



NOTICE OF MEETING AND AGENDA

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

Thursday | September 7, 2023 | 9:00 a.m.
VIA REMOTE ACCESS: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 112 162 7911
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 - #476

1. Call to Order – Cathy Judd-Stein, Chair

2. Meeting Minutes
 - a. February 8, 2023 **VOTE**
 - b. February 9, 2023 **VOTE**

3. Administrative Update – Todd Grossman, Interim Executive Director & General Counsel
 - a. Responsible Gaming Education Month – Mark Vander Linden, Director of Research and Responsible Gaming

4. Investigations and Enforcement Bureau – Heather Hall, Interim Director of Investigations and Enforcement Bureau and Chief Enforcement
 - a. Plainridge Park Casino Request for Amendment to Gaming Floor Plan - Burke Cain, Gaming Agents Division Chief; Andrew Steffen, Casino Regulatory Manager
 - b. Plainridge Park Casino Request for Amendment to Beverage License – Karalyn O'Brien, Licensing Division Chief **VOTE**



Massachusetts Gaming Commission

5. Sports Wagering Division – Bruce Band, Director of Sports Wagering, Crystal Beauchemin, Sports Wagering Business Manager, Andrew Steffen, Interim Sports Wagering Operations Manager
 - a. Fanatics Betting and Gaming Quarterly Report (Q2) – Stephanie Althouse, HR Director; Anthony D'Angelo, RG Senior Manager – Fanatics
 - b. Betfair Interactive US, LLC (FanDuel) Quarterly Report (Q2) - Cory Fox, VP, Product & New Market Compliance; Keita Young, Sr. Director, DE&I; Jill Watkins, Sr. Director, Responsible Gaming Strategy and Operations – FanDuel
 - c. WynnBet Quarterly Report (Q2) – Jennifer Roberts, VP/General Counsel – WynnBet

6. Racing – Dr. Alexandra Lightbown, Director of Racing and Chief Veterinarian
 - a. Discussion of Race Horse Development Fund benefits for drivers and jockeys **VOTE**
 - b. Review of Delegation of Authority Memorandum –Commissioner Jordan Maynard **VOTE**

7. Sports Wagering Division – Bruce Band, Director of Sports Wagering, Crystal Beauchemin, Sports Wagering Business Manager, Andrew Steffen, Interim Sports Wagering Operations Manager
 - a. Requests for Temporary Waivers from 205 CMR 248.04(4)
 - I. Betr **VOTE**
 - II. Fanatics Betting and Gaming **VOTE**
 - III. BetMGM **VOTE**
 - b. Betr Request for Waivers from Certain Provisions of 205 CMR 248.16 **VOTE**
 - c. Penn Sports Interactive Request for Temporary Waiver from 205 CMR 248.16(1) **VOTE**
 - d. Plainridge Park Casino – Update to House Rules **VOTE**

8. Permanent Executive Director Hiring Process
 - a. Continued Discussion of Potential Use of a Search Firm – David Muldrew, Chief Human Resources Officer, Derek Lennon, Chief Financial Officer **VOTE**
 - b. Continued Selection of Screening Committee for Executive Director – All Commissioners, Mina Makarious, Partner, Anderson & Kreiger LLC **VOTE**



Massachusetts Gaming Commission

9. Research and Responsible Gaming – Mark Vander Linden, Director of Research and Responsible Gaming

a. Addendum to the FY24 Gaming Research Agenda


VOTE

10. Commissioner Updates

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

I certify that this Notice was posted as “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to regs@sec.state.ma.us. Posted to Website: September 5, 2023 | 9:00 a.m. EST

September 5, 2023



Cathy Judd-Stein, Chair

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



Massachusetts Gaming Commission



Massachusetts Gaming Commission Meeting Minutes

Date/Time: February 8, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 054 8439

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

Commissioners Present:

Chair Cathy Judd-Stein
Commissioner Eileen O'Brien
Commissioner Bradford Hill
Commissioner Nakisha Skinner
Commissioner Jordan Maynard

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

Chair Judd-Stein called to order the 433rd Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Administrative Update](#) (00:44)

Executive Director Karen Wells introduced Joe Delaney, Chief of the Community Affairs Division, to present an administrative update on the community mitigation fund and the grant requests that were received.

Chief Delaney stated that the community mitigation fund received fifty-eight total applications requesting \$15.5 million in funds. He noted that it was an increase from the forty-three applications received the previous year. He stated that Region A submitted twenty-eight applications for \$6.3 million, Region B submitted twenty-two applications for slightly over \$8 million, and that the category two facility had submitted eight applications.

3. [Community Affairs](#) (02:53)

a. Encore Boston Harbor East of Broadway Development

Moving onto the next agenda item, Chief Delaney stated that the Commission would need to determine whether Encore Boston Harbor (“EBH”) could have gaming in their proposed east of Broadway development project. He stated that there was ambiguity as to whether the affirmative vote by the Citizens of Everett in June 2013 approving the Host Community Agreement (“HCA”) limited the issuance of the gaming license to the particular property or location described in the vote. He noted that regardless of how the Commission voted on this issue EBH could develop the property east of Broadway, and that the limitation would be on the presence of gaming on the property. He stated that the discussion was specific to whether gaming was allowed and that the specifics of the project would be discussed separately.

Chief Delaney recapped EBH’s proposed development east of Broadway, noting that EBH had refiled plans that would include a poker room and sports wagering area. He stated that those areas would require the Commission to regulate them as part of the gaming establishment. He noted that additional information had been submitted since the November 16, 2022, discussion of this topic regarding the referendum, the host community agreement, historic ownership of the east of Broadway property and the Monsanto chemical site. He noted that EBH’s counsel, Attorney Tony Starr, from the law firm Mintz had submitted letters on January 5, 2023, and February 3, 2023.

Chief Delaney stated that the Commission had requested opinions from the other licensed communities related to this matter, and that a letter from the town of Plainville was received and included in the Commissioner’s Packet. He stated that a letter was received from the City of Everett estimating the probable cost of an additional referendum to be \$130,000.

Chief Delaney explained that EBH had continued to pursue permitting during the Commission’s review, and that they had submitted a notice of project change to the Massachusetts Environmental Policy Act Office (“MEPA”). He stated that MEPA required EBH to do a supplemental environmental impact report followed by a supplemental final environmental impact report.

Chief Delaney noted that the City of Everett planning board had approved the first phase of this project, and that the city rezoned the property to be part of the resort casino overlay. Mr. Starr stated that Wynn MA, LLC was requesting that the Commission approve the revised gaming establishment boundaries that would include gaming in the east of Broadway development.

Mr. Starr stated that the Commission had posed four questions at the previous meeting discussing this topic on November 16, 2022. He explained that the first question was a request for an overlay of the Monsanto properties and the current casino. The second was a request for Springfield and Plainville to offer insight on their understanding of the referendum vote as it

related to the expansion of gaming establishments. The third was a request for the mailing sent to Everett citizens prior to the referendum vote in June 2013; and the fourth request was for Massachusetts caselaw used to help determine voter intent.

Mr. Starr stated that there was not a single document that contained all the properties in the Lower Broadway area that Monsanto or its predecessors occupied, owned, or conducted business at. He explained that Monsanto and its predecessors had ongoing operations and landholdings to the east and west of the current EBH site over the past 125 years. He noted that Monsanto had once owned land on the west side of the railroad tracks that ran adjacent to the current Monsanto site.

Mr. Starr stated that some properties to the east of Broadway were at one point owned by Merrimack Chemical, and that there were also lots associated with Cochran Chemical. He noted that the proposed development east of Broadway overlaid with properties owned by a predecessor to Monsanto. He stated that it was reasonable to conclude, based on records, that at one point Monsanto and its predecessors operated both to the east and west of the current EBH site.

Mr. Starr stated that related to the second question the response from the Town of Plainville showed that they did not consider the HCA to limit the potential expansion of the gaming establishment. He noted that the city of Everett's outside counsel, Attorney Jonathan Silverstein from the law firm Blatman, Bobrowski, Haverty & Silverstein, LLC, had worked with the town of Plainville in developing their HCA; and added that he would defer to Attorney Silverstein on this issue.

Mr. Starr stated that a copy of the letter sent to the citizens of Everett prior to the referendum vote was provided in his February 3, 2023, letter to the Commission. He expressed his understanding that all residents of Everett received this letter which included the HCA. He stated that terms included in the letter and HCA included provisions that the Wynn project site was subject to expansion and that Wynn had or would acquire land or options to purchase land in or around the project site. He stated that the east of Broadway development was the type of construction contemplated by the HCA.

In response to the fourth question Mr. Starr stated that no caselaw directly answers questions related to voter intent. He stated that the caselaw was summarized in the January 5, 2023, letter to the Commission. He stated that caselaw related to ballot referendums focused on information that the voters had before them and what a reasonable voter was expected to understand. He reiterated that the voters of Everett had the ballot question and the letter from the mayor with a copy of the HCA. He stated that voters do not vote in a vacuum but look towards the totality of circumstances surrounding the vote.

Mr. Starr stated that the HCA referenced "property in or around the current sites" and stated that the parties negotiated a provision related to the construction of potential expansions. He stated

that the HCA was posted in public, included in the ballot question, and sent in a letter to each resident in Everett. He noted that the ballot question passed with 86% of the vote and that the parties complied with all requirements of the 2011 gaming act.

Attorney Silverstein reported that the Town of Plainville noted that they did not believe the ballot question prohibited the expansion of the gaming establishment. He noted distinctions between the City of Everett and the Town of Plainville's HCAs, as Plainville's HCA referenced expansion only to the square footage of the building, whereas Everett's HCA referred to the expansion of the project site and new land. He stated that Penn Entertainment did not discuss the possibility of acquiring additional land during negotiations with the Town of Plainville, but that a discussion of new land had occurred between Everett and Wynn.

Attorney Silverstein stated that the wording of the HCA was available to every voter prior to the vote. He stated that the voters voted on the entirety of the term in the HCA which allowed expansion onto additional land. Mr. Silverstein stated that the people of Everett referred to lower Broadway colloquially and that the city's Lower Broadway Masterplan identified land off of Broadway. He noted that the ballot question could be considered in a vacuum and that the general circumstances surrounding the vote and information available to the voters should be considered.

Chief of Staff for the City of Everett, Erin Deveney, stated that the mayor began discussing the redevelopment of lower Broadway in 2010. She stated that residents in Everett would colloquially refer to the area as the Monsanto site, but that it was not used solely to refer to one parcel. She stated that the conversations in developing the HCA and city council meeting reflected an understanding that new construction could take place. She noted that the residents were more concerned with the positive benefits of the expansion.

Commissioner O'Brien asked where the outer boundary of the site described in referendum would be. She stated that the historic maps did not provide clarity on the outer boundary of the site referenced in the HCA. She stated it would be clearer that expansion of the gaming area was permissible if the description of the site in the HCA referenced the Lower Broadway District.

Attorney Silverstein replied, "you know it when you see it" in reference to the outer boundary. He stated that the legislature required the site be identified to ensure that voters would know the location of the site. He expressed that it would be hard to believe that Everett voters would care which side of the road the poker room was located on. He noted that the language in the HCA allowed voters to know that Wynn was looking to purchase land proximate to the site. Mr. Silverstein added that at the time the HCA vote occurred, Wynn was attempting to purchase the MBTA yard adjacent to the site that was never owned by Monsanto. He stated that the outer boundary could not be identified, but that the lower Broadway development district zoning applied to all this land.

Ms. Deveney stated that it was unclear whether residents could accurately identify where the parcel listed in the HCA on Horizon Way was, but that they could identify the Monsanto site area. She stated that the mayor of Everett believed that the expansion of gaming east of Broadway was something contemplated when the initial site opened.

Chair Judd-Stein stated that the HCA was a requirement for an applicant for a gaming license, but that the Commission only did not approve the HCAs. She stated that the Commission's role was in the oversight of gaming and not oversight of the development. General Counsel Todd Grossman stated that each HCA met the minimum requirements set out in General Law Chapter 23K.

Chair Judd-Stein stated that there was an assumption that voters were informed and asked if the HCA contemplated development expansion or expansion of gaming. General Counsel Grossman stated that the HCA did not state there may be gaming across the street or at other expansion points. He stated that the HCA contemplated project expansion without touching on whether gaming activity would be expanded.

Mr. Starr stated that expansion was addressed in the annual community impact fees, where Wynn would be required to renegotiate the impact fee if Wynn commences operations on the new property. He stated that the impact fee was intended to provide compensation to the city for the operation of a destination resort casino. He stated that because the fee was for operating a resort casino, then the reevaluation of the fee contemplates that the expansion was for the casino purposes.

Mr. Silverstein stated that the second recital of the HCA defined the project as involving a destination resort casino on the project site. He stated that the HCA authorized the development, operation, and expansion of the casino. General Counsel Grossman stated that Wynn could develop across the street, the question was whether gaming could be conducted at that site. He stated that General Law Chapter 23N requires all sports wagering areas under category one licenses to be in gaming establishments.

General Counsel Grossman stated that the language in General Law Chapter 23K, § 15 subsection 13, guided the ballot question on the HCA. He stated that question was whether the vote was intended to approve of the applicant's license in general or whether it was to approve gaming at the specific location identified in the HCA. He stated that the Commission was afforded broad discretion in their interpretation of G.L. Chapter 23K.

General Counsel Grossman stated that the Massachusetts Supreme Judicial Court had held that agencies have substantial discretion in the interpretation of statutes in which the agency was charged to enforce. He stated that the law did not adequately address the expansion of gaming establishments, but that the Commission could control the boundary of the gaming establishment. He questioned whether the ballot question could limit the Commission's control.

General Counsel Grossman stated that G.L. Chapter 23K was silent as to whether the vote would bind the gaming establishment to the specific location described. He stated that the requirement of a location could be interpreted to mean that the facility must be at the location or that the location was included to give the voters an idea where the proposed development would be in conjunction with the HCA.

Attorney Mina Makarious, outside Counsel for the Commission from the law firm Anderson and Krieger, stated that voters were expected to understand surrounding circumstances when voting. He stated that if the vote was for the gaming license and the vote contemplated an expansion across the street, then the expansion arguably would extend to the gaming area.

Commissioner Hill asked if the citizens of Everett had discussed the potential expansion at the city's meetings. Ms. Deveney stated that the citizens believed they were voting on a gaming license rather than a specific site, and that the conversations at community meetings focused largely on the context of bringing gaming into the community for economic development.

Mr. Silverstein stated that he attended each public forum. He stated that the conversations were generally related to the Lower Broadway Masterplan and how development would fit into the goals for lower Broadway. He stated that he did not recall any questions about expansion.

Commissioner Hill sought clarification regarding the negotiation of the language related to the impact fee in the HCA. Mr. Silverstein stated that the language was heavily negotiated as Wynn had ongoing discussions to buy the adjoining MBTA property. He noted that the mayor was aware of discussion between Wynn and other property owners along lower Broadway. He stated that the mayor of Everett did not want the expansion of the gaming establishment without reevaluating the impact fees accruing to the city.

Commissioner Hill asked if it was clear in the negotiations that the expansion included the expansion of gaming. Mr. Silverstein stated that the expansion of gaming was repeatedly brought up, and that the mayor of Everett specifically looked at Wynn's Las Vegas properties where they have two adjacent resort casinos.

Commissioner Hill asked if the two locations in Las Vegas required separate gaming licenses. Senior Vice President and General Counsel for EBH Jacqui Krum stated that they were run as a joint property, and that two licenses were not required. She noted that the Las Vegas properties were next to each other with a walkway between them.

Commissioner Skinner asked if there was any public discussion related to the current expansion or comments at the zoning board, city council, or MEPA meetings. Ms. Deveney stated that public notice was given for these meetings and that the city council was aware of the amended proposal that included gaming. She noted that the feedback from the public had been focused on the interest of renegotiating the HCA to be able to revisit conversations related to financial

community impacts. She stated that she was not aware of any public comments questioning or criticizing the expansion of gaming.

Commissioner Hill asked if there were negative comments at the planning board meetings. Ms. Deveney stated that she was not aware of any negative comments related to the expansion of gaming. Mr. Silverstein stated that the only opposition to the expansion was to the development of a performance venue within the east of Broadway project.

Commissioner Hill asked if another ballot question regarding the expansion of the gaming area was a possibility. Mr. Silverstein replied that there was a significant expense to an election. He stated that another election would inconvenience the voters and city staff when 86% of the voters already approved the HCA in 2013, where expansion could reasonably be anticipated.

Ms. Deveney stated that the mayor had concerns with delaying the project and that he wanted to mitigate the loss of additional commercial-based tax revenue that would result in an increased tax rate for residents. Chair Judd-Stein asked if the \$130,000 estimate for holding a referendum included the cost of poll workers. Ms. Deveney stated that an additional referendum was not factored into the city budget for salary workers, and that the cost estimate included hiring individuals to work the polls.

Commissioner O'Brien stated that certain delays such as the MEPA process were outside of the Commission's control. She asked if not allowing gaming in the project would substantially alter the infrastructure of the building. Ms. Krum stated the building would have to be redesigned and that EBH would need to restart the MEPA process. Commissioner O'Brien asked if the plan currently submitted included gaming. Ms. Krum stated that it was submitted with the gaming area.

Commissioner Maynard asked if the average voter who passed the referendum would have a problem with gaming being expanded across the street. Mr. Silverstein stated that the average voter knew that EBH was being built in lower Broadway, and that neither residents nor public officials had presented issues with the expansion.

Commissioner Maynard inquired whether the average voter would consider the property across the street to be land in or around the site. Mr. Starr stated that there was an assumption that a reasonable voter would have looked into the information available to them. He stated that there were meetings discussing the expansion of the gaming establishment which should put voters on notice that the expansion of gaming was anticipated. He stated that a voter opposed to the potential for expansion could have voted no at the ballot. He expressed that he believed a reasonable voter would anticipate the future expansion of the resort casino.

Commissioner Maynard asked how a new election would disrupt the local clerks involved in special elections. Ms. Deveney stated that the clerks would perform the duties they are asked to do. She noted that Everett was a diverse community, and that information would have to be

available in multiple languages, which would be additional work and additional costs. Chief Delaney stated that according to the Everett Independent there were 5,320 votes in support of the ballot question and 833 votes opposed.

Commissioner O'Brien asked why the Lower Broadway District Masterplan Area was not included in the referendum description. Mr. Silverstein stated that Monsanto chemical site was colloquial shorthand for the lower Broadway area, and that he was unsure if voters would be able to identify the Lower Broadway District Masterplan Area. He noted that every voter received a copy of the HCA which discussed potential expansion.

Mr. Silverstein noted that General Law 23K, § 15 included the language for the ballot question. He stated that voters may be confused by the language if they believe that they already authorized a gaming establishment. He stated that there was not a provision for alternative ballot question language.

Chair Judd-Stein stated she had not heard any opposition against this project since it was brought to the Commission. Commissioner O'Brien noted that the Commission had not conducted public hearings on this subject. Chair Judd-Stein asked if the issue regarding the language of the ballot question- brought up by Mr. Silverstein- could be remedied. General Counsel Grossman noted that G.L. Chapter 23K, § 15 only applied to initial gaming applications. He stated that the Commission could use its plenary authority to oversee casino gaming to require a vote and that the Commission would have discretion to craft the language.

Commissioner Hill expressed his view that the citizens of Everett knew what they were voting on and that they could anticipate an expansion in the area proposed. He stated that the citizens likely knew where this area would be when they voted on it. He stated that the impact fee provision makes it clear that the city, EBH, and the citizens who voted on the HCA expected some expansion in the area not specific to the location. He stated that it was likely the voters could contemplate the expansion of the gaming establishment as 86% of voters voted to approve the HCA which considered expansion. He stated that there will be opportunities for comments at the planning board and MEPA meetings.

Commissioner Maynard agreed with Commissioner Hill. He expressed his belief that the average voter contemplated an expansion and that the parcel would be considered part of the colloquial Monsanto site.

Commissioner Skinner stated she agreed with Commissioner Hill and Commissioner Maynard. She explained that her decision hinged on what could be deduced as voter intent and that she agreed with Mr. Starr that the decision should be based on the totality of documentation and information available. She stated that it was reasonable to conclude that Everett voters cast their vote with sufficient information about the HCA. She stated that EBH should be allowed to expand east of Broadway without an additional referendum.

Commissioner O'Brien stated that the Commission has the right to redraw the boundaries of gaming establishments, but that she was not convinced of where the boundaries were in this instance. She stated that nothing presented gave her confidence that the project fell within what was approved by the ballot. She stated that she was not comfortable with the "I know it when I see it" response provided. She stated that she would not be satisfied in expanding unless a clear outer boundary was identified.

Mr. Starr stated that the proposal used the language "in and around the project site". He stated that it was reasonable to understand that the language may have included the property across the street. He stated that the map exhibit included areas across the street even if it did not mark boundaries.

Chair Judd-Stein stated that Everett showed a great deal of diligence in providing information to its voters. She stated that the public had not shown a demonstration of discomfort with the expansion. She stated that it was not practical to read the HCA as allowing development expansion but not including gaming. She stated it would be an unfortunate use of resources to require an additional referendum.

Commissioner Skinner moved that the Commission find that pursuant to General Law Chapter 23K, § 15 subsection 13 and as outlined in the Commissioner's Packet and discussed here today, in June of 2013 the voters of Everett voted in favor of the gaming license awarded to Wynn MA, LLC in and around the specific parcel formerly known as the Monsanto chemical site; including the expansion site as proposed by Wynn MA, LLC. Accordingly, subject to further evaluation and approval by the Commission at a future meeting, the gaming establishment may be expanded to the site of the east of Broadway development, across the street from Encore Boston Harbor. Commissioner Hill seconded the motion.

Commissioner Maynard suggested an amendment changing the word parcel to site. Commissioner Skinner accepted the amendment. Chair Judd-Stein expressed concern about potential confusion regarding the language. Commissioner O'Brien suggested an amendment to reference the information and discussion from the November 16, 2022, meeting. She suggested replacing the term Monsanto chemical site with the location of the site referenced in the 2013 referendum. Commissioner Skinner accepted the amendments. General Counsel Grossman suggested changes to the language to incorporate the amendments more clearly.

Commissioner Skinner moved that the vote taken in June 2013 in Everett under General Law Chapter 23K, § 15 subsection 13 included the expansion site as proposed by Wynn MA, LLC and outlined in the Commissioner's Packet and discussed on November 16, 2022, and today. Accordingly, subject to further evaluation and approval by the Commission at a future meeting, the gaming establishment may be expanded to the site of the east of Broadway development, across the street from Encore Boston Harbor. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Nay.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Maynard: Aye.
Chair Judd-Stein: Aye.
The motion passed, 4-1.

b. [Casino Licensee Reports](#) (4:19:42)

Chief Delaney stated that a memo was sent to the Licensees in December requesting they report on the utilization of minority-owned business enterprises, veteran-owned business enterprises, and women-owned business enterprises in relation to capital expenditures. He stated that the licensees were also requested to provide annual reporting on the impact of live entertainment venues in this quarterly report presentation.

i. [Encore Boston Harbor Q4 Report and ILEV Update](#) (4:22:46)

Ms. Krum and the Executive Director of EBH Juliana Catanzariti presented EBH's Quarter 4 Report with topics including gaming revenue and taxes, lottery sales, employment, hiring, operating spending, compliance, promotions and volunteerism, and the sports wagering launch. *EBH's Quarter 4 Report Presentation* was included in the Commissioner's Packet on pages 246 through 269.

Commissioner O'Brien asked what efforts were being made in hiring more female staff. Ms. Krum stated that EBH had issued a test to employees looking for sportsbook writers and that women passed at a higher rate than men. She stated that a large percentage of sportswriters were women. She stated that EBH's goal had shifted to try to move women into jobs that were not as traditionally open to women, because it made recruiting and hiring women in those departments easier.

Commissioner Skinner sought clarification as to whether there was a drop in diverse spending in the discretionary spending category reported in their presentation. Ms. Catanzariti stated that there was an annual increase from the previous year but noted that vendor spending fluctuates each quarter.

Commissioner O'Brien sought clarification regarding the minor who had accessed the gaming floor for more than four hours. Ms. Catanzariti stated that the minor had used the valid identification of another person. Commissioner O'Brien asked about the increased number of those under eighteen accessing the gaming floor in November. Ms. Catanzariti explained that patrons mistakenly brought children onto the gaming floor.

Ms. Krum stated that EBH entered an impacted live entertainment venue agreement with the Massachusetts Performing Arts Coalition. She stated that she reached out to the president and

CEO of that organization to collaborate on the design of the theater as part of the development project east of Broadway.

Commissioner Hill asked what occurs when further discussion was needed for an impacted live entertainment venue agreement. Chief Delaney replied that the group could petition the licensee to reopen the agreement. He stated that the Commission was not a party to the agreement, but if the parties were at an impasse, the Commission could intervene.

ii. [Executive Session](#) (4:41:29)

Chair Judd Stein read the following in the record, “the Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(7) to comply with G.L. c. 23K, §21(a)(7) for the specific purpose of determining whether EBH has complied with its capital expenditure obligations as described in 205 CMR 139.09, and any corresponding materials, submitted relative to EBH, as discussion of this matter in public would frustrate the purpose of the statute and associated legal authorities. This matter was further governed by 205 CMR 139.02 as the information at issue was covered by a nondisclosure agreement.”

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

Commissioner O’Brien moved that the Commission enter an executive session for the matters and reasons stated by the Chair. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0. Commissioners entered executive session.

Transcriber’s Note: Commissioners returned to the public meeting from the executive session.

With that, Commissioner Hill moved that the Commission find that EBH was in compliance with their obligations under G.L. Chapter 23K and 205 CMR 139 for the calendar year 2022, subject to further audits being necessary for compliance purposes. Commissioner O’Brien seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.
Chair Judd-Stein: Aye.
The motion passed unanimously, 5-0.

iii. [Plainridge Park Casino Q4 Report and ILEV Update](#) (5:11:09)

North Grounsell, General Manager at PPC, Vice President of Finance, Heidi Yates-Akbaba, and Vice President of Human Resources at PPC, Kathy Lucas presented PPC's Quarter 4 Report. Topics included gaming revenue and taxes, lottery sales, employment, hiring, operating spending, community and team, and compliance. *PPC's Quarter 4 Report Presentation* was included in the Commissioner's Packet on pages 276 through 290.

Commissioner O'Brien asked if PPC had any recent efforts in hiring female employees. Ms. Lucas stated that women were largely brought into positions when opening the sportsbook. She stated that PPC had been successful in hiring women managers and opportunities for women to advance. She stated that construction had begun on a full-service restaurant which would provide opportunities.

Mr. Grounsell stated that PPC remained in compliance with its ILEV agreement with impacted venues. Commissioner Skinner commended PPC on their diversity spending numbers. Commissioner Hill sought clarification on the burst pipe situation at PPC. Mr. Grounsell explained that there was a brief disruption to the gaming floor, but that no injuries were reported.

Commissioner O'Brien asked how the one minor had accessed the gaming floor. Mr. Grounsell stated that the minor had approached the cashier cage not knowing that they needed to be 21 to do so. He added that the minor was escorted off the gaming floor within five minutes.

iv. [Executive Session](#) (5:31:06)

Transitioning into the next agenda item on capital expenditures, Chair Judd Stein read the following in the record, "the Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(7) to comply with G.L. c. 23K, §21(a)(7) for the specific purpose of determining whether PPC has complied with its capital expenditure obligations as described in 205 CMR 139.09, and any corresponding materials, submitted relative to PPC, as discussion of this matter in public would frustrate the purpose of the statute and associated legal authorities. This matter was further governed by 205 CMR 139.02 as the information at issue was covered by a nondisclosure agreement."

Chair Judd-Stein noted to the meeting's participants that the public session of the Commission meeting would reconvene at the conclusion of the executive session.

Commissioner O'Brien moved that the Commission enter executive session for the matters recited by the Chair and for the reasons cited on the record. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0. Commissioners entered executive session.

Transcriber's Note: Commissioners returned to the public meeting from the executive session.

With that, Commissioner Skinner moved that the Commission find that PPC was in compliance with the multi-year capital expenditure plan previously approved in accordance with 205 CMR 139.092 subject to further audits deemed necessary for compliance. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

v. [MGM Springfield Q4 Report and ILEV Update](#) (6:02:38)

Vice President and Legal Counsel for MGM Springfield ("MGM") Augustine "Gus" Kim presented MGM's Quarter 4 Report, with topics including gaming revenue and taxes, lottery sales, employment, hiring, operating spending, compliance, handrail installation, and community outreach. *MGM's Quarter 4 Report Presentation* was included in the Commissioner's Packet on pages 297 through 323.

Chair Judd-Stein inquired whether it would be beneficial to have signage that children could accompany those over the age of twenty-one on the gaming floor. Director of Compliance for MGM Daniel Miller explained that additional signage was posted at all entrances to the casino area. He stated that maps showing the casino area as a prohibited zone for families were distributed to guests. Mr. Kim stated that directional signage on the floor also stated that those under twenty-one must stay along the perimeter of the casino floor.

Commissioner O'Brien asked about the instance where an underage youth was on the casino floor for two hours. Mr. Miller stated that the underage youth used deception to gain access to the floor with a passport belonging to another person. Commissioner O'Brien expressed concern about minors accessing the gaming floor, and asked if MGM had a breakdown of those under eighteen and those under twenty-one who accessed the gaming floor. Mr. Miller stated that he did not have the number, but that more minors under eighteen most often accessed the floor due to families bringing their children into the gaming area.

Chris Kelley, President of MGM Springfield, remarked that the design of the floor was an open floorplan. He explained that the design had changed after COVID-19, and railings had installed which resulted in 80% less underage persons accessing the gaming floor.

Commissioner Skinner sought clarification as to why 2019 was used for comparison in the quarterly report slide. Mr. Kim stated that 2019 was the year of operation used as a base comparison because there were no COVID-19 restrictions, or closures. Commissioner Skinner additionally commended MGM hiring a consultant to increase diversity spend and expressed she looked forward to the Quarter 1 numbers.

Commissioner O'Brien stated that the other licensees had a breakdown between minors, under the age of eighteen accessing the gaming floor; and underage individuals, who were under twenty-one. She stated that she would appreciate having that statistic from MGM as well. Mr. Miller stated that it would be included in future reports.

Mr. Kim added that MGM had an impacted live entertainment venue ("ILEV") agreement with the Massachusetts Performing Arts Coalition. He noted that MGM was looking to create synergy between Worcester and Springfield as well. Chief Delaney stated that licensees should reach out to the impacted venues throughout the year in-between reports to remain in compliance with their agreements.

vi. [Executive Session](#) (6:37:37)

Moving into the next item, Chair Judd Stein read the following into the record, "the Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(7), to comply with G.L. c. 23K, §21(a)(7), for the specific purpose of determining whether MGM has complied with its capital expenditure obligations as described in 205 CMR 139.09, and any corresponding materials, submitted relative to MGM, as discussion of this matter in public would frustrate the purpose of the statute and associated legal authorities. This matter is further governed by 205 CMR 139.02 as the information at issue was covered by a nondisclosure agreement."

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

Commissioner O'Brien moved that the Commission enter executive session for the matters and reasons delineated 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.

The motion passed unanimously, 5-0. Commissioners entered executive session.

Transcriber's Note: Commissioners returned to the public meeting from the executive session.

Commissioner Maynard moved that the Commission find that MGM Springfield was in compliance with their obligations under G.L. Chapter 23K, and 205 CMR 139 for the calendar year 2022, subject to further audits being necessary for compliance purposes. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

c. [Community Mitigation Fund Request](#) (6:58:40)

Chief Delaney presented an amendment from the City of Revere to its non-transportation planning grant from 2019. He stated that Revere had not spent all the money for the project and in the interim, had created a Department of Tourism. He stated that the City of Revere had requested taking \$7,000 of the remaining grant budget to help pay for the development of the Travel and Tourism Master Plan. He stated that the Community Affairs Division recommended the transfer of these funds.

Commissioner Maynard moved that the Commission grant the request from the City of Revere as included in the Commissioner's Packet and discussed here today to reallocate \$7,000 of the 2019 non-transportation planning grant for development of Revere's Travel and Tourism Master Plan. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.
Chair Judd-Stein: Aye.
The motion passed unanimously, 5-0.

4. [Other Business](#) (7:02:26)

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

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

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

List of Documents and Other Items Used

1. [Revised Notice of Meeting and Agenda](#) dated February 6, 2023
2. [Commissioner's Packet](#) from the February 8, 2023, meeting (posted on massgaming.com)



Massachusetts Gaming Commission Meeting Minutes

Date/Time: February 9, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 271 6063

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

Commissioners Present:

Chair Cathy Judd-Stein
Commissioner Eileen O'Brien
Commissioner Bradford Hill
Commissioner Nakisha Skinner
Commissioner Jordan Maynard

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

Chair Judd-Stein called to order the 434th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Approval of the Meeting Minutes](#) (00:53)

Commissioner Hill moved that the Commission approve the August 11, 2022, and August 17, 2022, public meeting minutes that were included in the Commissioner's Packet subject to any necessary corrections for typographical errors or other non-material matters.

Commissioner O'Brien suggested three edits to the August 11, 2022, minutes to address typographical errors, and to add clarifying language. Chair Judd-Stein suggested edits to the August 11, 2022, minutes to correct where she was referred to by an incorrect title. Commissioner Skinner suggested an edit to the August 11, 2022, minutes as a speaker was listed in the agenda, but ultimately not present at the meeting, had been mentioned in an overview paragraph.

Commissioner Hill accepted the amendments and noted that they would be corrected before their finalization and publication. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

3. [Administrative Update](#) (7:36)

Executive Director Karen Wells stated that the tentative launch date for the category three online sports wagering operators would be on March 10, 2023. She reported that the date to approve the operators temporary license would be at the public meeting on February 23, 2023.

Executive Director Wells reported that the Massasoit Greyhound Association (doing business as “Raynham Park”) had also submitted their application for a category two sports wagering license. She stated that the Investigations and Enforcement Bureau (“IEB”) was conducting a completeness review as required by regulation, and that an additional potential entity qualifier had been identified. She stated that the Commission would also need to receive and review the house rules and internal controls in addition to conducting technological testing and verification prior to the launch date.

Loretta Lillios, Director of the IEB, stated that the deficiency review was completed for existing qualifiers. She noted that the Licensing Division was communicating with the applicant regarding a potential new entity qualifier that may require review.

Chair Judd-Stein asked if the tentative launch date could be returned to, if necessary. Executive Director Wells stated that it could as the launch date was dependent upon the quality of the internal control submissions from the applicants; and the applicants’ responsiveness from issues raised by Gaming Laboratories International (“GLI”). Commissioner Skinner asked when March Madness would begin. Executive Director Wells replied that March Madness would begin on March 14, 2023.

a. [Casino Update](#) (14:55)

Burke Cain, Interim Gaming Agents Division Chief, stated that Plainridge Park Casino (“PPC”) continued its remodel of Flutie’s Sports Bar to convert the area into a sportsbook. He stated that PPC continued to offer live music in the Revolution Lounge each Friday. He reported that MGM Springfield (“MGM”) was hosting Free Music Fridays in the Aria Ballroom and offering comedy entertainment on weekends in the Aurora Comedy Club. He reported that Encore Boston Harbor

(“EBH”) was expanding Pit 36, in front of the Wynn Sportsbook due to high demand. He detailed that EBH would replace 85 slot machines with a roulette table, a craps table, and four blackjack tables. He noted that EBH was expecting to complete this project prior to the 2023 Superbowl weekend.

Commissioner O’Brien commented that she had noticed a high volume of patrons near the Wynn Sportsbook when she had visited EBH in January. She requested that Mr. Cain provide the Commission with an update on the additional table games at EBH for the next meeting.

4. [Investigations and Enforcement Bureau](#) (19:19)

a. Update on Plainridge Park Casino and Encore Boston Harbor’s compliance with the Approved Massachusetts Sports Wagering Catalogue

Heather Hall, Chief Enforcement Counsel explained there had recently been noncompliance events where PPC and EBH had offered wagers on unauthorized events. She noted that the incidents were violations of General Law Chapter 23N, § 3, 205 CMR 247, as well as the Commission approved sports wagering catalog. She noted that both incidents were self-reported by the licensees.

Chief Enforcement Counsel Hall stated that PPC had permitted wagers on the Merrimack College men’s basketball game, and that wagering was open for seven hours. She stated that EBH had permitted wagers on a Boston College women’s basketball game, and that wagering was available for five hours. She stated that the IEB anticipated providing a written document that detailed the remedial steps taken by the operators once their review was complete.

Commissioner O’Brien inquired about the number of wagers and monetary amount wagered on each event. Chief Enforcement Counsel Hall stated that she would present that information with the full report. Chair Judd-Stein asked if there was any additional information the Commissioners wanted when the report was presented on February 14, 2023. Commissioners did not make any additional requests.

Chair Judd-Stein expressed an interest in ensuring the public that remedial efforts would be put in place to mitigate this type of incident. Director Lillios stated that steps had been taken and that the IEB would continue to evaluate the ongoing remediation. Bruce Band, Director of Sports Wagering, stated that EBH had taken over the process of inputting the sports wagering catalog and that PPC reviewed the catalogue each day, before the wagers they intended to offer took effect.

Commissioner Hill asked if the issue was due to a filter not being properly applied. Director Band stated that he would prefer not to answer until the investigation was complete. Commissioner Skinner sought clarification regarding PPC’s remedial measures. Director Band stated that PPC was reviewing the catalog of events to ensure Massachusetts collegiate teams

were not included. Commissioner Skinner asked if this process was a daily review. Director Band confirmed that it was.

General Counsel Todd Grossman noted to the Commissioners that there could not be wagering on sporting events featuring Massachusetts-based colleges or universities, unless it was a tournament with at least four teams. Chair Judd-Stein commended both operators for self-reporting. She requested information be provided to the Commissioners regarding how similar noncompliance matters were handled in other jurisdictions.

i. [Executive Session](#) (30:15)

Chair Judd-Stein informed the meeting participants that the Commission had reserved an item on the agenda for an executive session related to the noncompliance issue. She stated that there was no need for an executive session, and that the meeting would continue with the next item.

5. [Finance](#) (30:45)

a. Mid-Year Financial Update

Chief Financial and Accounting Officer (“CFAO”) Derek Lennon presented the second quarter budget update for the FY23 budget. *The Second Quarter Budget Update Presentation* was included in the Commissioner’s Packet on pages 26 through 37.

CFAO Lennon stated that the Financial Division staff recommended the increase of the gaming control fund by \$50,770 for independent monitor invoices paid in this quarter and an increase to the revenue estimate by that amount. He stated that the memorandum also recommended adjustments to each licensee’s share of the FY23 Gaming Control Fund assessment and Public Health Trust Fund assessment based on the revised gaming position counts as of January 1, 2023.

CFAO Lennon explained that the Research and Responsible Gaming Division had requested approval to move forward with a \$150,000 RFR for a statutorily required study and \$60,000 for the enhancement of the voluntary self-exclusion database. He noted that both these requests were approved and increased the sports wagering control fund’s approved level to \$2.42 million.

CFAO Lennon stated that the memorandum also recommended the additional increase of \$2.32 million to the sports wagering control fund, bringing the FY23 projected sports wagering control fund budget to \$4.74 million. He stated that \$2.32 million would be assessed to the approved sports wagering licensees, pursuant to 205 CMR 221.01(4).

CFAO Lennon reported that the Commission approved five additional full time equivalent positions in a public meeting on January 4, 2023. He stated that due to high turnover, and delays

in filling existing vacant positions, the five additional positions were able to be funded by the current budget levels.

Commissioner O'Brien expressed an interest in supporting the Human Resources Division in filling the vacant positions. CFAO Lennon noted that the lag in hiring was across all divisions. Executive Director Wells explained that it was a national issue related to hiring, and that the Commission staff had implemented additional strategies to recruit more employees.

Commissioner Hill inquired if the Commission attended job fairs. CFAO Lennon stated that the Commission staff had historically gone to job fairs and hosted their own for some of its dedicated positions.

Commissioner Hill moved that the Commission increase the Gaming Control Fund spending and revenue projections by \$50,770 for the independent monitor, and that the Commission adjust the assessment on gaming licensees based on the revised gaming position accounts as of January 1, 2023, as included in the Commissioner's Packet and as discussed today. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

b. [Sports Wagering Assessment for Approved Operators](#) (45:11)

Commissioner Skinner moved that the Commission increase the Sports Wagering Control Fund budget by \$4.74 million and assess \$2.32 million of that on Massachusetts sports wagering operators and that the Commission approve the \$1 million statutorily required assessment to the Public Health Trust Fund on licensed sports wagering operators as included in the Commissioner's Packet and discussed today. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

6. [Legal](#) (47:54)

a. New Table Games

- i. 205 CMR 146.28: Pontoon 21 Table; Physical Characteristics. Review of Final regulation and ABSIS for approval to finalize the promulgation process.

Associate General Counsel Judith Young explained that the Commission approved Pontoon 21 as a table game on September 1, 2022. She stated that the game was approved for play at MGM, and that the accompanying regulation, that set out the physical table characteristics, had been working its way through the promulgation process. Associate Counsel Young reported that no comments were received at the January 31, 2023, public hearing presided over by Commissioner O'Brien. The *Amended Small Business Impact Statement and draft 205 CMR 146.28* were included in the Commissioner's Packet on pages 38 through 42.

Angela Smith, Casino Regulatory Manager for MGM Springfield, stated that Pontoon 21 was popular, and that MGM had given away approximately \$4 million of prizes for this game. She stated that no patron comments had raised issues with the procedures or policy related to Pontoon 21, or the physical characteristics of the table.

Commissioner Hill stated that he noticed the Pontoon 21 table was popular when he was reviewing the sports wagering kiosks. Chair Judd-Stein inquired as to what made the game popular. Ms. Smith stated that the popularity was due to the progressive bonus spin which could result in prizes for everybody seated at the table. Interim Gaming Agents Division Chief Cain stated that Pontoon 21 also used combination bets which added a fun difference to other table games at the property. Associate General Counsel Young stated that there had been no substantive changes to the draft regulation since it was first presented on September 1, and that no comments were received regarding the game or regulation.

Commissioner O'Brien moved that the Commission approve the amended small business impact statement and the draft of 205 CMR 146.28 as included in the Commissioner's Packet and discussed here today, and further that staff be authorized to take the steps necessary to file the required documentation 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 Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

- ii. [Approval of New Table Game Rules – Pontoon 21](#) (56:36)

Associate General Counsel Young explained that section seventeen of the game rules, that defined the physical table characteristics, was now going to be struck to align with the other approved table games rules, now that the 205 CMR 146.28 had been finalized. She stated that the existing version of the rules in the Commissioner’s Packet would be posted to the Commission website with the date of approval. The rules of Pontoon 21 were included in the Commissioner’s Packet on pages 43 through 59.

Commissioner Skinner moved that the Commission approve the amended rules of the game Pontoon 21 as included in the Commissioner’s Packet and discussed here today. Commissioner O’Brien seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

b. [Discussions regarding Sports Wagering Regulations](#) (59:43)

i. 205 CMR 254: Temporary Prohibition from Sports Wagering

Deputy General Counsel Carrie Torrisi presented a change to 205 CMR 254 that allowed patrons to opt in for the notification that their temporary prohibition period was expiring rather than requiring it. Executive Director Wells stated that operators could petition for a waiver from this requirement if they did not have the technological capability to comply.

Executive Director Wells stated that this feature was not used in other jurisdictions and that a roundtable could be held with the operators to discuss this policy. She expressed concern that a notice from the operator could trigger the patrons. Chair Judd-Stein noted that some of the operators had different time durations offered for their cooling off period in comparison to the existing regulation.

Deputy General Counsel Torrisi noted that the regulation was currently in effect and would return for a final vote on February 28 or March 1. She noted that the changes could be implemented when the regulation came for a final vote, and that the regulation would go into effect on March 17, 2023.

Next, Mark Vander Linden, Director of Research and Responsible Gaming, presented the temporary prohibition periods with topics including supporting positive play, DiClemente and Prochaska’s stages of change, triggers and relapse, and key features of the cooling off notification. The *Presentation on Cooling Off Periods* was in the Commissioner’s Packet on pages 64 through 72.

Commissioner Skinner asked if voluntary self-exclusion was equivalent to the cooling off period. Director Vander Linden stated that they were similar concepts, but that cooling off was for short-term exclusion. Commissioner Hill asked about the differences between cooling off periods and self-exclusion. Director Vander Linden explained that the voluntary self-exclusion list was statewide and had a longer enrollment process. He stated that the cooling off period was platform specific, easier to enroll in, and excluded patrons for a shorter period.

Chair Judd-Stein asked if patrons could remove themselves from the cooling-off feature. Director Vander Linden replied that patrons could not shorten the cooling off period once enrolled. He noted that cooling off also took place immediately while the voluntary self-exclusion had a short period between enrollment and when the list takes effect.

Commissioner Skinner asked if there was evidence that problem gamblers and at-risk gamblers were more likely to use the feature. Director Vander Linden stated that based on the definition, cooling off related to external controls on gambling. Someone who used cooling off closer aligned with the definition of someone at risk of gambling harm. Commissioner Skinner asked if voluntary self-exclusion could be more appropriate in these cases. Director Vander Linden stated that cooling off could be a small step towards a patron recognizing they have a problem.

Chair Judd-Stein noted that applicants who had appeared before the Commission had indicated that other jurisdictions did not require notice to the patron before the end of their cooling off period. Deputy General Counsel Torrisi explained that 205 CMR 254.03(3) was related to notice prior to the end of the cooling off period and that 205 CMR 254.03(4) was related to the notice of the cooling off period ending. Chair Judd-Stein stated that the current regulation required the sports wagering operator to notify the individual, and that the proposed edit allows the patron to opt in for the notification.

Commissioner Maynard inquired if operators had shown interest in different durations for the cooling off period. Director Vander Linden stated that the limited number of durations was to ensure enrollment was as simple as possible. He stated that too many options could cause patrons to have decision paralysis. He noted that some operators offered more duration options.

Commissioner Maynard questioned whether not being able to pick shorter time periods would disincentivize patrons from using the cooling off feature. Director Vander Linden stated that there was no research on the optimal configuration of durations.

Chair Judd-Stein stated that there was also the operational issue and policy issue of whether the operators had the ability to comply with the notice requirement. Executive Director Wells stated that she had received a waiver request for the notice provision and that other operators could request a waiver for this provision as well. Commissioner Skinner stated that the regulation could be revised to remove the notification requirement. Chair Judd-Stein stated that there was

an existing proposal for revision that allowed patrons to opt-in to whether they want to receive the notification.

Director Vander Linden stated that Massachusetts had included in the statute the commitment to mitigate gambling related harm to the maximum extent possible. He stated that the Commission had implemented a range of responsible gaming programs, and that he wanted the opportunity to deliver responsible gaming information to patrons in a timely manner when they engage in voluntary prohibition periods.

Chair Judd-Stein agreed that providing information during the cooling off period was important. She asked if the notification coming from the operator could trigger those at risk of gambling related harm and problem gamblers using the feature. She proposed having responsible gaming information presented to the user before being able to wager on the platform again. Director Vander Linden stated that PlayMyWay had received feedback about having too many notifications and that it had since been lowered to one opt-in notification. Chair Judd-Stein stated that a patron who opts out of the notification might not get the benefit of the information provided.

Commissioner Maynard asked if patrons have easy access to information related to the voluntary self-exclusion list on sports wagering applications. Chair Judd-Stein stated that she believed that information related to the voluntary self-exclusion would be available on the operators' responsible gaming pages. Director Vander Linden confirmed the information would be available and easily accessible.

Executive Director Wells stated that the operators would be messaged regarding the practicality of implementing this requirement. Chair Judd-Stein stated that GLI was not aware of another jurisdiction with a notice provision. She stated that GLI expressed concern the notice feature would not be ready for a March launch.

Executive Director Wells asked if each operator would have to request a waiver of this provision or if the Commission could provide a waiver for each operator sua sponte. General Counsel Grossman stated that it could be done sua sponte if all the conditions were met. Chair Judd-Stein stated that she did not want to inadvertently waive the requirement to have cooling off period. Deputy General Counsel Caitlin Monahan suggested that the operators should submit temporary waiver requests.

Chair Judd-Stein stated that the operators could be required to offer what options they had available. Commissioner Maynard stated that he wanted more information regarding the best practices for cooling off period durations and how cooling off periods were implemented in other jurisdictions. Deputy General Counsel Monahan stated that an operator who was not capable of having the technology operable prior to launch could request a temporary waiver. Chair Judd-Stein stated that she wanted to be mindful of the Commission's calendar before having each operator send a request for a waiver.

Commissioner Skinner stated that it was difficult to decide without additional data and requested that operators provide comment as to best practices. She expressed an additional interest in conducting a roundtable to gather more information. Commissioner O'Brien agreed that more information was required, but that she was not in favor of scrapping these provisions outright. She stated that a temporary waiver would give the Commission flexibility to receive further comment. Attorney Mackey, outside counsel from Anderson and Kreiger, stated that there was also the issue of 205 CMR 254.01 and whether the Commission wanted to redefine the temporary prohibition periods.

Chair Judd-Stein stated that the Commission could wait until more information was received regarding cooling off and notification periods. She stated that the operators could be required to have a cooling off feature and be on notice that the Commission may impose additional duration and notification requirements. Commissioner Maynard expressed an interest in looking at data from other jurisdictions and in hosting a roundtable. He stated that each licensee should have temporary prohibition from wagering feature included in their application and that the details could be revisited.

Commissioner Skinner sought clarification on what Commissioner Maynard was suggesting. Commissioner Maynard explained that he wanted operators to submit their best functionality by the launch date and to receive a temporary waiver of the notification requirement until the Commission received more information regarding best practices from the roundtable.

Attorney Mackey stated that he was reluctant to draft broad language without knowing what time periods used in other jurisdictions were and whether those durations would be satisfactory to the Commission. Chair Judd-Stein noted that each operator had cooling off period features available. She opined that the regulation could be reevaluated and revised following the round table.

Commissioner Skinner agreed and suggested that the Commission review the license applications to get an understanding of the technology available to each of the operators. She stated that this would provide a baseline understanding of what each operator promised.

Executive Director Wells stated that there seemed to be a consensus for a temporary waiver for the notification requirements in 205 CMR 254.03(3) and 205 CMR 254.03(4). She then inquired how the waiver for 205 CMR 254.01 would be handled. Deputy General Counsel Torrisi stated that the specifically identified time periods of the temporary prohibitions in 205 CMR 254.01 could be waived. Attorney Mackey asked for clarification. Chair Judd-Stein stated that 254.03(1) would be waived partially in terms of duration, and 254.03(3) and 254.03(4) would be waived in their entirety.

Director Vander Linden stated that both research initiatives related to responsible gaming and sports wagering were new. He encouraged the Commission to proceed with information gathering and capturing relevant data. Deputy General Counsel Torrisi stated that the language

could be struck for the final vote on the regulation. Chair Judd-Stein asked would happen if the Commission was not ready for a final vote at that time. Deputy General Counsel Torrissi stated that the emergency regulation, that was currently in effect, expired on March 21. She added that the last date to hold a final vote to have the regulation enacted before the emergency expired was March 2.

Commissioner Skinner asked what the standards were for a waiver to the regulation. General Counsel Grossman explained that the standards for a variance or waiver were in 205 CMR 102.03(4) and that they applied to sports wagering pursuant to 205 CMR 202.02(3). He stated that the four standards required for the Commission to waive or grant a variance were: that the waiver was consistent with G.L. Chapter 23N; that granting the waiver would not interfere with the ability of the Commission or IEB to fulfill its duties; that granting the waiver would not adversely affect the public interest; and that not granting the waiver would cause a substantial hardship to the requestor of the waiver or variance.

Chair Judd-Stein stated that only one request for a waiver had been received, but that the Commission should be equitable and extend the waiver to other operators. General Counsel Grossman stated that the waiver provision allowed for blanket variances.

Commissioner Skinner moved that in accordance with 205 CMR 202.02(3), the Commission issue a waiver to all licensed sports wagering operators from the specifically identified time periods in 205 CMR 254.03(1), the requirements of 205 CMR 254.03(3), and the requirements of 205 CMR 254.03(4) until March 17, 2023, as granting the waiver met the requirements specified in 205 CMR 102.03(4), and was consistent with the purpose of G.L. Chapter 23N. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

ii. [205 CMR 256: Sports Wagering Advertising](#) (3:46:56)

Before continuing on with the meeting's agenda, Chair Judd-Stein noted to the meeting's participants that Commissioner O'Brien needed to leave the meeting, and was unavailable to rejoin.

General Counsel Grossman explained that 205 CMR 256.06 had language relative to the font size of certain advertisements. He noted that the Commission had granted a temporary waiver to this requirement that was set to expire on February 15, 2023.

Attorney Mina Makarios from Anderson and Krieger stated that input from operators suggested that there was excessive language that was required to be included in particular types of advertising.

Director Vander Linden suggested that the problem gambling helpline required by statute be included without a tagline and that the GameSense logo could satisfy the responsible gaming messaging requirement. He noted that one operator had asked about using the national gambling helpline 1-800-GAMBLER for marketing extending outside of Massachusetts. He recommended using the Massachusetts specific helpline for marketing directed towards Massachusetts residents. He stated that the Department of Public Health stated that the tagline was not needed if the helpline phone number was included. He stated that for marketing mediums where there was more space, the taglines and longer language could be used.

Chair Judd-Stein noted that if the full messaging language was required, it would take up approximately two-thirds of the billboards. Commissioner Hill stated that even if the responsible gaming messaging was not legible, he believed that the average person would recognize that the phone number was a helpline. Director Vander Linden expressed his interest in expanding the reach and awareness of GameSense, and that using the GameSense logo would connect those who see the advertisements with other responsible gaming initiatives.

Mr. Makarios stated that the responsible gaming language could be changed without requiring the Commission to vote on amending the regulation. He stated that the Commission could give clear direction as to what constituted the required responsible gaming messaging.

Executive Director Wells stated that she would reach out to the operators to inform them that the requirement under 205 CMR 256.06(2) required the marketing to include the Massachusetts gambling helpline and the GameSense logo. Director Vander Linden stated that there was a suite of GameSense materials available for operators to use.

7. [Commissioner Updates](#) (4:06:34)

a. GPAC Update

Chair Judd-Stein stated that there had been new appointments to the Gaming Policy Advisory Committee (“GPAC”). She stated that the Governor had appointed Dean Serpa as the Chair of GPAC. She stated that Kaitlyn Sprague had been appointed to represent EBH under G.L. Chapter 23K, § 68. She stated that members of the Commission had reached out to both the Senate President and Governor’s office to request appointments for other vacant positions.

8. [Other Business](#) (4:10:49)

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

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

Roll call vote:

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 4-0.

List of Documents and Other Items Used

1. [Revised Notice of Meeting and Agenda](#) dated February 7, 2023
2. [Commissioner's Packet](#) from the February 9, 2023, meeting (posted on massgaming.com)



Division of Licensing

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

FROM: Karalyn O'Brien, Licensing Division Chief, IEB

CC: Heather E. Hall, Interim Director/Chief Enforcement Counsel, IEB
Todd Grossman, Interim Executive Director/General Counsel, MGC
Burke Cain, Gaming Agent Division Chief, IEB

DATE: September 5, 2023

RE: Gaming Beverage License Amendment Application – Plainridge Park Casino

OVERVIEW

Plainridge Park Casino (PPC) has applied for an amendment of its gaming beverage license to add a new venue (The Sportsbook at Plainridge) that will replace Flutie's Sports Pub (Area 1-3 on PPC's Beverage License) and to change the licensed area manager. The Division of Licensing has reviewed the application and recommends its approval.

DISCUSSION

Pursuant to 205 CMR 136.03(3), the Division of Licensing "shall review the application to determine whether it contains all of the elements required in accordance with 205 CMR 136.04." The Division of Licensing has reviewed the amendment application submitted by the licensee and has determined that it is complete and in conformance with all regulatory requirements.

The scope of this review includes:

- Sufficient information regarding the description of the licensed area, floor plan, and storage of the alcoholic beverages.
- Confirming that the license area manager, or jointly responsible person, Ron Robert (RSER22-0265), holds a valid certification from a recognized alcoholic beverage server training program; this individual is properly licensed by the Commission and in good standing.

Burke Cain, Chief of the Gaming Agents Division and Andrew Steffen, Casino Regulatory Manager, conducted a walkthrough inspection of the license area on September 5, 2023. This inspection is to confirm the accuracy of the reported information, the



Division of Licensing

licensed area's surveillance and security, and the posting required by 205 CMR 136.07(5)(b).

Accordingly, "[i]f the Division of Licensing is satisfied that the application meets the requirements of 205 CMR 136.04 and M.G.L. c. 23K, § 26, and that any modifications requested in accordance with 205 CMR 136.03(2) have been satisfactorily addressed, it shall forward the application to the [C]ommission with a recommendation that it be approved."

RECOMMENDATION OF THE LICENSING DIVISION

After reviewing the amendment application, the Licensing Division recommends that the Commission approve Plainridge Park Casino's amendment application to The Sportsbook at Plainridge as a licensed area.



GAMING BEVERAGE LICENSE AMENDMENT APPLICATION FORM

REASON FOR FILING AMENDMENT REQUEST

NAME OF GAMING LICENSEE

Plainville Gaming and Redevelopment, LLC

ADDRESS OF GAMING ESTABLISHMENT

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

NAME OF CONTACT INDIVIDUAL FOR PURPOSES OF THE PROCESS

Lisa McKenney

CONTACT INDIVIDUAL TELEPHONE NUMBER AND EMAIL ADDRESS

508-576-4409, lisa.mckenney@pennentertainment.com

NAME AND LICENSE NUMBER OF LICENSED AREA YOU ARE REQUESTING TO AMEND

Flutie's Sports Pub #MGCGBLR2-3 (New Venue Name is Being Determined)

REASON FOR FILING AMENDMENT REQUEST (PLEASE CHECK THE APPLICABLE BOX)

- | | |
|--|--|
| <input type="checkbox"/> NEW LICENSED AREA | <input checked="" type="checkbox"/> DESCRIPTION OF LICENSED AREA |
| <input checked="" type="checkbox"/> CHANGE IN CAPACITY | <input type="checkbox"/> ALCOHOL STORAGE |
| <input type="checkbox"/> JOINTLY RESPONSIBLE PERSON | <input checked="" type="checkbox"/> CHANGE OF HOURS |

FEE

The fee for an application to amend a gaming beverage license is **\$100.00**

LICENSED AREAS

A licensed area is a specific, limited, and defined space within a gaming establishment wherein the sale, distribution, or storage of alcoholic beverages to be drunk on the premises is permitted pursuant to a gaming beverage license. A licensed area amendment application must be submitted for each area of the gaming establishment that the gaming licensee desires to have designated as a licensed area and/or storage area.

A floor plan of the gaming establishment indicating the location of each licensed area identified below, and a diagram of each licensed area, must accompany the submission of this amendment application. If alcoholic beverages will be stored outside of a licensed area, storage areas must be identified on the floor plan.

IMPORTANT INFORMATION

The Massachusetts Public Records Law (Law), <http://www.sec.state.ma.us/pre/preidx.htm> found in Chapter 66, Section 10 of the Massachusetts General Laws, applies to records made or received by a Massachusetts governmental entity. Unless the requested records fall under an exemption to the Law, the responsive documents must be made available to the requester. A list of exemptions may be found in Chapter 4, Section 7(26) of the Massachusetts General Laws.

LICENSED AREA

NAME OF LICENSED AREA

The Sportsbook at Plainridge

DESCRIPTION OF AMENDED LICENSED AREA

DESCRIPTION OF THE AMENDED LICENSED AREA INCLUDING BUT NOT LIMITED TO: BUSINESS CONCEPT, DESCRIPTION OF AREA INCLUDING WHETHER THE AREA IS CLOSED OR OPEN SPACE, NUMBER AND LOCATION OF ALCOHOLIC BEVERAGE DISPENSING AREAS, AND PLACEMENT OF EXITS.

(NOTE: A FLOOR PLAN OF THE LICENSED AREA DEPICTING THESE INDIVIDUAL ELEMENTS SHALL BE ATTACHED).

NUMBER AND/OR COLOR OF AREA ON FLOOR PLAN: Floor Plan Map

TBD is an open space sports themed restaurant with a full service bar. There are 187 seats in the venue. There will be bartenders and food servers serving both food and beverages in the venue. Servers will send their drink orders through the point of sale system. This will be printed out at the bar and prepared for the server to pick up. There are 28 tables 161 seats including 26 seats at the bar. Liquor is primarily dispensed through a measured gun system connected to the point of sale system. Free pour liquor will be measured with a jigger device. There are 24 draft beer taps in the venue.

There are 3 points of exit in the restaurant as marked in green arrows on the floor plan map provided. An additional point of entry/exit (marked with a yellow arrow) to this space exists via the designated entrance to the sports betting counter area.

Bottle service will not be offered in this venue.

HOURS OF OPERATION

7 days, 11:00am - Midnight

CAPACITY OF LICENSE AREA

187 occupants / 6,425 sq ft

WILL YOU PROVIDE BOTTLE SERVICE? Yes No IF YES, PLEASE ELABORATE

ALCOHOL STORAGE

DESCRIBE THE MANNER IN WHICH ALCOHOLIC BEVERAGES WILL BE STORED AND SECURED WHEN LICENSED AREA IS NOT IN USE. (IF STORAGE AREA IS OUTSIDE OLF LICENSED AREA, THIS STORAGE AREA SHALL BE DEPICTED ON THE FLOOR PLAN).

Liquor will be removed from the bar on a nightly basis and be secured in the liquor storage that is located in the hallway at the rear of the restaurant highlighted light blue on the provided floor plan map. Bottled beer is locked in coolers behind the bar. Beer taps are locked with a tap lock device. Wine is stored in a cabinet located behind the bar and locked.

NAME AND EMPLOYEE LICENSE/REGISTRATION NUMBER OF MANAGER OF LICENSED AREA

Ronald Robert, Multi-Outlet F&B Manager, RSER22-0265

JOINTLY RESPONSIBLE PERSON

IDENTIFY THE JOINTLY RESPONSIBLE PERSON (IF ANY) FOR THE LICENSED AREA BY NAME, CONTACT INFORMATION, VENDOR LICENSE OR REGISTRATION NUMBER, AND ATTACH EVIDENCE THAT THE LICENSEE MAINTAINS AUTHORITY OVER THE JOINTLY RESPONSIBLE PERSON.

ATTESTATION

I Ronald Robert, hereby affirm under the pains and penalties of perjury that the information contained in this application, including all attachments, is true and accurate to the best of my knowledge and understanding.

Ronald Robert

Signature

Ronald Robert

Print Name

Multi-Outlet Food & Beverage Manager

Title

08/30/2023

Date



GAMING BEVERAGE LICENSE CHANGE OF MANAGER APPLICATION

CHANGE OF MANAGER REQUEST

NAME OF GAMING LICENSEE

Plainville Gaming and Redevelopment, LLC

ADDRESS OF GAMING ESTABLISHMENT

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

NAME AND LICENSE NUMBER OF THE LICENSED AREA YOU ARE REQUESTING TO AMEND

All areas listed on the Master Gaming Beverage License #MGCGBL1-R2 (except for the area listed as Flutie's Sports Bar)

NAME AND LICENSE NUMBER OF THE PROPOSED MANAGER OF THE LICENSED AREA

Ronald Robert, RSER22-0265

REASON FOR THE CHANGE OF MANAGER

Prior Manager transferring out of PPC 09/2023

EXPERIENCE OF PROPOSED MANAGER

Ron joined PPC in June of 2022 and has recently been promoted to PPC's Multi-Outlet Food & Beverage (F&B) Manager. As the Multi-Outlet F&B Manager, Ron is responsible for managing beverage in all of the licensed areas listed above. Ron is TiPS (Training for Intervention Procedures) Certified and has 30 years of management experience in the beverage and entertainment industries.

HAVE YOU REVIEWED THE REGULATIONS REGARDING THE GAMING BEVERAGE LICENSE? YES NO

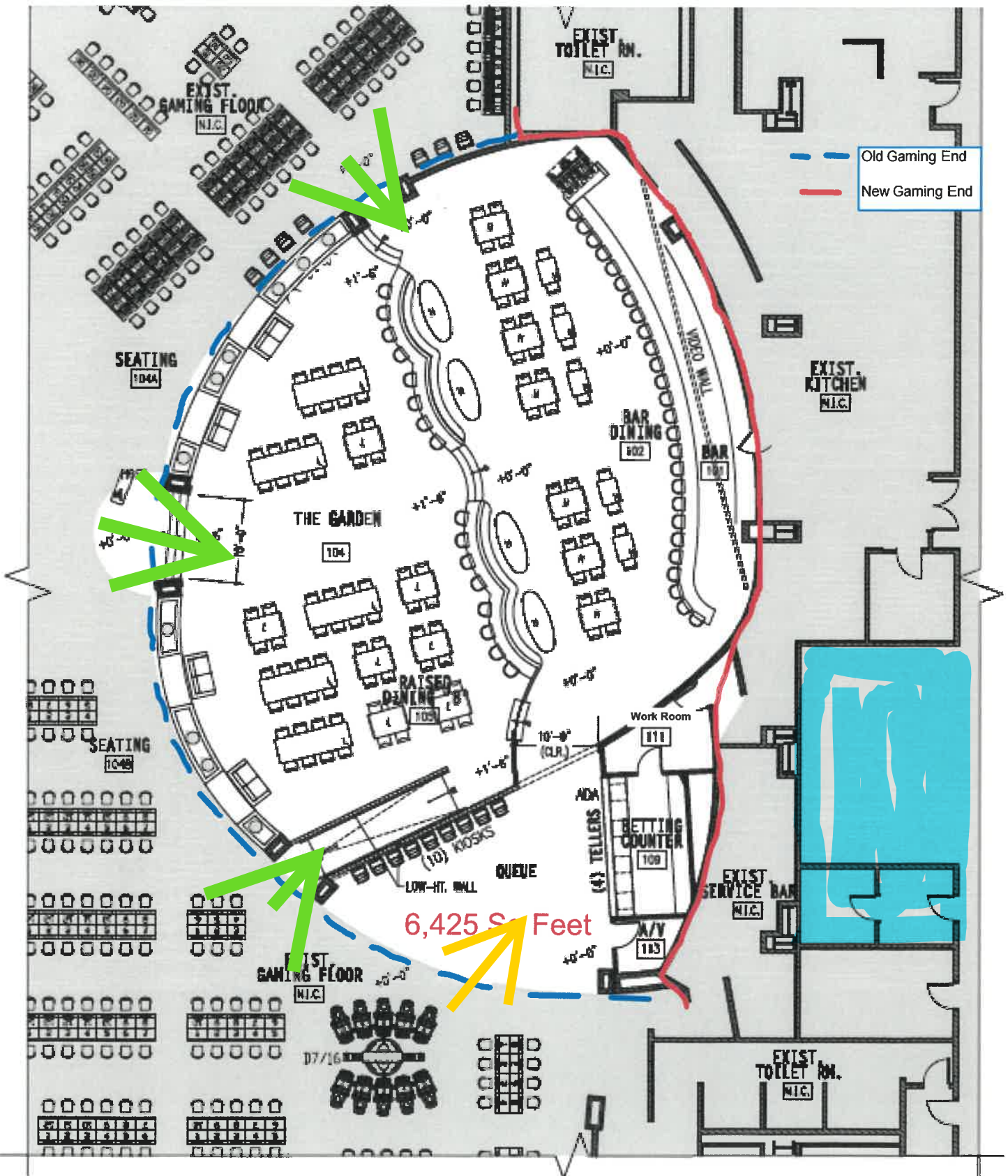
DO YOU UNDERSTAND THESE REGULATIONS? (205 CMR 136 AND 205 CMR 138) YES NO

Ronald Robert
Signature

Multi-Outlet F&B Manager
Title

Ronald Robert
Print Name

8/30/23
Date





Fanatics

Betting & Gaming

Q2 2023 Massachusetts Sports Wagering Quarterly Report

September 7, 2023



Agenda

- FBG Introductions
- Revenue
- Workforce / Workforce Diversity
- Vendor / Supplier Spend / Supplier Diversity
- Compliance
- Responsible Gaming
- Lottery
- Community / Outreach / Charitable Impacts



FBG Introductions

- Michael Levine, Senior Regulatory Counsel
- Stephanie Althouse, HR Director
- Anthony D'Angelo, Responsible Gaming Senior Manager



Fanatics Betting & Gaming launched in the Commonwealth of Massachusetts on May 25, 2023

Month	Total MA SW Revenue	Monthly Hold %	MA SW Taxes Collected
April 2023	\$0	\$0	\$0
May 2023	\$41,868.52	34.02%	\$8,354.00
June 2023	\$224,685.99	11.84%	\$44,321.61
Total	\$266,574.51	n/a	\$52,675.61



Level	Minority		Women		Veteran		MA Resident		Total Number of Employees
Executive	3	38%	2	25%	0	0%	0	0%	8
Manager, Supervisor	69	37%	60	32%	2	1%	5	3%	189
Entry Level, Non-Manager	198	51%	90	23%	2	1%	14	4%	392
Total	270	46%	152	26%	4	1%	19	3%	589

MA Residents	Level	Minority	Women
	Executive	0	0
	Manager, Supervisor	1	2
	Entry Level, Non-Manager	3	2
	Total	4 (21% of population)	4 (21% of population)



- A core global impact pillar: “Our All-Star Team: Culture and Talent”
- FBG participates in the Fanatics IDEA (Inclusion, Diversity, Equity, Advocacy) Program
- IDEA Program has created 6 FANs (Fanatics Alliance Networks) in an effort to cultivate an environment for IDEA focused learning and development
 - *Family First, Global Black Alliance, Multicultural, Pride, Women’s Initiative Network, Veterans*
 - 20% of our global workforce currently participates in FAN networks
- Our continued recruitment efforts help ensure we are attracting a diverse range of candidates. We continue to focus on sourcing strategies to deliver more diverse slates for each open position. These strategies include:
 - participating in recruiting events at Historically Black Colleges and Universities (HBCU)
 - engaging with diverse-owned professional development organizations focused on placing diverse talent in the sports industry
 - developing our global recruitment team to expand consideration of diverse backgrounds and experiences to reach new audiences
 - introducing new skills-based interviewing to help reduce and mitigate unconscious bias during the interview process
 - leveraging external and internal training for the recruitment team to create and improve their diversity and inclusion talent acquisition strategies



Total Vendor/Supplier Spend Overall: \$44,548,203

Diverse Spend %: 2%

Diversity Certification	Q1 \$	Q1 %	Q2 \$	Q2 %
MBE	\$674,850.26	1.51%	\$170,967.50	0.38%
WBE				
VBE	\$0	\$0	\$0	\$0
Total Diversity Spend	\$674,850.26	1.51%	\$170,967.50	0.38%

*Diverse spend increased from .016% in Q2 2022 to 1.9% in Q2 2023



- FBG has a targeted goal of 3% diverse spend by 2025
- FBG's plan to achieve and surpass this goal includes:
 - Ensuring all competitive bids include at least two vendors classified as Minority, Women, Disadvantaged, and Veteran owned Business Enterprises ("MWDVBE")*
 - Updating our RFP templates to require suppliers to provide their organizations' commitment to DEI*
 - Establishing a DEI baseline: how many MWDVBE companies we currently do business with and managing key performance indicators to improve this metric*
 - Introducing supplier databases (like Tealbook and supplier.io) to help us identify MWDVBE to build new relationships with MWDVBE**
 - Introducing Diversity and Inclusion language into our vendor contract templates to ensure vendor adherence to our policy and goals**

* In effect now

** Coming 2024

FBG beta launched in Massachusetts on May, 25, 2023, therefore we have no metrics for April and the majority of May

Month	Found Sports Wagering or Attempting to SW on a SW Platform	Turned Over to Proper Law Enforcement Authority by The SW Operator	Account Suspended Due to Underage Activity
April 2023	n/a	n/a	n/a
May 2023	0	0	0
June 2023	0	0	0
Total	0	0	0



Month	VSE Enrollees
April 2023	n/a
May 2023	0
June 2023	2
Total	2



As of June 30, FBG had **3,480 active** Massachusetts sports wagering accounts

Tool Type	June ME Total Usage	% Total Active Users
Time Limit	12	.3%
Deposit Limit	56	1.6%
Overall Spend Limit	42	1.2%
Single Wager (Max Stake) Limit	24	.7%
Cooldown Period (Timeout)	4	.1%
Total	138	~4%



- The Massachusetts Council on Gaming and Health:
 - Prior to launch in the Commonwealth FBG RG Leads met with chief executives (Marlene Warner, Chelsea Turner, Odessa Dwarika) at the MACGH to openly discuss procedure and resources available in the Commonwealth for customer contacts involving threats of imminent harm (self, others, etc.)
- GameSense:
 - Prior to launch, FBG hosted a training session for GameSense leadership and GameSense advisors providing insight into our RG tools and resources offered in-app as well as Sports Betting 101 with the goal that GameSense advisors could better assist citizens of the Commonwealth with specific questions on FBG's product or general sports betting questions
 - FBG stood up a Quarterly check-in with GameSense advisors and the FBG RG Operations team to "share notes" and insights on common customer interactions and escalations so that both parties may better serve citizens in the Commonwealth
- NCPG National Conference
 - FBG sent 3 employees (RG Lead, and 2x senior leaders on the RG Customer Operations team) to the NCPG National Conference



+



- FBG and Mass Lottery had preliminary discussions on partnership opportunities.



Fanatics Global Impact Day - Merch Madness

- On Tuesday, June 27, 2023, Fanatics hosted its 2nd annual Global Volunteer Day, a companywide day of service that engages thousands of employees from offices around the world. Fanatics paused most of the company's operations on the day, which saw more than 4,000 employees across 10 counties volunteer in their local communities at one of more than 200 different locations
- In Massachusetts alone, Fanatics donated over 6,500 units of merchandise with an estimated original retail value of over \$325,000





COMMUNITY

CHAMPIONING THE CAUSES THAT UNITE OUR EMPLOYEES & FANS

- Global Philanthropy
- Global Volunteer Day & Volunteerism Program
- Employee Match & Grant Program



SOCIAL JUSTICE

ADVOCATING FOR A JUST AND EQUITABLE SOCIETY

- IDEA – Inclusion, Diversity, Equality, Advocacy
- Justice Reform
- Partner Collaborations



RELIEF & AID

ACTIVATING OUR NETWORK TO MEET SOCIETY'S MOST PRESSING NEEDS

- ALL-IN Challenge
- Natural Disaster Relief / Aid
- Violence Response & Aid
- eCommerce & IVR Charity Checkout



SUSTAINABILITY

REDUCING WASTE BY DOING GOOD

- Merchandise Donations
 - eCommerce
 - In-Venue Retail
 - Brands/Wholesale
 - Collectibles/ Memorabilia



FANATICS HOLDINGS, COMMERCE, COLLECTIBLES, BETTING & GAMING



Q2 2023 Sports Wagering Report

September 2023

Who you will hear from today

CORY FOX

VP, Product & New Market Compliance

KEITA YOUNG

Sr. Director, DE&I

JILL WATKINS

Sr. Director, Responsible Gaming Strategy and Operations

AGENDA

1

Revenue

2

Workforce / Workforce Diversity

3

Vendor/Supplier Spend/ Supplier Diversity

4

Compliance

5

Responsible Gaming

6

Charitable Impact

7

Lottery

Revenue

Month	Total SW Revenue	MA SW Taxes Collected	Handle/Margin %
March 2023	\$ 16,002,999.73	\$ 3,200,599.95	9.02%
April 2023	\$ 21,714,200.64	\$ 4,342,840.14	12.80 %
May 2023	\$ 19,707,906.50	\$ 3,941,581.29	14.80 %
June 2023	\$ 10,984,740.90	\$ 2,196,948.14	11.67 %
TOTALS	\$ 68,407,847.77	\$ 13,681,969.52	11.91 %

Workforce Diversity

Strategic Priority Around DE&I: Attracting, Hiring, Retaining and Developing our Diverse Workforce

Examples of Actions/Initiatives/Programs to Advance DE&I Goals

- Implementing diverse hiring slates for leadership roles to increase representation
- Expanding our diverse talent outreach to include Historically Black Colleges & Universities & partnering with the UNCF
- Expanding our strategic partnerships/sponsorships to further enhance our diverse pipeline and provide development opportunities for our diverse employees
- Curating specialized leadership and development programs for underrepresented communities
- Expanding our employee groups to include four Employees Resource Groups and four Interest Groups
- Curating DE&I training around inclusive hiring, unconscious/implicit bias, allyship and other DE&I related topics

Workforce Diversity

# of Employees in each Category	Minority	Women	Veteran	MA Resident	Total Number of employees
Executive VP+	6 7.9%	6 7.9%	Unknown	1 1.3%	76
Manager, Supervisor Manager, Sr. Manager, Director, Sr. Director	329 26%	280 22.5%	Unknown	7 0.6%	1,244
Entry Level, Non-Manager	767 43.23%	599 33.76%	Unknown	12 0.7%	1,774
Totals	1,102 35.6%	897 29%	Unknown	20 0.65%	3,094

Data Information

- Employees of 7/20/2023
- US, UK, and CAN employees
- Excludes Temps, Contract, Intern, Secondment

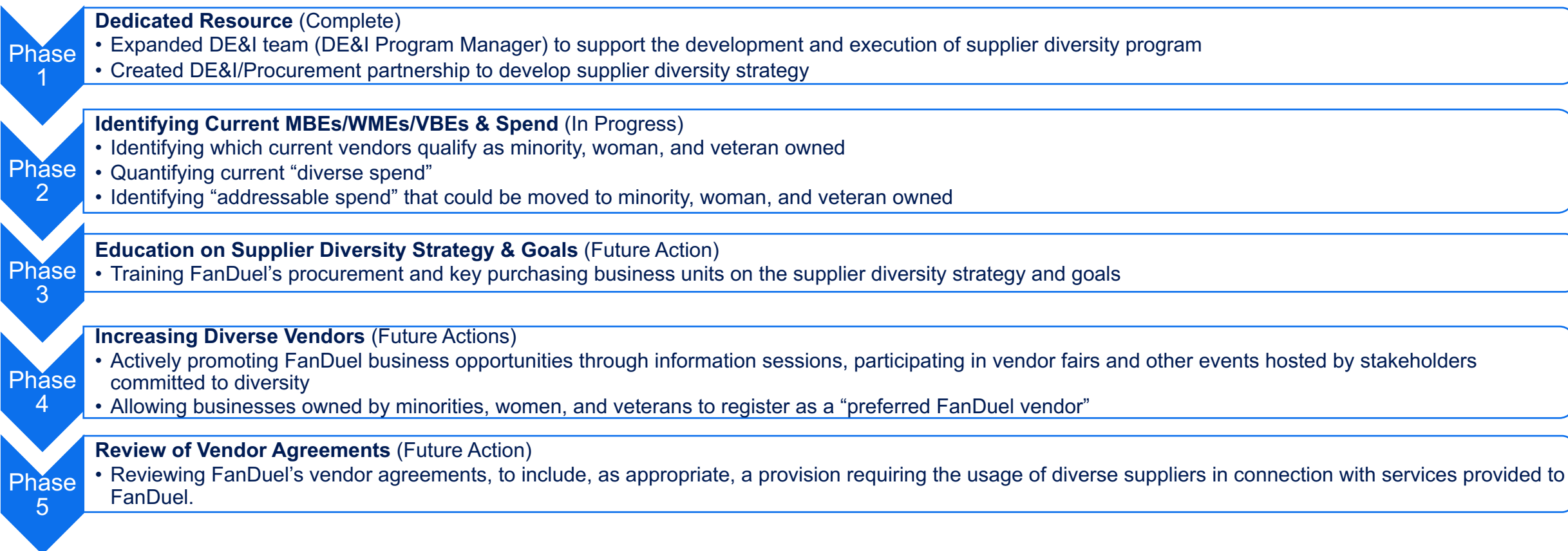
Includes Daily on Call – typically for state headcount reporting we include anyone receiving a W2 which includes DOCs

- Exclude FoxBet
- Active Employees (excludes LOA)

Vendor/Supplier Spend / Supplier Diversity

Total Spend	
Q1	Q2
\$ 573,443,479	\$ 389,775,073

- Spend detail is based on accrual accounting.
- It is driven by marketing costs such as TV, Digital & Radio, as well as card fees, customer verification costs and data feeds.
- It doesn't include promotion free bets, wagering & other taxes, payroll or related costs and similar expenses.



Compliance

Minors and Underage Report

FY 23 Month	Found sports wagering or attempting to SW on a SW platform	Found sports wagering or attempting to SW on a SW platform	Account Suspended due to underage activity
March 2023	0	0	0
April 2023	0	0	0
May 2023	0	0	0
June 2023	0	0	0
TOTAL	0	0	0

Responsible Gaming

Massachusetts VSE List

Responsible Gaming	#
True VSE Enrollees:	75
*Total FanDuel Closures:	51

*these closures were initiated on FanDuel's end and were not VSE Enrollees

- Permanent 34
- Temporary 17

Responsible Gaming Update

- Alison Kutler joins FanDuel as our new Vice President, Sustainability and Responsible Gaming. Alison will assume leadership for our Responsible Gaming team including our policy, product, commercial, operation and advocacy efforts.
- Jill Watkins joins FanDuel as our new Senior Director, Responsible Gaming Strategy and Operations. Jill will manage our operations team and report to and work closely with Alison.

Community Impact

FanDuel remains committed to setting the standard for what it means to be a responsible operator and contributing positively to the communities in which we operate.

Responsible Gaming



Funding supports research to further understand gambling among young adults in the U.S., a significant industry research gap.

Funding supports the 'agility grant program' to help nonprofit orgs across the country with problem gambling prevention programs



FanDuel provides annual funding to support the work of leading RG-focused non-profit organizations.

Massachusetts Initiatives



- \$1M donation to support financial literacy services across Massachusetts
- Program launching Q4 2023

During the first year of a new state launch, FanDuel makes a significant donation to a non-profit org to support programs with local impact.

Community Support



The Sam Thompson Memorial Foundation

FanDuel supports a range of local charitable initiatives and continues to build out our team of partners.

Lottery

- FanDuel has been in communication with the MA Lottery to explore potential ventures.



Massachusetts Gaming Commission Sports Wagering Quarterly Report

2nd Quarter 2023

WynnBET

Sports Wagering Revenue

Sports Wagering Revenue, Taxes, & Handle

Q1 2023

MONTH	TOTAL SW REVENUE	MA SW TAXES COLLECTED	HANDLE
January	\$0.00	\$0.00	\$0.00
February	\$0.00	\$0.00	\$0.00
March	\$2,101,186.65	\$411,068.93	\$18,336,370.45
TOTALS	\$2,101,186.65	\$411,068.93	\$18,336,370.45

Q2 2023

MONTH	TOTAL SW REVENUE	MA SW TAXES COLLECTED	HANDLE
April	\$463,005.74	\$81,195.55	\$22,811,166.93
May	\$1,050,743.23	\$201,942.25	\$16,412,297.43
June	\$508,067.48	\$95,723.90	\$11,777,967.95
TOTALS	\$2,021,816.45	\$378,861.70	\$51,001,432.31

Workforce Diversity

WSI Workforce Diversity

Q1 2023

GENDER	WSI EMPLOYEES
Male	57%
Female	43%

MINORITIES	WSI EMPLOYEES
African American	21%
Hispanic/Latino	13%
Asian American	10%
Two or More	8%
Pacific Islander	2%
TOTAL MINORITY WORKFORCE	54%

WSI Workforce Diversity

Q1 2023

CATEGORY	MINORITY	WOMEN	VETERAN	MA RESIDENT	% OF TOTAL WSI EMPLOYEES
Executive (Director and above)	22%	78%	0%	0%	5.5%
Manager/Supervisor	50%	50%	0%	0%	13.5%
Line Level	55%	39%	5%	0.7%	81%
TOTALS	53%	42%	4.5%	0.5%	100%

WSI Workforce Diversity

Q2 2023

GENDER	WSI EMPLOYEES
Male	62%
Female	38%

MINORITIES	WSI EMPLOYEES
African American	21%
Hispanic/Latino	14%
Asian American	11%
Two or More	7.5%
Pacific Islander	2.5%
TOTAL MINORITY WORKFORCE	56%

WSI Workforce Diversity

Q2 2023

CATEGORY	MINORITY	WOMEN	VETERAN	MA RESIDENT	% OF TOTAL WSI EMPLOYEES
Executive (Director and above)	25%	75%	0%	0%	5%
Manager/Supervisor	60%	40%	0%	0%	13%
Line Level	57%	36%	5%	0.8%	82%
TOTALS	56%	39%	4.4%	0.6%	100%

WSI Workforce Diversity

Diversity Goals / Plans

From Q1 2023 to Q2 2023, WynnBET's workforce percentages remained consistent. This can be attributed to the low turnover that occurred between quarters. Our executive team consists of 75% female leaders. This representation extends throughout the majority of the business units within WSI - including legal, compliance, creative, product, customer service and finance.

WynnBET has been dedicated to promoting, recruiting and hiring diverse talent across all levels in the company. Initiatives through Q1 and Q2 2023 have included:

- Target broad socioeconomic categories using job boards with varied reach to ensure a diverse candidate pool for every open role.
- Meet with employees as part of our career pathing program to identify career aspirations and align that with available opportunities throughout the company within a formalized program called WynnBET Academy.
- WynnBET Academy programs:
 - Provide upskilling curriculum available to all employees.
 - Thoughtful portfolio of programs to ensure successful upward mobility within the company: Talent Exchange (interdepartmental shadowing), Emerging Leaders (growing front-line employees into next generation of leadership), and New Leader Onboarding (upskilling for new managers who have never managed direct reports).
- Continuous improvement and personal growth is at the core of all company programs.

Vendors

Vendors

2023

DIVERSITY CERTIFICATION	Q1	Q2
MBE	3%	31%
VBE	4%	69%
WBE	93%	0%
TOTAL DIVERSITY SPEND IN MA	13.5%	0.37%

Vendors

Diversity Goals / Plans

As of the end of Q2, WynnBET has spent 2.55% with WBEs, 0.32% with VBEs, and 0.19% with MBEs. The decrease in total diversity spend in the Commonwealth from Q1 to Q2 can be attributed to a significant portion of the spend being a purchase that occurred in Q1 that spanned through Q2. Additional spend with a WBE has already been secured for Q3.

Identification as a MBE, VBE, or WBE is strictly optional and does not preclude a vendor from registering to conduct business with WynnBET. A significant number of our vendors have opted not to provide this information. Despite this, WynnBET remains dedicated to contracting with diverse vendors.

Compliance

Compliance

Minors/Underage Access

Q1 2023

MONTH	FOUND SW OR ATTEMPTING TO SW ON A SW PLATFORM
January	N/A
February	N/A
March	0
TOTALS	0

Q2 2023

MONTH	FOUND SW OR ATTEMPTING TO SW ON A SW PLATFORM
April	0
May	0
June	0
TOTALS	0

Responsible Gaming

Responsible Gaming

VSE Enrollees

Q1 2023

MONTH	VSE ENROLLEES
January	N/A
February	5
March	32
TOTALS	37

Q2 2023

MONTH	VSE ENROLLEES
April	41
May	20
June	16
TOTALS	77

Lottery

Lottery

WynnBET does not directly participate in the sale of Massachusetts State Lottery products. However, WynnBET's affiliate, Encore Boston Harbor, does participate in the sale of Massachusetts State Lottery products at its property. WynnBET continues to rely upon its relationship with Encore Boston Harbor to ensure that Massachusetts State Lottery sales are not negatively impacted by sports wagering within the Commonwealth.

Community Outreach & Charitable Impacts

Community Outreach & Charitable Impacts

All WynnBET employees are invited to participate and contribute to Wynn Resorts, Limited community engagements.

WynnBET employees have volunteered their time and made charitable donations, the majority of which are Nevada centric. WynnBET has supported local Massachusetts charity events including the *15th Annual Joe Andruzzi & Friends Golf Tournament* and the *Shawn Thornton Foundation Golf Tournament*.

WynnBET's sister company, Encore Boston Harbor, collected over 980 hygiene items for domestic violence survivors at Casa Myrna during Q2. EBH employees volunteered 2,725.6 hours of their time during Q2 serving organizations such as BARCC, Mystic River Watershed Association, Camp Harborview, and Cradles to Crayon. During the Mother's Day Floral Sale, employees raised \$2,320 which was matched by EBH, and a total of \$4,640 was donated to the Community Grant Fund. Finally, employees raised \$1,725 during the Pride Day Bake Sale which was also matched by EBH, resulting in \$3,450 being donated to Fenway Health.

The image features the WynnBET logo centered on a dark blue background. The logo consists of the word "Wynn" in a bold, italicized, yellow sans-serif font, followed by "BET" in a bold, italicized, white sans-serif font. The background is decorated with faint, golden-yellow line art of sports equipment: a baseball in the top left, a football in the bottom left, and a basketball in the right side.

WynnBET



Division of Racing

MEMORANDUM

TO: Cathy Judd-Stein, Chair
Eileen O'Brien, Commissioner
Bradford Hill, Commissioner
Nakisha Skinner, Commissioner
Jordan Maynard, Commissioner

FROM: Alexandra Lightbown, Director of Racing
Todd Grossman, Interim Executive Director and
General Counsel

DATE: September 7, 2023

RE: Race Horse Development Fund Benefits for Jockeys and Drivers

Today, it may be helpful to ask that staff provide an overview of the governing law and history of review of this issue by the Commission to help frame the discussion. Then, the Commission can ask the interested parties to present their views. We will be hearing from Alice Tisbert, Managing Director of the Harness Horseman's Association of Massachusetts, Inc.; Paul Umbrello, Executive Director of the New England Horsemen's Benevolent and Protective Association, Inc.; Mindy Coleman, Counsel, Jockeys' Guild, Inc. and Abad Cabassa, jockey. In particular, it will be helpful to ask the relevant parties to explain their relative needs, e.g.- how will the assessment impact the finances of the NEHBPA, and what is the need of the jockeys in light of the previous \$65,000 award under section 5(h)(4). After gathering all of the information, the Commission should determine: (1) how much shall be paid this year by the Thoroughbred horsemen's organization to the thoroughbred jockeys organization, and (2) how much shall be paid this year by the Standardbred horsemen's organization to the Standardbred drivers organization at the horse racing facility for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers under the rules and eligibility requirements of that organization.

The Race Horse Development Fund (RHDF) statute is §60 of Massachusetts General Laws Chapter 23K. The §60(b) creates the horse racing committee "consisting of 5 members, 1 of whom shall be the governor or the governor's designee who shall serve as chair, 1 of whom shall be the treasurer and receiver general or the treasurer's designee, 1 of whom shall be the chair of the commission or the chair's designee, 1 of whom shall be appointed by the New England Horsemen's Benevolent & Protective Association and the Massachusetts Thoroughbred Breeding Program and 1 of whom shall be appointed by the Harness Horseman's Association of New England and the Massachusetts Standardbred Breeding Program." Briefly, this committee is responsible for considering various criteria to



Massachusetts Gaming Commission

determine their recommendation as to how the money in the Race Horse Development Fund should be distributed between the Thoroughbred and Standardbred industries. This committee then submits their recommendations to the Massachusetts Gaming Commission for final approval. §60 (b) further states “The commission shall only change the distribution percentage upon a recommendation by the committee.”

The Horse Racing Committee has met many times over the years to determine the “split” of the funds, adjusting it to reflect changes in the Thoroughbred and Standardbred industries. There is no requirement in the statute as to how often this committee meets. There have been times the Committee recommended their changes be retroactive and the MGC has approved retroactive changes. The Committee last held a public meeting on March 22, 2021 at which it voted on their latest recommended distribution percentages for the RHDF: <https://massgaming.com/news-events/article/horse-racing-committee-meeting-march-22-2021-2/>. These recommendations were approved by the MGC at their April 26, 2021 meeting: <https://massgaming.com/wp-content/uploads/Meeting-Notification-and-Agenda-4.26.21.pdf>.

G.L. c.23K, §60(c) further divides the funds into 80% for live race purses, 16% for breeding programs, and 4% for health and pension benefits.

This is the current split of the RHDF:

80% distributions for purses for live races (§60(c)(i)):
92% to Standardbred, 8% to Thoroughbred

16% distributions for breeding programs (§60(c)(ii)):
75% to Standardbred, 25% to Thoroughbred

4% distributions for health and pension benefits (§60(c)(iii)):
50% to Standardbred, 50% to Thoroughbred

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

“4 per cent shall be used to fund health and pension benefits for the members of the horsemen's organizations representing the owners and trainers at a horse racing facility for the benefit of the organization's members, their families, employees and others under the rule and eligibility requirements of the organization, as approved by the commission; provided, however, that this amount shall be deposited within 5 business days of the end of each month into a separate account to be established by each respective horsemen's organization at a banking institution of its choice; and *provided further, that of this amount, the commission*



Massachusetts Gaming Commission

shall determine how much shall be paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred drivers organization at the horse racing facility for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers under the rules and eligibility requirements of that organization”.

In 2021, the Massachusetts Gaming Commission requested public comments regarding health/pension benefits for jockeys or drivers from the RHDF monies. These comments were included in the meeting materials of the September 9, 2021, MGC open public meeting in regard to the agenda item Race Horse Development Benefits for Drivers and Jockeys. Here is the link to that meeting: <https://massgaming.com/news-events/article/mgc-open-meeting-september-9-2021-2/>. The Commissioners voted for the reasons discussed during the meeting and outlined in the documentation in the Commissioner’s packet in accordance with Chapter 23K, § 60(c)(iii), that the Commission direct that the NEBHPA pay \$1,000 for each disabled jockey to the Jockeys Guild that year for a total of \$4,000, and that the HHANE be directed to pay \$0 that year for such purposes. The NEHBPA did pay the money to the Jockeys’ Guild, and they dispersed the money to the four disabled jockeys.

In the past, occasionally the possibility of part of the 4% being specified to jockeys and drivers was mentioned, but it doesn’t appear to have been voted on at a Commission meeting. The NEHBPA was already funding insurance to benefit the jockeys, and the HHANE was setting up their plans for the money.

With the end of live racing at Suffolk Downs, the insurance premiums were no longer applicable. The MGC looked in to how the end of live racing would impact the 23K monies and the G.L. c. 128A §5(h)(4) monies. 128A §5(h)(4) details how part of the pari-mutuel taxes paid to the Massachusetts Gaming Commission are to be used: “To pay: ...\$65,000 annually to an organization, as determined by the commission, that represent the majority of jockeys who are licensed by the commission and regularly ride in the commonwealth for the purpose of providing health and other welfare benefits to active, disabled or retired jockeys...”. In 2021, the MGC held meetings regarding the 128A payments, ultimately deciding the payments could still be made for disabled and retired jockeys.

The funding for the RHDF is established in G.L. c.23K, §55 (c): “In addition to the tax imposed under subsection (b), a category 2 licensee shall pay a daily assessment of 9 per cent of its gross gaming revenue to the Race Horse Development Fund established in section 60.” And in G.L. c.23K, §59 (l): 2.5 per cent to the Race Horse Development Fund established in section 60.” (This amount is 2.5 percent of the 25 per cent of gross gaming revenue a category 1 licensee pays as a daily assessment.) The first casino to open was Plainridge Park casino the end of June 2015, monies didn’t go out before



Massachusetts Gaming Commission

then. All the funds paid out pertaining to the RHDF can be found on the MGC website on the Revenue page under the heading Race Horse Development Fund: <https://massgaming.com/regulations/revenue/>. It is updated monthly.

In discussing the agenda item before the Commission today- the amount of money from the RHDF that shall be paid from the horsemen's organization to Thoroughbred jockeys or Standardbred drivers, it is an unfortunate fact that money given to one group means less money for the other group, and that the need for funds is larger than the funds available.

The Harness Horseman's Association of New England, Inc. (HHANE) provides a Retirement Savings Plan (RSP), vision benefits, third party liability insurance, etc. to all members, which includes drivers. There is no separate standardbred drivers' organization for the commission to "determine how much shall be paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred drivers organization at the horse racing facility for health insurance...".

The New England Horsemen's Benevolent and Protective Association, Inc. (NEHBPA) is an organization of Thoroughbred trainers and owners that provides benefits such as old age assistance, life insurance, benevolence, and eyeglasses to its members.

Jockeys are not members of this Association. As mentioned, there is a separate benefit for retired, disabled, and active jockeys of \$65,000 under Massachusetts General Laws 128A. At the February 25, 2021, Commission meeting, the Massachusetts Gaming Commission voted to approve the Jockeys' Guild as the organization who represented the majority of the jockeys licensed by the Massachusetts Gaming Commission and who regularly rode in the commonwealth, in accordance with G.L. c. 128A §5(h)(4): <https://massgaming.com/wp-content/uploads/Meeting-Notification-and-Agenda-2.25.21-1.pdf>. The new qualifications were presented at the April 8, 2021 meeting, clearing the way for the money to be disbursed by the Jockeys' Guild to 15 disabled or retired jockeys: <https://massgaming.com/news-events/article/mgc-open-meeting-april-8-2021-2/>. With no live racing in Massachusetts, qualifications for active jockeys were not able to be determined, so the Guild did not disperse money in that category. The Commission recognized the Jockeys' Guild again in 2022 and 2023, with qualifying jockeys receiving their share of the \$65,000.

There is no similar amount of money under chapter 128A that goes to standardbred drivers. When there was live Thoroughbred racing at Suffolk Downs, the NEHBPA funded an excess coverage policy for the jockeys. They are no longer doing that.



Massachusetts Gaming Commission

NEHBPA Executive Director Paul Umbrello has stated they are currently paying out more in benefits than they are receiving from the RHDF. As a reminder, any funds from the Race Horse Development Fund 4% that would be paid by the NEHBPA to the jockeys, takes money away from the horsemen.

A few options have been discussed. The Commission could determine a dollar amount to go to the Guild to disperse to the 4 jockeys who would qualify as a disabled jockey. (Recall that the language in section 60 does not include retired jockeys, only disabled and active). Another option is to have this issue discussed at the Race Horse Committee meetings, and perhaps a slight increase in the amount of money the NEHBPA receives could be targeted towards the jockeys. This decision on the split would of course be a decision made by the Horse Racing Committee, not the Gaming Commission.



Massachusetts Gaming Commission



P.O. Box 1811, Plainville, MA 02762

Website: www.hhane.com

Email: president@hhane.com

508.316.3364

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

Subject: RHDF Jockey and Driver Benefits

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

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

August 20, 2023

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

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

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

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

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

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

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

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

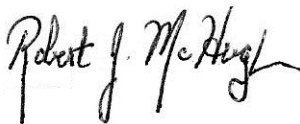
HHANE also offers a self-funded program where member drivers can obtain race bike insurance up to \$1,000 at no cost.

The four percent of the RHDF currently received by the HHANE benefits all our members. As stewards of the money received, HHANE is proud of the benefits designed and offered to our members, including our 86 Standardbred drivers.

We welcome any questions you may have.

Sincerely,

HARNESS HORSEMAN'S ASSOCIATION OF NEW ENGLAND, INC.

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

Robert J. McHugh
President

New England Horsemen's Benevolent and Protective Association, Inc

A National Organization



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

www.newenglandhbpa.com

President – Anthony Spadea

Executive Director – Paul Umbrello

Directors Owners- Shirley Dullea, Chris Trakas Dan Joyce, Joseph Lewko, Al Tassone

Directors Trainers – Tim Kirby, Matthew Clarke, Kevin McCarthy, Leona McKanas, George Saccardo

August 21st, 2023

Mass Gaming Commission

Dear Commission,

Discussion regarding the 4% distribution to the RHDF

First a little history

As you know, Section 23k was implemented in conjunction with the 2011 gaming act. Over the years, on many occasions, we have expressed our view that much of the language in 128A and 128C is antiquated and open for interpretation but mainly was for the purpose of racing and simulcasting. This view is shared by others including legislative leaders and those within the racing industry. Under 128A Section5 the Jockey Guild receives \$65,000 annually for Licensed New England Jockeys by the Commission.

With that said along comes 23K. The intent of this was to identify the use of the newly portioned RHDF to help fund Purses, Breeders and the Health and Welfare Programs for both Standardbreds and Thoroughbreds.

Both breeds have historically split the four percent carved out within the Race Horse Development Fund (RHDF) to fund their Health and Welfare programs. We believe that this 50/50 split of the 4% should remain as it is and that MGC should repel any efforts to further dilute that fund as is now being attempted by the Jockeys.

Now while section iii of 23K the 4% split (highlighted below) describes its intent, it seems the intent of those writing this language kept an open mind in trying to leave opportunities for each organization to help its members and in this case, it could be Owners, Drivers, Trainers, Jockeys and Employees. However, it is perfectly clear in the language that states how the funding is used under its “**rules and eligibility requirements of that organization**”

As far as the NEHBPA today we only offer Health and Welfare benefits to our Trainers which we have submitted supporting documentation to the MGC on numerous occasions. Would we like to offer more to others as noted of course, but unfortunately, we already do not have adequate funding to support those who have served our industry and depend on the benefits they are receiving today. Our long-standing bylaws and procedures have always been only for Trainers; the Jockeys have their own guild/representation where they pay dues to receive benefits.

23K Section 60

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

The NEHBPA, being the first of any horsemen's organization provided insurance policies for the Jockeys that have raced in New England. Over those years the policy has paid out over \$23 million dollars in payments to said Jockeys

Some Jockeys including those currently in the Guild have received in excess of \$100,000 dollars in benefit payments.

We respectfully ask that you reject and further attempts to divert funds away from the Thoroughbreds and Standardbreds and honor the commitment to our respective memberships.

Paul Umbrello
Executive Director
NEHBPA

August 23, 2023



Massachusetts Gaming Commission
101 Federal Street 12th Floor
Boston, MA 02110

Sent via email mgccomments@massgaming.gov

RE: Public Comment Regarding RHDF Jockey and Driver Benefits

Dear Commissioners,

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

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

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

Based on the qualifications previously presented to Commission for qualifying members who are disabled as a result of an on-track accident in Massachusetts after 2008, there would be four (4) individuals who would qualify for funds in the event that the Commission deems distribution appropriate. Please note, any funds received by the Guild under the RHDF would be provided to qualifying individuals to be used in addition to the funds that have been distributed under MLGA 128A §5(h)(4). While the distribution by the Commission for fiscal year 2022 was most appreciated, there are always additional needs for those jockeys who were disabled during racing in Massachusetts.

With that being said, the needs of those who have committed their lives and careers to racing in Massachusetts, including those trainers who receive benefits from the New England HBPA, are also recognized by the Guild. While we have respectfully requested that the Commission consider designating an amount from the RHDF to be used for the disabled jockeys based on the need and under the premise of the possibility for additional benefits for those individuals, the Guild also recognizes that there has been a substantial decrease in the funds going to the New England HBPA due to no live Thoroughbred racing in Massachusetts, with the majority being distributed to the Standardbred organizations.

In light of the current circumstances with no live thoroughbred racing being conducted since 2019, the Guild recognizes that there are many factors that must be considered by the Commission pertaining to the amount of funds, if any, New England HBPA should contribute for the benefits of the Thoroughbred jockeys in Massachusetts. While we would request for consideration of the additional funds for the qualifying permanently disabled jockeys, we do not wish for such funding to be at the detriment of the horsemen and the limited benefits that they are receiving.

The Guild sincerely appreciates the Commission's consideration of our request. If you have any additional questions or concerns, I will be presenting to the MGC during the agenda item pertaining to the RHDF to be discussed at the Commission meeting scheduled for September 7, 2023. In the event you have a question or concern that needs to be addressed prior to the Commission meeting, please feel free to contact me in the office at (859) 523-5625 or via email at mcoleman@jockeyguild.com.

Sincerely,



Mindy L. Coleman
Counsel

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

Abad Caabassa
Re: RHDF

August 23, 2023

FACTS:

I became a disabled Jockey, injured in 2012 at Suffolk Downs Racecourse.

1. I found out Massachussetts had a law established in the year 2000, M.G.L.c 128a5(h)(4), designating \$65,000 annually for active,retired and disabled jockeys, for health and welfare.

2. Myself and Edwin Molnari brought this to the attention of the Gaming Commission and The Jockey Guild, in 2012. I began receiving a portion of money in 2013 from the state. Through the Jockey Guild along with the money they send a 1099 for tax purposes. At this time, I am owed 2022 and 2023, from 128a5(h)(4).

Furthermore, State generated welfare money is non taxable, Yet the Guild reports as if we are employees of The Guild, by sending us a 1099.

3. Where did the money go from the year 2000 until 2013 when we first received money, after bringing this to light?

4. Then In 2011 The Gaming Act was written M.G.L c 23k sec60 called The Racehorse Development (RHDF) which covered several horsemen benefits one such was for Jockeys, The Commission is to determine what amount to be paid to thoroughbred Jockeys, retired and disabled. Which was given to The NEHBPA for disbursement. When myself and Edwin Molinari brought this into light, we were each sent a check for \$1,000 in 2019, which I did not accept and I will explain later.

5. What happened to monies for all the years prior and since 2012-2023?

During a meeting between the Guild and Commission (Mindy Coleman) stated that since the Jockeys received money from 128a5(h)(4), that the Jockey's agreed. (wrong and untrue), That the 23K arrears monies could cover insurance Jockey's received while riding at Suffolk. What she is talking about is insurance that covers trainers and owners from being sued if a jockey is injured. Why would Jockey's pay for Owner and Trainer insurance, that is obscured. NO Jockeys agreed to that, or even knew about it, plain and simple a lie and collusion. The Jockey's of Suffolk were never told about this. Their Jockey accident Insurance was paid by Suffolk Downs to Zurich Insurance, for ontrack accidents, not McDonalds Insurance for Trainers and Owners.

6. I have been asking to speak with the board for years each time I am denied.

We the Jockey's want to be heard, I ask again Edwin Molinari, David Amiss (our local on track representative), and myself want to be heard to rectify this., The Jockey Guild, Mindy Coleman and Terry Meycock and Herbie Rivera the Guild Rep for Massachussetts failed to represent us , they do not have our interest at hand. Mindy Coleman told jockeys they weren't getting a check because live racing stopped. Well the money still

comes to Massachusetts through simulcast, casinos and media rights. The law's are still in existence. That goes to show just how much the Guild is with the program.

These issues are not going away. We will take every step to ensure Jockeys who have generated Millions or Billions of dollars of revenue get what they deserve., and the people who are covering up the truth are uncovered. This should be rectified and corrected for all the Jockeys who risk life and limb everyday.

What the Jockeys are owed isn't at all what they really deserve. We have been disregarded, disrespected and silenced. It is time to come forward and do what is right. Without Jockeys there is no show, the smaller tracks and the jockeys that ride all the claiming races are what supports racing on a daily basis.

For the record attached are three emails, dated July 17, 2023 to Cathy Judd Stein, the Commission Chair, also an email to her dated August 7, 2023. The third email is to Ms Torrisi dated April 19, 2021

Thank you



Abad Cabassa

jockeycabassa@aol.com

863-800-5190

July 17,2023

Massachusetts Gaming Commission
Cathy Judd-Stein Chairman

Re: RHDF 23K and 128a5(h)(4)

Dear Chairman:

As you are aware Edwin Molinari and myself have been corresponding with you and the board for sometime now, without results, concerning our issues with The way 23k and 128a is handled. The Jockey Guild has failed us as members.

The issue specifically is that we are owed retroactive money since the inception of those 2 laws, and the procedures the jockey Guild has taken regarding requiring a receipt on all of our medical bills, our welfare goes beyond medical bills.

The entire story is complicated to write. We really need to be able to speak back and forth to clear this up.

We are requesting a zoom meeting, please do not deny us our rights to be heard.

All of the letters I have previously submitted has not been answered, I do not want to take these matters higher up I want it cleared up by the Commission, I expect a reply in a couple of weeks, or I must assume you are not interested in resolving our problems.

Sincerely,



Abad Cabassa

August 7,2023

To: Cathy Judd Stein- Chair
Massachusetts Gaming Commission

From: Abad Cabbassa
jockeyacabassa@aol.com

I have been informed there is another open meeting with public comments on September 7th. regarding 23Ksec60 from Dr. Lightbown, she Left me one message to call her followed by an email which I am responding.

She didn't mention 128a5(h)(4) which also continues to have issues and needs to be rectified. Dr.Lightbown also requested I tell anyone who may have interest for me to make contact, so they can make the public comments, on the link of the Commission website I do not have knowledge and phone numbers to be able to do this to all the jockeys who rode during the time period of these laws being written. This contact should be made through the Guild and the Commission, also the horsemen association(NEHBPA),who is named in the law to administer the 23k money directly to jockeys. Therefore they should advise every jockey. I will contact the jockeys whom I have numbers for.

Myself and Edwin Molinari have ask to be heard and have been refused a forum. However, the Guild, the NEHBPA, and harness interest are being heard, these rules are effecting jockeys lives, we should be permitted to be heard, it is our civil right to speak on our behalf. We want to be heard for the record. You have that authority to let us speak, I would like conformation as to your intent. Here is a list of the people whom have involvement and should be present at this meeting. Dr. Alex Lightbown, Gayle Cameron, Enrique Zuniga, Todd Grossman, Carrie Torrisi, Mindy Coleman, Terry Meycock, Herberto Rivera, Paul Umbrello, Anthony Spaida, Brian Fitzgerald, Joe Savish, Peter Goldberg, Emily Kowtoniuk.

Thank you for your attention



Abad Cabassa

ABAD CABASSA

jockeycabassa@aol.com

Massachusetts Gaming Commission

Cathy Judd-Stein Chairman

Gayle Cameron Commissioner

Eileen O'Brien Commissioner

Enrique Zuniga Commissioner

Dr. Alexandra Lightbown

Todd Grossman Counsel

Ms. Carrie Torrisi Associate Counsel/ Records Access Officer

Re: Public Records Request

Ms. Torrisi:

As per your email of April 9, 2021 , after a phone conversation we had. I am responding accordingly.

1. I remind you that I asked for the list of jockeys active retired and disabled for the Years 2013 to 2019. (which jockeys received that money from 128a ?), not just licensed jockeys. I told you exactly who has that information Dr. Alex Lightbown director of racing. you are also aware that I asked Dr. Lightbown to assist you with my public records request. before I made this request I made sure 100% you had the information. The commissioners, Dr. Lightbown, and your response is unsatisfactory and in bad faith.

2. You mentioned the commission does not have any oversight authority over how the funds are expended, 128a sec5(h)(4). It is clear to me the commission has the oversight authority over how the funds are expended 128a sec 5 (h), under the control and supervision of the commission and for the purposes specified in 128a sec 5(h)(4).

\$65,000 annually to an organization, as determined by the commission, that represents the majority of jockeys, for the purpose of providing health and other welfare benefits to disabled and retired jockeys. you mentioned nor is the jockey Guild required to report such. What you said is not true, it is clear to me that 128a sec5 (h)(4). the jockeys Guild shall make an annual report. You,

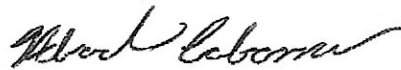
Dr. Lightbown, commission, counsel, as well as the jockeys Guild are evading me, violating my and others due process civil rights Executive decisions Were made and I was ignored. this will have consequences down the road.

I'm trying to be helpful. It is a shame.

3. With respect to 23k sec60 (c)(iii), you all are evading as well.
4. Again I ask to be put on the agenda and given time to speak regarding the race horse Development Fund 23K sec 60.
5. I await the information from my public records request since January 20, 2021 and the two other requests on the same items.

Dated : April 19, 2021

Thank you

A handwritten signature in cursive script, appearing to read "Abad Cabassa".

Abad Cabassa

From: [Showell, Vivian](#)
To: [Young, Judith](#); [Lightbown, Alexandra](#)
Subject: FW: 23 k section 60 from the RHDF
Date: Wednesday, August 23, 2023 4:38:43 PM

-----Original Message-----

From: Edwin Molinari <edwin.molinari@aol.com>
Sent: Wednesday, August 23, 2023 10:17 AM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: 23 k section 60 from the RHDF

[You don't often get email from edwin.molinari@aol.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hi, my name is Edwin Molinari a disabled jockey from Suffolk Downs race track Boston Massachusetts. My comments to this Commission are, that the money from 23 k section 60 should be divided equally between the members of the NEHBPA and the disabled jockeys and to include retired jockeys. And for the Commission to pay us the money from 23k section 60 from 2012 to 2019 to active and disabled jockeys. And to stop the jockeys guild from reporting as income illegally the grants we receive from the state of Massachusetts.
Sent from my iPhone

From: [Showell, Vivian](#)
To: [Lightbown, Alexandra](#)
Subject: FW: Contact the Commissioner Form Submission
Date: Monday, August 21, 2023 12:42:11 PM

From: MGC Website <massgamingcomm@gmail.com>
Sent: Sunday, August 20, 2023 1:11 PM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: Contact the Commissioner Form Submission

Name

William Bush

Email

Jockeyvbush49@gmail.com

Phone

(859) 803-4064

Subject

Race horse Development Fund

Questions or Comments

I jockey William Vernon Bush having been notified of the Development Fund from 2011 and a distribution of money to jockeys and Horsemen for health insurance or disability. Would like to know why I was never informed of such a thing. Jockeys Edwin Molinari and Abad cabasa informed me of what is going on. I have ridden over 14,000 races at Suffolk Downs and have given my life for the entertainment of thousands and thousands of fans and risked my life for that. I'm at the end of my career after injuries and I'm trying to enjoy life but things are difficult now. If you have any questions for me I could be reached at area code 859-803-4064 again thank you jockey William Vernon Bush.

From: [Showell, Vivian](#)
To: [Lightbown, Alexandra](#)
Subject: FW: RHDF Jockey and Driver Benefits
Date: Wednesday, August 23, 2023 8:40:34 AM

From: Jorge <jorge5f5v@gmail.com>
Sent: Tuesday, August 22, 2023 10:04 PM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: RHDF Jockey and Driver Benefits

You don't often get email from jorge5f5v@gmail.com. [Learn why this is important](#)

My name is Jorge Fuller-Vargas, I was a jockey at Suffolk Downs in 2010 and 2012. I had talked to my dad and he mentioned talking to Abad Cabassa about money from a fund that was supposed to go back to the horsemen, including jockeys, for health and other benefits. When I talked to Abad, that was the first I had ever heard of M.G.L. c.23K60 (c) III. He also mentioned M.G.L.c 128a5(h)(4) I never received anything from either fund during or anytime after the years I rode at Suffolk Downs. That money could have been used to cover healthcare instead of me having to pay out of pocket with my own money.

The following is from my father who also was a jockey at Suffolk downs.

Hi my name is Jorge Vargas I was a jockey at Suffolk Downs Racetrack from 2012-2013 and 2017, and my comments are I want the MGC to pay me that they owe me from M.G.L. c.23K60 (c) III from the RHDF because the MGC did not follow the law. They did not determine an amount for the jockeys during those years. I also want the MGC to stop the jockeys guild from reporting as income illegally, the funds we receive from the state of Massachusetts, by breaking the law forcing us to use 100% for health when the law says it is for health and other benefits which I did not receive. Thank you Jorge Vargas
Sent from [Mail](#) for Windows

From: [Showell, Vivian](#)
To: [Young, Judith](#); [Lightbown, Alexandra](#)
Subject: FW: Racehorse Development Fund
Date: Wednesday, August 23, 2023 4:39:22 PM

From: Suzanne Kelly <kellysuzanne108@gmail.com>
Sent: Wednesday, August 23, 2023 1:23 PM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: Racehorse Development Fund

You don't often get email from kellysuzanne108@gmail.com. [Learn why this is important](#)

My Father J.J. Kelly Jr. was a Thoroughbred Horse Trainer for over 50 years. A Member of NEHBPA for well over 50 years. I'm a retired Jockey Suzanne Kelly I rode for 15 years and also Trained for 20 years. My Brother John III was a Trainer and my sister Cheryl, Husband Richard Curtin have been Thoroughbred Breeders and Owners for over 50 years. All Longtime members of NEHBPA. My family and I are extremely concerned as to who is in charge of these funds, who's receiving and what they are being used for. We just want that all Jockeys Disabled and Retired receive their Percentage from the separate fund that is delegated just for Riders. The funds have not been accounted for years, who received these funds and where have they been for years?? Thank You, Suzanne Kelly

From: [Showell, Vivian](#)
To: [Young, Judith](#); [Lightbown, Alexandra](#)
Subject: FW: RHDF Jockey and Driver Benefits
Date: Wednesday, August 23, 2023 4:38:17 PM

From: Doreen Araujo <doreen.araujo@gmail.com>
Sent: Tuesday, August 22, 2023 9:37 PM
To: MGCcomments <MGCcomments@massgaming.gov>
Cc: Doreen.araujo@gmail.com
Subject: RHDF Jockey and Driver Benefits

You don't often get email from doreen.araujo@gmail.com. [Learn why this is important](#)

Here's my comment.

My dad Frank Amonte was denied permission to continue racing after 2011. He held both a jockey and trainer license and was entitled to these funds, but because he was not backed by the HBPA, and being forced to stop racing they stopped him from the opportunity to get the benefits of these funds, furthermore he was never informed these funds within 23K60(c)III and 128A5(h)4 even existed.

He was told he was a high risk and the insurance was going to get hit hard due to his age, although when I put a claim in 2021 after his death we were told he was not on the policy or eligible, I now question if he wasn't on the policy why was he told they were at a high risk on their policy due to his age.

Even though the topic here is the race horse development fund, my dad started his racing career in 1976, and that alone should have qualified him for the benefit 128A5(h)4.

Thank you
Doreen Amonte Araujo

From: [Showell, Vivian](#)
To: [Lightbown, Alexandra](#)
Subject: FW: RHDF an pension
Date: Monday, August 21, 2023 1:08:00 PM

From: paddy reardon <bodababie@gmail.com>
Sent: Friday, August 18, 2023 7:05 PM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: RHDF an pension

You don't often get email from bodababie@gmail.com. [Learn why this is important](#)

The fund needs to be split between the two thoroughbred horsemen's groups as stated by Attorney Blue in an open meeting so that horsemen that have been ignored can get the funds the need an are untitled . All payout by these groups need to be listed an submitted. It should be up to the MasTHA an the HBPA to distribute accordingly to the best use of the funds for their membership. The purse fund in the RHDF must be held by the MGC as it has in the past as to invite an investor. It can not at this time be moved into any other escrow account. Thank you



P.O. Box 1811, Plainville, MA 02762

Website: www.hhane.com

Email: president@hhane.com

508.316.3364

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

Subject: RHDF Jockey and Driver Benefits

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

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

August 20, 2023

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

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

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

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

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

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

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

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

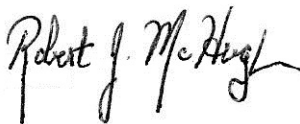
HHANE also offers a self-funded program where member drivers can obtain race bike insurance up to \$1,000 at no cost.

The four percent of the RHDF currently received by the HHANE benefits all our members. As stewards of the money received, HHANE is proud of the benefits designed and offered to our members, including our 86 Standardbred drivers.

We welcome any questions you may have.

Sincerely,

HARNESS HORSEMAN'S ASSOCIATION OF NEW ENGLAND, INC.

A handwritten signature in black ink that reads "Robert J. McHugh". The signature is written in a cursive, flowing style.

Robert J. McHugh
President

New England Horsemen's Benevolent and Protective Association, Inc

A National Organization



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

www.newenglandhbpa.com

President – Anthony Spadea

Executive Director – Paul Umbrello

Directors Owners- Shirley Dullea, Chris Trakas Dan Joyce, Joseph Lewko, Al Tassone

Directors Trainers – Tim Kirby, Matthew Clarke, Kevin McCarthy, Leona McKanas, George Saccardo

August 21st, 2023

Mass Gaming Commission

Dear Commission,

Discussion regarding the 4% distribution to the RHDF

First a little history

As you know, Section 23k was implemented in conjunction with the 2011 gaming act. Over the years, on many occasions, we have expressed our view that much of the language in 128A and 128C is antiquated and open for interpretation but mainly was for the purpose of racing and simulcasting. This view is shared by others including legislative leaders and those within the racing industry. Under 128A Section5 the Jockey Guild receives \$65,000 annually for Licensed New England Jockeys by the Commission.

With that said along comes 23K. The intent of this was to identify the use of the newly portioned RHDF to help fund Purses, Breeders and the Health and Welfare Programs for both Standardbreds and Thoroughbreds.

Both breeds have historically split the four percent carved out within the Race Horse Development Fund (RHDF) to fund their Health and Welfare programs. We believe that this 50/50 split of the 4% should remain as it is and that MGC should repel any efforts to further dilute that fund as is now being attempted by the Jockeys.

Now while section iii of 23K the 4% split (highlighted below) describes its intent, it seems the intent of those writing this language kept an open mind in trying to leave opportunities for each organization to help its members and in this case, it could be Owners, Drivers, Trainers, Jockeys and Employees. However, it is perfectly clear in the language that states how the funding is used under its “**rules and eligibility requirements of that organization**”

As far as the NEHBPA today we only offer Health and Welfare benefits to our Trainers which we have submitted supporting documentation to the MGC on numerous occasions. Would we like to offer more to others as noted of course, but unfortunately, we already do not have adequate funding to support those who have served our industry and depend on the benefits they are receiving today. Our long-standing bylaws and procedures have always been only for Trainers; the Jockeys have their own guild/representation where they pay dues to receive benefits.

23K Section 60

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

The NEHBPA, being the first of any horsemen's organization provided insurance policies for the Jockeys that have raced in New England. Over those years the policy has paid out over \$23 million dollars in payments to said Jockeys

Some Jockeys including those currently in the Guild have received in excess of \$100,000 dollars in benefit payments.

We respectfully ask that you reject and further attempts to divert funds away from the Thoroughbreds and Standardbreds and honor the commitment to our respective memberships.

Paul Umbrello
Executive Director
NEHBPA

August 23, 2023



Massachusetts Gaming Commission
101 Federal Street 12th Floor
Boston, MA 02110

Sent via email mgccomments@massgaming.gov

RE: Public Comment Regarding RHDF Jockey and Driver Benefits

Dear Commissioners,

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

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

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

Based on the qualifications previously presented to Commission for qualifying members who are disabled as a result of an on-track accident in Massachusetts after 2008, there would be four (4) individuals who would qualify for funds in the event that the Commission deems distribution appropriate. Please note, any funds received by the Guild under the RHDF would be provided to qualifying individuals to be used in addition to the funds that have been distributed under MLGA 128A §5(h)(4). While the distribution by the Commission for fiscal year 2022 was most appreciated, there are always additional needs for those jockeys who were disabled during racing in Massachusetts.

With that being said, the needs of those who have committed their lives and careers to racing in Massachusetts, including those trainers who receive benefits from the New England HBPA, are also recognized by the Guild. While we have respectfully requested that the Commission consider designating an amount from the RHDF to be used for the disabled jockeys based on the need and under the premise of the possibility for additional benefits for those individuals, the Guild also recognizes that there has been a substantial decrease in the funds going to the New England HBPA due to no live Thoroughbred racing in Massachusetts, with the majority being distributed to the Standardbred organizations.

In light of the current circumstances with no live thoroughbred racing being conducted since 2019, the Guild recognizes that there are many factors that must be considered by the Commission pertaining to the amount of funds, if any, New England HBPA should contribute for the benefits of the Thoroughbred jockeys in Massachusetts. While we would request for consideration of the additional funds for the qualifying permanently disabled jockeys, we do not wish for such funding to be at the detriment of the horsemen and the limited benefits that they are receiving.

The Guild sincerely appreciates the Commission's consideration of our request. If you have any additional questions or concerns, I will be presenting to the MGC during the agenda item pertaining to the RHDF to be discussed at the Commission meeting scheduled for September 7, 2023. In the event you have a question or concern that needs to be addressed prior to the Commission meeting, please feel free to contact me in the office at (859) 523-5625 or via email at mcoleman@jockeyguild.com.

Sincerely,



Mindy L. Coleman
Counsel

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

Abad Caabassa
Re: RHDF

August 23, 2023

FACTS:

I became a disabled Jockey, injured in 2012 at Suffolk Downs Racecourse.

1. I found out Massachussetts had a law established in the year 2000, M.G.L.c 128a5(h)(4), designating \$65,000 annually for active,retired and disabled jockeys, for health and welfare.

2. Myself and Edwin Molnari brought this to the attention of the Gaming Commission and The Jockey Guild, in 2012. I began receiving a portion of money in 2013 from the state. Through the Jockey Guild along with the money they send a 1099 for tax purposes. At this time, I am owed 2022 and 2023, from 128a5(h)(4).

Furthermore, State generated welfare money is non taxable, Yet the Guild reports as if we are employees of The Guild, by sending us a 1099.

3. Where did the money go from the year 2000 until 2013 when we first received money, after bringing this to light?

4. Then In 2011 The Gaming Act was written M.G.L c 23k sec60 called The Racehorse Development (RHDF) which covered several horsemen benefits one such was for Jockeys, The Commission is to determine what amount to be paid to thoroughbred Jockeys, retired and disabled. Which was given to The NEHBPA for disbursement. When myself and Edwin Molinari brought this into light, we were each sent a check for \$1,000 in 2019, which I did not accept and I will explain later.

5. What happened to monies for all the years prior and since 2012-2023?

During a meeting between the Guild and Commission (Mindy Coleman) stated that since the Jockeys received money from 128a5(h)(4), that the Jockey's agreed. (wrong and untrue), That the 23K arrears monies could cover insurance Jockey's received while riding at Suffolk. What she is talking about is insurance that covers trainers and owners from being sued if a jockey is injured. Why would Jockey's pay for Owner and Trainer insurance, that is obscured. NO Jockeys agreed to that, or even knew about it, plain and simple a lie and collusion. The Jockey's of Suffolk were never told about this. Their Jockey accident Insurance was paid by Suffolk Downs to Zurich Insurance, for ontrack accidents, not McDonalds Insurance for Trainers and Owners.

6. I have been asking to speak with the board for years each time I am denied.

We the Jockey's want to be heard, I ask again Edwin Molinari, David Amiss (our local on track representative), and myself want to be heard to rectify this., The Jockey Guild, Mindy Coleman and Terry Meycock and Herbie Rivera the Guild Rep for Massachussetts failed to represent us , they do not have our interest at hand. Mindy Coleman told jockeys they weren't getting a check because live racing stopped. Well the money still

comes to Massachusetts through simulcast, casinos and media rights. The law's are still in existence. That goes to show just how much the Guild is with the program.

These issues are not going away. We will take every step to ensure Jockeys who have generated Millions or Billions of dollars of revenue get what they deserve., and the people who are covering up the truth are uncovered. This should be rectified and corrected for all the Jockeys who risk life and limb everyday.

What the Jockeys are owed isn't at all what they really deserve. We have been disregarded, disrespected and silenced. It is time to come forward and do what is right. Without Jockeys there is no show, the smaller tracks and the jockeys that ride all the claiming races are what supports racing on a daily basis.

For the record attached are three emails, dated July 17, 2023 to Cathy Judd Stein, the Commission Chair, also an email to her dated August 7, 2023. The third email is to Ms Torrisi dated April 19, 2021

Thank you



Abad Cabassa

jockeycabassa@aol.com

863-800-5190

July 17,2023

Massachusetts Gaming Commission
Cathy Judd-Stein Chairman

Re: RHDF 23K and 128a5(h)(4)

Dear Chairman:

As you are aware Edwin Molinari and myself have been corresponding with you and the board for sometime now, without results, concerning our issues with The way 23k and 128a is handled. The Jockey Guild has failed us as members.

The issue specifically is that we are owed retroactive money since the inception of those 2 laws, and the procedures the jockey Guild has taken regarding requiring a receipt on all of our medical bills, our welfare goes beyond medical bills.

The entire story is complicated to write. We really need to be able to speak back and forth to clear this up.

We are requesting a zoom meeting, please do not deny us our rights to be heard.

All of the letters I have previously submitted has not been answered, I do not want to take these matters higher up I want it cleared up by the Commission, I expect a reply in a couple of weeks, or I must assume you are not interested in resolving our problems.

Sincerely,



Abad Cabassa

August 7,2023

To: Cathy Judd Stein- Chair
Massachusetts Gaming Commission

From: Abad Cabbassa
jockeyacabassa@aol.com

I have been informed there is another open meeting with public comments on September 7th. regarding 23Ksec60 from Dr. Lightbown, she Left me one message to call her followed by an email which I am responding.

She didn't mention 128a5(h)(4) which also continues to have issues and needs to be rectified. Dr.Lightbown also requested I tell anyone who may have interest for me to make contact, so they can make the public comments, on the link of the Commission website I do not have knowledge and phone numbers to be able to do this to all the jockeys who rode during the time period of these laws being written. This contact should be made through the Guild and the Commission, also the horsemen association(NEHBPA),who is named in the law to administer the 23k money directly to jockeys. Therefore they should advise every jockey. I will contact the jockeys whom I have numbers for.

Myself and Edwin Molinari have ask to be heard and have been refused a forum. However, the Guild, the NEHBPA, and harness interest are being heard, these rules are effecting jockeys lives, we should be permitted to be heard, it is our civil right to speak on our behalf. We want to be heard for the record. You have that authority to let us speak, I would like conformation as to your intent. Here is a list of the people whom have involvement and should be present at this meeting. Dr. Alex Lightbown, Gayle Cameron, Enrique Zuniga, Todd Grossman, Carrie Torrisi, Mindy Coleman, Terry Meycock, Herberto Rivera, Paul Umbrello, Anthony Spaida, Brian Fitzgerald, Joe Savish, Peter Goldberg, Emily Kowtoniuk.

Thank you for your attention



Abad Cabassa

ABAD CABASSA

jockeycabassa@aol.com

Massachusetts Gaming Commission

Cathy Judd-Stein Chairman

Gayle Cameron Commissioner

Eileen O'Brien Commissioner

Enrique Zuniga Commissioner

Dr. Alexandra Lightbown

Todd Grossman Counsel

Ms. Carrie Torrisi Associate Counsel/ Records Access Officer

Re: Public Records Request

Ms. Torrisi:

As per your email of April 9, 2021 , after a phone conversation we had. I am responding accordingly.

1. I remind you that I asked for the list of jockeys active retired and disabled for the Years 2013 to 2019. (which jockeys received that money from 128a ?), not just licensed jockeys. I told you exactly who has that information Dr. Alex Lightbown director of racing. you are also aware that I asked Dr. Lightbown to assist you with my public records request. before I made this request I made sure 100% you had the information. The commissioners, Dr. Lightbown, and your response is unsatisfactory and in bad faith.

2. You mentioned the commission does not have any oversight authority over how the funds are expended, 128a sec5(h)(4). It is clear to me the commission has the oversight authority over how the funds are expended 128a sec 5 (h), under the control and supervision of the commission and for the purposes specified in 128a sec 5(h)(4).

\$65,000 annually to an organization, as determined by the commission, that represents the majority of jockeys, for the purpose of providing health and other welfare benefits to disabled and retired jockeys. you mentioned nor is the jockey Guild required to report such. What you said is not true, it is clear to me that 128a sec5 (h)(4). the jockeys Guild shall make an annual report. You,

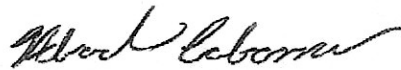
Dr. Lightbown, commission, counsel, as well as the jockeys Guild are evading me, violating my and others due process civil rights Executive decisions Were made and I was ignored. this will have consequences down the road.

I'm trying to be helpful. It is a shame.

3. With respect to 23k sec60 (c)(iii), you all are evading as well.
4. Again I ask to be put on the agenda and given time to speak regarding the race horse Development Fund 23K sec 60.
5. I await the information from my public records request since January 20, 2021 and the two other requests on the same items.

Dated : April 19, 2021

Thank you

A handwritten signature in cursive script, appearing to read "Abad Cabassa".

Abad Cabassa

From: [Showell, Vivian](#)
To: [Young, Judith](#); [Lightbown, Alexandra](#)
Subject: FW: 23 k section 60 from the RHDF
Date: Wednesday, August 23, 2023 4:38:43 PM

-----Original Message-----

From: Edwin Molinari <edwin.molinari@aol.com>
Sent: Wednesday, August 23, 2023 10:17 AM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: 23 k section 60 from the RHDF

[You don't often get email from edwin.molinari@aol.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hi, my name is Edwin Molinari a disabled jockey from Suffolk Downs race track Boston Massachusetts. My comments to this Commission are, that the money from 23 k section 60 should be divided equally between the members of the NEHBPA and the disabled jockeys and to include retired jockeys. And for the Commission to pay us the money from 23k section 60 from 2012 to 2019 to active and disabled jockeys. And to stop the jockeys guild from reporting as income illegally the grants we receive from the state of Massachusetts.
Sent from my iPhone

From: [Showell, Vivian](#)
To: [Lightbown, Alexandra](#)
Subject: FW: Contact the Commissioner Form Submission
Date: Monday, August 21, 2023 12:42:11 PM

From: MGC Website <massgamingcomm@gmail.com>
Sent: Sunday, August 20, 2023 1:11 PM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: Contact the Commissioner Form Submission

Name

William Bush

Email

Jockeyvbush49@gmail.com

Phone

(859) 803-4064

Subject

Race horse Development Fund

Questions or Comments

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To: [Lightbown, Alexandra](#)
Subject: FW: RHDF Jockey and Driver Benefits
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To: MGCcomments <MGCcomments@massgaming.gov>
Subject: RHDF Jockey and Driver Benefits

You don't often get email from jorge5f5v@gmail.com. [Learn why this is important](#)

My name is Jorge Fuller-Vargas, I was a jockey at Suffolk Downs in 2010 and 2012. I had talked to my dad and he mentioned talking to Abad Cabassa about money from a fund that was supposed to go back to the horsemen, including jockeys, for health and other benefits. When I talked to Abad, that was the first I had ever heard of M.G.L. c.23K60 (c) III. He also mentioned M.G.L.c 128a5(h)(4) I never received anything from either fund during or anytime after the years I rode at Suffolk Downs. That money could have been used to cover healthcare instead of me having to pay out of pocket with my own money.

The following is from my father who also was a jockey at Suffolk downs.

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From: [Showell, Vivian](#)
To: [Young, Judith](#); [Lightbown, Alexandra](#)
Subject: FW: Racehorse Development Fund
Date: Wednesday, August 23, 2023 4:39:22 PM

From: Suzanne Kelly <kellysuzanne108@gmail.com>
Sent: Wednesday, August 23, 2023 1:23 PM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: Racehorse Development Fund

You don't often get email from kellysuzanne108@gmail.com. [Learn why this is important](#)

My Father J.J. Kelly Jr. was a Thoroughbred Horse Trainer for over 50 years. A Member of NEHBPA for well over 50 years. I'm a retired Jockey Suzanne Kelly I rode for 15 years and also Trained for 20 years. My Brother John III was a Trainer and my sister Cheryl, Husband Richard Curtin have been Thoroughbred Breeders and Owners for over 50 years. All Longtime members of NEHBPA. My family and I are extremely concerned as to who is in charge of these funds, who's receiving and what they are being used for. We just want that all Jockeys Disabled and Retired receive their Percentage from the separate fund that is delegated just for Riders. The funds have not been accounted for years, who received these funds and where have they been for years?? Thank You, Suzanne Kelly

From: [Showell, Vivian](#)
To: [Young, Judith](#); [Lightbown, Alexandra](#)
Subject: FW: RHDF Jockey and Driver Benefits
Date: Wednesday, August 23, 2023 4:38:17 PM

From: Doreen Araujo <doreen.araujo@gmail.com>
Sent: Tuesday, August 22, 2023 9:37 PM
To: MGCcomments <MGCcomments@massgaming.gov>
Cc: Doreen.araujo@gmail.com
Subject: RHDF Jockey and Driver Benefits

You don't often get email from doreen.araujo@gmail.com. [Learn why this is important](#)

Here's my comment.

My dad Frank Amonte was denied permission to continue racing after 2011. He held both a jockey and trainer license and was entitled to these funds, but because he was not backed by the HBPA, and being forced to stop racing they stopped him from the opportunity to get the benefits of these funds, furthermore he was never informed these funds within 23K60(c)III and 128A5(h)4 even existed.

He was told he was a high risk and the insurance was going to get hit hard due to his age, although when I put a claim in 2021 after his death we were told he was not on the policy or eligible, I now question if he wasn't on the policy why was he told they were at a high risk on their policy due to his age.

Even though the topic here is the race horse development fund, my dad started his racing career in 1976, and that alone should have qualified him for the benefit 128A5(h)4.

Thank you
Doreen Amonte Araujo

From: [Showell, Vivian](#)
To: [Lightbown, Alexandra](#)
Subject: FW: RHDF an pension
Date: Monday, August 21, 2023 1:08:00 PM

From: paddy reardon <bodababie@gmail.com>
Sent: Friday, August 18, 2023 7:05 PM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: RHDF an pension

You don't often get email from bodababie@gmail.com. [Learn why this is important](#)

The fund needs to be split between the two thoroughbred horsemen's groups as stated by Attorney Blue in an open meeting so that horsemen that have been ignored can get the funds they need and are untitled. All payout by these groups needs to be listed and submitted. It should be up to the MassTHA and the HBPA to distribute accordingly to the best use of the funds for their membership. The purse fund in the RHDF must be held by the MGC as it has in the past as to invite an investor. It cannot at this time be moved into any other escrow account. Thank you



MASSACHUSETTS GAMING COMMISSION AUTHORIZATION FOR DIRECTOR OF RACING

(SUPERCEDING THE 6/13/13 DELEGATION AND EFFECTIVE SEPTEMBER 2023)

From time-to-time certain matters unexpectedly arise at a racing meeting, and/or relative to a meeting, parimutuel, and simulcasting operations, which require immediate attention in order to ensure uninterrupted operations, the safety and security of the participants, and/or the integrity of racing operations. Whereas the Director of Racing is in the best position to promptly assess and address these matters, and to avoid any uncertainty in these instances, the Massachusetts Gaming Commission (“Commission”) hereby authorizes the Director of Racing to take the following actions subject to the following conditions.

The Director of Racing may:

- 1) in consultation with the Commission’s legal department, send notices and demand letters to any licensee that they believe have failed to comply with an applicable law, whether statute or regulation, in an effort to bring such licensee into compliance (e.g.- failure to make a statutorily required payment);
- 2) approve a change of post time requested by a licensee upon a showing of good cause (e.g.- weather related concerns, personnel or participant related matters, and/or track or facility related concerns);
- 3) approve cancellation of a race day requested by a licensee upon a showing of good cause, or upon their own initiative based on health, safety, or integrity related concerns (e.g.- in both cases this could include weather related concerns, personnel or participant related matters, and/or track or facility related concerns);
- 4) approve the rescheduling of a cancelled or postponed race day; provided, however, that any permanent change in the length of the racing meeting schedule (i.e.- adding to or subtracting from the total number of race days) will be considered an amendment to the racing meeting license and must be presented to the Commission for approval;
- 5) as needed to avoid disruption of a meeting, approve a racing official who has not completed the formal approval process, but is deemed by the Director to be competent and qualified;
- 6) approve of use of a new simulcast signal by a licensee prior to submission of an executed contract and/or approval of the appropriate horsemen organization upon a finding of immediate need; provided that such a permanent approval will be considered an amendment to the racing meeting license and must be presented to the Commission for approval;
- 7) approve for a limited timeframe of simulcasting for special events;



Massachusetts Gaming Commission

- 8) in consultation with the Commission's Chief Financial and Accounting Officer and Treasurer, authorize municipal local aid payments in accordance with G.L. c. 128A, §5(h)(1);
- 9) identify the appropriate organization and authorize the payments described in G.L. c. 128A, §5(h)(4); and
- 10) take any reasonable and necessary action that is not inconsistent with any provision of the law where, in the Director of Racing's judgement, prompt action is required to ensure uninterrupted operations, the safety and security of the participants, and/or the integrity of racing operations.

If the Director of Racing takes any of the aforementioned actions, they shall ensure that the matter is properly documented and present such information to the Commission, either in writing or in person as appropriate, at the earliest available public meeting of the Commission.



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

FROM: Andrew Steffen – Interim Sports Wagering Operations Manager

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

DATE: August 29, 2023

RE: Update to licensee's house rules

Under 205 CMR 247.02(4) <https://www.mass.gov/doc/205-cmr-247-uniform-standards-of-sports-wagering/download> the Commission reviews all changes proposed by a licensee to their house rules. A Sports Wagering Operator shall not change or modify the House Rules without the prior written approval of the Commission. Failure by an Operator to act in accordance with its House Rules may result in disciplinary action.

EXECUTIVE SUMMARY:

Plainridge Park Casino has requested an addition to their house rules.

The addition is as follows:

- Section A, Introduction, #14:
 - In the event of any palpable errors including computer, algorithm or software malfunctions or mechanical, typing, technical, or human errors made by Barstool Sportsbook and/or its affiliates, partners or third-party licensors, which lead to erroneous odds or obvious price errors, then in such cases all bets will be deemed void or paid out with the correct odds or price; however, either option shall require MGC approval.

CONCLUDING STATEMENT:

The Sports Wagering Division confirms all requirements have been met under 205 CMR 247.02 and has no reservations about moving forward on approving these changes.



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

FROM: Crystal Beauchemin, Sports Wagering Business Manager

DATE: August 30, 2023

RE: PSI Waiver Request for Provisions of 205 CMR 248.16

EXECUTIVE SUMMARY:

The final draft of 205 CMR 248: Sports Wagering Account Management was filed August 18th, with effective date September 1, 2023. Penn Sports Interactive (PSI) is seeking a temporary waiver from 205 CMR 248.16(1): Responsible Gaming Limits through September 30, 2023 (30 days), allowing their software engineers and product team to “adequately test the functionality to display the ability to set self-imposed limitations at the time of the patron’s first wager. This testing will ensure that the newly introduced solution does not have an adversely negative impact on the user experience and quality of the online sports wagering platform.” PSI currently offers new patrons the option to set self-imposed responsible gaming limitations at the time of account registration, as well as at the time of any deposit.

SUPPORTING DOCUMENTS:

The detailed waiver request is included in the packet.

CONCLUSION/ RECOMMENDATION:

The Sports Wagering division has no issues with the request for a 30-day waiver for implementation of 248.16(1).



MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 8/23/2023

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): Penn Sports Interactive

NAME OF INDIVIDUAL COMPILING REQUEST: Adam Kates

TITLE OF INDIVIDUAL COMPILING REQUEST: Sr. Director, Compliance

CONTACT EMAIL ADDRESS: adam.kates@thescore.com

CONTACT PHONE NUMBER: 416-479-8812 ext. 2728

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT):
N/A

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED: 205 CMR 248.16(1)

REGULATION SECTION TITLE: Responsible Gaming Limits

REGULATION LANGUAGE/TEXT:

(1) In accordance with M.G.L. c. 23N, § 13(e)(3), a Category 3 Sports Wagering Operator shall allow the patron to set self-imposed limitations on sports wagering at any time, including when the patron signs up for a Sports Wagering Account. Such limitations must include the following and must be clearly and conspicuously displayed prior to allowing registration of a new account, the first time a patron makes a deposit into an account, and the first time the patron places a wager from an account:

REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH: September 30, 2023

Per 205 CMR 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT:



Penn Sports Interactive (“PSI”) respectfully requests an extension of the initial universal waiver granted by the Commission for the requirements of 205 CMR 248.16(1). PSI currently offers new patrons the option to set self-imposed responsible gaming limitations at the time of account registration, as well as at the time of any deposit, in accordance with the Commission’s regulation. In addition, PSI has developed a technological solution to clearly and conspicuously display to the patron the ability to set self-imposed responsible gaming limitations when the patron makes their first wager from their registered online sports wagering account.

PSI specifically requests this temporary waiver of the requirements of 205 CMR 248.16(1) until September 30, 2023, in order to adequately test the functionality to display the ability to set self-imposed limitations at the time of the patron’s first wager. This testing will ensure that the newly introduced solution does not have an adversely negative impact on the user experience and quality of the online sports wagering platform.

Per 205 CMR 102.03 (4)(a)(4)

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION:

This extension is being requested to allow an adequate time period to properly complete testing of the technological solution developed to comply with the requirements of 205 CMR 248.16(1). The extension would provide necessary additional time for product testing to ensure the newly introduced solution does not negatively impact the operational efficiency and overall user experience of PSI’s online sports wagering platform.

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:

PSI submitted an initial request for a temporary waiver of the requirements of 205 CMR 248.16(1) on June 28, 2023, requesting a temporary extension through November 30, 2023. This was considered by the Commission at its July 11, 2023, public meeting. The Commission ultimately granted a universal waiver to all sports wagering operators of these requirements, valid through September 9, 2023. Upon the granting of said universal temporary waiver, PSI revisited its timeline and, to the extent feasible, expedited the implementation of its developed solution. This additional extension will ensure that PSI has the necessary additional time to properly test the solution before it is made available to patrons in the Commonwealth.

DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.



Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.





TO: Chair Cathy Judd-Stein
Commissioner Eileen O'Brien
Commissioner Brad Hill
Commissioner Nakisha Skinner
Commissioner Jordan Maynard

FROM: Crystal Beauchemin, Sports Wagering Business Manager

DATE: August 23, 2023

RE: Betr Waiver Request for Provisions of 205 CMR 205 CMR 248.16

EXECUTIVE SUMMARY:

The final draft of 205 CMR 248: Sports Wagering Account Management was filed August 18th, with effective date September 1, 2023. Betr is seeking a temporary waiver from 205 CMR 248.16 (1): Responsible Gaming Limits through December 30, 2023 (120 days), allowing their software engineers and product team to “implement within the Betr mobile application (the “App”), a clear and conspicuous notification that informs patrons that they can set self-imposed limitations when they place their first wager.” The notifications at registration and first deposit are already active within Betr’s app.

In addition, Betr is seeking a permanent waiver related to 205 CMR 248.16 (2) which specifies, “A change to make these limits less restrictive shall become effective the next business day after the time period of the previous limit has expired, and the patron reaffirms the requested increase.” Betr currently requires a patron to pause for 30 days before making limits less restrictive on wagers or deposits, as stated in their approved Responsible Gaming plan. As such, Betr requests that they be allowed to resume the more stringent restriction.

SUPPORTING DOCUMENTS:

The detailed waiver request is included in the packet.

CONCLUSION/ RECOMMENDATION:

The Sports Wagering division has no issues with the request for a 120 waiver for implementation of 248.16 (1).

In addition, the Sports Wagering division would commend Betr for wanting stricter responsible gaming limits than required in 248.16 (2). We do note that in speaking with Director Mark Vander Linden, there was some concern that it might hinder individuals from signing up for the

limits features and possibly unenrollment, as well. However, we believe this could be monitored via the significant reporting measures already required as a component of 205 CMR 255 and if the concern were validated, grant no further waiver of this component of the regulation. As such, we recommend granting the waiver for an initial period of time (approximately 6-9 months) and reviewing the data in the future.



MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 8/11/2023

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): Betr Holdings, Inc. ("Betr")

NAME OF INDIVIDUAL COMPILING REQUEST: Ashwin Krishnan

TITLE OF INDIVIDUAL COMPILING REQUEST: Head of Legal & Business Affairs

CONTACT EMAIL ADDRESS: ashwin.krishnan@betr.app

CONTACT PHONE NUMBER: (786) 387-4205

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT):
N/A

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED:

205 CMR 248.16(1)-(2)

REGULATION SECTION TITLE:

Responsible Gaming Limits

REGULATION LANGUAGE/TEXT:

(1) In accordance with M.G.L. c. 23N, § 13(e)(3), a Category 3 Sports Wagering Operator shall allow the patron to set self-imposed limitations on sports wagering at any time, including when the patron signs up for a Sports Wagering Account. Such limitations must include the following and must be clearly and conspicuously displayed prior to allowing registration of a new account, the first time a patron makes a deposit into an account, and the first time the patron places a wager from an account:

(a) The Operator must offer daily, weekly and monthly deposit limits, which shall specify the maximum amount of money a patron may deposit into their Sports Wagering Account during a particular period of time.

(b) The Operator must offer daily, weekly and monthly wager limits, which shall specify the maximum amount of patron funds that may be put at risk during a particular period of time.



(2) A change to make these limits more restrictive shall be effective immediately. A change to make these limits less restrictive shall become effective the next business day after the time period of the previous limit has expired, and the patron reaffirms the requested increase.

REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH:

September 1, 2023 – December 30, 2023 (or 120 days).

Per 205 CMR 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT:

I, Ashwin Krishnan, as Head of Legal & Business Affairs of Betr, hereby submit a request to the Massachusetts Gaming Commission (the “MGC”) requesting a partial and temporary waiver of regulation 205 CMR 248.16(1), so that our software engineers and product team can implement within the Betr mobile application (the “App”), a clear and conspicuous notification that informs patrons that they can set self-imposed limitations when they place their first wager (Betr already has in place such notifications when patrons register a new account and when they make their first deposit into an account). Moreover, we are requesting a partial waiver of regulation 205 CMR 248.16(2), in particular, the language referring to the less restrictive self-imposed limitations. Betr, in an effort to promote responsible gaming, does not allow patrons who have set a self-limitation on deposits and/or wagers to make such self-limitations less restrictive for at least 30 days.

Per 205 CMR 102.03 (4)(a)(4)

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION:

Due to technical and coding developments required and implementation processes, a denial of our waiver request will force Betr to suspend its operations entirely for months.

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:

Enclosed we are providing the MGC with a screenshot/sample of what patrons will see when they place their first wager. It is important to note that Betr currently offers daily, weekly, and monthly deposit/wager limits that specify the maximum amount of money a patron may deposit/wager into their Betr account during a particular period of time, as well as daily, weekly, and monthly deposit/wager limits that specify the maximum amount of patron funds that may be put at risk during a particular period of time.







Check Out Our Responsible Gaming Limits!

Choose how you take control with a deposit, wager, or time limit

Set Limits

No Thanks

DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.





TO: Chair Cathy Judd-Stein
Commissioner Eileen O'Brien
Commissioner Brad Hill
Commissioner Nakisha Skinner
Commissioner Jordan Maynard

FROM: Crystal Beauchemin, Sports Wagering Business Manager

DATE: August 16, 2023

RE: Betr Waiver Request for 205 CMR 248.04 (4)

EXECUTIVE SUMMARY:

On June 15, 2023, the Commission voted to finalize the draft of 205 CMR 248 which was promulgated by emergency. The Commissioners granted a uniform waiver for compliance with the regulation through the effective date of September 1, 2023. As the effective date approaches, Betr is seeking a temporary waiver from 205 CMR 248.04 (4) for 90 additional days.

205 CMR 248.04: Age and Identity Verification

(4) The Sports Wagering Operator shall at the time of account establishment, utilize identity authentication questions that require a patron to provide information known only to the patron through security questions, unless an alternate method of authentication is approved by the Commission.

Betr's KYC/authentication process was recently reviewed and approved by MGC's internal committee comprising of members of the Sports Wagering division and IT, including Kevin Gauvreau (Information and Network Security Manager) and Cristian Taveras (Gaming Technical Compliance Manager.) As such, Betr now requests 90 days to finalize the technical implementation necessary for compliance with the regulation.

SUPPORTING DOCUMENTS:

The waiver request is included in the packet.

CONCLUSION/ RECOMMENDATION:

The Sports Wagering division has no issues with the request, as Betr followed the requested process, and would recommend that the Commission approve the temporary waiver for implementation through December 6, 2023. (90 days)



MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 8/11/2023

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): Betr Holdings, Inc. ("Betr")

NAME OF INDIVIDUAL COMPILING REQUEST: Ashwin Krishnan

TITLE OF INDIVIDUAL COMPILING REQUEST: Head of Legal & Business Affairs

CONTACT EMAIL ADDRESS: ashwin.krishnan@betr.app

CONTACT PHONE NUMBER: (786) 387-4205

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT):
N/A

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED:

205 CMR 248.04(4)

REGULATION SECTION TITLE:

Age and Identity Verification

REGULATION LANGUAGE/TEXT:

(4) The Sports Wagering Operator shall at the time of account establishment, utilize identity authentication questions that require a patron to provide information known only to the patron through security questions, unless an alternate method of authentication is approved by the Commission.



REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH:

Waiver timeframe is conditional on our alternative method being approved. In the event that our alternative method is not approved, we are requesting a temporary waiver of 120 days. In the event that our alternative method is approved, we are requesting a temporary waiver of 90 days to implement our alternative method.

Per 205 CMR 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT:

I, Ashwin Krishnan, as Head of Legal & Business Affairs of Betr, hereby submit a request to the Massachusetts Gaming Commission (the "MGC") requesting a full (or possibly temporary) waiver of regulation 205 CMR 248.04(4), so that our software engineers and product team can implement within the Betr mobile application, our alternative methods (as described below) or if denied by the MGC, identity authentication questions that require a patron to provide information known only to the patron through security questions.

Per 205 CMR 102.03 (4)(a)(4)

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION:

Due to technical and coding developments required and implementation processes, a denial of our waiver request will force Betr to suspend its operations entirely for months.

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:

It should be noted that Betr, with respect to 205 CMR 248.04(4), is proposing the following alternative methods of KYC authentication:

Phone Number Verification and Association:

- (i) Betr will identify if the phone number provided by the patron is associated with the patron's identity. Betr will accomplish this using an IDComply product that does not interfere with the verification flow.
- (ii) The patron will confirm that they have possession of the phone number as they will receive a unique code via Short Message/Messaging Service (SMS).
- (iii) This method has proved to be more successful and accurate as potential bad actors can potentially discover answers to identity related questions, but they cannot use another individual's phone number as an identifier unless they are in physical possession of that individual's phone to receive the unique code.
- (iv) Essentially a patron would need to use the correct phone number and be in possession of the associated device.
- (v) This verification would happen during the KYC process, and any patron failing one or both steps (phone number association and in possession of the associated device) will fail KYC.



Selfie and ID Check:

- (i) As a back-up option for patrons that fail KYC for the aforementioned Phone Number Verification and Association, Betr proposes the ability to send a “selfie” style photograph and scan their identification card to confirm their identity.
- (ii) This process includes sending a unique link to the patron.
- (iii) The patron will use the link to take a selfie style photograph and scan their identification card.
- (iv) The IDComply software will evaluate the selfie style photograph and scanned identification card to determine the following:
 - a. Is the selfie photograph of a real person (i.e., liveness check)
 - b. Is the individual on the selfie photograph the same person on the identification card?
 - c. Is the identification card real and if so, is it valid?
 - d. Do the identification card details match the details entered for KYC?
- (v) Any patron failing any of these steps will not be allowed to register an account and play in Massachusetts.



DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.





August 31, 2023

SENT VIA EMAIL: bruce.band@massgaming.gov Massachusetts Gaming Commission
Attn: Bruce Band, Director - Sports Wagering Division 101 Federal Street, 12 Floor
Boston, Massachusetts 02110 Director Band,

FBG Enterprises Opco, LLC d/b/a Fanatics Betting & Gaming

It was a pleasure speaking with you this afternoon. As discussed, Fanatics Betting & Gaming ("FBG") deployed on August 31, 2023, an updated platform configuration (HOTFIX-320) to the know your customer verification process in order to comply with those requirements, and any approved variances, set forth in 205 CMR 248.04(4). As contemplated in FBG's variance request form dated August 11, 2023, and thereafter approved by the Massachusetts Gaming Commission, FBG requested approval to seek an alternate method of identity verification in lieu of utilizing security questions. FBG's proposed authentication method should operate as follows:

FBG will authenticate a patron's identity by first attempting verification of a device ID and phone number matched with the patron's Know Your Customer ("KYC") data. FBG will leverage technology offered by our KYC provider, Socure, to perform this verification by providing a "device risk" score and a "phone risk" score. Both scoring modules entail a correlation scoring outcome, which ultimately assess the device-to-identity and phone-to-name, respectively. If a patron cannot be authenticated through that method, FBG would then prompt the patron to upload a selfie image, which is analyzed for liveness, and a copy of a valid government issued photo-bearing ID in order to complete the verification process. In the event a patron cannot be authenticated through either of these methods, FBG will require the patron to contact our Customer Operations team for manual identity authentication.

Unfortunately, post-deployment, FBG faced critical disruptions related to Socure's (KYC provider) servers not responding the same way in the production environment that it had during testing which impacted both new and existing users; with new users failing KYC and existing users receiving a verification error when attempting to place a wager. Accordingly, a decision was made to roll back the changes to resolve the ongoing issues. A preliminary root cause analysis revealed that there may be missing attributes in the production environment on the Socure side which led to a failure in parsing Socure's response.

As a result of this rollback FBG is at risk of not meeting the September 1, 2023 deadline for implementation of FBG's accepted variance to 205 CMR 248.04(4). Therefore, FBG is respectfully requesting a **two-week extension** to: 1) conduct a comprehensive root-cause analysis; and 2) implement a fix to address the issues that occurred upon deployment. Accordingly, if approved, we intend to have a fix in place no later than **September 15, 2023**.

We greatly appreciate your understanding.

Should you have any questions, please do not hesitate to reach

out. Thank you,

Mike

Michael Levine
Senior Regulatory
Counsel Fanatics
Betting & Gaming

Email: michael.levine@betfanatics.com Phone: 702-677-0779



MASSACHUSETTS GAMING COMMISSION

To: Chair Judd-Stein and Commissioners Hill, Maynard, O'Brien, and Skinner
From: Boniswa Sundai, John Scully, David Muldrew, and Derek Lennon
Date: September 7, 2023
Re: Executive Director Search Firm Procurement

Background:

In a public meeting on July 27, 2023, the Commission discussed the process and potential means for attracting candidates for the Executive Director vacancy. Part of the discussion was retaining the assistance of professional search firm(s) to aid the MGC's HR department and the vetting committee. As discussed in that meeting, a successful search firm would likely exceed the incidental threshold of \$10,000, which would then necessitate the use of a statewide contract, an RFR, or a procurement exception. We asked the Commission to allow us to do research to see if an intentional diverse spend would yield qualified firms. In a public meeting on August 17, 2023, staff presented to the Commission a discussion of its findings that we feel there are diverse firms capable of assisting the Commission in its search for the next Executive Director. The Commission asked that staff share some high-level documents as well as the questions that were asked of potential vendors. The attached information is provided in response to the questions from that meeting.

Vetting Process:

The Massachusetts Gaming Commission collaborated with the Local Enterprise Assistance Fund (LEAF) using its grant in which LEAF helps to identify DEI vendors and adds them to a procurement database. This collaboration aimed to narrow down a broad list of Supplier Diversity Office (SDO) Certified recruit firms as well as firms identified by LEAF's proprietary supplier network to a pool of five distinct search firms. LEAF was entrusted with the responsibility of reaching out to vendors and refining the list to exclusively encompass firms that align with the mandated services within the scope delineated by the MGC. LEAF was given a tight timeline for turning around the results of the request as the discussion began in a public meeting on July 27th, staff had to develop a list of certified vendors, develop a list of questions for potential search firms to answer and LEAF was asked to provide staff with a report on August 14th. Our partnership with LEAF was instrumental in allowing staff to conclude that there are diverse firms capable of aiding the Commission in the Executive Director search.

Each of the firms were asked the following questions which are consistent with the most recent criteria established for recruitment search for MGC:

- Does your company have experience working with government agencies?
- In which industries do you have the most experience in placing executives? (Top 3)
- Does your company have experience filling C-suite positions?
- What other types of senior-level positions have you placed?
- How long does it typically take to fill C-suite positions?
- Are you able to fill C-suite positions in 6 months or less?
- What is your "Resume Submission to Interview" Ratio?
- What is your "Interview to Hire" Ratio?
- What is your position retention rate?
- Where are your offices located?



Massachusetts Gaming Commission

Included in the packet is the report request by MGC with the rubric detailing LEAF's findings and their process. Below is a list of the top 5 search firms identified as SDO Certified and a potential candidate for SDO Certification. The report also includes a side-by-side comparison of the top candidates.

Recommendation:

We are recommending that the Commission use a procurement exception for an intentional diversity spend opportunity with one or multiple of the vendors recommended by LEAF.

This executive summary presents the top 5 executive search firms from the SDO and LEAF's database.

- | | | | |
|----------------------------------|---------------|---------|------------|
| • MH Group, LLC | MBE | WBE | For Profit |
| • Gumbs Partners | Not Certified | Not MBE | For Profit |
| • Centum Search, LLC | MBE | WBE | For Profit |
| • Renaissance Network, Inc. | Not Certified | MBE | For Profit |
| • US Professional Services, Inc. | Not Certified | WBE | For Profit |

Attachments: DEI Executive Search Firm Evaluation Report (LEAF) August 14, 2023
Excel Document of Responses





Initiative for **UPLIFTING** *local* **PROCUREMENT**

DEI Executive Search Firm Evaluation

Preliminary Report

Prepared by the Local Enterprise Assistance Fund

Monday August 14, 2023



Executive Summary

The Local Enterprise Assistance Fund (LEAF) is pleased to present the Massachusetts Gaming Commission (MGC) with its preliminary report on the DEI Executive Search Firms Evaluation project in fulfillment of the MGC Technical Assistance Grant program awarded in August of 2023. MGC engaged LEAF to provide an evaluation of DEI executive search firms that operate locally. The evaluation is based on the capability requirements of MGC, a list of which was made available to LEAF staff by the Commission.

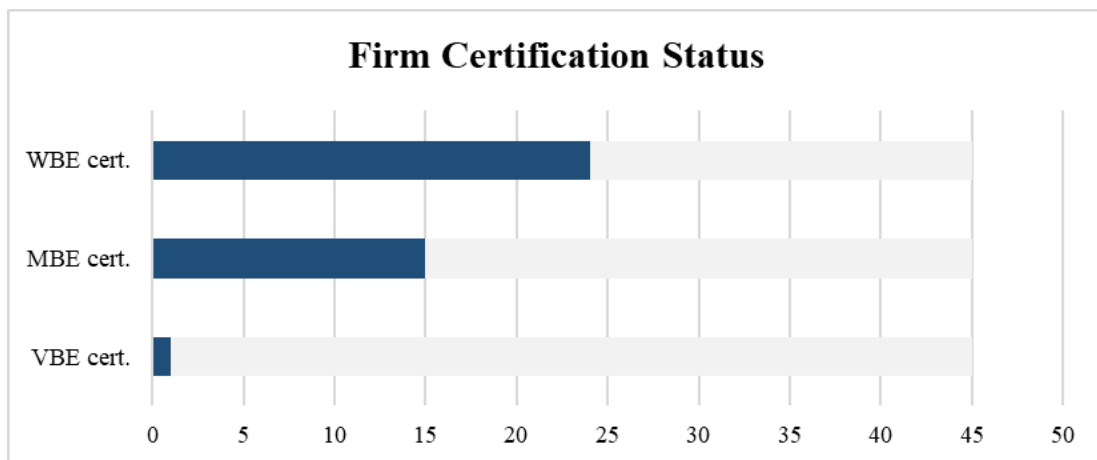
LEAF assembled an executive search firms universe that comprised companies listed in the Massachusetts Supplier Diversity Office directory and companies from LEAF’s own network, a universe of 45 firms. LEAF applied an initial screen to exclude companies whose activities were out of the scope of the services required by the commission due to industry focus. Seven firms passed the initial screening, and LEAF staff contacted each to gather detailed process, track record, and capabilities information to analyze suitability for MGC.

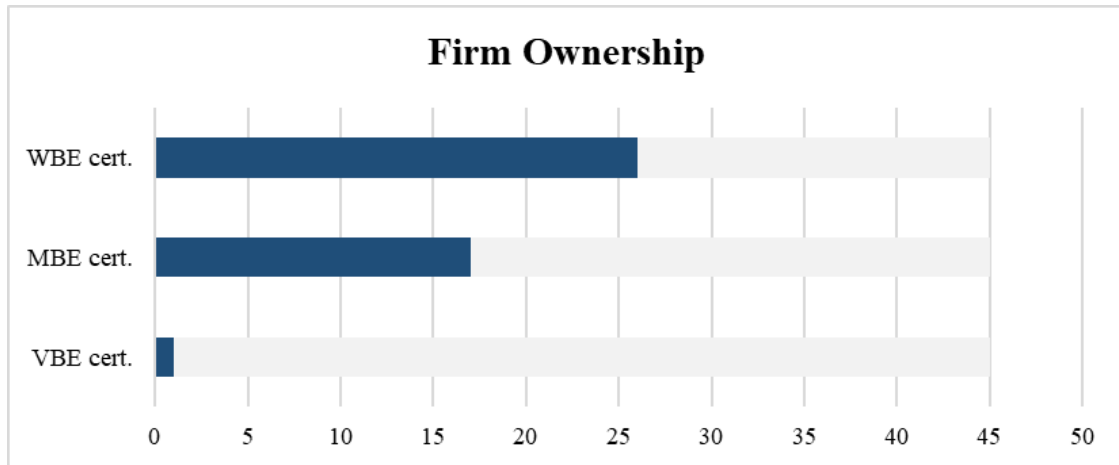
LEAF is pleased to provide capability information reports on the top five firms from the initial universe (Exhibit 1).

Data Sources

The initial universe of executive search firms consisted of a list of companies provided to LEAF by MGC that contained Staffing Services companies in the Massachusetts Supplier Diversity Office (SDO) directory (40 companies), and a list of companies that LEAF gathered from its partner network (5 companies). The companies that LEAF sourced from its partner network were minority and women-owned enterprises that were not certified by SDO. LEAF’s ongoing procurement diversity programming includes campaigns to encourage and assist disadvantaged businesses to obtain certifications from SDO and other certifying entities.

26 of the 45 companies in the search universe were based in Massachusetts. The non-MA based companies were national firms that had a presence in the state. 15 companies were certified as MBE, 24 as WBE, and 1 as VBE. 2 of the firms in LEAF’s universe were minority and women-owned businesses that were not SDO certified.





Methodology and Process

The vetting methodology consisted of three components:

- Passive Relevance Determination.
- Active Relevance Determination.
- Outreach and Requirements Responses Acquisition.

1. Passive Relevance Determination:

The SDO listed firms provided multiple staffing and human resources services and required an initial review to confirm executive search capability. We searched the SDO directory for keywords related to executive search including terms such as “executive search,” “recruiting,” “staffing,” and “placement” to ensure that we started with a list of relevant firms. This search resulted in 40 firms.

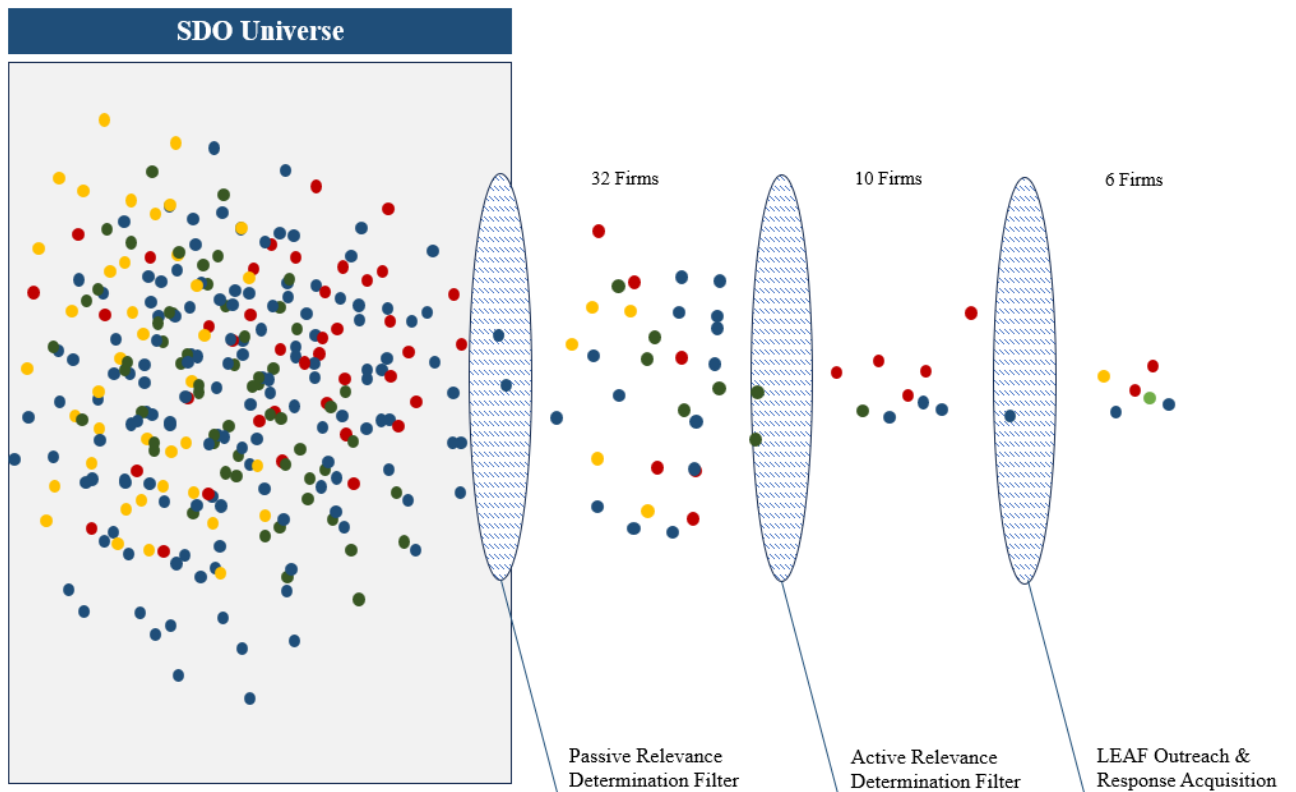
In compliance with the mandate of the grant, we prioritized veteran-, women-, and/or minority-owned businesses. As such, we screened the list for companies with at least one of those characteristics. This resulted in a list of 32 companies.

2. Active Relevance Determination:

After the initial relevance determination, we examined the “Business_SDO_Description” of each company in the list and excluded all the companies where there was little ambiguity that they didn’t offer executive search services; several firms had a narrow scope of services such as temporary staffing, or offered specialized industry recruiting such as nursing and IT. In the cases where the description was vague, such as “staffing services,” we visited their website and looked for any information on executive search services, and excluded the companies that did not offer executive search services. This screen resulted in ten companies.

3. Outreach and Requirements Responses Acquisition:

Our staff contacted each of the ten companies by email and phone to gather responses to the evaluation questions that met the requirements of MGC. Five firms completed the evaluation questionnaires and provided detailed responses, four firms did not respond, and one firm declined due to a large workload. We compiled all the responses in the Excel file titled “MGC Executive Search - All Responses.xlsx”, which is provided with this report.



Results

As a result of our preliminary interviews and data analysis, we exclude one company, Able Associates, due to lack of experience with government agencies and to limited experience filling C-suite roles (the company specializes in staffing middle management for manufacturing companies).

We reached out to our network for executive search firm recommendations. This outreach connected us with two additional companies, Gumbs Partners and Arka HR Solutions, both woman-, minority-owned firms. We received responses to the evaluation questionnaire from Gumbs Partners, while Arka HR Solutions was not due to a high workload.

Please see the attached capability information reports on the top five executive search firms (Exhibit 1). To view the data without the statistics and formatting, please see the attached spreadsheet titled “Table 1 - Top 5 Executive Search Firms.pdf”. The top five firms are presented in alphabetical order.



EXHIBIT 1:



MH Group, LLC

VENDOR INFORMATION

Name of Business: MH Group, LLC
 Name of Contact: Nicole Polite
 Date of Organization: 5/18/2018
 State of Organization: MA
 Type of Organization: For-Profit
 Business Address: 42 Harkness Avenue, East Longmeadow, MA, 01028
 Business Phone Number: (413)788-0751
 Contact Email: nicole@manehire.com
 Web Address: www.manehire.com

Disadvantaged Business Enterprise Status

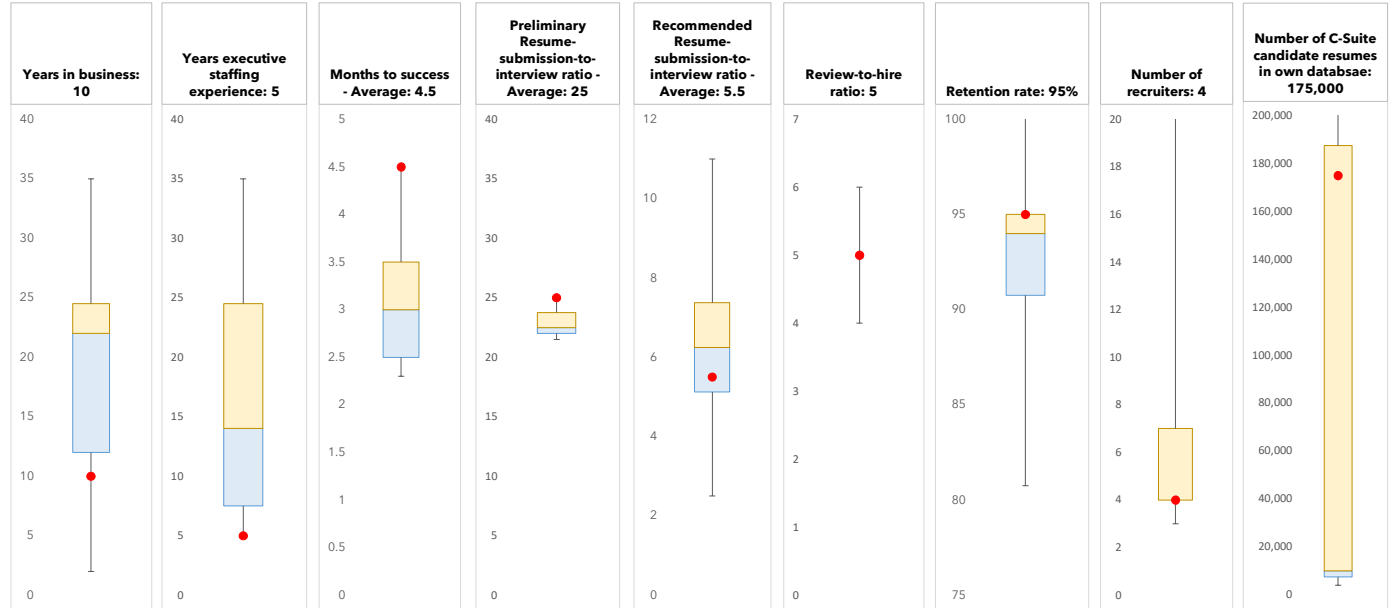
	Certified	Cert. Date	Renew Date
MBE	YES	1/16/2020	1/16/2026
WBE	YES	1/16/2020	1/16/2026
PBE	NO	--	--
VBE	NO	--	--
SBPP	NO	--	--
ACDBE	NO	--	--
DBE	NO	--	--
LGTBE	NO	--	--
SDVOBE	NO	--	--

Procurement Portfolio Construction Metrics

Primary NAICS Code: 561311
 Primary NAICS Description: Employment Placement Agencies
 UP Industry Classification:
 Technical Assistance Recipient:
 Contract Financing Approved:
 UP Platform Frequency:

QUANTITATIVE EVALUATION METRICS

Years in business	10
Years executive staffing experience	5
Months to success - Range	3 - 6
Months to success - Average	5
Preliminary Resume-submission-to-interview ratio - Range	20 - 30
Preliminary Resume-submission-to-interview ratio - Average	25
Recommended Resume-submission-to-interview ratio - Range	5 - 6
Recommended Resume-submission-to-interview ratio - Average	6
Review-to-hire ratio	5
Retention rate	95%
Retention rate - After Number of Years	5.00
Number of recruiters	4
Number of C-Suite candidate resumes in own databsae	175,000





QUALITATIVE EVALUATION

Does their company have experience working with government agencies?	No
In which industries do they have the most experience in placing executives? (Top 3)	Healthcare, Education, Nonprofit
Does their company have experience filling C-suite positions?	Yes
What other types of senior-level positions have they placed?	Executive Directors, VPs, Directors
How long does it typically take them to fill C-suite positions?	3-6 months
Are they able to fill C-suite positions in 6 months or less?	Yes
What is their "Resume Submission to Interview" Ratio?	First screen down to 20-30 candidates, interview them, and submit 5-6 candidates to the client.
What is their "Interview to Hire" Ratio?	On average client companies interview 5 of their recommended candidates before hiring 1.
What is their position retention rate?	95% after 5 years.
Where are their offices located?	East Longmeadow, MA and Windsor, CT

Candidate Screening Process

First, candidates are sorted based on various criteria and preliminary interviews are conducted. Next is the interview process, which involves telephone and video assessments. The background screening phase involves thorough checks of applicant information, including criminal and other background checks. The selection process includes consultations and assistance during the interviews, leading to the final selection. They can help with negotiations to finalize the terms with the selected candidate. The process concludes with search closure/sign-offs, ensuring professional communication with all applicants, and requires prompt responses and honest collaboration from the client.

Recruiting Process

Their recruitment process and approach includes advertising but also relies more upon an aggressive sourcing and a marketing campaign.



Gumbs Partners

VENDOR INFORMATION

Name of Business: Gumbs Partners
 Name of Contact: Lauren Gumbs
 Date of Organization:
 State of Organization: New York
 Type of Organization:
 Business Address: PO Box 381084, Brooklyn, NY 11238
 Business Phone Number: 718-857-8537
 Contact Email: lgumbs@gumbspartners.com
 Web Address: <http://gumbspartners.com/>

Disadvantaged Business Enterprise Status

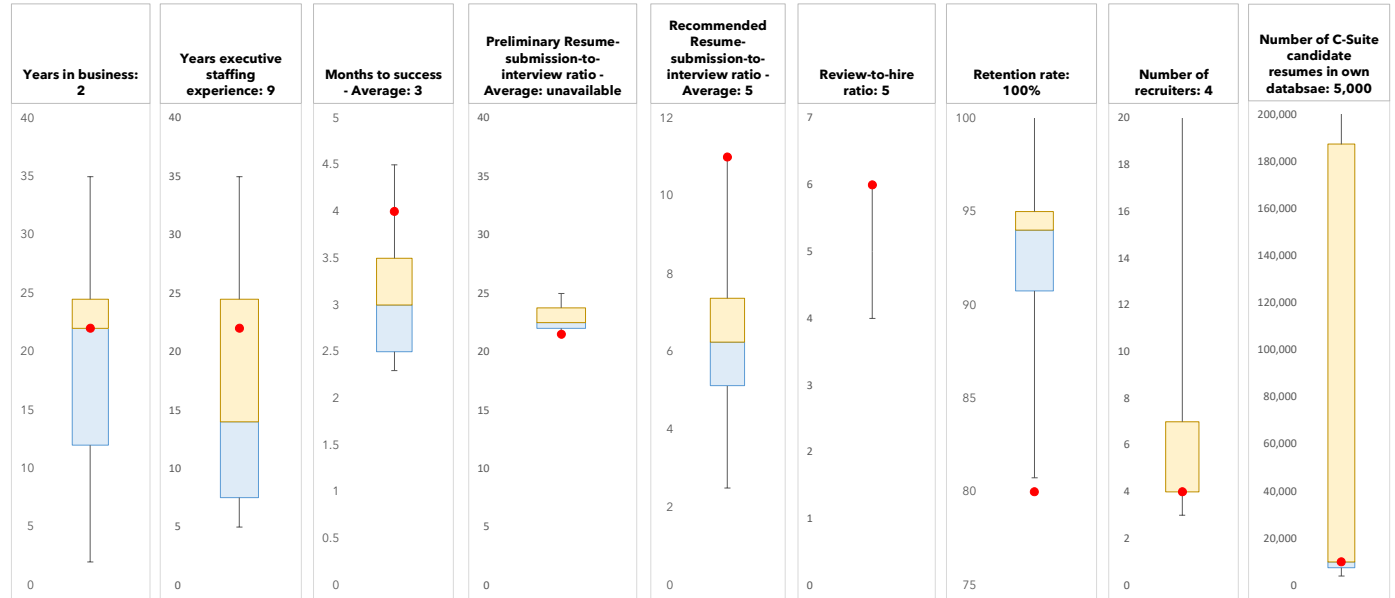
	Certified	Cert. Date	Renew Date
MBE	NO	--	--
WBE	NO	--	--
PBE	NO	--	--
VBE	NO	--	--
SBPP	NO	--	--
ACDBE	NO	--	--
DBE	NO	--	--
LGTBE	NO	--	--
SDVOBE	NO	--	--

Procurement Portfolio Construction Metrics

Primary NAICS Code:
 Primary NAICS Description:
 UP Industry Classification:
 Technical Assistance Recipient:
 Contract Financing Approved:
 UP Platform Frequency:

QUANTITATIVE EVALUATION METRICS

Years in business 22
 Years executive staffing experience 22
 Months to success - Range 3 - 5
 Months to success - Average 4
 Preliminary Resume-submission-to-interview ratio - Range 18 - 25
 Preliminary Resume-submission-to-interview ratio - Average 22
 Recommended Resume-submission-to-interview ratio - Range 10 - 12
 Recommended Resume-submission-to-interview ratio - Average 11
 Review-to-hire ratio 6
 Retention rate 80%
 Retention rate - After Number of Years 5.00
 Number of recruiters 4
 Number of C-Suite candidate resumes in own databsae 10,000





QUALITATIVE EVALUATION

Does their company have experience working with government agencies?	No
In which industries do they have the most experience in placing executives? (Top 3)	Nonprofit Foundations, Housing Nonprofits, Community Development Organizations
Does their company have experience filling C-suite positions?	Yes
What other types of senior-level positions have they placed?	Executive directors, VPs
How long does it typically take them to fill C-suite positions?	3-5 months, averaging 14 weeks
Are they able to fill C-suite positions in 6 months or less?	Yes
What is their "Resume Submission to Interview" Ratio?	Typically filter down to 18-25 candidates and after interviews they recommend 10-12 candidates to the client.
What is their "Interview to Hire" Ratio?	Clients typically interview 4-6 of their recommended candidates before hiring one.
What is their position retention rate?	80% retention after 5 years (for the past 10 years). If the chosen candidate leaves the position within 1 year then they'll redo the search at a significantly discounted rate. They have only had 2 instances of this happening.
Where are their offices located?	Brooklyn, NY

Candidate Screening Process

On average, when working with a large foundation, they may start with as many as 200 candidates, interview 18-25, then do a consultation with colleagues, and recommend 10-12, and the client interviews 4-6.

Recruiting Process

They have a database and also will do an open application looking for people beyond the database. They undertake original research to identify the best candidates for the job. They only work on 4-5 searches at any given time to free up capacity to find the best fit candidate for each position.



Centum Search, LLC

VENDOR INFORMATION

Name of Business: Centum Search, LLC
 Name of Contact: Michelle Trieu
 Date of Organization: 9/2/2021
 State of Organization: MA
 Type of Organization: For-Profit
 Business Address: 867 Boylston St 5th Floor 1452, Boston, MA, 02116
 Business Phone Number: (617)229-5424
 Contact Email: mt@centumsearch.com
 Web Address: https://www.centumsearch.com/

Disadvantaged Business Enterprise Status

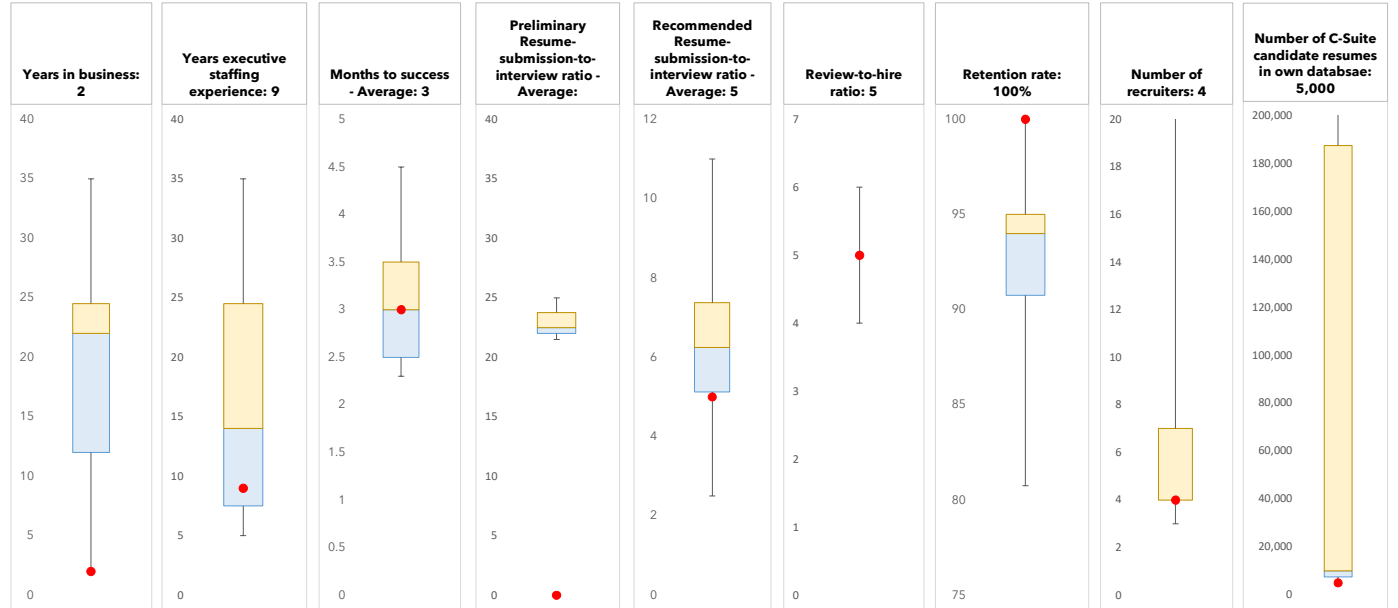
	Certified	Cert. Date	Renew Date
MBE	YES	4/13/2023	4/13/2026
WBE	YES	4/13/2023	4/13/2026
PBE	NO	--	--
VBE	NO	--	--
SBPP	NO	--	--
ACDBE	NO	--	--
DBE	NO	--	--
LGTBE	NO	--	--
SDVOBE	NO	--	--

Procurement Portfolio Construction Metrics

Primary NAICS Code: 561311
 Primary NAICS Description: Employment Placement Agencies
 UP Industry Classification:
 Technical Assistance Recipient:
 Contract Financing Approved:
 UP Platform Frequency:

QUANTITATIVE EVALUATION METRICS

Years in business	2
Years executive staffing experience	9
Months to success - Range	2 - 4
Months to success - Average	3
Preliminary Resume-submission-to-interview ratio - Range	-
Preliminary Resume-submission-to-interview ratio - Average	unavailable
Recommended Resume-submission-to-interview ratio - Range	-
Recommended Resume-submission-to-interview ratio - Average	5
Review-to-hire ratio	5
Retention rate	100%
Retention rate - After Number of Years	0.25
Number of recruiters	4
Number of C-Suite candidate resumes in own databsae	5,000





QUALITATIVE EVALUATION

Does their company have experience working with government agencies?	Founder has 4 years of experience working with the Commonwealth of Massachusetts and its agencies prior to founding the company
In which industries do they have the most experience in placing executives? (Top 3)	Tech, Manufacturing, Pharmaceuticals
Does their company have experience filling C-suite positions?	Yes
What other types of senior-level positions have they placed?	Mid-level leadership through the C-suite
How long does it typically take them to fill C-suite positions?	2-4 months
Are they able to fill C-suite positions in 6 months or less?	Yes
What is their "Resume Submission to Interview" Ratio?	After screening and interviews, they typically recommend 5-10 candidates to the client.
What is their "Interview to Hire" Ratio?	Clients typically interview 5 of their recommended candidates before hiring one.
What is their position retention rate?	They perform a 1 and 3 month post-placement check in, currently 100% retention.
Where are their offices located?	Boston, MA and Charlotte, NC

Candidate Screening Process

The screening of candidates focuses on three areas: current skills, previous experience, and employment logistics. During the kick off phase, hiring leaders help define the ideal candidate profile, including essential and preferred skills and compliance with client guidelines. Tailored screening questions are developed for each job order, and candidates' responses are documented during interviews. Only the five most relevant candidates are shortlisted and presented to the client in an accessible format, highlighting their experience and skills within context.

Recruiting Process

Kick off - Recruitment meeting to develop target hiring profile w. skills matrix, timeline, EVP, and storyboard. Clients can expect, in return, a Search Scope to ensure details are properly documented and all parties are aligned with Search requirements. Using the Scope, they create a storyboard to showcase the client's organization and details on the role, beyond the JD, to engage and excite candidates. This directly increases candidate engagement and client's brand awareness.



Renaissance Network, Inc.

VENDOR INFORMATION

Name of Business: Renaissance Network, Inc.
 Name of Contact: Judi Sargent
 Date of Organization: 2/7/1996
 State of Organization: MA
 Type of Organization: For-Profit
 Business Address: 1 Gateway Ctr, Suite 814, Newton, MA, 02458
 Business Phone Number: (617)796-9200
 Contact Email: andy@ren-network.com
 Web Address: www.ren-network.com

Disadvantaged Business Enterprise Status

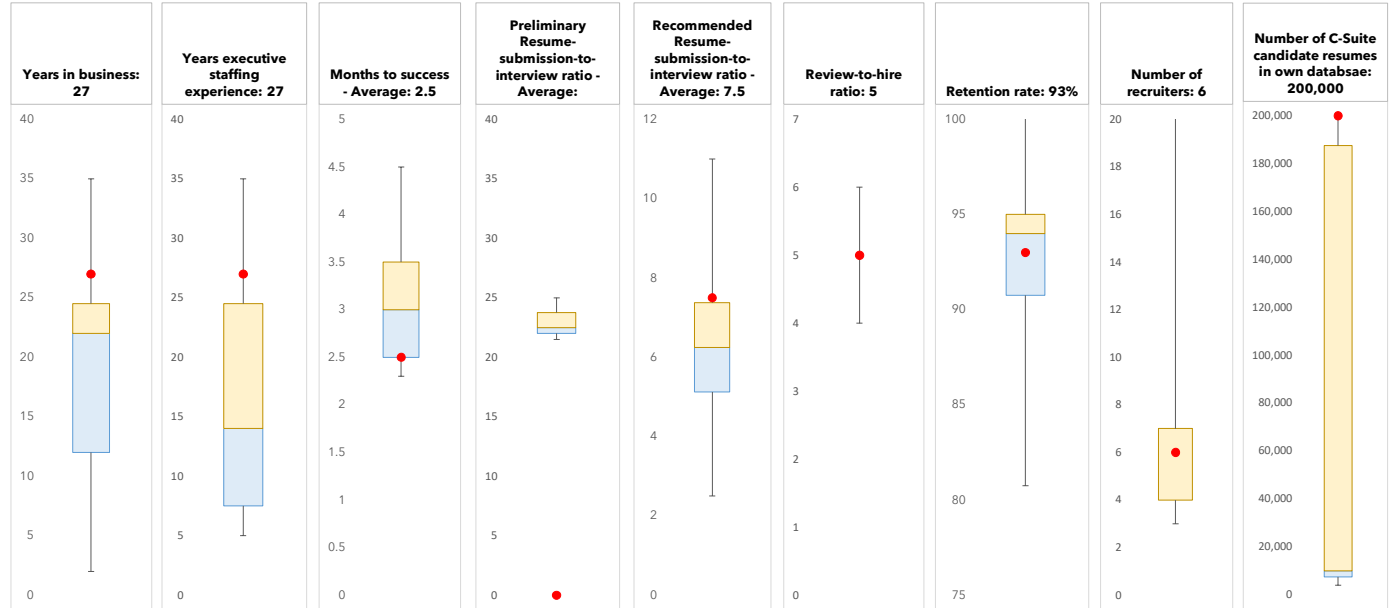
	Certified	Cert. Date	Renew Date
MBE	NO	--	--
WBE	YES	9/28/2017	9/28/2023
PBE	NO	--	--
VBE	NO	--	--
SBPP	NO	--	--
ACDBE	NO	--	--
DBE	NO	--	--
LGTBE	NO	--	--
SDVOBE	NO	--	--

Procurement Portfolio Construction Metrics

Primary NAICS Code: 561312
 Primary NAICS Description: Executive Search Services
 UP Industry Classification:
 Technical Assistance Recipient:
 Contract Financing Approved:
 UP Platform Frequency:

QUANTITATIVE EVALUATION METRICS

Years in business: 27
 Years executive staffing experience: 27
 Months to success - Range: 1 - 5
 Months to success - Average: 3
 Preliminary Resume-submission-to-interview ratio - Range: -
 Preliminary Resume-submission-to-interview ratio - Average: unavailable
 Recommended Resume-submission-to-interview ratio - Range: 7 - 8
 Recommended Resume-submission-to-interview ratio - Average: 8
 Review-to-hire ratio: 5
 Retention rate: 93%
 Retention rate - After Number of Years: 3.00
 Number of recruiters: 6
 Number of C-Suite candidate resumes in own databsae: 200,000





Renaissance Network, Inc.

QUALITATIVE EVALUATION

Does their company have experience working with government agencies?	No
In which industries do they have the most experience in placing executives? (Top 3)	Education, Nonprofits, Technology
Does their company have experience filling C-suite positions?	Yes
What other types of senior-level positions have they placed?	Managing directors, VPs, directors, managers
How long does it typically take them to fill C-suite positions?	Range of 1-5 months average of 75 days
Are they able to fill C-suite positions in 6 months or less?	Yes
What is their "Resume Submission to Interview" Ratio?	After screening and interviews, they typically recommend 7-8 candidates to the client.
What is their "Interview to Hire" Ratio?	Typically client companies interview 5 of their recommended candidates before hiring 1.
What is their position retention rate?	93% after 5 years
Where are their offices located?	Newton, MA

Candidate Screening Process

They start with a phone screen with chronological interview, customized assessment that measures cognitive ability and behavioral traits, in-depth behavioral-based video or in-person interview, 360 degree online reference check.

Recruiting Process

They meet with client to align on role, create job description, create candidate-facing marketing collateral (including video), set weekly client meetings, source and hunt passive candidates, post role on multiple social media platform, including LinkedIn, screen and interview interested candidates.

U.S. Professional Services, Inc.

VENDOR INFORMATION

Name of Business: U.S. Professional Services, Inc.
 Name of Contact: Kiley Carlton, president
 Date of Organization: 10/19/2009
 State of Organization: MA
 Type of Organization: For-Profit
 Business Address: 35 Channel Center Street #100, Boston, MA, 02210
 Business Phone Number: (617)226-4700
 Contact Email: kcarlton@uspro.net
 Web Address: http://www.uspro.net

Disadvantaged Business Enterprise Status

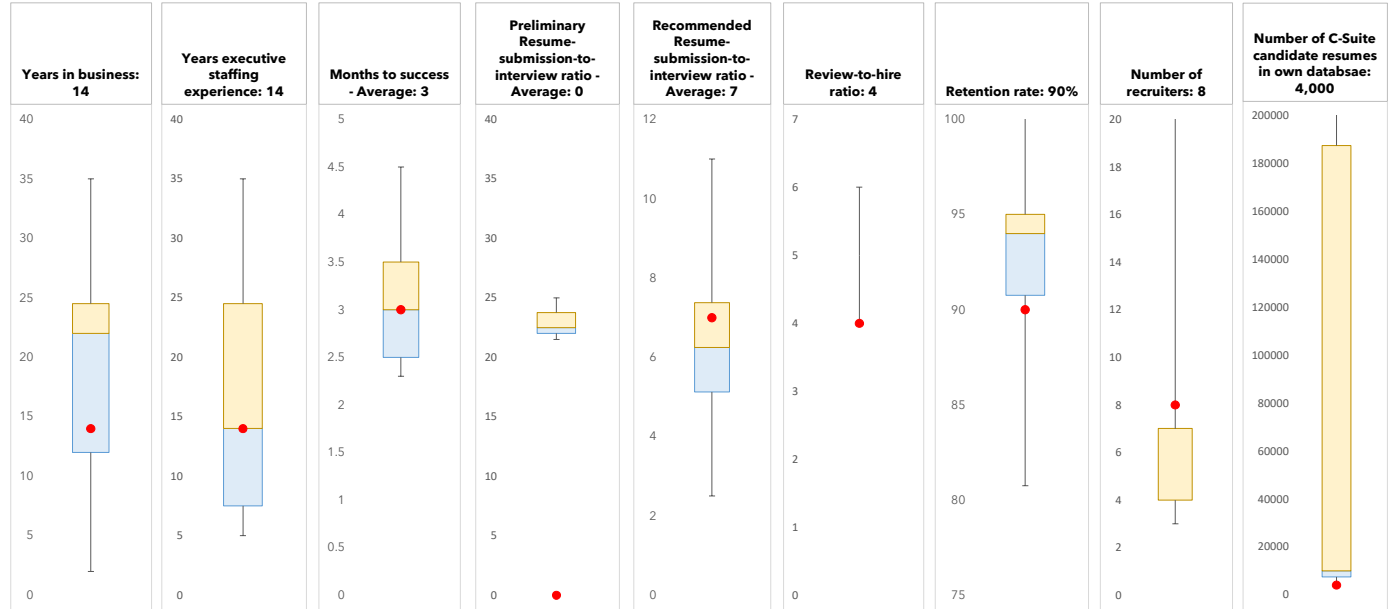
	Certified	Cert. Date	Renew Date
MBE	NO	--	--
WBE	YES	9/9/2010	9/9/2025
PBE	NO	--	--
VBE	NO	--	--
SBPP			
ACDBE			
DBE			
LGTBE			
SDVOBE			

Procurement Portfolio Construction Metrics

Primary NAICS Code: 561320
 Primary NAICS Description: Temporary Help Services
 UP Industry Classification:
 Technical Assistance Recipient:
 Contract Financing Approved:
 UP Platform Frequency:

QUANTITATIVE EVALUATION METRICS

Years in business	14
Years executive staffing experience	14
Months to success - Range	-
Months to success - Average	3
Preliminary Resume-submission-to-interview ratio - Range	-
Preliminary Resume-submission-to-interview ratio - Average	0
Recommended Resume-submission-to-interview ratio - Range	6 - 8
Recommended Resume-submission-to-interview ratio - Average	7
Review-to-hire ratio	4
Retention rate	90%
Retention rate - After Number of Years	2.00
Number of recruiters	8
Number of C-Suite candidate resumes in own databsae	4,000





U.S. Professional Services, Inc.

QUALITATIVE EVALUATION

Does your company have experience working with government agencies?	No
In which industries does your company have the most experience in placing executives? (Top 3)	relection of southeastern region: 50% manufacturing and industrial, 25% admin, and 25% IT
Does your company have experience filling C-suite positions?	around 5%, most experience filling middle management
What other types of senior-level positions has your company placed?	VPs, and one CFO
How long does it typically take your company to fill C-suite positions?	2-3 months
Is your company able to fill C-suite positions in 6 months or less?	0
What is your "Resume Submission to Interview" Ratio?	Screening 50-100 resumes, Interview around 20-25, 2-3 recommended
What is your "Interview to Hire" Ratio?	0
What is your position retention rate?	0
How many recruiters does your team have?	50,000 candidates, 10% are senior level

Candidate Screening Process

They start with a few intake calls with the clients to understand what they're looking for. They'll visit the office to get a feel for the culture and meet the management, once they understand then they start the search, using internal database and network

Recruiting Process

They don't post on job boards. They instead prefer to rely on their internal database and networking to find talented individuals for future positions.

Table 1: Top 5 Recommended Executive Search Firms Presented in Alphabetical Order

Executive Search Firms	Centum Search, LLC	Gumbs Partners	MH Group, LLC	Renaissance Network, Inc.	U.S. Professional Services, Inc.
DBE Status	Certified MBE and WBE by the SDO	Woman owned business, not certified in the SDO but will complete the certification if chosen.	Certified MBE and WBE by the SDO	Certified WBE by the SDO	Certified WBE by the SDO
Renewal Date	4/13/2026	N/A	1/16/2026	9/28/2023	9/9/2025
Track Record					
How many years has your company been in business?	2	22	10	27	14
How many years has your company provided executive staffing services?	2 years, founder has 9 years of experience in executive search	22	5	27	14
Does your company have experience working with government agencies?	Founder has 4 years of experience working with the Commonwealth of Massachusetts and its agencies prior to founding the company	No	No	No	Yes, most of their work is with the government (federal, states, and agencies).
In which industries does your company have the most experience in placing executives? (Top 3)	Tech, Manufacturing, Pharmaceuticals	Nonprofit Foundations, Housing Nonprofits, Community Development Organizations	Healthcare, Education, Nonprofit	Education, Nonprofits, Technology	Governmental, Defense Contractors, Healthcare
Does your company have experience filling C-suite positions?	Yes	Yes	Yes	Yes	Yes
What other types of senior-level positions has your company placed?	Mid-level leadership through the C-suite	Executive directors, VPs	Executive Directors, VPs, Directors	Managing directors, VPs, directors, managers	Mid-level leadership through the C-suite
How long does it typically take your company to fill C-suite positions? (range of months and/or average)	2-4 months	3-5 months, averaging 14 weeks	3-6 months	1-5 months, averaging 75 days	3 months
What is your "Resume Submission to Interview" Ratio?	After screening and interviews, they typically recommend 5-10 candidates to the client.	Typically filter down to 18-25 candidates and after interviews they recommend 10-12 candidates to the client.	First screen down to 20-30 candidates, interview them, and submit 5-6 candidates to the client.	After screening and interviews, they typically recommend 7-8 candidates to the client.	First, they screen their database for candidates that fit the role, interview the candidates, and submit 6-8 candidates to the client.
What is your "Interview to Hire" Ratio?	Clients typically interview 5 of their recommended candidates before hiring one.	Clients typically interview 4-6 of their recommended candidates before hiring one.	Clients typically interview 5 of their recommended candidates before hiring one.	Clients typically interview 5 of their recommended candidates before hiring one.	Clients typically interview 3 or 4 of their recommended candidates before hiring one.
What is your position retention rate?	Perform 1 and 3 month post-placement check in, currently 100% retention.	80% retention after 5 years (for the past 10 years). If the chosen candidate leaves the position within 1 year then they'll redo the search at a significantly discounted rate. They have only had 2 instances of this happening.	95% after 5 years.	93% after 5 years	90% after 2 years
Capacity					
How many recruiters does your team have?	4	4	4	6	8
Where are your offices based?	Boston, MA and Charlotte, NC	Brooklyn, NY	East Longmeadow, MA and Windsor, CT	Newton, MA	Boston, MA
How many C-suite level candidate resumes are in your database?	They have direct access to over 5,000+ candidates, predominately on the East Coast (majority Northeast, US).	20,000 candidates in the database, 50% C-suite level	Approximately 500,000 candidates in database with approx 35% of those candidates being senior level	200,000 executives in the database. But they say the most important aspect of their process is finding passive candidates.	10,000 candidates in database, 40% C-suite level
What is your recruiting process?	Kick off - Recruitment meeting to develop target hiring profile w. skills matrix, timeline, EVP, and storyboard. Clients can expect, in return, a Search Scope to ensure details are properly documented and all parties are aligned with Search requirements. Using the Scope, they create a storyboard to showcase the client's organization and details on the role, beyond the JD, to engage and excite candidates. This directly increases candidate engagement and client's brand awareness.	They have a database and also will do an open application looking for people beyond the database. They undertake original research to identify the best candidates for the job. They only work on 4-5 searches at any given time to free up capacity to find the best fit candidate for each position.	Their recruitment process and approach includes advertising but also relies more upon an aggressive sourcing and a marketing campaign.	They meet with client to align on role, create job description, create candidate-facing marketing collateral (including video), set weekly client meetings, source and hunt passive candidates, post role on multiple social media platform, including LinkedIn, screen and interview interested candidates.	They don't post on job boards. They instead prefer to rely on their internal database and networking to find talented individuals for future positions.
What is your candidate screening process?	The screening of candidates focuses on three areas: current skills, previous experience, and employment logistics. During the kick off phase, hiring leaders help define the ideal candidate profile, including essential and preferred skills and compliance with client guidelines. Tailored screening questions are developed for each job order, and candidates' responses are documented during interviews. Only the five most relevant candidates are shortlisted and presented to the client in an accessible format, highlighting their experience and skills within context.	On average, when working with a large foundation, they may start with as many as 200 candidates, interview 18-25, then do a consultation with colleagues, and recommend 10-12, and the client interviews 4-6.	First, candidates are sorted based on various criteria and preliminary interviews are conducted. Next is the interview process, which involves telephone and video assessments. The background screening phase involves thorough checks of applicant information, including criminal and other background checks. The selection process includes consultations and assistance during the interviews, leading to the final selection. They can help with negotiations to finalize the terms with the selected candidate. The process concludes with search closure/sign-offs, ensuring professional communication with all applicants, and requires prompt responses and honest collaboration from the client.	They start with a phone screen with chronological interview, customized assessment that measures cognitive ability and behavioral traits, in-depth behavioral-based video or in-person interview, 360 degree online reference check.	They start with a few intake calls with the clients to understand what they're looking for. They'll visit the office to get a feel for the culture and meet the management, once they understand then they start the search, using internal database and network groups, conduct phone and face-to-face interviews until they find the best-fit candidates for the position.
Point of Contact					
Name	Michelle Trieu	Lauren Gumbs	Nicole Polite	Judi Sargent	Kiley Carlton, president
Email Address	mt@centumsearch.com	lgumbs@gumbspartners.com	npolite@themhgrp.com	judi.sargent@ren-network.com	kcarton@uspro.net

Executive Search Firms	Centum Search, LLC	Gumbs Partners	MH Group, LLC	Renaissance Network, Inc.	U.S. Professional Services, Inc.	Able Associates, Inc.
DBE Status	Certified MBE and WBE by the SDO	Woman owned business, not certified in the SDO but will complete the certification if chosen.	Certified MBE and WBE by the SDO	Certified WBE by the SDO	Certified WBE by the SDO	Certified WBE
Renewal Date	4/13/2026	N/A	1/16/2026	9/28/2023	9/9/2025	
Track Record						
How many years has your company been in business?	2	22	10	27	14	35
How many years has your company provided executive staffing services?	2 years, founder has 9 years of experience in executive search	22	5	27	14	35
Does your company have experience working with government agencies?	Founder has 4 years of experience working with the Commonwealth of Massachusetts and its agencies prior to founding the company	No	No	No	Yes, most of their work is with the government (federal, states, and agencies).	No
In which industries does your company have the most experience in placing executives? (Top 3)	Tech, Manufacturing, Pharmaceuticals	Nonprofit Foundations, Housing Nonprofits, Community Development Organizations	Healthcare, Education, Nonprofit	Education, Nonprofits, Technology	Governmental, Defense Contractors, Healthcare	Manufacturing, industrial, IT
Does your company have experience filling C-suite positions?	Yes	Yes	Yes	Yes	Yes	Only one time
What other types of senior-level positions has your company placed?	Mid-level leadership through the C-suite	Executive directors, VPs	Executive Directors, VPs, Directors	Managing directors, VPs, directors, managers	Mid-level leadership through the C-suite	VPs, and one CFO
How long does it typically take your company to fill C-suite positions? (range of months and/or average)	2-4 months	3-5 months, averaging 14 weeks	3-6 months	1-5 months, averaging 75 days	3 months	2-3 months
What is your "Resume Submission to Interview" Ratio?	After screening and interviews, they typically recommend 5-10 candidates to the client.	Typically filter down to 18-25 candidates and after interviews they recommend 10-12 candidates to the client.	First screen down to 20-30 candidates, interview them, and submit 5-6 candidates to the client.	After screening and interviews, they typically recommend 7-8 candidates to the client.	First, they screen their database for candidates that fit the role, interview the candidates, and submit 6-8 candidates to the client.	100 resumes, Interview around 20-25, 2-3 r
What is your "Interview to Hire" Ratio?	Clients typically interview 5 of their recommended candidates before hiring one.	Clients typically interview 4-6 of their recommended candidates before hiring one.	Clients typically interview 5 of their recommended candidates before hiring one.	Clients typically interview 5 of their recommended candidates before hiring one.	Clients typically interview 3 or 4 of their recommended candidates before hiring one.	
What is your position retention rate?	They perform a 1 and 3 month post-placement check in, currently 100% retention.	80% retention after 5 years (for the past 10 years). If the chosen candidate leaves the position within 1 year then they'll redo the search at a significantly discounted rate. They have only had 2 instances of this happening.	95% after 5 years.	93% after 5 years	90% after 2 years	
Capacity						
How many recruiters does your team have?	4	4	4	6	8	3, soon to be 4
Where are your offices based?	Boston, MA and Charlotte, NC	Brooklyn, NY	East Longmeadow, MA and Windsor, CT	Newton, MA	Boston, MA	Fall River, MA
How many C-suite level candidate resumes are in your database?	They have direct access to over 5,000+ candidates, predominately on the East Coast (majority Northeast, US).	20,000 candidates in the database, 50% C-suite level	Approximately 500,000 candidates in database with approx 35% of those candidates being senior level	200,000 executives in the database. But they say the most important aspect of their process is finding passive candidates.	10,000 candidates in database, 40% C-suite level	50,000 candidates, 10% are senior level
What is your recruiting process?	Kick off - Recruitment meeting to develop target hiring profile w. skills matrix, timeline, EVP, and storyboard. Clients can expect, in return, a Search Scope to ensure details are properly documented and all parties are aligned with Search requirements. Using the Scope, they create a storyboard to showcase the client's organization and details on the role, beyond the JD, to engage and excite candidates. This directly increases candidate engagement and client's brand awareness.	They have a database and also will do an open application looking for people beyond the database. They undertake original research to identify the best candidates for the job. They only work on 4-5 searches at any given time to free up capacity to find the best fit candidate for each position.	Their recruitment process and approach includes advertising but also relies more upon an aggressive sourcing and a marketing campaign.	They meet with client to align on role, create job description, create candidate-facing marketing collateral (including video), set weekly client meetings, source and hunt passive candidates, post role on multiple social media platform, including LinkedIn, screen and interview interested candidates.	They don't post on job boards. They instead prefer to rely on their internal database and networking to find talented individuals for future positions.	Mostly use jobs boards and contacting other agencies.
What is your candidate screening process?	The screening of candidates focuses on three areas: current skills, previous experience, and employment logistics. During the kick off phase, hiring leaders help define the ideal candidate profile, including essential and preferred skills and compliance with client guidelines. Tailored screening questions are developed for each job order, and candidates' responses are documented during interviews. Only the five most relevant candidates are shortlisted and presented to the client in an accessible format, highlighting their experience and skills within context.	On average, when working with a large foundation, they may start with as many as 200 candidates, interview 18-25, then do a consultation with colleagues, and recommend 10-12, and the client interviews 4-6.	First, candidates are sorted based on various criteria and preliminary interviews are conducted. Next is the interview process, which involves telephone and video assessments. The background screening phase involves thorough checks of applicant information, including criminal and other background checks. The selection process includes consultations and assistance during the interviews, leading to the final selection. They can help with negotiations to finalize the terms with the selected candidate. The process concludes with search closure/sign-offs, ensuring professional communication with all applicants, and requires prompt responses and honest collaboration from the client.	They start with a phone screen with chronological interview, customized assessment that measures cognitive ability and behavioral traits, in-depth behavioral-based video or in-person interview, 360 degree online reference check.	They start with a few intake calls with the clients to understand what they're looking for. They'll visit the office to get a feel for the culture and meet the management, once they understand then they start the search, using internal database and network groups, conduct phone and face-to-face interviews until they find the best-fit candidates for the position.	1. learn about the client and translate their job requirements into a job posting 2. identify prospective sources, maybe use agencies if its out of town. look for referrals, post of various job boards, 3. review all the materials and document the candidates in their internal systems 4. screening, 5 point process, interviews 5. work with client to understand how to excite the candidate and present job offer to candidate
Point of Contact						
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Insight Global
Not a DBE
22
6
Yes
Technology, Finance, Operations
Yes
mid leadership through the C-suite
avg 70 days
Recommended
Typically the client interviews 4 or 5 of our recommended clients before hiring one.
95% retention rate for first year. Has a retention guarantee period
3,000
HQ in Atlanta with 68 offices nationwide
750,000 executive/senior level candidates
Posts jobs on 100+ websites, dedicated recruiting team actively calling candidates, machine learning algorithms identifying candidates in active and inactive pipelines.
100+ top target candidates are approached across 3-4 attempts through various methodologies. Competency based interview assessments, present 3-5 candidates to client.
Rin Palmer
Corrinne.Palmer@insightglobal.com



TO: Chairwoman Judd-Stein, Commissioners O'Brien, Hill, Skinner, Maynard

FROM: Mark Vander Linden, Director of Research and Responsible Gaming,
Bonnie Andrews, Research Manager

CC: Todd Grossman, Interim Executive Director

DATE: September 7, 2023

RE: Addendum to FY2024 Gaming Research Agenda

Background:

The Expanded Gaming Act enshrines the role of research in understanding the social and economic effects and mitigating the negative consequences of casino gambling in Massachusetts. To this end, with the advice of the Gaming Policy Advisory Committee, the Commission is charged with carrying out an annual research agenda to comprehensively assess the impacts of casino gambling in Massachusetts. Specifically, [M.G.L. Chapter 23K §71](#) directs the research agenda to examine the social and economic effects of expanded gambling and to obtain scientific information relative to the neuroscience, psychology, sociology, epidemiology, and etiology of gambling. [M.G.L. Chapter 23N, §23](#) extends the scope of the research agenda to include an understanding of the effects of sports wagering in the commonwealth.

The process for developing and finalizing the FY24 research agenda included an initial presentation to the Commission on March 30, 2023, a meeting with the Gaming Research Advisory Committee on April 4, 2023, a meeting with the Gaming Policy Advisory Committee (GPAC) for advice and discussion as required by [M.G.L. Chapter 23K §71](#) on May 4, 2023, and presentation and finalizing the research agenda for the Commission on May 8, 2023.

Due to emerging priorities and opportunities for research partnerships, we propose the following additions to the FY24 research agenda:

Additions to FY24:

1. New approaches to advance pre-commitment: Assessing whether a mandatory (versus voluntary) limit adherence feature and reward facilitates responsible gambling

The purpose of pre-commitment tools (such as, for example, PlayMyWay) is to minimize gambling-related harms by cultivating responsible, positive gambling habits (for example, setting a budget before playing; adherence to that pre-set limit should it be reached). This study would build on researchers' previous findings that a "hard lock" option (where players cannot continue playing once their limit is reached) is more effective in reducing the number of visits and gambling expenditures over time compared to the standard, "soft lock option" (where players can continue playing after their limit is reached). Across two prospective studies and two experiments, this study will evaluate attitudes towards pre-commitment tools (including PlayMyWay), determine the characteristics of players who choose the "hard lock" option, and assess the influence of the "hard lock" option on behavior.

Another issue is that operators have been challenged to spark interest in these tools. This research will also investigate whether incentivizing use of a pre-commitment tool such as PlayMyWay and/or limit adherence increases the uptake of a pre-commitment tool and limit adherence.

Operators have pledged access to their players by way of their loyalty program listserv as well as participants' player-account data (should players grant consent), thus providing a unique opportunity to assess the responsible gambling utility of precommitment tools by linking self-reports to behavioral data. This research will build evidence to assist with informed decisions about the strengths and weaknesses of play management systems, as well as contribute to the development of effective responsible gambling initiatives.

This study will be conducted in collaboration with Carleton University. The MGC would facilitate recruitment of players enrolled in PlayMyWay, as well as connection between the research team and MGM to obtain player data. Total funding for this study in the amount of \$171,925 will be provided by the [International Center for Responsible Gaming](#) (ICRG).

2. Study on Artificial Intelligence (AI) and Gambling

This study would focus on current and possible uses of AI in the casino industry, with a particular focus on marketing, player acquisition, game integrity, and responsible gaming initiatives, as well as implications for problem gambling and player health.

3. Ad hoc economic study topic selected at Commission meeting on August 17, 2023: Early impacts of sports betting

This topic will address the interest of the MGC in understanding the early economic impacts of sports betting. This early analysis will assess impacts from currently licensed operators of retail

sports betting, including the three Massachusetts casinos (Category 1 licensees) and two racetracks, Raynham Park and Suffolk Downs (Category 2 licensees). Following the same data collection process used for casino operator studies, the team will closely collaborate with the Division of Research and Responsible Gaming at the MGC to obtain the data needed for this study. The work will also involve gathering and analyzing revenue data available from the MGC, as well as recent patron behavior data related to sports betting activities from SEIGMA's Online Panel Survey from 2023. The data collected will be used as inputs for economic modeling, allowing the analysis of impacts generated from the introduction of retail sports betting to the state. The team will calibrate the model using a recent SEIGMA literature review on cannibalization in sports betting as well as any relevant findings about patron behavior in from recent behavioral surveys. The work could be revisited in FY25 when a patron origins study has been completed using GPS location data, and additional year of behavioral data has been collected, allowing us to update the economic impact analysis. With advance planning, the team could coordinate with the MGC to obtain operator data from Category 3 licensees to expand the analysis to examine online sports betting operators.

Possible addition to FY24 research agenda if external funding awarded:

4. Assessing the Uptake and Effectiveness of Voluntary Self-Exclusion (VSE) Program at Massachusetts Casinos

Voluntary Self-Exclusion (VSE) programs play a crucial role in promoting responsible gambling behavior and addressing gambling-related harm. However, understanding the factors that lead players to enroll in VSE programs, as well as assessing the effectiveness of these programs, has traditionally been challenging due to privacy concerns and limited data availability. The purpose of this research would be to investigate the uptake and utility of VSE programs at three casinos in Massachusetts. We aim to better understand the motivations behind enrolling in VSE, assess recollection of program information, and evaluate the effectiveness of VSE in moderating gambling behavior.

This study would be conducted in collaboration with Carleton University. The MGC would facilitate connection between the research team and the GameSense program for study recruitment purposes, as well as connection of the research team with casino licensees to obtain player data. If awarded, funding would be provided by the International Center for Responsible Gaming (ICRG).

Delay to FY25

In order to allow for adequate resources to explore topics in the current research agenda and review findings from the forthcoming MGC study, *Impacts of Advertising on Gambling Behavior and Harms in Massachusetts*, we propose delaying the following study to be conducted as part of the FY25 research agenda:

Sports wagering advertising study: Study on different existing marketing affiliate payment structures and impact on players.

Budget

The current FY24 Gaming Research Agenda is estimated to be \$1,865,000. We estimate that the budget implications for the changes noted above would be adding \$25,000 to the current budget, which would result in a revised budget of \$1,890,000 for the FY24 research agenda.