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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** December 16, 2024, 11:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 399 8624

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

### **Commissioners Present:**

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

#### 1. [Call to Order](#) (00:04)

Chair Maynard called to order the 542<sup>nd</sup> 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](#) (00:46)

Commissioner Skinner moved that the Commission approve the minutes for the November 27, 2023 and January 11, 2023 public meetings that are included in the Commissioners’ Packet, subject to any necessary corrections for typographical errors or any other non-material matters. 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 Brodeur:</i>	<i>Abstain.</i>
<i>Chair Maynard:</i>	<i>Aye.</i>

*The motion passed, 4-0 with 1 abstention.*

3. [Administrative Update](#) (2:07)

a. [End of Racing Season Update](#) (13:01)

*Transcriber's note: The discussion on this agenda item occurred after Item #3b due to technological difficulties.*

Dr. Alexandra Lightbown, Director of Racing, provided an update on the 2024 racing season. She explained that the adverse drug findings had decreased from eighteen last year to thirteen this year, noting many of those findings were based on therapeutic medications, which are allowed in racing horses but not at the levels found. Dr. Lightbown discussed how the Racing Judges' rulings were down from 153 last year to 137 this year; however, there was an increase in appeals from the usual 1-2 per year to 7 this year. Lastly, she noted two veterinary assistants were accepted into veterinary school.

b. [Intern and Co-op Program](#) – Divisions of Responsible Gaming and Finance (03:09)

Executive Director Dean Serpa provided an update on the intern and co-op program and the two Northeastern Co-ops working in the Division of Research and Responsible Gaming and the Finance Division. Director Vander Linden commented on the work of Diana Xiao, and the benefit she brought to the Commission as well as the opportunity she had to learn.

Commissioner Hill commented about his positive interactions with Diana and that Camilla Mazon had also been a great addition to the Finance Division and wished both the best in the future.

John Scully, Finance and Budget Office Manager, spoke on behalf of Camilla and explained that she has become an integral part of the finance team and helped with accounts payable, accounts receivable and procurements, as well as pulling and analyzing data related to contracts.

Commissioner O'Brien and Director Vander Linden mentioned that Judi Young was the first intern in this program and later became employed with the Commission.

Chair Maynard added that Diana and Camilla can contact the Commission if they feel it would be helpful in any future endeavors.

Lastly, ED Serpa mentioned that there will be two interns joining the Commission next semester, one who will work with the Community Affairs Division and one who will work with the Executive Office.

4. [Legislative Update](#) (16:19)

Commissioner Hill confirmed he did not have an update today.

5. [Legal Division](#) (16:36)

a. [Discussion of HG Vora status and request for relief concerning intent to nominate board nominees of Penn Entertainment, Inc.](#) (17:00)

Todd Grossman, General Counsel, began the discussion on HG Vora's status and its request for relief which was before the Commission. He explained this matter revolved around the application of Chapter 23K, particularly the "Institutional Investor" section, to HG Vora, a former Institutional Investor of PENN Entertainment ("Penn"), and its proposed action. He highlighted that the specific matter required interpreting whether HG Vora's request to submit advanced notice of nominations to Penn's Board of Directors violated the law in G.L. c. 23K, §14(c). *Information relating to HG Vora's request can be found on pages 25 through 48 of the Commissioners' Packet.* General Counsel Grossman noted that the IEB has taken the position that HG Vora's proposed action should not be permitted under the law, and HG Vora has taken the position that it should be permitted to submit their advance notice and characterized its request as an administrative action to preserve its right to participate at a later date in Penn's board nomination process. General Counsel Grossman noted that Penn is the parent company of the Category 2 gaming license holder operating Plainridge Park Casino ("PPC"), which also holds a sports wagering license.

Attorney Jed Nosal, outside counsel for HG Vora, thanked the Commission for their time and provided an overview of their presentation.

Mandy Lam, HG Vora's General Counsel, introduced the firm and provided a history of their interaction with the Commission. She stated that HG Vora was an investment advisor registered with the SEC, founded in 2009, and managed assets for a variety of investors. Attorney Lam emphasized that HG Vora owns approximately 9.5% of Penn's voting common stock. She explained that the Commission had previously granted HG Vora an Institutional Investor Waiver in 2016 regarding its ownership in Penn, but the waiver was deemed forfeited in mid-January 2024 when it was found by the IEB to no longer be in compliance with that waiver, requiring HG Vora to file for licensure, which it did within the time required. Attorney Lam stated that when its waiver was forfeited, the IEB also instructed HG Vora that they were not permitted to submit advance notice to Penn, meaning HG Vora could not preserve its eligibility to participate in the Penn director nomination process. Lastly, Attorney Lam stated that HG Vora submitted a revised request last month, and she feels that it is a very specific and narrow request, and that their proposed two conditions were reasonable.

Jeff Katz, Partner at Ropes & Gray and corporate counsel to HG Vora, explained the procedural steps involved in Penn's board nomination process. Attorney Katz outlined Penn's requirements for shareholders to nominate director candidates for election: a shareholder must own at least 1% of Penn Entertainment's common stock for 12 consecutive months, complete the advance notice paperwork with biographical information for potential candidates, submit that paperwork by February 4, 2025, and be present at Penn's annual meeting.

Attorney Katz added that some investors who file advance notice paperwork take no further action, suggesting that merely filing the paperwork does not necessarily lead to influencing a company's operations.

Attorney Nosal then discussed G.L. c. 23K, §14(c) and HG Vora's interpretation of the statute. Attorney Nosal advanced his client's position that the conditional nature of the statute only prohibits actions by institutional investors that *may* influence or affect the affairs of the applicant company. He argued that the advanced notice submission was a "preparatory or anticipatory step" and did not impact Penn's affairs or operations. Attorney Nosal emphasized the "uniqueness" of the situation and argued that the requested relief would not create a bad precedent. He also mentioned that the statutory restriction only applied to institutional investors who were required to be licensed and not all institutional investors or applicants, taking a position that there is an issue of equity. General Counsel Lam gave concluding remarks on behalf of HG Vora.

Chris Soriano, representing Penn, emphasized the importance of shareholder rights, particularly in the gaming industry where those rights are subject to a rigorous regulatory framework. Mr. Soriano stated that Penn recognizes the importance of all shareholders having the opportunity to exercise their rights, as conveyed by law and Penn's governing documents. However, he also highlighted the need to respect the regulatory framework governing the industry, especially the standards imposed by statute and regulation. He specifically cited Section 14 of Chapter 23K as outlining the process for addressing situations similar to the one involving HG Vora.

Mr. Soriano introduced Dan Neff, a senior partner from Wachtell, Lipton, Rosen & Katz, to provide further comments and answer any questions the Commission might have.

Attorney Neff presented Penn's perspective on the potential consequences of allowing HG Vora to submit advance notice of board nominations. He argued that HG Vora's request, while presented as narrow and limited, would actually have significant and far-reaching impacts on Penn.

Attorney Neff asserted that submitting advance notice of nominations is typically interpreted by the market as the commencement of a proxy fight and that this action would generate immediate media attention and scrutiny from market analysts, effectively launching a public battle for control of Penn. He also predicted a shift in Penn's shareholder base, with long-term investors potentially selling their shares to event-driven investors who thrive on market volatility and corporate battles. Attorney Neff warned that news of the advanced notice submission would significantly affect Penn's relationships with its employees, lenders, business partners, and other stakeholders. The company's focus would shift to managing the proxy fight, consuming valuable time and resources.

He further asserted that the SEC filing required by submitting advance notice of nominations would trigger a wave of inquiries from existing and potential investors, seeking information about HG Vora's intentions and plans for the company. He further argued that Penn would likely be compelled to disclose information about the potential proxy fight, either due to securities law requirements or to maintain transparency with its stakeholders. This could lead to the premature release of sensitive information that HG Vora intended to keep confidential.

Attorney Neff directly addressed HG Vora's claim that preventing HG Vora from submitting the advance notice was inequitable as he pointed to HG Vora's previous actions, alleging that they had knowingly violated state gaming laws in the past and disrupted the relationship between the

investor and the company. He advanced the position that HG Vora's request would destabilize Penn, trigger a disruptive proxy fight, and ultimately harm the company.

Caitlin Monahan, Director of the Investigations and Enforcement Bureau (IEB), presented the IEB's position regarding HG Vora's request concerning its intent to nominate board members for Penn. Director Monahan began by emphasizing the rationale behind the statutory provision governing institutional investors, which allows them to hold up to 15% of a licensee's stock without being subject to the same level of scrutiny as other qualifiers, as long as they agree not to influence or affect the operator. She explained that this provision is based on trust, and any actions that blur the line between passive investment and active influence could undermine the integrity of the system.

Turning to the specific request, Director Monahan stated that the IEB's position is that making advance notice of recommended board members may influence or affect the affairs of Penn, thereby exceeding the statutory limitations placed on institutional investors.

Director Monahan outlined two primary reasons for the IEB's stance. She stated that nominating board members inherently aims to influence the composition and decision-making of the board, which constitutes an attempt to influence or affect the affairs of the company. She also stated that submitting advance notice typically initiates a process of lobbying, negotiating, and potentially seeking support for the nominees, which could involve settlements with the operator or even a proxy fight. These actions represent active attempts to influence Penn, even if they occur before the formal nomination process.

She concluded by reiterating the IEB's position that HG Vora should be deemed suitable and licensed before being permitted to submit advance notice of recommended board members. She expressed concern that allowing this action while HG Vora is still under review could set a precedent and potentially encourage other institutional investors to engage in similar activities. She urged the Commission to deny HG Vora's request.

Chair Maynard questioned how, under HG Vora's proposal, they would keep the information completely private. Attorney Katz stated that under the proposal, the submission would only go to Penn and there would be no public campaign until HG Vora was licensed.

Commissioner O'Brien asked if there were other mechanisms for disclosure besides only between Penn and HG Vora. Attorney Katz stated that there were none because only those two parties would have access to the submitted information.

Commissioner O'Brien expressed concerns about the low bar set by the statute's use of the word "may" and questioned if submitting advance notice would contradict the requirements of an institutional investor. Attorney Lam responded by highlighting the length of the licensing process and stated that it was difficult to imagine other situations arising that would undermine the IEB's process. Attorney Katz emphasized that HG Vora would agree to "stand down" until they were fully licensed, refraining from any public statements, conversations, or actions that may influence Penn.

Commissioner Brodeur raised concerns that granting HG Vora's request could create a precedent where institutional investors routinely request to change their status. Attorney Lam stated that setting a precedent based on these facts would be unlikely given the amount of time that the licensing process takes, stating that they had a difficult time imagining other situations that could arise which would undermine the IEB's process. Attorney Nosal reiterated that he feels the facts are unique and do not lend themselves to be repeated often and that there were safeguards proposed by HG Vora to ensure it would be a narrow waiver.

Commissioner Skinner asked what kinds of information would be included in the two SEC filings that were previously described. Attorney Katz responded that the proxy statement is a public filing, likely to happen in early April in this case, which would include its nominations for directors and provide information to shareholders. He further stated that when an investor engages in a proxy contest, it files its own proxy statement which makes information public that would have previously been private, such as demographic information about nominees. The other filing referenced is a filing that already exists but would need to be amended with the SEC if HG Vora is allowed to and does submit its intent to nominate board nominees.

Commissioner Skinner inquired as to the mere filing of the amendment, and if it would generate media response. Attorney Katz confirmed that it would.

Commissioner Skinner inquired about the argument of inequity advanced by HG Vora and what triggers the additional restriction on institutional investor status. Director Monahan responded that the difference here is between the statute for institutional investors in G.L. chapter 23K, section 14 and the regulations for qualifiers because there is a distinction between these two different types of actors.

Commissioner Skinner inquired if the additional language HG Vora has proposed that sets forth the restrictions or additional conditions could be included in its filing with the SEC. Attorney Katz confirmed that the proposed language could be included in its filing.

Chair Maynard summarized his position by stating he believed that the IEB would complete their investigation in the first quarter of 2025 and did not believe that the Commission should be used as leverage by HG Vora and Penn in their disagreement. He stated that his interpretation is that HG Vora needs to be licensed to submit their advance notice.

Commissioner Skinner emphasized that the statute is clear, and she is not willing to go against the IEB's position that HG Vora's action in making their intent known may influence the affairs and operations of Penn. Additionally, she acknowledged the equity issue raised by HG Vora and is satisfied that the IEB will complete its investigation in the first quarter of 2025.

Commissioner Brodeur stated that he agreed with Chair Maynard that the licensing of HG Vora would solve the problem but did not want to force an expedited investigation. He stated that he believed the statute was "fairly clear" and questioned if the Commission could carve out an exception for HG Vora.

General Counsel Grossman stated that he did not believe that the Commission could grant a waiver from the statute's requirement. He suggested that the Commission could either find that submitting advanced notice may influence Penn's affairs and deny HG Vora's request or

determine that it does not constitute an attempt to influence Penn's affairs and grant the requested relief.

Commissioner O'Brien agreed with the IEB's assessment and stated her opposition to HG Vora's request. She stated that she believed the statute was clear and did not support HG Vora taking action without being fully licensed.

Commissioner Hill expressed he agrees with Commissioner O'Brien's statements.

Attorney Nosal inquired if there was a pathway to expedite the licensing process, as its completion would resolve the issue. Chair Maynard stated that he would not rush the IEB's investigation but stated that the Commission would be willing to be flexible with their schedules to accommodate an expedited review process.

Commissioner Brodeur moved that the Commission deny HG Vora's request for relief. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Interim Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

## 6. [Racing Division](#) (2:01:40)

Dr. Lightbown began by acknowledging an email received from Paul Umbrello, Executive Director of the New England HBPA, stating that they did not yet have a purse agreement with Suffolk Downs. She explained that this was for informational purposes only and did not require the removal of any agenda items.

### a. [Plainridge Park Casino Requests](#) (2:03:13)

*Information regarding PPC's requests regarding horse racing can be found in the Commissioners' Packet at pages 49 through 86.* Dr. Lightbown noted that Steve O'Toole, Director of Racing at PPC, was available for questions.

#### I. Request for Approval of 2025 Simulcast Export Signals

Dr. Lightbown recommended that the Commission approve PPC's request for simulcast export locations for 2025 as listed in Exhibit 28 of their application.

Commissioner Hill moved that the Commission approve PPC's request for approval of the simulcast export signals for 2025 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.*

## II. Request for Approval of 2025 Simulcast Import Locations

Dr. Lightbown recommended approving PPC's request for simulcast import locations as listed in Exhibit 27 of their application.

Commissioner Hill moved that the Commission approve PPC's request for approval of the simulcast import signals for 2025 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 Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

## III. Request for 2025 Premium-Free Period

Dr. Lightbown recommended approving PPC's request for a premium-free period from June 15, 2025 to September 6, 2025.

Commissioner Hill moved that the Commission approve PPC's request for approval of their premium-free period for 2025 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.*

## IV. Request for Approval of 2025 Account Wagering Provider

Dr. Lightbown recommended approval of Hollywood Races as PPC's account wagering provider for 2025, noting that the Commission had initially approved this provider in 2016.



Commissioner Skinner moved that the Commission approve PPC’s request for approval of the account wagering provider for 2025 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.*

#### V. Request for Promotional Fund Reimbursement for Handicapping Series and Billboard Advertising

Chad Bourque explained that PPC was requesting a reimbursement of \$46,500 for handicapping contests and advertising. Mr. Bourque recommended approving the reimbursement, noting that the trust fund had sufficient funds available.

Commissioner Skinner moved that the Commission approve the expenditure of \$46,500 from the Harness Horse Promotional Trust Fund to PPC in accordance with G.L. c. 128A, § 5(g) 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*

#### b. [Suffolk Downs Requests](#) (2:11:23)

Dr. Lightbown then transitioned to the requests from Suffolk Downs, noting that since they were not currently conducting live racing, their requests were submitted separately rather than as part of a live racing license application. She noted that Michael Buckley, COO for Suffolk Downs, and Attorney Bruce Barnett were available for questions. *Information regarding Suffolk Down’s requests regarding horse racing can be found in the Commissioners’ Packet on pages 87 through 94.*

#### I. Request for Approval of 2025 Simulcast Import Signals

Dr. Lightbown recommended approving Suffolk Down’s request for its simulcast import locations. Commissioner O’Brien confirmed with Dr. Lightbown that the request concerned importing simulcast signals for betting, not a physical location.

Commissioner O'Brien moved that the Commission approve Suffolk Downs' request for approval of the simulcast import signals for 2025 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.*

## II. Request for 2025 Premium-Free Period

Dr. Lightbown recommended approving Suffolk Downs' request for a premium-free period from October 9, 2025 to December 31, 2025.

Commissioner Hill moved that the Commission approve Suffolk Downs' request for approval of the premium-free period for 2025 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 Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

## III. Request for Approval of 2025 Account Wagering Providers

Dr. Lightbown explained that Suffolk Downs was seeking approval of a list of previously approved account wagering companies for 2025, noting that there were no new companies.

Commissioner O'Brien moved that the Commission approve Suffolk Downs' request for approval of the account wagering providers for 2025 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.*

c. [Raynham Park Requests](#) (2:16:24)

Dr. Lightbown presented the final set of requests for Raynham Park, which operates under the names Massasoit Greyhound Association and Taunton Dog Track for different parts of the year. *Information regarding Raynham Park's requests regarding horse racing can be found in the Commissioners' Packet on pages 95 through 104.* She noted that Sue Rodrigues, Vice President of Operations at Raynham Park, was present.

I. Request for Approval of 2025 Simulcast Import Signals

Dr. Lightbown recommended approving the simulcast import locations contained in the request submitted by Raynham Park.

Commissioner Hill moved that the Commission approve Raynham Park's request for approval of the simulcast import signals for 2025 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 Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

II. Request for Approval of 2025 Account Wagering Provider

Dr. Lightbown recommended approving Raynham Park's long-standing account wagering provider, Dial2Bet.

Commissioner O'Brien moved that the Commission approve Raynham Park's request for approval of the account wagering provider for 2025 as included in the Commissioners' Packet and discussed here today. Commissioner Skinner seconded.

*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](#) (2:19:41)

- a. [Request for Temporary Waiver for FanDuel from identity authentication questions requirement in 205 CMR 248.04\(4\)](#) (2:19:44)

Carrie Torrissi, Chief of the Sports Wagering Division, presented FanDuel’s request for a temporary waiver from the requirements in 205 CMR 248.04(4). She explained that the regulation mandates the use of identity authentication questions at the time of account creation, unless the operator obtains approval from the Commission for an alternate authentication method. She explained that FanDuel utilizes identity authentication questions, but only as a second step in a tiered KYC approach. Because the required questions are not used in every instance, their current method does not technically comply with the regulation. She acknowledged that FanDuel had previously sought approval for their alternate method but was incorrectly informed by the Sports Wagering Division that approval was not required.

Chief Torrissi requested that the Commission grant FanDuel a temporary waiver until February 6, 2025 to allow the operator to come into compliance. She stated that the Sports Wagering Division would bring FanDuel’s alternate method before the Commission in January for approval.

Chair Maynard and Commissioner Hill expressed appreciation for the Sports Wagering Division’s willingness to acknowledge their error and take responsibility for the situation. They both indicated that they were comfortable moving forward with the waiver request.

Commissioner Hill moved, pursuant to 205 CMR 202.03(2), that the Commission issue a temporary waiver to FanDuel from the requirement in 205 CMR 248.04(4) to use identity authentication questions as included in the Commissioners’ Packet and discussed here today, as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. c. 23N. Commissioner 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.*

b. [Update to House Rules: DraftKings](#) (2:23:24)

Compliance Operations Manager Andrew Steffen noted that this update to DraftKings’ house rules had initially been presented to the Commission at the December 5, 2024 meeting. The proposed revision involved a single change to the soccer section of the house rules, specifically for pre-live, same-game parlays. Manager Steffen explained that this change was needed because DraftKings had transitioned to using in-house technology for same-game parlays. He stated the key change, outlined in the provided documentation, addressed how same-game parlays are handled when one or more selections are settled as void or push, meaning the bet neither wins nor loses. The revised rule states that in such cases, the parlay will be repriced based on the original odds at the time of bet placement. This means the customer would not receive better or worse odds based on the void or push selections. If all selections in the parlay are settled as void or push, the entire bet is voided, and the initial stake is returned to the customer.

Manager Steffen highlighted that this revised rule aligns with customer expectations, industry standards, and how DraftKings settles similar bets in other sports. It would also provide for a better customer experience.

Commissioner Skinner thanked Manager Steffen for sharing the soccer-specific rules for review, expressing satisfaction with the proposed change.

Commissioner Skinner moved that the Commission approve the updates to DraftKings' house rules as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0*

8. [Investigations and Enforcement Bureau](#) (2:26:35)

- a. [Approval of form for Request for Leave to Obtain a Renewed Temporary License \(205 CMR 219.04\) and Approval of form for Request for a Temporary License \(205 CMR 219.02\)](#) (2:26:42)

Kara O'Brien, Chief of the Licensing Division, explained that the process for renewing Temporary Category 3 Sports Wagering Licenses had been revised and would involve two distinct phases, departing from the single-phase process employed the previous year. This change was driven by regulatory amendments that had been implemented earlier in the year.

Chief O'Brien provided an overview of the two phases. *Information regarding the process is contained in the Commissioners' Packet on pages 109 through 112.* She explained that after the Commission grants an operator's request for leave to renew their temporary license, the operator may request and submit an application for a temporary license along with the \$1 million licensing fee. The temporary license will then be renewed once the Commission approves the license request.

Following the discussion of the two-phase process, Chief O'Brien presented the specific form for "Request for Leave to Renew a Temporary License to Conduct Sports Wagering." She noted that a second form, "Request for a Temporary License to Conduct Sports Wagering," was also being presented for approval (and is addressed separately).

Commissioner Skinner requested clarification on the rationale for implementing a two-phase process, particularly questioning the necessity of a separate form to request leave. Chief O'Brien explained that the two-phase approach was intended to function as a "check-in" with the licensee, especially for the third and sixth renewals, which would involve updates and reports from the IEB. Director Monahan also noted that this structure allowed for the separation of fee payments, with the initial application fee being significantly lower than the \$1 million license fee.

Commissioner O'Brien contributed to the discussion, recalling that the two-phase process might also have been intended to allow the Commission to address potential compliance issues that could arise before the full license renewal.

Commissioner Skinner identified a typographical error in the citation referenced within the "Request for Leave" form. After a brief exchange with Chief O'Brien, the correct citation was determined to be 205 CMR 218.07(1)(a), which pertains to preliminary suitability.

*Transcriber's note: To provide the opportunity for Commissioner Skinner to read the above cited regulation, Chair Maynard proposed moving on to the next agenda item, and after no objections, the discussion of this item was suspended and was restarted at (2:56:46).*

Chair Maynard commented that the forms were straight forward.

Commissioner Hill moved that the Commission approve the form for "Request for Leave to Renew a Temporary License to Conduct Sports Wagering" as included in the Commissioners' Packet and discussed here today, and further moved that the Commission approve the form for "Request for a Temporary License to Conduct Sports Wagering" 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.*

9. [Community Affairs Division](#) (2:37:35)

a. [Community Mitigation Fund – Reassignment of DCR Grant to MassDOT](#) (2:37:35)

Chief of the Community Affairs Division, Joe Delaney, provided a detailed overview of the request to reassign funds from a grant issued to the Department of Conservation and Recreation ("DCR") to the Massachusetts Department of Transportation ("MassDOT") related to the design and permitting of the Mystic River Bicycle/Pedestrian Bridge. He explained that the project had a lengthy history, dating back to the initial approval of the Encore Boston Harbor casino. In

2021, the Commonwealth appropriated \$49 million for the bridge's construction and requested that the Commission contribute funds for the design and permitting. The Commission awarded DCR a \$650,000 grant on October 7, 2021. As DCR progressed with the design, several challenges emerged, including higher than anticipated costs; constructability issues due to the complex design requiring specialized fabrication; and public requests to increase the bridge's width. DCR consulted with MassDOT and determined that a redesign was necessary. Through these discussions, it became clear that MassDOT, with its extensive experience in bridge construction, was better equipped to handle the project.

DCR is currently transferring the \$49 million in state funds to MassDOT and requested that the Commission also transfer the remaining grant funds. Chief Delaney explained that MassDOT is eligible to receive these funds under the G.L. c. 23K, § 61, which allows for grants to regional transportation agencies for projects benefiting communities impacted by casinos. He noted that both Everett and Somerville, the communities connected by the proposed bridge, are impacted by Encore Boston Harbor. Chief Delaney recommended transferring the remaining grant funds, totaling \$473,906.37, to MassDOT. If approved, MassDOT would execute a new Community Mitigation Fund Grant and an Interdepartmental Service Agreement ("ISA") to formalize the arrangement.

Commissioner O'Brien raised a procedural question regarding the grant transfer. She acknowledged that MassDOT was an eligible entity but noted they had not formally applied for the grant. Commissioner O'Brien expressed concern that approving the transfer without a proper application could be perceived as bending the rules, particularly considering the Commission's established deadlines and its position on late applications. Chief Delaney responded that DCR had submitted a timely application for the initial grant, and the current proposal was essentially a transfer of the project management to MassDOT, with the scope of work remaining unchanged. He suggested requesting a simplified application from MassDOT, primarily to document contact information and ensure all necessary administrative details were in place.

Commissioner O'Brien further questioned whether the transfer should be treated as a new grant for 2025 or a repurposing of funds from the past. Chief Delaney confirmed that it would be considered a new 2025 grant, replacing the old grant to DCR. Lily Wallace, Program Manager, contributed to the conversation to confirm that the Commission had previously moved funding between grantees in similar situations, and cited a recent example.

Commissioner Skinner questioned whether the urgency of the transfer stemmed from an expiration of the DCR grant contract. Chief Delaney clarified that the original contract could be extended if needed and emphasized that the transfer instead was driven by DCR's request and the recognition that MassDOT was better suited to manage the project effectively.

Commissioner Brodeur commented that this is akin to DCR hiring MassDOT to execute the project. Ms. Wallace confirmed that it was similar to that concept. John Scully, Finance and

Budget Office Manager, contributed to the discussion by stating that the scope of the project is the same and is a transfer essentially of the ISA.

Commissioner Brodeur recalled that the pedestrian bridge was part of Encore Boston Harbor's initial plans and expressed frustration with the project's delays. He expressed disappointment with the casino's lack of commitment to seeing the project through and acknowledged the frustration felt by the communities and transportation advocates.

Chair Maynard expressed his support for the transfer.

Commissioner Skinner moved that the Commission approve the transfer of funds granted to the Department of Conservation and Recreation in the amount of \$473,906.37 to the Department of Transportation to complete the design and permitting of the Mystic River Bicycle/Pedestrian Bridge project as described in the Commissioners' Packet and discussed here today, and further that Commission staff be authorized to execute all necessary grant instruments commemorating this grant in accordance with 205 CMR 153.04. Commissioner Brodeur seconded.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

#### 10. [Executive Session Minutes](#) (2:59:29)

The Chair stated that the Commission anticipates that it will meet in executive session to review minutes from previous executive session, as their discussion at an open meeting may frustrate the intended purpose for which the executive session was convened, pursuant to G.L. c. 30A, § 21(a)(4), c. 30A, §21(a)(7), and G.L. c. 4, § 7(26)(f): November 21, 2024; and G.L. c. 30A, § 21(a)(7), G.L. c. 23N, § 6(i) and G. L. c. 4, § 7(26)(n): January 11, 2023.

Commissioner Skinner moved to go into Executive Session on the matters and for the reasons stated by the Chair. 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.*



The public session of the Commission meeting will not reconvene at the conclusion of the Executive Session.

11. [Commissioner Updates](#) (2:59:11)

Upon inquiry from Chair Maynard, no Commissioner updates were noted.

12. [Other Business](#) (2:59:16)

Upon inquiry from Chair Maynard, no other business was noted.

*Transcriber's note: The Commission's vote to enter Executive Session occurred after Item #12. The Commission entered an Executive Session and did not reconvene the public meeting at the conclusion of the Executive Session.*

**List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda dated December 16, 2024](#)
2. [Commissioner's Packet from the December 16, 2024 Meeting](#) (posted on massgaming.com)