



Massachusetts Gaming Commission Meeting Minutes

Date/Time: January 4, 2024, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 203 9875

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](#) (00:17)

Chair Judd-Stein called to order the 494th Public Meeting of the Massachusetts Gaming Commission (“Commission”). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Meeting Minutes](#) (00:51)

- a. March 27, 2023
- b. March 30, 2023

Commissioner Maynard moved to approve the minutes from the March 27, 2023 and March 30, 2023 public meetings that are included in the Commissioners’ packet, subject to any necessary corrections for typographical errors, or other non-material matters. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.

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

c. April 6, 2023

Commissioner Maynard moved to approve the minutes from the April 6, 2023 public meeting that are included in the Commissioners' packet, subject to any necessary corrections for typographical errors, or other non-material matters. Commissioner O'Brien seconded the motion.

Roll call vote:
Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Abstain.
Commissioner Maynard: Aye.
Chair Judd-Stein: Aye.
The motion passed by majority vote, 4-0 with one abstention.

3. [Administrative Update](#) (03:27)

Interim Executive Director and General Counsel Todd Grossman requested that two items for discussion under the administrative update be postponed: the Item (a) discussion on "Regulatory Development Update on Cashless Wagering" and the Item (c) discussion on "Status of Lease of Boston Office Space at 101 Federal Street."

b. [Responsible Gaming Conference Planning Update](#) (04:36)

Mark Vander Linden, Director of Research and Responsible Gaming, provided an update on the status of the Commission's conference, "Using Research to Rewrite the Playbook: Examining the Social Impacts of Sports Betting and the Changing Landscape," to be held on May 14, 2024 at the AC Marriott in Worcester, Massachusetts. He noted that the conference will cover the topic of sports betting as well as highlight changes in the nature of gambling over the past ten years. He stated that the conference has the support and expertise of the Northeast Council on Problem Gambling and its member states as well as the assistance of GREO, which is helping to advise on the conference's structure in order to engage a new audience.

d. [Directors and Officers Insurance Policy Overview](#) (08:50)

Interim Executive Director & General Counsel Grossman provided an overview and discussed the status of the Commission's Directors and Officers Insurance Policy ("D&O Policy") which is due to be renewed by January 25, 2024. He reviewed the types of matters which are covered by the D&O Policy as well as who is covered and further noted that these protections are in addition to those under the Massachusetts Torts Claims Act. He clarified that the policy is intended to cover employee conduct as long as the employee is working within their scope of work. Mr. Grossman noted that he would keep the Commission apprised on the renewal of the policy.

4. [Legislative Update](#) (17:21)

Chair Judd-Stein asked that, after review and out of an abundance of caution, the legislative update to be provided by Commissioner Hill be postponed and presented at the January 18, 2024 public meeting. Commissioner Hill asked that the letter, which was to be the subject of the legislative update, be further revisited during the January 18, 2024 meeting as well due to Commissioner disagreements which were discussed at the previous meeting.

5. [Sports Wagering Division](#) (21:52)

a. [Request for House Rules Amendments: Fanatics](#) (22:19)

Interim Sports Wagering Operations Manager, Andrew Steffen, presented updates to Fanatics Betting and Gaming's house rules, which included updates for clarification purposes, to add rules to address new market types, to restructure and reorder certain sections, and to add rules to address one of the newly-approved sports. *A memorandum detailing Fanatics' proposed changes was included in the meeting packet on pages 40 through 56.*

Mr. Steffen stated that after a comprehensive review, the Sports Wagering Division confirmed that all of the requirements of 205 CMR 247.02(4) had been met and that the Sports Wagering Division had no reservations about approving the changes.

Commissioner Maynard moved to approve the updates to Fanatics house rules as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

b. [Request for House Rules Amendments: DraftKings](#) (27:24)

Mr. Steffen presented updates to DraftKings' house rules. *A memorandum detailing DraftKings' proposed changes was included in the meeting packet on pages 57 through 63.* The updates included changes for clarification purposes and additional language regarding settlement rules, pre-live same game parlays, and player prop wagers. The updates further added language in the market rules section on progressive parlays. Mr. Steffen noted that the addition of progressive parlays was submitted to Gaming Labs International ("GLI") which recertified DraftKings with regard to the GLI-33 standard specific to Massachusetts. He stated that after a very thorough review of these updates and discussion with DraftKings and GLI, the Sports Wagering Division

confirmed that all of the requirements of 205 CMR 247.02(4) had been met and that the Sports Wagering Division had no reservations about approving the changes.

Jake List, Senior Director of Regulatory Operations, provided examples of progressive parlays. Mr. Steffen confirmed that no other licensees were offering progressive parlay wagers.

Commissioner Maynard moved to approve the updates to DraftKings' house rules as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Transcriber's note: Due to technical issues, Item 5(c) was discussed after Item 6(a).

c. [WynnBET Request for Reducing Customer Service Hours](#) (53:16)

Crystal Beauchemin, Sports Wagering Business Manager, presented a request from WynnBET to amend their phone line customer service hours to 9:00 a.m. to 7:00 p.m. as they are not receiving a high volume of calls or live chats outside those hours. *Information regarding WynnBET's request was included in the meeting packet on pages 64 and 65.* The Commissioners raised concerns about ensuring that those needing help, including those needing support specific to responsible or problem gambling, are able to receive that assistance and asked for further information on the nature of the calls received after 7:00 p.m. Ms. Beauchemin did confirm that individuals were able to call the phone line at any hour to leave a voicemail and would receive a call back when live hours resumed and further that onsite assistance is available at WynnBET's retail location.

The Commissioners also raised questions with respect to what operators included in their applications regarding customer service availability compared to what is actually offered and whether specific requirements should be mandated by regulation.

Chair Judd-Stein applauded the efforts of the Communications and Sports Wagering Divisions to ensure the Commission's website is as robust as possible as a place where individuals can obtain information regarding sports wagering platforms as well as information related to health and welfare.

6. [Investigations and Enforcement Bureau](#) (39:37)

a. [Update on Anticipated Temporary Licensure Process](#) (39:51)

Karalyn O'Brien, Chief of the Licensing Division, reviewed the process for renewal of Sports Wagering Operators' temporary licenses. She explained that once the renewal request and application fee are received from the operator, the temporary license will not expire until after the Commission makes a decision on the renewal request in a public meeting, after which the licensing fee will be due. She noted that the temporary licenses were due to expire on February 23, 2024 with the exception of Plainridge Park Casino's ("PPC") temporary license which was set to expire on January 12, 2024.

Interim IEB Director Caitlin Monahan explained that though PPC had submitted its request for renewal of its temporary license, their durable suitability hearing has been scheduled for February 5, 2024. She explained that if the Commission determines that PPC is fully suitable, PPC will receive its full license, and the request for renewal of its temporary license will be moot. She further suggested that the Commission review all of the temporary license renewal requests in a single meeting as they are all similar.

Upon request from Chair Judd-Stein, Ms. Monahan reviewed the current operating status of all Category 1 and Category 3 Sports Wagering temporary licensees.

b. [Report on Encore Boston Harbor's Petition to Amend Floorplan](#) (1:12:04)

Burke Cain, Chief of the Gaming Agents Division, and Luis Lozano, Casino Regulatory Manager ("CRM") at Encore Boston Harbor ("EBH"), presented EBH's petition to amend their approved casino floor plan. As Chief Cain noted, EBH's petition was preliminarily approved by the IEB pursuant to 205 CMR 138.07(3) in November 2023. *A copy was included in the meeting packet on pages 66 and 67.*

Mr. Lozano reviewed EBH's amendments to their existing casino floor plan, which he noted were given final approval in December 2023 based on surveillance inspection, equipment inspection and review of necessary documentation. *Information regarding the amendments, which included five (5) areas, decreasing the total gaming area by 7,160 square feet and adding 78 slot machines, was included in the meeting packet at pages 68 through 72.* Mr. Lozano further noted that these amendments did not relate to the proposed East of Broadway expansion but that he was notified that EBH should be ready to present their proposal related to the expansion in the next few weeks.

Commissioner O'Brien noted her disappointment that additional poker service was not added in this floor plan amendment and asked that there be more detailed conversations on poker in general. Chief Cain and Mr. Lozano both stated that demand for poker tables has not changed and further that related complaints have decreased.

Chair Judd-Stein noted that a vote was not required as IEB has regulatory authority to approve casino floor plan amendments.

7. [Research & Responsible Gaming](#) (1:24:08)

a. [Voluntary Self-Exclusion \(VSE\) Program: Massachusetts Process and Data](#) (1:24:20)

Director Vander Linden and Long Banh, Responsible Gaming Program Manager, presented an update on the VSE Program, specifically focusing on how and why a reinstatement session is required as part of that program. The presentation, found in the meeting packet at pages 80 through 95, outlined the program requirements, provided study data related to the program, displayed documents in development intended to simplify information provided to enrollees, and reviewed data related to the number of enrollees who either reenroll or violate the terms of their agreement.

Commissioner Skinner requested additional information regarding at what point individuals were intercepted or identified on the gaming floor as being in the VSE program, including the number of patrons who were identified after winning a jackpot.

Chair Judd-Stein and Commissioner Maynard questioned the communications aspect related to the enrollees' knowledge of reinstatement. Director Vander Linden noted that his team was continuing to work to reduce the number of individuals who are caught on the gaming floor without having completed a reinstatement session, including reviewing ways that they can improve communication and exploring different modes of communication. Director Vander Linden and Mr. Banh further emphasized the human aspect of the VSE program and the importance of keeping that in mind when administering this program.

8. [Community Affairs Division](#) (2:07:05)

a. Community Mitigation Fund: 2023 Grant Modification

i. [Springfield Safe Ride Home Project](#) (2:07:33)

Mary Thurlow, Senior Program Manager in the Community Affairs Division, presented the City of Springfield's Department of Health and Human Services' request to reallocate grant funds in their 2023 Safe Ride Home Project originally intended for a Community Health Worker to instead fund additional research to develop public awareness campaigns to increase communication and community outreach about alcohol impaired driving. She noted that the staff recommended approving the reallocation of funding and further allowing Springfield to purchase supplies. *Information regarding the City's request was included in the meeting packet at pages 96 through 99.*

Commissioner Hill moved to approve modification of the 2023 Community Mitigation Fund grant to the Springfield Department of Health and Human Services for the Springfield Safe Ride Home Project by authorizing a reallocation of \$20,115 in funding and a release of \$2,000 as included in the Commissioners' Packet and discussed here today. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

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

9. [MGC Diversity Audit of Casino Licensees](#) (2:11:25)

Commissioner Skinner and Boniswa Sundai, Senior DEI Project Manager, provided an update on the Workforce and Supplier Diversity Audit of the three licensed casinos. Ms. Sundai reported that a preliminary report on the audit findings and recommendations was expected to be received from RSM by January 19, 2024. *Information regarding the update provided was included in the meeting packet on page 100.*

10. [Executive Director Screening Committee Update](#) (2:14:52)

Commissioners O'Brien and Maynard provided an update from the Executive Director Screening Committee. Commissioner O'Brien stated that the committee had started the first round of interviews and anticipated that they would be completed before the end of the month. She further indicated that they reserved the right to have second round interviews if needed before bringing recommendations to the full Commission. Both Commissioners confirmed that they anticipated at least two candidates would be presented to the full Commission.

11. [IEB Director Screening Committee Update](#) (2:17:06)

Commissioners Skinner and Hill provided an update from the IEB Director Screening Committee. Commissioner Skinner stated that the committee had begun first round interviews and identified a total of fourteen candidates to be interviewed. The Committee planned to meet on January 17, 2024 to identify candidates to recommend to the full Commission. Commissioner Skinner noted that the Committee had not predetermined the number of candidates to advance to the full Commission.

12. [Commissioners Update](#)

a. [The Regulated Market: Exploring Potential for MGC Seal of Licensure](#) (2:19:25)

Chair Judd-Stein and Commissioner O'Brien introduced the idea of creating a seal to be used by Sports Wagering operators in connection with their platforms and mobile applications which would notify consumers that they are on a legal platform. Mr. Grossman stated that this would require a regulation in order to ensure a uniform approach among operators. Deputy General Counsel Justin Stempeck noted that other jurisdictions do require a seal and further, that he has found it to be very helpful in determining where operators are regulated and authorized to do business. Thomas Mills, Chief of Communications, indicated that his team would work with their graphic partners as well as with the operators to determine what requirements they needed in connection with this proposal.

13. [Other Business](#) (2:26:24)

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

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

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated January 2, 2024
2. [Meeting Packet "Commissioner's Packet"](#) from the January 4, 2024 meeting (posted on [massgaming.com](#))