



Massachusetts Gaming Commission Meeting Minutes

Date/Time: February 29, 2024, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 636 6562

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](#) (00:14)

Chair Judd-Stein called to order the 506th 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](#) (0:56)

The May 23, 2023 and May 30, 2023 meeting minutes were included in the Commissioners' Packet on pages 5 through 28.

Commissioner Maynard moved that the Commission approve the minutes from the May 23, 2023, and the May 30, 2023 public meetings as included in the Commissioners' Packet and discussed here today, subject to any necessary corrections for typographical errors, or any other non-material matters. 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.

3. [Administrative Update](#) (1:45)

a. [Update on Non-Disclosure Agreement and its Application](#) (2:13)

Interim Executive Director and General Counsel Todd Grossmann gave an update on the non-disclosure agreements (“NDAs”) with each of the three gaming licensees. Mr. Grossman provided the Commission with a refresher of what the agreements entail, including the legal details or certain exemptions. He then gave an overview of the non-disclosure agreement with Wynn, executed in December of 2018. Mr. Grossman noted that the NDAs with the licensees are all slightly different, but the Wynn NDA was the best representation of all the areas that are covered.

b. [Proposed Adjustment by Interim Executive Director to Classification and Associated Compensation of Dr. Alexandra Lightbown](#) (11:40)

Before Mr. Grossman introduced this item, Chair Judd-Stein noted that if for any reason the Commissioners wanted Director of Racing and Chief Veterinarian Dr. Alexandra Lightbown to attend the meeting, she was willing and able.

Mr. Grossman proposed that the Commission authorize him to adjust the classification and compensation of Dr. Lightbown, specifically that she be moved from category seven to category eight on the personnel classification chart and that her compensation be adjusted to reflect that of the others in that category. He stated that he believed the Director of Racing position requires specialized knowledge and expertise which warrants being classified alongside the other positions in category eight.

Chief People and Diversity Officer David Muldrew stated he was 100 percent behind Dr. Lightbown and that her experience and expertise were critical to the Commission.

Commissioner Hill thanked Mr. Grossman for bringing this matter forward and stated that he was fully in support of this initiative, touching on the many responsibilities of the role and the fact that Dr. Lightbown is nationally recognized for her work.

A discussion ensued regarding Dr. Lightbown, her importance to the Commission, the idea that this change was overdue, and where the funding for the proposal would come from. Ultimately, all five Commissioners agreed with Mr. Grossman’s proposal.

4. [Sports Wagering Division](#) (28:28)

a. [Caesars Request: House Rule Change](#) (28:28)

Operations Manager Andrew Steffen introduced a house rules update from Caesars. Mr. Steffen explained that Caesars submitted all of their changes at once to the Sports Wagering Division. He added that the update was an effort to condense, consolidate, and streamline markets of their current approved sports plus to add language for new events or sports which are approved in the event catalog. He stated that if these changes were approved, Caesars could offer wagering on events like badminton, swimming, sailing, and other sports approved in the event catalog. Mr. Steffen added that the Sports Wagering Division compared the language of these updates to the house rules of other operators who have been offering wagers for these events and stated that the language was comparable.

Mr. Steffen stated that to streamline their house rules, some sports sections were moved from one area to another, but no actual changes were made to the house rules. He added that leagues would be consolidated for better understanding, and Ceasars would add clarifying language, consolidate sections, and remove wordy examples for better understanding for their customers.

Mr. Steffen stated that if approved, Caesars' current 368 pages of house rules would be condensed to 165 pages, and he has not identified any requests in the changes that other operators don't already have approved. He added that the Sports Wagering Division confirmed that all requirements have been met pursuant to 205 CMR 247.02 and has no reservations with approving these updates. *The full changes to Caesar's house rules were included in the Commissioners' Packet on pages 29 through 518.*

Commissioner O'Brien stated that it seemed Mr. Steffen hinted that the changes were almost the same as other operators. She asked if they should assume there is a slight difference and why that would be. Director of Trading Compliance for Caesars Tina Bickerman stated that all the operators may have slight variances in some of the rules; however, in nature, they are all very similar.

Commissioner Maynard asked why the maximum winnings were decreasing by a great amount. Caesars' Vice President of Trading Craig Mucklow stated that the amount was decreased so that the process for approving the bet was simpler.

Commissioner Hill moved that the Commission approve the updates to Caesars's house rules 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.

5. [IEB](#) (43:22)

Investigations and Enforcement Bureau Director Caitlin Monahan stated that the Legal Division and the IEB were working together on a memo regarding whether the IEB would act as a witness versus a party in adjudicatory hearings for noncompliance matters. Ms. Monahan stated that the Commission could choose whether to hear the two noncompliance matters ready for the Commissioners' review today but delay any decisions on how to proceed or decide on the options the IEB proposes: convene an adjudicatory hearing, send it back to the IEB for further review, or initiate the civil administrative penalty process. She added that if one of those options was chosen today, the IEB will still revisit the matter of whether the IEB would act as a party or witness in an adjudicatory hearing.

- a. [Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee Crown MA Gaming, LLC, d/b/a DraftKings and discussion regarding next steps. Alleged noncompliance relates to wagers on an unauthorized event in violation of G. L. c. 23N, section 3 and 205 CMR 247.01\(2\)\(a\)\(1\) \(45:09\)](#)

Enforcement Counsel Zac Mercer introduced the first noncompliance matter. He explained that the incident involved the offering of an impermissible promotional wagering market on a single player's performance in the NCAA National Football Championship game that occurred on January 8, 2024. Mr. Mercer stated there were 13 bets in total with a total handle of \$457.80. He added that in a similar incident, the Commission proceeded with an adjudicatory hearing.

Commissioner Skinner stated that she would like to see this matter handled exclusively by the IEB.

Commissioner O'Brien stated she would like the IEB to do further investigatory work to ensure this was a one-time incident. Commissioner Hill agreed with this sentiment. Commissioner Maynard stated he would go with the majority in this matter.

Commissioner Skinner asked if further investigatory work was done and there was a material change in the facts presented today, would the matter eventually come back to the Commission for further discussion. Ms. Monahan stated the IEB would hold their final judgement until guidance from the Commission was received as a result of the adjudicatory hearing involving BetMGM and player prop bets.

- b. [Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee Betfair Interactive US LLC, d/b/a FanDuel Sportsbook, and discussion regarding next steps. Alleged noncompliance relates to wagers on an unauthorized event in violation of G. L. c. 23N, section 3 and 205 CMR 247.01\(2\)\(a\)\(1\) \(54:52\)](#)

Mr. Mercer introduced the next noncompliance matter. He stated the incident involved the offering of an impermissible wagering market on a single player's performance in an NCAA football game that occurred on September 9, 2023. He added that there were nine total wagers placed with a total stake of \$69.81.

Commissioner O'Brien stated she wanted clarification on if an audit was run. Commissioner Maynard and Commissioner Skinner shared this sentiment. Commissioner Skinner added that her comments on the previously stated noncompliance matter were shared in this matter.

6. [IEB](#) (58:39)

a. [Temporary Sports Wagering Operator Licenses Renewal Requests](#) (59:00)

Licensing Division Chief Karalyn O'Brien stated that as the temporary sports wagering operator licenses expire one year from their original issuance, the Commission needs to review the renewal requests as required by 205 CMR 219. She added that the requests for renewal were made timely by the operators, the application fees were paid, and the Licensing Division has deemed the requests complete. *The full requests were included in the Commissioners' Packet on pages 520 through 529.*

Commissioner Hill moved that the Commission approve the temporary sports wagering operator license renewal requests pursuant to 205 CMR 219 for the following operators as included in the Commissioners' Packet and discussed here today.

- i. Plainville Gaming Redevelopment, LLC (Plainridge Park Casino)
- ii. American Wagering, Inc. (Caesar's)
- iii. Bally's Interactive, LLC (BallyBet)
- iv. Betfair Interactive, LLC (FanDuel)
- v. BetMGM, LLC
- vi. Crown MA Gaming, LLC (DraftKings)
- vii. FBG Enterprises Opco, LLC (Fanatics)
- viii. Penn Sports Interactive, LLC (ESPNBet)

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.

7. [Racing Division](#) (1:03:55)

a. [Plainridge Park Casino Request for Capital Improvement Fund Consideration \(paddock renovations\)](#) (1:04:16)

Financial Analyst Chad Bourque stated that Plainridge Park Casino's ("PPC") total request from the Capital Improvement Fund was in the amount of \$1,066,505. He stated these funds would be

used for phase two of the paddock and barn building renovations. Mr. Bourque added that he had reviewed the request and the documentation and recommended approval.

PPC's Director of Racing Steve O'Toole gave the Commission a quick overview of the project and stated what the funds would go towards.

Commissioner Maynard moved that the Commission approve the expenditure of \$37,500 from the harness horse promotional trust fund in accordance with G.L. c. 128A, § 5(g) for the purposes described in the Commissioners' Packet and as 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.

- b. [Plainridge Park Casino Request for Promotional Fund Consideration](#) (handicapping contest) (1:07:49)

Mr. Bourque stated the next item for consideration was another request from PPC in the amount of \$37,500 from the Harness Horse Promotional Trust Fund that will be used to put on a series of handicap contests. He stated he recommends approval for this item.

Commissioner Hill moved that the Commission approve the expenditure of \$37,500 from the Harness Horse Promotional Trust Fund in accordance with G.L. c. 128, § 5(g) for the purposes described in the materials in the Commissioners' Packet and as discussed here today. Commissioner Skinner seconded the motion.

Commissioner O'Brien proposed a friendly amendment to amend the reference to G.L. c. 128 to G.L. c. 128A. Commissioner Hill accepted the amendment.

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.

Commissioner Hill moved that the Commission reconsider its vote regarding agenda item 7(a) of today's agenda. 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.

Commissioner Maynard moved that the Commission approve the Harness Horse Capital Improvement Trust Fund request for an additional \$1,066,505 in accordance with G.L. c. 128A, § 5(g) for funding for renovations of the horse paddock 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. [Plainridge Park Casino Request for Promotional Fund Consideration \(advertising\)](#) (1:15:43)

Mr. Bourque stated the final item was a request in the amount of \$9,000 to be used to promote the handicap series, the Triple Crown races, and the summer live racing, specifically the Spirit of Massachusetts. He stated he had reviewed this request and recommends approval.

Commissioner Skinner moved that the Commission approve the expenditure of \$9,000 from the Harness Horse Promotional Trust Fund in accordance with G.L. c. 128A, § 5(g) for the purposes described in the materials in the Commissioners' Packet and as 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.

d. [Raynham Park Request for Approval of Additional Simulcast Import Signal](#) (1:18:09)

Dr. Lightbown explained Raynham Park's request for the approval of an additional simulcast import signal. She stated her recommendation for the Commission was to approve this additional signal.

Commissioner Hill moved that the Commission approve the Massasoit Greyhound Association and Taunton Dog Track's, Raynham Park, request for approval of an additional 2024 simulcast import signal 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.

8. [Massachusetts Cultural Council Report & Presentation](#) (1:57:47)

Transcriber's note: The Commission heard the presentation from the Massachusetts Cultural Council after a portion of agenda item 10(b) was presented. Prior to this agenda item, the Commissioners returned from a break. Roll call was taken, and all five Commissioners were present.

Executive Director Michael Bobbit gave a presentation on the Massachusetts Cultural Council's Gaming Mitigation Fund. The presentation included the following topics: what the Mass Cultural Council is, their FY24-FY26 strategic plan, economic development, current funding opportunities, the gaming mitigation fund, the legislative mandate and current balances, and investments made.

A conversation ensued regarding Mr. Bobbit's work and the impact the Massachusetts Cultural Council hopes to have.

9. [Sports Wagering Division](#) (2:21:28)

a. Sports Wagering 2023 Q4 Reports

i. [PSI](#) (2:21:28)

Senior Director of Compliance Adam Kates presented Penn Sports Interactive's 2023 Q4 report. The presentation included the following topics: revenue, workforce diversity, vendor and supplier diversity, underage activity, responsible gaming, lottery, community, outreach, and charity. *The Penn Sports Interactive 2023 Q4 report presentation was included in the Commissioners' Packet on pages 545 through 560.*

10. [Finance Division](#) (1:22:52)

a. [FY24 Second Quarterly Budget Update](#) (1:22:58)

The FY24 second quarterly budget update was included in the Commissioners' Packet on pages 561 through 569.

Chief Financial & Accounting Officer Derek Lennon stated that the Commission approved an operational budget of \$55,800,000 for FY24, and at the first quarterly update, \$825,000 was moved from racing to sports wagering and gaming funding sources. He stated that this placed the racing budget in a good position, adding that 50 percent of this budget has been spent and has a revenue balance that will be monitored.

Mr. Lennon stated that in this quarterly update, they were recommending adjustments to some spending and revenue items in both gaming and sports wagering. He added there would not be any changes to the assessments on operators' bottom-line dollar amount. Mr. Lennon stated that this quarter, the Commission would be increasing spending estimates by approximately \$10,000 for the independent monitor bills that were processed and paid between October 1, 2024 and December 31, 2024.

He stated that in gaming, there would be an increase of total revenue projections by approximately \$25,000. Mr. Lennon added that they would be revisiting the gaming positions at each gaming facility to adjust the second half assessment on gaming licensees.

Mr. Lennon stated that in sports wagering, they were looking to increase projected spending estimates by approximately \$909,000. He added that in sports wagering, they were increasing revenue estimates by \$1,100,000.

Mr. Lennon stated that while there was movement within the budget, there were no real changes to assessment.

b. [MGC Procurement Presentation](#) (1:30:01)

The MGC Procurement presentation was included in the Commissioners' Packet on pages 570 through 594.

Finance and Budget Office Manager John Scully and Mr. Lennon presented the MGC Procurement presentation. The presentation included the following topics: the application of 801 CMR 21.00, the roles and responsibilities of departments during procurement, the steps for usage of statewide contracts, due diligence postings, procurement exceptions, and delegated authority levels.

Transcribers note: The presentation was paused at [1:47:00](#) to go back to agenda items 8 and 9. Before resuming at [3:19:38](#), the Commissioners took a short break. Roll call was taken and all five commissioners were present.

Mr. Scully and Mr. Lennon continued the presentation. The remainder of the presentation included the following topics: the procurement platform the Commission utilizes, procurement sizes, diversity requirements, strategic sourcing, elements of conducting a procurement, and negotiations.

A discussion ensued regarding procurements. The Commission came to a consensus to revisit the topic more in depth in the future.

11. [Community Affairs Division](#) (3:49:11)

a. [Introduction of Louie Theros, MGM Springfield President and COO](#) (3:49:31)

MGM Springfield's ("MGM") VP & Legal Counsel Augustine Kim introduced Louie Theros, who recently took over as MGM President and COO. Mr. Theros reviewed his background and stated that he was looking forward to building upon the partnership between MGM and the Commission.

b. [MGM Springfield Quarterly Report and ILEV Update](#) (3:55:37)

Mr. Kim, MGM's VP of Finance Arlen Carballo, MGM's Director of Compliance Daniel Miller, and MGM's Director of Public Relations Beth Ward presented MGM Springfield's Quarterly Report. The presentation included the following topics: gaming revenue, taxes, lottery sales, diversity spend, local spend, diversity procurement efforts, compliance, employment, workforce and hiring initiatives, community outreach, and entertainment. *The MGM Springfield Quarterly Report presentation was included in the Commissioners' Packet on pages 595 through 623.*

Commissioner Hill asked why gaming revenue typically increases in the month of December. Ms. Carballo stated that the week between Christmas and New Year's Eve is busy and beneficial for the properties.

Mr. Kim gave an update regarding Impacted Live Entertainment Venues. He stated that in 2014, MGM entered an agreement with the Massachusetts Performing Arts Coalition and that they would be modifying or streamlining the scope of the agreement to take out the portion regarding cross promotions. He added that MGM would not be doing anything to impede or block anything that the Hanover Theater would like to do in Worcester.

i. [Executive Session](#)

Chair Judd-Stein stated that the Commission anticipated that it would meet in executive session in accordance with G.L. c. 30A, §21(a)(7) to comply with G.L. c. 23K, §21(a)(7) for the specific purpose of reviewing the proposed multi-year capital expenditure plan [described in 205 CMR 139.09], and any corresponding materials, submitted relative to MGM Springfield, as discussion of this matter in public would frustrate the purpose of the statute and associated legal authorities where the capital expenditure plan at issue is covered by a nondisclosure agreement between the Massachusetts Gaming Commission and MGM Springfield. The public session of the Commission meeting will reconvene at the conclusion of the executive session.

Commissioner Skinner moved that the Commission enter an executive session for the reasons stated by the Chair. 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.

Transcribers note: The Commission entered an executive session at [4:23:57](#). When they returned, they took an additional short break.

12. [Research and Responsible Gaming Division](#) (4:53:26)

The Commission reconvened after a short break. Roll call was taken and all five commissioners were present.

a. [Player Risk Identification & Response](#) (4:53:47)

Director of Research and Responsible Gaming Mark Vander Linden presented on the Considerations for Behavioral Risk Identification and Response Technology Solutions. The presentation included the following topics: objectives, rationale for regulatory involvement, proposed approach, insights from RFI, state of the market, and the proposed next steps. *The Considerations for Behavioral Risk Identification and Response Technology Solutions presentation was included in the Commissioners' Packet on pages 625 through 647.*

Commissioner Maynard stated that AI could help with intervention, and the Commission should be at the forefront of encouraging or even requiring operators to engage with the Commission on AI.

A conversation ensued regarding the use of AI in preventing gambling issues. Chair Judd-Stein mentioned relevant models, such as in New Jersey, that the Commission could learn from or collaborate with. Director Vander Linden stated that any collaboration with them would be beneficial.

b. [Responsible Gaming Considerations for Digital Payments in Casino Gaming](#) (5:42:02)

Director Vander Linden, Deputy General Counsel Carrie Torrisi, and Research Manager Dr. Bonnie Andrews presented the Responsible Gaming Considerations for Digital Payments in Casino Gaming. The presentation included the following topics: RG concerns with digital payments, RG opportunities, and possible regulatory actions. *The Responsible Gaming Considerations for Digital Payments in Casino Gaming presentation was included in the Commissioners' Packet on pages 595 through 623.*

13. [Discussion and Possible Adoption of the Updated Mission Statement](#) (5:55:08)

Commissioner Maynard stated that the goal for the updated mission statement was to modernize the language while integrating sports wagering with the values that the Commission wants to push forward. Commissioner O'Brien stated that in this process, she and Commissioner Maynard were mindful of what the Commission has consistently said of its priorities.

Commissioner Skinner asked if there were any areas that were particularly debated over. Commissioner O'Brien stated that for the majority, they were able to come to a consensus on the language. Mr. Grossman stated it was important that the statement reflected the Commission's core values, and it was a true team effort on the project.

Commissioner O'Brien moved that the Commission adopt the revised Massachusetts Gaming Commission mission statement as included in the Commissioners' Packet and discussed here today. 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.

14. [Executive Director Screening Committee Update](#) (6:05:59)

Commissioner O'Brien gave an update on the date for final interviews for the Executive Director position. She also stated that on advice of counsel, there will be one more meeting before that date to ensure the Commission has done everything it needs to. Commissioner O'Brien added that after that meeting, candidates will be invited to appear before the Commission, and their names and resumes will be forwarded to the Commissioners.

15. [Executive Session Meeting Minutes](#) (6:08:31)

Chair Judd-Stein stated that the Commission anticipated that it would meet in executive session to review minutes from previous executive sessions, as their discussion at an open meeting may frustrate the intended purpose for which the executive sessions were convened pursuant to G.L. c. 30A, §21(a)(3) (January 24, 2023); and G.L. c.30A, §21(a)(7) (February 8, 2023).

Commissioner Hill moved that the Commission enter an executive session for the reasons stated by the Chair. 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.

16. [Commissioners Updates](#) (6:09:52)

The Commissioners had no updates to share.

17. [Other Business](#) (6:09:52)

Hearing no other business, the Commission entered an executive session and did not reconvene the public meeting session.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated February 29, 2024
2. [Commissioners' Packet](#) from the February 29, 2024, meeting (posted on massgaming.com)