



Massachusetts Gaming Commission Meeting Minutes

Date/Time: December 7, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 603 5424

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

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

Chair Judd-Stein called to order the 491st Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Sports Wagering Division](#) (00:36)

Sports Wagering Business Manager Crystal Beauchemin explained that four sports wagering operators would present their quarterly reports.

a. [Sports Wagering Q3 Reports](#) (01:01)

i. [BetMGM](#) (01:11)

BetMGM's Director of Licensing, Josh Wyseman; BetMGM's Senior Director of Compliance, Sarah Brennan; BetMGM's Director of Diversity, Equity, and Inclusion ("DEI"), Anna Eleazar; and BetMGM's Director of Responsible Gaming, Richard Taylor, presented BetMGM's Q3 report with topics including revenue, workforce diversity, vendor diversity, compliance, responsible gaming, collaboration with the Massachusetts Lottery, and community outreach. *BetMGM's Q3 presentation was included in the Commissioners' Packet on pages 3 through 23.*

Commissioner Hill expressed concerns that underage use of the sports wagering platform could be higher than what was reported. He asked if BetMGM was able to confirm who was using an account based upon IP address or other means. Mr. Taylor expressed reluctance to detail how underage use was monitored in a public setting. Commissioner Hill requested that an executive session regarding this issue be scheduled in a future meeting. Commissioner O'Brien requested that the sports wagering operators describe the data as "identified underage use" instead of "underage use", as it was not an absolute that there were zero underage access.

Commissioner Hill stated that the Commission recently learned about technology that could block gaming and betting advertisements on a device. He asked if BetMGM considered using such technologies. Mr. Taylor asked what company provided this service. Commissioner O'Brien noted that Ohio had recently launched the use of Gamban. Commissioner Maynard stated that the Commission needed to have a larger conversation regarding Gamban, but that he appreciated the idea of operators offering it.

Chair Judd-Stein requested photos from BetMGM's collaboration promoting GameSense at nine NFL stadiums. Mr. Taylor stated that photos would be provided.

Chair Judd-Stein commended BetMGM's trajectory with regards to women and minority hires. Ms. Eleazar stated that BetMGM is a people first organization with long-term growth goals. Commissioner Maynard commended BetMGM's internship and pride programs.

ii. [Betr](#) (37:50)

Betr's Compliance Lead, Robert Warren; Betr's Head of Legal, Ashwin Krishnan; and Betr's Head of People, Lisa Lacascia, presented Betr's Q3 report with topics including revenue, employee diversity, vendor diversity, compliance, responsible gaming, collaboration with the Massachusetts Lottery, and community impact. *Betr's Q3 presentation was included in the Commissioners' Packet on pages 24 through 43.*

Chair Judd-Stein asked what services and products did Betr source from Massachusetts. Mr. Warren stated that he would follow up with the Commission regarding Betr's Massachusetts vendors.

Chair Judd-Stein noted that Betr had certain responsible gaming features activated by default and asked if that default could be removed. Mr. Warren stated that limits could be removed after they

were in place for 30 days. Commissioner O'Brien noted that the sports wagering regulations only required a 24-hour window before limits could be removed, and that she was interested in seeing how a longer period between a request to remove limits and removing limits could impact responsible gaming. Ms. Beauchemin stated that Commission staff were pulling data from all operators to create cumulative reports.

iii. [Fanatics](#) (54:19)

Fanatics' Senior Regulatory Counsel, Michael Levine; Fanatics' Director of Human Resources, Stephanie Althouse; and Fanatics' Head of Responsible Gaming, Anthony D'Angelo, presented Fanatics' Q3 report with topics including revenue, employee diversity, vendor diversity, compliance, responsible gaming, collaboration with the Massachusetts Lottery, and community outreach. *Fanatics' Q3 presentation was included in the Commissioners' Packet on pages 44 through 56.*

Commissioner Maynard expressed appreciation that Fanatics used the term "underage users found" rather than "underage users". He stated that the Commission would appreciate a broader conversation about potential underage access to sports wagering platforms. Chair Judd-Stein stated that the Commission could have a roundtable to discuss underage access. Mr. D'Angelo stated that Fanatics would be happy to participate in a roundtable discussion.

iv. [FanDuel](#) (1:16:30)

FanDuel's Vice President of Regulatory, Richard Cooper; FanDuel's Senior DEI Director, Keita Young; and FanDuel's Senior Director of Responsible Gaming Strategy, Jill Watkins, presented FanDuel's Q3 report with topics including revenue, employee diversity, vendor diversity, compliance, responsible gaming, collaboration with the Massachusetts Lottery, and community outreach. *FanDuel's Q3 presentation was included in the Commissioners' Packet on pages 57 through 69.*

Commissioner Hill stated that he looked forward to the executive session discussion regarding the prevention of underage players from using sports wagering platforms. Chair Judd-Stein stated that she was interested in FanDuel's financial literacy program with Operation Hope.

Commissioner O'Brien stated that the quarterly reports were insightful regarding the use of responsible gaming features. She asked if there was an efficient way for that information to be provided to the Research and Responsible Gaming Division. Ms. Beauchemin stated that the Research and Responsible Gaming Division received monthly reports.

Chair Judd-Stein stated that there was an opportunity for the Commission to host a roundtable discussion on responsible gaming features and to generate ideas to destigmatize the use of responsible gaming tools. Director of Research and Responsible Gaming Mark Vander Linden stated that it would be beneficial to see what is and is not working regarding responsible gaming.

Commissioner Hill inquired as to whether the Commission could receive quarterly reports each quarter but have the reports presented in a public meeting every six months. General Counsel Todd Grossman stated that the operators were required to provide quarterly reports but that there was no requirement that quarterly reports be presented publicly.

Commissioner Maynard stated that the presentations were an opportunity to engage with licensees and took less than sixteen hours a year. Commissioner Skinner agreed with Commissioner Maynard to continue the cadence of quarterly reports as is. Commissioner O'Brien stated that casinos presented to the Commission quarterly, and that she would want sports wagering operator reporting and casino reporting to be consistent.

3. [Interim IEB Director Position Update](#) (1:55:42)

Chief People & Diversity Officer David Muldrew explained that Interim Director of the Investigations and Enforcement Bureau ("IEB") Heather Hall would be leaving the Commission on December 7, 2023. He stated that the IEB Director Screening Committee had begun to identify candidates for preliminary interviews but did not anticipate having a final candidate for Commission review before Attorney Hall left the Commission. He noted that Attorney Hall was also the Commission's Chief Enforcement Counsel. He inquired about how the Interim Director of the IEB position should be filled until the permanent IEB Director was hired.

Outside Counsel for the Commission from Anderson & Kreiger, Mina Makarious, explained that one option to fill the Interim IEB Director position was to have the Human Resources ("HR") Division enter discussions with the IEB to determine if there was any interest in the position at which time HR could return to the Commission with viable candidates. He stated that if there was only one viable candidate, an appointment could be made by the HR director. He noted that the Chair had statutory oversight over the IEB Director position, and that Chair Judd-Stein could work with Chief Muldrew on the appointment.

Commissioner O'Brien asked how long it would take to hire the IEB Director. Attorney Makarious stated that candidates had been identified for interviews, but applications were still being accepted. Commissioner O'Brien asked when the job listing would close. Commissioner Skinner stated that the posting would close on December 20, 2023, and that interviews would begin in the first week of January 2024.

Commissioner O'Brien asked if Interim Director Hall had a succession plan that would identify who she recommended for the role. Chair Judd-Stein stated that Chief Muldrew could use his experience to investigate potential selections within the IEB and return to the Commission with a recommendation. Commissioner O'Brien suggested that once Chief Muldrew returned with a selection, the Commission could then ratify his choice. The Commission reached consensus that Chief Muldrew would select an individual to recommend for the Interim IEB Director position and return to the Commission for ratification.

Commissioner O'Brien stated that the salary expectation for the Interim IEB Director role would be the same salary Attorney Hall was receiving as Interim IEB Director. Chair Judd-Stein stated that to the extent she had authority under the statute as Chair, she did not plan to exercise it unilaterally without the input of her fellow Commissioners.

Commissioner O'Brien moved that the Commission authorize Chief Muldrew to make a decision and recommendation to the full Commission regarding the selection of the Acting Director of the IEB and to report back to the Commission for ratification of that selection on or before December 14, 2023 with the understanding that the acting position would be held up through and until the placement of the permanent Director of the IEB is hired and starts. 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.

Chief Muldrew asked if he could have until December 15, 2023 to make a selection. Chair Judd-Stein stated that there was a public meeting on December 14, 2023, and that the discussion would have to be included on the agenda.

Regarding the Chief Enforcement Counsel position, Attorney Makarious stated that when the Chief Enforcement Counsel was unavailable, the Senior Enforcement Counsel steps into that role. He stated that Senior Enforcement Counsel Kathleen Kramer was willing to step into the Interim Chief Enforcement Counsel role. Chief Muldrew stated that he would write a letter to that effect and determine the salary for the Interim Chief Enforcement Counsel position.

Commissioner Skinner asked if the Interim Chief Enforcement Counsel would serve in that position until the IEB Director was hired. Chief Muldrew stated that was correct. Commissioner O'Brien noted that the Chief Enforcement Counsel position was also vacant, and that Attorney Kramer would be the Acting Chief Enforcement Counsel until that position was filled. Commissioner Skinner inquired about the difference between acting and interim titles. Attorney Makarious stated that an individual in an interim role fills in and takes on all of the duties of a position whereas an individual in an acting role performs the duties of that role when it is not determined whether another person will take that position. He stated that this situation was a mix of the two titles. Chief Muldrew asked if there was a difference in compensation between acting and interim positions. Attorney Makarious stated that it was not a legal question he could answer.

4. [Other Business](#) (2:39:38)

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

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

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.

List of Documents and Other Items Used

1. [Revised Notice of Meeting and Agenda, dated December 5, 2023](#)
2. [Commissioner's Packet from December 7, 2023 meeting \(posted on massgaming.com\)](#)