



Massachusetts Gaming Commission Meeting Minutes

Date/Time: November 6, 2025, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 576 0713

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

1. Call to Order (00:00)

Chair Maynard called to order the 571st Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

Chair Maynard stated that before entering the scheduled agenda items he wanted to give a statement regarding a news story from the morning of the meeting. He stated that the Commission was aware of the announcement made by Penn Entertainment ("Penn") regarding the termination of Penn's marketing partnership with ESPN.

Chair Maynard noted that the plan, subject to the Commission's approval, would take effect on December 1, 2025. He stated that the Commission would review the plan over the next few weeks and would ensure that customers with open wagers with ESPNbet would have their wagers honored. He stated that the integrity of sports wagering in the Commonwealth of Massachusetts was the Commission's highest priority.

2. [Meeting Minutes](#) (01:31)

The November 2, 2023, February 1, 2024, August 29, 2024, October 9, 2025, and October 16, 2025 public meeting minutes were included in the Commissioners' Packet on pages 4 through 53.

Commissioner Brodeur moved that the Commission approve the minutes from the following meetings, as included in the Commissioners' Packet, subject to necessary corrections for typographical errors or other non-material matters: November 2, 2023, February 1, 2024, and August 29, 2024. Commissioner Skinner seconded the motion.

*Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Brodeur: Abstain.
Chair Maynard: Aye.*

The motion passed, 4-0 with one abstention.

Commissioner Brodeur moved that the Commission approve the minutes of the October 9, 2025 meeting, as included in the Commissioners' Packet, subject to 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 Brodeur: Aye.
Chair Maynard: Aye.*

The motion passed unanimously, 5-0.

Commissioner Brodeur moved that the Commission approve the minutes of the October 16, 2025 public meeting, as included in the Commissioners' Packet, subject to 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 Brodeur: Aye.
Chair Maynard: Abstain.*

The motion passed, 4-0 with one abstention.

3. [Research and Responsible Gaming](#) (03:59)

- a. Presentation of report, "AI and Player Risk Identification and Response Research Report"

Director of Research and Responsible Gaming Mark Vander Linden introduced Director of Research with the International Gaming Institute at the University of Nevada Las Vegas Kasra Ghaharian. Dr. Ghaharian presented the report titled “AI and Player Risk Identification and Response Research Report” with topics including the following: research objectives, current AI use cases, traditional AI, generative AI, prohibited AI systems, recommendations for regulators, the behavioral risk indicators database of gambling evidence (“BRIDGE”), tiered categorization scheme, assessing gambling harm, key findings, and recommendations. *The AI report and presentation was included in the Commissioners’ Packet on pages 54 through 156.*

Commissioner O’Brien expressed that she would like to have a whole meeting dedicated to delving deeper into this topic. She stated that she needed to familiarize herself with the United Kingdom examples. She asked if there was something the Commission could do as a regulator to increase research into responsible gaming and risk identification. Dr. Ghaharian stated that he hoped the study would help devise a systematic approach to developing recommendations. He stated that it would be helpful to get insights from regulatory technology companies. He noted that the study was limited as it was based on academic literature.

Commissioner O’Brien asked if a request-for-information (“RFI”) would be helpful in getting information regarding what tools are available. Director Vander Linden noted that the Commission did an RFI in 2023 but that due to the pace of technological evolution, the information was now outdated. Commissioner O’Brien stated that she would be interested in how much information could be received. Dr. Ghaharian stated that information could be requested regarding a transparency requirement for AI use and AI models. He noted that for-profit companies would likely not want to share too much information. He stated that it was important to conceptualize a benchmark framework that better understands the efficacy of AI systems.

Commissioner Brodeur stated that AI could be a powerful tool in the assessment of customer risk factors like income and debt regarding responsible gaming. He stated that there could be value in transparency with customers regarding how they are assessed and what their risks are. Dr. Ghaharian stated that it would be beneficial for operators to better understand a player’s capacity so that they could tailor customer support and player management to that capacity. He stated that operators have indicated that they want long-term customers, but there was no hard data about whether that was a sustainable business strategy. He stated that he was unsure of whether this information would be well-received by operators.

Commissioner Brodeur stated that it would be difficult to get the regulatory agencies from each state on the same page. He stated that there would have to be an overarching consensus at the state level or federal regulation. Dr. Ghaharian stated that the lack of a federal agency to address these issues was a root cause of a lot of issues and concerns.

Commissioner Brodeur noted that several states were having conversations regarding what is betting or gambling due to prediction markets. He stated that regulators should put in a good faith-effort to put forth customer-responsive regulations that can be relied on by other states. Dr. Ghaharian stated that it could not be done by a single regulator and that it would take

cooperation from multiple regulators that represent a large proportion of the U.S. market. Commissioner Brodeur stated that there was a question as to whether a group of leading states could establish an agenda that other states would be willing to follow.

Commissioner Skinner stated that AI was multifaceted with both benefits and risks. She stated that the research presented gave the Commission the start of a map for further discussions as to how to proceed. She agreed with Commissioner O'Brien that there could be a whole meeting dedicated to where to go from here. She stated that the Commission was well-positioned to fully dig into this topic. Dr. Ghaharian stated that he hoped the research was beneficial and noted that he wanted to provide open-source tools and frameworks that regulators could adopt.

Commissioner Hill agreed with Commissioner Skinner. He stated that the report was excellent and thanked Dr. Ghaharian. He stated that the Commission had a lot of work to do with regard to this topic.

Chair Maynard asked what the takeaway should be from this report. Dr. Ghaharian stated that use-case risk categorization could be implemented in the gambling industry. He stated that it was low risk to use AI to help write emails, but there could be increased scrutiny if generative AI was linked to a database to provide optimized offers. He stated that it was important for regulators to get recommendations out to the operator, but transparency in the commercial solution would also have to be addressed. Chair Maynard stated that it was not a good business model to sell a luxury product to someone down on their luck. He stated that this type of analysis could work in favor for both the operator and customer.

Director Vander Linden stated that this report was the beginning of understanding more about this technology. He stated that the Commission had committed to continue support for the BRIDGE study. He stated that it was important to recognize how quickly this technology was changing and how much research was being created in this field.

b. [AI Workgroup Update](#) (55:53)

Director Vander Linden explained that the Commission had created an AI Workgroup whose members were Commissioner O'Brien, Chief of Sports Wagering Carrie Torrisi, Interim General Counsel Justin Stempeck, Interim Chief Information Officer Kevin Gavreau, Sports Wagering Compliance and Operations Manager Andrew Steffen, Sports Wagering Compliance and Operations Manager Tom Lam, Deputy Director of Research and Responsible Gaming Bonnie Andrews, and Director Vander Linden. He stated that the workgroup included various divisions in order to review a topic important to the Commission. He noted that the workgroup was monitoring the research done by the University of Las Vegas, the New Jersey Division of Gaming Enforcement's responsible gaming best practices, and AI usage monitoring specific responsible gambling activity.

Director Vander Linden stated that the New Jersey Division of Gaming Enforcement ("DGE") developed guidelines for responsible gaming ("RG") best practices. He stated that the guidelines tracked ten triggers for determining when an intervention would need to take place. He stated that six of the triggers were based on play behavior and four were based on account activity. He

noted that the guidelines had been updated and were being turned into a regulation. He stated that the AI workgroup was monitoring the process in New Jersey.

Director Vander Linden stated that the International Association of Gaming Standards had developed an Ethical Use of AI Best Practices that contained standards for the creation of guardrails to prevent AI from being misused. He stated that the best practices were updated in July and that they set standards for the use of AI in this industry. He stated that the Ethical Use of AI Best Practices applied to RG as well as all use cases in the gaming industry.

Director Vander Linden stated that the AI workgroup met with operators to better understand their use of AI in their business practices. He stated that the meetings were largely supported by the regulatory requirements set forth in 205 CMR 257.02(4) which required operators to report to the Commission bi-annually on their compliance. He stated that the Commission could meet in executive session to discuss the responses from the operators.

Chair Maynard stated that the Commission anticipated that it would meet in executive session in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 23N, § 6(i) to discuss trade secrets, competitively sensitive or proprietary information related to use of technology applications in connection with the requirements of 205 CMR 257.02(4) as provided by operator licensees to the Commission, the disclosure of which would place the operators at a competitive disadvantage or would be detrimental if made public.

Commissioner O'Brien moved to go into executive session on the matter and for the reasons just stated by the Chair. 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.

Transcriber's Note: The Commission entered executive session at 11:10 A.M. EST, and returned to the public meeting session at 12:05 P.M. EST.

Chair Maynard stated that Interim General Counsel Stempeck had requested that the Commission take Agenda Item 5 before Agenda Item 4 due to scheduling issues. Chief of the Community Affairs Division Joe Delaney stated that all of his agenda items could wait. The Commission reached a consensus to take Agenda Item 5 before Agenda Item 4.

4. [Community Affairs Division](#) (2:53:24)

a. Plainridge Park Casino Quarterly Report

Plainridge Park Casino's General Manager ("PPC") North Grounsell, PPC's VP of HR Kathy Lucas, and PPC's Director of Security Bob Charette presented PPC's quarterly report with topics including the following: revenue and taxes, lottery sales, spend by state, vendor diversity, employment diversity, compliance, staff development, and community engagement. *PPC's Quarterly Report presentation was included in the Commissioners' Packet on pages 159 through 173.*

Commissioner O'Brien noted that there was a drop in spending with women-owned business enterprises. She asked if that was due to the loss of a project or vendor. Mr. Grounsell stated that the drop in spending was due to a difference in timing and how things were flowing across quarters. He noted that one of PPC's previous vendors that was a women-owned business enterprise sold the company, and the new entity did not qualify. He stated that PPC was searching diligently to continue to make progress in vendor diversity.

Commissioner O'Brien inquired about the three weapons that were found by PPC's security team. Mr. Charette stated that all three weapons were firearms. He stated that all three individuals had licenses to carry the firearms but were unaware they could not enter the establishment with the firearms.

Commissioner Brodeur recommended that PPC attend a career fair at the University of Massachusetts at Amherst, as that university had a great hotel and hospitality program. He stated that a lot of people at that school might enjoy learning about opportunities in the Commonwealth. Chair Maynard stated that a partnership with any public school in Massachusetts would be beneficial.

Commissioner Skinner congratulated PPC on their community partnerships. She expressed that she liked seeing the photos of the varying community engagement projects.

b. [Request to Re-allocate unexpended 2018 CMF Grant Funds – Attleboro](#) (3:08:24)

Chief Delaney presented a request to re-allocate unexpended community mitigation fund grant funds from Attleboro. *The request to reallocate funds was included in the Commissioners' Packet on page 174.*

Commissioner Skinner asked what the casino-related impact was for this project. Chief Delaney explained that there was an increase in traffic associated with the casino. He stated that the Town of Attleboro was planting trees to mitigate the increase in emissions from the increased traffic by absorbing pollutants in the atmosphere.

c. [Request to Re-allocate unexpended 2022 CMF Grant Funds – Longmeadow](#) (3:10:54)

Chief Delaney presented a request to re-allocate unexpended community mitigation fund grant funds from Longmeadow. *The request to reallocate funds was included in the Commissioners' Packet on page 175.*

d. [Request to Re-allocate unexpended 2023 CMF Grant Funds – Wilbraham](#) (3:11:59)

Chief Delaney presented a request to re-allocate unexpended community mitigation fund grant funds from Wilbraham. *The request to reallocate funds was included in the Commissioners' Packet on page 176.*

Commissioner Hill moved that the Commission approve the Town of Attleboro's request to re-allocate the unexpended funds in its Reserve Grant in the amount of \$66,388 in connection with its FY 2018 Transportation Planning Grant for the purpose of a tree planting program, as included in the Commissioners' Packet and discussed here today; and further moved that the Commission approve the Town of Longmeadow's request to reallocate unexpended funds in the amount of \$21,385 in connection with its FY 2022 Public Safety grant for the purpose of Advance Law Enforcement Rapid Response Training (ALERRT) training, as included in the Commissioners' Packet and discussed here today; and further moved that the Commission approve the Town of Wilbraham's request to reallocate unexpended funds in the amount of \$16,693.70 in connection with its FY 2023 Public Safety Grant for the purchase of license plate readers as identified within its FY 2025 Community Mitigation Fund Grant Application, as included in the Commissioners' 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.

e. [FY2027 Community Mitigation Fund Guidelines](#) (3:15:08)

Chief Delaney presented the FY2027 Community Mitigation Fund Guidelines. He noted that changes to the guidelines were presented to the Commission in October. He stated that the guidelines received no public comment and that the only changes were for typographical errors and formatting. *The FY2027 Community Mitigation fund Guidelines were included in the Commissioners' Packet on pages 177 through 214.*

Commissioner Hill thanked the Community Affairs Division for their work on this matter. Chair Maynard stated that the Commission was trying to be equitable with what funds were available.

Commissioner O'Brien moved that the Commission adopt the Fiscal Year 2027 Community Mitigation Fund Guidelines 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 Brodeur: Aye.
Chair Maynard: Aye.
The motion passed unanimously, 5-0.

5. [Legal](#) (2:05:15)

a. Review of DraftKings' corrective action plan as required by the Commission's July 7, 2025, Non-Compliance Decision

Interim General Counsel Stempeck stated that the Commission had previously issued a noncompliance decision in July regarding the use of credit cards on DraftKings' platform. He noted that one part of the decision was the requirement for a corrective action plan to address the communication failures that led to the noncompliance issues. He stated that DraftKings recently produced an audit proposal which was reviewed by the Commission and asked for an extension in regard to the corrective action plan requirement. He stated that DraftKings' corrective action plan was before the Commission at this meeting for consideration.

Outside counsel for DraftKings Tony Starr explained that the Commission's decision asked DraftKings to develop a corrective action plan for regulatory communications and how they would be communicated internally. He stated that he had been in contact with Interim General Counsel Stempeck to ensure the corrective action plan was consistent with the Commission's request. He noted that DraftKings' staff were on the call to assist with any questions the Commission might have.

Attorney Starr stated that DraftKings had implemented a case management system, ServiceNow, so that email communications from the Commission or other regulators are tracked more clearly. He stated that communications would be funneled through a distribution list, monitored by gaming compliance services, to ensure that everyone who needs to get the communication receives it. He stated that senior compliance staff would be included on the distribution lists.

Attorney Starr noted that DraftKings would supply all regulators with the distribution lists. He stated that sending the email directly to the list would ensure that it was tracked and monitored. He stated that there was also an education process to ensure that if an employee receives an email outside of the distribution list, they will know to forward that email to a distribution list.

Attorney Starr stated that DraftKings was now hosting weekly meetings for the compliance and risk senior leadership team. He stated that these meetings provided a forum in case there were any questions in the email distribution that required immediate attention.

Commissioner O'Brien expressed that she was underwhelmed by this submission. She stated that one of her biggest frustrations regarding the initial noncompliance issues was that nobody from DraftKings took ownership. She stated that reports would be sent listing "DraftKings" or a department name, but there were no employee names on the work. She stated that this plan did not appear to address the issue of ownership. She stated that she was happy there would be no credit card usage, but from a broader compliance perspective, she was frustrated.

Commissioner O'Brien stated that one fundamental challenge that still existed in the DraftKings plan was the lack of ownership regarding who is writing and distributing reports and who the Commission should contact. She stated that she wanted DraftKings to go back to the drawing board to address her concerns. She requested that Director of the Investigations and Enforcement Bureau ("IEB") Caitlin Monahan comment on DraftKings' proposed corrective action plan.

Commissioner Brodeur stated that he was not sure he shared Commissioner O'Brien's concern. He asked if the case management system was an in-house product or being sourced from a third-party vendor. DraftKings' Vice President of Risk Dave Foppert stated that it was a third-party vendor, ServiceNow, that was providing the case management system. He stated that ServiceNow worked with Fortune 500 and publicly traded companies. Commissioner Brodeur asked if ServiceNow's work was specific to management of electronic communications. Mr. Foppert confirmed that was correct. He stated that DraftKings' compliance staff developed it further to make it as efficient as possible with an appropriate level of oversight.

Commissioner Brodeur asked if DraftKings would be able to demonstrate how the communication trees worked and how the case management system functioned. Mr. Foppert stated that DraftKings could provide a demo to the Commission.

Commissioner Skinner stated that, notwithstanding Commissioner O'Brien's concerns, the plan seemed generally sound. She sought clarification regarding the education component of the plan and stated that she wanted to know more that so the Commission could ensure there is a clear communication tree. She agreed with Commissioner Brodeur that she would like an overview of how ServiceNow's software worked. She asked if logging communications was manual and which employee would be responsible for entering emails manually.

Chair Maynard stated that he wanted to honor Commissioner O'Brien's request for Director Monahan to provide input. Director Monahan explained that the IEB sent emails to individuals, not to distribution lists. She stated that she wanted more information about how DraftKings would ensure their employees would enter communications into a database for tracking. She stated that she had concerns about ownership and audit functions. She wanted to know who was responsible if a communication did not end up in the right place and whether there was an audit function to ensure nothing was missed. Chair Maynard agreed that he had concerns about ensuring communications reached where they needed to go. He asked if there were checks and balances.

Attorney Starr stated that DraftKings' Chief Compliance Officer Jen Aguiar could answer questions about employee education. He stated that there was a training process to ensure that any individual employee who received an email would put it through the case management system. He stated that Mr. Foppert could answer any questions regarding audit functions and who managed the database. He stated that Mr. Foppert could come provide an in-person demonstration of how ServiceNow worked.

Ms. Aguiar stated that she would take full accountability if something went wrong. She stated that since 2023, DraftKings had worked on breaking down silos of communication. She stated that senior compliance staff reported to her and discussed escalations at their new weekly

meeting. She stated that there was more input from different groups so that the compliance team was more aware of what was going on.

Ms. Aguiar stated that training employees was a continuous improvement cycle. She stated that the internal teams worked out what each team is doing and owning and ensuring that they were aware of their responsibilities. She stated that DraftKings' internal team was now overcommunicating and bringing in more people than needed. She stated that ServiceNow would streamline the process by automating sorting. She stated that the program could read the email, digest what is requested, and forward it to the correct teams. She stated that fostering a culture of open communication and teamwork benefited the group. She noted that there could still be mistakes but that there was more engagement and thought on who was included in distributions.

Commissioner Skinner offered appreciation for Ms. Aguiar taking responsibility. She stated that DraftKings' representatives were saying the right thing, but the Commission would have to see whether the actions in place were truly corrective. She asked who was responsible for tracking and logging emails that would come in. Ms. Aguiar stated that Mr. Foppert would be able to answer that question.

Commissioner O'Brien noted that the Commission's staff could make requests in forms other than emails, such as in a public meeting, text, or in-person meeting. She asked who was responsible for logging those interactions in the case management system. Ms. Aguiar stated that those communications were not tracked as most traffic with regulators to date had been in emails. Commissioner O'Brien expressed that this was problematic as the new system only included emails when there were relatively frequent telephone communications from the Commission's staff. She stated that she wanted more thought about the delineation of how the case management system would handle non-email communications. Ms. Aguiar stated that she would need to check if that was technically possible.

Mr. Foppert noted that the case management system was AI powered and would auto-flag and track emails entered into the system. He stated that based on the email and domain, the communication would be sent to a dedicated regulator space which would identify the topic and complaint incident. Commissioner Skinner asked if this would occur with any email sent to a DraftKings employee or whether it had to be sent to the distribution list. Mr. Foppert stated that the sorting was dependent upon the communication being sent to the distribution list. He stated that DraftKings employees had been trained to send all communications to the distribution list. Commissioner Skinner asked if the case management system would begin to track the communication once the employees sent it to the distribution list. Mr. Foppert stated that was correct. He explained that the case management system monitored when things were received, when things were due, and who accessed the file. He stated that audit logs were automated. He stated that there was oversight that allowed statuses to be added to cases.

Commissioner Skinner asked which individual was responsible for the manual process and who they reported to. She noted that the distribution list did not work for the IEB's current communication processes. She stated that she wanted reassurance that there would not be lapses in the process when an individual gets an email.

Mr. Foppert stated that time, energy, and resources were spent putting together the employee education on the case management system. He stated that employees received training and guidance to forward messages to the distribution list. He stated that there was ownership over the process by the compliance management team. He stated that himself, Ms. Aguiar, and the other senior lead had the ability to access and review the system to ensure errors did not occur. He stated that if something is neglected or missed, those individuals would be the accountable parties.

Attorney Starr noted that DraftKings' gaming compliance team provided a monitoring role. Mr. Foppert stated that the compliance team could track and capture emails and could log in to see when emails were received and to whom it needs to go. He stated that there would be timestamped data from each communication. He stated that the process was hard to describe but that he would be happy to provide a live demonstration at the Commission's office. Chair Maynard stated that he would reach out to DraftKings to schedule that.

Commissioner O'Brien reiterated that not every query will be sent via email and asked how non-email communications would be logged or tracked. Mr. Foppert stated that the case management system allowed the user to enter manual case creations. Commissioner O'Brien asked if there was a policy that would inform staff on what to do in the case of non-email communications. Mr. Foppert stated that there was no policy at this time. He stated that the product could continue to be developed and built out and that a policy regarding non-email communications could be integrated this year. He stated that the volume of communications by email were DraftKings' priority.

Attorney Starr sought clarification regarding what non-email communications there were. Commissioner O'Brien noted that the Commission requests things of operators in public meetings, hearings, adjudicatory proceedings, in-person encounters, text, and phone calls. She stated that the first issue in the noncompliance matter was the result of a phone call where there was a misdirect in where to send the query. She stated that email was not the only way the operator received communications and reiterated that the IEB did not contact distribution lists.

Commissioner O'Brien asked if there was an audit feature planned. Mr. Foppert stated that there was an audit function that would be incorporated. Commissioner O'Brien asked if there would be a periodic manual check. Mr. Foppert stated that there was an automated audit function in the platform. He stated that the management team would conduct ongoing oversight and governance to ensure things go to the right place. He stated that these evaluations could be done weekly or daily.

Commissioner O'Brien asked if DraftKings could address her concern regarding lack of identification of who was responsible when communications were sent. She noted that there were communications signed by DraftKings and not by the individual who was a percipient witness to events. Attorney Starr stated that the information was not provided in the compliance plan because DraftKings interpreted the Commission's requirement to be relevant to internal regulatory communications, not external regulatory communications. Commissioner O'Brien stated that she wanted that data tracking to be followed going forward.

Chair Maynard noted that part of the issue with the noncompliance matter was that DraftKings seemed to have a laissez-faire handling of a communication from the Commission's Executive Director. He stated that Commission staff does not try to inundate operators with communications. He stated that he wanted any communication from a member of the Commission's staff to be treated with respect and care. He expressed that it would not be too difficult to track any communication from the Commission's staff. He stated that the Commission wanted to ensure that another incident like this did not happen again.

Commissioner O'Brien stated that if there is clarity regarding who has what information, it makes it easier for the IEB to do its job, which benefits both parties. Attorney Starr stated that if an email was sent to an individual and not the distribution list, all DraftKings employees have been instructed to respond and forward that email to the distribution lists. He stated that once the email was in the management system, it would get proper attention. He stated that he would look into the functionality of adding phone calls to the distribution list. Ms. Aguiar clarified that if emails were marked as sensitive information, it would not be put through a distribution list so that other staff would not have access to sensitive information.

Director Monahan stated that it would be helpful to memorialize everything discussed. Attorney Starr stated that DraftKings would welcome the opportunity to speak with the IEB about how communications are received and addressed. Director Monahan stated that she would work on setting up that meeting.

Chair Maynard stated that there was no timeline on greenlighting this action plan. Commissioner O'Brien thanked the representatives from DraftKings and Attorney Starr. She stated that after DraftKings met with Director Monahan, they should schedule another meeting before the Commission. Chair Maynard stated that compliance was the ultimate goal in these conversations.

Transcriber's Note: The Commission returned to Agenda Item 4 before returning to the Legal Division's agenda topics.

b. [205 CMR 146.13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections - Discussion and Review of Regulation Amendments and Amended Small Business Impact Statement for final adoption by Commission](#) (3:44:43)

Senior Associate General Counsel Judith Young presented proposed amendments to 205 CMR 146.13 for final adoption. *A memorandum, the proposed draft of 205 CMR 146.13, and the Amended Small Business Impact Statement were included in the Commissioners' Packet on pages 217 through 223.*

Commissioner Skinner moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 146.13 as included in the Commissioners' 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 O'Brien 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. 205 CMR 238.48: Expiration of Sports Wagering Tickets and Vouchers; Payment to the Sports Wagering Control Fund – Discussion and Review of Regulation Amendments and Amended Small Business Impact Statement for final adoption by Commission
(3:47:43)

Staff Attorney Autumn Birarelli presented proposed amendments to 205 CMR 238.48 for final adoption. *A memorandum, the proposed draft of 205 CMR 238.48, and the Amended Small Business Impact Statement were included in the Commissioners' Packet on pages 224 through 227.*

Commissioner Skinner moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 238.48 as included in the Commissioners' 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 Hill 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.

6. Investigations and Enforcement Bureau (3:49:48)

- a. Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee Bally's Interactive LLC, d/b/a Bally's and discussion regarding next steps. Alleged noncompliance relates to Bally's offering prohibited wagers in violation of G.L. c. 23N, § 3, 205 CMR 247.01(2)(a)(2) and the Massachusetts Sports Wagering Catalog

Enforcement Counsel Nathaniel Kennedy presented an instance of noncompliance from Bally's Interactive. He explained that Bally's had offered wagering on the Boston College Football vs. Stanford game during the regular season. He noted that two wagers were placed on September 13, 2025 for a total stake of \$6. He stated that the IEB was seeking Commission guidance on next steps. *A memorandum regarding this noncompliance event was included in the Commissioners' Packet on page 227.*

The Commission reached a consensus to refer this matter back to the IEB for further review, investigation, and a recommendation.

b. Discussion regarding RSM waiver request in connection with Statement of Work
(3:52:03)

Director Monahan explained that if RSM wanted to engage in work that might pose a conflict of interest with their work for the Commission, RSM needs to appear before Commission to request a waiver. She stated that RSM had identified work that might pose a conflict of interest and requested a waiver. She noted that the IEB did not oppose RSM's request. *RSM's waiver request was included in the Commissioners' Packet on pages 229 through 230.*

Partner from RSM Greg Naviloff explained that RSM was approached about providing risk advisory services to a gaming operator for internal audit improvement services. He stated that RSM would provide recommendations as to how the operator could develop enhanced internal audit processes for certain betting activities which are unrelated to sports betting. He stated that the work was unrelated to RSM's support of the Commission and adequate guardrails were in place to separate the two teams. He stated that this work would not interfere with RSM's duties and that RSM would still continue to serve the Commission.

Commissioner Hill moved that the Commission approve RSM's request for a waiver of the conflict of interest provisions, as outlined within the terms of the existing Statement of Work between RSM and the Commission, as the work for which the waiver is requested will not create an actual or appearance of a conflict and will not call into question the integrity of services provided by RSM to the Commission as detailed in the Request included in the Commissioners' Packet and discussed here today; and further, that staff be authorized to issue a written determination memorializing this approval, including any conditions as required by the Statement of Work or as discussed here today. 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.

7. Sports Wagering Division (3:58:09)

a. Plainridge Park Casino House Rules Update

Sports Wagering Compliance and Operations Manager Andrew Steffen presented proposed changes to PPC's House Rules. He explained that the changes were to clarify the language and make the language consistent across different sports. *PPC's House Rules Update was included in the Commissioners' Packet on pages 231 through 240.*

Commissioner Hill expressed that he had never heard of a basketball game ending in a tie. Manager Steffen stated that it was a very rare occurrence, and he had seen it happen in European leagues. He stated that he was not familiar with a basketball game resulting in a tie in America.

Commissioner Hill moved that the Commission approve the updates to Plainridge Park Casino’s House Rules 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 Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

8. [Finance](#) (4:04:05)

a. MGC Diversity Update

Finance and Budget Office Manager John Scully explained that the Commission had a commitment to diversity. He stated that the Commonwealth has annual state agency benchmarks set by the Supplier Diversity Office (“SDO”). He stated that the Commission was in the top one percent of state entities when it came to meeting spending diversity goals. *The Commission Supplier Diversity Update was included in the Commissioners’ Packet on pages 241 through 242.*

Manager Scully explained that the Commission not only reached five of the six benchmarks but far exceeded them. He stated that the Commission spent 300% of its target for minority-owned business enterprises, almost 500% of its target for women-owned business enterprises, nearly 1,500% of its target for small business spending, 200% of its target for disability-owned business enterprises, 900% of its target for LGBT-owned business enterprises, and 20% of its target for veteran-owned business enterprises. He stated that spending with veteran-owned businesses was up 65% year-over-year. He noted that these numbers only included direct spending and might be higher if they included indirect spending.

Commissioner Skinner congratulated the finance team for consistently meeting diverse spending goals. She expressed optimism that spending with veteran-owned business enterprises would reach its goal if the other categories were any indication. Chief Financial and Accounting Officer (“CFAO”) Derek Lennon stated that the Commission’s expectations regarding diverse vendor spending for licensees made it easier for the Finance Division to embrace these goals and give opportunities to these businesses.

b. [FY2026 Cost of Living Adjustment \(COLA\)](#) (4:11:05)

Executive Director Dean Serpa stated that the Commission could now discuss the potential of a FY2026 cost of living adjustment (“COLA”) for Commission staff. *A memorandum regarding the FY2026 COLA was included in the Commissioners’ Packet on pages 243-247.*

Commissioner Brodeur expressed appreciation that all of the options laid out were within the Commission’s budget. He stated that he had a preference for Option B, a 2% increase retroactive to July 13, 2025, and an additional 2% increase effective January 11, 2026. He stated that salaries had to be competitive if the Commission wanted to pull talent to the Commission. He asked for Executive Director Serpa’s recommendation. Commissioner Skinner expressed a preference for having each Commissioner be heard before asking for a recommendation. Chair Maynard noted that each option came in under budget.

Commissioner Skinner stated that these were tough times. She stated that the Commission had been generous to the staff and previously given COLAs that exceed those of executive agencies. She stated that the Commonwealth was down as a whole and that the Commission shared a duty in recognizing that. She expressed a preference for staying consistent with the COLA originally budgeted for FY2026. She sought clarification as to whether all options were under budget or consistent with the budget. She noted that Option C, a 3% increase retroactive to July 13, 2025, stated that it was in line with the budget.

Executive Director Serpa stated that his recommendation would be to closely align with the philosophy of the five Commissioners. He stated that in past years, the Commission tried to provide COLAs that were equal to, if not higher, than what was offered by the executive branch. He explained that there were funds in the budget based on full employment of all staff in the agency, but due to attrition and not filling vacancies, the cost of each option was less than the allocated budget amount. He stated that funding existed in the budget for each option presented.

CFAO Lennon stated that the funding existed for each of the different options listed in the memorandum. He noted that this COLA only dealt with non-union staff and that there were separate funds for union staff should the collective bargaining agreement be ratified. He stated that all options were affordable. He noted that Option B would be a little higher, coming out to 3.02% across FY2026. He explained that there were still vacant positions accounted for in turnover, which made each option more affordable.

Executive Director Serpa stated that Option C was included in the prepared budget numbers because it matched what the executive branch provided in the previous year. He noted that 2% retroactive to July 13, 2025 followed by an additional 2% in January would only amount to 3.02% for FY2026. He stated that his recommendation was to endeavor to treat the agency the same as the executive branch. Commissioner Skinner stated that she still preferred Option C. She stated that what was presented supported Option C as the clearest justification for the COLA.

Commissioner Brodeur noted that when the Commission did not fully expend the funds in its budget, those funds were returned to the operators, not to the Commonwealth’s General Fund. He stated that the unexpended funds in the executive branch agencies would return to the general fund and support other endeavors in the Commonwealth during challenging times, but that was not the case for the Commission’s funds. He stated that the Commission wanted to be prudent

with the funds but reiterated that any excess funds would not go back to the Commonwealth's General Fund.

Executive Director Serpa noted that the memorandum highlighted that the majority of agencies in the executive branch were providing COLAs consistent with Option B. Commissioner Hill stated that he supported Option C because it was straightforward. Chair Maynard stated that he supported Option B because it was closer to what the executive branch was doing.

Commissioner O'Brien stated that she agreed with Commissioner Skinner and Commissioner Hill regarding fiscal responsibility. She expressed that she was loathe to treat the funds differently because unexpended funds would go back to a licensee rather than the General Fund. She stated that she was leaning toward Option D, a 2% COLA retroactive to July 13, 2025 for Commission staff and a 2% COLA effective January 11, 2026 for those who were not senior staff. She stated that employees lower on the pay scale might need more help than people at the higher scale. She noted that Option D expended the least amount of funds and acknowledged staff on the lower end of the pay scale.

Chair Maynard stated that he wanted to be fiscally responsible and that all options were less than budgeted. He stated that he wanted to be as equitable as possible knowing that times are tough and inflation exists. He stated that in regard to Option D, he would also want to give the second 2% increase to managers and senior staff. Commissioner Skinner reiterated her preference for Option C. Chair Maynard stated that he would reluctantly vote for Option C.

Commissioner Hill moved that the Commission adopt the Cost of Living Adjustments for non-union employees and post retirees that the Commonwealth's Human Resources Division has recommended with the effective date of the first 3% COLA retroactive to July 2025 for all non-union Commission staff and authorize the Executive Director to implement this process, as detailed in the Commissioners' Packet and discussed here today. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Nay.

Chair Maynard: Aye.

The motion passed, 4-1.

9. [Commissioner Updates](#) (4:30:46)

Chair Maynard asked if there were any Commissioner updates. Commissioner Brodeur stated that he had the opportunity to do site visits for various projects funded by the Community Mitigation Fund. He stated that in Melrose, the project pop-up funds were being put to use to give opportunities to some non-traditional businesses to get brick-and-mortar exposure. He stated that Community Mitigation Fund projects were well received by residents and the local Chamber of Commerce.

Commissioner O'Brien stated that she visited PPC's racetrack following the PPC license renewal adjudicatory hearing. She stated that she had never seen that many horses in the barn and commended the Commission's Racing Division staff and PPC employees.

10. Other Business (4:32:40)

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

Commissioner Brodeur 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 Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. Revised Notice of Meeting and Agenda dated November 5, 2025
2. Commissioners' Packet from the November 6, 2025, meeting (posted on massgaming.com)