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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** October 10, 2024, 9:30 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 756 8404

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

### **Commissioners Present:**

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

1. [Call to Order](#) (00:05)

Interim Chair Jordan Maynard called to order the 536<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted. All Commissioners were present for the meeting.

2. [Meeting Minutes](#) (01:10)

- a. July 17, 2023
- b. July 27, 2023
- c. August 8, 2023

*The meeting minutes were included in the meeting packet on pages 4 through 33.*

Commissioner Skinner moved to approve the minutes from July 17, 2023, July 27, 2023, and August 8, 2023 included in the Commissioner's Packet subject to any necessary edits for typographical errors or any other non-material matters. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

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

3. [Legislative Update](#) (02:45)

Commissioner Hill provided a legislative update to the Commission. He noted that the Legislature was still working on its Economic Development Bill. He suggested sending another letter to the Chairs of the Ways and Means Committee to ask if language could be added to help the Commission. *The draft letter to the Legislature was included on page 34 of the meeting packet.*

Commissioner Hill suggested that Executive Director Serpa may be the best agent to send the letter. Commissioner O'Brien requested a change to a sentence within the letter to ensure there was no implication that the Commission needed the legislation to execute its responsibilities. She explained that she wanted to ensure that it was clear that the legislation would make certain processes less cumbersome for the Commission and operators, however.

Commissioner Skinner stated that she approved of the letter going out under the Executive Director's name. She inquired what was different this year in terms of the signatories than in 2023, or the last time the letter was sent. Commissioner Hill explained that the last time the letter was sent, it was sent on behalf of the entire Commission. He stated that this time, due to the fact that they were still discussing the bill in Conference Committees, he did not see a problem with the Executive Director sending it for reasons of expediency.

Interim Chair Maynard voiced his support for the letter, with Commissioner O'Brien's changes incorporated. He stated that he would be comfortable with Director Serpa sending the letter.

4. [Administrative Update](#) (06:17)

a. Update on Monthly Public Release of Casino and Sports Wagering Revenue Data

Executive Director Serpa provided an Administrative Update regarding the monthly release of gaming and sports wagering revenue numbers. *A memorandum detailing this issue was included in the meeting packet on page 34.* Executive Director Serpa stated that by statute, casino and sports wagering operators must provide revenue figures to the Commission by the 15th of the month. He added that casino operators report revenues daily, while sports wagering operators report monthly. Historically, the Commission has released the combined figures on the 15th of the month or the next business day. He added that there was no statutory requirement for the Commission to release the data on that date, but it was best practice to release them monthly.

Executive Director Serpa suggested moving the release date to the 20th of the month, or the first business day following the 20th. He explained that the procedural change would allow Finance and Communication staff more time to review, reconcile, check accuracy, format, and package

the information before public release. He explained that with the addition of sports wagering, there were more reporting entities than when the revenue reporting process started. Executive Director Serpa stated that if there were no objections, the Communications team would release the September revenue numbers on October 15th. The users of the data would be notified on the 15th of the upcoming change, which would begin on November 20th, with the reporting of October revenue numbers.

Commissioners reached consensus on moving the reporting date to the 20th. Interim Chair Maynard thanked CFAO Derek Lennon and Division Chief Tom Mills for their work in getting the numbers out every month; and stated that he hoped the change would allow more time to ensure everything was perfect.

5. [Presentation of Final Candidate \(Kathleen Kramer\) for Chief Enforcement Counsel](#) (10:20)

Caitlin Monahan, Director of the Investigations and Enforcement Bureau (“IEB”) presented Kathleen Kramer as the final candidate for the Chief Enforcement Counsel (“CEC”) role. She stated that Kramer began her career as an ADA 10 years ago and has been with the Commission since July 2022. Since December 2023, Attorney Kramer served as Interim Chief Enforcement Counsel and Assistant Director of the IEB.

Attorney Kramer thanked the committee and everyone for their confidence in her. She stated that she was excited about the opportunity and that the CEC office and IEB were great teams.

6. [Community Affairs Division](#) (16:02)

- a. Reappointment of Local Community Mitigation Advisory Committee and Subcommittee Members

Chief of Community Affairs Division, Joe Delaney, presented reappointments to the Local Community Mitigation Advisory Committees (LCMAC) and the Subcommittee on Community Mitigation. *A Memorandum regarding the reappointments and list of subcommittee members was included in the meeting packet on pages 35 through 39.* He stated that the purpose of the advisory committees was to provide information and develop recommendations for the Community Mitigation Advisory Subcommittee on issues related to the gaming facilities in each region and present information to the commission on any issues related to the gaming establishment located in each region. Chief Delaney also stated that Commissioner Hill would be reappointed as the Commission’s representative for another year.

Commissioner O’Brien moved that the Commission reappoint Vincent Panzini and David Bancroft to the Region A Local Community Mitigation Advisory Committee, and that the Commission reappoint Joanne Kagan LaVine, Ellen Patashnick, Richard K Sullivan Jr, and Robin Wozniak to the Region B Advisory Committee, all for a term of one year. And likewise, that Commissioner Hill be the Commissioner participant within the Committee. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Interim Chair Maynard: Aye.*

*The motion passed unanimously 4-0.*

Interim Chair Maynard thanked the Community Affairs Division for their hard work.

7. [Finance Division](#) (20:20)

a. FY24 Budget Close out Report

CFAO Derek Lennon presented the FY24 budget closeout reports for the Gaming Control Fund, the Racing Oversight and Development Fund, and the Sports Wagering Control Fund. *The Finance Division's Budget Close Out Report was included in the meeting packet on pages 40 through 54.*

CFAO Derek Lennon reported that the revised Gaming Control Fund budget was set at \$37.87 million, supported by licensee assessments. Final spending amounted to \$37.5 million, resulting in a \$1.26 million credit to licensees for FY25 assessments. The Racing Oversight and Development Trust Fund budget was revised down to \$2.1 million, due to the loss of greyhound simulcasting signals in 2023. Final spending was \$2.27 Million, and final revenue was \$2.7 million. The Sports Wagering Control Fund budget was \$10.15 million, with a revised assessment on licensees. Final spending reached \$8 million, and there was roughly \$10.75 Million in revenue. A \$2.24 million credit was issued to licensees for FY25 assessments.

CFAO Lennon also reported that the Commission was within the top percentage of state agencies meeting spending benchmarks determined by the Supplier Diversity Office (“SDO”). CFAO Lennon reported that the Commission was within the top margins of agencies working with disability-owned businesses and LGBT-owned businesses. He added that the Commission met or far exceeded five out of six benchmarks that the Supplier Diversity office set for it.

Commissioners thanked CFAO Lennon and members of the Finance Division for their hard work and their intentionality in meeting and exceeding these metrics.

8. [Sports Wagering Division](#) (41:20)

a. Review of Sports Wagering Division Form for Submission and Approval of Operator Requests to Void Wagers

Andrew Steffen, Sports Wagering Operations Manager, presented a new form created by the Sports Wagering Division to guide sports wagering operators when requesting to void wagers. *The draft form was included on pages 55 and 56 of the meeting packet.* He explained that the form was intended to streamline the process for operators when requesting to void wagers, in

accordance with 205 CMR 238.35(2). Operations Manager Steffen added that Operators will still need to submit a complete wager breakdown in a spreadsheet format and a comprehensive incident report, but that the form would act as a supplemental cover sheet when the request was presented at a public meeting and ensure that all required information was included in one spot for all parties involved.

Interim Chair Maynard noted that he liked the section that requested an explanation of the resolution for patron, because that question was often asked right out of the gate by Commissioners during their review of void requests. Commissioner O'Brien agreed and stated that she thought the form was appropriate and that it would be very helpful to the Division and to Commission. Interim Chair Maynard thanked Mr. Steffen and the team, noting that they incorporated feedback that was given at prior meetings.

Commissioner Hill moved that the Commission approve the Sports Wagering Division's Void Requests Form as included in the Commissioners' Packet and discussed here today. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Interim Chair Maynard: Aye.*

*The motion passed unanimously 4-0.*

b. [Sports Wagering Operator Requests for Temporary Waiver from 205 CMR 238.12 \(50:57\)](#)

Crystal Beauchemin, Sports Wagering Business Manager, led the discussion on the waiver requests related to 205 CMR 238.12, which concerns reserve requirements. *The memorandum regarding 205 CMR 238.12 and the waiver requests from operators were included in the meeting packet on pages 57 through 83.* Sports wagering operators were seeking Commission approval of temporary waivers from the provisions of 205 CMR 238:12 *Reserve Requirement*, which requires that the amount of the reserve intended to cover the Sports Wagering liability be in the form of, or backed up by, an irrevocable letter of credit approved by the Commission. Ms. Beauchemin explained that since the regulation's finalization, each operator currently has a method in place for their reserves, some of which include 110% cash, surety bonds in the Commission's name, and corporate guarantees.

Ms. Beauchemin offered clarification, however, that all operators that have requested a waiver do not currently have a letter of credit in place. Accordingly, each sports wagering operator licensed by the Commission submitted a waiver request for 205 CMR 238.12. The operators included: Bally's Interactive, BetMGM, Caesars, DraftKings, Encore Boston Harbor, Fanatics, FanDuel, MGM Springfield, Penn Sports Interactive, and Plainridge Park Casino.

Commissioners reached consensus that given the upcoming promulgation and amendment of 205 CMR 238.12, it was appropriate to grant the waivers to the operators.

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

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Interim Chair Maynard: Aye.*

*The motion passed unanimously 4-0.*

Commissioners thanked the Sports Wagering Division for their work and constant communication with the operators.

c. [Update to House Rules – Fanatics](#) (55:15)

Andrew Steffen, Sports Wagering Operations Manager, presented a house rules update for Category three sports wagering operator, Fanatics. *A memorandum and copy of the amended house rules, with changes in redline, was included in the meeting packet on pages 84 through 91.* After detailing the sections of the house rules that were going to be amended, Operations Manager Steffen confirmed that all requirements under 205 CMR 247.02 were met by the submission and stated that the Sports Wagering Division recommended approving these changes.

Commissioner O'Brien moved that the Commission 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.*

*Interim Chair Maynard: Aye.*

*The motion passed unanimously 4-0.*

9. [Commissioner Updates](#) (59:19)

Commissioners had no updates at this meeting.

10. [Other Business](#) (59:28)

There was no new business stated at this meeting.

Commissioner O'Brien moved to adjourn the meeting. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Interim Chair Maynard: Aye.*

*The motion passed unanimously 4-0. Meeting Adjourned.*

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

1. [Notice of Meeting and Agenda](#) dated October 8, 2024