



Massachusetts Gaming Commission Meeting Minutes

Date/Time: October 24, 2024, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 211 8907

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

1. [Call to Order](#) (00:03)

Chair Maynard called to order the 537th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and three commissioners were present for the meeting.

2. [Administrative Update](#) (1:06)

a. Overview of Upcoming Community Mitigation Fund Grantee Visit

Executive Director Dean Serpa reminded the Commission of two upcoming off-site meetings: the public hearing for the annual renewal of Plainridge Park Casino's ("PPC") racing license at the Plainville Town Hall in Plainville, MA on October 29, 2024 at 11:00 A.M. and a Community Mitigation Fund grantee visit on October 29, 2024 at 1:00 P.M. at the Marilyn Rodman Performing Arts Center in Foxborough, MA. He stated that the first part of this visit would consist of a brief tour of the Center, and the second part would include an overview and briefing of the area's regional marketing initiative with the opportunity for an open discussion. The briefing portion of this event will be noticed as a public meeting of the Commission and include comments and panel discussion among town coordinators and representatives from some of the businesses supported in the marketing initiative.

Interim Chair Maynard noted that he was looking forward to the event and thanked Executive Director Serpa and the team working on the event.

b. [Gaming Agent Casino Update](#) (4:09)

Executive Director Serpa introduced the second item; a casino update focused on slot revenue at the three properties. Executive Director Serpa turned it over to the Gaming Agents Division Chief Burke Cain.

Chief Cain opened the Gaming Agents' presentation by noting that he was joined by the three Casino Regulatory Managers: Luis Lozano, Angela Smith, and Eric Cantell, and the three Assistant Casino Regulatory Managers ("ACRM"), Marty Edwards, Natalia Villareal, and Michael Helbig. The three ACRMs presented a PowerPoint with topics including a slot machine breakdown from the years 2020-2024 across the three casino licensees, the slot denomination breakdown for each of the three casino properties, and multi-denomination slot machines. *The Gaming Agents' presentation was included in the Commissioners' Packet on pages 4 through 11.*

Interim Chair Maynard thanked Chief Cain and his team.

3. [Research and Responsible Gaming](#) (10:21)

a. Presentation of report, "Social and Economic Impacts of Casino Introduction to Massachusetts"

Director of Research and Responsible Gaming Mark Vander Linden introduced Dr. Robert Williams, a clinical psychologist and professor at the University of Lethbridge in Alberta, Canada and research coordinator for the Alberta Gambling Research Institute. He also introduced Dr. Rachel Volberg, a research professor from the University of Massachusetts. He explained that Dr. Williams and Dr. Volberg were the principal investigators of the Social and Economic Impacts of Gambling in Massachusetts ("SEIGMA") project. Director Vander Linden explained that in 2013, the Commission selected a research team from the University of Massachusetts - Amherst School of Public Health and Health Sciences to carry out the SEIGMA study to investigate the impact of casinos in the state. The study collected extensive data resulting in 55 reports and academic publications which Dr. Williams presented during the meeting. *The SEIGMA study report was included in the Commissioners' Packet on pages 12 through 278.*

Dr. Williams began the presentation by thanking the Commission for funding this important study. He gave a brief overview of the study, noting that it collected data from the years 2013-2024, was funded by the Commission, and involved research on the three casinos introduced in Massachusetts between 2015-2019: PPC, MGM Springfield ("MGMS"), and Encore Boston Harbor ("EBH"). He then summarized the impacts of casino gaming with findings organized into Social and Health Impacts, Economic and Fiscal Impact, and Overall Impacts and Conclusions. He noted a significant increase in overall economic activity and employment, particularly in areas close to the casinos, derived largely from the spending by at-risk and problem gamblers.

Dr. Williams also made recommendations for adding a fourth casino in Massachusetts and for a reduction in the casino industry's financial reliance on at-risk and problem gamblers.

Commissioner Hill thanked Dr. Williams for a great presentation and asked if he could explain how illegal gambling is defined according to the report. Dr. Williams explained that it was largely defined through means of "back room" gambling or wagering. He also noted that crime statistics regarding illegal gambling were collected in the report, but they did not provide much information about what constituted the illegal gambling offenses. However, there were news reports that largely pointed towards sports betting.

Commissioner Hill then asked Dr. Williams to clarify if he stated that with an increase in online gambling or online casinos, there was a decrease in brick-and-mortar revenues. Dr. Williams stated that the presentation did indicate that but clarified that these participation rates were affected by COVID-19 restrictions. He added that there is research from other jurisdictions that show online gambling largely does not cannibalize brick and mortar. Instead, it is another add-on for when casinos are closed. Dr. Williams assured the Commission that there was not much to worry about in terms of negative impacts on brick-and-mortar casinos.

Commissioner Hill noted that the report states that 51.5% of Rhode Island revenue comes from Massachusetts and asked if Dr. Williams had done reporting on what amount of New Hampshire revenue comes from Massachusetts, considering the proposed casinos coming to the area. Dr. Williams answered that the report focused on large casinos, and at the time of the study, there were no large casinos in New Hampshire. He explained that the researchers chose the casinos that Massachusetts residents were largely going to. He noted that New Hampshire was certainly getting some revenue from Massachusetts residents, and the new casinos would undoubtedly attract more. He did not have a quantifiable figure to provide to Commissioner Hill. However, he estimated it would be lower than Rhode Island and Connecticut and more in the realm of New York which is around 2-3%.

Commissioner Hill noted that for PPC specifically, there are no table games offered, sending many individuals to Rhode Island for that service. He asked Dr. Williams if they would recapture those Massachusetts residents that are traveling to Rhode Island casinos if PPC was able to offer table games. Dr. Williams responded that most revenue comes from slots rather than tables. He said that while it was true that PPC would garner more revenue if they offered table games, it would always be second to the revenue generated from slots. He stated that including tables would make the casino more attractive, and from an economic standpoint, it would be beneficial. Commissioner Hill thanked Dr. Williams and his fellow Commissioners for giving him the time to ask his questions.

Commissioner O'Brien noted that sports betting was not included in this report and that it will be interesting to see what impact that will have in the future. Interim Chair Maynard noted that the economic benefits of casinos far outweigh the losses. The Commission will have to strike a balance to maximize the benefits and minimize the harms. He said that the work the Commission and Director Vander Linden were doing to achieve this makes him proud to be a part of the Commission.

b. [GameSense Quarterly Report](#) (1:06:13)

Director Vander Linden introduced the following individuals to present the GameSense quarterly report: Chief Executive Officer of the Massachusetts Council on Gaming and Health Marlene Warner, Chief Marketing Officer Janine Ruggiero; GameSense Manager at MGMS Aisha Shambley, Director of Programs Diversity, Equity, Inclusion and Belonging Shekinah Hoffman, and Director of Recovery Services Jodie Neally.

Their presentation included Q1 insights, community engagement, peer support services, and Q2 developments. *The full quarterly report was included in the Commissioners' Packet on pages 279 through 300.*

Commissioner O'Brien said she loved the work the team was doing and thanked them for presenting at the meeting. Interim Chair Maynard thanked GameSense Manager Aisha Shambley for her work and noted that the staff at MGMS were very happy with everything she was doing. Commissioner Hill thanked the team for the update and said he appreciated all the great work. Chief Executive Officer Warner thanked the Commission for all the support and stated she and her team feel blessed to be able to connect with patrons who need them.

Director Vander Linden emphasized that what was presented today was research in action and thanked the GameSense team for learning and changing their practices to be more effective. He also stated that the work of the GameSense team is key for the Commission's work to achieve minimizing gambling harm while maximizing the economic benefits.

4. [Sports Wagering Division](#) (1:58:34)

a. Update to House Rules

The Commission reconvened after a short break. A roll call was taken, and three commissioners were present.

Chief of the Sports Wagering Division Carrie Torrisi noted that the Fanatics house rules update be held until the next meeting to allow for further review.

Andrew Steffen, Sports Wagering Operations Manager, introduced the update from PPC for their retail sportsbook house rules. He explained the requested change was to swap all mentions of the sportsbook at PPC to ESPN Bet. PPC is in the process of rebranding their retail sports book to ESPN Bet and are updating their house rules to reflect these changes. He noted that the changes would not go into effect until the rebrand is completed, regardless of approval by the Commission. He stated that the update would result in 74 references in PPC's house rules being changed. *A memo regarding the update to PPC's house rules was included in the Commissioners' Packet on page 301.*

Commissioner O'Brien asked if it would make more sense to approve the update to the house rules contingent on the timing of the rebrand. Chief Torrisi said there would be no issue if the Commission wanted to hold off on voting on this matter. General Counsel Todd Grossman stated

that the Commission could consider making any motion contingent on the rebrand but noted that the sentiment was clear either way.

Commissioner O'Brien moved that the Commission approve the updates to PPC's house rules, the timing of which is to be contingent upon the rebranding of the sports book, 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.

Interim Chair Maynard: Aye.

The motion passed unanimously, 3-0.

5. [Community Affairs Division](#) (2:02:23)

a. Adoption of PPC Renewal Procedures

Justin Stempeck, Deputy General Counsel, introduced an outline and proposed letter for the Commission's review to send to PPC with respect to the upcoming renewal of their Category 2 gaming license. *The materials regarding the proposed renewal procedures were included in the Commissioners' Packet on pages 304 through 317.* This will be PPC's second time going through the renewal process. The last renewal was in 2020. Deputy General Counsel Stempeck noted that the Commission would be largely replicating the process from 2020 by way of a letter outlining the request for licensing which also includes a proposed timeline, outlines a license renewal fee, and discusses various hearings. He recommended that the Commission consolidate the two separate May meetings scheduled for this matter and instead handle them as one adjudicatory meeting. Deputy General Counsel Stempeck suggested making the change to the scheduled meetings in May 2025 before sending the letter to PPC and adding that caveat to any motion. Commissioner O'Brien asked leave open the possibility for separate meetings should the need arise. Deputy General Counsel Stempeck stated that there was plenty of time to send this letter out, and he would include that qualifier in the timeline. Interim Chair Maynard and Commissioner Hill noted their agreement with Commissioner O'Brien.

Commissioner O'Brien moved that the Commission approve the renewal procedures and timeline for the renewal of PPC's category 2 gaming license and further approve the issuance of a letter to PPC commemorating such as included in the Commissioners' Packet and further discussed and amended here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 3-0.

6. [Finance](#) (2:06:56)

a. FY2025 First Budget Update

Chief Financial and Accounting Officer (“CFAO”) Derek Lennon presented the FY2025 Budget Update. *A memo regarding the FY25 Budget Update was included in the Commissioners’ Packet on pages 318 through 327.*

CFAO Lennon explained that the Commission approved a FY2025 budget of \$59.54 million funded from the Gaming Control Fund, the Racing Oversight Trust Fund, the Sports Wagering Control Fund, the Community Mitigation Fund, and the Public Health Trust Fund. He noted that in this quarterly update, the Commission is increasing spending projections for the Gaming Control Fund, the Sports Wagering Control Fund, and the Public Health Trust Fund. Along with this, CFAO Lennon introduced other important adjustments to certain funds, all reflected in the memo provided to Commissioners.

7. [Investigations and Enforcement Bureau](#) (2:12:04)

Caitlin Monahan, Director of the Investigations and Enforcement Bureau, introduced the three matters that the IEB would be discussing during the meeting. *A memo regarding the noncompliance matters was included in the Commissioners’ Packet on page 328.*

- a. Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee BetMGM, LLC and discussion regarding next steps. Alleged noncompliance relates to offering wagering on unauthorized event in violation of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog. ([2:12:37](#))

Enforcement Counsel Diandra Franks reviewed a noncompliance matter involving BetMGM, LLC related to wagering on the Ladies Professional Golf Association (“LPGA”) and asked the Commission to share their thoughts on the next steps regarding this matter. Commissioner O’Brien recommended that this matter be sent to IEB and noted she was curious as to how wagering went undetected for so long. Director Monahan asked Commissioner O’Brien to clarify if she wanted the matter sent to IEB so they could perform an evaluation to determine if there should be a monetary penalty or if she would like an adjudicatory hearing with the IEB acting as a party. Commissioner O’Brien stated she was leaning towards an adjudicatory hearing because of the length of time in which wagering was occurring. Interim Chair Maynard stated he would be okay with giving this matter to the IEB with an update to the Commission. Commissioner Hill stated he agreed with Interim Chair Maynard. Director Monahan stated that under the regulations, the Commission could refer the matter to the IEB to complete its investigation, and if the IEB determined that a penalty was warranted, in that process, the IEB could give the Commission the information they requested regarding why and how this issue went undetected for so long.

Commissioner O’Brien suggested that this could come in the form of a presentation to the Commission when the IEB reaches their recommendation. Upon hearing the recommendation,

the Commission could either adopt the IEB's recommendation or proceed with an adjudicatory hearing.

- b. Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee Betfair Interactive LLC, d/b/a FanDuel and discussion regarding next steps. Alleged noncompliance relates to offering wagering on unauthorized event in violation of 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog. ([2:17:36](#))

Counsel Franks reviewed the next noncompliance matter involving FanDuel offering wagering on the PGA and asked the Commission for their preference on the next steps. She noted that the noncompliance was discovered in response to an email sent by the Sports Wagering Division notifying operators that the PGA was not approved at that time. Commissioner O'Brien asked for clarification as to when the original email regarding this matter was sent out. Counsel Franks stated it went out on May 14, 2024, with the catalog being amended in June.

Commissioner O'Brien noted her concern with the amount of time that wagering was permitted. She stated this matter should be treated similarly to the previous matter for consistency. Interim Chair Maynard and Commissioner Hill both shared their agreement.

- c. Discussion regarding the financial suitability investigation process for sports wagering operator and vendor licenses, including the use of outside entities to assist in said investigations and a draft amended statement of work for RSM ([2:20:26](#))

Director Monahan discussed the financial suitability investigation process for sports wagering operator and vendor licenses, including the use of outside entities to assist in said investigations. Financial Investigations Division Chief Monica Chang noted that the Commission previously discussed and accepted the IEB's recommendation to continue to utilize RSM for the remainder of the suitability engagement but asked that certain amendments be made to the statement of work with RSM. Chief Chang noted that these matters are summarized in the memo provided to the Commission, including language regarding conflicts of interest, which she reviewed for commissioners.

Interim Chair Maynard asked for clarification whether the Commission itself would get to review any waivers requested related to conflicts of interest. Chief Chang noted that what has been presented by RSM thus far was not considered to be a conflict; therefore, the IEB has not brought it forward to the Commission. Director Monahan clarified that if RSM did request a waiver, the waiver request would come before the Commission.

Commissioner O'Brien noted that she did not disagree with the information presented but asked whether this changed the financial analysis relative to the extension of RSM's contract. She stated that there are rationales in favor of staying with RSM through the process but also arguments to bring in a supplemental agency. Director Monahan stated that under the IEB's proposal, some of the vendor entities would be investigated by the Commission, others by the RSM, and the rest by what she called "sister agencies" to RSM. Commissioner O'Brien asked if RSM selects these agencies and what the compensation would be. Chief Chang stated that they

have not yet notified RSM that they may select these agencies, but she does not foresee any issues. Chief Chang further stated use of any sister agencies through RSM is included in the Commission's contract with RSM. Director Monahan clarified that they could consider engaging with other companies but noted they are not currently doing so.

Next, Chief Chang discussed the sports wagering vendors under financial suitability review, categorizing 30 of them, with the potential for two more, into three classes: ones that are providing goods and services to the operators, ones identified with some form of conflict, and the remaining vendors with no conflict. Chief Chang discussed recommendations for each of the classes of vendors. She also noted that the Commission previously approved two contractors within the financial investigations team.

Chief Chang discussed the last section of the memo, noting the contract extension with RSM and the estimated obligation for the entire contract has been updated from the original arrangement.

General Counsel Grossman noted that since this is a proposal to be provided to RSM, the Commission may consider what authority others may have to accept other counterproposals without coming before the Commission. Commissioner Hill stated he would like any counterproposal to come before the Commission for discussion. Interim Chair Maynard added that he wanted to discuss the matter as much as possible in a public session for transparency purposes. Commissioner O'Brien agreed with this sentiment and asked if the Commission was walking away from potential cost savings in relation to using RSM's sister contractors, even if the Commission hasn't reached out to any of these contractors yet. She emphasized that it is something the Commission should keep in mind to stay cost efficient.

Commissioner O'Brien moved that the Commission approve the amended statement of work for RSM as included in the Commissioners' packet and further discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 3-0.

8. [Commissioner Updates](#) (2:48:47)

The Commissioners had no updates to share.

9. [Other Business](#) (2:48:54)

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

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

Roll call vote:

Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Interim Chair Maynard: Aye.
The motion passed unanimously, 3-0.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#), dated October 22, 2024
2. [Commissioners' Packet](#) from the October 24, 2024, meeting (posted on massgaming.com)