moved that the Commission approve the Temporary Category 3 Sports Wagering Operator Requests for a Temporary License pursuant to 205 CMR 219 and grant renewed temporary licenses for the following operators as included in the Commissioners' Packet:

- i. Bally's Interactive, LLC (BallyBet)
- ii. Betfair Interactive, LLC (FanDuel)
- iii. BetMGM, LLC (BetMGM)
- iv. Crown MA Gaming, LLC (DraftKings)
- v. FBG Enterprises Opco, LLC (Fanatics)

Commissioner Skinner seconded the motion.

Roll call vote:	
Commissioner O'Brien:	Aye.
Commissioner Hill:	Aye.
Commissioner Skinner:	Aye.
Commissioner Brodeur:	Aye.
Chair Maynard:	Aye.
The motion passed	unanimously, 5-0.

6. Update on Employment and Vendor Diversity (57:16)

Boniswa Sundai, Senior DEI Program Manager, and John Scully, Budget and Finance Manager, presented an update on the Commission's employment and vendor diversity metrics. *The presentation was included in the Commissioners' Packet on pages 47 through 48.*

Manager Sundai began by outlining the Commission's commitment to diversity since its inception, aligning with the Supplier Diversity Office's ("SDO") policies for procurement. She noted that the last update was in December 2023 and emphasized the ongoing monitoring of data and intentional efforts to promote equity. Manager Scully then presented the FY25 supplier diversity spending categories and performance metrics. He explained that the Commission has annual state benchmarks determined by the SDO. He highlighted that the Commission was projected to meet or exceed five out of six of the benchmarks set by the SDO, with the exception of veteran-owned business spending. He reviewed the spending amounts for various categories, including disability, LGBT, MBE, SBPP, Veteran, and WBE. He also briefly referred to FY24 data for comparison, where the Commission also met five out of six targeted benchmarks.

Manager Sundai then presented a snapshot of the Commission's internal workforce diversity as of February 28, 2025. She reported that the Commission employed 136 full-time staff members, with 25.73% identifying as diverse, which meets the Commission's internal diversity goal of 25%. She also provided a breakdown of staff by gender and ethnicity based on voluntary disclosures.

Commissioner Skinner thanked the team for compiling the data and noted the need for goals in the gender category for women employees, as well as in the veterans' category. Manager Sundai acknowledged the previous discussions and stated they were in the process of revisiting the goals for the women and veterans' categories and would bring that information back to the Commission.

Commissioner Skinner inquired about the origin of the 25% goal in the minority category and also noted a prior conversation about drafting and incorporating a revised self-disclosure form for staff. Regarding the 25% minority goal, Manager Sundai explained that it was an internal goal established based on the demographics of the Commonwealth and the Commission's commitment to reflect that diversity. Regarding the self-disclosure form, Manager Sundai indicated that they were in the final stages of updating the form in collaboration with HR and the Legal Division and aimed to have it implemented soon.

Executive Director Serpa stated that the Commission had been internally discussing sharpening their data collection tools and reporting methods. He stated that he considered this a paramount responsibility and something the Commission would like to show progress on, assuring Commissioner Skinner that it would be made a priority. Chair Maynard thanked Manager Sundai, Manager Scully, Executive Director Serpa, and CFAO Lennon for the update.

7. Racing Division (1:10:55)

a. Plainridge Park Racecourse Request for Approval of Racing Officials and Key Operating Personnel Director of Racing and Chief Veterinarian, Dr. Alexandra Lightbown, stated that Plainridge Park Racecourse Manager Steve O'Toole had submitted a request for approval of key operating personnel and racing officials for the 2025 racing season that was set to begin on April 14, 2025. She explained that all the individuals were previously licensed by the Commission in prior years and noted that their approval was subject to passing a background check by the Massachusetts State Police for the current season. *A memorandum regarding the Racing Personnel and Racing Officials for the 2025 racing season was included in the Commissioners' Packet on pages 49 and* 50.

Commissioner Hill moved that the Commission approve the racing officials and key operating personnel of 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.	
Commissioner Brodeur:	Aye.	
Chair Maynard:	Aye.	
The motion passed unanimously, 5-0.		

8. <u>Sports Wagering Division (1:14:44)</u>

Carrie Torrisi, Chief of the Sports Wagering Division, introduced Compliance Manager Andrew Steffen to discuss the House Rule changes from six sports wagering operators.

a. Update to House Rules i. Bally's

A Memorandum detailing Bally's House Rules Updates was included on page 51 of the Commissioners' Packet. Manager Steffen stated that Bally's was requesting to add a new market to their platform to offer wagers on "cross-sport" events. He explained that the addition would allow wagers involving outcomes from multiple events across different sports. He clarified that the Sports Wagering Division had actually requested this language be added prior to Bally's offering these kinds of wagers. The proposed language was consistent with what had been asked of other operators with this market available. An example provided was a wager combining Saquon Barkley's total touchdowns and LeBron James recording a double-double on a specified date. Manager Steffen noted that these types of markets are typically offered around major events like the Super Bowl. He stated that the Sports Wagering Division confirmed that all requirements under 205 CMR 247.02 had been met and recommended approval of these changes.

Commissioner Skinner asked if this type of cross-sport wagering was new or if it had been ongoing. Manager Steffen responded that this market would be new to Bally's platform, but it has been approved in the house rules of other operators since the launch of sports wagering.

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

Roll call vote:		
Commissioner O'Brien:	Aye.	
Commissioner Hill:	Aye.	
Commissioner Skinner:	Aye.	
Commissioner Brodeur:	Aye.	
Chair Maynard:	Aye.	
The motion passed unanimously, 5-0.		

ii. <u>BetMGM (1:17:05)</u>

Manager Steffen reported that BetMGM had requested changes to their Massachusetts online house rules. He added that the changes involved three sports. *A memorandum detailing BetMGM's House Rules Updates and the updated rules were included on pages 52 through 54 of the Commissioners' Packet.*

Within Baseball, BetMGM was requesting to add language to address a new market offering for MLB Division Finishing Position, allowing customers to wager on the exact finishing order within a division. The rules for settling these wagers were also outlined, including tie-breaking procedures using official results, head-to-head records, and intra-division records. For the sport of Cricket, MGM was revising the markets of Top Bowlers and Most Sixes. He added that language was also being added to address a new market offering for Delivery Markets as well.

Lastly, Manager Steffen reported that BetMGM was revising the Total Games market within Tennis to clarify settlement rules in case of a player's retirement. He added that bets on total games would be voided if the match did not reach its natural conclusion unless the outcome of the specific market had already been unequivocally determined. BetMGM's Compliance Analyst, Zach Krause, was also present to answer any questions from Commissioners. Manager Steffen concluded by stating that the Sports Wagering Division had completed a full review and recommended approval of the changes requested by BetMGM.

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

Roll call vote:		
Commissioner O'Brien:	Aye.	
Commissioner Hill:	Aye.	
Commissioner Skinner:	Aye.	
Commissioner Brodeur:	Aye.	
Chair Maynard:	Aye.	
The motion passed unanimously, 5-0.		

iii. Encore Boston Harbor (1:21:28)

Manager Steffen reported that Encore Boston Harbor ("EBH") had requested a single change to their house rules within their retail sportsbook. The change was related to their baseball and softball section. EBH proposed adding a line stating that if a game was decided by the mercy rule, all bets are valid and will be decided (?) according to official match results. Prior to this rule, totals and run lines might have been voided if a game didn't reach the full required innings. This update aims to provide more clarity and consumer protection by aligning bet settlement with official league outcomes. Manager Steffen concluded by stating that the Sports Wagering Division had confirmed that all requirements under 205 CMR 247.02 were met and recommended approval of this request. *A Memorandum detailing Encore Boston Harbor's House Rules Updates and the updated rules were included on pages 55 through 56 of the Commissioners' Packet*.

Commissioner Skinner moved that the Commission approve the updates to Encore Boston Harbor's House Rules as included in the Commissioners' Packet and discussed here today. Commissioner O'Brien seconded the motion.

Roll call vote:Commissioner O'Brien:Aye.Commissioner Hill:Aye.Commissioner Skinner:Aye.Commissioner Brodeur:Aye.Chair Maynard:Aye.The motion passed unanimously, 5-0.

iv. Fanatics (1:23:03)

Manager Steffen reported on the requested House Rules changes submitted by Fanatics. He stated that Fanatics requested changes to their Massachusetts online house rules across seven sports: Football, Baseball, Hockey, Soccer, Boxing, Mixed Martial Arts ("MMA"), and Rugby. *A Memorandum detailing Fanatics' House Rules Updates and the updated rules were included on pages 57 through 62 of the Commissioners' Packet*. Manager Steffen noted that Dan Mohal, Senior Manager of New Markets at Fanatics, was available for questions, and that the Sports Wagering Division had recommended approval after their extensive review and comparison of these rules with other operators' rules.

Chair Maynard inquired about the two-player market rules in football, asking if the change brought the rules in line with other operators' rules submissions. Manager Steffen responded that these rules for proposition wagers, like a player to score touchdowns, were very similar to the three or four operators they compared them against.

Commissioner Hill moved that the Commission approve the updates to Fanatics' House Rules as included in the Commissioners' Packet and discussed here today. Commissioner Brodeur seconded the motion.

Roll call vote:Aye.Commissioner O'Brien:Aye.Commissioner Hill:Aye.Commissioner Skinner:Aye.Commissioner Brodeur:Aye.Chair Maynard:Aye.The motion passed unanimously, 5-0.

v. <u>FanDuel</u> (1:27:25)

Manager Steffen provided a summary on the final House Rules update before the Commission, a request from sports wagering operator, FanDuel. Manager Steffen stated that FanDuel requested changes to their Massachusetts online house rules across four sports, including Baseball, Basketball, Hockey and Tennis. *A Memorandum detailing FanDuel's House Rules Updates and the updated rules were included on pages 63 through 66 of the Commissioners' Packet.*

Manager Steffan reported that additional language was being added to the Basketball section of FanDuel's house rules to address venue changes. Additionally, new player markets were introduced by FanDuel, including a "double up" market (a team scoring twice as many points as their opponent in a specified period) and proposition wagers like a player scoring a certain number of points in each quarter, both teams scoring in the next minute, and the number of three-pointers made in the next three minutes. Manager Steffen concluded by stating that the Sports Wagering Division had confirmed that all requirements under 205 CMR 247.02 were met and recommended approval of this request.

Chair Maynard sought clarification surrounding the process by which venue changes would impact a wager for Basketball. FanDuel's Trading Compliance Manager, Chris Black, was present at the meeting and explained that this change was added as a precaution for basketball, as similar language was already in their football section. He added that it was to account for situations where a game might be moved due to weather, such as the extreme weather that occurred in the football playoffs in the prior year.

Commissioner Brodeur asked about the actuarial basis and fan demand for specific basketball ingame bets like the "number of three-pointers made in the next three minutes." Mr. Black stated that fans responded positively to the incremental times for in-game bets but noted that the time period for these kinds of bets was constantly being reviewed by FanDuel.

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

vi. MGM Springfield (1:20:07)

Transcriber's Note: Manager Steffen presented this item shortly after the BetMGM House Rule's update.

Manager Steffen reported that MGM Springfield had requested changes to their House Rules within their retail sportsbook. He explained that the MGM Springfield house rule revisions were identical to those just approved by the Commission for BetMGM. *A Memorandum detailing MGM Springfield's House Rules Updates and the updated rules were included on pages 67 through 69 of the Commissioners' Packet.*

Commissioner Skinner moved that the Commission approve the updates to MGM Springfield's House Rules as included in the Commissioners' Packet and discussed here today. Commissioner Brodeur seconded the motion.

Roll call vote:Commissioner O'Brien:Aye.Commissioner Hill:Aye.Commissioner Skinner:Aye.Commissioner Brodeur:Aye.Chair Maynard:Aye.The motion passed unanimously, 5-0.

b. <u>Request for Extension of Temporary Waiver from identity authentication questions</u> requirement in 205 CMR 248.04(4) for Bally's and BetMGM (1:34:32)

Carrie Torrisi, Chief of the Sports Wagering Division, requested an extension of a temporary waiver that the Commission granted to Category Three sports wagering operators BetMGM and Bally's. *A Memorandum summarizing The Request was included on page 70 of the Commissioners' Packet.*

Chief Torrisi explained that on February 6, 2025 the Commission issued a temporary waiver from the requirements of 205 CMR 248.04(4) regarding the use of identity authentication questions to BetMGM and Bally's tuntil May 1, 2025. She explained that the Sports Wagering Division was now seeking an extension of this waiver until June 1, 2025 to allow the Division time to finalize, review, and schedule presentations before the Commission for approval.

Commissioner Hill moved that pursuant to 205 CMR 202.03(2), the Commission issue a temporary waiver to Bally's and BetMGM through June 1, 2025 from the requirements in 205 CMR 248.04(4) as discussed here today, as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. c. 23N. Commissioner O'Brien seconded the motion.

Roll call vote:Aye.Commissioner O'Brien:Aye.Commissioner Hill:Aye.Commissioner Skinner:Aye.Commissioner Brodeur:Aye.Chair Maynard:Aye.The motion passed unanimously, 5-0.

- 9. <u>Legal (1:37:19)</u>
 - a. 205 CMR 256.00 Sports Wagering Advertising 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 256.00 which concerned amendments to the sports wagering advertising regulations. A Memorandum, draft of the regulation, and Small Business Impact Statement were included in the Commissioner's Packet on pages 71 through 83.

Deputy General Counsel Stempeck outlined two main changes to 205 CMR 256.00: the first being a minor language change to 205 CMR 256.01(2) to clarify the scope of the regulation; and a more substantive change to 205 CMR 256.04, adding language requiring marketing and advertising disclosures. He explained that all marketing or advertising by or on behalf of a Sports Wagering Operator must include a clear and conspicuous disclosure describing the financial, employment, personal, or other relationship with the Sports Wagering Operator. He explained that the change was intended to alleviate confusion regarding advertisements, particularly those involving influencers.

Attorney Stempeck stated that this was the first step in re-evaluating 205 CMR 256. He also mentioned plans to issue a guidance document in conjunction with the Sports Wagering Division to better inform the industry on the interpretation of the "advise or encourage" language within the regulation, which would be presented at a future meeting.

Commissioner Skinner asked when the "advise or encourage" language in the regulation took effect and if there was a specific impetus for the recent questions. Attorney Stempeck explained that it wasn't necessarily due to a high volume of recent questions but rather a realization during their review that the line between "advise or encourage" was not a bright-line test and subject to different interpretations. He stated that the goal of the guidance document was to provide better standards for the team and clarity to the industry.

Commissioner O'Brien voiced her support of the ongoing review of advertising and marketing regulations, emphasizing their impactful role in responsible gaming.

Commissioner Skinner also inquired about the timeline and the consideration of public comments. Attorney Stempeck assured Commissioner Skinner that they would request public

comments and noted that this was just the start of the discussion, with all feedback being brought back to the Commissioners before finalization.

Commissioner Maynard raised the issue of the federal government's role in advertising regulations, given its national scope, and expressed hope for a more unified approach. Commissioner Brodeur shared his belief that the more that could be done, especially across different state jurisdictions, to establish a de facto national standard, the more the standard would significantly benefit people across the country.

Commissioner O'Brien echoed the sentiments shared by the Commissioners, mentioning their recent discussions at the State House regarding responsible gaming and marketing. She highlighted the desire for federal involvement akin to regulation of the tobacco industry for better guidance and clarity.

Commissioner O'Brien moved that the Commission approve the Small Business Impact Statement and the draft of 205 CMR 256.00 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 begin the regulation promulgation process. Commissioner Brodeur seconded the motion.

Roll call vote:		
Commissioner O'Brien:	Aye.	
Commissioner Hill:	Aye.	
Commissioner Skinner:	Aye.	
Commissioner Brodeur	Aye.	
Chair Maynard:	Aye.	
<i>The motion passed unanimously, 5-0.</i>		

 b. <u>205 CMR 238.01: Definitions – Discussion and Review of Regulation Amendments</u> <u>and Amended Small Business Impact Statement for final adoption by Commission</u> (1:48:19)

Attorney Stempeck introduced the discussion regarding the Commission's review and final approval of 205 CMR 238.01: Definitions that had been approved for amendment earlier this year. He stated that this regulation has been amended to add a definition for "Sports Wagering Liability." *A Memorandum, draft of the regulation, and Amended Small Business Impact Statement were included in the Commissioners' Packet on pages 71 through 83*. Attorney Stempeck informed the Commissioners that the promulgation process for this amendment was complete, stating that a public hearing had been held on March 25, 2025, and no public comments were received.

Commissioner Hill moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 238.01 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 Skinner seconded the motion.

Roll call vote:	
Commissioner O'Brien:	Aye.
Commissioner Hill:	Aye.
Commissioner Skinner:	Aye.
Commissioner Brodeur	Aye.
Chair Maynard:	Aye.
The motion passed	unanimously, 5-0.

 c. <u>205 CMR 243.02 Kiosks – Discussion and Review of Regulation Amendments and</u> <u>Amended Small Business Impact Statement for final adoption by Commission</u> (1:49:57)

Ying Wang, Associate General Counsel, presented the final version of 205 CMR 243.02: Kiosks to the Commissioners for review and approval to finalize the regulation. *A Memorandum, draft of the regulation, and Amended Small Business Impact Statement were included in the Commissioners' Packet on pages 71 through 83.* Attorney Wang explained that 205 CMR 243.02: Kiosks supplements the previously approved process outlined in 205 CMR 143.07 concerning the use of kiosks for sports wagering. She stated that the promulgation process for this regulation was complete. A public hearing had been held on March 25, 2025, and no public comments pertaining to this regulation were received.

Commissioner Skinner moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 243.02 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 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.		

d. <u>Table Games Rules Update Spanish 21 and Pontoon 21</u> (1:51:39)

Judith Young, Associate General Counsel, presented a rules update for two Blackjack-style table games, Spanish 21 and Pontoon 21, in accordance with 205 CMR 147.02. Starting first with Spanish 21, Attorney Young explained that the Spanish 21 Rules were being updated for clarity purposes and explained the sections of the rules that were being re-labeled and updated. *A*

Memorandum and draft of the updated Spanish 21 Rules were included in the Commissioners' Packet on pages 88 through 101.

Moving next to the rules for Pontoon 21, Attorney Young provided background that Pontoon 21 was a newer, blackjack-style table game that has been in effect at MGM Springfield since December 2022. *A Memorandum and draft of the updated Pontoon 21 Rules were included in the Commissioners' Packet on pages 102 through 118.* She explained that the rules for Pontoon 21 were also being updated for clarity purposes but explained that the Legal Division and IEB were also correcting a pay table in section 6 that had been cut out of the last posted version of the rules.

Attorney Young stated that the most significant change to the Pontoon 21 rules was within Section 13, where the IEB and Casino Regulatory team had recommended that reference to a specific gaming licensee be removed. Attorney Young explained that because 205 CMR 147.03 authorized table games for play at gaming establishments throughout the Commonwealth, it made more sense to remove the reference and add more general language regarding wagering to the section. Attorney Young noted that she was joined by Luis Lozano, Casino Regulatory Manager at Encore Boston Harbor, for any additional questions Commissioners may have regarding the two table games.

Chair Maynard thanked Attorney Young and the IEB for their 2x2s with Commissioners to explain these rule changes.

Commissioner Brodeur moved that the Commission approve the amended Rules of the Game of Spanish 21 and Pontoon 21 as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion.

Roll call vote:	
Commissioner O'Brien:	Aye.
Commissioner Hill:	Aye.
Commissioner Skinner:	Aye.
Commissioner Brodeur	Aye.
Chair Maynard:	Aye.
The motion passed	unanimously, 5-0.

e. <u>205 CMR 101: Adjudicatory Proceedings – Discussion and Review of Regulation</u> <u>Amendment and Small Business Impact Statement for authorization to begin the</u> promulgation process by Commission (1:56:38)

Staff Attorney, Autumn Birarelli, presented amendments to 205 CMR 101 for the Commissioners' review and consideration to begin the promulgation process. *A Memorandum, draft of the regulation, and Small Business Impact Statement were included in the Commissioners' Packet on pages 119 through 129.*

Attorney Birarelli outlined several proposed changes to Commissioners including the following: a correction to an internal citation on page four of the regulation; clarifications to 205 CMR 101.03(5), stating that the Clerk set the briefing schedule for appeals before the Commission, aligning with current practices; amendments to 205 CMR 101.03(7) and (8) to provide the Chair with the ability to delegate to the Clerk of the Commission the approval of certain procedural requests related to briefing schedules and page limits, in addition to the existing ability to appoint a single commissioner to review petitions for longer briefs or additional time to file briefs; and lastly, a change of the word "chairman" to "chair" within the regulation.

Following Attorney Birarelli's presentation, Commissioners engaged in a thorough discussion of the proposed amendments to 205 CMR 101. Chair Maynard asked if the Chair could designate a Clerk who was not a Commissioner to handle these kinds of procedural requests contemplated within 205 CMR 101.03(7) and (8). Todd Grossman, General Counsel, responded yes, as the Clerk would only be handling procedural aspects, and not conducting the adjudicatory proceeding itself.

Commissioner O'Brien stated that she was not in favor of allowing such procedural matters to be designated to the Clerk or a sole Commissioner, as her preference was that these matters remain with the five Commissioners. She acknowledged the Chair's existing authority to designate a single Commissioner but felt even those kinds of requests could be nuanced or complicated and were not overly burdensome for the full Commission to address.

Commissioner Skinner expressed agreement with Commissioner O'Brien's position. She interpreted the proposed amendments as not delegating the authority to deny such procedural requests, which she believed should come before the full Commission. She clarified, however, that she was amenable to granting a single Commissioner or the Clerk the authority to approve these requests but emphasized the importance of consistency and the opportunity for all Commissioners to understand the requests.

Commissioner Brodeur commented that his initial understanding was that these amendments were intended to create efficiency for ministerial decisions but noted that he was willing to hear more and looked forward to further information being provided.

Chair Maynard suggested having individual meetings between Commissioners and staff, to better understand the process and concerns of the Legal Division. He suggested that the Commissioners discuss these matters with the Legal Division and bring the regulation back for further consideration, aiming for both fidelity to the statute and potential efficiencies.

Attorney Birarelli confirmed that she would look to schedule 2x2 meetings and would bring back the revised language at a later date.

10. Commissioner Updates (2:10:43)

Chair Maynard shared that he enjoyed attending the conference at the State House with Commissioners yesterday.

Commissioner Brodeur shared an update that he had joined the Community Mitigation Fund ("CMF") Review team. He stated that the Chair offered him the opportunity to participate in the internal working group to review and discuss applications for CMF Grants. Commissioner Brodeur explained that due to his former role as the Mayor of Melrose, a community that applies for CMF funds, he filed a disclosure with his appointing authority out of an abundance of caution. He stated that he was making this statement publicly at the meeting, as required by the Enhanced Code of Ethics.

Chair Maynard thanked Commissioner Brodeur for stepping up in the role and noted that he thought Commissioner Brodeur would be a great addition due to his experience as a former State Representative and Mayor.

11. Other Business (02:12:35)

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

Commissioner Skinner moved to adjourn. 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. Meeting adjourned.

List of Documents and Other Items Used

- 1. Notice of Meeting and Agenda, dated March 25, 2025
- 2. <u>Meeting Materials</u> from the March 27, 2025 Meeting (posted on massgaming.com)



	2024-2025 Performance Summary for Exempt Roles				
Emplo	oyee Name:	Dean Serpa			
Commissioner:					
Inches					
Instru	Instructions:				
 Complete this Performance Summary form by inputting your ratings and commentary for each <i>Performance Factor, Summary/Overall Assessment</i>, and <i>Development Planning</i> sections. Be sure to take into consideration the full calendar year. 					
2.	Return to Annie Messuri by date TBD (04/24)				

Ratings Standards

- 1. **Unacceptable**: Significant improvement needed. Consistently below expectations. Employee may be experiencing apathy over a period even after developmental intervention.
- 2. *Improvement Needed*: Employee meets but often falls short of performance standards. Use this rating to covey areas where an employee is slipping and needs support. This is a great opportunity for the manager to develop a better relationship with the employee.
- 3. *Meets Expectations*: Employee consistently meets the performance standard. Discuss and acknowledge ways to leverage the employee's talent.
- 4. *Exceeds Expectations*: Employee often exceeds the performance standard. Employee excels over others in similar roles. Managers should find ways to cultivate the employee's talents.
- 5. *Exceptional:* Employee consistently exceeds the performance standard, going above and beyond the duties and responsibilities of the role. Employee is a role model.

Communication	Unacceptable	Improvement Needed	Meets Expectations	Exceeds Expectations	Exceptional
Listening: Understands and learns from what others say.	1	2	3	4	5
Speaking: Conveys ideas and facts orally using language the audience will best understand.	1	2	3	4	5
Writing: Conveys ideas and facts in writing using language the reader will best understand.	1	2	3	4	5
Comments:					

Personal Effectiveness	Unacceptable	Improvement Needed	Meets Expectations	Exceeds Expectations	Exceptional
Adaptability & Flexibility: Adapts to changing business needs, conditions and work responsibilities.	1	2	3	4	5
Development & Continual Learning : Displays an ongoing commitment to learning and self-improvement.	1	2	3	4	5
Results - Focus & Initiative : Focuses on results and desired outcomes and how best to achieve them. Gets the job done.	1	2	3	4	5
Comments:	L				

Management Qualities	Unacceptable	Improvement Needed	Meets Expectations	Exceeds Expectations	Exceptional
Coaching and Mentoring: Enables others to grow and succeed through feedback, instruction, and encouragement.	1	2	3	4	5
Leadership: Promotes the Commission's mission and goals and shows the way to achieve them.	1	2	3	4	5
Planning & Organizing: Coordinates ideas and resources to achieve goals.	1	2	3	4	5
Staff Management: Manages staff in ways that improve their ability to succeed on the job. (<i>Skip if the employee is an individual contributor and does not manage staff</i>)	1	2	3	4	5
Comments:					

Interaction with Others	Unacceptable	Improvement Needed	Meets Expectations	Exceeds Expectations	Exceptional
Influencing Others: Influences others to be excited and committed to furthering the Commission's objectives.	1	2	3	4	5
Relationship building: Builds constructive working relationships characterized by a high level of acceptance, cooperation, and mutual respect.	1	2	3	4	5
Teamwork: Promotes cooperation and commitment within the team to achieve goals and deliverables.	1	2	3	4	5
Valuing Diversity: Helps create a work environment that embraces and appreciates diversity.	1	2	3	4	5
Comments:					

	Unacceptable	Improvement Needed	Meets Expectations	Exceeds Expectations	Exceptional
Overall Assessment	1	2	3	4	5
Comments:					

Goals and Professional Development Plan Review				
Provide comment on progress toward previous year's goals and assess Goals and Professional				
Development Plan for coming year.				
Comments:				

Acknowledgment				
Commissioner Signature:	Date:			
Employee Signature:	Date:			

Examples

Communication: Listening

- Gives the speaker undivided attention and appears interested in the message (e.g., maintains eye contact, nods).
- Attends to verbal and non-verbal cues that create a deeper understanding of the message.
- Allows others to speak without unnecessarily interrupting them.
- Asks clarifying questions that elicit clearer or more detailed information.
- Confirms understanding by paraphrasing or summarizing what others have said.

Communication: Speaking

- Uses correct vocabulary and grammar. Avoids slang or offensive language.
- Presents information clearly, concisely, and logically. Focuses on key points.
- Gives the listener time to process information and ask questions.
- Reads others' body language, and adjusts tone and style accordingly.
- Uses plain talk to explain complex or technical concepts. Varies content, style and form to suit the subject, the purpose, and the needs of diverse audiences.
- Captures and holds others' attention. Uses language, inflection, pauses, and body language for increased impact.

Communication: Writing

- Uses correct vocabulary, spelling, grammar, and punctuation.
- Composes clear, direct, concise, complete messages.
- Chooses the most effective and meaningful form to express ideas and information.
- Uses bullet points, tables, or other tools to organize and present detailed or complex information.
- Adapts the content, tone, style and form to suit the needs of the reader, the subject, and the purpose of communication. Uses plan talk to explain complex or technical concepts.
- Organizes information so that the facts or ideas build upon one another to lead the reader to a specific conclusion.

Personal Effectiveness: Adaptability & Flexibility

- Responds positively to change, embracing and using new practices or values to accomplish goals and solve problems.
- Adapts approach, goals, and methods to achieve solutions and results in dynamic situations.
- Copes well and helps others deal with the ongoing demands of change; sees and shows others the benefits of change.
- Recovers quickly from setbacks, and finds alternative ways to reach goals or targets.
- Manages change in a way that reduces the concern experienced by others. Clarifies priorities when leading change.

Personal Effectiveness: Development & Continual Learning

- Applies own talents to work assignments, and hones the competencies needed in current job.
- Looks for better ways to perform routine aspects of job.
- Asks for and uses feedback to improve performance. Seeks and acquires new competencies, work methods, ideas, and information that will improve own efficiency and effectiveness on the job.
- Finds and maximizes opportunities for growth and development from multiple sources.
- Sees failure as an opportunity to learn from past results, and continues to learn and grow.

Personal Effectiveness: Results Focus & Initiative

- Sets high goals and works doggedly to achieve them. Pushes self and others to reach milestones.
- Looks for opportunities to help move a project along; volunteers to help others with projects or assignments.
- Sees when analysis and discussion have served their purpose and moves to action.
- Responds to setbacks with renewed and increased efforts; is persistent in the face of difficulty.
- Willingly puts in extra time and effort in crisis situations; goes the "extra mile" to ensure the goal is met.

Management Qualities: Coaching & Mentoring

- Coaches others regardless of performance level. Shares specialized approaches and skills that will increase capabilities.
- Helps others identify key goals and use their talents to achieve those goals. Sees others' potential and strengths, and works to build on them.
- Takes time to observe behaviors that contribute to or detract from others' success. Highlights performance strengths and weaknesses by giving factual, specific, non-judgmental feedback.
- Builds relationships with teammates so that coaching efforts are received in a positive, developmental manner. Takes steps to learn the work interests and career goals of teammates.
- Actively supports others stretching beyond their comfort levels and trying new techniques that may enhance success. Coaches for incremental, one-step-at-a-time improvements, offering praise and recognition as each step forward is made.
- Encourages repeating and building upon areas of strength, and dissects areas that may be improved. Suggests methods and gives examples that provide a roadmap to improved performance.
- Models success behaviors, a high performance work ethic, and constant self-improvement.

Management Qualities: Leadership

- Creates a positive work environment where all staff are motivated to do their best.
- Conveys confidence in a group's ability to prevail over challenges to reach its goals.
- Links mission, vision, values, goals, and strategies to everyday work.
- Sees the potential in others and takes opportunities to apply and develop that potential.
- Takes calculated risks to improve performance, try a fresh approach, or reach a challenging goal.
- Sets clear, meaningful, challenging, and attainable group goals and expectations that are aligned with those of the organization.
- Suggests and asks for others' ideas to improve quality, efficiency, and effectiveness.

Management Qualities: Planning & Organizing

- Identifies the sequence of tasks and the resources needed to achieve a goal, and prioritizes key action steps. Anticipates the impacts and risks of decisions and actions.
- Seeks and uses others' input about critical actions, timelines, sequencing, scope, methodology, expected outcomes, and priorities. Sees potential challenges and opportunities, and adjusts plans based on input.
- Creates realistic schedules for projects and follows them. Evaluates progress against schedule and goal.
- Monitors and evaluates social, fiscal, and political trends that affect the plan. Prepares strategies to deal with problems or drastic changes.
- Evaluates proposed actions and timelines against organizational mission and values. Integrates the current plan with other plans as needed to achieve the overall mission.

Management Qualities: Staff Management

- Aligns the right work with the right people, delegates tasks according to people's strengths and interests.
- Ensures staff have the skills and resources to get things done. Provides staff with coaching, training, and opportunities for growth to improve their skills.

- Gives staff ongoing, constructive feedback on their performance and progress in light of expectations and goals. Holds timely discussions and performance reviews.
- Lets staff know what is expected of them and holds them accountable. Differentiates between high and low performance. Rewards and recognizes hard work and results. Addresses performance issues promptly and corrects poor performance.
- Works to create a strong team. Treats all staff fairly and consistently. Shares accountability when delegating. Involves staff in setting their performance goals.
- Balances guiding the others' actions with granting authority for decision-making within set limits. Provides direction when needed without micro-managing.

Interaction with Others: Influencing Others

- Inspires and persuades others to voluntarily follow direction, pursue and achieve goals, and adopt new positions or opinions.
- Promotes the creation of shared mission, vision, and values, and uses those principles to guide actions.
- Displays a positive attitude about the work to be done, co-workers, customers, management, and employer policies.
- Addresses issues in an open, constructive, professional manner, and persuades others to approach issues in the same manner.
- Leads by example and sets standards for professional behavior. Helps those in need of assistance, regardless of rank.
- Shows dedication in completing the work that must be done.

Interaction with Others: Relationship Building

- Maintains an open, approachable manner, and treats others fairly and respectfully. Preserves others' self-confidence and dignity, and shows regard for their opinions.
- Seeks and considers ideas from those who are reluctant to express their points of view. Anticipates and recognizes the concerns of others, even if those concerns are not openly expressed.
- Builds rapport by listening to, discussing and negotiating with, and rewarding, encouraging, and motivating others.
- Seeks to resolve confrontations and disagreements constructively. Focuses on the situation, issues, or behaviors, rather than the people.
- Celebrates workplace success and achievement. Supports the good ideas of others.
- Promotes the contributions and accomplishments of customers or clients to others.
- Demonstrates a balance between building rapport and getting the work done.

Interaction with Others: Teamwork

- Knows and supports teammates' work and deliverables. Helps teammates who need or ask for support or assistance.
- Acknowledges and celebrates the achievements of teammates. Praises the team and its achievement to others.
- Encourages team unity through sharing information or expertise, working together to solve problems, and putting team success first.
- Helps remove barriers to team productivity and success.
- Ensures joint ownership of goal setting, commitments, and accomplishments. Involves everyone on the team.

Interaction with Others: Valuing Diversity

• Sees the value of cultural, ethnic, gender, and other individual differences in people. Creates an environment of learning about, valuing, encouraging, and supporting differences.

- Seeks different points of view and leverages diverse perspectives in group processes and decision-making. Checks own views against the views of others.
- Supports fair treatment and equal opportunity for all. Listens to and objectively considers the ideas/input of others. Respects the talents and contributions of all individuals.
- Strives to eliminate barriers to diversity; ensures that new barriers to diversity are not built.



TO:	Chair Maynard and Commissioners O'Brien, Hill, Skinner, and Brodeur
FROM:	David MacKay, Licensing Division Manager
CC:	Kara O'Brien, Licensing Division Chief
DATE:	May 24, 2025
RE:	Encore Boston Harbor Exemption Request: Off-Site Warehouse Driver Attendant and Off Site Warehouse Receiving Attendant

OVERVIEW

The Licensing Division has received a request to exempt two (2) new positions at Encore Boston Harbor.

STANDARD

Pursuant to \overline{G} .L. c. 6, § 172(o) and 205 CMR 134.03(1)(b), the Commission may exempt a job position from categorization as a gaming service employee. The Commission may at any time, in its discretion, revisit any job position.

On January 18, 2018, the Commission endorsed the following factors for consideration when making exemption determinations:

- Work performed on the gaming floor;
- Managerial responsibilities in any department;
- Supervisory responsibilities in Human Resources or Sales and Marketing;
- Responsibilities for alcohol sales, distribution, service and/or storage;
- Access to secure casino back-of-the-house areas (including executive offices) without security escort;
- Responsibilities for accounting and/or finance relating to the gaming establishment
- "Write" access to gaming-related casino databases; and
- Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information.

DISCUSSION

Encore Boston Harbor requests exemptions for two new positions in the Warehouse Department. These employees will specifically work in the off-site warehouse located at 41 Main Street Bolton, MA 01740. These employees will not receive, handle, or transport gaming-related equipment.

The Licensing Division worked with Kara Henson, Director of Talent Acquisition, Encore Boston Harbor, to obtain the necessary information to develop this request, including: the required Exemption Identification Forms, job descriptions, department organizational chart and Gaming Licensee Certifications.

$\star\star\star\star\star$

The positions requested to be exempt are as follows:

- Off Site-Warehouse Driver Attendant
- Off Site-Warehouse Receiving Attendant
 - Request includes ask for Full-Time and Steady Extra "Part-Time."

Currently, Encore Boston Harbor has a similarly exempted position: Attendant – Warehouse. Additionally, the supervising position (Supervisor – Offsite) has already been exempted by the Commission.

The Licensing Division requests that the Commission vote on this matter.

RECOMMENDATION

The Licensing Division recommends that the Commission support these positions being exempted from the service registration requirement.



MASSACHUSETTS GAMING COMMISSION POSITION EXEMPTION FORM

This form shall be submitted to request an exemption from the registration requirement, or to amend or rescind an exemption. A copy of the job description and department organizational chart must be attached.

GAMING LICENSEE:	Encore Boston Harbor		
POSITION TITLE:	Off Site-Warehouse/Receiving/Driver Attendant		
Job Code:			
	THIS IS A REQUEST TO:		
Exempt a gaming	service employee position from the registration r	equirem	ent.
Withdraw a posit registration.	ion from exempt status and require a gaming serv	vice empl	loyee
	DOES THE POSITION:	YES	(OR) NO
Involve work perfe	ormed on the gaming floor?		
Manage other star	ff members?		
 Have supervisory Marketing? 	responsibilities in Human Resources or Sales /		
Involve alcohol sa	es, distribution, service, and / or storage?		V
 Have access to see offices) without see 	cure back-of-house areas (including executive ecurity escort?		✓
 Have responsibilit gaming establishm 	y for accounting and / or finance relating to the nent?		\checkmark
• Have "write" acce	ss to the gaming-related casino databases?		V
Have any authorit transportation, for	y to offer complimentary services, such as od, lodging, or entertainment?		v
gaming operation sensitive informat			v
The Commission considers the	above non-exhaustive list of factors when determining whet	ther a posit	tion is eligible for exemp

EXPLANATION: (Provide details for any question marked "yes".)

OTHER: (Provide any other information related to the position or request.) Additional support to exisiting Off Site Warehouse

The undersigned representative of the Licensee states that the information herein is true and accurate.

If requesting withdrawal of an exempt position, the representative also acknowledges individuals hired by the gaming licensee for this position must register in accordance with 205 CMR 134.09 prior to engaging in the provision of employment services if the withdrawal is approved.

Kun	Au	Kara Henson	03/24/2025
Signature	SY	/ Printed Name	Date
LICENSEE PETITION FO	R EXEMPT POSITIOI	NS	v.2/15/2024

EXAMPLE Off Site-Warehouse/Receiving/Driver Attendant

POSITION SUMMARY

The Encore Boston Harbor Warehouse /Receiving/Driver Attendant is responsible for storage, handling, and disbursement of all inventory goods purchased for and/or delivered to the property, the handling and disbursement of all good's being delivered to our property in our company vehicles and the accurate handling of all documentation regarding these deliveries and for the verification of all inbound and outbound deliveries of company items. This employee will also be responsible for coordination at the receiving dock and ensuring the accurate delivery and tracking of goods, supplies, and assets delivered to and shipped from the off site receiving dock. Additionally, this position will support the inventory by transporting materials between storage and use locations. Inventory control areas include dry goods, refrigerators and freezers, and beverage stocks. Responsibilities include, but are not limited to: maintaining all Encore Standards; and ensuring excellent guest and team member experience.

JOB RESPONSIBILITIES:

- Adheres to all Encore Boston Harbor core values and property and department standards.
- Actively contributes to the departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows all applicable internal policies, federal and state laws, rules, regulations and controls.
- Delivers and maintains a maximum level of property-wide service and satisfaction.
- Contributes to company-wide communication and best practices.
- Keeps informed of all new developments within the department.
- Provides excellent internal and external guest service, which may require levels of patience, tact and diplomacy.
- Balances multiple priorities simultaneously and meets deadlines, often in stressful and highpressure situations.
- Responsible for the storage, handling, and disbursement of all inventory goods purchased for and/or delivered to the property.
- Stocks and rotates all incoming goods, verifies of quantity/quality and specifications, accurately processes of receiving paperwork.
- Selects goods for outgoing inventory requisitions and accurately processes requisition paperwork.
- Carries out routine maintenance and housekeeping of the Warehouse facility.
- Operates forklift in order to pick orders or put away stock.
- Uses forklift to load and unload and place materials from flat bed and/or box type trailers.
- Picks orders by utilizing RF technology and/or by identifying items on a paper pick ticket according to bin location, part number, and/or description.
- Lifts boxes of material to and from locations for shipping and receiving processes and procedures.
- Confirms correct material pulled during packing process.
- Ensures all materials are packed properly.
- Utilizes identified system to get packed materials shipped correctly.

- Verifies appropriate receipt of all non-food and food & beverages delivered; verifies quantities ordered, physical conditions, and specification of products before stored or delivered to a department. Any deliveries without a purchase order must be investigated and mostly rejected at receiving.
- Inspects food quality at receiving using best judgment and ensures all food & beverage deliveries are received in conjunction with the order forms.
- Maintains departmental shipping/receiving logs to ensure accurate tracking. All purchasing orders must state the status of the delivery (i.e., open, received, partial)
- Ensures all Good Received without invoice forms are completely filled out for any goods received in this manner.
- Ensures all Receiving Reports are completed daily in a timely manner.
- Assists with all month end or quarterly inventories of non-food and food & beverage.
- Resolves shipping/receiving problems by communicating with Purchasing and/or supervisory personnel.
- Performs all receiving dock operational functions including receiving, shipping, and delivery of goods to appropriate departments.
- Transport all warehouse and direct charge orders from the warehouse to the outlet.
- Works with safety as a priority, and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.
- The driving of a 26 ft truck and other company vehicles.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Age, Gaming and Certifications:

21 years of age or above.

Will be required to obtain and maintain registration or a license issued by the Massachusetts Gaming Commission.

Must be able to obtain and/or maintain forklift certification.

Valid Massachusetts Driver's License required and good driving record. DOT Physical Certification

Education and/or Experience:

High school or equivalent degree preferred.

Minimum of 6 months of warehouse or material handling experience preferred.

Requires general computer skills and basic knowledge of Microsoft Office.

Must possess outstanding organizational, interpersonal, and administrative skills, as well as excellent attention to detail.

Language Skills:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Fluency in English required, second language a plus. Ability to

write detailed instructions and correspondence. Ability to effectively present information in oneon-one and group situations.

Mathematical Skills & Reasoning Ability:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintain reports upon request.

Physical Demands:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects, tools or controls. The employee is occasionally required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least eighty (80) pounds, and varied instances of standing/walking.

Work Environment:

The work environment characteristics described here are representative of those that exist while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the warehouse floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.
- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the property.
- Team members may be expected to work outside and may be subject to all weather conditions and subject to varying levels of cold, heat, humidity, precipitation, wind, noise, and vibration. Work may be performed in and or around electrically or mechanically energized equipment. May be required to work in elevated places on ladders, lifts, catwalks, and staging inside and outside of the building. Proper precautions and procedures must be taken including the use of appropriate Personal Protection Equipment (PPE).



MASSACHUSETTS GAMING COMMISSION POSITION EXEMPTION FORM

This form shall be submitted to request an exemption from the registration requirement, or to amend or rescind an exemption. A copy of the job description and department organizational chart must be attached.

AMING LICENSEE:					
POSITION TITLE:	Off Site-Warehouse/Receiving Attendant				
Iob Code:					
	THIS IS A REQUEST TO:				
Exempt a gaming service employee position from the registration requirement.					
Withdraw a position from exempt status and require a gaming service employee registration.					
	DOES THE POSITION:	YES	(OR)	NO	
Involve work perfo	rmed on the gaming floor?				
• Manage other staf	f members?				
 Have supervisory r Marketing? 			~		
 Involve alcohol sal 	es, distribution, service, and / or storage?			V	
• Have access to sec offices) without se	ure back-of-house areas (including executive curity escort?				
• Have responsibility gaming establishm	/ for accounting and / or finance relating to the ent?			V	
• Have "write" acces	ss to the gaming-related casino databases?			V	
	to offer complimentary services, such as od, lodging, or entertainment?			V	
	es that potentially impact the integrity of , including access to confidential or			V	

LICENSEE PETITION FOR EXEMPT POSITIONS

v.2/15/2024

EXPLANATION: (Provide details for any question marked "yes".)

OTHER: (Provide any other information related to the position or request.)

Addtional support to Offsite Warehouse

The undersigned representative of the Licensee states that the information herein is true and accurate.

If requesting withdrawal of an exempt position, the representative also acknowledges individuals hired by the gaming licensee for this position must register in accordance with 205 CMR 134.09 prior to engaging in the provision of employment services if the withdrawal is approved.

Kan 81	/ Kara Henson	03/24/2025
Signature	/ Printed Name	Date
LICENSEE PETITION FOR EX	EMPT POSITIONS	v.2/15/2024

LICENSEE PETITION FOR EXEMPT POSITIONS



Off Site-Warehouse/Receiving Attendant - SE

POSITION SUMMARY

The Encore Boston Harbor Warehouse / Receiving Attendant is responsible for storage, handling, and disbursement of all inventory goods purchased for and/or delivered to the property, the handling and disbursement of all good's being delivered to our property in our company vehicles and the accurate handling of all documentation regarding these deliveries and for the verification of all inbound and outbound deliveries of company items. This employee will also be responsible for coordination at the receiving dock and ensuring the accurate delivery and tracking of goods, supplies, and assets delivered to and shipped from the off site receiving dock. Additionally, this position will support the inventory by transporting materials between storage and use locations. Inventory control areas include dry goods, refrigerators and freezers, and beverage stocks. Responsibilities include, but are not limited to: maintaining all Encore Standards; and ensuring excellent guest and team member experience.

JOB RESPONSIBILITIES:

- Adheres to all Encore Boston Harbor core values and property and department standards.
- Actively contributes to the departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows all applicable internal policies, federal and state laws, rules, regulations and controls.
- Delivers and maintains a maximum level of property-wide service and satisfaction.
- Contributes to company-wide communication and best practices.
- Keeps informed of all new developments within the department.
- Provides excellent internal and external guest service, which may require levels of patience, tact and diplomacy.
- Balances multiple priorities simultaneously and meets deadlines, often in stressful and highpressure situations.
- Responsible for the storage, handling, and disbursement of all inventory goods purchased for and/or delivered to the property.
- Stocks and rotates all incoming goods, verifies of quantity/quality and specifications, accurately processes of receiving paperwork.
- Selects goods for outgoing inventory requisitions and accurately processes requisition paperwork.
- Carries out routine maintenance and housekeeping of the Warehouse facility.
- Operates forklift in order to pick orders or put away stock.
- Uses forklift to load and unload and place materials from flat bed and/or box type trailers.
- Picks orders by utilizing RF technology and/or by identifying items on a paper pick ticket according to bin location, part number, and/or description.
- Lifts boxes of material to and from locations for shipping and receiving processes and procedures.
- Confirms correct material pulled during packing process.
- Ensures all materials are packed properly.
- Utilizes identified system to get packed materials shipped correctly.
- Verifies appropriate receipt of all non-food and food & beverages delivered; verifies quantities ordered, physical conditions, and specification of products before stored or

delivered to a department. Any deliveries without a purchase order must be investigated and mostly rejected at receiving.

- Inspects food quality at receiving using best judgment and ensures all food & beverage deliveries are received in conjunction with the order forms.
- Maintains departmental shipping/receiving logs to ensure accurate tracking. All purchasing orders must state the status of the delivery (i.e., open, received, partial)
- Ensures all Good Received without invoice forms are completely filled out for any goods received in this manner.
- Ensures all Receiving Reports are completed daily in a timely manner.
- Assists with all month end or quarterly inventories of non-food and food & beverage.
- Resolves shipping/receiving problems by communicating with Purchasing and/or supervisory personnel.
- Performs all receiving dock operational functions including receiving, shipping, and delivery of goods to appropriate departments.
- Transport all warehouse and direct charge orders from the warehouse to the outlet.
- Works with safety as a priority, and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

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21 years of age or above.

Will be required to obtain and maintain registration or a license issued by the Massachusetts Gaming Commission.

Must be able to obtain and/or maintain forklift certification.

Valid Massachusetts Driver's License required and good driving record.

Education and/or Experience:

High school or equivalent degree preferred.

Minimum of 6 months of warehouse or material handling experience preferred.

Requires general computer skills and basic knowledge of Microsoft Office.

Must possess outstanding organizational, interpersonal, and administrative skills, as well as excellent attention to detail.

Language Skills:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Fluency in English required, second language a plus. Ability to write detailed instructions and correspondence. Ability to effectively present information in one-one and group situations.

Mathematical Skills & Reasoning Ability:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintain reports upon request.

Physical Demands:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects, tools or controls. The employee is occasionally required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least eighty (80) pounds, and varied instances of standing/walking.

Work Environment:

The work environment characteristics described here are representative of those that exist while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the warehouse floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.
- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the property.
- Team members may be expected to work outside and may be subject to all weather conditions and subject to varying levels of cold, heat, humidity, precipitation, wind, noise, and vibration. Work may be performed in and or around electrically or mechanically energized equipment. May be required to work in elevated places on ladders, lifts, catwalks, and staging inside and outside of the building. Proper precautions and procedures must be taken including the use of appropriate Personal Protection Equipment (PPE).



- Chair Maynard TO: Commissioner O'Brien Commissioner Hill Commissioner Skinner Commissioner Brouder
- FROM: Mark Vander Linden, Director of Research and Responsible Gaming Long Banh, Responsible Gaming Program Manager
- DATE: April 24, 2025

RE: Voluntary Self-Exclusion Program Update

The Voluntary Self-Exclusion program is a statewide program administered by the MGC that allows enrollees to voluntarily exclude themselves from casino gambling, sports wagering or both for a predetermined amount of time. 205 CMR 133 and 205 CMR 233 govern the procedures and protocols relative to the program.

During the April 24th public meeting, we'll share key elements of the program, provide data on enrollments, reinstatements, violations and forfeitures, and offer an overview of the upcoming evaluation.







MGC Voluntary Self-Exclusion Program Update

MARK VANDER LINDEN, DIRECTOR OF RESEARCH AND RESPONSIBLE GAMING LONG BANH, RESPONSIBLE GAMING MANAGER

April 24, 2025



What is Voluntary Self-Exclusion?



- M.G.L. c. 23K, § 45(f), directs the commission to establish a list of self-excluded persons from gaming establishments. 205 CMR 133.00 & 233.00 governs the procedures and protocols relative to the list of persons self-excluded.
- The Voluntary Self-Exclusion Program (VSE) is one way to help people who wish to abstain or control their gambling for any number of reasons;
- VSE is an agreement between an individual, the Massachusetts Gaming Commission, and all the licensed Gaming Operators to help keep that individual from gambling and/or sports wagering for the designated time.

Key elements of the Voluntary Self-Exclusion Program

MASSGAMING ***** Commission

- What's covered: casino gambling/gaming area, sports wagering, or both. Extends to marketing, rewards programs, and complimentary services, and may extend to other properties
- **Violations:** shall not collect any winnings or recover any losses. Casino properties may issue a "no trespass" order following a violation
- **Voluntary:** submitting the application freely, knowingly, and voluntarily. Not under the influence of substances
- **Duration:** 1,3, or 5 years. Lifetime after completing a minimum of 6 months. Irrevocable.
- Role of the MGC: The MGC maintains the master list of persons on the list. The database is accessible to licensees via the Outsystems database.
- Role of the designated agent: An engaged approach to enrollment and reinstatement
- Additional support: Peer recovery support, education, referral to counseling services

What is the reinstatement session and why?



- Following the completion of the duration of the VSE persons on the list must complete a reinstatement session. Until this is done, they remain active on the list
- The reinstatement session is intended to provide information on responsible gaming strategies, problem gambling, resources including the option to re-enroll in the VSE program
- An opportunity to connect at a pivotal time with individuals at high risk of experiencing gambling harm/relapsing

More on the reinstatement session



- Information about the reinstatement session is provided 1) at enrollment, 2) with an opt-in email or postal mail a month prior to the end of the duration.
- A reinstatement session can be done at any GameSense Info Center located inside each of the Massachusetts casinos, or by calling 1-800-GAM-1234. Reinstatement session can also be completed remotely via LiveChat on www.GameSenseMA.com.
- Completion of the reinstatement session, a "Confirmation of VSE Removal Certificate" is provided for the patron.

Materials provided during enrollment session



Once complete, the patron is provided a copy of the signed VSE enrollment with the terms of the program.

Additional resources:

- Palm card with resources and information about the VSE program and reinstatement session;
- Business card with the reinstatement eligibility date.

(GameSense)

If you have questions about the Voluntary Self-Exclusion Program, or to ask any gambling-related question, contact us 24/7 at 1-800-GAM-1234 or LiveChat by visiting GameSenseMA.com

YOU'RE NOT ALONE

TO LEARN MORE ABOUT PROBLEM GAMBLING AND AVAILABLE RESOURCES: CONTACT THE MA PROBLEM GAMBLING HELPLINE **1-800-327-5050**

What to Expect During Your Self-Exclusion

Where will I be excluded from?

When you sign up for casino exclusion, you'll be excluded from all 3 MA casinos -Encore Boston Harbor, MGM Springfield, and Plainidge Park. The casinos may also extend your casino exclusion to their retailsportsbook and online platforms. This means you cannot enter the casino floors at any of these properties.

Can I exclude just from sports betting?

Yes! You can exclude just from sports betting by signing up through CameSense or the Massachusetts Gaming Commission. This will prohibit you from placing any sports wagers at retail sportsbocks or online platforms in MA. The casinos may also extend your sports betting exclusion to their entire casino floor in additional states — check with each property for their specific policies.

How do I get a win/loss statement

Call the casino's player services line to request a statement by mail. Encore: 857-770-7000, MGM Springfield: 413-273-5000, Plainridge Park: 508-576-4500.

Can I end my exclusion early?

Your exclusion term is binding. You must complete the full term and complete reinstatement session with a GameSense advisor.

Is the list confidential?

Absolutely. Only GameSense, the Gaming Commission, and casino security can access the list, and only for limited purposes, It will not be shared publicly.

Where can I get additional support or resources? GameSense Advisors are available 24/7 on via phone at

GameSense Advisors are available 24/7 on via phone at 800-GAM-1234 or LiveChat on GameSenseMA.com. The Gambling Helpline is also available via phone at 800-327-5050 or visit gamblinghelplinema.org.

REINSTATING AFTER YOUR EXCLUSION:

When can I reinstate?

You must complete your full exclusion duration and complete a reinstatement session with a GameSense Advisor. What about my rewards and points? Unfortunately, any rewards or points will be forfeited when you enroll. Make sure to use them beforehand!

How do I schedule a reinstatement session? No appointment needed Just call or chat with GameSense when your period ends. Let us know if you need help entering the casino floor.

What if I enter the gaming floor of a casino early? You'll be escorted off the floor and forfeit any winnings. The casino may trespass you. Let's avoid this!

GomeSense

If you have questions about the Voluntary Self-Exclusion Program, or to ask any gambling-related question, contact us 24/7 at 1-800-GAM-1234 or LiveChat by visiting GameSenseMA.com

TO LEARN MORE ABOUT PROBLEM GAMBLING AND AVAILABLE RESOURCES: CONTACT THE MA PROBLEM GAMBLING HELPLINE AT 1-800-327-5050.

GameSense

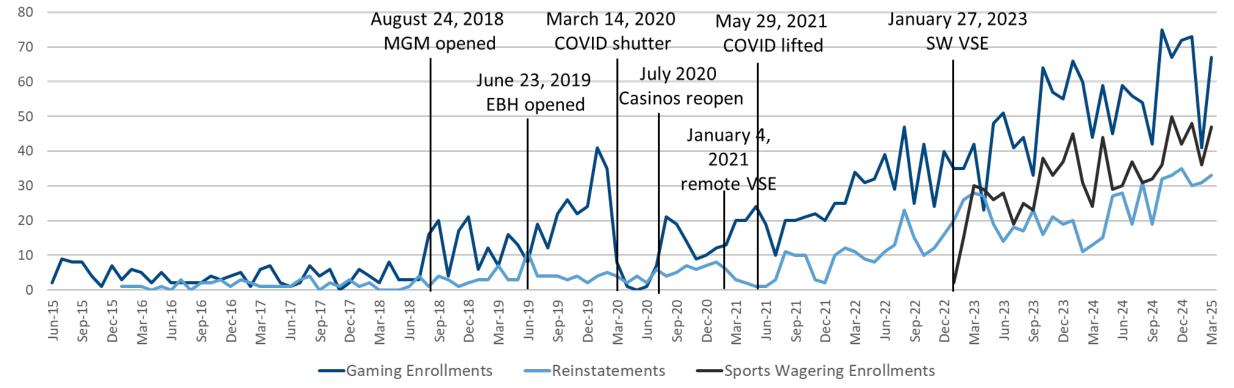
My VSE Information: Date of Enrollment: _____ Term of Enrollment: _____ Date Eligible to Reinstate: _____ GSA/M Initials: _____ REMINDER: A Reinstatement Session with a CameSense Advisor

must be completed before being removed from the VSE list.





Enrollments and reinstatements (through March 2025)



Total Unique Enrollments: 2,793

- Total Gaming Enrollments: 2,604
- Total Sports Wagering Enrollments: 867

Total Reinstatements: 998

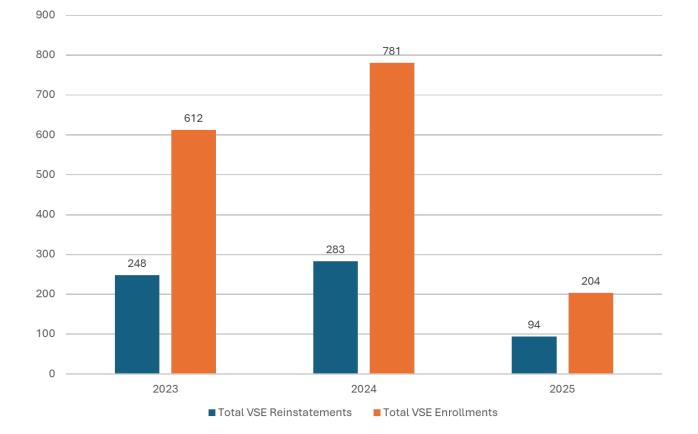


VSE engagements (2023 – through March 2025)

2023: A total of 860 VSE engagements, 248 individuals (29%) completed a reinstatement and 612 individuals (71%) enrolled in the program.

2024: A total of 1,064 VSE engagements, 283 individuals (27%) completed a reinstatement session and 781 individuals (73%) enrolled in the VSE program.

2025: Through March there have been 298 VSE engagements, 94 individuals (32%) completed a reinstatement session and 204 enrolled





Enrollees identified on the gaming floor - all casinos

Year	Enrollees on gaming floor*	VSE ID'd on gaming floor and eligible for reinstatement*	% eligible for reinstatement found on the gaming floor*
2023	140	26	19%
2024	194	29	15%
1st Quarter of 2025	61	18	30%

*Data reflects the number of incidences, not unique enrollees.

VSE forfeitures at MA casino properties



Year	Number of Forfeitures	VSE Requests for Hearing	Dismissal of Case (Before Hearing)	Forfeitures Upheld by Hearing Officer	Forfeitures Reserved by Hearing Officer	Appeals to the Commission (Post Hearing)	Forfeitures Upheld by the Commission	Forfeitures Reserved by the Commission
2023	69	3	1	1	1	2	2	0
2024	99	5	2	2	1	1 pending		
1st Quarter of 2025	27	2	1					

VSE evaluation (2018)



- Enrollees reported statistically significant improvements in gambling problems, mental health, and relationship quality;
- Enrollees significantly reduced the frequency and amount they gambled. Though more than 70% continued to gamble, 80% reported that they were gambling less at follow-up than prior to enrollment;
- Overall, enrollees were satisfied with the enrollment process and held positive impressions of it as well as the GSAs who facilitated enrollment;
- Enrollees who had enrolled in other VSE programs previously, more than 80% rated their MA-VSEP enrollment experience as better than their previous experiences. Many indicated that the MAVSEP process was more caring and positive than other enrollment processes;
- More than 40% of MA-VSEP enrollees who completed the follow-up interview indicated that MA-VSEP enrollment influenced them to access additional help and resources;
- Three-quarters of MA-VSEP enrollees who completed the follow-up interview reported having signed up for VSE programs in other states.

Evaluation of the Massachusetts Voluntary Self-Exclusion Program: June 24,2015-November 30,2017; Division on Addiction, Cambridge Health Alliance

Scope of VSE evaluation (2025)



A Request for Response (RFR) was posted to Commbuys on April 8th and responses are due May 23rd.

The scope of the evaluation will replicate some aspects of the 2018 evaluation but include an additional focus in several areas including;

- Roles of operator staff
- Outcomes variances consider cultural and/or demographic differences
- Effectiveness of treatment providers and/or other community resources referrals
- Overall effectiveness of MA-VSEP
- Technological enhancements in improving the MA-VSEP
- Perceptions and awareness of the VSE program
- Demographic and other characteristics of Enrollments and Reinstatements
- Violation of VSE terms



TO: Chair Maynard, Commissioners O'Brien, Hill, Skinner, and Brodeur

FROM: Mark Vander Linden, Director of Research and Responsible Gaming; Long Banh, Responsible Gaming Program Manager

DATE: April 24, 2025

RE: GameSense Fiscal Year 2024-2025 Third Quarter Report

The Expanded Gaming Act includes a number of key mandates to ensure the successful implementation of expanded gaming, including the prevention of and mitigation of social impacts and costs. Chapter 23k section 21(16) requires casino operators to provide an onsite space for an independent substance abuse, compulsive gambling and mental health counseling service and establish a program to train gaming employees in the identification of and intervention with customers exhibiting problem gaming behavior.

To fulfill this mandate, the Commission adopted GameSense, an innovative responsible gaming program that equips casino patrons who chose to gamble with information and tools to adopt positive play behaviors and offers resources to individuals in distress from gambling-related harm. The Commission has a contract with the Massachusetts Council on Gaming and Health (MCGH) to operate the GameSense Information Centers, located on-site at all Massachusetts casinos and staffed 16-24 hours daily by trained GameSense Advisors.

Today, Janine Ruggiero, Chief Marketing Officer; Odessa Dwarika, Chief Programs Officer; Amy Gabrila, Director of Player Health; and Anita Pang, GameSense Advisor of Massachusetts Council on Gaming and Health will share with you the GameSense activities and highlights from the third quarter of Fiscal Year 2024-2025.

 $\star \star \star \star \star$

Massachusetts Gaming Commission 101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com

Q3 FY 2025

GameSense Report

4/24/25





Agenda

- Staff
- Funders
- PGAM 2025
 - Demonstration
- Q3 Data & Magic Moments
- Champion Awards
- Recovery & Peer Support Activities
- Inclusive Content
- Upcoming Events

PRESENTING STAFF



Janine Ruggiero, Chief Marketing Officer Odessa Dwarika, Chief Programs Officer Amy Gabrila, Director of Player Health Anita Pang, GameSense Advisor

Funders/Present Contracts

- Michigan Association on Problem Gambling
- National Council of Legislators from Gaming States (NCLGS)
- National Voluntary Self Exclusion Program (NVSEP)/for idPair/Spectrum
- North American Association State and Provincial Lotteries (NASPL)
- Playtech for the Gambling Recovery Information Network (GRIN)
- SharpRank: subcontract for the Arizona Department of Gaming
- Spectrum Gaming Group: subcontract on MGC Kiosk Feasibility Study and New Hampshire Lottery Study
- Springfield Health and Human Services (MA); subcontract for MGC Community Mitigation Fund
- Texas Tech University: subcontract for MGC for community-based research
- Vermont Department of Mental Health

Q3 Data Highlights

- Interactions, GamLine & Live Chat Snapshot
- PGAM
- Demonstrations!



Interactions- Q3

- Simple Interactions: 40,787
- Intensive Interactions: 21,541
- Demonstrations: 12,541
- **Key Insight:** Interactions and demonstrations increased this quarter due to PGAM, rising by 3,481 compared to Q3 last year. The limited giveaways allowed more time for meaningful engagement with GSAs.
- 377 hours dedicated to PGAM
- 854 Screening Day Conversations
- \cdot 122 FOH screened on 3/11
 - 24 Screened positive

VSEs= 202

Reinstatements= 109

Live Chat Key Insights

VSE	General	Resources	Gamesense/MACGH	Reinstatement	Casino Related	Sportsbook Related	Total
113	22	14	10	26	16	34	235







Selected Magic Moments

Our GameSense Advisers:

Jolyn

Ashley R

Sean





Champion Award Winners | EBH

Bartolo Piscitello, Security Supervisor

Pat Toomey, HR

Doug Williams, VP of Operations





Champion Award Winners | MGM

Veronica Borges, Food & Beverage

Anthony Vasquez, Food & Beverage

Naomi Ortiz, Roasted Bean





Champion Award Winners | PPC

Brittany Cormier, Food & Beverage

Amy Silva, HR

Sothea Chhim, Environmental Services



Special Magic Moment | GameSense endures!





PGAM

Participating Operators:

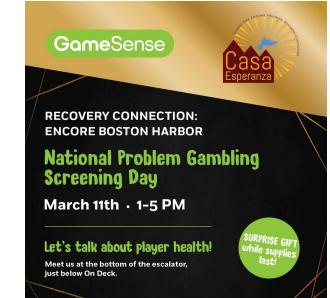
- Springfield MGM
- Plainridge Park Casino
- Encore Boston Harbor
- Select Sportsbooks



PGAM 2025









PGAM Snapshot - March 2025

- Coffee Campaign at MGM & EBH
- Focused on FOH engagement:
 - PGAM Pairs
 - Screening Day
 - Coordination with Esparanza at EBH
 - Recovery support & new materials
- Increased digital efforts with operators
- Radio ads
- Earned Media





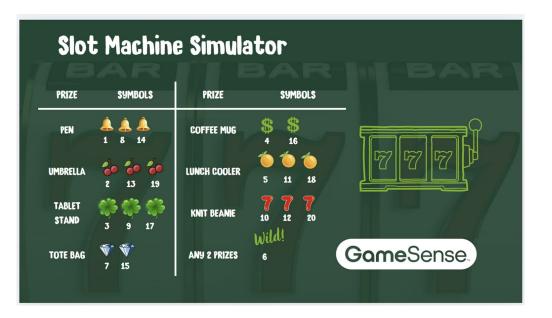
Community Engagement

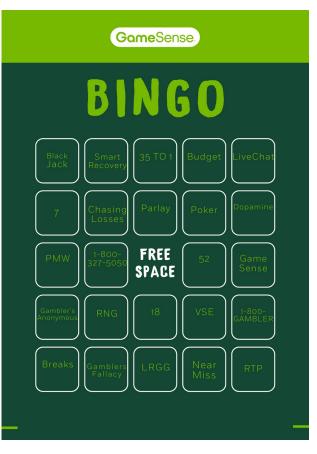


MGC Lunch and Learn 3/19/25



Demonstration!







Peer Support Q3

Completed Follow-ups: 15 People engaged in Telephone Recovery Support: 13 Telephone Recovery Support Sessions: 54 Total Attempted contacts: 296 Adam agreed to TRS for the next several weeks. I sent him a list of zoom GA meetings and links to some websites and social media content that I thought would resonate with him based on our conversations. He was very thankful for the conversation and expressed that I give him the encouragement that he needed.

Magic Moment from VSE-follow up!



LIVED EXPERIENCE ADVISORY PANEL

- LEAP Member, David Nangle, spoke about his lived experience at the 3/26/25 PGAM legislative briefing
- 2 LEAP meeting held in January and March

Gambling Awareness Groups

The 2025 PGAM theme was **Seeking Understanding,** a theme that our Director of Recovery brought to her presentations MA Peer Recovery Centers with people already experiencing substance use disorder. The presentations were a mixture of PPT slides, a video, a case study and group discussion on the co-occurrence of gambling problems with SUD and other mental health challenges.

Agency	#Attendees
Hope for Holyoke	8
PRC	
Stairway to	13
Recovery PRC	
Northampton PRC	17
Bridge to Hope	37
PRC	
Valor PRC	9
Every Miracles PRC	5
Recovery	4
Connection	
The Bridge Club	30
Total Attendees	123



Inclusive Content: EBH

- Dragon Boat Quiz
- Cultural
 Connections
 - **VSE**
 - PlayMyWay





Upcoming Campaign: Safe Ride Home

MGM- May/June 2025 TBD

Including:

- GSIC Signage
- SafeRideHome Activity
- Internal Trainings
- Billboards/External Media

