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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** December 14, 2023, 9:30 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 662 8903

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

### Commissioners Present:

Chair Cathy Judd-Stein  
Commissioner Eileen O'Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Jordan Maynard

1. [Call to Order](#) (00:07)

Chair Judd-Stein called to order the 492nd Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Meeting Minutes](#) (00:58)  
a. March 8, 2023  
b. March 9, 2023

Commissioner Maynard moved to approve the minutes from March 8, and March 9, 2023 as included in the Commissioners Packet and discussed today, subject to any necessary edits for typographical errors and non-material matters. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*  
*Commissioner Hill: Aye.*  
*Commissioner Skinner: Aye.*

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

3. [Administrative Update](#) (02:10)

Interim Executive Director and General Counsel Todd Grossman noted that there were three updates for Commissioners at today's meeting.

a. [Update on Holiday Plans for the Casinos](#) (2:49)

Burke Cain, Chief of the Gaming Agents Division, provided an update on the holiday plans at the three gaming establishments, Plainridge Park Casino, Encore Boston Harbor, and MGM Springfield. Chief Cain reported that each casino had specific charity efforts during the holiday season. MGM Springfield hosted the Mayflower Marathon, a food collection and donation drive that resulted in over \$212,000 worth of food and cash donations. Chief Cain noted that these donations would help sustain the local food bank for approximately six months. MGM Springfield also held a Toys for Tots Holiday Drive, collecting toys at both the casino entrance and "back of house" locations. Plainridge Park Casino reported that the property was anticipating between 3,000 to 4,000 guests for their New Year's celebration. Chief Cain noted that PPC is also hosting several holiday events including a "Deck the Halls" giveaway with over 6,000 jackets given out, and several holiday-themed dining options. Encore Boston Harbor employees assembled over 550,000 meals as part of their Feed the Funnel Initiative at the end of November and early December. He reported that these meals were distributed locally within the community. Commissioner Hill requested that Chief Cain please relay to the casinos that food bank donations were greatly needed this year due to increased food insecurity. Chief Cain confirmed that he would relay the message to the three properties.

b. [Plainridge 2023 Meet Wrap Up](#) (07:04)

Director of Racing, Dr. Alexandra Lightbown offered a recap of the racing season at Plainridge Park Racecourse, highlighting the successful completion of the season without major incidents and noted that the team received additional support at the end of the season. Dr. Lightbown praised the State Police's Gaming Enforcement Unit's involvement in ensuring the safety and success of the meet this last year. She stated that the Unit played a crucial role in the Sire Stakes program finals by assisting with the quarantine of horses arriving the day before the event. Chair Judd-Stein congratulated Dr. Lightbown and her staff on a safe and successful racing season.

c. [Racing Annual Report](#) (08:54)

Dr. Lightbown and Financial Analyst, Chad Bourque, presented the 2022 Annual Report for the Racing Division. *The Annual Report was included on pages 32 through 52 in the Commission's meeting packet.* Mr. Bourque reported that total revenue in 2022 was \$2,368,053 and provided insights on the handle and revenue data within the report. Chair Judd-Stein inquired if Mr. Bourque knew why there was an 18 percent decrease in revenue from 2021. Mr. Bourque explained that the uptick in 2021 revenue could be attributed to the rise in horse race wagering

while other forms of wagering like casino gaming were not occurring during the COVID-19 pandemic.

4. [Commissioners' Updates](#) (16:04)

- a. Complaint filed in *Scanlon, et al. v. DraftKings, Inc.*, Middlesex Superior Court Docket No. 23CU3402 – DraftKings

Chair Judd-Stein stated that a complaint was filed against DraftKings in Massachusetts Superior Court. She asked that the Investigations and Enforcement Bureau (“IEB”) review and monitor the litigation to determine if any of the Commission’s regulations were implicated.

Commissioner O'Brien expressed a desire to examine the complaint in more detail, specifically regarding its connection to bonus offers and whether those offers could be considered deceptive or unfair. Commissioner O'Brien requested clarification on the timeline for receiving updates from IEB and when a Licensee should notify the Commission of ongoing legal matters, like being named in a civil suit. Deputy General Counsel Monahan noted that there were no regulations on the matter regarding timing. Interim Director of the IEB, Heather Hall noted that the complaint was filed on December 8, 2023, but had not yet been served upon the operator. She clarified that they were notified by the operator on December 10, 2023.

Commissioner Skinner asked for clarification on whether any Commission regulations were violated in the DraftKings lawsuit. Commissioner Skinner also sought clarification on what the IEB monitoring of the lawsuit entailed. Interim IEB Director Hall, indicated that there was no concern with the disclosures made by DraftKings, but noted that the IEB had not yet had time to conduct a thorough review of the complaint.

Commissioner Skinner suggested that it could be beneficial to request the 17-page letter issued by DraftKings that was being referenced in several media reports. The Chair agreed and requested the IEB to obtain a copy of the 17-page letter reportedly published by DraftKings in response to the lawsuit.

Chair Judd-Stein concluded the discussion and noted that IEB would advise and review the lawsuit, but that the Commission was not directly involved in the litigation.

5. [Human Resources](#) (23:54)

- a. Recommendation to Commissioners for Prospective Appointment of Interim IEB Director

Chief People and Diversity Officer, David Muldrew, presented a recommendation for the Interim IEB Director position. Chief Muldrew explained that multiple candidates had expressed interest in the position. Following individual discussions with Chief Muldrew, several candidates self-selected out of the process. The remaining candidate participated in an interview with Chief Muldrew. Based on the candidate's interview responses, skill set, and past work experience, Muldrew recommended Deputy General Counsel Caitlin Monahan for the Interim IEB Director position.

Commissioner O'Brien made a motion to adopt Chief Muldrew's recommendation to appoint Caitlin Monahan as Interim IEB Director. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*  
*Commissioner Hill: Aye.*  
*Commissioner Skinner: Aye.*  
*Commissioner Maynard: Aye.*  
*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

Chair Judd-Stein stated her confidence in Monahan's ability and looked forward to her work with the IEB. Ms. Monahan thanked the Commission for the opportunity and expressed her anticipation for working with the IEB team.

6. [Mission Statement Update](#) (28:35)

Commissioners O'Brien and Maynard provided a brief update on the mission statement revision process to their fellow Commissioners and meeting participants. *A memorandum and draft mission statement were included in the Commission's meeting packet on pages 53 through 55.*

Commissioner O'Brien stated that the update before the Commission was a necessary means of communication given open meeting law requirements for dissemination of documents between Commissioners. Commissioner O'Brien stated that the revised and proposed mission statement would be distributed at today's meeting, and a vote would take place at a future meeting, to allow the other Commissioners time to review and consider the proposed changes. Commissioner Maynard noted that the Commission's existing mission statement had not been revised since its inception and needed to reflect the addition of sports wagering within the Commission's responsibilities and to capture the Commission's efforts in the next 10 years.

Commissioner Maynard and Commissioner O'Brien expressed their gratitude to the members of the working group, and their efforts in bringing their proposal to the final stages. Chair Judd-Stein thanked the group for their contributions as well.

7. [Internship Program Update](#) (30:43)

Commissioners O'Brien and Maynard briefly discussed their ongoing efforts to establish an intern program and relevant considerations of their team.

Commissioner Maynard explained the program was in its early stages and the goal of establishing a pilot program. Commissioner Maynard stated that Chief Muldrew was able to obtain materials from the Massachusetts Department of Transportation (MassDOT) that they used for recruitment of interns at college campuses. He added that the materials allowed the

MGC team to review MassDOT's internship program content, timelines, and recruitment strategies and to make their own considerations for the MGC program. The next steps for the internship program will include confirming with managers within the Commission to determine if they would like to participate in the program and discussing relevant materials and the budget to accommodate intern-placements, as well as remuneration or payment for interns. Commissioner O'Brien thanked the team for working on this project.

Chair Judd-Stein thanked Commissioners O'Brien and Maynard and staff for their efforts and progress on the program. She stated that the internship program was an important initiative, noting that it could be a great pipeline for talented candidates at the MGC.

8. [Legal](#) (57:26 )

- a. 205 CMR 258: Sports Wagering Operator Cessation. Review of Regulation and Amended Small Business Impact Statement for final adoption, and filing

*Transcriber's Note: This item was reviewed later in the agenda to accommodate the schedule of Attorney Makarios. It has been included here in the original position within the meeting's agenda, however.*

Attorney Mina Makarios, outside counsel from the law firm Anderson & Kreiger, walked the Commissioners through the final draft of 205 CMR 258. *The draft regulation, memorandum, and Amended Small Business Impact statement were included in the meeting packet on pages 56 through 65.* 205 CMR 258 had been filed by emergency on October 19, 2023 and made its way through the required stages of promulgation since its filing. Attorney Makarios stated that the Commission had received no comments on the regulation since its emergency filing, and that there had been no additional changes made to the regulation since it was first presented to the Commission in October.

As the two regulations were so closely related, Chair Judd-Stein recommended that the vote on 205 CMR 258 be held until after the review of 205 CMR 238.12.

- b. 205 CMR 238.12: Additional Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering – Reserve Requirement. Review of Regulation and Amended Small Business Impact Statement for final adoption, and filing

Attorney Makarios and Deputy General Counsel Carrie Torrisi then presented the final draft of 205 CMR 238.12 to the Commission for approval. *The draft regulation, memorandum, and Amended Small Business Impact statement, and public comment were included in the meeting packet on pages 65 through 70.* The regulation had made its way through the promulgation process since October 19, 2023 and had received one comment from BetMGM. After reviewing the comment, the legal team did not recommend accepting the comment.

Attorney Makarios stated that 205 CMR 238.12 included a reference to a reserve requirement in general for all of the liabilities that needed to be held in a reserve by a sports wagering operator. He explained that the proposed changes added language to clarify what portion of the reserve needed to be held in the form of a letter of credit. He added that proposed changes came in response to questions the Commission had raised about whether bankruptcy courts would treat outstanding liabilities from wagers the same way they would treat other liabilities.

CFAO Lennon explained that the changes made to the regulation were made in an effort to accommodate the operators. He noted that the letter of credit would free up more cash reserves for the operator. He noted that there would be one additional change to the regulation regarding the letter of credit, but that the change was not within the scope of the regulation that was presented today.

Commissioner Hill moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 258 as included in the Commissioner's Packet and discussed here today, and further that the 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 further moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 238.12 as included in the Commissioner's Packet and discussed here today, and further that the 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 Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

9. Sports Wagering Division

- a. [Sports Wagering Operators' Requests for Waivers from 205 CMR 257.04. Operators requesting waivers include FanDuel, Fanatics, BetMGM, Betr, and Caesars](#) (01:20:11)

Attorney Makarios and the Sports Wagering Division began the discussion by providing Commissioners with an overview and history of 205 CMR 257: *Sports Wagering Data Privacy*, including its promulgation and the waiver requests received by the division since its inception. *The Division's memorandum, Operator Requests for Temporary Waivers from Certain Provisions of 205 CMR 257 and Implementation Details, comments, and submissions from Operators were included in the meeting packet on pages 71 through 177.*

205 CMR 257 was approved for final filing on August 8, 2023, and it went into effect on September 1, 2023. The Commission issued a uniform waiver to operators through November 17, 2023. Operators were required to submit their implementation plans for 205 CMR 257, as well as requests for waivers, by November 1, 2023. The Sports Wagering team and legal counsel reviewed the requests and compiled charts summarizing the requests by operator and by regulation section. *The charts were included in the meeting packet on pages 171 through 177.*

Commissioners, Attorney Makarious and the Sports Wagering Division engaged in discussion about whether to grant a waiver to operators who requested to permanently waive certain provisions of the regulations, especially 257.04(1)(d), which gave patrons the right to impose additional restrictions on the use of their data. Some Commissioners expressed hesitation to permanently waive provisions of the regulation.

Commissioner O'Brien stated that she was concerned about granting permanent waivers and suggested granting waivers for a defined period of time, such as three or five years, to allow the commission to revisit the issue. She also noted that other states were moving toward data privacy regulations, so permanently waiving provisions of the Massachusetts regulation could put the state at a disadvantage.

Attorney Makarious noted that permanently waiving certain provisions would be in line with other jurisdictions' current approaches and would not adversely affect the public interest. He also explained that if the Commission decided to adopt stricter data privacy regulations in the future, they could revisit or update the regulations at that time.

The Commission reached consensus that the Sports Wagering Division prepare a matrix comparing 205 CMR 257's provisions with the data privacy regulations in other states. They also asked Attorney Makarious and the Legal Division to provide additional information about the potential impact of permanently waiving certain provisions of 205 CMR 257.

Commissioner O'Brien moved that in accordance with 205 CMR 202.03(2), that the Commission issue a waiver, as further detailed in the materials in the Commissioner's packet and as discussed here today, as granting the waivers requested in the packet meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of General Law Chapter 23N, namely that the licensees be given a waiver from the requirements outlined in 205 CMR 257.04 through June 30, 2024. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

- b. [Potential noncompliance matter related to G.L. c. 23N, § 3 and 205 CMR 247.01\(2\)\(a\)\(2\): Fanatics \(35:45\)](#)

*Transcriber's Note: This agenda item was reviewed by the Commission earlier in the meeting to accommodate a scheduling concern. It has been included here in the original order, for consistency with the posted meeting's agenda.*

Andrew Steffen, Interim Sports Wagering Operations Manager, presented a potential non-compliance matter regarding Fanatics Betting and Gaming (“Fanatics”) offering wagers that were not permissible. *The Sports Wagering Division's memorandum detailing the potential non-compliance matter was included in the meeting packet on page 178 though 179.*

Operations Manager Steffen highlighted that the non-compliance matter was self-reported by Fanatics. The operator mistakenly accepted a futures wager for Boston College who was playing in the Wasabi Fenway Bowl scheduled for December 28, 2023. Compliance Manager Steffen stated that the single wager was made at approximately 2:21 p.m. eastern time on December 5th in the amount of \$50.

He reported that Fanatics' report explained that prohibited market was mistakenly turned “on” by a Fanatics trader manually during the daily market process. Fanatics promptly turned the market “off” in their backend system once they discovered the error, and the prohibited market was no longer available to its customers. He noted that per G.L. Chapter 23N, §3(a), a collegiate tournament is defined as a series of Collegiate sports or athletic events involving four or more collegiate teams that make up a single unit of competition. He explained that the Wasabi Bowl game was not a tournament and was being brought forward to Commissioners as a potential non-compliance matter. Michael Lavine from Fanatics was also present to answer any questions from Commissioners.

Catlin Monahan, Deputy General Counsel, provided background information regarding how prior non-compliance cases have been handled and reminded the Commission of its three options regarding the matter. She explained that the Commission could either: issue a civil administrative penalty, refer the matter to the IEB for review and further investigation, or they could evaluate the matter through an adjudicatory hearing. Deputy General Counsel Monahan noted that this matter was in a slightly different stage because it had not been sent to the IEB yet and was reported directly from the Sports Wagering Division. She noted that it was within the authority of the Commission to decide how to act upon the matter.

Commissioner O'Brien expressed her support for treating operators equitably when non-compliance events occurred, but moving expeditiously in this matter, given the self-reporting and the lower level of circumstances on this matter. Commissioner Maynard agreed and noted that this was a futures bet, and the event had not yet occurred. He also offered his gratitude to Fanatics for reporting the error.

Commissioner Skinner noted that there were degrees of non-compliance and reasoned that this incident was more minor in nature. She suggested that this instance would benefit from further



discussion and considering whether this would be a lower-level categorization of an incident that may not need to come before the Commission. Chair Judd-Stein applauded Fanatics for catching the error and self-reporting the issue.

Chair Judd-Stein expressed that it would be beneficial to receive more information before deciding how to move forward. She stated that she also wanted to review the three previous incidents and decisions for cases with similar facts. Commissioner Hill agreed with Commissioner O'Brien's assessment and pointed out that, for the sake of consistency, the Commission should select the third option of an adjudicatory hearing until a formal policy is in place. Commissioner Hill expressed his view that matters like this would typically fall under option one, a lower-level incident that potentially wouldn't go before the Commission.

Heather Hall, Interim IEB Director and Chief Enforcement Counsel, stated that the IEB could provide a summary memo to the Commissioners with information regarding the incident. She noted that the document may allow the Commission to make a more informed decision on how to proceed. Chair Judd-Stein thanked Ms. Hall for this option.

10. [IEB](#) (1:37:24)

- a. Potential noncompliance matter related to G.L. c. 23N, Section 13; 205 CMR 247.07 and 248.10: DraftKings

Interim IEB Director, Heather Hall and IEB Enforcement Counsel Zachary Mercer provided an update to the Commissioners about a non-compliance issue regarding sports wagering operator, DraftKings. Attorney Mercer reported that on May 31, 2023, DraftKings notified the MGC's Sports Wagering Director, Bruce Band, that it had been allowing the use of credit card funds for Massachusetts wagers since its launch on March 10, 2023. Attorney Mercer stated the practice violates both Massachusetts regulations and the Sports Wagering Law, G.L. Chapter 23N.

Attorney Mercer stated that DraftKings discovered this issue on May 30, 2023. Attorney Mercer stated that prior to the issuance of Draft Kings' sports wagering license, former Executive Director, Karen Wells, submitted a series of questions to DraftKings to better understand the safeguards DraftKings' had established to prevent the use of credit card funds in Massachusetts. DraftKings responded that they used their own geolocation services to lock funds in states where using credit cards for wagers was prohibited, such as Massachusetts.

On June 21, 2023, DraftKings submitted a report on the incident detailing the number of users affected, the total handle, the reasons for the issue, and the remedial measures taken. They claimed to have implemented a software update on May 31, 2023 to block the use of out-of-state credit card funds in Massachusetts. However, on July 14, 2023, DraftKings contacted Director Band with an update. The operator admitted that the software update had been ineffective, and out-of-state credit card funds were still being used for wagering in Massachusetts. This practice continued until July 13, 2023 when DraftKings discovered the continued issue and implemented another software update that evening. On August 1, 2023, DraftKings submitted a second report with updated figures for the entirety of the non-compliance event. Through their review, the IEB determined that 218 users were involved in the noncompliance, wagering a total of \$83,900

between March 10, 2023 and July 13, 2023. Attorney Mercer stated that representatives of DraftKings had explained that the first error, a failure to enact proper safeguards at launch, was reportedly due to internal miscommunication within DraftKings staff. The second error, the ineffective initial software update, was due to a technical coding error. Additionally, Draft Kings has reported that they have made remedial efforts to ensure these kinds of errors do not occur going forward.

Commissioner O'Brien stated that she considered this violation egregious and that she wanted an adjudicatory hearing on this noncompliance matter. She also requested that the individual who made the initial representations to Executive Director Wells that the error was fixed be identified to determine if they were a Qualifier and included in the hearing notice for the noncompliance matter. General Counsel Grossman confirmed that this could be determined as the notice was constructed.

Commissioner Hill agreed with Commissioner O'Brien's assessment and noted that he believed the Commission should pursue the "strongest option" in this case. Commissioners reached consensus that an adjudicatory hearing was warranted for this issue.

Interim IEB Director Heather Hall noted that in prior adjudicatory hearings, the IEB was not a party, but that it could be determined at a later date how to proceed in this matter. She also added that the IEB could assist the Commissioners in determining whom the individuals who made the statements to Director Wells on behalf of DraftKings as well. General Counsel Grossman recommended that the Commission would benefit from a fulsome investigation by the IEB, and then holding an adjudicatory hearing after scheduling, and compiling witness lists and exhibits.

Chair Judd-Stein requested that this matter be prioritized, and whether recourse for patrons who were able to wager using credit card funds should also be explored. Commissioners agreed with both of these points.

11. [Research & Responsible Gaming](#) (1:50:05)

- a. Update on Railing Installation Near GameSense Information Center, MGM Springfield

Mark Vander Linden, Director of Research and Responsible Gaming, provided an update on railing installation and concerns at the MGM Springfield. The matter had been previously discussed at the November 2, 2023, meeting. The railing in question was erected around the perimeter of the gaming floor at MGM Springfield, but in doing so, it inadvertently created a barrier for patrons trying to access the GameSense Info Center and nearby restrooms.

Director Vander Linden explained that the Commissioners had expressed concerns at the previous meeting, noting that the railing would impede access to the important services provided by the GameSense Info Center, potentially deterring individuals who may need or benefit from assistance by GameSense Advisors. Director Vander Linden reported that the issue had been resolved and introduced Daniel Miller, Compliance Officer Manager at MGM Springfield, to provide further details.

Mr. Miller shared photos of the updated area around the GameSense Info Center, highlighting the removal of the railing section that had previously blocked the entrance. Commissioner Maynard thanked Mr. Miller and MGM for addressing the issue and emphasized the importance of ensuring unimpeded access for those who need help.

Commissioner Hill also expressed his appreciation for the quick action taken by MGM Springfield to correct the situation.

Commissioner O'Brien echoed the positive sentiments of her fellow Commissioners and thanked Mr. Miller for being receptive during their walkthrough the previous month. She raised a separate issue, noting that a few slot machines were blocking the direct line of sight to the GameSense Info Center within the photos. She asked if Mr. Miller would provide a photograph of the view from a straight-on perspective to assess the current visibility of the center. Miller agreed to send the photos as requested.

*Transcriber's Note: Commissioners took a short 10-minute break and then returned to the meeting at 12:20PM EST. Roll calls were taken, and all the Commissioners were present.*

12. [Racing](#) (2:13:14)

Director of Racing, Dr. Alex Lightbown presented on requests submitted by three racing meeting licenses, Plainridge Park Casino, Suffolk Downs, and Raynham Park.

- a. Plainridge Park Casino Requests
  - i. Request for Approval of 2024 Simulcast Export Signals

Dr. Lightbown noted that this request had been included as Exhibit 28 in PPC's horse racing meeting license application for a license to hold or conduct a racing meeting in 2024. *This request was included on page 180 of the meeting packet.* She noted that it outlined the locations where Plainridge Park Casino intended to export its simulcast signals.

Commissioner Hill moved that the Commission approve Plainridge Park Casino's request for approval of the 2024 Simulcast Export Signals as included in the Commissioners Packet and discussed here today. Commissioner Maynard seconded the motion.

*Roll call vote:*

<i>Commissioner O'Brien:</i>	<i>Aye.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner Skinner:</i>	<i>Aye.</i>
<i>Commissioner Maynard:</i>	<i>Aye.</i>
<i>Chair Judd-Stein:</i>	<i>Aye.</i>

*The motion passed unanimously, 5-0.*

ii. Request for Approval of 2024 Simulcast Import Signals

Dr. Lightbown noted that this request had been included as Exhibit 27 in PPC’s horse racing meeting license application for a license to hold or conduct a racing meeting in 2024. *This request was included on page 198 of the meeting packet.* She noted that it outlined the locations where Plainridge Park Casino intended to import its simulcast signals. Commissioner Maynard inquired about whether there were any issues with the imports, particularly regarding the length of the contract. Dr. Lightbown replied that there were no issues and explained that Plainridge Park Casino had one-year contracts with their import providers.

Commissioner Hill moved that the Commission approve Plainridge Park Casino’s request for approval of the 2024 Simulcast Import Signals as included 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 Maynard: Aye.*  
*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

iii. Request for 2024 Premium-Free Period

Dr. Lightbown then reported that Plainridge Park Casino requested a premium-free period from June 16, 2024 to September 7, 2024. She noted that this was also included as an exhibit to PPC’s racing application. *This request was included on page 202 of the meeting packet.*

Commissioner Hill moved that the Commission approve Plainridge Park Casino’s request for approval of their premium-free period from Sunday, June 16, 2024 to Saturday, September 7, 2024, as included in the Commissioners Packet and discussed here today. Commissioner O’Brien seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*  
*Commissioner Hill: Aye.*  
*Commissioner Skinner: Aye.*  
*Commissioner Maynard: Aye.*  
*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

iv. Request for Approval of 2024 Account Wagering Provider

Dr. Lightbown explained that the ADW provider request involved the Commission’s continued authorization of PENN ADW, LLC, (d/b/a) Hollywood Races, as the account wagering provider for Plainridge Park Casino. This was also included as an exhibit to their racing application. *This request was included on page 204 of the meeting packet.* She added that their system utilized the eBet Technologies platform and was initially approved by the Commission on October 26, 2016.

Commissioner Hill moved that the Commission approve Plainridge Park Casino’s request for approval of their account wagering through PENN ADW, LLC, d/b/a Hollywood Races, using the eBet Technologies platform, as included in the Commissioners Packet and discussed here today. Commissioner O’Brien seconded the motion.

*Roll call vote:*

<i>Commissioner O’Brien:</i>	<i>Aye.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner Skinner:</i>	<i>Aye.</i>
<i>Commissioner Maynard:</i>	<i>Aye.</i>
<i>Chair Judd-Stein:</i>	<i>Aye.</i>

*The motion passed unanimously, 5-0.*

b. [Suffolk Downs Requests](#) (2:20:54)

Dr. Lightbown then introduced the next set of requests from the licensee, Suffolk Downs. She noted that Attorney Bruce Barnett and Mr. Buckley from Suffolk Downs were present at the meeting to answer questions.

i. Request for Approval of 2024 Simulcast Import Signals

Dr. Lightbown reported that Suffolk Downs had requested approval for its 2024 simulcast import signal locations, which had been submitted on December 7, 2023. *The request was included on page 206 of the meeting packet.* Commissioner Maynard asked if any of the signals were different from the previous year. Dr. Lightbown responded that the list was the same as what was submitted to the Commission in the previous year.

Commissioner Hill moved that the Commission approve Suffolk Downs’ request for approval of the 2024 Simulcast Import Signals as included in the Commissioners Packet and discussed here today. Commissioner O’Brien seconded the motion.

*Roll call vote:*

<i>Commissioner O’Brien:</i>	<i>Aye.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner Skinner:</i>	<i>Aye.</i>
<i>Commissioner Maynard:</i>	<i>Aye.</i>
<i>Chair Judd-Stein:</i>	<i>Aye.</i>

*The motion passed unanimously, 5-0.*

ii. Request for 2024 Premium-Free Period

Dr. Lightbown then reported that Suffolk Downs had requested a premium-free period from October 9, 2024 through December 31, 2024. *This request was included on page 210 of the meeting packet.*

Commissioner O'Brien moved that the Commission approve Suffolk Downs' request for approval of their premium free period from October 9, 2024 through December 31, 2024 as included in the Commissioners Packet and discussed here today. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

iii. Request for Approval of 2024 Account Wagering Providers

Dr. Lightbown explained that Suffolk Downs requested approval of nine ADW vendors for 2024, all of which had previously been approved by the MGC except for AmWest Entertainment, d/b/a AmWager. Dr. Lightbown provided background information on AmWest Entertainment, highlighting its operational history since 2009 and its licensing in Oregon and several other states. *A memorandum and slide deck with additional details were included in the commissioner packet on pages 212 through 221.*

Commissioner O'Brien sought confirmation from Mr. Buckley that there had been no issues of compliance by AmWest in other jurisdictions. Mr. Buckley confirmed that this was accurate. Commissioner O'Brien requested confirmation from Legal that the account deposit wagering provider FanDuel was not also providing access to account deposit wagering via its sports wagering platform. General Counsel Grossman confirmed that operators were not permitted to offer account deposit wagering within their sports wagering platform and needed to offer a separate platform for account deposit wagering.

Commissioner Hill moved that the Commission approve Suffolk Downs' request for approval of XpressBet LLC and 1/ST Bet, TVG, Twin Spires, FanDuel Racing, NYRABets, BetMGM, Caesars Racebook, DK Horse, and AmWest Entertainment ADW d/b/a AmWager as their Advance Deposit Wagering vendors, for parimutuel wagering purposes only, as included in the Commissioners Packet and discussed here today. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

c. [Raynham Park Requests](#) (2:32:14)

Dr. Lightbown then introduced the next set of requests from the licensee, Raynham Park. She noted that Sue Rodrigues and George Carney were present at the meeting to answer questions on behalf of Raynham Park. *The memorandum from the Division of Racing and requests from Raynham Park were included in the meeting packet on page 222 through 231.*

i. Request for Approval of 2024 Simulcast Import Signals

Dr. Lightbown reported that Raynham had requested approval for its 2024 simulcast import signal locations, which had been submitted on December 7, 2023. *The request was included on page 222 of the meeting packet.*

Commissioner Maynard moved that the Commission approve the Massasoit Greyhound Association and Taunton Dog Track requests for approval of their simulcast import signals, as included in the Commissioners Packet and discussed here today. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

ii. Request for Approval of 2024 Account Wagering Provider

Dr. Lightbown presented a request from Raynham for the continued approval of their existing ADW program, Dial2Bet, facilitated by US Off-Track, LLC. *The request was included on page 229 of the meeting packet.*

Commissioner Hill moved that the Commission approve the Massasoit Greyhound Association and Taunton Dog Track's requests for approval of Dial2Bet and US Off-Track,

LLC for account wagering, as included in the Commissioners Packet and discussed here today. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

13. [Community Affairs Division](#) (2:35:45)

- a. Community Mitigation Fund: 2023 Grant Modification
  - i. Springfield Young Adult Gambling Project

Chief of the Community Affairs Division, Joe Delaney provided an overview and discussion of the request from the Springfield Department of Health and Human Services (DHHS) that concerned modification of a 2023 Community Mitigation Fund Grant awarded to the City of Springfield. *The request and a memorandum from the Division were included in the Commissioner's packet on page 232 through 238.*

Chief Delaney explained that the grant was initially awarded for \$250,000 to support the Springfield Youth Adult Gambling Project, led by the Public Health Institute of Western Massachusetts. The project aimed to address gambling addiction and promote responsible gambling habits among Springfield youth and adults. He further explained that the City of Springfield was now requesting an additional \$34,772, bringing the total grant amount to \$284,772.

Chief Delaney explained that the Springfield Youth Adult Gambling Project had been designated as a pilot program and had encountered unforeseen expenses due to the evolving nature of the project. He drew a parallel to a previous instance in 2016 where a similar budget increase was approved for a different pilot project that occurred in Springfield. Chief Delaney explained that the current Community Mitigation Fund Guidelines did not specifically address procedures for grant modification or budget increases. However, he noted that a provision in the guidelines did allow for waivers or variances under certain circumstances.

Chair Judd-Stein raised a question regarding the nature of the request, seeking clarification on whether it was considered a waiver or a variance by the Division. Chief Delaney acknowledged that the terms "waiver" and "variance" could be used interchangeably in this context.

Commissioner O'Brien recalled a previous conversation about an "emergency bucket" within the Community Mitigation Fund and questioned whether the additional funds could be sourced from that reserve. Chief Delaney confirmed that the emergency funds were not being utilized for this



request, as the team didn't think it quite fell within the definition. He explained that the guidelines defined an Emergency Mitigation Grant as being used to "cover newly identified impacts of an emergency nature that would cause significant harm to a community if it were not remedied in an expeditious fashion." While the Springfield project didn't fit this definition, Chief Delaney acknowledged that disbanding the youth group conducting the study would have a negative impact on the project. He added that the increase could be accommodated within the existing Community Mitigation Fund allocation for Region B. Chief Delaney explained that the Commission could label this as an emergency provision, but that the Division was not seeking that designation for this grant modification, given the remaining fund allocation. Commissioner O'Brien noted that the definition for "emergency mitigation" could be something to continue to work on and consider as these kinds of issues arise.

Commissioner Hill expressed his support for the program and the allocation. Commissioner Skinner expressed her support for the additional funding. She also expressed her support to amend the guidelines to be able to allocate funds for these kinds of issues in the future.

Commissioner O'Brien moved that the Commission approve modification of the 2023 Community Mitigation Fund Grant to the City of Springfield for the Springfield Youth Adult Gambling project by providing an additional \$34,772 in funding as further detailed in the materials in the commissioner's packet and discussed here today. Commissioner Hill seconded the motion.

*Roll call vote:*

<i>Commissioner O'Brien:</i>	<i>Aye.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner Skinner:</i>	<i>Aye.</i>
<i>Commissioner Maynard:</i>	<i>Aye.</i>
<i>Chair Judd-Stein:</i>	<i>Aye.</i>

*The motion passed unanimously, 5-0.*

14. [MGC Diversity Update](#) (2:51:33)

Boniswa Sundai, Senior DEI Program Manager and John Scully, Finance and Budget Office Manager, presented a report on the Commission's current fiscal year 2024 metrics for workforce diversity and spending on diversity vendors and businesses. *The report was included in the meeting packet on pages 239 through 240.*

Ms. Sundai explained that the Commission has been committed to diversity since its inception, originally adhering to the Operational Services Division (OSD) procurement policies, and later partnering with the newly established Supplier Diversity Office (SDO). The SDO's mission is to increase opportunities for certified diverse businesses, setting benchmarks for state agencies to meet in various spending categories.

Mr. Scully then presented on the charts and metrics included in the meeting packet. He noted that within the final spend for Fiscal Year 2023 (FY23), the Commission exceeded spending benchmarks in all categories except for veteran-owned businesses.

Commissioner Maynard inquired about the Commission's process for capturing data on employees who identify as veterans, persons with disabilities, or members of the LGBTQ+ community. Ms. Sundai acknowledged that while the Commission does collect some diversity data, it was somewhat limited. She mentioned that the Commission currently relies on a self-disclosure form that does not offer non-binary gender options or comprehensive selections for other diversity categories. Commissioner Maynard noted that these levels of identification and reporting were crucial to the mission of the Commission. Ms. Sundai stated that the Commission is considering implementing a new self-disclosure form in the coming year to improve data collection and provide employees with more inclusive options for self-identification.

CFAO Derek Lennon added that the Commission's women-owned business spending was significantly high due to a substantial contract with The Mass Council on Gaming and Health, a certified women-owned non-profit organization. He also noted the importance of diversifying the vendor pool to avoid over-reliance on any single vendor.

Commissioner O'Brien praised the progress made in the diversity spending category and acknowledged the SDO as a valuable state partner. She also highlighted the work done by the Commission's Human Resources Division in implementing proper guidelines for handling sensitive questions related to diversity data collection, while emphasizing compliance with legal and ethical standards, but acknowledged that veteran spending continues to be a challenge for many agencies. She agreed with Commissioner Maynard that improving data collection and reporting is crucial.

Mr. Scully explained that the Supplier Diversity Office (SDO) acknowledged that meeting veteran spending goals was difficult for most state agencies. He noted that the difficulty stems from the fact that many SDO-certified veteran-owned businesses were concentrated in the construction industry, making it challenging to find veteran-owned vendors that aligned with the Commission's needs. Commissioner O'Brien suggested partnering with licensees to identify their veteran suppliers, which could provide the MGC with new vendor options. Mr. Scully agreed.

The presentation concluded with acknowledgments from various Commissioners, commending the work of Ms. Sundai, Mr. Scully, and the team in promoting diversity within the agency.

15. [Legislative Update](#) (03:10:32)

- a. Presentation of Draft Letter to the Legislature Proposing Amendments to Gaming, Sports Wagering, and Horse Racing Laws for the Commissioners' Consideration

Commissioner Hill provided an overview of the letter that was drafted to the Legislature regarding the relevant duties and responsibilities of the Commission. He noted that the purpose of the letter was to request specific amendments to relevant statutes applicable to the

Commission based on the experiences of staff over the last year. *The letter was included in the meeting packet on pages 242 through 245.* Interim Executive Director Grossman and Commissioner Hill then walked Commissioners through the various provisions within the draft letter.

Commissioner O'Brien requested clarification on certain proposed amendments, particularly those related to the cooling-off period of private sector employees and stated they should be discussed further prior to sending the letter. Commissioner Maynard agreed that this item should be kept as-is, in the best interest of avoiding agency capture. Commissioners reached consensus on removing this provision on the letter and discussing the provision further at a future meeting, given its operational implications.

Commissioner Skinner expressed the desire to have more time to review the letter's contents and fully grasp the implications of each proposed amendment. She specifically mentioned the need to understand the current legal landscape and explore all available options before making a decision to send the letter to the Legislature.

Commissioner Hill acknowledged Commissioner Skinner's request for additional time and emphasized the importance of sending the letter to legislative leaders sooner rather than later. He stated that an earlier submission would give lawmakers more time to consider the proposed changes, especially in light of upcoming budget discussions and potential supplemental budgets.

Commissioner Hill also noted his preference that the letter be incorporated into the legislative process early enough to be included as outside sections in relevant bills, rather than treated as stand-alone bills. He believed this approach would increase the likelihood of the amendments being adopted.

Commissioner O'Brien expressed her agreement with Commissioner Skinner and suggested voting on the letter at the next meeting.

Chair Judd-Stein offered clarification that a vote on the letter was not expected during this meeting. She stated that she viewed the current agenda item as an opportunity to initiate a conversation and gather initial feedback from Commissioners.

Interim Executive Director Grossman confirmed that the letter could be sent to the legislature at any time, emphasizing flexibility in the timeline. He also acknowledged the complexities and competing interests surrounding certain proposed amendments, such as those pertaining to data collection. He assured Commissioners that the team would work towards finding solutions that addressed both operational concerns raised by the Commissioners, and the need for robust regulatory oversight.

Commissioners reached consensus that the Commission would continue discussions and refine the language of the letter, ensuring it reflected the Commission's shared goals while addressing the concerns raised by Commissioners at today's meeting. Commissioner Hill requested that the letter be shared publicly online so that the changes could be shared with the public. The Chief of

the Communications Division, Thomas Mills, confirmed that a press release containing the draft letter could be posted online.

16. [Other Business](#) (3:39:00)

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

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

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0. Meeting Adjourned.*

**List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda](#) dated December 12, 2023
2. [Commissioner's Packet](#) from the December 14, 2023 public meeting.