

## Massachusetts Gaming Commission Meeting Minutes

# Date/Time:November 21, 2024, 10:00 a.m.Place:Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292 PARTICIPANT CODE: 111 047 3795

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

#### **Commissioners Present:**

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

#### 1. <u>Call to Order</u> (00:02)

Chair Maynard called to order the 540<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission") at 10:03 a.m. Roll call attendance was conducted, and all five commissioners were present for the meeting.

#### 2. Meeting Minutes (00:41)

Commissioner Skinner moved that the Commission approve the minutes for the January 5, 2023, October 25, 2023, and October 26, 2023 meetings that are included in the Commissioners' Packet, subject to any necessary corrections for typographical errors or other non-material matters. Commissioner Hill seconded the motion.

Roll call vote:	
Commissioner O'Brien:	Aye.
Commissioner Hill:	Aye.
Commissioner Skinner:	Aye.
Commissioner Brodeur:	Abstain.

#### *Chair Maynard: Aye. The motion passed, 4-0. One abstention.*

#### 3. Administrative Update (1:34)

Executive Director Dean Serpa began the Administrative Update by explaining to the Commissioners that this update would involve a discussion regarding sports wagering limitations. Executive Director Serpa reminded the Commissioners that, in the previous meeting, the Commission had asked the staff to develop some initial options to consider regarding how to manage the wager limitation issue, and then introduced Carrie Torrisi, Director of the Sports Wagering Division.

#### a. Next Steps Regarding Commission's Discussion of Wager Limitations

Director Torrisi explained that the Sports Wagering, Legal, and Communications Divisions would provide recommendations regarding the next steps in the wager limitations for discussion and review by the Commission. A memorandum on Next Steps Regarding the Commission's Discussion of Wager Limitations was included on page 25 of the meeting packet.

Director Torrisi reminded the Commission that this topic had been discussed since the previous spring, and that the Commission had received information from both operators and industry experts. She recommended that the first step in the process should be to circulate a data request to the sports wagering operators. She explained that the purpose of the data request would be to identify the volume of patrons being limited, and any correlation between patrons whose limits have been decreased with winning behavior, or patrons whose limits have been increased with losing behavior. Director Torrisi stated that the request would be sent out in the coming weeks and, once the submissions have been received, they will be reviewed by the Division. If any additional data was needed, the Division would identify and request it from the operator.

Director Torrisi went on to explain that, once the data review was complete, they would return to the Commission with an update and possibly propose new regulations regarding wager limitations. She then offered some examples of what could be included in such regulations, including requiring notifications to patrons who have been limited, implementing reporting or audit requirements regarding patron limits, and requiring clear and defined protocols and parameters around patron limits.

Commissioner Hill stated his belief that circulating the data request was the appropriate way to move forward. Commissioner O'Brien agreed and stated that she found the briefing from the Division helpful. Chair Maynard stated that he was looking forward to what the Commission would learn from the data.

- 4. <u>Research and Responsible Gaming</u> (05:22)
  - a. Presentation of Report, "Feasibility Study: Prospective Sports Wagering Kiosks in Massachusetts"

Mark Vander Linden, Director of Research and Responsible Gaming began the presentation by explaining that, as part of the legalization of sports wagering in the state, the Legislature required the Massachusetts Gaming Commission to conduct a study regarding the feasibility of sports wagering kiosks in retail locations. Director Vander Linden explained that the Commission contracted with Spectrum Gaming Group, in collaboration with the Massachusetts Council on Gaming and Health ("MACGH"), to conduct the study. The purpose of the study was to provide the Commission with information to give to the Legislature for their consideration of implementing retail sports wagering kiosks. The study was conducted from a commercial feasibility perspective, meaning that the goal was to determine whether retail sports wagering kiosks would be financially beneficial for both the kiosk hosts and for the state. *A memorandum regarding the Feasibility Study, a Research Executive Summary ("Snapshot"), and the full Feasibility Study were included on pages 26 through 168 of the meeting packet.* 

Director Vander Linden introduced Joe Weinert, Executive Vice President from Spectrum Gaming Group and Matthew Para, Senior Sports Betting and iGaming Adviser, from Spectrum Gaming Group to present the study's approach, and the findings. Mr. Weinert went on to explain that the team used a multi-pronged approach for the study, consisting of 123 interviews, data analysis, and site visits. He explained that Spectrum also gathered data from a variety of sources, including publicly available revenue figures from other states that have already implemented sports wagering kiosks. Mr. Weinert then turned the presentation over to Matthew Para.

Mr. Para stated that, in their review of revenue data from other states, Spectrum was able to identify some limitations of the kiosks including low wager limits, hardware and software malfunctions, limited betting options and susceptibility to money laundering and underage gambling. Mr. Para added that sports wagering was trending heavily toward mobile platforms, with nearly all wagers being placed using mobile phones. He noted that data from Ohio revealed that 99 percent of sports wagering were placed using mobile devices, with only one percent placed using kiosks. Mr. Para concluded by stating that due to these factors and findings, the team concluded that sports wagering kiosks were not a feasible option at this time.

Marlene Warner, CEO of MACGH, presented the findings from the public health and social impact perspective. Ms. Warner explained that the team conducted interviews with individuals in Massachusetts and in other states that had implemented sports wagering kiosks, including Montana, Ohio, and Washington, DC. Ms. Warner stated that the prevailing opinion was that expanding sports wagering to kiosks would negatively impact public health, and that vulnerable individuals would likely bear the burden. Ms. Warner also stated that there was a general lack of enthusiasm for kiosk expansion, and that most people had very low expectations. She noted that a sole exception was seen within a group of minority-owned businesses in the state who stated that they would be interested in exploring the social equity opportunities the kiosks could provide.

After the presentation concluded, Commissioner Hill stated that it was a very good report, and that he was not surprised by Spectrum's findings. Commissioner Hill agreed with the presenters that the majority of wagers were being placed using mobile devices, which would likely make the kiosks an unattractive option for most businesses. Commissioner Hill also stated that this

information would be helpful as the Legislature began to consider the feasibility of allowing veteran's halls to host sports wagering kiosks. Commissioner Hill also shared an observation he had at a gaming establishment: there were many kiosks available, but the majority of attendees were still placing bets using their mobile devices. He concluded his comments by stating that he appreciated the report, and that he believed it would be a very helpful tool moving forward.

Commissioner O'Brien echoed Commissioner Hill's statements, stating that the report was consistent with her expectations. Commissioner O'Brien then pointed out that, in addition to staffing costs, there were also high technological costs associated with monitoring the kiosks, which would add to the weight against implementing them.

Ms. Warner noted one interesting finding that came from her conversations with representatives in charge of responsible and problem gambling in Ohio. She noted that they had growing concerns about the kiosks because they did not have the money to connect the kiosk to the Ohio voluntary self- exclusion programs. She noted that to Commissioner O'Brien's point, the kiosks were cost prohibitive, as they were not generating enough revenue for proper maintenance. Commissioners thanked Ms. Warner for sharing this anecdote.

Chair Maynard then expressed his gratitude to the Legislature and the Governor for directing the Commission to conduct the study, before moving forward with implementing sports wagering kiosks. He also thanked Spectrum Gaming Group for the numerous studies and work they have done with the Commission over the years.

#### b. <u>Update on Section 97, Casino Player Data Project</u> (44:27)

Mark Vander Linden, Director of Research and Responsible Gaming, provided an update to the Commission on the casino player data project. Section 97 of Chapter 194 of the Acts of 2011 required gaming licensees to supply the Commission with data collected from casino player loyalty programs. The Commission was then required to contract with a research entity to anonymize that data, and make it available for qualified researchers.

Director Vander Linden reminded the Commissioners that at the meeting on September 26, 2024, the Commission anticipated selecting a partner to work on the player data project by December 1, 2024. He announced that the Research and Responsible Gaming Division intends to enter into an interdepartmental service agreement ("ISA") with the University of Massachusetts Donahue Institute to work with idPair, Inc.("idPair") and the UMass Data Science and Software Engineering Corp. on this project. Final data security evaluations were still being performed by Commission staff.

Director Vander Linden highlighted the reasons why UMass Donahue Institute was selected, including their position as a research institution within the Commonwealth with experience conducting gaming related research in the Commonwealth. He added that idPair had extensive experience anonymizing gaming data and working with stakeholders in the gaming industry, and the UMass Data Science and Software Engineering Corp. had experience using data science to facilitate research.

Commissioner O'Brien thanked Director Vander Linden and his team for their perseverance in getting this project done. She acknowledged that the project had been years in the making and had experienced setbacks. She also expressed her belief that waiting until all the casinos were up and running before beginning this project was a wise decision.

Director Vander Linden thanked Commissioner O'Brien for the acknowledgment, stating that it had been a challenging project. He concluded by expressing enthusiasm for the project finally coming to fruition.

#### 5. Finance Division (48:20)

a. FY2025 Cost of Living Adjustment

Chief Financial and Accounting Officer ("CFAO") Derek Lennon, accompanied by Executive Director Dean Serpa and Finance and Budget Manager John Scully, presented options for the Commission's Fiscal Year 2025 ("FY25") Cost of Living Adjustments ("COLAs"). CFAO Lennon reminded the Commissioners that in FY24, the Commission approved COLAs for its employees consistent with those given to non-union employees in the Executive Branch. *A memorandum on the Fiscal Year 2025 (FY25) Cost of Living Adjustment (COLA) was included in the meeting packet on pages 170 through 172.* 

Lennon explained that the Commission's approved FY25 budget contains funding for a 3% COLA, but that the Commonwealth's Human Resources Division ("HRD") proposed a different plan for FY25 COLAs for non-union employees that would only utilize about half of the Commission's budgeted funds. He reported that the HRD proposed a 3% COLA increase effective January 12, 2025, with eligibility based on the employee holding a non-union position as of December 31, 2024. The HRD's plan would not grant the COLA increase retroactively to the beginning of the fiscal year, and it would exclude certain employees including employees hired into non-union positions after January 1, 2025, employees promoted from union positions into non-union positions who already received a collective bargaining increase in the current fiscal year, employees in a 'terminated' or 'terminated with pay status' as of January 12, 2025, and post retirees.

CFAO Lennon then presented three options for the Commissioners to consider and discuss. He noted that Option A would follow the HRD's recommendation for FY25 and use half of the COLA budget. Option B would implement the 3% COLA increase, but make it retroactive to the first full pay period in July 2024, thus utilizing the entire budget. Option C would implement the 3% COLA as of January 12, 2025, and allow the Executive Director to determine how to use the balance of the COLA budget for merit increases.

Commissioner O'Brien stated that she was inclined to support Option C, but with the caveat that the Commission's traditional 90-day probationary period be applied, meaning that employees hired less than 90 days before the COLA increase would not be eligible. She also expressed that she would like for the Executive Director and Division Directors to have funds available for merit-based salary increases. Commissioner Hill stated that he agreed with Commissioner O'Brien regarding the 90-day probationary period.

Commissioner Skinner stated that she was leaning towards Option B, with the caveat that employees within the probationary period would not be eligible for the retroactive increase. She explained that she was comfortable using the funds as budgeted for a retroactive increase because the funding was available.

Commissioner Brodeur stated that he supports Option B, but that he was not overly concerned about the 90-day probationary period. He explained that if the COLA was not applied to those in their probationary period, they would essentially lose out on a compounding increase over time. He stated that he was very impressed by the workforce thus far and supported the raises. He echoed Commissioner Skinner's sentiment about using all of the allocated funds.

Chair Maynard stated that he would prefer Option B as presented in the Finance Division's memorandum. He explained that merit programs were difficult to implement fairly, and that there are often complications. He noted that the Commission is still in a competitive job market, and that the employees were worth the investment. Chair Maynard echoed Commissioner Brodeur's argument about the value of the compounded increase over time. He agreed that if the funding was available, the Commission should utilize it.

Commissioner Skinner expressed her sentiment for using the funding that was available as a means of appreciating the work done by Commission staff. She highlighted a recent example of members of the Legal Division dedicating hours of time preparing for an adjudicatory proceeding.

Chair Maynard stated that he heard consensus for Option B and inquired where Commissioner Skinner was on the subject of a 90-day probationary period. Commissioner Skinner noted that a good compromise could be to exclude those who have not completed their probationary period. Chair Maynard inquired how many employees would be affected by the 90-day probationary period decision. CFAO Lennon replied that he estimated approximately five or six employees would be affected and noted that the Commission's workforce now has 140 full-time employees.

CFAO Lennon then asked the Commissioners to consider extending the COLA increase to the seven to eight post-retiree employees who work for the Commission. He explained that these employees often work longer hours than they get paid for, and that extending the COLA to these employees would only be a small amount.

Chair Maynard asked the Commissioners their thoughts on extending the COLA increase to postretiree employees. Commissioners reached consensus on including post-retiree employees in the COLA increase.

Commissioner Skinner moved that the Commission adopt the cost-of-living adjustments for nonunion employees and post retirees that the Commonwealth Human Resources Division has recommended, with the effective date of the first COLA retroactive to July 2024 and authorize the Executive Director to implement such as included in the commissioner's packet and discussed here today. Commissioner O'Brien offered a friendly amendment that the adjustments be subject to the 90-day probationary period restriction. Commissioner Skinner accepted the friendly amendment. Commissioner O'Brien then seconded the motion.

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

Transcriber's Note: Commissioners took a short break, and the meeting resumed at 11:14 a.m. EST. Roll call was conducted, and all Commissioners were present.

### 6. <u>Sports Wagering Division (1:10:29)</u>

a. Seal of Approval Update

Chief of the Sports Wagering Division, Carrie Torrisi, provided an update on the rollout of the Commission's seal of approval program. Director Torrisi explained that on October 10, 2024 the Sports Wagering Division notified all operators that they would be required to place the seal of approval on their platforms by November 8, 2024. The seal must also include a link to the Commission's licensing page on the Commission's website.

Torrisi reported that all sports wagering operators met the November 8th deadline, and all currently had the seal live on their platforms, including the required link to the Commission's website. Following the successful rollout of the seal, Director Torrisi explained that the Communications Division had implemented their plan to promote the seal publicly. She turned the presentation over to Tom Mills, Chief of the Communications Division, to elaborate on the plan.

Chief Mills explained that the Communications plan included issuing a press release to over 200 media outlets, publishing a blog post on MassGaming.com, promoting the blog post on the Commission's social media platforms, and updating the sports wagering section of the Commission's website to include information about the seal. Chief Mills added that several industry trade publications picked up the press release.

Commissioner O'Brien thanked Director Torrisi, Chief Mills, and the teams involved for getting the seal of approval off the ground. She expressed her hope that a national seal would be implemented in the future, and that this seal would help consumers identify legal sports wagering operators. She also thanked the operators for their timely cooperation.

Chair Maynard extended his appreciation to Commissioner O'Brien for pushing the Commission to adopt the seal of approval. He also thanked the staff involved for their work.

b. Event Catalog Request: Tomorrow's Golf League (1:12:47)

Andrew Steffen, Compliance and Operations Manager for the Sports Wagering Division, presented BetMGM's request to add Tomorrow's Golf League ("TGL") to the Massachusetts Event Catalog. This request had been presented to the Commission at public meetings twice before. Once on May 9, 2024, and again on June 20, 2024. During the June 20<sup>th</sup> meeting, Commissioners raised questions regarding data security, potential data manipulation, and the processes for manually changing data. Compliance Manager Steffan noted that BetMGM and TGL provided responses to those questions, and they were also included in the meeting packet for Commissioners' review. *A memorandum on the Request to Add Tomorrow's Golf League (TGL) to MGC Event Catalog, the Petition submitted by BetMGM, and additional supporting documentation was included on pages 173 through 209 of the meeting packet.* 

Compliance Manager Steffen explained that in response to the Commission's questions about technology verification and data security, The TGL system employed reliable golf technologies that have been validated through thousands of global implementations and golf test shots. He reported that the accuracy of the technologies was calibrated weekly and before each match. Additionally, a dedicated TGL cybersecurity team conducted third-party security assessments of vendors to ensure compliance with security standards. The data was securely stored in a custom-built repository called "Score Site," which operates using Amazon Web Services. Compliance Manager Steffen stated access to the data and underlying code is tightly controlled through secure privileges and any changes to the data or code went through an approval process and were subject to segregation of duties ensuring no single individual can manipulate the data independently.

Mr. Steffen reminded the Commissioners that BetMGM stated that it had informed TGL of its intention to submit a petition to add the league for wagering, and TGL was in favor of its events being approved for wagering. He noted that while TGL does not have a player's association or union, all TGL players were members in good standing with the PGA Tour, which is an approved golf league in the Massachusetts Event Catalog.

Compliance Manager Steffen concluded his presentation by stating that the Sports Wagering Division had confirmed that all requirements under 205 CMR 247.03 have been met, and it recommends that the TGL be added to the Massachusetts Event Catalog as a golf event. Chair Maynard thanked the TGL representatives for joining the meeting.

Commissioner Hill stated that he did not have any questions and commended the TGL team for getting the Commission the information they asked for at prior meetings. He acknowledged that TGL had made themselves available to answer additional questions, and he appreciated the responses they provided. He added that he was now satisfied with the submission. Commissioner O'Brien echoed Commissioner Hill's sentiments and stated that she agreed with Commissioner Hill's assessment.

Commissioner Brodeur noted that he was new to the Commission but confirmed that he had met with staff and reviewed the materials and voiced his appreciation for the amount of information and clarification provided by BetMGM and TGL.

Commissioner Hill moved to amend the Commission's Official Catalog of Events and Wagers to add TGL as a golf league as included in the Commissioner's packet and discussed here today. Commissioner Brodeur seconded the motion.

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

c. Update to House Rules: BetMGM (1:19:27)

Compliance Manager Steffen then turned to BetMGM's request for approval of their House Rules. He noted that the request was for a single change to its online rules. Mr. Steffen explained that the Sports Wagering Division requested the change to better align BetMGM's house rules with GLI-33, the industry standard for event wagering. He stated that the revision allowed BetMGM patrons to change settings within their accounts to control the automatic acceptance of more favorable wagers. *A memorandum from the Division explaining the update was included in the meeting packet on pages 210 through 211*.

Compliance Manager Steffen noted that currently BetMGM's system automatically accepts all wager changes that are more favorable to the patron. Under the revised house rules, patrons would have the option to opt out of the automatic acceptance of more favorable odds changes and would be required to manually accept those changes. Steffen emphasized that this does not affect odds changes that were less favorable to the patron. All such changes must still be manually accepted, as has always been the case.

Compliance Manager Steffen stated that the Division was in favor of the change. He also noted that the Division was working with BetMGM to identify any additional system changes that might be necessary to comply with GLI-33. He noted that Mr. Krause from Bet MGM was available for any questions from Commissioners.

With that, Commissioner Hill moved that the Commission approve the updates to BetMGM's house rules as included in the meeting packet and discussed today. Commissioner Brodeur seconded the motion.

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

7. <u>Legal Division</u> (01:22:08)

a. Introduction of Bally's Proposed Transaction and Review of Proposed Trust Agreement

General Counsel Todd Grossman introduced Bally's proposed transaction and the subsequent review of the proposed trust agreement. He explained that Bally's had notified the Commission of a transaction it had classified as a transfer of interest involving Bally's Interactive, a Category 3 sports wagering operator. He explained that the purpose of the presentation was to introduce the transaction to the Commissioners, who would not be voting on the transaction itself during this meeting. General Counsel Grossman noted, however, that there was one narrow exception: the Commission would be voting on the trust instrument, an important part of the transfer process. *Submissions from Bally's representatives, and a draft of the trust instrument were included in the meeting packet on pages 212 through 240.* 

General Counsel Grossman stated that reviewing and potentially approving the trust instrument at this stage would allow for any needed adjustments to be made in advance of a future hearing on the proposed transaction. General Counsel Grossman noted that Bally's was represented by Attorney Bob Ross of Greenberg Traurig. He then turned the presentation over to Deputy General Counsel Jenna Hentoff, who would provide a review of the transfer of interest process.

Attorney Hentoff explained that while the statutes governing transfers of interest for sports wagering (Chapter 23N, Section 6H) and gaming (Chapter 23K) differed, the Commission had adopted regulations that mirror the casino transfer process. She stated that the regulations were designed to ensure the Commission has the opportunity to determine if a transfer will result in any new qualifiers. If it did create new qualifiers, then they must submit to a suitability review process. Additionally, the regulations were established to determine if the transfer will result in a change of control over the sports wagering license, which could affect the quality of the operation or any license conditions.

Attorney Hentoff noted that both the law and regulations require majority approval from the Commission for any transfer of a license or a direct or indirect interest in the license. She explained that any entity or individual with an interest in a sports wagering license must be qualified for licensure and found suitable under the criteria outlined in Chapter 23N and 205 CMR.

Attorney Hentoff then turned to the proposed Bally's transaction. She explained that the transaction would result in a company obtaining greater than 50% ownership in the parent company of the licensee, Bally's Corporation, Inc. She stated that in this case, because a new qualifier must be found suitable, the transaction's closing or settlement date cannot be earlier than 121 days after the application was completed. This period allows the Commission to hold a hearing and issue a decision on interim authorization of the proposed transferee. Attorney Hentoff noted that a hearing would likely be scheduled three to four months after the application was completed, which would allow the IEB and the Commission time to investigate and make a preliminary ruling on the suitability of the transferee.

Attorney Hentoff described the purpose of the trust, stating that it was a vehicle designed to separate a potentially unsuitable transferee from its interest in the license. The interest would remain in the trust until the Commission made a final suitability determination. She noted that if a prospective

transferee does not transfer its interest to the trust when directed by the Commission, they would be issued a negative suitability determination.

Attorney Hentoff stated that the Commissioners had a copy of Bally's proposed trust agreement in their meeting packets, but noted the Commission had since requested an updated version, which she displayed on-screen.

Commissioner O'Brien asked Attorney Hentoff to clarify the changes that were made to the updated version. Attorney Hentoff explained that the Commission requested a minor change to Section 2(II) for clarification purposes. The change, she explained, clarifies that everything in the paragraph must occur within 120 days of the Commission's suitability determination.

General Counsel Grossman emphasized the importance of Section 2(II), which dictates what will happen if the Commission finds the transferee unsuitable and the interest was already held in the trust. He explained that in this case, the trust would be triggered, the property would be sent back to the company, and the transferee would be removed from the process. He noted that this would essentially return Bally's to the status quo, and he clarified that the transferee was already a part of Bally's.

General Counsel Grossman introduced Attorney Bob Ross, who represents Bally's. Attorney Ross then introduced several members of the Bally's team including, Marcus Glover, Chief Financial Officer, Craig Eaton, President of Rhode Island Operations and Corporate Secretary, and Don Wescott, Global Chief Compliance Officer. Attorney Ross explained that Bally's was here to familiarize the Commissioners with the transaction, which he acknowledged was unusual. He emphasized that the transaction does not affect Bally's Interactive LLC. Ross then turned the presentation over to Marcus Glover. *Mr. Glover's presentation was included in the meeting packet on pages 231 through 236.* 

At the conclusion of the presentation, Commissioners had no additional questions for Mr. Glover or Attorney Ross. Attorney Ross then stated Bally's was working closely with the Licensing Division and noted that Bally's had a time constraint: if the transaction does not close by January 21, 2025, a daily fee will be imposed. He emphasized that Bally's top priority was to satisfy the Commission and ensure that the Commissioners were comfortable with the transaction closing before January 21.

General Counsel Grossman thanked Attorney Ross and explained that once the application was completed, the IEB has 90 days to produce an interim suitability report, and the Commission then has 30 days to conduct a hearing regarding interim authorization. He stated that they wanted to make sure the Commission was comfortable with the trust agreement so that it would be finalized by the time of the interim authorization hearing. Grossman explained that the trustee, Craig Eaton, must also pass a background check.

General Counsel Grossman concluded by stating that the trust instrument includes all the provisions required by the regulations, including provisions related to the transfer of interest in the event of a negative suitability determination. He asked for questions, and then requested a vote from Commissioners regarding whether the trust agreement was satisfactory.

Chair Maynard stated that he understands that the suitability process should not be rushed but highlighted that the sooner the IEB receives the information they need, the sooner they can make a decision. He encouraged all applicants to work closely with the Commission's teams.

Commissioner Hill moved that the Commission find that the trust agreement submitted by Bally's and discussed here today meets the requirements of 205 CMR 229.36. Commissioner Skinner seconded the motion.

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

#### 8. Gaming Establishment Security Measures (1:49:10)

a. Executive Session

Chair Maynard read the following statement into the record: "The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(4), G.L. c.30A, §21(a)(7) and G.L. c. 23K, §21(a)(7), and 205 CMR 139.02 to discuss the use and deployment of security personnel or devices, or strategies with respect thereto, specifically with regard to firearms security at MGM Springfield, and to discuss the response to the Commission's internal control related directive submitted by MGM Springfield, related to the same subject matter. The public session of the Commission meeting will not reconvene at the conclusion of the executive session."

Commissioner Skinner moved to go into Executive Session for the reasons stated by the Chair. The motion was seconded by Commissioner Hill.

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

- 9. Executive Session Minutes (1:51:13)
  - a. Executive Session

Chair Maynard read the following statement into the record: "The Commission anticipates that it will meet in an executive session to review minutes from previous executive sessions, as their

discussion at an open meeting may frustrate the intended purpose for which the executive sessions were convened pursuant to G.L. c. 30A, §21(a)(4), c. 30A, §21(a)(7), and G.L. c. 4, §7(26)(f)." The Chair noted that the dates for the minutes were July 24, 2024, August 1, 2024, August 29, 2024, September 12, 2024, and October 2, 2024.

Commissioner Skinner moved to go into Executive Session for the reasons stated by the Chair. The motion was seconded by Commissioner Brodeur.

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

10. Commissioner Updates (1:49:37)

Prior to entering the executive session, Chair Maynard inquired if there were any Commissioner updates. No updates were noted.

11. Other Business (1:49:40)

Chair Maynard inquired if there was any other business. No other business was noted.

The Commission entered an Executive Session and did not reconvene the public meeting at the conclusion of the Executive Session.

#### List of Documents and Other Items Used

- 1. Notice of Meeting and Agenda dated November 19, 2024
- 2. Commissioner's Packet from the November 16, 2024 Meeting (posted on massgaming.com)