



Massachusetts Gaming Commission Meeting Minutes

Date/Time: December 5, 2024, 9:00 a.m.

Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292

PARTICIPANT CODE: 112 114 9506

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 541st Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted. Four of the Commissioners were present for the beginning of the meeting. Chair Maynard noted Commissioner Brodeur would be joining shortly.

2. [Meeting Minutes](#) (00:33)

a. January 11, 2023

b. January 12, 2023

c. August 1, 2023

The public meeting minutes for the abovementioned dates were included in the Commissioners' Packet on pages 4 through 23.

Commissioner Skinner moved that the Commission approve the minutes from the January 11, 2023, January 12, 2023, and August 1, 2023 meetings that are included in the Commissioners' Packet, subject to any necessary corrections for typographical errors or other non-material matters. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Absent.

Chair Maynard: Aye.

The motion passed, 4-0.

3. [Legislative Update](#) (01:27)

Commissioner Hill informed the Commission that he has been working on a memo to send to the Executive Office for Administration and Finance (ANF) regarding the upcoming budget cycle. Commissioner Hill then turned it over to Chief Financial and Accounting Officer Derek Lennon to discuss the contents of the memo. Chief Lennon presented on the four topics in the memo, which included restoration of gaming tax revenue to the Community Mitigation Fund, maintenance of funds for the Public Health Trust Fund, maintenance of funds for the Race Development Fund, and proposed language to add to the Sports Wagering Legislation, G.L. c. 23N. Commissioner Hill then explained the next steps in the process, including sending a letter to the Governor and Lieutenant Governor, which he explained would be circulated to the Commissioners in advance.

Commissioner O'Brien expressed that she liked the idea of the memo and mentioned that there may be additional discrepancies between G.L. c. 23K and G.L. c. 23N, which should be addressed either through the memo or another format. Commissioner Skinner confirmed she is okay with sending out the memo but requested that the other Commissioners see the letter to the Governor and Lieutenant Governor before it is sent out.

Chair Maynard announced that Commissioner Brodeur has now joined the public meeting.

Commissioner Hill stated that there is a consensus to send the memo out.

The abovementioned memo was included in the Commissioners' Packet on pages 24 through 25.

4. [Investigations and Enforcement Bureau](#) (9:17)

- a. [Review of the IEB's Recommendation of Assessment of a Civil Administrative Penalty Pursuant to 205 CMR 232.02\(2\) regarding noncompliance with permissible sports wagering offerings by Betfair Interactive LLC, d/b/a FanDuel](#) (9:30)

Director of the Investigations and Enforcement Bureau Caitlin Monahan turned it over to Enforcement Counsel Zachary Mercer, who presented the IEB's recommendation to assess a civil administrative penalty on BetFair Interactive LLC d/b/a FanDuel due to their noncompliance with permissible sports wagering offerings. He described the details surrounding the violation and provided a brief procedural history before the Commission. He summarized that based off the IEB's review, communications with the operator, previous guidance from the Commission, and past decisions, the IEB recommends that the Commission assess a \$10,000 civil assessment upon FanDuel. He asked the Commission at this stage to vote for one of the two available options pursuant to 205 CMR 232.02(3)(a) and (b), which are to either adopt the IEB's recommendation as its final decision or reject the IEB's recommendation and issue a notice of intent to adopt a separate recommendation following an adjudicatory hearing.

Commissioner O'Brien asked for clarification on who or what made the error. Enforcement Counsel Mercer confirmed this occurred due to human error. Commissioner Skinner asked whether the Commission has set \$10,000 as the floor for penalties and caveated that penalties should be proportionate to the actual circumstances of the non-compliance incident. Commissioner Brodeur emphasized Commissioner Skinner's comment about scale and proportionality of the consequences for any noncompliance incident.

Commissioner Hill moved that the Commission adopt the recommendation of the IEB with respect to imposing a civil administrative penalty of BetFair Interactive LLC d/b/a FanDuel for \$10,000 as 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.

Commissioner Hill asked that the Legal Division and Sports Wagering Division review the regulation relevant to this matter, 205 CMR 247.01(2)(a)2, again and ensure it is saying what was intended. Chair Maynard confirmed that he is also interested in having a policy discussion about where the line is drawn for college tournaments given the regulation's current language.

5. [Racing](#) (21:25)

a. [Amendment of 2024 Plainridge Racing Meeting License \(no. of race days\)](#) (21:31)

Director of the Racing Division and Chief Veterinarian Dr. Alexandra Lightbown explained that Plainridge Park Casino is requesting approval to amend the 2024 Plainridge Racing Meeting License from 110 days of racing to 108 days to reflect the cancellation of racing on June 20,

2024 due to an excessive heat forecast, and after three races due to severe rain and multiple storms coming through on August 15, 2024.

Commissioner Brodeur asked if this is something that happens in the ordinary course. Director Lightbown explained it comes down to safety and “acts of God.”

Commissioner O’Brien moved that the Commission approve the request of Plainridge Park Casino to amend their 2024 racing schedule from 110 days to 108 days for the reasons set forth in the Commissioners’ packet and 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.

b. [Race Horse Development Fund Benefits for Drivers and Jockeys](#) (25:01)

Director Lightbown provided background and context on the benefits from the Race Horse Development Fund for jockeys and drivers under G.L. c.23K, § 60(c)iii. She explained that the two items before the Commission are (1) how much shall be paid this year by the thoroughbred horsemen's organization to the thoroughbred jockeys organization, and (2) how much shall be paid this year by the standardbred horsemen’s organization to the standardbred drivers organization at the horse racing facility for health insurance, life insurance, or other benefits to active and disabled thoroughbred jockeys or standardbred drivers under the rules and eligibility requirements of that organization.

The Commissioners heard comments from the Executive Director of the New England Horsemen’s Benevolent and Protective Association, Inc., Paul Umbrello. Commissioner Skinner asked whether there have been any COLA increases for the old age assistance disbursements. Executive Director Umbrello provided greater context about eligibility and process and stated that the payments have remained consistent.

The Commissioners then heard comments from Counsel for the Jockeys’ Guild, Mindy Coleman. Commissioner Skinner asked whether the five permanently disabled jockeys receive disbursements under G.L. c. 128A. Counsel Coleman confirmed that they did and provided additional background on the process for disbursing the reimbursements.

A discussion ensued about the exact amounts to be paid to the Standardbred and Thoroughbred horsemen’s organizations. Commissioner Hill stated that he is okay with leaving it at \$1,000 per

jockey in Massachusetts for thoroughbreds. Commissioner Skinner noted that the \$1,000 amount didn't seem to be tied to any identified formula or methodology and stated that she had come to the meeting prepared to advocate to increase the \$1,000 amount this year. However, given the answers she received from Executive Director Umbrello and Counsel Coleman, she concluded that the \$1,000 amount was acceptable. Commissioner Skinner requested a clearly identified basis for the amount for future years. Commissioner Hill then expressed agreement with Commissioner Skinner on that point but reiterated that he is still comfortable with \$1,000. Commissioner O'Brien stated that every year this is tricky, and she is in alignment with Commissioner Hill and Commissioner Skinner. Commissioner Brodeur pointed out that they received extensive comments about the matter at hand and that he is inclined to support his fellow Commissioners' motion.

Commissioner Hill moved that under G.L. c. 23K, § 60(c)(iii), \$5,000 dollars shall be paid by the thoroughbred horsemen's organization to the thoroughbred jockey's organization for the reasons discussed here today and as included in the Commissioners' packet. 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.

Commissioner Skinner moved that under G.L. c. 23k, § 60(c)(iii), zero dollars shall be paid by the standardbred horsemen's organization to the standardbred drivers organization at the horse racing facility for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers under the rules and eligibility requirements of that organization for the reasons discussed here today and as included in the Commissioners' packet. 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. [Sports Wagering Division](#) (52:02)

- a. Update to House Rules

I. [DraftKings](#) (52:20)

Chief of the Sports Wagering Division Carrie Torrisi turned it over to Compliance and Operations Manager Andrew Steffen, who presented on a requested change from DraftKings Sportsbook about their Massachusetts house rules for pre-live Same Game Parlays. *Information about the specific requested updates are found in the Commissioners' Packet at pages 70 through 72.* He stated that after a thorough review, the Sports Wagering Division would recommend this change.

Commissioner Skinner asked about specific scenarios. Senior Director of Regulatory Affairs at DraftKings Jake List explained how this change in language has previously impacted other sporting events. Commissioner Skinner then asked Manager Steffen about whether the operator must still come before the Commission for any voids. Manager Steffen distinguished between which voids need to come before the Commission and which do not. Commissioner Brodeur asked about what it means for a player not to participate. Manager Steffen explained that a wager on that specific player would be void as they did not participate.

Commissioner Skinner requested more time to review the soccer specific rules as it would add helpful additional context to consideration of DraftKings' proposed change. Commissioner O'Brien asked to postpone this discussion and vote until the next public meeting. Commissioner Brodeur asked if there is any time sensitivity for this request. Senior Director List stated there is no time sensitivity. Chair Maynard confirmed that this item would be given more time to consider.

II. [Penn Sports Interactive](#) (1:02:48)

Manager Steffen then presented on requested changes from Penn Sports Interactive ("PSI") to their Massachusetts house rules focused on settlement clarification for basketball, football, soccer, tennis, and boxing. *Information about the specific requested updates are found in the Commissioners' Packet at pages 73 through 78.* He stated that after a thorough review, the Sports Wagering Division would recommend this change.

Commissioner Skinner asked about the impetus for the changes pertaining to football. PSI Senior Compliance Manager Mike Gamble responded that this was to ensure the markets are settled correctly with no issue for customers.

Commissioner Skinner moved that the Commission approve the amendments to the house rules submitted by the Category 3 Sports Wagering Operator Penn Sports Interactive 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.

b. [DraftKings' Request to Void Wagers](#) (1:07:14)

Manager Steffen then presented DraftKings' request to void wagers after they learned of markets created and wagers placed on non-existent events and which would therefore have no outcome. He provided background on the incident. He summarized that after reviewing the incident, the wager breakdown, the void request form, and meeting with DraftKings, the Sports Wagering Division confirmed that all requirements were met pursuant to 205 CMR 238.35(2) and recommended that these wagers be voided and the funds returned to the customers.

Commissioner Skinner asked about the communication to patrons regarding this incident. Manager Steffen explained that the wagers are frozen and unsettled and that they have not received any direct inquiries from customers. Senior Director List elaborated that when they void the bets, they will send out a uniform communication. Commissioner Skinner then asked about remedial measures to avoid a repeat occurrence of this issue. Senior Director List explained that in some of the smaller sports, there hasn't always been a clear separation of responsibilities between the trading and event creation teams. Commissioner Skinner recommended that DraftKings complete a review of their existing processes.

Commissioner Hill moved that the Commission approve the DraftKings request to void wagers as included in the Commissioners' Packet and discussed here today and authorize staff to issue a written order pursuant to 205 CMR 238.35(4). 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.

Chair Maynard requested a break. After a brief break, Chair Maynard reconvened the public meeting and conducted another roll call with all Commissioners present.

7. [Community Affairs Division](#) (1:27:32)

a. Quarterly Reports

I. [Plainridge Park Casino](#) (1:27:43)

Chief of the Community Affairs Division Joe Delaney turned it over to the General Manager at Plainridge Park Casino, Northscott Grounsell, who introduced his team members: Vice President of Finance, Heidi Yates-Akbaba, and Vice President of Human Resources, Kathy Lucas. *A copy of Plainridge Park Casino's presentation can be found in the Commissioners' Packet at pages 88 through 102.* Vice President Yates-Akbaba discussed the 2024 Q3 financial data. Then she turned it over to General Manager Grounsell to discuss compliance. General Manager Grounsell then turned it over to Vice President Lucas to discuss employment and community relations efforts. Commissioner Brodeur asked whether Plainridge Park Casino has any data about employee retention and how many vendors are retained on the supplier side. General Manager Grounsell confirmed that his team will get the Commissioners that data on both the team and vendor sides.

II. [MGM Springfield](#) (1:43:21)

Chief Delaney introduced the presenters from the MGM Springfield team. *A copy of MGM Springfield's presentation can be found in the Commissioners' Packet at pages 103 through 127.* Vice President and Legal Counsel at MGM Resorts International Augustine Kim turned it over to the Vice President of Finance at MGM Springfield, Arlen Carballo, to present the financial report. Then the Director of Compliance at MGM Springfield, Daniel Miller, presented on compliance. Vice President Carballo shifted to providing an update about MGM Springfield's employment and workforce matters. Director of Community Affairs, Beth Ward, presented MGM Springfield's community engagement initiatives and entertainment at the MassMutual Center.

Commissioner Skinner commended the community engagement initiatives and noted the initiatives are a personal highlight for her during quarterly reports. Commissioner Brodeur thanked the licensees for their initiatives in the education field.

III. [Encore Boston Harbor](#) (2:04:31)

Chief Delaney then introduced the presenters from Encore Boston Harbor. *A copy of Encore Boston Harbor's presentation can be found in the Commissioners' Packet at pages 128 through 161.* Executive Director of Legal at Encore Boston Harbor, Juliana Catanzariti, presented the financial report. Executive Director of Security and Investigations at Encore Boston Harbor, Tom Coffey, then presented on compliance matters. Vice President of People and Culture at Encore Boston Harbor, Lori Yeager, discussed their rebrand from "Human Resources" to "People and Culture" and other initiatives to increase accessibility and inclusivity for Encore's employees. She presented on Encore Boston Harbor's leadership and diversity and inclusion trainings.

Commissioner Brodeur commended Encore Boston Harbor on their diversity, equity, and inclusion work and asked Vice President Yeager to comment on their future initiatives in this space. Vice President Yeager emphasized their ongoing commitment in this space.

Executive Director Cantanzariti then finished the presentation with a few other community relations highlights.

Chair Maynard thanked all of the operators for their updates.

8. [Executive Session Minutes](#) (2:35:25)

Commissioner Skinner asked to postpone this agenda item until the next meeting as a matter of process in light of Commissioner O'Brien's early absence from the meeting.

Transcriber's Note: The Commission did not enter into an executive session.

9. [Commissioner Updates](#) (2:36:07)

Chair Maynard confirmed that there were no Commissioner updates.

10. [Other Business](#) (2:36:12)

Chair Maynard confirmed that there was no other business to discuss.

Commissioner Brodeur moved to adjourn. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Absent.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed, 4-0.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda dated December 3, 2024](#)
2. [Commissioner's Packet from the December 5, 2024 meeting](#) (posted on massgaming.com)